



# Planning (Scotland) Act 2019

## 2019 asp 13

### PART 1

#### DEVELOPMENT PLANNING

##### *Development planning*

#### **13 Development plan**

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 24 (meaning of “development plan”), for subsections (1) to (4) substitute—
  - “(1) For the purposes of this Act, any other enactment relating to town and country planning and the Land Compensation (Scotland) Act 1963, the development plan for an area is to be taken as consisting of the provisions of—
    - (a) the National Planning Framework,
    - (b) any strategic development plan for the time being applicable to the area, together with—
      - (i) the Scottish Ministers’ notice of approval of that plan, and
      - (ii) any supplementary guidance issued in connection with that plan, and
    - (c) any local development plan for the time being applicable to the area.
  - (2) A reference in subsection (1) to provisions of a framework or plan is to be construed as a reference to so much of the provisions as are applicable to the area.
  - (3) In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail.
  - (4) For the purposes of subsection (3)—
    - (a) the date of the National Planning Framework is the latest date on which it was published under section 3A(6) or (8),
    - (b) the date of a local development plan is the date on which it was constituted under section 20.”.

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*Status: This is the original version (as it was originally enacted).*

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- (3) In section 25 (status of development plan)—
- (a) for paragraphs (a) and (b) of subsection (1), substitute “, to be made in accordance with that plan.”,
  - (b) subsections (2) and (3) are repealed.
- (4) In section 237(1) (validity of development plans etc.), before paragraph (a) insert—
- “(za) the National Planning Framework and any revised framework or amendment to it, whether before or after the framework, revised framework or amended framework is published.”.
- (5) In section 238 (proceedings for questioning validity of development plans etc.)—
- (a) before subsection (1) insert—
 

“(A1) If any person aggrieved by the National Planning Framework desires to question the validity of the framework on the ground—

    - (a) that it is not within the powers conferred by Part 1A, or
    - (b) that any requirement of that Part or of any regulations made under that Part has not been complied with,

the person may make an application to the Court of Session under this section.”,
  - (b) in subsection (5), before paragraph (a) insert—
 

“(za) in the case of an application in respect of the National Planning Framework—

    - (i) the date of its publication under section 3A(8), or
    - (ii) where the grounds of the application arise from an amendment to the National Planning Framework, the date on which the amendment took effect,”,
    - (c) in subsection (5)(aa)—
      - (i) the words “the date of its publication under section 20A(1)(b)” become sub-paragraph (i), and
      - (ii) after sub-paragraph (i) so formed insert “, or
      - (ii) where the grounds of the application arise from an amendment to the local development plan, the date on which the amendment took effect.”.