

SCHEDULE 2

(introduced by section 62)

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

PART 1

DEVELOPMENT PLANNING

Removal of requirement to prepare strategic development plans

- 1 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) Section 16(6) (local development plan consistency with strategic development plan) is repealed.
- (3) In section 20B (development plan schemes)—
 - (a) in subsection (1), the words “by each strategic development authority and” are repealed,
 - (b) in subsection (2), in the opening words, for “The authority in question is” substitute “An authority are”,
 - (c) in subsection (3), the words “their strategic development plan or as the case may be” are repealed,
 - (d) in subsection (5)(c), for “strategic development plan area or the area of the planning authority, as the case may be” substitute “area of the authority”.
- (4) In section 21 (action programmes)—
 - (a) subsection (1) is repealed,
 - (b) in subsection (3), for “the authority in question” substitute “an authority”,
 - (c) paragraph (a) of subsection (4) and the “or” immediately following it are repealed,
 - (d) in subsection (5), for “the authority in question” substitute “an authority”,
 - (e) in subsection (6), for “the authority in question” substitute “an authority”,
 - (f) sub-paragraph (i) of subsection (10)(b) and the “and” immediately following it are repealed,
 - (g) in subsection (10)(b)(ii), the words “in the case of a planning authority,” are repealed.
- (5) In section 23 (disregarding of representations with respect to development authorised by or under other enactments), paragraph (a) of subsection (1) and the “and” immediately following it are repealed.
- (6) In section 23A(2) (directions in relation to functions under Part)—
 - (a) the words “or strategic development planning authority” are repealed,
 - (b) the words “or strategic development planning authorities” are repealed.
- (7) In section 23B (default powers of the Scottish Ministers)—
 - (a) in subsection (1)(a)—
 - (i) the words “strategic development plan or” where they first occur are repealed,
 - (ii) the words “proposed strategic development plan or” are repealed,

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- (b) in subsection (2)(b), the words “strategic development plan or” are repealed,
 - (c) subsection (3) is repealed,
 - (d) subsection (4)(b) and the word “or” immediately preceding it are repealed,
 - (e) subsection (5)(b) and the word “and” immediately preceding it are repealed.
- (8) In section 23C (reviews of plans in enterprise zones), paragraph (a) and the word “and” immediately following it are repealed.
- (9) In section 237 (validity of development plans etc.), in subsection (1)(a), the words “strategic development plan or” are repealed.
- (10) In section 238 (proceedings for questioning validity of development plans etc.)—
- (a) in subsection (1), the words “strategic development plan or” are repealed,
 - (b) subsection (5)(a) is repealed.
- (11) In section 255(2)(a) (contributions by local authorities and statutory undertakers), the words “a strategic development plan or” are repealed.
- (12) In section 269(1)(a) (rights of entry), the words “strategic development plan or” are repealed.
- (13) In section 277(1) (interpretation), the entries in the list for “strategic development plan”, “strategic development plan area” and “strategic development planning authority” are repealed.
- (14) In schedule 14 (blighted land)—
- (a) paragraph 1 is repealed,
 - (b) in paragraph 2—
 - (i) in sub-paragraph (1)(a), for the words “paragraph 1(1)(a)(i) or (ii)” substitute “sub-paragraph (1A)”,
 - (ii) after sub-paragraph (1) insert—
 - “(1A) The functions are—
 - (a) the functions of a government department, local authority or statutory undertaker,
 - (b) the provision by an electronic communications operator of an electronic communications code network, or
 - (c) the provision by a former PTO of a public electronic communications network or a public electronic communications service.”.

Local development plans

- 2 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 18 (preparation and publication of proposed local development plan), subsection (1)(c) is repealed.
- (3) In section 19 (examination of proposed local development plans), in subsection (2), the words “or (6)” are repealed.
- (4) In section 19A (further provision as regards examination under section 19(4)), in subsection (10)(a), the words “or (6)” are repealed.

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- (5) In section 20B(2)(b), for “plan” substitute “scheme”.
- (6) In section 23(1)(b) (disregarding representations with respect to main issues report), sub-paragraph (i) and the “or” immediately following it are repealed.
- (7) In section 23B(1)(a) (default powers of the Scottish Ministers), the words “any main issues report requires to be compiled or” are repealed.

