
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 427

**The Planning etc. (Scotland) Act 2006 (Development Planning)
(Saving, Transitional and Consequential Provisions) Order 2008**

Structure plans and alterations to structure plans not submitted to the Scottish Ministers

- 3.—(1) This article applies to a structure plan—
- (a) in respect of which, the planning authority have, before the relevant date, taken such steps as will in their opinion secure that the requirements of section 8(1) (publicity and consultation) or as, the case may be, section 9(4) (alteration and replacement of structure plans) of the Act (as those sections applied immediately before the relevant date) are satisfied; but
 - (b) which has not been submitted to the Scottish Ministers before the relevant date.
- (2) Where this article applies the provisions of—
- (a) sections 5 to 7, 8(1) and (2), 9(1) and (2), 21, 237 and 238 of the Act, the 1983 Regulations (other than regulations 11 to 19 and 21), the 1994 Regulations and the 1995 Order shall continue to have effect as they did immediately before the relevant date for the purposes of that structure plan; and
 - (b) sections 10 (other than subsections (3)(b)(ii) and (iii) and (8)), 11, 12 (other than subsection (2) and (7)(a)(ii)), 13, 14, 23, 23A, 24 and 25 of the Act (as it has effect on the relevant date), and regulations made under such provisions, are to apply to the structure plan as they apply to a strategic development plan but as if—
 - (i) references to—
 - (a) a strategic development plan were references to a structure plan;
 - (b) the strategic development plan area were references, as the case may be—
 - (i) to the district of the planning authority; or
 - (ii) where two or more planning authorities are to prepare a structure plan jointly under section 5 of the Act (as continued in force by paragraph (2)(a)), to the structure plan area designated by the 1995 Order in respect of those authorities; and
 - (c) a strategic development planning authority were references to the planning authority or planning authorities, as the case may be, which are preparing the structure plan; and
 - (ii) the reference in section 10(1) of the Act to the date specified by virtue of section 9(8) of the Act is treated as reference to the end of the period prescribed under section 8(2) of the Act as it applied immediately before the relevant date, the reference in section 10(1)(a) of the Act to representations is treated as a reference to representations made to the planning authority within such period and the reference in section 10(1)(c) of the Act to persons making representations is treated as a reference to persons making such representations.