

# PLANNING BRIEFING NOTE

## PUBLICATION OF THE SCOTTISH PLANNING BILL 2017

### OVERVIEW

The Planning (Scotland) Bill 2017 was introduced to Scottish Parliament on 04 December 2017, and published on 05 December 2017. The Bill is a vital element of the Review of Planning which commenced in September 2015 with the appointment of an independent panel. The Bill sets out proposed changes to the current planning system in Scotland following an extensive period of consultation. We summarise the key changes below.

### PART 1 – THE ROLE OF THE DEVELOPMENT PLAN

#### National Planning Framework

- Scottish Planning Policy (SPP) will be incorporated into the National Planning Framework (NPF) to create a single document. The New NPF will become a statutory part of a Local Authority's development plan, sitting alongside Local Development Plans. Where there is a discrepancy between the two, the most recent document will take priority.
- The NPF will be reviewed every 10 years (as opposed to the current timeframe of 5 years). It will be compulsory for Planning Authorities to comment on any new NPF.

#### Strategic Development Plans

- The requirement for city-regions to prepare Strategic Development Plans (SDPs) will be removed. SDPs will be replaced by 'bespoke' agreements between different Local Authorities. The expected extent of these agreements is not clearly defined.

#### Local Development Plans

- Local Development Plans (LDPs) will now cover a 10-year period (as opposed to 5 years). However, there is a mechanism in place for early review if the socio-economic context of the relevant Local Authority changes.
- LDPs will now be required to take consideration of 'Local Outcome Improvement Plans', introduced under the Community Empowerment (Scotland) Act (2015).
- No longer a requirement for a Main Issues Report when preparing a new LDP.
- Requirement for an early 'gate-check' of a new LDP, to allow Scottish Ministers to review Evidence Base and determine whether the proposed direction of the LDP is sound.

#### Supplementary Guidance

- Limit the role and scope of supplementary guidance documents in favour of more detailed LDP policies.
- Limited supplementary guidance is allowed under the Bill, though only where necessary. Supplementary guidance will be a material consideration and will not form part of the development plan.

#### Key Agencies

- Statutory duty on key agencies (SNH, SEPA etc.) to comment on new NPFs.
- Expansion of definition of key agencies to include private sector organisations such as infrastructure provider.

#### Local Place Plans

- Introduces rights for communities to create a Local Place Plan (LPP), which will set out planning issues within a 'neighbourhood' context. Scope to become part of the wider development plan.
- LPPs will be expected to support rather than replace LDPs.
- Expected to be synergy between LPPs and Locality Plans (introduced under the Community Empowerment (Scotland) Act (2015)).
- LPPs can be created by any community group (i.e. not just established Community Councils etc.).

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## PART 2 – SIMPLIFIED DEVELOPMENT ZONES

- Introduction of Simplified Development Zones (SDZs) as an evolution of Simplified Planning Zones (SPZs). Existing SPZs will continue to exist, but new ones will no longer be permitted.
- Idea behind SDZs is to front-load scrutiny and create localised zoning systems, to avoid the need for planning consent, in addition to other non-planning consents.
- Can be for a variety of uses including residential, town centre renewal, and business.
- SDZs can be identified at any time, not just through the LDP review process.
- Application fees for pre-approved development within SDZs will be discretionary to the charging authority. Further guidance on this will be published in the future Planning Fees Review.

## PART 3 – DEVELOPMENT MANAGEMENT PROCESS

### Pre-Application

- Applications must now be submitted within 18 months of a Proposal of Application Notice (PAN).
- A PAN will now no longer be required for minor amendments to larger schemes.

### Scheme of Delegation

- Delegated powers for Planning Officers will be extended to include advert consent, certificates of lawfulness, and prior approval. Appeals of these types of applications will now be decided by a Local Review Body.

### Duration of Planning Permission

- Requirement for a condition to be attached to any consent stating that development must be begun within 3 years (or 5 years if a Planning Permission in Principle). This will allow for more clarity and to simplify the process of extending planning permissions.

### Planning Conditions

- Applications for modification or discharge of conditions can now be granted 'in part', or 'subject to amendments'.

## PART 4 – PLANNING AUTHORITY PERFORMANCE

### Planning Fees

- Allows discretionary charging for some planning services from Local Authorities.
- Higher fees for retrospective planning applications.
- Allows Scottish Ministers to charge fees in relation to their planning functions.
- Further engagement on fees is due to be conducted.

## PART 5 – INFRASTRUCTURE LEVY

- Provisions made for new Levy on development, in addition to Section 75 payments.
- Section 75 payments can only be used for matters relating to the consented scheme.
- The Levy is proposed to be used for wider infrastructure spending throughout the relevant Local Authority.
- Further work is to be conducted on the new Levy.

## WHAT'S NEXT?

The Bill (a draft Act of the Scottish Parliament) will now be subject to detailed scrutiny by the Scottish Parliament. Thereafter the Bill will receive Royal Assent, anticipated in late 2018.

For further information please contact:

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