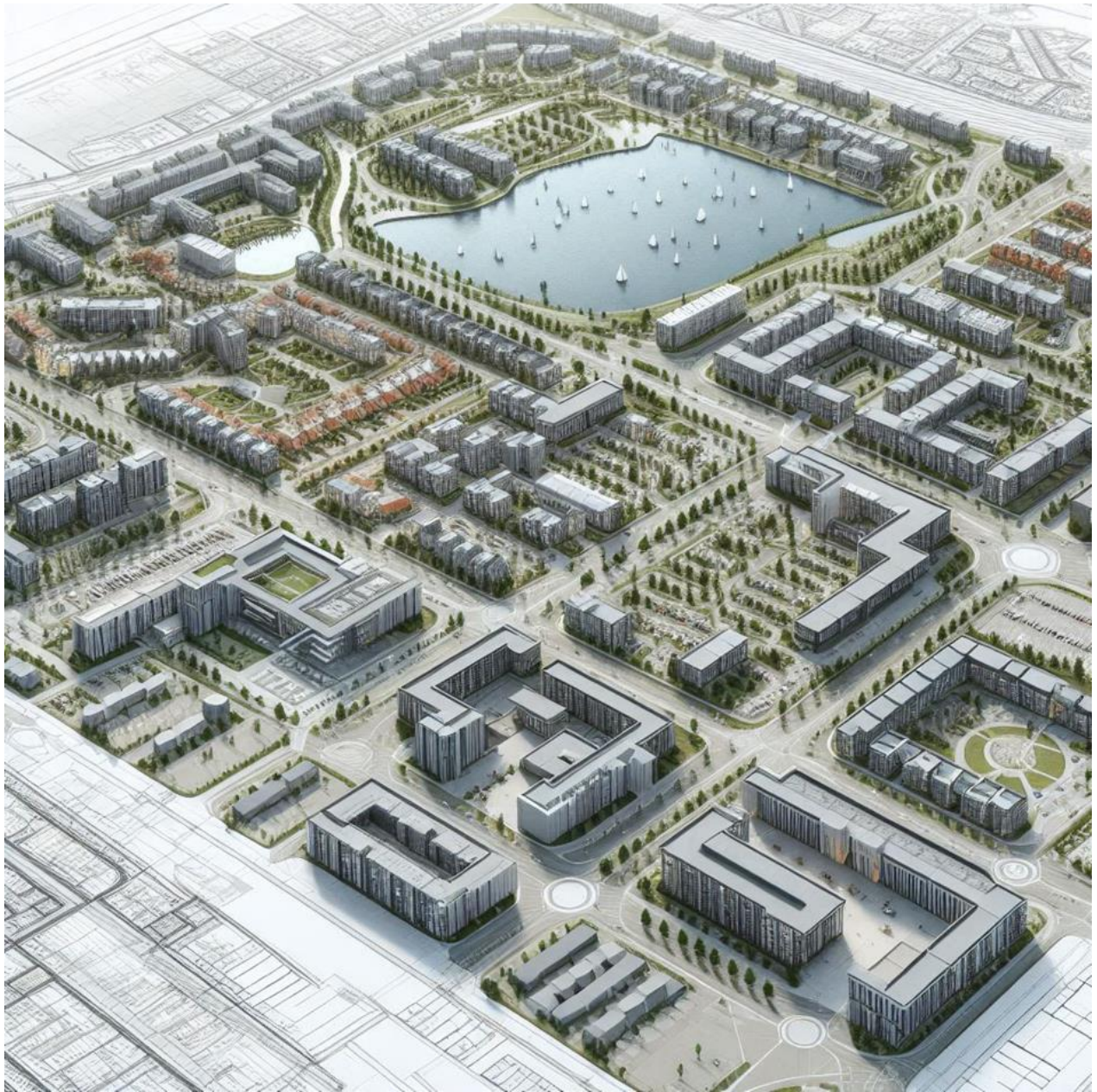


Masterplan Consent Areas Guidance



January 2025



Scottish Government
Riaghaltas na h-Alba

Contents

Introduction	3
About the guidance	3
Legislation.....	3
Further information.....	4
What?	5
What is a Masterplan Consent Area?	5
What is the status of an MCA scheme?	5
What types of consent can be provided in an MCA scheme?	6
What type of development can be authorised by an MCA scheme?	6
Why MCAs? - The Benefits	7
Place Leadership	7
Streamlined consenting.....	8
Facilitating investment in places	8
Environmental, community and design ‘checks and balances’ built in	9
Where?	10
Potential locations for MCAs	10
Places that cannot be included in a scheme	10
When?	11
Duty to periodically consider making a scheme statement.....	11
How?	12
Stage 1: Project Initiation	13
Stage 2: Consult on possible proposals.....	14
Stage 3: Prepare proposed masterplan consent area scheme and consultation ..	15
Stage 4: Finalise scheme.....	18
Stage 5: Decision-making/notification	19
Stage 6: ‘Make’ the scheme	20
Stage 7: Publicity of MCA scheme and Decision Notice	21
Alteration of an MCA scheme	21
Electronic Communication	21
Environmental Impact Assessment.....	22
Resources	23

Introduction

About the guidance

1. The purpose of this guidance is to help planning authorities prepare Masterplan Consent Area (MCA) schemes.
2. The [Town and Country Planning \(Scotland\) Act 1997](#) (the 1997 Act), and MCA regulations set the minimum processing requirements, but that does not preclude authorities from going beyond these requirements if they wish. The guidance explains and expands, where appropriate, the intention of the provisions in the legislation and Scottish Ministers' expectations for implementation of MCAs. It includes suggestions for potential considerations and offers a consistent approach for authorities when preparing MCA schemes.
3. As MCAs grant planning permission, we have sought to align procedures with the planning application process, so it may be useful for planning authorities to also refer to existing advice in [Planning Circular 3/2022: Development Management Procedures](#).
4. This guidance may be updated to reflect best practice and lessons learned as it emerges. Creative solutions and innovation, led by planning authorities and through collaboration with others, will be shared as they emerge.

