

## PLA-20-011 Appendix 1 - Planning (Scotland) Act 2019: Summary and Review Programme

On 21 June 2019 Members of the Scottish Parliament voted to pass the Planning etc (Scotland) Bill 2017, as amended. Royal Assent was subsequently received on 25 July 2019, and the formal title of the new legislation confirmed as the Planning (Scotland) Act 2019. The following provides a summary of the key provisions of the Act, as well as some discussion on what the Act could mean for Aberdeen City Council. The Scottish Government expect to implement most of the Act by early 2021. The Town and Country Planning (Scotland) Act 1997 remains the principle piece of primary legislation governing the use and development of land in Scotland.

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<b>Part 1, Section 2</b>	Purpose of Planning	<p><i>“The purpose of planning is to manage the development and use of land in the long term public interest.”</i></p> <p>Anything which contributes to sustainable development or achieves the national outcomes (set out in the Community Empowerment (Scotland) Act 2015) shall be considered as being in the long term public interest.</p>	To be noted.	This section of the Act came into force on 8 November 2019 (World Town Planning Day).
<b>Part 1, Sections 2, 12 and 13</b>	National Planning Framework	<p>The National Planning Framework will become part of the statutory Development Plan. It will continue to include National Developments.</p> <p>The content of the National Planning Framework has been expanded to include:</p> <ul style="list-style-type: none"> <li>- Targets for the use of land for housing</li> <li>- Meeting different housing needs, e.g. older and disabled people</li> <li>- Improving health and wellbeing</li> <li>- Increasing rural populations</li> <li>- Improving equality and eliminating discrimination</li> <li>- Meeting greenhouse gas reduction targets</li> <li>- Securing positive effects for biodiversity</li> </ul> <p>Scottish Ministers may direct planning authorities to provide detailed information and analysis about their area (listed below) in order to assist with the preparation of the National Planning Framework. Authorities working together to provide this information are to cooperate with one another.</p> <ul style="list-style-type: none"> <li>- Physical, cultural, economic, social, built heritage and environmental characteristics</li> <li>- Principle purposes for which land in the area is used</li> <li>- Size, composition and distribution of population</li> <li>- Housing needs</li> <li>- Capacity of education services</li> <li>- Capacity of health services</li> <li>- Health needs</li> <li>- Housing needs of older and disabled people</li> <li>- Whether land should be allocated for resettlement</li> </ul>	<p>In determining planning applications, the National Planning Framework becomes part of the Development Plan, so proposals must be in line with it unless material considerations justify otherwise.</p> <p>The National Planning Framework will include Scottish Planning Policy – so it is likely there will be “national” policies to be considered as part of any determination.</p> <p>In preparing Local Development Plans local authorities have to “take into account” the National Planning Framework, but there is no requirement for Local Development Plans to be consistent with it. If there is an incompatibility between the National Planning Framework and the Local Development Plan then whichever is later in date (i.e. most recent) prevails.</p>	<p>The next National Planning Framework (NPF4) must be in place by 23 June 2024, and then reviewed every 10 years (previously 5 years). It can be amended at any time, and further regulations on amending the National Planning Framework will be prepared.</p> <p>Scottish Government plan to publish a draft of NPF4 for public consultation in Quarter 3 of 2020, following a period of engagement earlier in 2020. The draft will be laid in Parliament for a period of up to 120 days to allow representations to be made, which will take until early 2021 to conclude. Taking account of representations made, the draft will be revised and must then be laid again for the Scottish Parliament’s approval before it can be adopted.</p> <p>Due to the Scottish Parliament elections in May 2021 the</p>

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		<ul style="list-style-type: none"> <li>- Infrastructure (communications, transport, drainage, water supply, energy (including land / facilities for renewables))</li> <li>- Any change expecting in anything listed above</li> <li>- Any other matter as prescribed</li> </ul> <p>There is no independent Examination of the National Planning Framework by Reporters. The National Planning Framework cannot however be adopted until a draft of it has been approved by resolution of the Parliament. Challenges to the National Planning Framework will be made to the Court of Session.</p>	The National Planning Framework is to "have regard to" any adopted Regional Spatial Strategy.	<p>Scottish Government expect the final version of NPF4 to be laid in Quarter 3 of 2021, and anticipate approval in Quarter 4 of 2021.</p> <p>Regulations on future amendment of the National Planning Framework will be considered by Scottish Government once the initial version is in place.</p>
<b>Part 1, Section 3</b>	Open Space Strategy	<p><i>"A planning authority is to prepare and publish an open space strategy".</i></p> <p>This strategy will need to set out a strategic framework for the development, maintenance and use of green infrastructure, and must contain an audit of existing provision, an assessment of current and future requirements and anything else considered appropriate by the authority.</p> <p>Ministers may set out in regulations further detail, for example how an authority may carry out an audit.</p>	Aberdeen City Council already have an Open Space Audit which is updated on a regular basis. This provision makes this document a requirement and, depending on what is contained in any later regulations, the content and method of preparing the current Open Space Audit/Strategy may need to be amended to ensure it is sufficient under this section.	<p>Continue to monitor existing Open Space Strategy and consider how lessons learnt during its preparation and review could be fed back to Scottish Government as part of any subsequent consultation on future regulations.</p> <p>No timescale for publication / review of Open Space Strategies has been provided in the Act – this will likely follow in any subsequent regulations.</p> <p>Regulations on open space strategies will be coordinated with Scottish Government work on local development plans (Quarter 4 of 2021).</p>
<b>Part 1, Sections 5 and 6</b>	Regional Spatial Strategies	<p><i>"A planning authority, or two or more such authorities acting jointly, are to prepare and adopt a regional spatial strategy"</i></p> <p>A Regional Spatial Strategy is defined as a long-term spatial strategy in respect of the strategic development of an area. It must be reviewed every 10 years where after authorities can choose to either replace the strategy, or publish a statement explaining why they have decided not to do so.</p> <p>The strategies must identify:</p>	The Regional Spatial Strategies will have less status than the current Strategic Development Plans (repealed by the Act) as they will not form part of the Development Plan. A Regional Spatial Strategy will however be a material consideration in decision making.	<p>A planning authority (or authorities working jointly) must adopt a Regional Spatial Strategy as soon as reasonably practice after this section of the Act comes into force.</p> <p>Guidance on Regional Spatial Strategies will be released by</p>

