

**PLANNING (SCOTLAND) BILL**  
**AMENDMENTS TO BE MOVED AT STAGE 2**

In section 7, page 6, line 19, add at end –

<( ) A direction under subsection (2) must—

(i) be in writing, and

(ii) be published in such manner as the Scottish Ministers consider appropriate as soon as reasonably practicable after it is given.>

Effect

This amendment inserts a requirement for publication of a direction.

Reason

This Bill does not provide for publication of directions given by Scottish Ministers to a planning authority under this section. By requiring such directions to be published, this introduces increased accountability of the decision taken by Scottish Ministers.

**PLANNING (SCOTLAND) BILL**  
**AMENDMENTS TO BE MOVED AT STAGE 2**

In section 10, page 13, line 22, add at end –

<( ) A direction under sub-paragraph (1) must—

(i) be in writing, and

(ii) be published in such manner as the Scottish Ministers consider appropriate as soon as reasonably practicable after it is given.>

Effect

This amendment inserts a requirement for publication of a direction.

Reason

This Bill does not provide for publication of directions given by Scottish Ministers to a planning authority under this section. By requiring such directions to be published, this introduces increased accountability of the decision taken by Scottish Ministers.

**PLANNING (SCOTLAND) BILL**  
**AMENDMENTS TO BE MOVED AT STAGE 2**

In section 10, page 18, line 8, add at end –

<( ) A direction under sub-paragraph (1) must—

(i) be in writing, and

(ii) be published in such manner as the Scottish Ministers consider appropriate as soon as reasonably practicable after it is given.>

Effect

This amendment inserts a requirement for publication of a direction.

Reason

This Bill does not provide for publication of directions given by Scottish Ministers to a planning authority under this section. By requiring such directions to be published, this introduces increased accountability of the decision taken by Scottish Ministers.

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In section 25, page 39, line 33, add at end –

<( ) A direction under subsection (1) or (3) must—

(i) be in writing, and

(ii) be published in such manner as the Scottish Ministers consider appropriate as soon as reasonably practicable after it is given.>

Effect

This amendment inserts a requirement for publication of a direction.

Reason

This Bill does not provide for publication of directions given by Scottish Ministers to a planning authority under this section. By requiring such directions to be published, this introduces increased accountability of the decision taken by Scottish Ministers.

**PLANNING (SCOTLAND) BILL**  
**AMENDMENTS TO BE MOVED AT STAGE 2**

In section 26, page 43, line 20, add at end –

<( ) A direction issued under subsection (1) or any variation or revocation of such a direction must be in writing.>

Effect

This requires any direction, or variation or revocation of a direction given under this section to be in writing.

Reason

There is currently a requirement for publication of any direction, or variation or revocation of a direction under this section of the Bill but it is not specified that this must be in writing. This amendment clarifies the manner in which the document is to be published.

**PLANNING (SCOTLAND) BILL**  
**AMENDMENTS TO BE MOVED AT STAGE 2**

In section 26, page 43, line 23, add at end –

<in such manner as the Scottish Ministers consider appropriate and as soon as reasonably practicable after it is given.>

Effect

This amendment inserts conditions for publication of a direction, variation of or revocation of a direction.

Reason

The Bill provides for publication of a direction, variation of or revocation of a direction given by Scottish Ministers to a planning authority under this section. The Bill does not however specify the format for publication or the detail the time at which this is to be done. This amendment provides such information, requiring timely publication which accountability.

**PLANNING (SCOTLAND) BILL**  
**AMENDMENTS TO BE MOVED AT STAGE 2**

In section 30, page 44, line 34, leave out <the schedule> and insert <schedule 1>

Effect

This amendment clarifies which of the Bill's schedules is being referred to.

Reason

The Bill as introduced contains two schedules, however section 30 refers to "the schedule". This amendment will clarify the intention to refer to schedule 1.

**PLANNING (SCOTLAND) BILL**  
**AMENDMENTS TO BE MOVED AT STAGE 2**

In section 30, page 44, line 34, add at end –

**<Review of operation of Act**

(1) The Scottish Ministers must, as soon as practicable after the end of the period of 3 years from the date on which this part of the Act comes into force, review the operation of Part 5 and Schedule 1 of the Act.

(2) Before the end of the period of 4 years from the date on which this part of the Act comes into force, the Scottish Ministers must lay before the Scottish Parliament a report on the review carried out under subsection (1).

(3) The report must include a statement by the Scottish Ministers setting out—

(a) in the event that they have not already done so, whether they intend to bring forward regulations under section 27 of the Act,

(b) where no such regulations are to be brought forward, their reasons for not doing so, and

(c) whether they intend to bring forward proposals to modify any provision of this Part of the Act.

(4) The Scottish Ministers must, as soon as practicable after a report has been laid before the Parliament, publish the report in such a manner as they consider appropriate.>

**Effect**

This amendment inserts a review requirement in relation to the infrastructure levy powers.

**Reason**

As the Local Government and Communities Committee noted in its stage 1 report on the Bill, “it is not good legislative practice for powers to be granted only for them to either lie on the statute books unused or for subsequent governments to seek to use them many years later, potentially in ways not originally envisaged.”

For these reasons, we consider that there would be merit in the Bill including a clause requiring the Scottish Government to review the operation of the parts of the Act relating to infrastructure levy and require them to lay a report on this review before the Parliament. Such review gives opportunity for scrutiny of the Government’s decisions relating to this Part of the Bill and enhances accountability. The time periods for review and for laying a report of

the review are considered to allow sufficient time for the legislation to be enacted while ensuring matters are kept under review in a timeous manner.