

# **Masterplan Consent Areas Guidance**

## **Impact Assessments**

**January 2025**

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## Introduction

Masterplan Consent Areas (MCAs) are a new upfront consenting mechanism introduced by the Planning (Scotland) Act 2019 (the Act). Planning authorities will be able to use MCAs as part of a proactive, place-making approach to planning and consenting – enabling the type of development they wish to come forward in their places. MCAs will enable planning authorities to grant up-front consent for planned development, offering benefits to potential investors in terms of certainty and removing much of the risk.

The Act provides that planning authorities can prepare a MCA ‘scheme’, that can grant a range of types of consent, including planning permission, plus roads construction consent, listed building consent and conservation area consent – where provided for in the particular MCA scheme. Development that is in line with the MCA scheme could be brought forward without the need to apply for permission.

The process for making MCA schemes is included within:

- The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2019;
- The Town and Country Planning (Masterplan Consent Areas) (Scotland) Regulations 2024; and
- The Masterplan Consent Area Scheme (Environmental Impact Assessment) (Scotland) Regulations 2024.

The new non-statutory MCA guidance is designed to support planning authorities by bringing together and explaining the legislative requirements from the Act and the two sets of regulations. Any further detail in the guidance is based on the broad principles that were outlined within the legislation.

## What are the impact assessments?

### What is an [Equalities Impact Assessment \(EQIA\)](#)?

The public sector equality duty requires the Scottish Government to assess the impact of applying proposed new legislation. Equality legislation covers the characteristics of age, disability, gender reassignment, sex including pregnancy and maternity, race, religion and belief, and sexual orientation.

An EQIA aims to consider how a policy (a policy can cover: activities, functions, strategies, programmes, and services or processes) may impact, either positively or negatively, on different sectors of the population in different ways.

The Equality Act 2010 harmonised existing equality legislation and includes a public sector duty ('the Duty') which requires public authorities to pay due regard to the need to:

- Eliminate discrimination, harassment, victimisation or any other prohibited conduct;
- Advance equality of opportunity; and
- Foster good relations between different groups – by tackling prejudice and promoting understanding.

An EQIA was previously undertaken to support the Planning (Scotland) Bill (which introduced MCAs), [EQIA screening](#) was also carried out for the MCA regulations, and EQIA was not required, we do not consider that a further EQIA is required for the associated guidance.

### What is the [Child Rights and Wellbeing Impact Assessment \(CRWIA\)](#)?

New legal requirements to extend and protect children's rights came into effect on 16 July 2024, under the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 – also known as the UNCRC Act.

[Section 17 of the UNCRC Act](#) requires all Scottish Ministers to prepare and publish a Children's Rights and Wellbeing Impact Assessment (CRWIA) in respect of:

- all new Bills
- most Scottish Statutory Instruments
- coronavirus (COVID-19) related school closures
- all decisions of a strategic nature that relate to the rights and wellbeing of children

The CRWIA is used to identify, research, analyse and record the impact of a proposed policy on children's human rights and wellbeing. CRWIA helps the Scottish Government consider whether it is: advancing the rights of children in Scotland; and protecting and promoting the wellbeing of children and young people.

### **What is the [Fairer Scotland Duty \(FSD\)](#) assessment?**

The Fairer Scotland Duty is set out in legislation as Part 1 of the Equality Act 2010, and came into force in Scotland from April 2018. The aim of the duty is to help the public sector to make better policy decisions and deliver fairer outcomes. The duty focuses on socio-economic inequality issues such as low income, low wealth, and area deprivation.

The Fairer Scotland Duty applies to 'decisions of a strategic nature' – these are the key, high-level choices or plans that the public sector makes. We have considered that the preparation of the secondary regulations themselves would not constitute a strategic decision under the definition in the Fairer Scotland Duty Interim Guidance, and therefore an assessment is not required.

### **What is an [Island Communities Impact Assessment \(ICIA\)](#)?**

An Island Community Impact Assessment (ICIA) tests any new policy, strategy or service which is likely to have an effect on an island community which is significantly different from the effect on other communities. This became a legal duty in December 2020 under the Islands (Scotland) Act 2018.

### **What is the [Business and Regulatory Impact Assessment \(BRIA\)](#)?**

A Business and Regulatory Impact Assessment (BRIA) looks at the likely costs, benefits and risks of any proposed primary or secondary legislation. It also covers voluntary regulation, codes of practice, guidance, or policy changes that may have an impact on the public, private or third sector.

The BRIA explains:

- the reason why the Scottish Government is proposing to intervene;
- options the Scottish Government is considering, and which one is preferred;
- how and to what extent new policies may impact on Scottish Government, business and on Scotland's competitiveness;
- the estimated costs and benefits of proposed measures.

### **What is [Strategic Environmental Assessment \(SEA\)](#)?**

In Scotland, public bodies and private companies operating in a public character, such as utility companies, are required to assess, consult on, and monitor the likely impacts their plans, programmes and strategies will have on the environment. This process is known as Strategic Environmental Assessment (SEA).

