POLICY NOTE

THE PLANNING (SCOTLAND) ACT 2019 (COMMENCEMENT NO. 4 AND TRANSITIONAL PROVISION) REGULATIONS 2020

SSI 2020/67 (C. 5)

The above instrument was made in exercise of the powers conferred by section 63(2) and (3) of the Planning (Scotland) Act 2019. The instrument is not subject to any Parliamentary procedure.

The instrument brings into force the requirement for certain types of development to include a Changing Places Toilet, in order to obtain planning permission. It also brings into force powers to make regulations about short term let control areas.

Policy Objectives

Regulation 2(2)(b) brings into force provisions relating to Changing Places Toilets, which are toilets suitable for use by people with more complex care needs for whom standard accessible toilets are not adequate. Section 26 of the Planning (Scotland) Act 2019 ("the Act") inserts section 41B into the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"). This provides that a planning authority may grant planning permission for specified types of development only if they include a toilet facility meeting the specified description. The requirement will come into force on 18 May 2020. Regulation 3 provides that the requirement will not apply to any application for planning permission made before that date.

Note that the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 amend the types of development and the description of the facility required, and provide that the requirement does not apply to developments below a specified floor area or capacity.

Regulation 2(2)(a) and (c) and (3) bring into force section 17, 62 and paragraph 9 of schedule 2 of the Act for the purposes of making regulations under section 26B(5) of the 1997 Act, inserted by section 17 of the Act. Section 62 and paragraph 9 of schedule 2 of the Act provide that the regulations are subject to affirmative procedure.

Consultation

As these regulations only bring into force provisions of the Act, no consultation has been carried out in relation to this instrument.

Impact Assessments

As these regulations only bring into force provisions of the Act, no impact assessments have been carried out in relation to this instrument.

Financial Effects

The Minister for Local Government, Housing and Planning confirms that no BRIA is necessary, as the instrument only brings into force the provisions of the Act and in itself has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Local Government and Communities

March 2020