



Planning etc. (Scotland) Act 2006

2006 asp 17

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 16th November 2006 and received Royal Assent on 20th December 2006

An Act of the Scottish Parliament to make further provision relating to town and country planning; to make provision for business improvement districts; and for connected purposes.

PART 1

NATIONAL PLANNING FRAMEWORK

1 National Planning Framework

After Part 1 of the principal Act insert—

“PART 1A

NATIONAL PLANNING FRAMEWORK

3A National Planning Framework

- (1) There is to be a spatial plan for Scotland to be known as the “National Planning Framework”.
- (2) The National Planning Framework is to set out in broad terms how the Scottish Ministers consider that the development and use of land could and should occur.
- (3) The National Planning Framework must contain—
 - (a) a strategy for Scotland's spatial development, and
 - (b) a statement of what the Scottish Ministers consider to be priorities for that development.
- (4) The framework may—
 - (a) contain an account of such matters as the Scottish Ministers consider affect, or may come to affect, the development and use of land,
 - (b) describe—

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- (i) a development and designate it, or
 - (ii) a class of development and designate each development within that class,
- a “national development”, and
- (c) contain any other matter which the Scottish Ministers consider it appropriate to include.
- (5) If the framework contains a designation under subsection (4)(b), the framework—
 - (a) must contain a statement by the Scottish Ministers of their reasons for considering that there is a need for the national development in question, and
 - (b) may contain a statement by the Scottish Ministers as regards other matters pertaining to that designation.
- (6) The Scottish Ministers are to—
 - (a) prepare and publish the framework, and
 - (b) keep it under review.
- (7) Within 5 years after publishing the framework under subsection (6)(a), the Scottish Ministers are either—
 - (a) to revise the framework, or
 - (b) to publish an explanation of why they have decided not to revise it.
- (8) If the Scottish Ministers revise the framework, they are to publish it as revised.
- (9) Within 5 years after publishing the framework under subsection (8) or an explanation either under paragraph (b) of subsection (7) or under paragraph (b) of this subsection, the Scottish Ministers are either—
 - (a) to revise the framework, or
 - (b) to publish an explanation of why they have decided not to revise it.
- (10) The Scottish Ministers are to prepare and publish an account (in this Part referred to as their “participation statement”) of when consultation as regards the preparation or review of the framework is likely to take place and with whom and of its likely form and of the steps to be taken to involve the public at large in the preparation or review.

3B Proposals for National Planning Framework: Parliamentary consideration

- (1) After complying with section 3A(10), the Scottish Ministers—
 - (a) are to lay the proposed National Planning Framework (or of the framework as proposed to be revised) before the Scottish Parliament, and
 - (b) are not to complete their preparation or revision of the framework until the period for Parliamentary consideration has expired.
- (2) In this section, the “period for Parliamentary consideration” means the period of 60 days beginning on the day on which the draft is so laid; and in reckoning that period no account is to be taken of any time during which the Scottish Parliament—

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- (a) is dissolved, or
- (b) is in recess for more than 4 days.

- (3) In preparing or revising the framework, the Scottish Ministers are to have regard to any resolution or report of, or of any committee of, the Scottish Parliament made, during the period for Parliamentary consideration, as regards the proposed framework (or as the case may be the framework as proposed to be revised).

3C National Planning Framework to be laid before Parliament

- (1) The Scottish Ministers are to lay a copy of the National Planning Framework published, or published as revised, under section 3A before the Scottish Parliament.
- (2) Together with any copy laid under subsection (1), the Scottish Ministers are to lay—
- (a) a report as to the extent to which their actings with regard to consultation and the involvement of the public at large have conformed with (or have gone beyond the requirements of) their current participation statement, and
 - (b) a statement giving details of—
 - (i) any resolution or report falling within subsection (3) of section 3B, and
 - (ii) the changes (if any) which in the light of any such resolution or report the Scottish Ministers have made to what was laid under subsection (1)(a) of that section.