SEA helps to better protect the environment, aims to ensure that any development is sustainable, and increases opportunities for public participation in decision-making. It ensures that expert views are sought at various points in the preparation process from the public and the consultation authorities, who are:

- Historic Environment Scotland
- Nature Scot
- Scottish Environment Protection Agency.

# Equalities Impact Assessment (EQIA)

## Equality Impact Assessment Not Required Declaration

Policy title	Masterplan Consent Area Guidance (January 2025)
Which National Outcome(s) does the policy contribute to?	<p>Planning authorities will be able to use Masterplan Consent Areas (MCAs) as part of a proactive, place-making approach to planning and consenting – enabling the type of development they wish to come forward in their places.</p> <p>MCAs will contribute to the following national outcomes contained in the National Performance Framework:</p> <ul style="list-style-type: none"> <li>• We live in communities that are inclusive, empowered, resilient and safe.</li> <li>• We have a globally competitive, entrepreneurial, inclusive and sustainable economy.</li> <li>• We value, enjoy, protect and enhance our environment.</li> <li>• We are healthy and active.</li> </ul>
Directorate: Division: Team:	<p>Planning, Architecture and Regeneration Directorate</p> <p>Planning Transformation</p> <p>Development Planning &amp; Housing</p>
Policy lead responsible for taking the decision	Adam Henry, Senior Planner

**Please record why you are not carrying out an EQIA and what your justification is for making that decision.**

In 2017 we published the Places, People and Planning Consultation which included some recommendations about the use of Simplified Planning Zones (SPZs), which influenced our approach to the provisions within the Planning (Scotland) Act 2019.

An EQIA was previously undertaken to support the Planning (Scotland) Bill (which introduced MCAs), and we did not consider that a further EQIA was required for the following regulations:

- The Town and Country Planning (Masterplan Consent Areas) (Scotland) Regulations 2024
- The Masterplan Consent Area Scheme (Environmental Impact Assessment) (Scotland) Regulations 2024

The guidance is intended to bring together and explain the legislative requirements from the Act and the two sets of MCA regulations. Any further detail in the guidance is based on the broad principles that were outlined within the 2019 Act and the above regulations and we do not consider that a further EQIA is required for this guidance.

The non-statutory MCA Guidance is designed to support planning authorities by offering more information to ensure the legislative requirements are understood and there is a consistent approach when they prepare MCA schemes.

In developing our proposals, the public sector equality duty requires the Scottish Government to pay due regard to the need to:

- eliminate discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a relevant protected characteristic.

We do not believe this position has changed based on the proposals to implement MCAs. At this stage, we do not believe there is any indication that a full EQIA is required.

**I confirm that the decision to not carry out an EQIA has been authorised by:**

Name and job title of Deputy Director (or equivalent): Fiona Simpson  
Chief Planner

Date authorisation given: 04/12/2024

# Child Rights and Wellbeing Impact Assessment for (CRWIA)

## **Disclaimer**

This document is a point in time assessment of the likely effects of the likely effects of the Masterplan Consent Area Guidance (January 2025) on the rights and wellbeing of children and young people. This impact assessment should be read in conjunction with the other impact assessments prepared for this proposal.

Scottish Government acknowledge the importance of monitoring and evaluating the impact of strategic decisions and legislation on children's rights and wellbeing. Any information gathered during implementation of the legislation or strategic decision to which the impact assessment relates, will be used to inform future determinations of impact. Any new strategic decision or new legislation (including amending legislation) would be subject to a new CRWIA in line with the legislative requirements.



# Introduction

## 1. Brief Summary

- The Masterplan Consent Area Guidance (January 2025)

Masterplan Consent Areas (MCAs) are a new upfront consenting mechanism introduced by the Planning (Scotland) Act 2019 (the Act). Planning authorities will be able to use MCAs as part of a proactive, place-making approach to planning and consenting – enabling the type of development they wish to come forward in their places. MCAs will enable planning authorities to grant up-front consent for planned development, offering benefits to potential investors in terms of certainty and removing much of the risk.

The Act provides that planning authorities can prepare a MCA ‘scheme’, that can grant a range of types of consent, including planning permission, plus roads construction consent, listed building consent and conservation area consent – where provided for in the particular MCA scheme. Development that is in line with the MCA scheme could be brought forward without the need to apply for permission.

The process for making MCA schemes is included within:

- The Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2019;
- The Town and Country Planning (Masterplan Consent Areas) (Scotland) Regulations 2024; and
- The Masterplan Consent Area Scheme (Environmental Impact Assessment) (Scotland) Regulations 2024

The non-statutory MCA guidance is designed to support planning authorities by bringing together and explaining the legislative requirements from the Act and the two sets of regulations. Any further detail in the guidance is based on the broad principles that were outlined within the legislation.

