

EXECUTIVE NOTE

THE PLANNING ETC (SCOTLAND) ACT 2006 (SAVING AND TRANSITIONAL PROVISIONS) ORDER 2010 SSI 2010/431

The above order is made by the Scottish Ministers under the powers conferred by section 58(1) of the Planning etc. (Scotland) Act 2006 and all other powers enabling them to do so.

Policy context/objective

The purpose of the instrument is to put in place saving and transitional arrangements related to the commencement on 1 February 2011 of sections 23, 28 and 56 of the Planning etc. (Scotland) Act 2006 (the 2006 Act). These sections relate respectively to planning obligations, tree preservation orders and to repeals.

Section 28 of the 2006 Act revises the provisions of section 161 while section 56 repeals section 163 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act). Article 2 of this instrument provides that the current provisions of these sections of the 1997 Act will continue to apply to tree preservation orders made before 1 February 2011.

Section 23 of the 2006 Act revises section 75 of the 1997 Act and introduces new sections 75A, 75B, 75C and 75D. Article 3 of this instrument provides that sections 75(5) and (6) as amended by the 2006 Act will not apply to planning agreements entered into before the new provisions commence on 1 February 2011.

Article 3 of this instrument also provides that section 75C of the 1997 Act as amended by the 2006 Act will also not apply to any agreement entered into before 1 February 2011. Section 75C makes provisions regarding continuing liability of former owners in respect of planning obligations.

Financial effects

The effects of the main changes to the planning system were covered in the financial memorandum accompanying the Bill, which became the Planning etc. (Scotland) Act 2006.

Financial memorandum for the Bill

<http://www.scottish.parliament.uk/business/bills/51-planning/index.htm>