



# Planning (Scotland) Act 2019

## 2019 asp 13

### PART 1

#### DEVELOPMENT PLANNING

##### *Development planning*

## 2 National Planning Framework

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 3A(2) (description of framework), for the words “in” to the end substitute “the Scottish Ministers’ policies and proposals for the development and use of land.”.
- (3) In section 3A(3) (content of framework)—
  - (a) the word “and” at the end of paragraph (a) is repealed,
  - (b) after paragraph (b) insert—
    - “(c) a statement about how the Scottish Ministers consider that development will contribute to each of the outcomes listed in subsection (3A),
    - (d) targets for the use of land in different areas of Scotland for housing, and
    - (e) an assessment of the likely impact of each proposed national development’s lifecycle greenhouse gas emissions on achieving national greenhouse gas emissions reduction targets (within the meaning given in the Climate Change (Scotland) Act 2009).”.
- (4) After section 3A(3) insert—
  - “(3A) The outcomes are—
    - (a) meeting the housing needs of people living in Scotland including, in particular, the housing needs for older people and disabled people,
    - (b) improving the health and wellbeing of people living in Scotland,
    - (c) increasing the population of rural areas of Scotland,
    - (d) improving equality and eliminating discrimination,

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- (e) meeting any targets relating to the reduction of emissions of greenhouse gases, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act, and
  - (f) securing positive effects for biodiversity.”.
- (5) In section 3A(4) (content of framework), after paragraph (a) insert—
- “(aa) contain such maps, diagrams, illustrations and descriptive matter as may be prescribed of rural areas in relation to which there has been a substantial decline in population.”.
- (6) After section 3A(4) insert—
- “(4A) The Scottish Ministers must have due regard to any National Scenic Areas report published by them under section 263B when preparing the framework.”.
- (7) In section 3A(5) (statements relating to a “national development”), before paragraph (a) insert—
- “(za) must have regard to an infrastructure investment plan published by the Scottish Ministers and include a statement setting out the ways the plan has been taken into account in preparing the framework.”.
- (8) After section 3A(5) insert—
- “(5A) For the avoidance of doubt, this section does not prevent the Scottish Ministers from setting out policies or proposals that relate to the development or use of land outwith the National Planning Framework.
  - (5B) In this section, “biodiversity” has the same meaning as “biological diversity” in the United Nations Environmental Programme Convention on Biological Diversity of 5 June 1992 as amended from time to time (or in any United Nations Convention replacing that Convention).”.
- (9) In section 3A, subsections (6) to (9) are repealed.
- (10) Section 3A(10) is repealed.
- (11) After section 3A insert—

**“3AA Duty to review the National Planning Framework**

- (1) The Scottish Ministers are to keep the National Planning Framework under review.
- (2) Without limit to subsection (1), the Scottish Ministers are to—
  - (a) review the framework no later than 23 June 2024 (being 10 years from the date on which the framework was last published before this section came into force), and
  - (b) thereafter, review the framework at least once in every period of 10 years beginning with the most recent date on which—
    - (i) a revised framework prepared under subsection (3)(a) was adopted and published under section 3CA, or
    - (ii) an explanation was published under subsection (3)(b) of this section.

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- (3) Following such a review, the Scottish Ministers are to—
- (a) prepare a revised framework, or
  - (b) publish an explanation of why they have decided not to revise it.

### **3AB Revising the framework: participation statement and considerations**

- (1) This section applies where a revised National Planning Framework is to be prepared following a review under section 3AA.
- (2) Before preparing the revised framework, the Scottish Ministers must prepare and publish their participation statement.
- (3) In preparing the revised framework, the Scottish Ministers must—
- (a) have regard to relevant policies and strategies, including, in particular—
    - (i) any national strategy and action plan for housing prepared by the Scottish Ministers,
    - (ii) any infrastructure investment plan prepared by the Scottish Ministers to set out their priorities for the development of public infrastructure,
    - (iii) any national transport strategy prepared by the Scottish Ministers,
    - (iv) any strategic transport projects review prepared by the Scottish Ministers to set out their priorities for transport investment,
    - (v) the land use strategy prepared under section 57 of the Climate Change (Scotland) Act 2009,
    - (vi) the programme for adaptation to climate change prepared under section 53 of the Climate Change (Scotland) Act 2009,
    - (vii) any national strategy in respect of the improvement of air quality prepared by the Scottish Ministers,
    - (viii) any land rights and responsibilities statement prepared under section 1 of the Land Reform (Scotland) Act 2016,
    - (ix) any national strategy or action plan for the ownership or use of land prepared by the Scottish Ministers, and
    - (x) the national marine plan prepared under section 5 of the Marine (Scotland) Act 2010, and
  - (b) have regard to the desirability of—
    - (i) resettling rural areas that have become depopulated,
    - (ii) preserving disused railway infrastructure for the purpose of ensuring its availability for possible future public transport requirements, and
    - (iii) preserving peatland.
- (4) In this Part, “participation statement” means an account by the Scottish Ministers of—
- (a) when consultation as regards the proposed revised framework is likely to take place,
  - (b) with whom they intend to consult, which must include—