A CRWIA was previously undertaken to support the Planning (Scotland) Bill (which introduced MCAs) and [a CRWIA was also carried out for the MCA regulations](#) (which provide additional procedural detail on preparing MCAs)

Start date of proposal’s development: 31/07/2023\*

Start date of CRWIA process: 31/07/2023\*

\*Date work started on preparing secondary legislation

**2. With reference given to the requirements of the UNCRC (Incorporation) (Scotland) Act 2024 which aspects of the proposal are relevant to children's rights?**

The guidance is intended to bring together and explain the legislative requirements from primary legislation and the two sets of MCA regulations.

The non-statutory MCA Guidance is designed to support planning authorities by offering more information to ensure there is a consistent approach when they prepare MCA schemes, including around engagement and will not have direct or indirect impacts on the rights or wellbeing of children and young people.

**3. Please provide a summary of the evidence gathered which will be used to inform your decision-making and the content of the proposal**

As noted above, a CRWIA was previously undertaken to support the Planning (Scotland) Bill (which introduced MCAs) and for the MCA regulations (which provide additional procedural detail on preparing MCAs), and they have informed the development of the guidance.

A public consultation on the Draft MCA regulations<sup>1</sup> ran from 28th February 2024 – 22 May 2024. It included the draft regulations and asked specific questions about the various proposals for regulations and guidance, covering the different stages of MCA preparation process. The consultation also sought views on the interim assessments for the draft regulations, including the CRWIA screening.

**4. Further to the evidence described at '3' have you identified any 'gaps' in evidence which may prevent determination of impact? If yes, please provide an explanation of how they will be addressed**

N/A

**5. Analysis of Evidence**

The majority of respondents to the recent consultation on the regulations who answered the question about the impact assessments were supportive of the proposed approach to the guidance and thought that it was appropriate and consistent with existing arrangements.

**6. What changes (if any) have been made to the proposal as a result of this assessment?**

N/A

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<sup>1</sup> [Consultation on Masterplan Consent Areas Regulations](#)

## Conclusion

7. As a result of the evidence gathered and analysed against all UNCRC requirements, what is the potential overall impact of this proposal on children's rights?

Positive  Negative  Neutral  No impact

8. As a result of the evidence gathered and analysed against all wellbeing indicators, will the proposal contribute to the wellbeing of children and young people in Scotland?

N/A

9. How will you communicate to children and young people the impact that the proposal will have on their rights?

N/A

## Mitigation Record

What options have been considered to modify the proposal in order to mitigate negative impact or potential incompatibility issues?

### Issue or risk Identified per article/Optional Protocol

N/A

### Action Taken/To Be Taken

N/A

### Date action to be taken or was taken

N/A

10. As a result of the evidence gathered and analysed against all wellbeing indicators, will the proposal contribute to the wellbeing of children and young people in Scotland?

Yes  No  N/A

11. How will you communicate to children and young people the impact that the proposal will have on their rights?

N/A

## Post Assessment Review and sign-off

### 12. Planning for the review of impact on children's rights and wellbeing

As part of the decision-making process, plans for reviewing the impact on children's rights and wellbeing need to be developed.

- How will the impact of the proposal on children's rights and wellbeing be monitored?
- When will you review and update the CRWIA if required?

We consider that any aspects affecting groups of children or young people have been covered by a CRWIA which was previously undertaken to support the Planning (Scotland) Bill and the MCA Regulations. It found that the provisions for enhanced engagement, will have a positive and direct impact.

The non-statutory MCA Guidance is designed to support planning authorities by offering more information to ensure there is a consistent approach when they prepare MCA schemes and will not have direct or indirect impacts on the rights or wellbeing of children and young people.

### 13. Sign off

Policy Lead Signature & Date of Sign Off: Adam Henry 15/11/2024

Director Signature & Date of Sign Off: Fiona Simpson 04/12/2024

Date CRWIA team first contacted: 06/06/2024

# Fairer Scotland Duty (FSD) Assessment

## Assessment not required declaration

**Policy title:** Masterplan Consent Area Guidance (January 2025)

### Policy team/lead:

Directorate: Planning, Architecture and Regeneration Directorate  
Division: Transforming Planning  
Team: Development Planning & Housing  
Policy lead responsible for taking the decision: Adam Henry, Senior Planner

### Rationale for decision:

We consider that a FSD assessment is not necessary. A FSD assessment was undertaken to support the Planning (Scotland) Act 2019, which laid out the details of NPF4 and changes to the planning system, including introducing MCAs as a new upfront consenting mechanism. A further FSD assessment was undertaken to support the following regulations covering the main process for making MCA schemes:

- The Town and Country Planning (Masterplan Consent Areas) (Scotland) Regulations 2024
- The Masterplan Consent Area Scheme (Environmental Impact Assessment) (Scotland) Regulations 2024

The FSD found MCAs have the potential to unlock significant areas for housing development and also support wider objectives including business development and town centre renewal. MCAs will allow planning authorities to plan; front-loading consideration of design, infrastructure and environmental matters at an earlier stage in the planning process and so placing authorities in a position of leading the planning of high quality places, rather than reacting to applications put before them.

MCAs can support the delivery of LDP spatial strategies and particular local priorities, by providing upfront consent for development that has been subject to community consultation and so supporting investment in those planned developments.

