



Town and Country Planning (Scotland) Act 1972

1972 CHAPTER 52

PART II

DEVELOPMENT PLANS

Local plans

9 Preparation of local plans

- (1) A local planning authority who are in course of preparing a structure plan for their district, or have prepared for their district a structure plan which has not been approved or rejected by the Secretary of State, may prepare a local plan for any part of that district.
- (2) Where a structure plan for their district has been approved by the Secretary of State, the local planning authority shall as soon as practicable consider, and thereafter keep under review, the desirability of preparing and, if they consider it desirable and they have not already done so, shall prepare a local plan for any part of the district.
- (3) A local plan shall consist of a map and a written statement and shall—
 - (a) formulate in such detail as the authority think appropriate the authority's proposals for the development and other use of land in that part of their district or for any description of development or other use of such land (including in either case such measures as the authority think fit for the improvement of the physical environment and the management of traffic); and
 - (b) contain such matters as may be prescribed or as the Secretary of State may in any particular case direct.
- (4) Different local plans may be prepared for different purposes for the same part of any district.

- (5) A local plan shall contain, or be accompanied by, such diagrams, illustrations and descriptive matter as the local planning authority think appropriate for the purpose of explaining or illustrating the proposals in the plan, or as may be prescribed, or as may in any particular case be specified in directions given by the Secretary of State; and any such diagrams, illustrations and descriptive matter shall be treated as forming part of the plan.
- (6) Where an area is indicated as an action area in a structure plan which has been approved by the Secretary of State, the local planning authority shall (if they have not already done so), as soon as practicable after the approval of the plan, prepare a local plan for that area.
- (7) Without prejudice to the preceding provisions of this section, the local planning authority shall, if the Secretary of State gives them a direction in that behalf with respect to a part of a district for which a structure plan has been, or is in course of being, prepared, as soon as practicable prepare for that part a local plan of such nature as may be specified in the direction.
- (8) Directions under subsection (7) of this section may be given by the Secretary of State either before or after he approves the structure plan ; but no such directions shall require a local planning authority to take any steps to comply therewith until the structure plan has been approved by him.
- (9) In formulating their proposals in a local plan the local planning authority shall secure that the proposals conform generally to the structure plan as it stands for the time being (whether or not it has been approved by the Secretary of State) and shall have regard to any information and any other considerations which appear to them to be relevant, or which may be prescribed, or which the Secretary of State may in any particular case direct them to take into account.
- (10) Before giving a direction under the preceding provisions of this section to a local planning authority, the Secretary of State shall consult the authority with respect to the proposed direction.
- (11) Where a local planning authority are required by this section to prepare a local plan, they shall take steps for the adoption of the plan.

10 Publicity in connection with preparation of local plans

- (1) A local planning authority who propose to prepare a local plan shall take such steps as will in their opinion secure—
 - (a) that adequate publicity is given in their district to any relevant matter arising out of a survey of the district carried out by them under section 4 of this Act and to the matters proposed to be included in the plan;
 - (b) that persons who may be expected to desire an opportunity of making representations to the authority with respect to those matters are made aware that they are entitled to an opportunity of doing so ; and
 - (c) that such persons are given an adequate opportunity of making such representations;
 and the authority shall consider any representations made to them within the prescribed period.
- (2) When the local planning authority have prepared a local plan, they shall, before adopting it or submitting it for approval under section 12(4) of this Act (but not before

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the Secretary of State has approved the structure plan so far as it applies to the area of that local plan), make copies of the local plan available for inspection at their office and at such other places as may be prescribed and send a copy to the Secretary of State ; and each copy made available for inspection shall be accompanied by a statement of the time within which objections to the local plan may be made to the authority.

