

PLANNING (SCOTLAND) ACT 2019

EXPLANATORY NOTES

OVERVIEW OF THE ACT

PART 1 – DEVELOPMENT PLANNING

Development planning

Section 12: Amendment of National Planning Framework and local development plans

77. Section 12 of the Act introduces sections 3CC and 20AA into the 1997 Act. New section 3CC(1) enables the Scottish Ministers to amend the National Planning Framework at any time. New section 3CC(2) provides that Ministers may direct planning authorities to provide specified information to them for the purpose of preparing the amendments. New section 3CC(3) requires the Scottish Ministers to set out in regulations circumstances in which they consider that an amendment would result in a significant change to the National Planning Framework such that a full revision should be carried out in line with the procedures set out in sections 3AA to 3CA. New section 3CC(4) and (5) allow the Scottish Ministers to make further provision about the amendment process in regulations, including the procedure to be followed, the required consultation, the effective date of the amendments, publication of the amended framework and laying of it before the Scottish Parliament.
78. New sections 20AA(1) to (3) of the 1997 Act enable planning authorities to amend a local development plan for their district at any time and allow the Scottish Ministers to direct a planning authority to amend a plan in relation to matters set out in the direction. The Scottish Ministers are required to set out the reasons for their direction.
79. New section 20AA(4) provides that in preparing an amendment to a local development plan, a planning authority are to take into account the National Planning Framework and any local outcomes improvement plan for the area. Section 14(6) of the Act also adds any registered local place plan. They must also have regard to such information and considerations as are prescribed, and to any other information and considerations as appear to them to be relevant.
80. New sections 20AA(5) and 20AA(6) allow the Scottish Ministers by regulations to make further provision about amending a plan and set out that regulations may in particular include the procedure to be followed, the consultation to be undertaken, when the amendments will take effect, and what the publication arrangements are to be. New section 20AA(7) allows regulations to apply sections 16A to 20A of the 1997 Act so that those sections apply equally to the process for amendments to a plan, with any modifications to those sections being set out in the regulations.