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		<ul style="list-style-type: none"> <li>- The need for strategic development</li> <li>- The outcomes to which strategic development will contribute</li> <li>- Priorities for the delivery of strategic development</li> <li>- Proposed locations for strategic development</li> </ul> <p>Strategic development is defined as “<i>development that is likely to have a significant impact on future development within the area of more than one planning authority</i>”.</p> <p>Before adopting a Regional Spatial Strategy, a Draft must be published for public comment.</p> <p>There is no independent Examination of a Regional Spatial Strategy by Reporters.</p>	<p>The approved Aberdeen City and Shire Strategic Development Plan will continue to form part of the Development Plan until it is replaced by the publication of the revised National Planning Framework.</p> <p>There is no requirement for the Local Development Plans to be consistent with the Regional Spatial Strategy, but both the National Planning Framework and the Local Development Plans must have regard to any Regional Spatial Strategy adopted for that area. Local Place Plans do not have to have any regard to a Regional Spatial Strategy.</p>	<p>the Scottish Government by Quarter 4 of 2021 at the latest. Meantime the Scottish Government will consult local authorities (and other appropriate parties) in preparing this guidance.</p>
<p><b>Part 1, Sections 7, 8, 9, 11, 12 and 13.</b></p>	<p>Local Development Plan</p>	<p>The Local Development Plan continues to form part of the statutory Development Plan, however it will move to a 10 year review cycle (currently 5 years).</p> <p>Amongst other things, the Local Development Plan will now need to consider / include:</p> <ul style="list-style-type: none"> <li>- The Local Outcomes Improvement Plan (LOIP) for the area</li> <li>- Targets for meeting housing needs and the needs / availability of housing for older people, disabled people and people in further and higher accommodation.</li> <li>- Statements on the planning authority’s policies and proposals on the provision of both public conveniences and water refill locations.</li> <li>- The health and education needs of the population and the likely effects of development and the use of land on those health and education needs.</li> <li>- The capacity of education services</li> <li>- The desirability of maintaining an appropriate number and range of cultural venues and facilities (including, but not limited to, live music venues).</li> <li>- Systems for the supply of water, energy (including from renewable sources), health and education facilities.</li> <li>- How disused railway infrastructure could be preserved for future public transport requirements</li> <li>- Opportunities for self build</li> <li>- The sufficiency of play opportunities</li> </ul>	<p>The Act makes significant changes to the approach to preparing Local Development Plans, with the aim of making them more effective, with greater community involvement and more focus on delivery.</p> <p>The move to a 10 year review cycle may risk the Local Development Plan becoming out-of-date. It may also mean that certainly for local communities and the development industry is reduced. Any opportunities to “trigger” a review of the Local Development Plan will therefore need to be carefully considered during the 10 year period.</p>	<p>The Scottish Government propose to lay regulations and publish guidance relating to Local Development Plans in Quarter 4 of 2021.</p> <p>Transitional arrangements are expected shortly to manage the changeover from current to new-style Local Development Plans, to minimise any repetition of work and to help inform authorities’ decisions regarding the preparation of plans.</p> <p>Guidance on effective community engagement in relation to the local development plans is also expected in due course. There are several linked aspects of the Act which focus particularly on the role of communities and the interests</p>