Delivery programmes

- 3 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
 - (2) In section 18(4)(a)(ii) (submission of programme to Scottish Ministers), for “action” substitute “delivery”.

Development plan

- 4 (1) Schedule 1 of the Town and Country Planning (Scotland) Act 1997 is amended as follows.
 - (2) For paragraph 1 substitute—
 - “1 In this schedule “old development plan” means—
 - (a) a local plan,
 - (b) a strategic development plan,
 - (c) supplementary guidance.”
 - (3) In paragraph 2, for “that section” substitute “section 13 of the Planning (Scotland) Act 2019”
 - (4) Paragraphs 3 and 5, and the italic headings immediately preceding them, are repealed.
 - (5) For paragraph 6 substitute—
 - “6 On the publication of the revised National Planning Framework under section 3A(8) after the coming into force of section 13 of the Planning (Scotland) Act 2019, all strategic development plans and any supplementary guidance issued in connection with them cease to have effect.
 - 6A On the constitution of a local development plan for an area under section 20 after the coming into force of section 13 of the Planning (Scotland) Act 2019—
 - (a) so much of any local plan in force by virtue of paragraph 2 as relates to the area to which the plan so adopted relates ceases to have effect, and
 - (b) any supplementary guidance issued in connection with a local development plan for that area ceases to have effect.”
 - (6) The italic heading immediately preceding paragraph 6 becomes “Discontinuance of old development plans”.
 - (7) For paragraph 7 substitute—

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“7 The Scottish Ministers may by regulations provide that any of the provisions of an old development plan are to continue in force in relation to an area despite paragraphs 6 and 6A.”

- (8) In paragraph 8, for the word “a” where first occurring substitute “an old”.
- (9) In paragraph 9, the words “and the strategic development planning authority for any strategic development plan area,” are repealed.
- (10) For paragraph 10, substitute—

“10 In this schedule—

“local plan” is to be construed in accordance with section 11 as that section applied immediately before the coming into force of the Planning etc. (Scotland) Act 2006,

“strategic development plan” is to be construed in accordance with section 7 as it applied immediately before the coming into force of section 6 of the Planning (Scotland) Act 2019,

“supplementary guidance” means guidance issued under section 22 of this Act as it applied immediately before the coming into force of section 9 of the Planning (Scotland) Act 2019.”

PART 2

MASTERPLAN CONSENT AREAS

Masterplan consent area schemes

- 5 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 27(3)—
- (a) after “54(4),” insert “54B(1)(b), 54D(2),”
 - (b) after “61” insert “and paragraph 20 of schedule 5A”.
- (3) In section 29(1)—
- (a) the word “or” at the end of paragraph (c) is repealed, and
 - (b) after paragraph (c), insert—
 - “(ca) by a masterplan consent area scheme, or”.
- (4) In section 36(1)—
- (a) the word “and” at the end of paragraph (c) is repealed, and
 - (b) after paragraph (c), insert—
 - “(ca) masterplan consent area schemes relating to parts of the authority’s area, and”.
- (5) In section 58(4)—
- (a) the word “or” at the end of paragraph (f) is repealed, and
 - (b) after paragraph (f), insert—
 - “(fa) any planning permission granted by a masterplan consent area scheme, or”.
- (6) In section 61(1)—

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- (a) the word “or” at the end of paragraph (b) is repealed, and
 - (b) after paragraph (b), insert—
 - “(ba) development has been begun in accordance with planning permission under a masterplan consent area scheme but has not been completed by the time that the scheme ceases to have effect, or”.
- (7) In section 183(1)—
- (a) the word “and” at the end of paragraph (a) is repealed, and
 - (b) after paragraph (b) insert—
 - “(c) with respect to masterplan consent areas.”.
- (8) In section 237(1), after paragraph (b) insert—
- “(ba) a masterplan consent area scheme or any alteration of such a scheme,”.
- (9) In section 238—
- (a) in subsection (3)—
 - (i) for the words from “a simplified” to “230”, substitute “any of the following”,
 - (ii) at the end insert—
 - “(a) a simplified planning zone scheme or an alteration of such a scheme,
 - (b) a masterplan consent area scheme or an alteration of such a scheme,
 - (c) an order under section 202, 203, 206, 207, 208 or 230.”,
 - (b) in subsection (5), after paragraph (b) insert—
 - “(ba) in the case of an application by virtue of subsection (3) in respect of a masterplan consent area scheme or an alteration of such a scheme, the date that notice is first published (in accordance with regulations under paragraph 22 of schedule 5A) that the scheme has been made or (as the case may be) altered,”,
 - (c) after subsection (6) insert—
 - “(7) In their application to masterplan consent area schemes and their alteration, subsections (1) and (2) have effect as if, instead of Part II, they referred to Part III and schedule 5A.”.
- (10) In section 277(1), after the definition of “major developments” insert—
- ““masterplan consent area scheme” is to be construed in accordance with sections 54A to 54E,”.

