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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 426**

**The Town and Country Planning (Development Planning) (Scotland) Regulations 2008**

**PART 3**

**Local Development Plans**

**Maps to be included in local development plan**

**8.**—(1) A local development plan is to contain a map or maps, (to be known as “the Proposals Map”), describing the policies and proposals set out in the local development plan, so far as practicable to illustrate such policies or proposals spatially.

(2) The Proposals Map is to be sufficiently detailed so as to enable the location of proposals for the development and use of land to be identified.

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**Commencement Information**

**I1** Reg. 8 in force at 28.2.2009, see **reg. 1(1)**

**Schedule of land ownership**

**9.**—(1) The schedule of land ownership required to be appended to the plan by section 15(3) of the Act is to be in the form set out in Schedule 1.

(2) Where a local development plan is prepared by a National Park authority, the schedule of land ownership is also to include land owned by a local authority.

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**Commencement Information**

**I2** Reg. 9 in force at 28.2.2009, see **reg. 1(1)**

**Information and considerations**

**10.**—(1) In preparing a local development plan the planning authority are to have regard to—

- (a) the resources available or likely to be available for the carrying out of the policies and proposals set out in the local development plan;
- (b) any local development plan prepared for a different purpose for the local development plan area;
- (c) any local development plan or strategic development plan prepared for an area adjoining the local development plan area;

[<sup>F1</sup>(ca) any adopted national marine plan or regional marine plan relating to parts of the Scottish marine area adjoining the local development plan area;]

- (d) any regional transport strategy relating to the local development plan area;
- [<sup>F2</sup>(da) any approved flood risk management plan or finalised local flood risk management plan relating to the local development plan area;]
- (e) any local transport strategy relating to the local development plan area;
- (f) any river basin management plan relating to the local development plan area;
- (g) any local housing strategy relating to the local development plan area;
- (h) the national waste management plan; and
- (i) where the local development plan area adjoins land in England, any regional spatial strategy or local development framework published in respect of that land.
- (2) In addition to the matters specified in paragraph (1), in preparing a local development plan the planning authority are also to have regard to—
- [<sup>F3</sup>(a) the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment; and
- (b) the need in the long term—
- (i) to maintain appropriate safety distances between establishments covered by the Directive and residential areas, buildings and areas of public use, recreational areas and, as far as possible, major transport routes;
- (ii) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures; and
- (iii) in the case of existing establishments, to take additional technical measures in accordance with [<sup>F4</sup>regulation 5 of the 2015 Regulations] so as not to increase the risks to human health and the environment.]
- (3) In paragraph (1) references to a local development plan or a strategic development plan include, as the case may be, a reference to a proposed local development plan submitted to the Scottish Ministers in accordance with section 18(4)(a) or section 19A(5)(b)(ii) of the Act or a proposed strategic development plan submitted to the Scottish Ministers in accordance with section 10(3)(b) or 12A(5)(b)(ii) of the Act.
- (4) In this regulation “local transport strategy” has the same meaning as in section 82(1) of the Transport (Scotland) Act 2001(1).

- F1** Reg. 10(1)(ca) inserted (1.4.2011) by [The Town and Country Planning \(Miscellaneous Amendments\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/138\)](#), regs. 1(2), **5(4)(a)**
- F2** Reg. 10(1)(da) inserted (1.4.2011) by [The Town and Country Planning \(Miscellaneous Amendments\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/138\)](#), regs. 1(2), **5(4)(b)**
- F3** Reg. 10(2)(a)(b) substituted for reg. 10(2)(a)-(c) (1.6.2015) by [The Town and Country Planning \(Hazardous Substances\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/181\)](#), reg. 1, **sch. 8 para. 2(4)**
- F4** Words in reg. 10(2)(b)(iii) substituted (31.12.2020) by [The Town and Country Planning and Electricity Works \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments\) Regulations 2019 \(S.S.I. 2019/80\)](#), regs. 1, **2(4)** (as amended by [S.S.I. 2019/274](#), regs. 1, 2(2) and [S.S.I. 2020/310](#), regs. 1, 2(2), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)

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**Commencement Information**

- I3** Reg. 10 in force at 28.2.2009, see [reg. 1\(1\)](#)

## Consultation for main issues report

11. The following persons are prescribed for the purposes of section 17(4)(b) of the Act as a person whose views a planning authority are to seek and have regard to when compiling a main issues report—

- (a) the Scottish Ministers;
- (b) any planning authority whose district adjoins and any National Park authority for a National Park which adjoins, the district of that planning authority area; and
- (c) where the district of that planning authority, or any part of it, is within a strategic development plan area, the other planning authorities comprising the strategic development planning authority for that area.

### Commencement Information

I4 [Reg. 11](#) in force at 28.2.2009, see [reg. 1\(1\)](#)

## Publication in accordance with section 17(6) of the Act

12.—(1) The manner of publication prescribed for the purposes of section 17(6) of the Act is as set out in paragraph (2).