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		<p>Measures must also be taken to promote and facilitate children and young people (25 or under) in the preparation of the Local Development Plan.</p> <p>Action Programmes supporting the Local Development Plan will be renamed “Delivery Programmes”.</p> <p>Before preparing a Local Development Plan, authorities must prepare an Evidence Report which must be submitted to Scottish Ministers, who will then appoint a person to determine whether it contains sufficient information to allow the authorities to continue with plan preparation. The previous requirement to prepare a Main Issues Report is repealed.</p> <p>Supplementary Guidance to a Local Development Plan will no longer form part of the statutory Development Plan.</p> <p>The need for the Proposed Local Development Plan to be subject to independent Examination remains.</p>		<p>of local people in the planning system. The Scottish Government intends to bring forward regulations and guidance on these as a package, and this is expected to be completed by Quarter 1 of 2021. Guidance on effective community engagement in Local Development Plans will be part of this wider package.</p> <p>Regulations on play sufficiency assessments will be coordinated with Scottish Government work on local development plans more generally.</p>
<b>Part 1, Section 8</b>	Self Build Housing	<p><i>“A planning authority are to prepare and maintain a list of persons who have registered interest with the authority with the intention of acquiring land in the authority’s area for self-build housing”.</i> This list must then be published.</p>	<p>When this provision is enacted a list will need to be prepared, maintained and published.</p>	<p>Guidance on maintaining lists of persons seeking land for self-build housing will flow on from the current pilots across Scotland and is expected to be published by Quarter 4 of 2020.</p>
<b>Part 1, Section 14</b>	Local Place Plans	<p>Before preparing a Local Development Plan a planning authority is to invite community bodies in their district to prepare a Local Place Plan.</p> <p>Local Place Plans are defined as <i>“a proposal as to the development or use of land”</i>. In preparing an Local Place Plan, the community must have regard to the Local Development Plan, National Planning Framework and anything else prescribed by Regulations.</p> <p>Authorities must keep a register of valid Local Place Plans. This must include a map of the areas to which Local Place Plans relate. A planning authority can decide not to register a Local Place Plan on the basis that it is not valid.</p> <p>Scottish Ministers are to review and report on the introduction of Local Place Plans after 7 years.</p>	<p>Although a direct invitation must be prepared when the Local Development Plan is prepared, Local Place Plans can in theory be prepared and submitted to local authorities at any time.</p> <p>In Aberdeen we are aware of a number of Community Councils / local groups who have either already started or are actively considering how to prepare a Local Place Plan for their area.</p>	<p>There are several linked aspects of the Act which focus particularly on the role of communities and the interests of local people in the planning system. The Scottish Government intends to bring forward regulations and guidance on these as a package, and this is expected to be completed by Quarter 1 of 2021. Regulations and guidance on Local Place Plans will be part of this wider package.</p> <p>In the meantime, a “How To” guide is being jointly prepared</p>

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				to guide local community bodies who wish to begin preparing Local Place Plans now. This can then be used to inform any consultation to the expected content of Local Place Plans that will be led by the Scottish Government.
<b>Part 2, Sections 15 and 16</b>	Masterplan Consent Areas	<p>A Masterplan Consent Area scheme acts as a grant of authorisation for carrying out development as specified.</p> <p>Authorisation is granted subject to conditions, limitations and expectations specified in the scheme and any related regulations. It may specify self build housing developments</p> <p>“Authorisation” means:</p> <ul style="list-style-type: none"> <li>- Planning permission</li> <li>- Consent to construct a new road or extension to an existing road</li> <li>- Authorisation of works to a listed building</li> <li>- Authorisation for works in relation to a building in a conservation area.</li> </ul> <p>Schemes will operate for no more than 10 years and should be reviewed at least once every five years. The authority must consider at least once every five years whether a scheme is required, or if an existing scheme should be altered. The process must be published in a statement which sets out the reasons for the decisions taken.</p> <p>Public consultation is required, and provision is included for potential hearing sessions. Scottish Ministers can direct planning authorities to make or alter a scheme and have “call in” powers / local inquiry sessions can be arranged.</p> <p>Places that cannot be included in a scheme include:</p> <ul style="list-style-type: none"> <li>- European sites of conservation / natural habitats etc</li> <li>- Marine protected areas</li> <li>- National scenic areas</li> <li>- Ramsar sites</li> <li>- SSSIs</li> <li>- World Heritage Sites</li> </ul> <p>Powers to make any new Simplified Planning Zones are repealed.</p>	Historically no Simplified Planning Zones (the closest equivalents under the current system) have been progressed in Aberdeen.	Further regulations on Masterplan Consent Areas are expected to be in place by Quarter 4 of 2021.



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<b>Part 3, Section 17</b>	Short Term Let Control Areas	<p>This section allows local authorities to designate Short Term Let Control Areas, within which the use of a dwellinghouse for short term letting is deemed to involve a material change of use, and therefore always needs planning permission.</p> <p>This would not apply to private residential tenancies (under the Private Housing Act) or where the dwelling house is the only or principal home of the landlord.</p> <p>Ministers have powers to make regulations about what constitutes a short term let and any exemptions, and about the procedures for designating a control area.</p>	Aberdeen has historically not experienced the same level of issues as other places when it comes to short-term lets, but Officers will keep this under review.	<p>Further regulations on Short Term Let Control Areas are expected by Quarter 4 of 2020.</p> <p>In preparing these regulations the Scottish Government will draw on the responses to the recent Scottish Government consultation on the regulation of short term letting.</p>
<b>Part 3, Section 18</b>	Pre-Application Consultation	<p>Changes to alter Sections 35A and 35B of the Town and Country Planning (Scotland) Act 1997 in respect to the pre-application process.</p> <p>In summary:</p> <p>Pre Application consultation procedures may not be required in circumstances specific by Scottish Ministers in further regulation.</p> <p>Planning applications must be submitted within 18 months from the submission of a Proposals of Application Notice.</p> <p>Pre Application consultation reports should include content as may be prescribed in further regulations.</p>	The move to limit the submission of an application to 18 months after the Proposal of Application Notice is submitted should increase certainty for both local communities and the planning authority as to whether a developer is intending to continue with a proposal. It will also ensure that public consultation undertaken with a community is relevant and up to date at the time of submission.	There are several linked aspects of the Act which focus particularly on the role of communities and the interests of local people in the planning system. The Scottish Government intends to bring forward regulations and guidance on these as a package, and this is expected to be completed by Quarter 1 of 2021. Changes to pre-application consultation with local communities in relation to major developments will be part of this wider package.
<b>Part 3, Section 19</b>	Assessment of Health Effects	<p><i>“Scottish Ministers must make provision about the consideration to be given, before planning permission for a national development or a major development is granted, to the likely health effects of the proposed developments”</i></p>	<p>Impacts on human health are already considered by the Planning Authority as part of Environmental Impact Assessments (EIAs), however the criteria for requiring EIA do not align exactly with the definition of national and major developments.</p> <p>Upon enactment the health impact of certain development will need to be considered for these categories. It is expected that this could include a requirement for a Health Impact Assessment.</p>	<p>The Scottish Government has committed to carrying out a health assessment of all national developments as part of the preparation of the next National Planning Framework, and will use this as a test-bed to develop a methodology which can subsequently be put into regulations.</p> <p>Those regulations will be taken forward alongside the development planning regulations, to be completed by Quarter 4 of 2021.</p>

