



# 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    - (ii) paragraph (b) is repealed,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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*Status: This is the original version (as it was originally enacted).*

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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)”.