We do not believe that a further FSD assessment is required for the guidance. The guidance is intended to bring together and explain the legislative requirements from the 2019 Act and the two sets of MCA regulations. Any further detail in the guidance is based on the broad principles that were outlined within the 2019 Act and the regulations.

**I confirm that the decision to not carry out a Fairer Scotland assessment has been authorised by:**

Dr Fiona Simpson, Chief Planner  
Date authorisation given: 04/12/2024

# Island Communities Impact Assessment (ICIA)

## **Title of policy, strategy or programme**

Masterplan Consent Area Guidance (January 2025)

### **1. Develop a clear understanding of your objectives**

The aim of the non-statutory Masterplan Consent Area (MCA) Guidance is to support planning authorities by offering more information to ensure there is a consistent approach when they prepare MCA schemes.

The Planning (Scotland) Act 2019 introduced MCAs as a new upfront consenting mechanism. Planning authorities will be able to use MCAs as part of a proactive, place-making approach to planning and consenting – enabling the type of development they wish to come forward in their places.

The following regulations cover the main process for making MCA schemes:

- The Town and Country Planning (Masterplan Consent Areas) (Scotland) Regulations 2024
- The Masterplan Consent Area Scheme (Environmental Impact Assessment) (Scotland) Regulations 2024

The regulations provide additional procedural detail around the requirements set out in the 2019 Act for preparing MCAs across Scotland. The guidance is intended to bring together and explain the legislative requirements from the 2019 Act and the two sets of MCA regulations. Any further detail in the guidance is based on the broad principles that were outlined within the 2019 Act and the regulations.

MCAs are a flexible tool and could support a range of scales and types of development across Scotland - from small scale changes, up to major new developments. MCAs would effectively enable planning authorities to grant up-front consent for planned development, offering benefits to potential investors in terms of certainty and removing much of the risk.

The Act provides the planning authority would prepare a MCA 'scheme', with scope to give a range of types of consent, including planning permission, plus roads construction consent, listed building consent and conservation area consent – where provided for in the particular MCA scheme. Development that is in line with the MCA scheme could be brought forward without the need to apply for permission.

## **2. Gather your data, identify your stakeholders and assess impact on islands**

The proposals, as noted above, offer flexibility for local circumstances including island communities, in terms of the use and style of MCA schemes. We do not envisage that the provisions proposed will have significant, or different effects on island communities.

## **3. Consultation**

Previous consultation and engagement on the Planning Bill included an island proofing exercise undertaken through a collaborative workshop, held on 29 September 2017. It informed the Island Communities Impact Assessment, which was updated following Stage 2 of the Planning (Scotland) Bill. That assessment indicated the main theme from discussions was the need to allow flexibility for the islands – acknowledging that their needs were very different to that of towns and cities.

A public consultation, on the Draft MCA Regulations, ran between 28 February 2024 and 22 May 2024 and 62 responses were received from planning authorities, key agencies, development, property and land management bodies, the third sector, professional representative bodies, as well as communities and individuals.

Respondents were generally supportive of the proposed regulations. The consultation sought views on the interim assessments and specifically sought further information to assist with finalising them, including the ICIA. A minority of the respondents to the consultation commented on the interim assessments, and no comments were relevant to the ICIA.

## **4. Assessment**

We consider that the implementation of MCA guidance will not have a significantly different effect on island communities and therefore a full ICIA is not required.

## **5. Preparing your ICIA**

Not required.

## **6. Making adjustments to your work**

Not required.

## **7. Publishing your ICIA**

ICIA completed by: Adam Henry, Senior Planner

Signature: Adam Henry

Date completed: 08 November 2024

ICIA approved by: Dr Fiona Simpson, Chief Planner

Signature: Fiona Simpson

Date approved: 04 December 2024

# Business Regulatory Impact Assessment (BRIA) (Final)

## Title of Proposal

- The Masterplan Consent Area Guidance

## Section 1: Background, aims and options

### Background

The introduction of Masterplan Consent Areas (MCAs) followed extensive research and consultation.

An independent review of the Scottish planning system '[Empowering planning to deliver great places](#)' published in 2016 noted that the review panel was 'inspired by the flexibility provided by Simplified Planning Zones (SPZs) and proposed their principles could inform an adaptable approach to zoning areas of land for development including housing.' The independent panel recommended that the SPZ approach 'be rolled out across Scotland' as a way to incentivise development.

The subsequent public consultation paper '[Places, People and Planning](#)' (January 2017) proposed making greater use of SPZs. A [Position Statement](#) (June 2017) following the consultation indicated broad support and explained that legislation would be brought forward to refresh and rebrand SPZs and allow them to be progressed in a wider range of circumstances.