PART 3

DEVELOPMENT MANAGEMENT

Duration of planning permission

- 6 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.

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- (2) In section 37 (determination of applications: general considerations), in subsection (1)(a), for “and 59(1)(b)” substitute “, 58 and 59”.
- (3) In section 60 (provisions supplementary to sections 58 and 59) in subsection (1), in the opening words, for “58(2) and (3A)(b) and 59(5)” substitute “58(1)(b) and (3A)(b) and 59(2A)(b) and (2D)(b)”.
- (4) In section 71 (order requiring discontinuance of use or alteration or removal of buildings or works), in subsection (7), for “58(2) and (3A)(b) and 59(5)” substitute “58(1)(b) and (3A)(b) and 59(2A)(b) and (2D)(b)”.
- (5) In section 88 (circumstances in which purchase notices may be served), in subsection (5), for “provisions of” substitute “conditions referred to in”.
- (6) In section 232 (right of compensation in respect of certain decisions and orders), in subsection (7), for “provisions of” substitute “conditions referred to in”.

Schemes of delegation and local review

- 7 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
 - (2) In section 39 (declining to determine an application), in subsection (2A)—
 - (a) in the opening words, for “43A(5)” substitute “43AA(2)”,
 - (b) in paragraph (a), for “43A(8)” substitute “43AC”,
 - (c) in paragraph (c), for “43A(8)(c)” substitute “43AC(1)(e)”.
 - (3) In section 43B (matters which may be raised in a review under section 43A(8)), in subsection (1), for “43A(8)” substitute “43AC (other than one required by virtue of paragraph (e) of subsection (1))”.
 - (4) The section title of section 43B becomes “**Matters which may be raised in a review under section 43AC**”.
 - (5) In section 46 (call-in of applications), in subsection (2)(ab), for “43A(8)” substitute “43AC”.
 - (6) In section 237 (validity of development plans and certain orders, decisions and directions), in subsection (3A)—
 - (a) the words “(other than a deemed decision)” are repealed,
 - (b) for “43A(8)” substitute “43AC”.
 - (7) In section 277 (interpretation), in subsection (5)—
 - (a) in paragraph (ba), for “43A(8)(a) or (b)” substitute “43AC(1)(a) to (d)”,
 - (b) in paragraph (ca), for “43A(8)(c)” substitute “43AC(1)(e)”,
 - (c) in paragraph (da)(i), for “43(8)(a) or (b)” substitute “43AC(1)(a) to (d)”,
 - (d) in paragraph (da)(ii)—
 - (i) for “43A(8)(c)” substitute “43AC(1)(e)”,
 - (ii) for “43A(9)” substitute “43AC(3)”.

Development orders

- 8 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.

- (2) In section 78 (apportionment of compensation for depreciation), in subsection (2)(b), the words “or, in a case falling within section 77, the relevant planning decision,” are repealed.
- (3) In section 214 (meaning of “statutory undertakers”)—
 - (a) in subsection (4), and
 - (b) in subsection (7)(a),the words “77(3),” are repealed.
- (4) In section 215 (meaning of “operational land”), in subsection (3), the words “77(3),” are repealed.
- (5) In schedule 18, in Part 1, for “77” substitute “77A”.

PART 4

REGULATIONS

- 9 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 275, after subsection (7B) insert—

“(7BA) Regulations under sections 3CC(3), 3G(5)(b), 26B(5), 40A, 41B(4), 77A(1), 251B(2) and [] and paragraph 3 of schedule 5A are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”.