



Town and Country Planning (Scotland) Act 1972

1972 CHAPTER 52

PART II

DEVELOPMENT PLANS

Supplementary provisions

14 Disregarding of representations with respect to development authorised by or under other enactments

Notwithstanding anything in the preceding provisions of this Act, neither the Secretary of State nor a local planning authority shall be required to consider representations or objections with respect to a structure plan, a local plan or any proposal to alter, repeal or replace any such plan if it appears to the Secretary of State or the authority, as the case may be, that those representations or objections are in substance representations or objections with respect to things done or proposed to be done in pursuance of—

- (a) an order or scheme under section 1 of the Trunk Roads Act 1936, sections 1 and 4 of the Trunk Roads Act 1946 or section 1, 3 or 14 of the Special Roads Act 1949 (trunk road orders, special road schemes and ancillary orders);
- (b) an order under section 1 of the New Towns Act 1946 or section 1 of the New Towns (Scotland) Act 1968 (designation of sites of new towns).

15 Default powers of Secretary of State

- (1) Where, by virtue of any of the preceding provisions of this Part of this Act, any survey is required to be carried out, or any structure or local plan or proposals for the alteration, repeal or replacement thereof are required to be prepared or submitted to the Secretary of State, or steps are required to be taken for the adoption of any such plan or proposals, then—

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- (a) if at any time the Secretary of State is satisfied, after holding a local inquiry or other hearing, that the local planning authority are not carrying out the survey or are not taking the steps necessary to enable them to submit or adopt such a plan or proposals within a reasonable period; or
- (b) in a case where a period is specified for the submission or adoption of any such plan or proposals, if no such plan or proposals have been submitted or adopted within that period,

the Secretary of State may carry out the survey or prepare and make a structure plan or local plan or, as the case may be, alter repeal or replace it, as he thinks fit.

- (2) Where under subsection (1) of this section the Secretary of State has power to do anything which should have been done by a local planning authority, he may, if he thinks fit, authorise any other local planning authority who appear to the Secretary of State to have an interest in the proper planning of the district of the first-mentioned authority to do that thing.
- (3) Where under this section anything which ought to have been done by a local planning authority is done by the Secretary of State or another such authority, the preceding provisions of this Part of this Act shall, so far as applicable, apply with any necessary modifications in relation to the doing of that thing by the Secretary of State and the latter authority and the thing so done.
- (4) Where the Secretary of State incurs expenses under this section in connection with the doing of anything which should have been done by a local planning authority, so much of those expenses as may be certified by the Secretary of State to have been incurred in the performance of functions of that authority shall on demand be repaid by that authority to the Secretary of State.
- (5) Where under this section anything which should have been done by one local planning authority is done by another such authority, any expenses reasonably incurred in connection with the doing of that thing by the latter authority, as certified by the Secretary of State, shall be repaid to the latter authority by the former authority.

16 Supplementary provisions as to structure and local plans

- (1) Without prejudice to the powers conferred on him by the preceding provisions of this Part of this Act, the Secretary of State may make regulations with respect to the form and content of structure and local plans and with respect to the procedure to be followed in connection with their preparation, submission, withdrawal, approval, adoption, making, alteration, repeal and replacement; and in particular any such regulations may—
 - (a) provide for the publicity to be given to the report of any survey carried out by a local planning authority under section 4 of this Act;
 - (b) provide for the notice to be given of, or the publicity to be given to, matters included or proposed to be included in any such plan, and the approval, adoption or making of any such plan or any alteration, repeal or replacement thereof or to any other prescribed procedural step, and for publicity to be given to the procedure to be followed as aforesaid;
 - (c) make provision with respect to the making and consideration of representations with respect to matters to be included in, or objections to, any such plan or proposals for its alteration, repeal or replacement;
 - (d) without prejudice to paragraph (b) of this subsection, provide for notice to be given to particular persons of the approval, adoption or alteration of any plan,