The Planning (Scotland) Act 2019 introduces MCAs, the reference to masterplan in the title emphasises the placemaking role of the new upfront consenting mechanism. Planning authorities will be able to make MCAs, to support more effective delivery of development, frontloading scrutiny and aligning consents. MCAs can grant a range of consents; planning permission plus roads construction consent, listed building consent and conservation area consent – where provided for in the particular MCA scheme. Development that is in line with the MCA scheme could be brought forward without the need to apply for permission. MCAs are intended to be a flexible tool and could support a range of scales and types of development.

Whilst, the principles of the process of preparing a MCA scheme are set out in the new Schedule 5A of the 1997 Act, the following regulations provide more detail:

- The Town and Country Planning (Masterplan Consent Areas) (Scotland) Regulations 2024
- The Masterplan Consent Area Scheme (Environmental Impact Assessment) (Scotland) Regulations 2024



## **Purpose**

The aim of the non-statutory Masterplan Consent Area (MCA) Guidance is to support planning authorities when they prepare MCA schemes. This is a new way of granting consent and will require an element of culture change - for planners to proactively facilitate the delivery of development.

The guidance is intended to bring together and explain the legislative requirements from the 2019 Act and the two sets of MCA regulations. Any further detail in the guidance is based on the broad principles that were outlined within the 2019 Act and the regulations.

## **Rationale for Government intervention**

The proposed guidance is necessary to support the use of MCAs by planning authorities across Scotland. It will help ensure consistent interpretation and application of the legislation by authorities, whilst allowing scope for flexibility tailored to local needs.

This will help planning authorities to use MCAs as part of a proactive, place-making approach to planning and consenting – enabling the type of development they wish to come forward in their places. MCAs will contribute to the following National Outcomes contained in the National Performance Framework:

- We live in communities that are inclusive, empowered, resilient and safe.
- We have a globally competitive, entrepreneurial, inclusive and sustainable economy.
- We have thriving and innovative businesses, with quality jobs and fair work for everyone.
- We value, enjoy, protect and enhance our environment.
- We are healthy and active.

## **Options**

### **Option 1: Do nothing**

The National Planning Framework 4 Delivery Programme v3 (Oct 2024) outlines actions to be taken forward over the short and medium term. The delivery programme identifies that the Scottish Government will bring into force new regulations on masterplan consent areas (MCAs) and support early adopters of this important new tool, which will offer developers greater confidence through upfront consent provided by the planning authority. Failure to put the guidance in place, to support the new system will impact negatively on stakeholder expectations.

### **Option 2: Support the implementation of MCA Regulations through publishing guidance (Preferred option)**

Under this option, guidance will be published to accompany the MCA regulations coming into force, to support the implementation of the regulations.

## **Sectors and Groups Affected**

### **Businesses**

MCAAs will offer developers greater certainty of consent, with this being provided by the planning authority upfront, enabling them to raise necessary finance, without the risk of not securing consent.

If the developer then comes forward with a proposal which complies with the scheme, they do not have to submit a separate application for planning permission, roads construction consent, listed building consent or conservation area consent, if they were covered in the MCA scheme. This will significantly streamline processes, attract investment and facilitate developers to get on site earlier.

MCAAs have potential to support a range of sectors (including housebuilding, business and industry, commercial leisure, energy and town centre operators), and at a range of business scales.

Going forward, there may be opportunities for businesses to support and collaborate with planning authorities in preparing new MCAAs.

### **Local Authorities**

Planning authorities are required to consider whether it would be desirable to make or alter an MCA scheme for a part or parts of their district and must set out what they decided and the reasons for their decision.

The regulations and guidance focus primarily on procedural requirements for planning authorities to implement MCAAs. The regulations were necessary to provide additional detail to the requirements set out in primary legislation and were intended to recognise the benefit in working to the principle that regulations are kept to the minimum necessary. The proposed guidance sets out much of the detail of Scottish Ministers' expectations for implementation of the 2019 Act.

### **Communities**

MCAAs will impact on communities as they focus on the future of the places where people live, work, learn and play. The MCA preparation process provides opportunities for public involvement, so the extent that the proposals will impact on these groups will be influenced by their willingness to engage and their involvement in these processes.

### **Public Bodies**

Planning authorities will consult with key agencies on their proposed MCA schemes.

## Section 2: Engagement and information gathering

### Public Consultation

#### Within Government

As procedural matters, falling under the Planning Act, responsibility for preparing the MCA regulations lay primarily with the Scottish Government, which has also prepared the associated guidance.

The Scottish Government commissioned research carried out by Ryden, in association with Brodies, to research the use of SPZs and barriers to their uptake, including resourcing, and to identify ways to overcome such barriers. The '[Simplified Planning Zones and equivalent mechanisms outwith Scotland research](#)' was published in August 2017 and consisted of a policy and research review and case studies of comparable mechanisms of upfront consenting in Scotland and elsewhere. It included consultation with targeted interviews, from across the wider government interests including local government via the Heads of Planning Scotland, individual planning authorities, the Improvement Service, Scottish Futures Trust and Transport Scotland.

Additionally in the development of the regulations, the Scottish Government engaged with Transport Scotland, Historic Environment Scotland, the Marine Directorate and with local government planning authorities.