Legislation

5. The legal framework for MCAs is covered in both primary and secondary legislation. The [Planning \(Scotland\) Act 2019](#) (the 2019 Act), which made changes to the 1997 Act, introduced MCAs as a new upfront consenting mechanism for development proposals. [Section 15](#) of the 2019 Act amended the 1997 Act to insert [sections 54A-F](#) and [schedule 5A](#), which relate to MCAs.
6. The 1997 Act provides that planning authorities can prepare an MCA 'Scheme' setting out the detail of what they are giving consent for, through the MCA scheme. New [section 54A](#) introduced new [schedule 5A](#) which provides more detail on the process for planning authorities making and altering MCA schemes, and gives the Scottish Ministers powers in connection with such schemes, including regulation making powers to allow the Scottish Ministers to provide further detailed requirements, and direction making powers.
7. The regulations provide additional detail on procedural requirements. The following regulations provide an aligned approach for the different consents that can be authorised in an MCA scheme, and came into force on 5 December 2024:
 - [The Town and Country Planning \(Masterplan Consent Areas\) \(Scotland\) Regulations 2024](#)
 - [The Masterplan Consent Area Scheme \(Environmental Impact Assessment\) \(Scotland\) Regulations 2024](#)

8. The [MCA Scheme \(EIA\) Regulations](#) were developed alongside the main MCA regulations to provide an integrated process and ensure environmental assessment principles can be followed. More details are provided under the [Environmental Impact Assessment](#) section.
9. Section 16 of the 2019 Act amended the 1997 Act to provide for [a bar to creation of new Simplified Planning Zones](#) (SPZs), signalling the move towards MCAs rather than SPZs.

Further information

10. Relevant legislation and further information regarding MCAs can be found within the following:
 - [Town and Country Planning \(Scotland\) Act 1997 - Section 54A-F and Schedule 5A](#)
 - [Planning \(Scotland\) Act 2019 – Section 15](#)
 - [The Town and Country Planning \(Masterplan Consent Areas\) \(Scotland\) Regulations 2024](#)
 - [The Town and Country Planning \(Masterplan Consent Areas\) \(Scotland\) Regulations 2024 - Policy Note](#)
 - [The Masterplan Consent Area Scheme \(Environmental Impact Assessment\) \(Scotland\) Regulations 2024](#)
 - [The Masterplan Consent Area Scheme \(Environmental Impact Assessment\) \(Scotland\) Regulations 2024 - Policy Note](#)
 - [MCA Consultation Paper on Draft Regulations \(February 2024\)](#)
 - [The Planning \(Scotland\) Act 2019 \(Commencement No. 13 and Saving Provisions\) Regulations 2024](#)
11. Any enquiries about this guidance should be sent to chief.planner@gov.scot.

What?

What is a Masterplan Consent Area?

12. Masterplan Consent Areas are a new consenting mechanism where the planning authority proactively sets out, and grants consent, in an MCA 'scheme' for development it wishes to be delivered, subject to any conditions. The principle behind the MCA process, in terms of it giving consent, is akin to other consenting. The main differences between the application route to planning permission and MCAs are that an MCA is led by the authority and can offer four types of consent, which can be in place for up to 10 years.
13. MCAs are broader in scope than their predecessor Simplified Planning Zones (SPZs), with refreshed and with expanded powers. MCAs will be able to:
 - grant four types of consent
 - planning permission, plus roads construction consent, listed building consent and conservation area consent – where provided for in the particular MCA scheme, rather than just planning permission
 - offering potential to streamline consents.
 - be used in a broader range of circumstances than SPZs
 - including in conservation areas, and
 - to consent Environmental Impact Assessment (EIA) development, and
 - the procedures for putting a scheme in place have been modernised.
 - shape development, with use of a masterplan and by including conditions, limitations and exceptions which may cover aspects such as development parameters, design and environmental matters.
 - include scope for authorities to recoup their costs of preparing MCA schemes from developers, through [discretionary charging](#).
14. Within adopted MCA areas, development can be carried out without the need for a full application providing it is in line with the agreed scheme.

What is the status of an MCA scheme?

15. MCA schemes grant planning permission and some other consents. While MCAs will not be part of the development plan, nor do they need to be provided for in the development plan, they are a delivery mechanism which can support delivery of the spatial strategy and policies and proposals in the development plan. However, MCA schemes can also be progressed for developments that emerge outwith the plan cycle. In line with [section 25 of the Act](#), where the planning authority is making an MCA scheme, regard is to be had to the development plan, and decisions on MCA schemes should be made in accordance with that, unless material considerations indicate otherwise.
16. The MCA scheme can grant authorisation for a range of consents once it is 'made'. If required, developers can apply to discharge conditions (similar to the approach taken for discharging conditions on planning permission albeit planning authorities have discretion on the amount chargeable – see section on [Resources](#)).




What types of consent can be provided in an MCA scheme?

17. [Section 54B](#) within the 1997 Act, provides that an MCA scheme can grant authorisation for development specified or of a description specified in the scheme. That authorisation means planning permission and additionally, if the scheme provides, roads construction consent, listed building consent and conservation area consent. For clarity, MCA schemes cannot grant planning permission in principle. Authorisation granted by a scheme is subject to any conditions, limitations and exceptions specified in the scheme.

What type of development can be authorised by an MCA scheme?

18. Given MCAs are effectively a different means of granting consent, they are a flexible tool that could support a wide range of scales and types of development needed across the country. There are no exclusions as to forms of development that cannot be consented through an MCA scheme.
19. MCAs can provide for new development such as new construction and changes to the use of land and buildings, which can contribute towards regeneration of areas. They can also provide authorisation for infrastructure, new roads and streets, energy developments, business development, new homes and services, and conversions to bring empty buildings, including listed buildings back into use. They can also permit extensions or incremental change to existing sites and buildings.
20. MCAs have significant potential to support the delivery of major projects and enable large scale infrastructure projects (including associated housing needs), including national developments, Green Freeports, green data centres and development required to support ScotWind.
21. While MCAs cannot authorise consent for renewable projects dealt with under the Electricity Act 1989, MCAs can help act as a facilitator for large renewable projects, helping bring all the required interested parties 'around the table' at an early stage of the consenting process. MCAs will be able to provide the necessary planning consents for the onshore infrastructure.
22. MCAs can be used to consent housing and will be able to unlock significant areas for housing development. Providing upfront planning consent through MCAs can allow faster build out of housing developments and required supporting infrastructure. MCAs can be used in urban areas, and to support delivery of rural homes and alternative delivery models such as custom and self-build. [Section 54C](#) specifically highlights that MCA schemes can authorise self-build housing.

