

POLICY NOTE

THE PLANNING (SCOTLAND) ACT 2019 (COMMENCEMENT NO. 1) REGULATIONS 2019

SSI 2019/314 (C. 15)

The above instrument was made in exercise of the powers conferred by section 63(2) and (3) of the Planning (Scotland) Act 2019. The instrument is subject to no procedure.

The instrument brings into effect two parts of the Planning (Scotland) Act 2019:

- **the purpose of planning, which is to manage the development and use of land in the long term public interest, and**
- **the parts of the Act that set out how Scottish Ministers are to prepare the National Planning Framework.**

It also allows for Ministers to make regulations and issue guidance on how planning authorities are to prepare regional spatial strategies and local development plans, and on local place plans which community bodies can prepare.

Policy Objectives

The purpose of this instrument is to bring into effect the statutory framework for the preparation of the National Planning Framework. It also activates the powers for Scottish Ministers to make regulations and issue guidance on other aspects of development planning, and on local place plans.

Section 1 of the Planning (Scotland) Act 2019 (“the Act”) introduces the purpose of planning, which is to manage the development and use of land in the long term public interest. This applies to the Scottish Ministers’ and planning authorities’ exercise of functions under parts 1A and 2 of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”): part 1A deals with the preparation of the National Planning Framework, and part 2 with strategic development plans and local development plans. The purpose aligns with the duty on Ministers and planning authorities to have regard to the national outcomes in exercising all their functions, and replaces the duty in sections 3D and 3E of the 1997 Act for them to exercise their functions under part 2 of that Act with the objective of contributing to sustainable development.

Section 2 of the Act makes amendments to part 1A of the 1997 Act, changing the requirements in relation to the content of the National Planning Framework and how it is to be prepared, including participation and consultation, and introducing a requirement for it to be approved by the Scottish Parliament.

The remaining sections of the Act mentioned in this instrument are brought into force only for the purpose of making regulations or issuing, varying, publishing and revoking guidance. All of them either amend powers in the 1997 Act or insert new powers into the 1997 Act. Section 10 of the Act is brought fully into force because its only effect is to amend a power in the 1997 Act to make regulations specifying bodies as “key agencies”.

Consultation

As these regulations only bring into force provisions of the Act, no consultation has been carried out in relation to this instrument.

Impact Assessments

As these regulations only bring into force provisions of the Act, no impact assessments have been carried out in relation to this instrument.

Financial Effects

The Minister for Local Government, Housing and Planning confirms that no BRIA is necessary, as the instrument only brings into force the provisions of the Act and in itself has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Local Government and Communities

October 2019