

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 4: Scottish Ministers' powers to make and alter schemes and stop proposals

Chapter 1: Calling in planning authorities' proposals

118. Under paragraph 14(2), the Scottish Ministers may give a call-in direction to a planning authority at any time before a proposed scheme or alteration is made. Having received a call-in direction, the planning authority may not make their proposed scheme or alteration and must not begin or proceed with any hearings in relation to the proposals. This overrides the requirement for hearings under paragraph 13(1).
119. Paragraph 15 sets out details of Ministers' powers after calling in. It provides that, having given a call-in direction, the Scottish Ministers may themselves make the proposed scheme or alteration, may make a scheme or alteration that is different from what the planning authority proposed, or may decline to make any scheme or alteration. In deciding which of these options to take, the Scottish Ministers may take matters into account that were not taken into account by the planning authority in drawing up their proposals, and may arrange for a local inquiry or other hearing to be held. If the Scottish Ministers decide to alter a scheme in a way that has any of the effects described in paragraph 13(1)(b), they are bound by the same rule as planning authorities and must not make the alteration until 12 months after making that decision.

Chapter 2: Making or altering scheme following paragraph 6 direction

120. Under paragraph 16, in cases where the Scottish Ministers have given the planning authority a direction under paragraph 6 to make or alter a scheme, and they are satisfied the planning authority are not fulfilling their duty to do so within a reasonable time period, Ministers may directly make or alter the scheme. The Scottish Ministers are required to have a local inquiry or other hearing held by a person appointed by them in order to satisfy themselves as to whether or not the planning authority are fulfilling their duty within a reasonable period.
121. Unless otherwise stated, the provisions about making or altering schemes apply to the Scottish Ministers when making or altering a scheme as they would normally apply to a planning authority. Paragraph 17 sets out how references to the planning authority, the planning authority's district, and a committee of the planning authority are to be read in cases where the Scottish Ministers are directly making or altering schemes. It

*These notes relate to the Planning (Scotland) Act 2019
(asp 13) which received Royal Assent on 25 July 2019*

also confirms that in such cases there is no requirement to consult or send things to the Scottish Ministers.

122. In cases where the Scottish Ministers have themselves had to make or alter a scheme directly (as per paragraph 16) because the planning authority were not fulfilling their duty to prepare a scheme following a direction received under paragraph 6, paragraph 18 provides that the Scottish Ministers may require the relevant planning authority to pay the Scottish Ministers the costs they incurred or such lesser amount as they consider appropriate.