Why MCAs? - The Benefits

Place Leadership 	Streamlined consenting 	Facilitating investment in places 
<ul style="list-style-type: none"> • Proactive approach, local authority takes the lead, set the bar for quality • Agreed shared vision/ambition for the place facilitate the type of development want to see come forward • Collaborative working, align efforts/new way of working: planners plan, developers develop • Place-based masterplan at core, supporting placemaking 	<ul style="list-style-type: none"> • Co-ordinated, joined up approach can provide different consents in a single authorisation (planning permission, roads construction consent, conservation area consent, listed building consent) • Engagement built into single process focussed on the project/place reduces consultation fatigue • Can be used at different scales (strategic, centres, local place) • See all the main conditions together 	<ul style="list-style-type: none"> • Supports delivery of local development plan & developments in the long-term public interest • Provides certainty - saving time, money and effort for developers, enabling delivery of investment & infrastructure • Can co-ordinate masterplanning across areas of different land ownership • Promotional tool can be used as part of marketing sites • Supports delivery of outcomes

Place Leadership

23. MCAs are a means to take forward place-based approaches. They are an important addition to the planning and placemaking toolkit, as a way for authorities to proactively shape and facilitate the type of development they want to happen in their areas.
24. MCAs will allow planning authorities to plan; front-loading consideration of design, infrastructure and environmental matters at an earlier stage in the planning process. This can allow local authorities to take a leadership role in the planning of high-quality places, rather than reacting to applications put before them.

25. They are a flexible placemaking tool, grounded in and responding to a place, and how it may change to meet local needs and outcomes. With a masterplan at their heart, MCAs are an opportunity for the authority to set its expectations around quality. MCAs can incentivise high quality development by providing a streamlined consent process for those proposals which comply with the scheme, helping to create well-designed places in line with the [Six Qualities of Successful Places identified in National Planning Framework 4](#).
26. Collaboration is an integral part of how Scottish Ministers see MCAs working. With the planning authority taking the lead, it can work with:
 - communities - taking account of local needs and aspirations,
 - investors, developers, landowners and their agents - to coordinate development, on large sites, where there may be different landowners, and to ensure the scheme's requirements are feasible and deliverable, and potentially to share work, appraisals and assessments needed to put the scheme in place; and
 - key agencies to ensure their interests are addressed.
27. MCAs are new, and we recognise that this new approach will involve a degree of culture change amongst the different parties to embrace this different way of doing things. But it is an exciting approach for planners to plan and facilitate development, and for developers to focus on delivery.

Streamlined consenting

28. MCAs offer potential to provide a holistic streamlined approach to consenting, providing planning permission, plus roads construction consent, listed building consent, and conservation area consent – where provided for in the particular MCA scheme. It also offers the ability to set out the conditions of the various consents together.
29. By dealing with the issues relating to the different types of consent, and different developments that might come forward in an area in the round, it will offer an opportunity to more meaningfully engage with the community and reduce consultation fatigue, rather than having to reconsider similar issues as part of different consenting regimes.

Facilitating investment in places

30. MCAs will be able to be used to prioritise investment in particular locations or to secure delivery of local priorities, outcomes and proposals in the local development plan (LDP). MCAs can make their areas more attractive to potential investors and developers by providing certainty and removing much of the risk.
31. The MCA scheme can also offer a degree of flexibility, so that a general consent is in place offering broad scope for developers, including investors, to take forward proposals within an area.

32. By planning authorities putting in the upfront work, including community engagement, frontloading site consideration, aligning of consents and granting permission for planned development, it can help bring forward more 'shovel ready' sites. This can help attract investment, deliver services, infrastructure and jobs and high-quality places.
33. The land covered by an MCA scheme does not need to be within the ownership of the local authority. MCAs can be used as part of collaborative working between the planning authority, landowners, developers and investors, key agencies and the community. With the planning authority taking the lead, it can take account of local needs and aspirations, and work with developers to ensure what the scheme requires is feasible and deliverable.
34. Where necessary, compulsory purchase is a useful tool to enable local authorities and other public bodies to acquire land to enable projects such as those included in MCAs, which are in the public interest, to proceed when they would otherwise not due to landownership issues.

Environmental, community and design 'checks and balances' built in

35. It is important to note that an MCA is not about over-simplifying the process, nor does it mean a loss of standards of development, amenity or protection for the environment. With the focus on a place-based masterplan, it can be tailored to the site/place. A number of 'checks and balances' are built into the process:
 - The **masterplan** in the scheme can be specifically tailored to take account of designated assets or particular character areas which could be subject to conditions to protect and enhance their unique characteristics.
 - Detailed design guidance/**conditions** can be produced upfront as part of the MCA scheme to ensure that designated assets and other valued features are preserved or enhanced.
 - **Community engagement** is fully built into the process for preparing an MCA scheme, with early engagement required (for MCA schemes which belong to the categories of national developments or major developments), and opportunities to comment on the proposed scheme, and requirement on the planning authority to take representations into account.
 - **Statutory consultees** will be consulted in the preparation of MCA schemes and will have an opportunity to comment on their content and conditions, ensuring heritage, environmental and other issues are appropriately considered upfront.
 - **Notification to Ministers** - Ministers have the power to issue directions to authorities requiring them to notify them of proposals for making or altering a scheme. Ministers can also call-in any MCA scheme for their own consideration, to provide added scrutiny if necessary.

Where?