(2) Publication is to be by—

- (a) publishing in a local newspaper circulating in the area and on the internet a notice containing the following information—
  - (i) a statement that the document has been prepared and where and at what times it may be inspected;
  - (ii) a brief description of the content and purpose of the document;
  - (iii) details of how further information may be obtained regarding the document, including that it is to be published on the internet under paragraph (2)(d);
  - (iv) a statement that any person wishing to do so may make representations on the content of the document; and
  - (v) information as to how and to whom any representations should be made and the date by which they should be made;
- (b) sending a notice containing that information to—
  - (i) the key agencies;
  - (ii) a planning authority for the land which adjoins the local development plan area;
  - (iii) where the local development plan area, or any part of it, is within a strategic development plan area, the other planning authorities comprising the strategic development planning authority for that area; and
  - (iv) any community council any part of whose area is within the local development plan area;
- (c) making a copy of the document available for inspection at an office of the planning authority and in every public library in the local development plan area; and
- (d) publishing the document on the internet.

(3) For the purposes of publication in accordance with the following provisions, in paragraph (2) “document” means, as the case may be—

- (a) in section 17(6) of the Act, a main issues report;

- (b) in section 18(1)(a) of the Act, a proposed local development plan; and
- (c) in section 18(5)(a) of the Act, a proposed local development plan modified under section 18(3) or (6) of the Act, as the case may be.

**Commencement Information**

**I5** [Reg. 12](#) in force at 28.2.2009, see [reg. 1\(1\)](#)

**Consultation on proposed local development plan**

**13.** The planning authority must—

- (a) with regard to a proposed local development plan, consult the Scottish Ministers; and
- (b) with regard to a new proposed local development plan prepared in accordance with section 18(8) of the Act, in addition consult all persons who made timeous representation with respect to the original plan.

**Commencement Information**

**I6** [Reg. 13](#) in force at 28.2.2009, see [reg. 1\(1\)](#)

**Notification of publication of proposed local development plan**

**14.—(1)** Where the proposed local development plan includes a proposal for development relating to a specific site which, if implemented, would be likely to have a significant effect on the use or amenity of that site or of neighbouring land, the planning authority are to give notice to the owner, lessee or occupier of any premises situated on that site, or on such neighbouring land, as the case may be, in accordance with paragraph (2).

(2) Notice given under paragraph (1) is to be—

- (a) in the form set out in Schedule 2 (and completed in accordance with the instructions therein);
- (b) accompanied by a map showing the location of the site in question; and
- (c) sent to the premises situated on the site or neighbouring land, as the case may be, addressed to “the Owner, Lessee or Occupier”.

**Commencement Information**

**I7** [Reg. 14](#) in force at 28.2.2009, see [reg. 1\(1\)](#)

**Notification of modifications**

**15.—(1)** The kind of modifications prescribed for the purposes of section 18(5) of the Act are modifications which—

- (a) remove or significantly alter any policies or any proposals set out in the proposed local development plan published in accordance with section 18(1) or republished in accordance with section 18(5)(a) of the Act; or
- (b) introduce new policies or proposals into the proposed local development plan.

(2) Where the planning authority make such modifications to a proposed local development plan they must give notice to the owner, lessee or occupier of any premises situated on a relevant site or on neighbouring land in accordance with paragraph (3).

(3) Notice given under paragraph (2) is to be—

- (a) in the form set out in Schedule 3 (and completed in accordance with the instructions therein);
- (b) accompanied by a map showing the location of the relevant site in question; and
- (c) sent to the premises situated on the site or land, as the case may be, addressed to the Owner, Lessee or Occupier”.

(4) In this regulation “relevant site” means land in respect of which a modification mentioned in paragraph (1) removes, alters or introduces a specific proposal for the development of that land which if implemented would be likely to have a significant effect on the use or amenity of that land or neighbouring land.

**Commencement Information**

**18** [Reg. 15](#) in force at 28.2.2009, see [reg. 1\(1\)](#)

**Publication of proposed local development plan as submitted to the Scottish Ministers**

**16.**—(1) The manner of publication or advertisement prescribed for the purposes of section 18(4) (b) and 19A(8) of the Act (publication of a proposed local development plan as submitted to the Scottish Ministers) is as set out in paragraph (2).

(2) Publication or advertisement is to be by—

- (a) publishing in a local newspaper circulating in the area a notice containing the following information—
  - (i) a statement that a proposed local development plan has been submitted to the Scottish Ministers; and
  - (ii) the date of submission of the proposed plan and details of where and at what times it may be inspected;
- (b) making a copy of the proposed local development plan available for inspection at an office of the planning authority and in every public library in the local development plan area; and
- (c) publishing the proposed local development plan on the internet.

**Commencement Information**

**19** [Reg. 16](#) in force at 28.2.2009, see [reg. 1\(1\)](#)

**Publication of proposed local development plan following examination**

**17.**—(1) The manner of publication prescribed for the purposes of section 19(10)(b) is as set out in paragraph (2).

(2) Publication is to be by—

- (a) publishing in a local newspaper circulating in the area a notice containing the following information—
  - (i) a statement that the planning authority intend to adopt the proposed local development plan;

- (ii) whether or not the proposed local development plan has been modified following receipt of the report prepared following examination; and
- (iii) where and at what times the proposed local development plan (as modified if appropriate) and the modifications (if appropriate) may be inspected;
- (b) making copies of the proposed local development plan (as modified if appropriate) and the modifications (if appropriate) available for inspection at an office of the planning authority and in every public library in the local development plan area; and
- (c) publishing the proposed local development plan (as modified if appropriate) and the modifications (if appropriate) on the internet.

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**Commencement Information**

**I10** [Reg. 17](#) in force at 28.2.2009, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Development Planning) (Scotland) Regulations 2008, PART 3.