

PLANNING (SCOTLAND) ACT 2019

EXPLANATORY NOTES

OVERVIEW OF THE ACT

PART 2 – MASTERPLAN CONSENT AREAS

Section 15: Masterplan consent area schemes

Interpretation of provisions about schemes

Schedule 5A of the 1997 Act: Masterplan consent areas

Part 2: Making and altering of schemes by planning authorities

Power to make or alter scheme

105. Paragraph 4 of schedule 5A allows planning authorities to make or alter a scheme for part of their area at any time.

Duty to periodically consider making scheme

106. Paragraph 5 of schedule 5A places a duty on planning authorities to consider, at least once every five years, which part(s) of their area it would be desirable to make a scheme for and to publish a statement setting out details of their decision and reasons. The Scottish Ministers may use regulations to set out requirements about the statement including its content, publication and circulation.

Duty to seek to make or alter scheme when directed to do so

107. Paragraph 6 of schedule 5A means that the Scottish Ministers can at any time direct that, and set out the terms by which, a planning authority must make or alter a scheme. The direction must be in writing and be published. Under sub-paragraphs (2) and (3), a planning authority given such a direction is under a duty to seek to make or alter a scheme in accordance with the direction, but must comply with the process for making or altering a scheme set out in Part 3 of the schedule.