*Draft Regulations laid before the Scottish Parliament under section 275(7BA) of the Town and Country Planning (Scotland) Act 1997 for approval of the Scottish Parliament.*

DRAFT SCOTTISH STATUTORY INSTRUMENTS

# 2024 No.

# TOWN AND COUNTRY PLANNING

## The Town and Country Planning (Amendment of National Planning Framework) (Scotland) Regulations 2024

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| *Made - - - -* | *2024* |
| *Coming into force - -* | *5th December 2024* |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 3CC(3) and (4) of the Town and Country Planning (Scotland) Act 1997(**a**), section 59 of the Planning (Scotland) Act 2019(**b**) and all other powers enabling them to do so.

In accordance with section 275(7BA) of the Town and Country Planning (Scotland) Act 1997, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament

### Citation and commencement

**1.** These Regulations may be cited as the Town and Country Planning (Amendment of National Planning Framework) (Scotland) Regulations 2024 and come into force on 5 December 2024.

### Interpretation

**2.** In these Regulations—

"the Act" means the Town and Country Planning (Scotland) Act 1997,

"key agencies" means the bodies listed in regulation 25(2) of the Town and Country Planning (Development Planning ) (Scotland) Regulations 2023(**c**).

### Amendment of the National Planning Framework: Considerations

**3.**—(1) When considering proposed amendments to the National Planning Framework the Scottish Ministers must have regard to relevant policies and strategies, including (to the extent that they are relevant to the proposed amendments)—

(a) any national strategy and action plan for housing prepared by the Scottish Ministers,

(b) any infrastructure investment plan prepared by the Scottish Ministers to set out their priorities for the development of public infrastructure,

(c) any national transport strategy prepared by the Scottish Ministers,

(**a**) 1997 c. 8. Section 3CC was inserted by section 12 of the Planning (Scotland) Act 2019 (asp 13).
(**b**) 2019 asp 13.
(**c**) S.S.I. 2023/101.

(d) any strategic transport projects review prepared by the Scottish Ministers to set out their priorities for transport investment,

(e) the land use strategy prepared under section 57 of the Climate Change (Scotland) Act 2009(**a**),

(f) the programme for adaptation to climate change prepared under section 53 of the Climate Change (Scotland) Act 2009(**b**),

(g) any national strategy in respect of the improvement of air quality prepared by the Scottish Ministers,

(h) any land rights and responsibilities statement prepared under section 1 of the Land Reform (Scotland) Act 2016(**c**),

(i) any national strategy or action plan for the ownership or use of land prepared by the Scottish Ministers,

(j) the national marine plan prepared under section 5 of the Marine (Scotland) Act 2010(**d**).

(2) The Scottish Ministers must, where relevant to the proposed amendments, have regard to the desirability of—

(a) settling rural areas that have become depopulated,

(b) preserving disused railway infrastructure for the purpose of ensuring its availability for possible future public transport requirements,

(c) preserving peatland.

**Publication and consultation**

**4.**—(1) If the Scottish Ministers propose to amend the National Planning Framework, the Scottish Ministers must—

(a) lay before the Scottish Parliament a document setting out the draft proposed amendments to the National Planning Framework,

(b) publish on the internet—

(i) a copy of that document, and

(ii) a notice containing the information specified in paragraph (2),

(c) send a notice containing that information to—

(i) the key agencies,

(ii) every planning authority.

(2) The information is—

(a) a statement that it is proposed to amend the National Planning Framework and how the draft proposed amendments may be inspected,

(b) a brief description of the content and purpose of the proposed amendments,

(c) details of how further information may be obtained regarding the draft proposed amendments, including that a document setting out the draft proposed amendments is to be published on the internet under paragraph (1)(b)(i),

(d) a statement that any person wishing to do so may make representations on the draft proposed amendments before the end of the period for representations, and

(e) information as to how and to whom any representations should be made including information stating when the period for representations ends.

