

MASTERPLAN CONSENT AREA STATEMENT

1.0 EXECUTIVE SUMMARY

- 1.1 The Planning (Scotland) Act 2019 introduced Masterplan Consent Areas (MCAs) as a new upfront consenting mechanism for development proposals. As well as planning consent an MCA can also potentially grant Roads Construction Consent, Conservation Area Consent and Listed Building Consent.
- 1.2 A separate report is with this PPSL that addresses the proposed response to the Scottish Government consultation on the proposed Masterplan Consent Area Regulations.
- 1.3 The 2019 Act introduces a duty on planning authorities to periodically (at least once in each 5 year period) consider the desirability of making an MCA scheme for a part or parts of their district and to publish a statement of how they have fulfilled this duty.
- 1.4 The proposed statement at appendix 1 provides background information on MCAs and sets out that, given that the MCA regulations are not yet in force, the planning authority has not identified or assessed potential MCA locations but that this will be reconsidered once the legal basis is in place and at an appropriate point in the monitoring of Local Development Plan 2.

RECOMMENDATIONS

It is recommended that the PPSL:

- i) approve the publication of the statement set out at **appendix 1** relating to the duty to consider the desirability of making an MCA scheme.

**SCOTTISH GOVERNMENT CONSULTATION: MASTERPLAN CONSENT AREA
REGULATIONS**

2.0 INTRODUCTION

- 2.1 The Planning (Scotland) Act 2019, which made changes to the Town and Country Planning (Scotland) Act 1997, introduced Masterplan Consent Areas (MCAs) as a new upfront consenting mechanism for development proposals. The 2019 Act amends the 1997 Act to insert new sections and a new Schedule relating to MCAs.
- 2.2 An MCA would grant planning consent for the development set out within the MCA Scheme documents, subject to any conditions attached. MCAs are similar to Simplified Planning Zones that are already provided for in the 1997 Act but with expanded powers. MCAs are broader in scope as they can potentially give authorisation for Planning Consent, Roads Construction Consent, Conservation Area Consent and Listed Building Consent (if the scheme so provides). Within an adopted MCA, development could be brought forward without the need for an application for the above types of consent if it is in line with the agreed scheme.
- 2.3 A separate report is with this PPSL that addresses the proposed response to the Scottish Government consultation on the proposed Masterplan Consent Area Regulations.
- 2.3 There is no actual requirement on the Council to make an MCA although through the legislation introduced by the 2019 Act Scottish Ministers can direct a local planning authority to make one. The 2019 Act does introduce a duty on planning authorities to periodically (at least once in each 5 year period) consider the desirability of making an MCA scheme for a part or parts of their district:

“5(1)Each planning authority must, at least once in each 5-year period, consider whether it would be desirable to—

- (a) make a scheme for a part or parts of their district,*
(b) alter a scheme that relates to an area in their district.”

3.0 RECOMMENDATIONS

3.1 It is recommended that the PPSL:

- i) approve the publication of the statement set out at **appendix 1** relating to the duty to consider the desirability of making an MCA scheme.

4.0 DETAIL

4.1 The measurement of the 5 year period within which the planning authority must consider whether it would be desirable to make an MCA scheme is set out in the 2019 Act and begins with the 5 year period from the day on which the Act received Royal Assent (25th July 2019). The first 5 year period therefore ends on 24th July 2024.

4.2 To provide transparency to the consideration and decision, planning authorities are required to publish a statement as a formal record of how they have fulfilled the duty. This statement needs to set out what has been decided and the reasons for the decision:

“5(3) After each occasion on which an authority consider the matters mentioned in sub-paragraph (1), they must publish a statement setting out— (a) what they decided, and (b) the reasons for their decision.”

4.3 Although most of the MCA provisions in the 2019 Act have not yet been commenced (and therefore do not yet have legal effect) the provision relating specifically to the duty to consider making an MCA has been brought into force in order that authorities are able to publish their first statement within that 5 year time frame.

4.4 The Chief Planning Officer for Scotland has issued a letter to planning authorities setting out the importance of planning authorities publishing their statement by the deadline to preserve and provide for when the 5-year clock for the next statement runs from.

4.5 The letter from the Chief Planning Officer includes some guidance and suggested text to assist planning authorities in publishing their first statement. The suggested text provides wording relating to background information on MCAs and two potential approaches regarding the duty to consider making MCA schemes. In summary, these two suggested potential approaches are:

- Either, to publish information regarding any initial discussions that may have taken place with landowners or such like regarding an MCA and any intentions to take these forward once the legal provisions to create MCAs are in force.
- Or, given that the MCA regulations (subject to the current consultation) are not yet in force that potential locations for an MCA have not yet been identified or assessed and that this will be reconsidered once the legal basis is in place.

