

PLANNING ETC. (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 2 – Development Plans

Section 2 – Development plans

Local development plans

26. **New section 15** gives details of the form and content of local development plans. Subsection (1) describes the main items that each plan will contain. Subsection (2) requires the plan to contain a vision statement where the land is not within a strategic development plan area. Subsection (3) requires the plan to include a schedule setting out any land that is owned by the planning authority which is affected by policies and proposals in the plan. Subsection (4) relates to the maps and diagrams which are either to be contained in or to accompany the plan. Subsection (5) sets out the matters that must be considered in drawing up the vision statement referred to in subsection (2).
27. **New section 16** sets out how planning authorities are to proceed in preparing and monitoring local development plans. Subsection (1) sets out when authorities are required to prepare plans, and requires them to keep plans under review. Subsection (2) sets out the main sources of information on which the planning authority are to draw in preparing the plan. Subsections (3) to (5) explain that different plans can be prepared for different areas, and two or more authorities can if they wish prepare a joint plan covering parts of their districts. Subsection (6) requires authorities to ensure that local development plans are consistent with any strategic development plans covering the same area. Subsection (7) gives the Scottish Ministers powers to direct that a report is prepared where a planning authority have failed to produce a local development plan. Subsection (8) provides further detail on the requirement in subsection (1)(b) to review a local development plan, both in terms of monitoring the changes in the area and monitoring the impact of the policies and proposals in the plan. Subsections (9) and (10) set out the requirements for publishing a statement on this monitoring.
28. **New section 17** describes how a main issues report is to be compiled in preparation for the local development plan. Its contents are defined in subsections (2) and (3). Subsection (4) sets out a duty to consult, and subsection (5) places a duty on key agencies to co-operate with the authority in its production. Subsections (6) to (10) require the publication of the report, and that a copy is to be sent to the Scottish Ministers.
29. **New section 18** covers the production of the proposed local development plan. Subsection (1) covers the production of the proposed plan and notification of this to relevant persons. Subsection (2) requires the specification of a date by which any representations about the plan must be made to the authority. Subsection (4) covers the procedure for submitting the proposed plan to the Scottish Ministers, after the period for making representations has ended, and subsection (5) requires further neighbour notification to be carried out by the planning authority if they make modifications

of a kind described in regulations. Such modifications are likely to include situations where a site included in the proposed plan attracts a large amount of objection and an alternative site is proposed by a landowner or developer. The planning authority may consider this alternative site to be preferable but, in order to ensure that everyone affected by the alternative site has had an opportunity to comment on the plan, further neighbour notification should be carried out. Subsections (8) and (9) set out the procedure for preparing and publishing a new proposed plan where the authority consider that modifications would change the underlying aims or strategy of the proposed plan.

30. **New section 19** sets out the procedures to be followed in the examination of a proposed local development plan. Subsections (1) to (2) give planning authorities a duty to request the Scottish Ministers to appoint a person to examine the plan, where representations were neither taken account of nor withdrawn. Subsection (3) enables the Scottish Ministers to make such an appointment if they consider that those circumstances arise and no request has been made. Subsection (4) requires the appointed person to examine the extent to which the authority's carrying out of consultation on the plan conforms with its participation statement. Subsections (5) to (7) give details of the financial and procedural arrangements for such examinations, and subsections (8) and (9) cover the preparation and publishing of the report and its submission to the planning authority. Subsections (10) to (12) set out the procedures for the planning authority to follow on receipt of the report under subsection (8)(b).
31. **New section 19A** sets out how the person appointed under new section 19 is to proceed if not satisfied with the way the planning authority have carried out the consultation on the proposed plan. Subsection (1) requires the appointed person to prepare a report and send it to the Scottish Ministers, copied to the planning authority. Subsection (2) gives the authority 4 weeks to make representations to Ministers. Subsections (3) to (5) give powers of direction to Ministers in relation to further steps to be taken by the authority and the appointed person carrying out the examination required under new section 19(1). Subsections (6) and (7) set out the procedure for preparing and publishing a new proposed plan where the authority consider that modifications would change the underlying aims or strategy of the proposed plan. Subsection (8) requires the authority to advertise that they have submitted the plan to Ministers, while subsections (9) and (10) apply sections 19 and 19A to a plan submitted following modification as a result of further consultation in the same way as they apply to the original proposed plan, but with necessary modifications to take into account any steps required on further consultation and neighbour notification, and any subsequent representations received.
32. **New section 20** sets out the procedure for adoption of the local development plan by the planning authority. Subsection (3) states that adoption may not take place within 28 days of notice of intention to adopt the plan. Subsection (4) enables the Scottish Ministers to extend the period. The Scottish Ministers have powers under subsections (5) and (6) to direct that a planning authority should consider modifying the proposed plan. Subsection (7) allows Ministers to approve the local development plan.
33. **New section 20A** gives details of the publication and publicity arrangements for local development plans once they have been finally adopted or approved.