



# Planning (Scotland) Act 2019

## 2019 asp 13

### PART 3

#### DEVELOPMENT MANAGEMENT

##### *Planning obligations*

#### **34 Planning obligations: financial agreements**

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 75 (planning obligations)—
  - (a) in subsection (1), for the words from “an obligation” to the end substitute “a planning obligation.”,
  - (b) after subsection (1), insert—

“(1A) For the purpose of this section and sections 75A to 75C, a planning obligation is an obligation which does any of the following—

    - (a) restricts or regulates the development or use of land,
    - (b) requires the payment—
      - (i) of a specified amount or an amount determined in accordance with the relevant instrument, or
      - (ii) of periodical sums either indefinitely or for such period as is specified in the relevant instrument.”,
  - (c) in subsection (2), for “subsection (1), the reference in that subsection” substitute “paragraph (a) of subsection (1A), the reference in that paragraph”,
  - (d) in subsection (3)—
    - (i) after paragraph (a), insert—

“(aa) impose a restriction or requirement either permanently or during such period as is specified in the relevant instrument.”,
    - (ii) paragraph (b) is repealed,
  - (e) in subsection (5)(a), for “(2) or (3)(b)” substitute “(1A)(b) or (2)”,
  - (f) after subsection 12, insert—

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**Changes to legislation:** Planning (Scotland) Act 2019, Section 34 is up to date with all changes known to be in force on or before 03 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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“(13) In this section and in sections 75A to 75C, “relevant instrument” means the instrument by which a planning obligation is entered into.”.

(3) In section 75C (planning obligations: continuing liability of former owner etc.), in subsection (3), for “(2) or (3)(b)” substitute “ (1A)(b) or (2) ”.

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**Commencement Information**

**II** S. 34 in force at 18.11.2020 by [S.S.I. 2020/294](#), [reg. 2](#) (with [reg. 3](#))

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.S.I. 2019/377, reg. 9 by [S.S.I. 2019/411 reg. 2](#)
- specified provision(s) amendment to earlier commencing S.S.I. 2021/101, regs. 3, 4 by [S.S.I. 2021/291 reg. 2](#)