

*Status: This version of this provision is prospective.*

*Changes to legislation: Planning (Scotland) Act 2019, Section 12 is up to date with all changes known to be in force on or before 22 July 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*



# Planning (Scotland) Act 2019

## 2019 asp 13

### PART 1

#### DEVELOPMENT PLANNING

##### *Development planning*

PROSPECTIVE

#### **12 Amendment of National Planning Framework and local development plans**

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 3CB insert—

##### **“3CC Amendment of National Planning Framework**

- (1) The Scottish Ministers may at any time amend the National Planning Framework.
- (2) Section 3AC applies to amending the National Planning Framework as it applies to preparing or revising it.
- (3) The Scottish Ministers must by regulations set out the circumstances in which they consider that an amendment would result in a significant change to the policies and proposals for the development and use of land of the most recent National Planning Framework such that would require that the National Planning Framework should be reviewed and revised under sections 3AA to 3CA.
- (4) The Scottish Ministers may by regulations make further provision about amendments under subsection (1).
- (5) Regulations under subsection (4) may in particular make provision—
  - (a) about the procedures to be followed,
  - (b) about the consultation to be undertaken on proposed amendments,

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- (c) about when the amendments take effect,
- (d) about the publication of the amended framework,
- (e) about the laying of the amended framework before the Scottish Parliament.”.

(3) After section 20A insert—

**“20AA Amendment of local development plan**

- (1) A planning authority may at any time amend a local development plan constituted for their district.
- (2) The Scottish Ministers may direct a planning authority to exercise their power under subsection (1) in relation to matters specified in the direction.
- (3) A direction under subsection (2) must set out the Scottish Ministers' reasons for requiring an amendment to the local development plan.
- (4) In preparing an amendment to a local development plan, a planning authority—
  - (a) are to take into account—
    - (i) the National Planning Framework,
    - (ii) any local outcomes improvement plan (within the meaning of section 6 of the Community Empowerment (Scotland) Act 2015) for the part of their district to which the local development plan relates,
  - (b) are to have regard to such information and considerations as are prescribed, and
  - (c) may have regard to such other information and considerations as appear to them to be relevant.
- (5) The Scottish Ministers may by regulations make further provision about amendments under subsection (1).
- (6) Regulations under subsection (5) may in particular make provision—
  - (a) about the procedures to be followed,
  - (b) about the consultation to be undertaken on proposed amendments,
  - (c) about when the amendments take effect,
  - (d) about the publication of the amended plan.
- (7) Regulations under subsection (5) may provide that sections 16A to 20A apply to an amendment to a local development plan as they apply to a local development plan subject to such modifications as are specified in the regulations.”.

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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](#)