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			Assessing any health impact / Health Impact Assessment would ideally be undertaken in partnership with partners such as NHS Grampian and the Health & Social Care Partnership, and early discussions with these groups have begun.	The Scottish Government is planning a new national public health body named "Public Health Scotland" to be set up from April 2020.
<b>Part 3, Section 20</b>	Section 42 Applications	Changes to alter Section 42 of the Town and Country Planning (Scotland) Act 1997 in respect to Section 42 applications.  In summary:  <i>"Scottish Ministers may by regulations or a development order make special provisions as regards the procedure to be followed in connection with such applications."</i>	The process of assessing Section 42 applications will continue until any such regulations or development order indicated by this provision are published.	Further guidance from Scottish Government on Section 42 application is expected by Quarter 2 of 2021.
<b>Part 3, Section 22 and 38</b>	Declining to determine an application	Changes to alter Section 39 of the Town and Country Planning (Scotland) Act 1997 in respect to declining to determine an application.  In summary:  The time periods in this section are changed to read "5 years" from the previous "2 years". As an example, a planning authority may decline to determine an application for planning permission if in the period of 5 years the Scottish Ministers have refused a similar application or have dismissed an appeal against the refusal of permission, or if the planning authority have refused more than one similar application.  The Scottish Ministers must publish guidance outlining what constitutes a "similar application" and a "significant change" for the purposes of Section 39.	This section should reduce the number of repeat applications that the planning authority is expected to assess, as a repeat application will only now be considered after a 5 year period rather than a 2 year period.	Further regulations on the terms "similar application" and a "significant change" expected from the Scottish Government by Quarter 1 of 2021.
<b>Part 3, Section 23</b>	Notification of Planning Applications	Where applications for major development are made, the planning authority must give notice to:  <ul style="list-style-type: none"> <li>- Each councillor of the local authority relevant for the district to which the application relates</li> <li>- Relevant Member of Scottish Parliament for the district to which the application relates</li> <li>- Relevant Member of the House of Commons for the district to which the application relates</li> </ul>	This section increases the number of parties notified by the planning authority when a planning application for a major development is made. This will need to be taken into account during the registration / validation of such applications.  Regulations commence this provision for all applications received by the authority on or after 1 March 2020.	The Scottish Government have advised that this provision will be brought into force in Quarter 1 of 2020, to allow planning authorities time to amend their procedures and standing orders.

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<b>Part 3, Section 24</b>	Assessment of Environmental Effects – Biodiversity	<p>Changes to alter Section 40 of the Town and Country Planning (Scotland) Act 1997 in respect to assessing environmental effects.</p> <p>In summary:</p> <p>“Environmental Effects” will now include effects on biodiversity – this includes the net positive effects on biodiversity that would be likely to result from the development.</p>	<p>Section 40 of the Town and Country Planning (Scotland) Act relates to the power of the Secretary of State to make regulations about the consideration to be given, before planning permission is granted, to the likely environmental effect of a proposed development. The amendments to this section ensures that the effects of biodiversity are considered as a part of this process.</p>	<p>The current (2017) regulations already require the consideration of impacts on biodiversity; and the Scottish Government have advised that they have no immediate plans to update these regulations.</p> <p>This provision will be commenced in Quarter 4 of 2019, and no further action from the Scottish Government is expected.</p>
<b>Part 3, Section 25</b>	Noise-Sensitive Developments (Agent of Change)	<p>In considering applications for “noise sensitive developments” planning authorities must consider whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing cultural venue or facilities (including in particular, but not limited to, live music venues), or dwellings or businesses in the vicinity of the development.</p> <p>A “noise sensitive development” is defined as a development where residents or occupiers are likely to be affected by significant noise from existing activity in the vicinity of the development (a “noise source”).</p> <p>Planning authorities may not impose a condition on noise source developments as part of consents for noise sensitive developments (e.g. to mitigate, minimise or manage the effects of noise).</p>	<p>New development near a noise generating source can give rise to problems for the established noisy use. These requirements reflect the advice given in the Chief Planner letter issued on 16 February 2018 (Agent of Change) to ensure that more up-front consideration is given to the consequences of approving noise sensitive development in such locations.</p> <p>Regulations commenced this provision for all applications received by the authority on or after 20 December 2019.</p>	<p>These requirements were brought into force in Quarter 4 2019.</p> <p>The next National Planning Framework will also include explicit policy guidance on the Agent of Change principle, recognising the need to support live music venues and their contribution to Scottish culture and society.</p>
<b>Part 3, Section 26</b>	Provision of (Changing Places) Toilet Facilities	<p>A planning authority may grant planning permission for the developments listed below only on condition that the development includes at least one (changing places) toilet facility suitable for adults with complex care needs:</p> <ul style="list-style-type: none"> <li>- School, college or university</li> <li>- Community centre, sports and leisure centre, or similar public building</li> <li>- Hospital or other facility for the provision of health services</li> <li>- Retail outlet with a gross floor area is or exceeding 10,000 square metres</li> <li>- Cultural centre, such as a museum, concert hall or art gallery</li> <li>- Stadium or large auditorium</li> <li>- Major transport terminus or interchange</li> <li>- Motorway service facility</li> </ul>	<p>Advice from the Building Standards Team will be sought in assessing the suitability of proposals for Changing Places toilets in line with this requirement.</p>	<p>The Scottish Government will bring forward regulations in Quarter 4 of 2019 to align the requirements in the Planning Act with the Building Regulations technical guidance which was published on 12 July 2019.</p>



