

PLANNING (SCOTLAND) ACT 2019

EXPLANATORY NOTES

OVERVIEW OF THE ACT

PART 2 – MASTERPLAN CONSENT AREAS

Section 15: Masterplan consent area schemes

Interpretation of provisions about schemes

Schedule 5A of the 1997 Act: Masterplan consent areas

Part 1: Content of schemes

General

102. Paragraph 1 of new schedule 5A sets out that a scheme must include a map, a written statement, and any other graphic material, diagrams etc. that the planning authority consider appropriate for illustrating the scheme's provisions. It must specify the area to which it relates, the development or descriptions of development for which it grants authorisation, and the time frame for which the scheme will have effect (which must not be longer than a 10-year period). The Scottish Ministers may make regulations requiring further information to be included in a scheme.

Further provision about conditions, limitations and exceptions

103. Paragraph 2 of schedule 5A allows schemes to specify different conditions for different cases, which could cover different parts of the scheme's area or in relation to different types of development. It also allows the planning authority to include conditions that require the planning authority's agreement to certain matters as a condition of authorisation.

Land that cannot be included in a scheme

104. Paragraph 3 of schedule 5A imposes restrictions on places that can be included in a scheme. The list provided in subsection (4) covers places subject to various national or international environmental or heritage designations, and it may be modified by regulations. Schemes cannot include such places or be altered to include such places. However, paragraph 3(3) provides that if a place is already included within a scheme and benefits from the authorisations the scheme gives, it will not be removed from the scheme by the Scottish Ministers subsequently making regulations which provide that the land is of a type that may no longer be included in such schemes.