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- (i) planning authorities,
  - (ii) key agencies (within the meaning of section 23D),
  - (iii) the appropriate body under subsection (5), and
  - (iv) such persons or bodies who the Scottish Ministers consider have a role in the delivery of the outcomes mentioned in section 3A(3A),
  - (c) the steps to be taken to involve the public at large in the consultation, and
  - (d) the likely form of the review.
- (5) For the purpose of subsection (4)(b)(iii), the “appropriate body” is—
- (a) the advisory body designated by an order under section 24(1) of the Climate Change (Scotland) Act 2009, or
  - (b) if no such order has been made, the Committee on Climate Change established under section 32 of the Climate Change Act 2008.

### **3AC Information to assist preparation of National Planning Framework**

- (1) For the purposes of assisting the Scottish Ministers in preparing or revising the National Planning Framework, the Scottish Ministers may direct a planning authority, or two or more planning authorities, to provide information about the matters set out in subsection (2) in relation to an area specified in the direction.
- (2) The matters are—
- (a) the principal physical, cultural, economic, social, built heritage and environmental characteristics of the area,
  - (b) the principal purposes for which land in the area is used,
  - (c) the size, composition and distribution of the population of the area,
  - (d) the housing needs of the population of the area,
  - (e) the capacity of education services in the area,
  - (f) the capacity of health services in the area,
  - (g) the health needs of the population of the area,
  - (h) the housing needs of older people and disabled people within the area,
  - (i) the desirability of allocating land for the purposes of resettlement,
  - (j) the infrastructure of the area (including communications, transport and drainage systems and systems for the supply of water and energy),
  - (k) how that infrastructure is used,
  - (l) any change which the planning authority or authorities think may occur in relation to any of the matters mentioned in paragraphs (a) to (k), and
  - (m) such other matters as are prescribed.
- (3) In subsection (2)(j), references to systems for the supply of energy include in particular land available for the development and use of facilities for renewable sources of energy.

- (4) Where a direction under this section requires two or more planning authorities to provide information in relation to the same area and the same matter, they are to co-operate with one another.”.
- (12) Sections 3B and 3C are repealed.
- (13) After section 3C insert—

**“3CA National Planning Framework: procedure**

- (1) The Scottish Ministers may not adopt a revised National Planning Framework until a draft of it has been approved by resolution of the Parliament.
- (2) The Scottish Ministers may not lay a draft of the revised framework before the Scottish Parliament for approval unless—
- (a) they have complied with section 3AB and subsections (3) to (5) of this section, and
  - (b) they have laid before the Scottish Parliament an explanatory document in accordance with subsection (6).
- (3) The Scottish Ministers must—
- (a) consult in accordance with their participation statement,
  - (b) lay before the Scottish Parliament a copy of the draft of the revised framework,
  - (c) have regard to any representations about the draft of the revised framework that are made to them within no more than 120 days of the date on which the copy of the draft of the revised framework is laid before the Parliament under paragraph (b).
- (4) In calculating any period of no more than 120 days for the purposes of subsection (3)(c), no account is to be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.
- (5) If, as a result of any consultation required by subsection (3), it appears to the Scottish Ministers that it is appropriate to change the whole or any part of their proposals, they must undertake such further consultation with respect to the changes as they consider appropriate.
- (6) The explanatory document referred to in subsection (2)(b) must set out—
- (a) the consultation undertaken in accordance with subsections (3) and (5),
  - (b) a summary of any representations received as a result of the consultation, and
  - (c) the changes (if any) made to the draft of the revised framework as a result of those representations.
- (7) As soon as practicable after the National Planning Framework as revised has been adopted, the Scottish Ministers are to publish it.

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*Duties to assist in shaping the National Planning Framework*

**3CB Key agencies to co-operate**

It is the duty of a key agency to co-operate with the Scottish Ministers in—

- (a) the review of the National Planning Framework,
- (b) the preparation of a revised framework, and
- (c) the preparation of any amendment to the framework.”.