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		Ministers have powers to make regulations to adjust the types of development covered and the specification for the toilet facility.		
<b>Part 3, Section 27</b>	Delegation of Development Decisions	This section repeals the requirement for Full Council to make decisions on applications where there has been a pre-determination hearing.	The change will apply to all applications that fall to be determined on or after 1 March 2020, including those where the pre-determination hearing has been held before that date.	This provision will be brought into force in Quarter 1 of 2020, to allow planning authorities time to amend their procedures and standing orders.
<b>Part 3, Section 28</b>	Schemes of Delegation	<p>A planning authority must prepare a scheme of delegation which sets out that the following applications will be determined by an “appointed person”:</p> <ul style="list-style-type: none"> <li>- Applications for Local developments</li> <li>- Consent, agreement or approval required by a condition attached to a local development approval</li> <li>- Applications for approval required under a development order</li> <li>- Certificates of lawfulness of existing uses / section 150/151 developments</li> <li>- Applications for advertisement consent</li> </ul> <p>A planning authority may however, if they think fit, decide themselves to determine an application noted above. In such cases they must into in the decision a statement of the reason made.</p> <p>A planning authority may not delegate the determination of applications falling within this section to an Officer otherwise than in accordance with a scheme of delegation prepared under this section.</p> <p>Scottish Ministers may make further provision about the required form and content of a scheme of delegation by regulations. This may include providing Scottish Ministers with a draft of a scheme of delegation or any proposed changes, and making any modifications specified by Ministers before adopting a scheme.</p> <p>Scottish Ministers may also prepare regulations on the review of decisions made by an appointed person.</p>	Changes to the Powers Delegated to Officers to be reviewed as a result of this section.	The Scottish Government will consider whether any changes are needed to the existing regulations, aiming to lay these in Quarter 3 of 2021.
<b>Part 3, Section 29 and 49</b>	Call-In for Applications	The Scottish Ministers must lay before the Scottish Parliament and publish (...) a statement setting out the circumstances in which they consider it appropriate to “Call In” an application for consideration	This is already done by Scottish Ministers in practice.	This provision will be commenced in Quarter 4 of 2019, and no further action from the Scottish Government is expected.

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<b>Part 3, Section 30</b>	Determination of Application Statement	<p><i>“The notice of the planning authority’s decision on an application must include a statement as to whether the authority consider that the application is for development that is in accordance with the development plan for the time being applicable to the area which the application relates together with an explanation of why the authority have reached that view.”</i></p>	<p>Decision notices for planning permission already include a “Reason for Decision” section which references the relevant Aberdeen Local Development Plan policies. This section will be reviewed in this context.</p> <p>This change will apply to all decision notices issued on or after 1 March 2020, regardless of when the decision is made.</p>	<p>This provision will be brought into force in Quarter 1 of 2020, to allow planning authorities time to amend their procedures and standing orders.</p>
<b>Part 3, Section 31</b>	Period Before Appeals	<p>Changes to alter Section 47 of the Town and Country Planning (Scotland) Act 1997 in respect to the period before which an appeal can be made.</p> <p>In summary this section updates the primary Act in respect of changes to the Schemes of Delegation discussed above (Part 3, Section 28).</p>	<p>Where a local review for a decision made under delegated powers (see list under Section 28 above) is not determined timeously, the applicant may appeal to the Scottish Ministers.</p>	<p>The Scottish Government will consider whether any changes are needed to the existing regulations, aiming to lay these in Quarter 3 of 2021.</p>
<b>Part 3, Section 32</b>	Duration of Planning Permission	<p>Changes to alter Sections 41, 58, 59 and 60 of the Town and Country Planning (Scotland) Act 1997 in respect to duration of planning permissions.</p> <p>In respect of Section 41 (Conditional Grant of Planning Permission) - A condition could be imposed for identifying (whether by means of a specified time period or otherwise) when the applicant may be required to make an application for a consent, agreement or approval, or carry out some other action in connection with the permission or development.</p> <p>In respect of Section 58 (Duration of Planning Permission) – for developments to be granted planning permission, this must be subject to a condition that the development begin no later than the expiration of 3 years beginning on the date on which permission is granted, or such other period (whether longer or shorter) that the authority may specify. If no such condition is included, the 3 year period is assumed. If development has not begun at the expiration of the noted period (be this 3 years or as otherwise stated) the planning permission will lapse. This would not apply to Masterplan Consent Zone schemes or decision for planning permission in principle (see below).</p> <p>In respect of Section 59 (Planning Permission in Principle) - for developments to be granted planning permission in principle, this must be subject to a condition that the development begin not later than the expiration of 5 years beginning on the date on which permission is granted, or such other period (whether longer or shorter) that the authority may specify. If no such condition is included, the 5 year period is assumed. If development has not begun at</p>	<p>This section changes the arrangements for setting the duration of various planning permission and for challenging a notice requiring development to be completed.</p>	<p>The Scottish Government intend to issue guidance on how to consider appropriate duration by Quarter 1 of 2021.</p>