- (3) A copy of a local plan sent to the Secretary of State under subsection (2) of this section shall be accompanied by a statement containing such particulars, if any, as may be prescribed—
 - (a) of the steps which the authority have taken to comply with subsection (1) of this section ; and
 - (b) of the authority's consultations with, and their consideration of the views of, other persons.
- (4) If, on considering the statement submitted with, and the matters included in, the local plan and any other information provided by the local planning authority, the Secretary of State is not satisfied that the purposes of paragraphs (a) to (c) of subsection (1) of this section have been adequately achieved by the steps taken by the authority in compliance with that subsection, he may, within twenty-one days of the receipt of the statement, direct the authority not to take any further steps for the adoption of the plan without taking such further action as he may specify in order better to achieve those purposes and satisfying him that they have done so.
- (5) A local planning authority who are given directions by the Secretary of State under subsection (4) of this section shall—
 - (a) forthwith withdraw the copies of the local plan made available for inspection as required by subsection (2) of this section ; and
 - (b) notify any person by whom objections to the local plan have been made to the authority that the Secretary of State has given such directions as aforesaid.

11 Inquiries, etc. with respect to local plans

- (1) For the purpose of considering objections made to a local plan the local planning authority may, and shall in the case of objections so made in accordance with regulations under this Act, cause a local inquiry or other hearing to be held by a person appointed by the Secretary of State or, in such cases as may be prescribed by regulations under this Act, by the authority themselves, and—
 - (a) subsections (4) to (6) of section 267 of this Act shall apply to an inquiry held under this section as they apply to an inquiry held under that section ;
 - (b) the Tribunals and Inquiries Act 1971 shall apply to a local inquiry or other hearing held under this section as it applies to a statutory inquiry held by the Secretary of State, but as if in section 12(1) of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State were a reference to a decision taken by a local authority.
- (2) Regulations made for the purposes of subsection (1) of this section may—
 - (a) make provision with respect to the appointment and qualifications for appointment of persons to hold a local inquiry or other hearing under that subsection, including provision enabling the Secretary of State to direct a local planning authority to appoint a particular person, or one of a specified list or class of persons;
 - (b) make provision with respect to the remuneration and allowances of a person appointed for the said purpose.

12 Adoption and approval of local plans

- (1) After the expiry of the period afforded for making objections to a local plan or, if such objections have been duly made during that period, after considering the objections so made, the local planning authority may, subject to section 10 of this Act and subsections (2) and (3) of this section, by resolution adopt the plan either as originally prepared or as modified so as to take account of any such objections or of any matters arising out of such objections.
- (2) The local planning authority shall not adopt a local plan unless it conforms generally to the structure plan as approved by the Secretary of State.
- (3) After copies of a local plan have been sent to the Secretary of State and before the plan has been adopted by the local planning authority, the Secretary of State may direct that the plan shall not have effect unless approved by him.
- (4) Where the Secretary of State gives a direction under subsection (3) of this section, the local planning authority shall submit the plan accordingly to him for his approval, and—
 - (a) section 7 of this Act shall, subject to paragraph (b) of this subsection, apply in relation to the plan as it applies in relation to a structure plan;
 - (b) before deciding whether or not to approve the plan the Secretary of State shall consider any objections thereto which have been considered by the authority, but he shall not be obliged to cause an inquiry or other hearing to be held into the plan if any such inquiry or hearing has already been held at the instance of the authority; and
 - (c) after the giving of the direction the authority shall have no further power or duty to hold a local inquiry or other hearing under section 11 of this Act in connection with the plan.

13 Alteration of local plans

- (1) A local planning authority may at any time make proposals for the alteration, repeal or replacement of a local plan adopted by them and may at any time, with the consent of the Secretary of State, make proposals for the alteration, repeal or replacement of a local plan approved by him.
- (2) Without prejudice to subsection (1) of this section, a local planning authority shall, if the Secretary of State gives them a direction in that behalf with respect to a local plan adopted by them or approved by him, as soon as practicable prepare proposals of a kind specified in the direction, being proposals for the alteration, repeal or replacement of the plan.
- (3) The provisions of sections 9(9) to (11), 10, 11 and 12 of this Act shall apply in relation to the making of proposals for the alteration, repeal or replacement of a local plan under this section, and to alterations to a local plan so proposed, as they apply in relation to the preparation of a local plan under section 9 of this Act and to a local plan prepared thereunder, but as if the reference in section 12(4) (a) to section 7 of this Act were a reference to section 8 of this Act.