#### Public Consultation

Collaboration has informed the preparation of the consultation on the proposals for regulations and guidance. It follows on from the extensive engagement undertaken prior to the Planning (Scotland) Bill being considered by the Scottish Parliament.

An independent review of the Scottish planning system '[Empowering planning to deliver great places](#)' was published on 31 May 2016. The subsequent public consultation paper '[Places, People and Planning](#)' (January 2017) proposed 20 key changes, including: releasing more 'development ready' land, for example making greater use of SPZs.

A [Position Statement](#) (June 2017) followed the consultation paper and indicated broad support for greater use of 'a zoned approach to development' similar to that provided for by SPZs. The Position Statement explained that there would be legislative change brought forward that would refresh and rebrand SPZs and allow them to be progressed in a wider range of circumstances. Comments relevant to SPZs that were received via this consultation process were taken into account when developing proposals for MCA Regulations and guidance.

A [public consultation on Draft MCA regulations](#) ran from 28th February 2024 – 22 May 2024. It included the draft regulations and asked specific questions about the various proposals for regulations and guidance, covering the different stages of MCA preparation process.

62 responses were received, these were from planning authorities, key agencies and other public sector bodies, development, property and land management bodies and agents, the third sector, professional and representative bodies as well as communities and individuals. A [Summary of Responses report](#) provides a summary of common themes submitted to this consultation and some key points raised. It includes a full list of those who responded and who agreed to the release of their details. The full responses have been published online for all those organisations and individuals who gave permission to do so: [Masterplan consent area regulations: consultation - Scottish Government consultations - Citizen Space](#).

Respondents were generally supportive of the proposed regulations. The consultation sought views on the interim assessments and specifically sought further information to assist with finalising them, including the partial BRIA. A minority of the respondents to the consultation commented on the interim assessments, and not all these comments were relevant to the BRIA.

Respondents were generally supportive of the need for guidance to accompany the regulations coming into force. The guidance addresses points respondents wished to be covered.

Some of the responses to the consultation on the partial BRIA highlighted some concern about the capacity of planning authorities and key agencies to resource the implementation of MCA schemes. It was also noted that without the ability for planning authorities to recoup costs it may be difficult for planning authorities to financially justify establishing an MCA within their area. No further information to assist with quantitative costing of the regulations was provided.

## **Business**

The '[Simplified Planning Zones and equivalent mechanisms outwith Scotland research](#)' included consultation consisting of targeted interviews, covering 25 groups, including 8 developers and consultants and a business representative body (Barratt Homes, Cairn Homes, IGLOO/BIGG Regeneration, Haus Architects, Patrizia, Pro-Vision, Scottish Property Federation, and the Wheatley Group).

The conclusions from that research shaped the provisions on MCAs in the 2019 Planning Act and have informed the approach to the regulations and guidance.

23 responses to the latest public consultation were received from businesses, or organisations primarily representing business interests. The business sectors represented were aquaculture, energy, housebuilding, planning consultancy, property and retail.

In addition to the public consultation, further engagement was undertaken with businesses and representative bodies (and their members) including through the Scottish Property Federation (SPF), the Planning Infrastructure and Place Advisory Group (PIPAG), Prosper, the Royal Town Planning Institute (RTPI) planning consultants forum, and with housebuilders and renewables developers and ports operators.

## Section 3: Costs, impacts and benefits

### Costs

#### Option 1: Do nothing

There are no costs arising from this approach.

#### Option 2: Support the implementation of MCA Regulations through publishing guidance (Preferred option)

In support of the Scottish Parliament's scrutiny of the 2017 Planning (Scotland) Bill, the Scottish Government prepared an accompanying Financial Memorandum. This was updated following the Stage 2 scrutiny and provides the basis for the costs identified below.

Planning authorities already had a duty to review whether an SPZ should be prepared for any part of their area. Publishing a report on the equivalent review for MCAs is not expected to add any significant cost, particularly as it can be part of the Local Development Plan delivery programme that the planning authority is already required by legislation to produce. At the time of the Planning Bill, the costs of including the report on MCAs was judged to be between £1,000 to £2,000 for each authority per year. This is a straightforward task – the Scottish Government has since offered advice to planning authorities preparing their first statements, and drawing on that authorities have included text on their websites.

The preparation of any MCAs is optional for planning authorities, and should be based on an analysis of the costs and the benefits to be achieved. The cost of any individual MCA scheme will depend on the size of the site and its particular features, but costs may range from £15,000 to £200,000 based on existing examples, but there is no expectation that planning authorities will pay for all of these costs – this is available as a choice to them and partnership with the development sector is expected where more significant schemes are involved.

Planning authorities will have discretionary charging powers to be able to recoup their costs in preparing, or amending MCA schemes, and in considering applications to discharge conditions in the MCA scheme. A separate [Scottish Government consultation focussing on wider resourcing considerations](#) included a number of questions covering MCAs and discretionary charging. We also want to promote a collaborative approach to the production of MCA schemes, with planning authorities working in partnership with those who will benefit from the certainty of the MCA scheme (including developers, investors and business interests).