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		<p>the expiration of the noted period (be this 5 years or as otherwise stated) the planning permission in principle will lapse.</p> <p>In respect of Section 60 (Provisions Supplementary to Sections 58 and 59) - where a planning authority grants planning permission, the fact that any of the conditions of the permission are required by the provisions of section 58 or 59 to be imposed, or are deemed by those sections to be imposed, does not prevent the conditions being the subject of a review under section 43AC or an appeal under section 47.</p>		
<b>Part 3, Section 33</b>	Completion Notices (Termination of Planning Permissions)	<p>Changes to alter Sections 61 and 62 the Town and Country Planning (Scotland) Act 1997 in respect to completion notices.</p> <p>In summary, a completion notice (termination of planning permission by reference to time limit) must state that the person on whom it is served may lodge an objection and specify the date on which the notice will take effect if no objection is lodged. This date must be at least 28 days after the date the notice is served.</p> <p>If an objection is lodged, the planning authority must give notice to every person served with the completion notice and Scottish Ministers. Scottish Ministers must give notice of their decision as to whether or not to confirm the completion notice, and if a notice is confirmed they may substitute a longer timeframe until the planning permission is to cease to have effect.</p>	These sections amend an existing power of the planning authority to serve a completion notice if the authority is of the opinion that a development will not be completed within a reasonable time frame (where development has already begun). This is a tool that the authority may choose to use on stalled sites.	Regulations or guidance in relation to changes to development management provisions are expected to be put in place by the Scottish Government by Quarter 1 of 2021.
<b>Part 3, Sections 34, 35, 37 and 36</b>	Planning Obligations	<p>Changes to alter Sections 34, 36, 75, 75A and Section 75B of the Town and Country Planning (Scotland) Act 1997 in respect to planning obligations.</p> <p>In summary:</p> <p>A planning obligation is now defined as an obligation which a) restricts or regulates the development or use of land, or b) requires the payment of a specified amount or periodic sums either indefinitely or for a specified period.</p> <p>Planning obligations (and any subsequent modifications / discharges of such) are to be published in such a manner that they are brought to the attention of residents of the area to which the obligation relates.</p> <p>A planning obligation may not be modified or discharged except by agreement <i>in writing</i> between the planning authority and the person(s) against whom the obligation is enforceable.</p> <p>If in considering an application to modify or discharge an obligation the authority proposes to discharge or modify something not being sought by the application, they must obtain the applicant's consent before making the</p>	These sections introduce changes to arrangements for modifying or discharging planning obligations and now specifies that this must be done in writing.	Regulations or guidance in relation to changes to development management provisions are expected to be put in place by the Scottish Government by Quarter 1 of 2021.

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		<p>determination. Notice of determinations must be given to both the applicant and any non-applicant against whom the planning obligation is enforceable. The same applies should Scottish Minister consider an appeal of any such application.</p> <p>As soon as reasonably practical after the end of each financial year a planning authority is to prepare a publish an annual planning obligations report. This should detail:</p> <ul style="list-style-type: none"> <li>- the number of planning obligations: entered into that year; entered into in a previous year and not yet expired; and, entered into in a previous year and not yet complied with.</li> <li>- the development to which each planning obligation relates</li> <li>- the name of the person who has entered into the agreement</li> </ul>		
<b>Part 3, Section 39</b>	Withdrawal of Planning Permission by Development Order	<p>Changes to alter Section 77 of the Town and Country Planning (Scotland) Act 1997 in respect to compensation for withdrawal.</p> <p>This section provides for Ministers to make regulations about the payment of compensation where planning permission granted by a development order is withdrawn, and an application subsequently made for permission that would have been granted by that order is refused.</p>	This is not a regular occurrence.	The Scottish Government recognises that this is a complex area and have committed to starting work on this now, with the aim to put regulations in place by Quarter 1 of 2021.
<b>Part 4, Section 40</b>	Mediation	<p>Changes to alter Section 268 of the Town and Country Planning (Scotland) Act 1997 in respect to mediation.</p> <p>Scottish Ministers may issue (vary or revoke) guidance in relation to the promotion and use of mediation in relation to:</p> <ul style="list-style-type: none"> <li>- preparation of a local development plan and related evidence reports</li> <li>- pre application consultation</li> <li>- determination of applications for planning permission</li> <li>- any other matter considered appropriate.</li> </ul> <p>Local authorities must have regard to this guidance. "Mediation" is defined as <i>"any means of exploring, resolving or reducing disagreement between persons involving an impartial person that the Scottish Ministers consider appropriate"</i></p>	Existing guidance from the Scottish Government on mediation will continue to be used until new guidance comes forward.	<p>There are several linked aspects of the Act which focus particularly on the role of communities and the interests of local people in the planning system. The Scottish Government intends to bring forward regulations and guidance on these as a package, and this is expected to be completed by Quarter 1 of 2021. Guidance on the promotion and use of mediation in planning will be part of this wider package.</p> <p>Guidance on mediation must be consulted on and be issued within two years of the Act receiving Royal Assent.</p>