3D Sustainable development: exercise of functions by Scottish Ministers

- (1) This section applies to the Scottish Ministers in the exercise of their functions of preparing and revising the National Planning Framework.
- (2) The Scottish Ministers must exercise those functions with the objective of contributing to sustainable development.
- (3) In construing the expression “sustainable development” for the purposes of this section, regard may be had to any guidance issued, for the purposes of section 3E, under subsection (3) of that section.”.

Commencement Information

II [S. 1](#) in force at 1.4.2007 by [S.S.I. 2007/130](#), art. 2(2)(3), [Sch.](#)

PART 2

DEVELOPMENT PLANS

2 Development plans

For Part 2 of the principal Act substitute—

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“PART 2

DEVELOPMENT PLANS

Sustainable development

3E Sustainable development

- (1) This section applies to a planning authority in the exercise of any function under this Part.
- (2) The planning authority must exercise the function with the objective of contributing to sustainable development.
- (3) The Scottish Ministers may issue guidance to a planning authority for the purposes of this section and that authority must have regard to any guidance so issued.

Strategic development planning

4 Strategic development planning authorities

- (1) The Scottish Ministers may by order designate a group of planning authorities as authorities which are jointly—
 - (a) to prepare a plan (to be known as a “strategic development plan”)—
 - (i) whenever required to do so by the Scottish Ministers, and
 - (ii) (subject to sub-paragraph (i) and to section 10(8)) whenever the group think it appropriate to do so,
 for an area (to be known as a “strategic development plan area”) to be determined under section 5(3), and
 - (b) to keep under review the plan so prepared.
- (2) No part of the strategic development plan area is to be outwith the districts of the designated group.
- (3) The Scottish Ministers may direct—
 - (a) that an employee of a constituent authority of the designated group is to be assigned to manage the process of preparing and reviewing the strategic development plan, and
 - (b) that other employees of the constituent authorities are to be assigned to assist in that process.
- (4) The Scottish Ministers are not to issue a direction to an authority under subsection (3) within the period of 3 months beginning with the day on which the order under subsection (1) designating the authority as a constituent authority of the designated group was made.
- (5) A group of planning authorities acting jointly by virtue of subsection (1) may be referred to as a “strategic development planning authority”; and an employee

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assigned as is mentioned in paragraph (a) of subsection (3) may be referred to as a “strategic development plan manager”.

- (6) For any strategic development plan area there is at no time to be more than one strategic development plan.
- (7) The Scottish Ministers may, for the purposes of this section, issue guidance to the constituent authorities of the designated group; and those authorities must have regard to any guidance so issued.
- (8) The Scottish Ministers may request a planning authority to provide them with information regarding arrangements for the assignment of any employee of that authority to manage, or assist in, the process of preparing and reviewing a strategic development plan and the authority must provide such information within 14 days of receipt of the request.
- (9) In carrying out their duty under paragraph (b) of subsection (1), a strategic development planning authority are in particular to monitor—
 - (a) changes in the characteristics referred to in section 7(4)(a), and
 - (b) the impact of the policies and proposals contained within the strategic development plan.
- (10) A strategic development plan authority are—
 - (a) from time to time, and
 - (b) in any event whenever they publish a main issues report by virtue of that paragraph,to publish a statement as to the carrying out by them of their duty under that paragraph.
- (11) In subsection (10), “publish” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet).

5 Strategic development plan area

- (1) Within 3 months after designation under section 4(1), the strategic development planning authority are to submit to the Scottish Ministers—
 - (a) a plan showing the boundary which the authority propose as the boundary of the strategic development plan area, and
 - (b) a statement in justification of that proposal,with the request that a determination be made under subsection (3).
- (2) If the individual planning authorities which the strategic development planning authority comprises are not unanimous as to the boundary to be proposed, any of those individual planning authorities may, in conjunction with the submission under subsection (1), submit an alternative plan and statement under that subsection.
- (3) The Scottish Ministers may determine that the boundary of the strategic development plan area is—
 - (a) a boundary proposed in a submission under subsection (1),
 - (b) any such boundary with such modifications as they think fit, or
 - (c) such other boundary as they think fit.