

# **PLANNING (SCOTLAND) ACT 2019**

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## **EXPLANATORY NOTES**

### **OVERVIEW OF THE ACT**

#### **PART 5 – INFRASTRUCTURE LEVY**

##### *Schedule 1: Infrastructure-levy regulations*

##### *Stopping development*

266. Paragraph 10 makes provision in sub-paragraph (1)(a) allowing the regulations to empower a local authority to direct that the carrying out of development must stop until there has been payment in full of (i) the payable amount and (ii) any financial penalty for late payment under paragraph 9. In the event of regulations requiring payment to be made prior to commencement of development then, in the event that this requirement is not adhered to, stopping development would be a lever to encourage payment. This would avoid the situation of the development being completed and sold on and the authority then having to pursue payment. Under paragraph 10(1)(b), regulations can prescribe the consequences of not stopping development when directed to do so. Paragraph 10(2) sets out in particular that regulations may make it an offence not to stop development when directed to do so. The maximum penalties that would apply to such an offence are set out in paragraph 16.