Any consultation body or public body may request a reasonable charge to cover the cost of making relevant information available which will inform the preparation of an EIA report.

## Benefits

### Option 1: Do nothing

There are no benefits arising from this approach.

### Option 2: Support the implementation of MCA Regulations through publishing guidance (Preferred option)

MCAs would effectively enable planning authorities to grant up-front consent for planned development, offering benefits to potential investors in terms of certainty and removing much of the risk. Planning authorities will be able to use MCAs as part of a proactive, place-making approach to planning and consenting, supporting a range of scales and types of development from small scale changes up to major new developments.

MCAs will support more effective delivery of development through zoning of land, frontloading of scrutiny and aligning of consents, and allow them to be progressed in a wider range of circumstances, including within conservation areas and offer other types of consent than solely planning permission, including roads construction consent, listed building consent and conservation area consent – where provided for in the particular MCA scheme.

In addition, the effect of enabling and securing new development brings a range of benefits to a local authority:

- directly in the form of increased council tax and business rates income through attracting development and investment to their area;
- increasing the marketability of sites covered by the MCA scheme and uplift in value of any council-owned land through land sales;
- potential for planning authorities to secure financial contributions from developers for development within the zone, through an upfront coordinated approach; and
- in terms of improved outcomes for communities through supporting economic growth, and the wellbeing economy.

By way of example, this type of upfront consenting can attract significant investment, for instance the Hillington Park SPZ has attracted over £25 million investment since its creation.

Interest has been expressed by some planning authorities in using MCAs once the new provisions are available to facilitate significant development and economic activity associated with Green Freeports and Investment Zones.

## **Scottish Firms Impact Test**

Engagement with business in the preparation of the MCA regulations and guidance has taken place through initial stakeholder involvement, a public consultation on draft versions of the regulations and guidance, and some further discussions with business representatives during the consultation period. An analysis of the responses of the public consultation on the partial BRIA is provided above.

The further engagement with businesses included renewables developers and representative bodies (and their members) including through the Scottish Property Federation (SPF), the Planning Infrastructure and Place Advisory Group (PIPAG), Prosper, the Royal Town Planning Institute (RTPI) planning consultants forum, and with housebuilders, renewables developers and ports operators.

## **Competition Assessment**

There are no obvious impacts on competition from the guidance, and no applicable issues were raised through the consultation process.

## **Consumer Duty**

The Scottish Government definition of a consumer is "an individual, or a business no larger than a small business, that purchases, uses or receives goods or services in Scotland, where those goods or services are supplied in the course of a business."

It is not anticipated that the guidance would negatively impact on consumers.

## **Section 4: Additional implementation considerations**

### **Enforcement**

The guidance sets out that planning authorities are required to consider every five years whether it would be desirable to make or alter an MCA scheme for a part or parts of their district and must set out what they decided and the reasons for their decision. Planning authorities were required to publish their first statement within five years of the 2019 Planning Act gaining Royal assent (i.e. by 24 July 2024).

### **UK, EU and International Regulatory Alignment and Obligations**

#### **Intra-UK Trade**

This measure is not likely to impact on intra-UK trade.

#### **International Trade**

This measure is not likely to impact on international trade and investment.

#### **EU Alignment**

This measure is not likely to impact on the Scottish Government's policy to maintain alignment with the EU.

#### **Legal Aid Impact**

These changes would not affect claims for legal aid.

#### **Digital Impact**

Publicity arrangements for MCAs are explained in the guidance, including requirements already set by the regulations relating to publishing material on the internet.

#### **Test Run of Business Forms**

The guidance does not introduce any new forms for businesses etc. to complete. We will separately share templates with authorities to meet their requirements for publishing press notices when preparing MCA schemes.



## **Section 5: Next steps and implementation**

### **Recommendation**

The stakeholder engagement that has informed this proposal has revealed clear support to implement the provisions in the Planning (Scotland) Act 2019 on the procedures to cover MCAs. The regulations focus primarily on procedural requirements for planning authorities to implement MCAs. The recommendation is to proceed with the preferred strategy of Option 2: Support the implementation of MCA Regulations through publishing guidance.

The regulations emerged from legislative requirements set out in the Planning (Scotland) Act 2019 and following an extensive review of the planning system. The guidance aims to strike a balance between the need for clarity on one hand to support the implementation of MCAs in practice, whilst allowing a degree of flexibility to allow for best practice to evolve as MCA schemes are made.

### **Implementation and Delivery Plan**

The [National Planning Framework 4 Delivery Programme](#) (October 2024) sets out the approach for implementing NPF4 and set out priorities for delivery in 2024/25. The delivery programme identifies the MCA regulations and supporting early adopters of this important new tool.

The Act requires that planning authorities were required to consider before 24 July 2024, and then in every subsequent five year period, whether it would be desirable to make or alter a MCA scheme for a part or parts of their district and must set out what they decided and the reasons for their decision.

The Scottish Government's 2024/25 Programme for Government commits to support early adopters to deliver Masterplan Consent Areas.

