
NORTH AYRSHIRE COUNCIL

4 September 2019

Planning Committee

Title: The Planning (Scotland) Act 2019

Purpose: To advise the Planning Committee that a new statutory basis for the operation of the planning system has been passed and to highlight the main changes to the overall framework under which the system operates.

Recommendation: It is recommended that the Planning Committee notes the contents of the report on the new Planning (Scotland) Act.

1. Executive Summary

- 1.1 A review of the Scottish planning system has reached a major milestone with the enactment of the Planning Bill on 25 July 2019. The Planning (Scotland) Act 2019 introduces a number of changes to the overall framework under which planning operates.
- 1.2 The Act includes provisions for regulations to be made relating to a wide range of issues, including development planning, development management, performance and fees. These regulations will set out the detail of how new provisions introduced by the Act will work in practice. Additionally, there are new requirements for statutory guidance relating to matters including regional planning, engagement and the role of a Chief Planning Officer.
- 1.3 Scottish Government are currently considering the timing and priority attached to each element of the Act to inform a work programme and transitional arrangements, which will determine when parts of the Act will come into force. A timetable for this work is due to be published by Scottish Government this month, with the expectation that it will take around two years for the details of the new system to take shape.

2. Background

- 2.1 In September 2015, an independent panel was appointed by Scottish Ministers to review the planning system. The three-person-panel was tasked with providing a 'root and branch' review and encouraged to explore game-changing ideas for radical reform. The Review Panel's report, published in May 2016, concluded while the main structure of the planning system is fit for purpose, a strong commitment to change existing practices and culture was required to realise the potential of planning and create a more positive and effective system.

- 2.2 Taking forward the 48 recommendations of the Review, the Scottish Government published a consultation on the future of planning in Scotland in the early part of 2017. The consultation paper set out 20 proposals for change to strengthen the planning system and support sustainable economic growth. This was followed by a position statement in June 2017, which set out Government's future priorities for the planning system in Scotland, taking account of responses to the consultation and proposing both legislative and non-legislative changes. In respect to the former, the Planning (Scotland) Bill was introduced to the Scottish Parliament on 4 December 2017.
- 2.4 The progress of the Bill through Parliament was protracted, with 100s of amendments tabled, debated and voted on by MSPs; following stage 2, there were concerns that the Bill was unworkable and unnecessarily complex, particularly if local authorities were not granted the necessary resources to implement the relevant provisions and new duties. Many of these amendments were eventually rejected or reduced in scope at Stage 3, with the final form of the Bill passed in June 2019.
- 2.5 The main changes to the planning system arising from the Act include:
- i) The review period for **Local Development Plans** increases from 5 years to 10 years, albeit with provision to make amendments. In the preparation of Local Developments Plans, the Main Issues Report is replaced by an Evidence Report, which is submitted to Scottish Ministers for assessment at the start of the process.
 - ii) Strategic Development Plans are replaced by **Regional Spatial Strategies**. Currently, Strategic Development Plans are only required in Scotland's city regions (Glasgow, Edinburgh, Aberdeen and Dundee); it remains to be seen whether Scottish Ministers will direct Ayrshire authorities to prepare a regional spatial strategy for this region.
 - iii) Perhaps the most significant reform contained in the Act are **Local Place Plans**. Before preparing a local development plan, planning authorities are to publish an invitation to local communities in their district to prepare local place plans.
 - iv) Planning authorities are required prepare an **Open Space Strategy**, setting out policies and proposals for the development, maintenance and use of green infrastructure, including open spaces and green networks.
 - v) A new provision allows planning authorities to designate **short-term let control areas** in which the use of a dwellinghouse for the purpose of providing short-term lets will be deemed to involve a material change of use of the dwellinghouse, and therefore require planning consent.
 - vi) Scottish Ministers can now make provision for the payment of compensation where planning permission granted by a **development order** is withdrawn and planning permission for development formerly permitted by that order is subsequently refused or granted subject to conditions other than those imposed by that order. This is relevant in the context of the Special Development Order in place at Ardeer.

- vii) There is provision for increased fines for breaches of planning control and mechanisms to recoup the costs of taking direct action.
- viii) The Act creates the power to impose training requirements on members of a planning authority and prohibiting them from decision-making if they have not fulfilled specified training requirements.
- ix) Under the Act, each planning authority must have a **Chief Planning Officer** to advise the authority about development and the operation of the planning system.
- x) Planning authorities are to prepare a **forestry and woodland strategy** to identify woodlands of high nature conservation value and set out policies and proposals as to the development, protection, enhancement and expansion of woodlands. This will have particular relevance to Arran.
- xi) Provision is made for a new **infrastructure levy**, payable to local authorities to fund or contribute to funding infrastructure projects.

2.6 The detail of how these new provisions will work in practice will be contained within secondary legislation and guidance. The Scottish Government is currently considering the timing and priority attached to parts of the Act in order to inform a coherent forward work programme. It is anticipated that as an ambitious programme of change it will take around two years for the details of the new system to take shape.

3. Proposals

3.1 It is recommended that the Planning Committee notes the contents of the report on the Planning (Scotland) Act.

4. Implications/Socio-economic Duty

Financial:	A financial memorandum was prepared for the Planning Bill as amended at Stage 2. This put the cost to planning authorities of implementation at between £18.84m to £74.33m. Further analysis of the financial implications of final form of the Act is required.,
Human Resources:	Additional duties imposed by the Act may have human resources implications. Additionally, the Council will be required to formally appoint a Chief Planning Officer.
Legal:	The Council will be required to follow the new Act when carrying out the functions conferred on it by virtue of the planning Acts, once they come into force.
Equality/Socio-economic Duty:	An equality impact assessment (EQIA) looking at the potential impacts of the Planning (Scotland) Bill as amended at stage 2 was undertaken by Scottish Government.
Children and Young People:	A child rights and wellbeing impact assessment considering likely impacts of proposals in the Planning Bill was undertaken was undertaken by Scottish Government.
Environmental & Sustainability:	The Planning Bill has been subject to Strategic Environmental Assessment.
Key Priorities:	The Planning System acts to support many of the Council's key priorities, including outcomes relating to communities; economy; housing; environment and infrastructure.
Community Benefits:	The Planning (Scotland) Act, in the provision for Local Place Plans, may lead to increased opportunities for community benefit to be accrued.

5. Consultation

5.1 None.

RUSSELL McCUTCHEON
Executive Director (Place)

For further information please contact **Alistair Gemmell, Planning Officer**, on **01294 324021**.

Background Papers

The Planning (Scotland) Act 2019 can be viewed at:

<http://www.legislation.gov.uk/asp/2019/13/contents/enacted>