

Planning (Scotland) Bill – Stage 2

Before section 1

Andy Wightman

159 Before section 1, insert—

<PART

CHIEF PLANNING OFFICER

Chief planning officer

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 1 (planning authorities), insert—

“1A Chief planning officer

- (1) A planning authority must—
 - (a) appoint one of their officers as the officer responsible for performing functions under this section, and
 - (b) provide that officer with such staff, accommodation and other resources as are, in the authority’s opinion, sufficient to allow those functions to be performed.
- (2) An officer appointed under subsection (1) is to be known as the chief planning officer.
- (3) The functions of the chief planning officer are—
 - (a) to ensure that the planning authority complies with its duties and responsibilities under this Act and any other enactment in relation to the development and use of land,
 - (b) to advise the planning authority at the earliest appropriate time about—
 - (i) its duties and responsibilities under this Act and any other enactment in relation to the development and use of land,
 - (ii) the carrying out of its duties and responsibilities under this Act and any other enactment in relation to the development and use of land,
 - (iii) matters relating to community planning (within the meaning given by section 4(1) of the Community Empowerment (Scotland) Act 2015) as may affect, or come to affect, the development and use of land,
 - (iv) any other matter which may affect, or may come to affect, the development and use of land,
 - (c) such other functions as the Scottish Ministers may by regulations prescribe.
- (4) The Scottish Ministers must issue guidance on—
 - (a) how the functions mentioned in subsection (3) are to be discharged by the chief planning officer,

- (b) the outcomes to be achieved by the exercise of the chief planning officer’s functions,
 - (c) the qualifications, experience or training required by the person appointed as chief planning officer,
 - (d) how a planning authority are to promote awareness of the position of chief planning officer and its functions.
- (5) Guidance under subsection (4) may be issued for particular or general purposes.
 - (6) A planning authority and a chief planning officer are to have regard to any guidance issued under subsection (4).
 - (7) The Scottish Ministers must publish, in such a manner as they consider appropriate, guidance issued under subsection (4).
 - (8) Before issuing, revising or revoking any guidance under subsection (4), the Scottish Ministers must consult such persons as they consider appropriate.”.
- (3) In section 275, after subsection (7B) insert—
- “(7C) Regulations under section 1A(3)(c) are subject to the affirmative procedure (as defined by section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).”.>

Section 1

John Finnie

160 In section 1, page 1, line 8, at end insert—

<() After section 3A(3) insert—

“(3A) The framework must have regard to the desirability of preserving disused railway infrastructure for the purpose of ensuring its availability for possible future public transport requirements.”.>

Section 3

Alison Johnstone

161 In section 3, page 2, line 23, at end insert—

<() after subsection (2), insert—

“(2A) A local development plan is to include a statement of the planning authority’s policies and proposals as to the provision of public conveniences.”.>

Alison Johnstone

162 In section 3, page 2, line 23, at end insert—

<() after subsection (2), insert—

“(2A) A local development plan is to include a statement of the planning authority’s policies and proposals as to the provision of water refill locations.”.>

John Finnie

163 In section 3, page 2, line 23, at end insert—

<() after subsection (3) insert—

“(3A) A local development plan must have regard to the desirability of preserving disused railway infrastructure for the purpose of ensuring its availability for possible future public transport requirements.”.>

After section 16

John Finnie

164 After section 16, insert—

<Development orders: use of land as Gypsy and Traveller site

Development orders: use of land as Gypsy and Traveller site

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 30 (development orders: general), after subsection (2) insert—

“(2A) Without prejudice to the generality of subsection (1), the Scottish Ministers must by regulations or by order provide for the granting of planning permission for a development which consists of the use of land as a Gypsy and Travellers site, where such use is in accordance with the development plan for the time being applicable to the area to which the application relates.”.>

Andy Wightman

165 *In substitution for amendment 89—*

After section 16, insert—

<Development orders: private ways

Development orders: private ways

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 30 insert—

“30A Development orders: private ways

- (1) A development order under section 30 may not grant planning permission for development which consists of the formation or alteration of a private way on land which is—
 - (a) used for shooting or other field sports,
 - (b) in—
 - (i) a national park,
 - (ii) a designation under the Nature Conservation (Scotland) Act 2004,
 - (iii) a battlefield included in the inventory of battlefields compiled and maintained under section 32B of the Ancient Monuments and Archaeological Areas Act 1979,
 - (iv) a national scenic area.”.>

After section 19

John Finnie

166 After section 19, insert—

<Planning obligations: publication

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 75 (planning obligations), after subsection (4), insert—

“(4A) A planning authority are to publish and promote a relevant instrument in such a manner as they consider sufficient to ensure that it is brought to the attention of residents of the area or district to which the relevant planning obligation relates.”.>