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<b>Part 4, Section 41</b>	Fees for Planning Applications	<p>Changes to alter Section 252 of the Town and Country Planning (Scotland) Act 1997 in respect to planning application fees.</p> <p>In summary, this section expands the powers to make regulations about fees. In particular, it allows for discretionary charging and discounts/waivers, extends the range of services for which fees can be charged (including to Scottish Ministers), allows for a surcharge to be imposed for retrospective applications, and makes it possible for authorities to charge a higher fee for a premium service.</p>	Existing fee structure will continue but may be reviewed when further regulations from the Scottish Government come forward.	<p>The Scottish Government have committed to bringing forward proposals for substantial changes to the fees structure, with the aim of having early clarity around costs and resources, and the new fee arrangements in place in Quarter 2 of 2020.</p> <p>A consultation document on Performance and Fees was published by the Scottish Government on 18 December 2019.</p>
<b>Part 4, Sections 42, 43 and 44.</b>	Enforcement	<p>Changes to alter Sections 126, 135, 136, 138, 144, 144C, 145, 158A and 186 of the Town and Country Planning (Scotland) Act 1997 in respect to enforcement matters.</p> <p>In summary, these sections introduce provision for Charging Orders, allowing planning authorities to place a charge on the property to recover the costs of taking direct action to implement the requirements of an enforcement notice.</p> <p>Fines for when enforcement notice not complied with to rise from £20,000 to £50,000. Fine for Temporary Stop Notice offences to rise from £20,000 to £50,000.</p> <p>Enforcement Charters are to contain a statement in relation to the planning authority's monitoring of compliance with planning permissions for major developments.</p>	<p>Existing provisions / procedures around Enforcement to be considered in line with these sections.</p> <p>Provision to increase the scale of fines for breaches of planning control to be noted and considered.</p> <p>New fines under Section 42 will apply to any offence committed in relation to a notice which is served on or after 20 December 2019.</p> <p>Planning authorities are already required to have an Enforcement Charter setting out; its enforcement policies, guidance on reporting breaches of planning control and procedures for complaints. Amendments to our existing Enforcement Charter in line with this section could be considered in advance of the implementation date.</p>	<p>Increased fines for failing to comply with an enforcement order will be brought into effect in Quarter 4 of 2019, together with requirements for courts to consider the financial benefit gained from the breach of planning control when setting the level of fines.</p> <p>Regulations on the forms for registering and discharging charging orders will be provided by Quarter 4 of 2020, together with guidance for local authorities on the new powers.</p> <p>The requirement for planning authorities' enforcement charters to include a statement on the authority's monitoring of compliance with planning permission for major developments will be brought into force by Quarter 1 of 2021, together with guidance on such monitoring.</p>



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<b>Part 4, Section 45</b>	Member Training	Regulations to be produced by Scottish Ministers in relation to Member training. Members who have not fulfilled the specified training requirements will be prohibited from taking part in exercising planning authority functions etc.	Training on the planning system is already offered by Officers to ACC Elected Members, however the content of this may need to be reviewed in line with subsequent regulations / guidance.	The Scottish Government will begin working on regulations in Quarter 1 of 2021, and these will be in place before the Scottish local government elections in May 2022.
<b>Part 4, Sections 46 and 47</b>	Monitoring of Planning Authority Performance	<p><i>“As soon as reasonably practicable after the end of each financial year, a planning authority are to prepare a report on the performance of their functions (...) during that year”</i></p> <p>Regulations will follow on the form of the report and its content, as well as the process to be undertaken in its preparation. The report will ultimately be submitted to Scottish Ministers and published.</p> <p>Scottish Ministers may also appoint a person (“the co-ordinator”) to monitor and provide advice on the performance of planning authorities and their functions. Regulation will provide further detail on the appointment and functions of this person.</p>	This provision demonstrates a wider recognition that good planning performance is about more than procedural efficiency. Aberdeen City Council already report on planning performance annually via the Planning Performance Framework. This section brings performance reporting into statute.	<p>The Scottish Government will continue to work with the High Level Group on Planning Performance to define how performance should be measured, with a view to making regulations on the annual reporting of performance by Quarter 4 of 2020.</p> <p>A National Planning Improvement Co-ordinator should be appointed by Quarter 2 of 2020. The Co-ordinator will become a member of the High Level Group.</p> <p>A consultation document on Performance and Fees was published by the Scottish Government on 18 December 2019.</p>
<b>Part 4, Section 50</b>	Chief Planning Officer	<p>Each planning authority must have Chief Planning Officer</p> <p>The role of the Chief Planning Officer is to advise the authority on the functions conferred on them by virtue of the planning Acts and, and functions conferred on them by any other relevant enactment.</p> <p>Scottish Ministers must issue guidance concerning the role of an authority’s Chief Planning Officer. This may include guidance on necessary appropriate qualifications and experience.</p>	Aberdeen City Council currently have a Chief Officer for Spatial Place Planning and a Development Management Manager. It is intended that the appointment of Chief Planning Officers in all authorities will support improved performance and enhance the ability of planning to support outcomes across the authority.	The Scottish Government propose to issue guidance on the role of Chief Planning Officers by Quarter 4 of 2020.