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- if they have objected to the plan and have notified the local planning authority of their wish to receive notice, subject (if the regulations so provide) to the payment of a reasonable charge for receiving it;
- (e) require or authorise a local planning authority to consult with, or consider the views of, other persons before taking any prescribed procedural step;
 - (f) require a local planning authority, in such cases as may be prescribed or in such particular cases as the Secretary of State may direct, to provide persons making a request in that behalf with copies of any plan or document which has been made public for the purpose mentioned in section 6(1)(a) or 10(1)(a) of this Act or has been made available for inspection under section 6(2) or 10(2) of this Act, subject (if the regulations so provide) to the payment of a reasonable charge therefor;
 - (g) provide for the publication and inspection of any structure plan or local plan which has been approved, adopted or made, or any document approved, adopted or made altering, repealing or replacing any such plan, and for copies of any such plan or document to be made available on sale.
- (2) Regulations under this section may extend throughout Scotland or to specified areas only and may make different provisions for different cases.
- (3) Subject to the preceding provisions of this Part of this Act and to any regulations under this section, the Secretary of State may give directions to any local planning authority, or to local planning authorities generally.—
- (a) for formulating the procedure for the carrying out of their functions under this Part of this Act;
 - (b) for requiring them to give him such information as he may require for carrying out any of his functions under this Part of this Act.
- (4) Subject to the provisions of section 231 of this Act, a structure plan or local plan or any alteration, repeal or replacement thereof shall become operative on a date appointed for the purpose in the relevant notice of approval, resolution of adoption or notice of the making, alteration, repeal or replacement of the plan.

17 Meaning of "development plan "

- (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 any area (whether the whole or part of the district of a local planning authority) shall be taken as consisting of—
- (a) the provisions of the structure plan for the time being in force for that district or the relevant part of that district, together with the Secretary of State's notice of approval of the plan;
 - (b) any alterations to that plan, together with the Secretary of State's notices of approval thereof;
 - (c) any provisions of a local plan for the time being applicable to the area, together with a copy of the authority's resolution of adoption or, as the case may be, the Secretary of State's notice of approval of the local plan; and
 - (d) any alterations to that local plan, together with a copy of the authority's resolutions of adoption or, as the case may be, the Secretary of State's notices of approval thereof.

- (2) References in subsection (1) of this section to the provisions of any plan, notices of approval, alterations and resolutions of adoption shall, in relation to an area forming part of the district to which they are applicable, be respectively construed as references to so much of those provisions, notices, alterations and resolutions as is applicable to the area.
- (3) References in subsections (1) and (2) of this section to notices of approval shall in relation to any plan or alteration made by the Secretary of State under section 1S of this Act be construed as references to notices of the making of the plan or alteration.
- (4) This section has effect subject to Schedule 5 and Part I of Schedule 21 to this Act

18 Commencement of Part II and interim provisions

- (1) The preceding provisions of this Part of this Act (other than section 16 and except so far as they enable any matter or thing to be prescribed), and Part I of Schedule 21 to this Act, shall come into operation on a day appointed by an order made by the Secretary of State.
- (2) The provisions of Schedules 3 and 4 to this Act shall have effect until they are repealed by an order made by the Secretary of State.
- (3) Schedule 5 to this Act shall have effect as respects the transition from the said Schedules 3 and 4 to the preceding provisions of this Part of this Act.
- (4) Different days may be appointed under this section for different purposes and, in particular, different days may be so appointed for the coming into operation or repeal of the same provisions in different areas.
- (5) Any reference in this Part of this Act to the commencement of any provision thereof shall be construed as a reference to the day appointed for the coming into operation of that provision or, in the case of a provision which comes into operation on different days in different areas, shall, in relation to any area, be construed as a reference to the day appointed for the coming into operation of that provision in that area.
- (6) An order under this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into operation or repealed, including such adaptation of those provisions or of any other provision of this Act then in force as appears to him to be necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).
- (7) The Secretary of State shall maintain and keep up to date a register showing the effect of orders made under this section in such a way as enables members of the public to inform themselves—
 - (a) as to the provisions which have come, or are to be brought, into operation or have been, or are to be, repealed, and on which dates and in relation to which areas; and
 - (b) as to whether, in the case of a particular area, any transitional provision has been made by such an order.
- (8) The register maintained under this section by the Secretary of State shall be kept at his principal offices in Edinburgh and shall be available for inspection by the public at all reasonable hours.