Potential locations for MCAs

36. We see potential for MCAs to be used across Scotland, in urban, rural and island areas. MCAs have the potential to unlock significant and strategic growth areas, including of brownfield land, for housing development and to also support wider objectives including town centre renewal.
37. MCAs can support our plan-led approach, as a delivery tool for LDP spatial strategies and particular local priorities (including those identified in Local Place Plans (LPPs)), actively incentivising investment in those planned developments. Ministers will expect to see references to MCAs within LDP Delivery Programmes where appropriate, to show how the authority will facilitate and accelerate delivery of allocations or proposals within its LDP.
38. MCAs will also allow planning authorities to show leadership and react dynamically to new opportunities that may not feature within the LDP. As with proposals progressed through the planning application route, consent can be granted through MCA schemes for sites which are not allocated in the development plan, where other material considerations outweigh. MCAs can provide a regulatory framework to plan for key development priorities that emerge outwith the plan cycle, and provide an authority-led approach to providing a planning framework for such sites. In such circumstances, it will be for the planning authority to weigh up all relevant development plan policies, as well as relevant material considerations, in applying balanced planning judgement.

Places that cannot be included in a scheme

39. [Schedule 5A](#) of the 1997 Act sets out a series of designations of international and national importance which cannot be included in a scheme. This was subject to consultation with the Key Agencies Group and considered and agreed by the Scottish Parliament through the 2019 Act. These include European Sites (including Special Areas of Conservation and Special Protection Areas), marine protected areas, National Scenic Areas, Ramsar Sites, Sites of Special Scientific Interest, World Heritage Sites and their buffers, and places covered by a nature conservation order or a land management order under the Nature Conservation (Scotland) Act 2004).
40. In addition, [Regulation 9](#) ensures that no MCA scheme can grant authorisation for development which is likely to have an adverse effect on a European site in Great Britain or a European offshore marine site which is not directly connected with or necessary to the management of the site. This approach aligns with the procedure for planning permission.
41. Proposed European Sites should be afforded the same level of protection as designated European Sites, as is the case for planning applications.

When?

Duty to periodically consider making a scheme statement

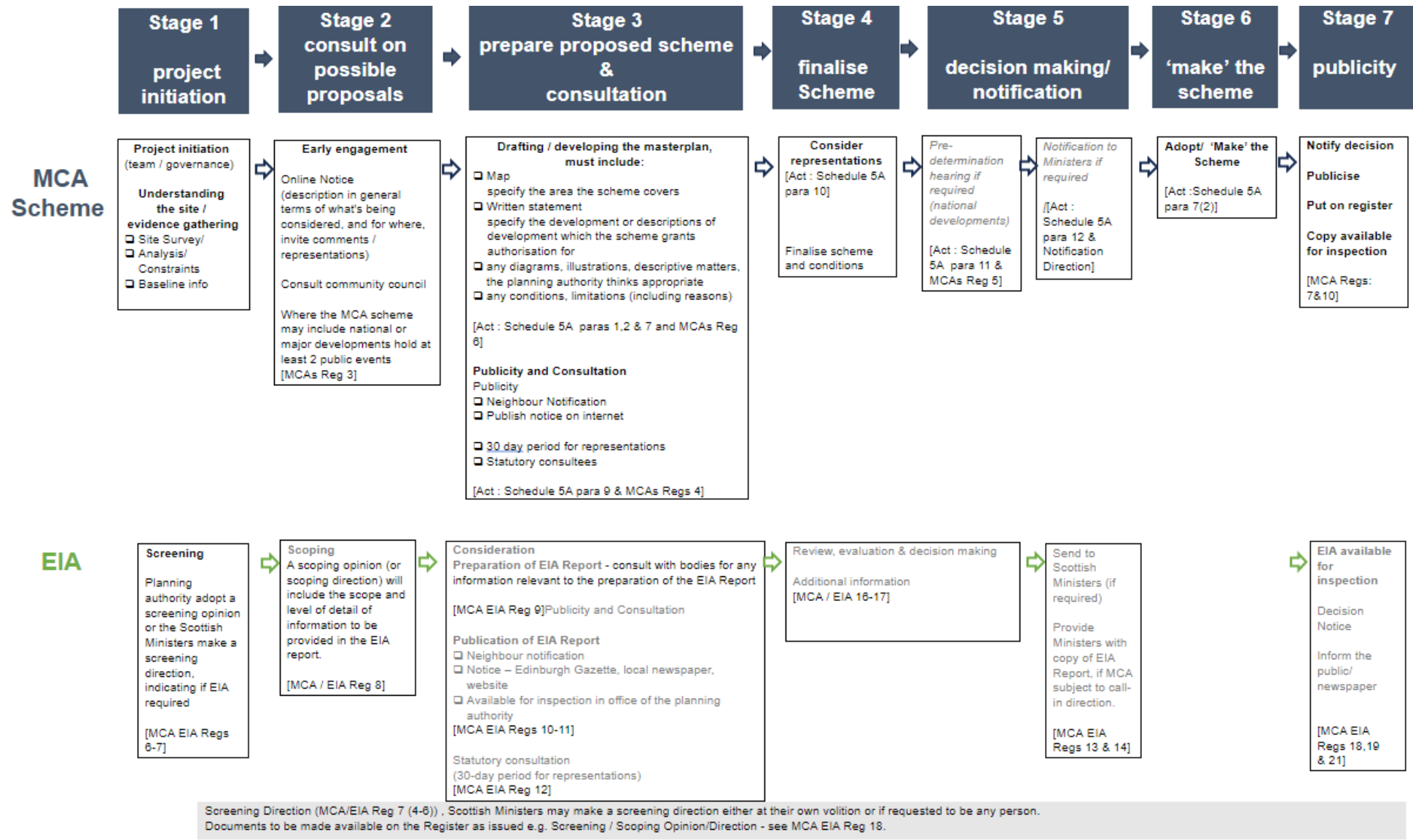
42. While planning authorities can progress an MCA at any time, they must consider whether it would be desirable to make or alter an MCA for a part or parts of their area at least once every five years ([Schedule 5A Paragraph 5](#)). The first five-year period ended in July 2024, when planning authorities were required to produce their first statements.
43. To provide transparency as to their consideration and decision, planning authorities have to publish a statement as a formal record of how they have fulfilled their duty to consider preparing MCAs. Below are suggested considerations in relation to the statement:

MCA Scheme Statement	Suggested considerations for planning authorities
(a) what information a statement must contain	<ul style="list-style-type: none">○ The areas the planning authority considered bringing an MCA forward for.○ The factors that informed its decision whether or not to prepare an MCA scheme(s).○ A summary of any engagement carried out. While not a formal consultation, this would be an opportunity for the planning authority to reflect on any discussions it may have had with stakeholders about the potential for MCAs for particular locations.
(b) how it is to be published, and	This may be published electronically on the authority's website.
(c) to whom copies of it are to be sent	Good practice for awareness and monitoring purposes, to send links to copies of the statement to: <ul style="list-style-type: none">○ Scottish Ministers (Planning, Architecture & Regeneration Directorate)○ Key agencies○ Community councils○ Any other person the planning authority considers appropriate.

44. More regular updates than every five years are encouraged to confirm the latest position and identify new MCAs being considered. LDP Delivery Programmes have to be updated at least every two years. We expect these may contain references to MCAs, and it may be appropriate to address these within an updated MCA statement. The MCA statement will also, in future, offer an opportunity to review whether existing MCA schemes need to be altered or extended.

How?

Figure 1: Preparation of Masterplan Consent Area Schemes



Stage 1: Project Initiation

Team/Governance/Collaborative Working

45. MCAs are a way for authorities to set out their stall as to the type and quality of development they want to see in their area, and consent and enable that type of development. Agreement of an appropriate council committee may be needed, both to begin preparation and formally adopt or 'make' an MCA. Local members will also be involved where there is a requirement for a hearing.
46. MCAs can be used as part of collaborative approach, with the planning authority taking the lead and working with landowners, developers and investors, key agencies and the community.
47. It was not appropriate to regulate on how planning authorities and any partners initiate the project to develop an MCA, but we expect that authorities will put together an appropriate project team for particular MCAs, as a vital first step, to give the MCA a firm foundation. This may consider suitable project management structures and internal processes, including consideration of risks. The process of masterplanning is likely to involve local authorities working together corporately in a coordinated manner, particularly in terms of planning, roads and transport.
48. Planning authorities may also wish to work closely with potential developers and investors to understand market aspirations and aspects around feasibility. In some cases, a partnership approach could be taken forward with a development partner(s) who may provide resources to carry out some of the work, for example around site investigations, EIA work, or design.
49. Planning authorities may also wish to engage with key agencies early on for advice about the particular location they are considering bringing an MCA forward for, and to explore any potential issues or wider considerations for the masterplan. This is also an opportunity to establish links and processes with statutory consultees around putting the scheme in place, and around compliance checks on any conditions.
50. In particular, where it is being considered that the MCA scheme may give listed building and/or conservation area consent, planning authorities are encouraged to contact Historic Environment Scotland early on. As conservation area consent is in relation to demolition, it will be vital to consider the tests for demolition early on, as further steps may need to be taken well in advance for example around advertising/marketing the property for six months.

Understanding the site/area

51. Good design depends on thoroughly understanding the site and its context. It will be important to put effort into this early evidence gathering stage, and to collate relevant baseline information.

52. Planning authorities would be expected to analyse the site/area, which may include a site survey and ground investigations. This is likely to consider constraints and opportunities and any special features. It should take an infrastructure first approach. In most cases there will be a need to assess its physical/environmental characteristics, social factors and economic needs. Further advice around considering context, identity and connections is available in [Planning Advice Note 83: Masterplanning](#), and within other tools such as the [Place Standard Design Version](#).
53. Planning authorities may also wish to engage early on with infrastructure providers, utility companies, and local communities and groups.

Stage 2: Consult on possible proposals

Consultation on possible proposals for a masterplan consent area scheme

online notice

54. The planning authority must consult on its early possible proposals for an MCA scheme. Under [Regulations 3\(3\) and \(5\)](#), it must publish on the internet:
- a map showing the area in respect of which the planning authority are considering making a masterplan consent area scheme, and
 - a notice containing the following information –
 - (a) a description in general terms of the development in respect of which the planning authority are considering the formulation of proposals for a masterplan consent area scheme,
 - (b) a description of the area in respect of which the planning authority are considering making a masterplan consent area scheme and a statement that that a map showing that area is to be published on the internet,
 - (c) information as to how, to whom and by what date representations may be made in respect of proposals to make a masterplan consent area scheme,
 - (d) the date and place of the public events (where required, see paragraphs 57-59 below).

consultation with community councils

55. The planning authority must send a notice containing the above information to the community council, if one exists for the area, where the planning authority is considering making a masterplan consent area scheme [\[Reg 3\(4\)\]](#). Planning authorities may also wish to send the notice to Local Place Plan groups, community and interest groups, development trusts, neighbouring community councils, with interests in the area, and to owners and occupiers.

representations

56. Planning authorities must have regard to any valid representations received from anyone consulted. For a representation to be treated as valid it must be made on or before the date specified in the notice.

public events (where the MCA scheme may include national or major developments)

57. Where the planning authority considers that its proposals for an MCA scheme may include national or major developments [\[Reg 3\(6\)\]](#), it must also hold at least two public events where members of the public may make comments on the proposals to make an MCA scheme [\[Reg 3\(2\)\]](#).
58. This is an equivalent requirement to pre-application consultation (PAC) for planning applications for national and major developments. [Regulation 3](#) is similar to the PAC requirements set out in [Regulation 7](#) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (DMR) and so it may be useful for planning authorities to refer to Chapter 2 of [Planning Circular 3/2022: Development Management Procedures](#), including paragraphs 2.11 – 2.18.
59. Appropriate notice of the events must be given [\[Reg 3\(5\)\(d\)\]](#). There should be at least 7 days from the date of the notice to the first event, and at least 14 days between the first and final event [\[Reg 3\(7\)\]](#). At the final public event, the planning authority must provide feedback to members of the public in respect of comments received as regards proposals to make the MCA scheme [\[Reg 3\(8\)\]](#).