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<b>Part 4, Section 51</b>	National Scenic Areas	In any year where Scottish Ministers have designated a National Scenic Area they are to prepare and publish a report on the consultation undertaken in regard to the designation.	Ministers must consult local residents and community bodies before designating a National Scenic Area, and report on consultation. No National Scenic Areas currently exist within the Aberdeen City boundary, and we are not aware of any plans to designate any future areas of this type.	This provision will be commenced in Quarter 4 of 2019, and no further action from the Scottish Government is expected.
<b>Part 4, Section 52</b>	Notice by Planning Authority of Applications for Listed Building Consent	<p>Changes to alter Section 9 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in respect to notification of applications for listed building consent.</p> <p>In summary, regulations may specify any changes to neighbour notification in relation to listed building consent whereby the planning authority would undertake the notification for such.</p>	If regulations were to amended to require planning authorities to neighbour notification on applications for listed building consent then this would impact resources in Strategic Place Planning.	The Scottish Government have committed to considering whether any changes to existing regulations would be appropriate by Quarter 1 of 2021.
<b>Part 4, Section 53</b>	Forestry and Woodland Strategy	<p><i>"A planning authority are to prepare a forestry and woodland strategy"</i>. Two or more authorities may act jointly.</p> <p>A forestry and woodland strategy is to-</p> <ul style="list-style-type: none"> <li>- identify woodlands of high nature conservation value in the planning authority's area; and</li> <li>- set out the policies and proposals in their area as to: <ul style="list-style-type: none"> <li>- the development of forestry and woodlands</li> <li>- the protection and enhancement of woodlands, particularly those of high nature conservation value</li> <li>- the resilience to climate change, again particularly those of high nature conservation value</li> <li>- the expansion of woodlands of a range of types to provide multiple benefits to the physical, cultural, economic, social and environmental characteristics of the area.</li> </ul> </li> <li>- Any other matter considered appropriate</li> </ul> <p>In preparing such a strategy the planning authority are to consult with Scottish Ministers, relevant organisations to the list of matters above, and other persons considered appropriate. The strategy must be published in an appropriate manner.</p>	The Aberdeen City Tree and Woodland Strategy has been finalised and will be presented to Committee in due course.	This provision commenced in Quarter 4 of 2019, and no further action from the Scottish Government is expected.
<b>Part 5, Sections 54, 55, 56, 57 and 58 and Schedule 1</b>	Infrastructure Levy	<p><i>"The Scottish Ministers may be regulations establish, and make provision about, an infrastructure levy"</i>.</p> <p>An infrastructure levy is a levy:</p>	Detail on the Infrastructure Levy is still unclear. Any infrastructure levy would however supplement the existing planning obligations arrangements.	The Scottish Government intend to bring forward a package of proposals that addresses how local authorities can effectively

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		<ul style="list-style-type: none"> <li>- Payable to a local authority</li> <li>- In respect if development wholly or partly within the authority’s area</li> <li>- The income from which is to be used by local authorities to fun, or contribute towards funding, infrastructure projects.</li> </ul> <p>Further regulations will follow and may set out (amongst other things):</p> <ul style="list-style-type: none"> <li>- The kinds of development to which the levy can be applied</li> <li>- Who is liable to pay the levy</li> <li>- When the liability to pay arises</li> <li>- The amount to be paid / or how it is to be calculated.</li> <li>- Whether relief can be applied to / from planning obligations</li> <li>- Local exemptions</li> <li>- Methods of collection</li> <li>- Penalties to be imposed, including powers of entry / powers to seize things in investigating liability.</li> <li>- Accounting requirements</li> <li>- Ability to stop development when the levy is not paid</li> </ul> <p>An appeals process (to Scottish Ministers) may also be established through regulation. This may allow an appeal against a decision on whether is levy is payable / the amount that is payable. There may be a fee for this appeal process.</p> <p>Scottish Ministers may also issue guidance on the levy, and local authorities must have regard to any such guidance.</p> <p>The term “infrastructure” includes:</p> <ul style="list-style-type: none"> <li>- Communications, transport, drainage, sewerage and flood-defence systems</li> <li>- Systems for the supply of water and energy</li> <li>- Green and blue infrastructure (meaning features of the natural and built environments (including water) that provide a range of ecosystem and social benefits)</li> <li>- Educational and medical facilities</li> <li>- Facilities and other places for recreation</li> </ul> <p>Scottish Ministers can change or clarify the meaning of infrastructure through regulations.</p> <p>“infrastructure project” is a project to provide, maintain, improve or replace infrastructure.</p>	<p>The legislation, if brought into being, expands the types of infrastructure that are (partially) funded/ delivered by the planning obligations and allows for levy funds to be used for the maintenance and repair of existing infrastructure. The current legislation prevents developer obligations funds from being utilised for the maintenance or replacement of existing infrastructure.</p> <p>The Act does not specify whether local authorities will have the opportunity to opt out of an infrastructure levy.</p> <p>The Scottish Government have indicated that they remain interested in the concept of capturing land value uplift, and using that to fund infrastructure.</p>	<p>assemble land, tackle problem properties and capture land value uplifts ready for the next administration to consider. They do not expect to legislate on these issues in this Parliament, but will commit to engaging with local authorities, the Scottish Land Commission, the Scottish Futures Trust, and industry representatives, to explore all options available.</p>

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		The regulation-making power conferred will cease to be exercisable if no regulations have been made under it within the period of 7 years from the date of Royal Assent (25 July 2019).		