

# **PLANNING (SCOTLAND) ACT 2019**

---

## **EXPLANATORY NOTES**

### **OVERVIEW OF THE ACT**

#### **PART 1 – DEVELOPMENT PLANNING**

##### **Development planning**

##### *Section 7: Local development plans*

##### **Preparation and publication of proposed local development plan**

50. Section 7(8) of the Act amends section 18 of the 1997 Act to require planning authorities to prepare a proposed local development plan when they are notified that the appointed person is satisfied that the evidence report is sufficient, as per paragraph 46 above. The planning authority are required to have regard to the appointed person's report in preparing the proposed plan. The provisions also require the appointed person's report and the proposed local development plan to be published at the same time and in the same manner.
51. Paragraph (d) of section 7(8) of the Act introduces a new subsection (1A) to section 18 of the 1997 Act, which requires a planning authority within the relevant area to consult the Central Scotland Green Network Partnership on the proposed local development plan (for as long as it is included in the National Planning Framework as a national development). This paragraph was inserted by amendment and does not correctly identify the development or the body responsible for it. However, despite these deficiencies, the intention of requiring planning authorities to consult the Central Scotland Green Network in appropriate cases is clear.
52. Paragraph (d) also introduces subsections (1B) and (1C) into section 18 of the 1997 Act, which require the proposed plan to be approved by the full council of the planning authority before the plan is published. This is done in the same way as for the proposed evidence report under section 7(6) of the Act (new section 16B(5) and (6) of the 1997 Act).
53. Section 7(8)(e) of the Act amends the minimum time period for representations to be received once the proposed plan is published, from not less than six weeks as set out in the 1997 Act, to not less than twelve weeks.
54. Section 7(8)(f) of the Act repeals wording relating to where an authority decides to make no or only a certain type of modifications, meaning that the requirement to submit the proposed plan to the Scottish Ministers applies to all proposed local development plans, instead of a different approach being taken depending on whether or not (or what type of) modifications have been made. Paragraph (g) adds a requirement that where modifications are made to the proposed plan, the planning authority must prepare a report setting out the modifications made and the reasons for making them, and submit this to the Scottish Ministers with the proposed plan.

*These notes relate to the Planning (Scotland) Act 2019  
(asp 13) which received Royal Assent on 25 July 2019*

55. Section 7(8)(h) of the Act removes the requirements to publish the proposed plan and to advertise the authority's intention to adopt the plan if there is to be no examination. These are replaced by new arrangements in the subsequent subsections.
56. Section 7(8)(i) of the Act repeals subsections (5) to (9) of section 18 of the 1997 Act. This removes the requirement for a modified proposed plan or new proposed plan and for those to be published and representations allowed on them. This enables changes to be made to the proposed plan without requiring a further stage of plan preparation.