Stage 3: Prepare proposed masterplan consent area scheme and consultation

Form and content of MCA schemes

60. Requirements on the form and content of MCA schemes are set in the [Schedule 5A paragraph 1](#) and [Regulation 6](#). An MCA scheme is to consist of:
 - **a map** ([Schedule 5A para 1\(1\)\(a\)](#))
Maps should be in a format which is easy to understand by all interested parties, for example clearly showing the proposed location, types and scale of development proposed.
 - **a written statement** ([Schedule 5A para 1\(1\)\(b\)](#))
 - a scheme must specify— ([Schedule 5A para \(2\)](#)).
 - the area to which the scheme relates,
 - the development, or descriptions of development, for which the scheme grants authorisation,
 - the date on which the scheme comes into effect,
 - the date on which the scheme ceases to have effect.
(This cannot be more than 10 years after the scheme comes into effect) [Schedule 5A para \(4\)](#)
 - authorisation granted by a scheme is subject to any conditions, limitations and exceptions specified in the scheme ([section 54B \(2\)\(a\)](#)).
 - reasons for conditions, limitations or exceptions – this is a requirement of [Regulation 6](#) in the interests of transparency and to reflect the requirement for reasons for conditions attached to planning application consents.

- **such diagrams, illustrations and other descriptive matter** as the relevant planning authority thinks appropriate for explaining or illustrating the scheme's provisions ([Schedule 5A para 1\(1\)\(c\)](#)).

Conditions

61. Conditions within an MCA scheme should follow the tests within [Planning Circular 4/1998: The Use Of Conditions In Planning Permissions](#). Conditions must be used sensibly and proportionately, where required, in order to ensure that the whole rationale for an MCA is not undermined by an excessive use of conditions. Conditions could be used to offer a degree of flexibility, so that a general consent is in place offering broad scope for developers, including investors, to take forward proposals within the MCA scheme. Obtaining a planning authority's consent for development to begin may be specified as a condition of authorisation being conferred by a scheme.
62. Conditions or planning obligations can be used to secure developer contributions, though these should be market-facing and proportionate to avoid MCA schemes that are too restrictive or onerous, and should be in line with the tests within [Planning Circular 4/1998](#) and [Planning Circular 3/2012](#).
63. When preparing conditions for MCA schemes it may be useful for planning authorities to refer to Annex G of [Planning Circular 3/2022: Development Management Procedures](#), most notably paragraph 16.
64. If a developer wanted to pursue a development proposal that did not comply with the MCA scheme, they would have to apply for planning permission, and pay the fee, in the usual way. Planning authorities have a range of enforcement powers available to them and can use these as they consider appropriate to remediate any breaches of planning control. Powers range from requiring retrospective consent through to requiring complete removal or cessation of the unauthorised development.
65. MCA schemes may include informatives or annexes directing developers to other consents and their associated timescales, that may be required, e.g. Advertisements, Building Warrants, Hazardous Substances Consent or SEPA environmental authorisations.

Consultation on proposed masterplan consent area scheme

66. Once the planning authority has drafted the proposed MCA scheme, there is a formal 30-day consultation. These consultation requirements are covered by [Regulation 4](#) of the MCA Regulations.

Notice on the internet

67. The planning authority must, under [Reg 4\(2\)](#) and [4\(4\)](#), publish on the internet:
 - a copy of the proposed masterplan consent area scheme, and
 - a notice containing the following information:

- a) a statement that the proposed masterplan consent area scheme has been prepared and how it may be inspected,
 - b) a brief description of the content and purpose of the proposed masterplan consent area scheme,
 - c) details of how further information may be obtained regarding the proposed masterplan consent area scheme, including that it is to be published on the internet under paragraph (2)(a),
 - d) a statement that any person wishing to do so may make representations on the content of the proposed masterplan consent area scheme 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 expires.
68. The planning authority may also wish to make available online any supporting information and assessments which informed the preparation of the proposed MCA scheme.
69. The planning authority must make a copy of any proposed MCA scheme (or proposed alteration to an MCA scheme) available on the planning register, as set out within [DMR Schedule 2 paragraph 5A\(a\)](#).

Consultees/notification

70. The planning authority must, under [Reg 4\(3\)](#), send the above notice to the following:
- a) any person (other than the planning authority) who is an owner of land to which the proposed masterplan consent area scheme relates,
 - b) where there are premises situated on neighbouring land to which the notice can be sent, to the owner, lessee or occupier of those premises,
 - c) to persons, authorities and bodies in accordance with the [schedule within the MCA regulations](#).
71. A notice required to be sent to the owner, lessee or occupier of premises under may, under [Reg 4\(6\)](#), be sent by sending the notice to the premises addressed to “the Owner, Lessee or Occupier”.
72. The term “neighbouring land” is defined in [Regulation 2](#) as:
- “an area or plot of land (other than land forming part of a road) which, or part of which, is conterminous with or within 20 metres of the boundary of the area in respect of which the planning authority propose to make a masterplan consent area scheme”.
73. The list of consultees for MCAs is similar to the consultee list for planning applications, set out within [Schedule 5 of the DMR](#).
74. The Health and Safety Executive (HSE) is included as a consultee within the [MCA regulations’ Schedule](#), for development proposed within HSE consultation

areas. Planning authorities have access to HSE's planning webapp <https://pa.hsl.gov.uk/> . If an MCA is too large to be outlined in the web app (greater than 200 hectares), then HSE can be consulted by emailing LUPenquiries@hse.gov.uk. That address should be used for EIA consultations.

75. Should planning authorities need to contact and consult with the Ministry of Defence (MOD) regarding a proposed MCA scheme, please email DIOODC-TownPlanning@mod.gov.uk.

Representation period

76. There is a 30-day period for representations to be made to the planning authority. This period begins on whichever is the latest date, the date on which the notice is published on the internet ([Regulation 4 \(2\)\(b\)](#)) or the date the notice is sent as required by [Regulation 4 \(3\)](#).
77. The requirement for publicising and inviting representations is similar to consultation requirements for planning applications under [The Town and Country Planning \(Development Management Procedure\) \(Scotland\) Regulations 2013](#). In the interests of transparency, authorities may wish to publish representations received in a similar way to what they would do for planning applications.