### **Post-implementation Review**

PARD will review the statements published by planning authorities setting out whether they are making or altering MCA schemes in their areas to review take up and use of the new consent mechanism.

The MCA guidance explains the statutory procedures from the 2019 Act and the sets of regulations. We intend to engage with planning authorities, the HOPS network, key agencies, developers and other partners to identify and share good practice and to promote peer-to-peer learning as good practice develops as MCAs are implemented in practice.

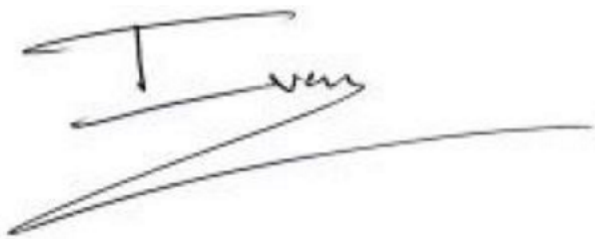
The Scottish Government is committed to supporting early adopters, for example to facilitate land-based elements of offshore wind and Green Freeports and addressing the need for additional housing, and will use this to identify learning points and good practice.

## Declaration

I have read the Business and Regulatory Impact Assessment and I am satisfied that it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and that these have been taken into account when making the policy decision. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

I am also satisfied that officials have considered the impact on consumers as required by the [Consumer Scotland Act 2020](#) in completion of the Consumer Duty section of this BRIA.

### Signed:

A handwritten signature in black ink, appearing to read 'Ivan McKee', with a long horizontal stroke extending to the right.

**Date:** 6 December 2024

**Minister's name:** Ivan McKee MSP

**Minister's title:** Minister for Public Finance

**Scottish Government Contact point:**

Adam Henry, Planning, Architecture and Regeneration Directorate

# Strategic Environmental Assessment (SEA)

**Responsible Authority:** Scottish Government

**Title of the plan:** The Masterplan Consent Area Guidance (January 2025)

**What prompted the plan:**  
(e.g. a legislative, regulatory or administrative provision)

The Planning (Scotland) Act 2019 sets out an integrated package of proposed improvements to the planning system, including Masterplan Consent Areas (MCAs).

The following regulations cover the main process for making MCA schemes and are due to come 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

The guidance is intended to bring together and explain the legislative requirements from the Act and the two sets of regulations, and the associated Fees regulations which allow planning authorities to recoup their costs associated with making or amending MCA schemes or handling applications for discharge of conditions associated with MCAs.

**Plan subject:**  
(e.g. transport)

Town & country planning.

**Brief summary of the plan:**  
(including the area or location to which the plan related)

When both sets of MCA Regulations come into force, they will outline the procedural requirements for preparing a MCA. The non-statutory MCA Guidance is designed to support planning authorities by offering more information to ensure there is a consistent approach when they prepare MCA schemes.

Any further detail in the guidance is based on the broad principles that were outlined within the 2019 Act, and which was subject to Strategic Environmental Assessment (SEA). The Regulations were also pre-screened.

These additions set out in guidance would not be expected to have environmental effects in their own right as they are more administrative in nature, covering the preparation process and assessment process of what has already been outlined in the 2019 Act and the regulations.

## SEA Pre-Screening Document

**Brief summary of the likely environmental consequences:**  
(including whether it has been determined that the plan is likely to have no or minimum effects, either directly or indirectly)

As the Planning (Scotland) Act 2019 which sets the principles of Masterplan Consent Areas was subject to SEA, it is our view the environmental impact of Masterplan Consent Areas has already been determined. The additional level of detail contained in the guidance has therefore no environmental effects beyond those that were already established by the assessment of the 2019 Act.

This non-statutory guidance is designed to offer planning authorities consistency and clarity in the preparation process of an MCA. It is therefore our view that the guidance will not have significant environmental effects in its own right.

**Brief summary of how environmental principles have been considered:**  
(including whether any of the guiding principles, as set out in section 13 of the Continuity Act, are relevant to the plan)

The environmental principles are imbedded within SEA, ensuring relevant plans and programmes that are subject to SEA consider how best to avoid environmental damage and if damage does occur it is addressed. As the 2019 Act was subject to SEA, the environmental principles would have been considered within this assessment.

As the new MCA guidance has no environmental effects in their own right, it is our view the original assessment ensures the principles are imbedded in the proposed guidance.

The guidance will highlight the new legal requirements relating to EIA of individual MCA schemes prepared by planning authorities, which will ensure the effects on the environment of location specific MCA schemes are considered and taken into account.

**Contact details:**

Adam Henry, Senior Planner,  
Planning, Architecture and Regeneration Division, Scottish  
Government  
adam.henry@gov.scot

**Date of opinion:**

08 October 2024

When completed send to: [SEA.gateway@scotland.gsi.gov.uk](mailto:SEA.gateway@scotland.gsi.gov.uk) or to  
SEA Gateway, Scottish Government, Area 2H (South), Victoria Quay, Edinburgh, EH6  
6QQ



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