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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes saving, transitional and consequential provisions in relation to the substitution of a new Part 2 to the Town and Country Planning (Scotland) Act 1997 (c. 8) (“the 1997 Act”) by section 2 of the Planning etc. (Scotland) Act 2006 (asp 17).

Article 2 continues the previous law in force for the purposes of a structure plan which is submitted to the Scottish Ministers before the date on which section 2 of the 2006 Act comes into force for all purpose (“the relevant date”). Article 3 continues certain provisions of the previous law and applies with modifications certain provisions of the new law as introduced by the 2006 Act to structure plans which have been publicised but not yet submitted to the Scottish Ministers. Such a structure plan may be examined under section 12 of the new provisions in the same way as a proposed strategic development plan. References to a structure plan include by virtue of article 1(2) a proposal to alter or to repeal and replace a structure plan.

Article 4 continues the previous law for the purposes of a local plan in respect of which notice of a local inquiry has been given before the relevant date. Article 5 continues certain provisions of the previous law and applies with modifications certain provisions of the new law as introduced by the 2006 Act to local plans which have been publicised but in respect of which no notice has been given of a local inquiry before the relevant date. Such a local plan may be examined under section 19 of the new provisions in the same way as a proposed local development plan. References to a local plan include by virtue of article 1(2) a proposal to alter, repeal or replace a structure plan.

Article 6 provides that a structure plan or local plan approved or adopted after the relevant date will be treated as the development plan for the land to which it relates. In the circumstances where there is no strategic development plan for an area article 7 operates to apply section 16(6) of the Act as amended by the 2006 Act as if references to the strategic development plan were references to the structure plan.

Articles 8 and 9 make consequential amendments to the Conservation (Natural Habitats, &.) Regulations 1994 and the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 respectively. Article 10 revokes, subject to savings provisions in articles 2 to 5, the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983 and the Designation of Structure Plan Areas (Scotland) Order 1995.