Stage 4: Finalise scheme

Consideration of representations

78. The planning authority must consider the validly submitted representations before making or altering an MCA Scheme ([Schedule 5A Paragraph 10](#)).
79. Representations are to be counted as validly submitted if they are submitted within the period for representations prescribed – see para 76 above.
80. In the interests of transparency authorities may wish to publish representations received.

Hearings

81. A hearing by a committee of the planning authority must be held where a proposed MCA scheme would authorise development belonging to the category of national developments (as designated in the National Planning Framework). Such hearings will provide an opportunity to discuss the detail of the proposed MCA scheme, rather than the principle of the national development, which is already established through the National Planning Framework.
82. Where a hearing is mandatory, an 'interested party', i.e. anyone who submitted a representation (which was not subsequently withdrawn) regarding the MCA scheme, must be given an opportunity to appear before and be heard by a committee of the planning authority. [Regulation 5\(3\)](#) provides the definition of an interested party.

83. The Act states the requirement for a planning authority to consider representations includes any representations made at a hearing required by regulations.
84. Hearing procedures are to be subject to rules made by the planning authority. The 1997 Act ([Schedule 5A Paragraph 11\(3\)](#)) requires the planning authority to make rules to specify the procedures for arranging and conducting hearings for MCA Schemes. This includes ensuring the matters discussed at a hearing are relevant and avoid repetition. The hearing rules may cover wider attendance, beyond those who have a right to appear before and be heard by the committee; planning authorities will have discretion over this. It may be useful for planning authorities to refer to Annex F of [Planning Circular 3/2022: Development Management Procedures](#), for further guidance on hearing procedures.

Stage 5: Decision-making/notification

Requirement to notify the Scottish Ministers of certain proposals

85. Scottish Ministers intend to issue a new Direction and accompanying circular that will ensure the same notification triggers apply to both planning applications and MCA schemes, providing a consistent level of scrutiny. This general direction will cover proposals of a specified description, and circumstances which occur (e.g. objection by government agencies in relation to their interests). In addition, Ministers also have power to issue directions addressed to particular authorities, which could relate to a specific proposed MCA scheme. This will be available online at [Ministerial involvement in planning decisions](#).
86. As provided for in [paragraph 12\(2\) of Schedule 5A](#), where a planning authority are required by a direction to notify the Scottish Ministers of their proposals, the authority may not make the proposed scheme or alteration (whether in the terms proposed or otherwise) until the period provided for in the direction has ended.

Call in of proposals

87. Scottish Ministers can call-in an MCA scheme for their own determination, as provided for in [Part 4 of Schedule 5A](#). A call-in direction may be given in relation to an authority's proposals at any time prior to the authority making the proposed scheme or alteration. In keeping with similar powers relating to the handling of planning applications, Ministers expect to exercise this call-in power very sparingly, recognising and respecting the important role of local authorities in making decisions on the future development of their areas.
88. If a planning authority has been given a call-in direction, the authority:
 - a) may not make the proposed scheme or alteration (whether in the terms proposed or otherwise), and

- b) must not begin, or as the case may be proceed with, any hearings in relation to the proposals that would (but for this paragraph) be required by regulations under paragraph 11(1).
89. Where a call-in direction has been given in relation to a planning authority's proposals for making or altering a scheme, the Scottish Ministers may:
- a) make the scheme or alteration proposed,
 - b) make a scheme or alteration that is different from what the authority proposed, or
 - c) decline to make any scheme or alteration.
90. In coming to a decision, Scottish Ministers may require a local inquiry or other hearing to be held by a person appointed by them.
91. If Scottish Ministers decide to alter a scheme and the alteration they intend to make would have one of the following effects:
- a) excluding a place from the area to which the scheme relates,
 - b) withdrawing authorisation granted by the scheme, or
 - c) making the authorisation granted by the scheme subject to new or more stringent conditions, limitations or exception

they must pause and may not make the alteration until the end of the day that falls 12 months after the day on which they decided to make the alteration. It is expected that this approach will only need to be used by Scottish Ministers in exceptional circumstances.

Stage 6: 'Make' the scheme

92. 'Making' is the legal term for adopting an MCA scheme, once 'made' the scheme will be in force, and consent granted.
93. [Paragraph 7 \(2\) of Schedule 5A](#) provides that having considered any responses received to the consultation on their proposals, the planning authority may (subject to any direction):
- a) make the proposed scheme or alteration,
 - b) make a scheme or alteration which, in light of the consideration given to responses received to the consultation and any other matters which appear to the authority to be material, differs from what they proposed, or
 - c) decide not to make any scheme or alteration.

Decision Notice

94. The planning authority must publish a Decision Notice, when making an MCA Scheme. [Regulation 7\(2\)](#) sets out what a decision notice must contain:
- a statement that the masterplan consent area scheme has been made and how it may be inspected,

- the main reasons and considerations on which the decision is based, including reasons for any conditions, limitations or exceptions,
- information about the arrangements taken to ensure the public had the opportunity to participate in the decision-making procedures,
- information regarding the right to challenge the validity of the decision and the procedures for doing so.

95. Planning authorities may consider whether it would be helpful to reference representations received and any material considerations raised, within the decision notice, as is required for planning applications within the DMR [Schedule 2 paragraph 4\(f\)](#).

Stage 7: Publicity of MCA scheme and Decision Notice

96. [Regulation 7](#) sets out the publication requirements for MCA schemes that have been 'made' by the planning authority: The planning authority must:

- publish on the internet a copy of the MCA scheme and the decision notice ([Reg 7\(1\)\(a\)](#))
- publish in a local newspaper circulating in the area and on the internet a notice containing -
 - (a) a statement that the masterplan consent area scheme has been made
 - (b) information as to how the scheme and the decision notice may be inspected. ([Reg 7\(3\)](#))
- make a copy of the decision notice and MCA scheme available on the planning register, as set out within [DMR Schedule 2 paragraph 5A\(b and c\)](#).
- make a copy of the MCA scheme available for inspection at an office of the planning authority. ([Reg 7\(4\)](#)).

