

EXECUTIVE NOTE

THE TOWN AND COUNTRY PLANNING (LIMIT OF ANNUAL VALUE) (SCOTLAND) ORDER 2010 (SSI 2010/49)

The above Order is to be made in exercise of powers conferred by Sections 100 (3)(a) and 275(8) of the Town and Country Planning (Scotland) Act 1997. The instrument is subject to a negative resolution procedure.

Policy Objectives

The purpose of the Order is to update the 'limit of annual value' following a review of the rateable value of properties by the Scottish Assessors' Association and to revoke the Town and Country Planning (Limit of Annual Value) (Scotland) Order 2005. Under the Town and Country Planning (Scotland) Act 1997, owner occupiers of land 'blighted' by a planning authority can, in certain circumstances, require the appropriate authority to acquire their property. This is subject to a provision, in the case of a non-resident owner-occupier, that the annual value of the non-domestic property does not exceed the prescribed limit which is raised from £28,000 to £30,000. The increase of around 7% is not in line with the re-evaluation of non domestic properties in 2009/2010 (20.2%).

We are not looking to substantially extend the ability to serve such a notice. Were the uplift to be in line with the 20.2% figure from the Scottish Assessors' review (an average of all non-domestic properties in Scotland), this would lead to a significant increase in the number of properties with the ability to serve a blight notice.

An uplift set at £30,000 is predicted to lead to a slight increase in the number of properties with the ability to serve a blight notice whilst retaining the primary aim of ensuring that the current level of properties are not disadvantaged by an increase in the rateable value.

Consultation

The following organisations have been consulted during the preparation of the Order:-
Scottish Assessors' Association
Valuation Office Agency

Financial Effects

The Order will increase the limit of annual value by £2,000. This increase is likely to have limited financial effects on acquiring authorities, e.g. local authorities and the Scottish Government. It may, however, bring a number of small businesses within the threshold thus enabling them to serve a Blight Notice which will be welcomed by small businesses affected by public sector proposals or works. No regulatory Impact Assessment has been prepared as the final implications are likely to be negligible.

Directorate for the Built Environment
Planning Legislation & Performance