- 4.6 Whilst the Council is free to take its own approach the latter suggested approach within the Chief Planner's letter is considered appropriate as; there have been no discussions to date with landowners or other interested parties regarding the making of an MCA scheme, the MCA regulations are not yet in place and no potential locations have been identified or assessed. Appropriate consideration will need to be made during the next 5 year period at which point the legal basis (through the full implementation of the 2019 Act and the proposed associated regulations) will be in place. This assessment can also be made at an appropriate point in relation to the monitoring of adopted Local Development Plan 2.
- 4.7 The proposed statement to be published is set out at **appendix 1**. The wording, with some amendments, draws from that set out within the suggested text contained in the letter from the Chief Planning Officer.

5.0 CONCLUSION

- 5.1 The Planning (Scotland) Act 2019 introduced Masterplan Consent Areas (MCAs) as a new upfront consenting mechanism for development proposals. As well as planning consent an MCA can also potentially grant Roads Construction Consent, Conservation Area Consent and Listed Building Consent.
- 5.2 The 2019 Act introduces a duty on planning authorities to periodically (at least once in each 5 year period) consider the desirability of making an MCA scheme for a part or parts of their district and to publish a statement of how they have fulfilled their duty.
- 5.3 The proposed statement at appendix 1 provides background information on MCAs and sets out that, given that the MCA regulations are not yet in force the planning authority has not identified or assessed potential locations but that this will be reconsidered within the next 5 year period once the legal basis is in place and at an appropriate point in relation to the monitoring of adopted Local Development Plan 2.

6.0 IMPLICATIONS

- 6.1 Policy

None

6.2 Financial

None

6.3 Legal

There is a legal requirement to consider making an MCA scheme and to publish a statement of the decision.

6.4 HR

None

6.5 Fairer Scotland Duty:

6.5.1 Equalities - protected characteristics

None

6.5.2 Socio-economic Duty

None

6.5.3 Islands

None

6.6 Climate Change

None

6.7 Risk

None

6.8 Customer Service

None

6.9 The Rights of the Child (UNCRC)

None

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APPENDICES

Appendix 1 Proposed MCA statement

Appendix 1

Background / Introduction

[Part 2 \(Section 15\) of the Planning \(Scotland\) Act 2019](#) introduced Masterplan Consent Areas (MCAs) as a new proactive consenting mechanism.

Argyll and Bute Council will in future be able to prepare Masterplan Consent Area schemes (within the Council area outside of Loch Lomond and the Trossachs National Park) as part of a placemaking approach to planning and consenting. MCA schemes are a potential new way for the Council to shape new development in our area – enabling the type and quality of development we wish to come forward through a consenting masterplan, and to support delivery of development that can support local needs, priorities and outcomes.

Unlike planning applications which are typically led by a developer, the preparation of an MCA scheme would be led by the planning authority, but can be taken forward through collaboration.

The new provisions will allow the Council to prepare a MCA ‘Scheme’ setting out for particular places, the detail of what they are giving consent for, through the MCA scheme. There will be requirements for publicity and consultation on individual schemes.

MCA schemes can streamline consent, allowing issues to be considered as part of a joined up approach, they can grant:

- planning permission,
- roads construction consent,
- listed building consent, and
- conservation area consent.

Within adopted MCA areas, development could be brought forward without the need for a full application as long as it is in line with the agreed scheme.

More details about Masterplan Consent Areas are available in the [Consultation Paper on the draft MCA Regulations](#) – the Scottish Government’s consultation closed on 22 May 2024.

Consideration of the Duty to periodically consider making MCA schemes

[Part 2 of the 2019 Act \(Section 15\)](#) sets out the legal framework for preparing MCAs. The full provisions from the Act relating to MCAs and the associated regulations are not yet in force. It is anticipated that the MCA provisions will be fully in place later in 2024.

However, [Schedule 5A Paragraph 5](#) specifically has been brought into force and this requires planning authorities to consider whether it would be desirable to make a scheme for a part or parts of their district, and to publish a statement as to their consideration of that, by 25 July 2024.

Statement

As the MCA regulations are not yet in place, the Council has not yet identified or assessed potential locations for which it may be desirable to bringing forward an MCA scheme. The Council will reconsider this within a 5 year period commencing from the date of the publication of this statement once the legal basis for preparing MCAs is in place and at an appropriate point in time in relation to the monitoring of the delivery of [Local Development Plan 2](#) (adopted on 28th February 2024).

This Statement fulfils the Council’s legal requirements under Schedule 5A Paragraph 5 of the Town and Country Planning (Scotland) Act 1997, as amended.

<Insert publication date>