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(**a**) 2009 asp 12.
(**b**) 2009 asp 12, section 53 was amended by section 25 of the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (asp 15).
(**c**) 2016 asp 18.
(**d**) 2010 asp 5.

(3) The period for representations is to be a period of at least 12 weeks beginning with the date on which the document setting out the draft proposed amendments is laid before the Scottish Parliament and in calculating that period no account is to be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.

(4) The Scottish Ministers are to have regard to representations made within the period for representations in formulating any final proposed amendments to the National Planning Framework.

**Adoption of amendments**

**5.**—(1) The Scottish Ministers may not adopt amendments to the National Planning Framework until—

(a) the Scottish Ministers have laid before the Scottish Parliament a document setting out the final proposed amendments together with an explanatory document, and

(b) the amendments set out in that document have been approved by resolution of the Scottish Parliament.

(2) The explanatory document to be laid under paragraph (1)(a) must set out—

(a) a summary of any representations received as a result of the consultation undertaken in accordance with regulation 4,

(b) the changes (if any) made to the draft amendments as a result of those representations.

**Publication of National Planning Framework as amended**

**6.**—(1) As soon as practicable after amendments to the National Planning Framework are adopted the Scottish Ministers are to publish—

(a) a copy of the document setting out the final proposed amendments as approved by resolution of the Scottish Parliament, and

(b) the National Planning Framework as amended by those approved amendments.

(2) The amendments to the National Planning Framework take effect on publication under paragraph (1)(b) of the National Planning Framework as amended by the approved and adopted amendments.

(3) For the purposes of section 24(3) of the Act, where a provision of the National Planning Framework is amended under section 3CC of the Act the date of that provision is the date on which the National Planning Framework as amended is published under paragraph (1)(b).

**Review of National Planning Framework: circumstances**

**7.**—(1) The circumstances in which the Scottish Ministers 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 of the Act are as set out in paragraph (2).

(2) The circumstances are that the proposed amendments to the most recent National Planning Framework would, if made, result in changes to—

(a) more than one half of the national planning policies, or

(b) more than one half of the national development designations.

(3) In paragraph (2)—

(a) the reference to changes is a reference to textual amendments to the wording of, or the removal of, a national planning policy or a national development designation,

(b) "national planning policies" means the 33 policies set out in Part 2 of the National Planning Framework, including their policy principles, and a "national planning policy" means one of those 33 policies and its policy principle,

(c) "national development designations" means the 18 numbered descriptions of classes of development and designation of development within those classes as national development set out in Annex B to the National Planning Framework and a "national development designation" means one of those 18 numbered descriptions and designations.

*Name*
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
Date

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision in connection with amendment of the National Planning Framework under section 3CC(1) of the Town and Country Planning (Scotland) Act 1997 ("the Act").

Regulation 3 sets out policies, strategies and other matters to which the Scottish Ministers must have regard where relevant to the proposed amendments to the National Planning Framework. These mirror the policies, strategies and matters to which regard must be had by the Scottish Ministers under section 3AB(3) of the Act when preparing a revised National Planning Framework.

Regulation 4 sets out the requirements for publication and consultation on draft proposed amendments to the National Planning Framework. These include a requirement to lay before the Scottish Parliament a document setting out the draft proposed amendments. Regulation 5 requires that the final proposed amendments are approved by the resolution of the Scottish Parliament before they may be adopted.

Regulation 6 requires that following the adoption of amendments to the National Planning Framework that the Scottish Ministers publish both a copy of the document setting out the final proposed amendments as approved by resolution of the Scottish Parliament, and the National Planning Framework as amended by those approved amendments. Regulation 6(2) provides that the amendments to the National Planning Framework take effect on publication of the National Planning Framework as amended. Regulation 6(3) makes provision for how section 24(3) of the Act is to apply to amended provisions of the National Planning Framework.

Regulation 7 sets out the circumstances in which the Scottish Ministers consider that amendments to the National Planning Framework would result in a significant change to it such that the National Planning Framework should be reviewed and revised.

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