Alteration of an MCA scheme

97. [Regulation 8](#) provides details of the process to be followed when an MCA scheme is to be altered. The principle behind this provision is that mostly the requirements apply to the alteration of an MCA scheme as apply to the making of an MCA scheme, subject to some modifications, so that references relate to an alteration, and to remove the requirement for public PAC-style events. However, sometimes planning authorities may still wish to still undertake PAC style events when altering MCA schemes.

98. An MCA scheme can be altered to extend the length of the 'made' scheme beyond the original 10-year limit.

Electronic Communication

99. Our expectation is that electronic communications will be widely used throughout the preparation of MCA schemes. For example, the Regulations specially set out the requirement to publish information associated with the MCA on the internet.

Environmental Impact Assessment

100. The aim of an Environmental Impact Assessment (EIA) is to ensure that prior to a consent decision being taken, for a qualifying project, that it is done so in the full knowledge of any likely significant effects on the environment and any available steps to avoid, minimise adverse or offset effects.
101. EIA development can be included within MCAs. This enables a wider range of development types and uses to make use of MCAs, than could previously have benefitted through SPZs.
102. [The Masterplan Consent Area Scheme \(Environmental Impact Assessment\) \(Scotland\) Regulations 2024](#) were developed alongside the main MCA Regulations, to provide an integrated process and ensure environmental assessment principles are followed (see [Figure 1 above](#)). These Regulations align process and procedures with [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#), and set out what is required for MCA schemes to meet EIA requirements, where required. The MCA Scheme (EIA) Regulations set out the procedures that have to be followed to ensure compliance.
103. In terms of benefits, the EIA process can help to identify the likely significant environmental effects of a particular development at an early stage. This can be a creative catalyst to help produce improvements within the planning and design of the development, in order to avoid significant adverse effects or enhance positive ones.
104. As the lead for the preparation of the MCA scheme rests with the planning authority, it will be for the planning authority to prepare an EIA Report where an MCA includes EIA development. This differs from requirements for planning applications where it the responsibility of a developer to prepare the EIA Report. We do however want to promote a collaborative approach to the production of MCA schemes including EIA related work, with planning authorities working in partnership with those who would benefit from the certainty an MCA scheme can bring (including developers and investors).
105. The MCA Scheme (EIA) Regulations can accommodate a multi-stage consent. This involves a principal decision at the first stage, and is then followed by other stages, where additional information can be provided. These additional stages cannot extend beyond the parameters set by the principal decision. This approach is helpful where there is insufficient detailed information within the plan at the time of the principal decision to make an assessment of likely environmental effects, but an assessment can be undertaken at subsequent stages as details emerge.
106. Proposed MCAs which are likely to adversely affect a Special Protection Area or a Special Area of Conservation must be subject to an assessment of those effects in accordance with [The Conservation \(Natural Habitats &c.\) Regulations 1994](#).

Resources

Recouping costs through Discretionary Charging

107. An MCA is not necessarily about developers getting planning consent for free. There is a value, to developers and investors, in the certainty of having development consents in place, de-risking the proposal.
108. In order to put an MCA scheme in place, the planning authority will likely incur costs, for example through the need to analyse the site, consult, prepare a masterplan, and set out the type of development consented along with any necessary conditions. So authorities have the flexibility and ability to use discretionary charging to recoup costs.
109. Some planning authorities may not wish to recover their costs for preparation of an MCA scheme using discretionary charging. The certainty offered could bring other financial returns to the council, such as capital receipts following land sales (MCAs are also a way to enhance the viability and marketability of land for landowners, including land owned by the council), investment in infrastructure and increases in Council Tax and Business Rates.
110. There is also scope for schemes to be prepared collaboratively between planning authorities and the private sector and input from agencies sharing expertise, knowledge and costs.
111. [Regulation 7 of The Town and Country Planning \(Fees for Applications\) \(Scotland\) Amendment Regulations 2024](#), amends The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022 to insert new regulation 4A. This includes provisions which allow planning authorities to introduce charges in order to recoup their costs in preparing or altering an MCA scheme and also to charge for applications for the approval, consent or agreement required by a condition specified in an MCA scheme.
112. The cost of establishing individual MCA schemes will vary due to different site-specific requirements, and the information already available. Planning authorities will have discretion in how they set any fees/charges for carrying out development in an MCA, to recover their costs. Where using discretionary charging, we expect planning authorities will set out within the MCA scheme:
 - details of the costs outlaid by the authority in establishing the MCA scheme;
 - methodology of how such costs will be apportioned;
 - fees expected to be paid by developers looking to carry out development within the MCA; and
 - the cost of discharging MCA conditions.
113. An MCA scheme could include a 'cost recovery' condition linked to a schedule (covering the requirements of new Regulation 4A(3)) which includes the total cost of making or altering the MCA scheme and a methodology setting out how these costs are to be apportioned to recoup the MCA preparation or alteration costs. The schedule could also set out specific costs for discharging each

condition. Some conditions will be straightforward and require less input from the planning authority when compared with conditions requiring consideration of technical or environmental information.

114. A condition similar to the following could be included within the MCA scheme, as a final condition:

Suggested condition

“To proceed with development within the masterplan consent area the developer must provide confirmation that all other relevant conditions have been met and approved. The developer must also provide payment to the planning authority of the fee set out in Schedule X.”

Reason

To support recovery of the planning authority’s costs in the making of the masterplan consent area scheme and the service of providing consent.

115. Regulation 4A(6) sets out that a planning authority charging fees to recover the cost of the making or alteration of an MCA scheme, should monitor the level of fees received and must publish a statement when its total costs have been recovered.



© Crown copyright 2025



This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.scot

Any enquiries regarding this publication should be sent to us at

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-83691-145-6 (web only)

Published by The Scottish Government, January 2025

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS1541374 (01/25)

W W W . g o v . s c o t