



# Town and Country Planning (Scotland) Act 1972

## 1972 CHAPTER 52

### PART II

#### DEVELOPMENT PLANS

##### *Survey and structure plan*

#### **4 Survey of planning districts**

- (1) It shall be the duty of the local planning authority to institute a survey of their district, in so far as they have not already done so, examining the matters which may be expected to affect the development of that district or the planning of its development and in any event to keep all such matters under review.
- (2) Notwithstanding that the local planning authority have carried out their duty under subsection (1) of this section, the authority may, if they think fit, and shall, if directed to do so by the Secretary of State, institute a fresh survey of their district examining the matters mentioned in that subsection.
- (3) Without prejudice to the generality of the preceding provisions of this section, the matters to be examined and kept under review thereunder shall include the following, that is to say—
  - (a) the principal physical and economic characteristics of the district of the authority (including the principal purposes for which land is used) and, so far as they may be expected to affect that district, of any neighbouring districts;
  - (b) the size, composition and distribution of the population of that district (whether resident or otherwise);
  - (c) without prejudice to paragraph (a) of this subsection, the communications, transport system and traffic of that district and, so far as they may be expected to affect that district, of any neighbouring districts;

- (d) any considerations not mentioned in any of the preceding paragraphs which may be expected to affect any matters so mentioned;
  - (e) such other matters as may be prescribed or as the Secretary of State may in a particular case direct;
  - (f) any changes already projected in any of the matters mentioned in any of the preceding paragraphs and the effect which those changes are likely to have on the development of that district or the planning of such development.
- (4) A local planning authority shall, for the purpose of discharging their functions under this section of examining and keeping under review any matters relating to the district of another such authority, consult with that other authority about those matters.
- (5) Subsection (1) of this section shall, as respects any period during which this section is in operation in part only of the district of a local planning authority, be construed as requiring a local planning authority to institute a survey of that part of that district and to keep under review matters affecting only that part of that district; and subsection (2) of this section shall, whether or not this section is in operation in the whole of such a district, have effect as if the power thereby conferred included power for a local planning authority to institute, and for the Secretary of State to direct them to institute, a fresh survey of part only of their district; and references in subsection (3) of this section to the district of a local planning authority or any neighbouring districts shall be construed accordingly.

## **5 Preparation of structure plans**

- (1) The local planning authority shall, within such period from the commencement of this section within their district as the Secretary of State may direct, prepare and send the Secretary of State a report of their survey under section 4 of this Act and at the same time prepare and submit to him for his approval a structure plan for their district complying with the provisions of subsection (3) of this section.
- (2) The said report shall include an estimate of any changes likely to occur during such period as the Secretary of State may direct in the matters mentioned in section 4(3) of this Act; and different periods may be specified by any such direction in relation to different matters.
- (3) The structure plan for any district shall be a written statement—
- (a) formulating the local planning authority's policy and general proposals in respect of the development and other use of land in that district (including measures for the improvement of the physical environment and the management of traffic);
  - (b) stating the relationship of those proposals to general proposals for the development and other use of land in neighbouring districts which may be expected to affect that district; and
  - (c) containing such other matters as may be prescribed or as the Secretary of State may in any particular case direct.
- (4) In formulating their policy and general proposals under subsection (3)(a) of this section, the local planning authority shall secure that the policy and proposals are justified by the results of their survey under section 4 of this Act and by any other information which they may obtain and shall have regard—
- (a) to current policies with respect to the economic planning and development of the region as a whole;

- (b) to the resources likely to be available for the carrying out of the proposals of the structure plan ; and
  - (c) to such other matters as the Secretary of State may direct them to take into account.
- (5) A local planning authority's general proposals under this section with respect to land in their district shall indicate any part of that district (in this Act referred to as an " action area ") which they have selected for the commencement during a prescribed period of comprehensive treatment, in accordance with a local plan prepared for the selected area as a whole, by development, redevelopment or improvement of the whole or part of the area selected, or partly by one and partly by another method, and the nature of the treatment selected.
- (6) A structure plan for any district 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.
- (7) At any time before the Secretary of State has under section 7 of this Act approved a structure plan with respect to the whole of the district of a local planning authority, the authority may with his consent, and shall, if so directed by him, prepare and submit to him for his approval a structure plan relating to part of that district; and where the Secretary of State has given a consent or direction for the preparation of a structure plan for part of such a district, references in this Part of this Act to such a district shall, in relation to a structure plan, be construed as including references to part of that district.

## **6 Publicity in connection with preparation of structure plans**

- (1) When preparing a structure plan for their district and before finally determining its content for submission to the Secretary of State, the local planning authority shall take such steps as will in their opinion secure—
  - (a) that adequate publicity is given in their district to the report of the survey under section 4 of this Act and to the matters which they propose to include 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) Not later than the submission of a structure plan to the Secretary of State, the local planning authority shall make copies of the plan as submitted to the Secretary of State available for inspection at their office and at such other places as may be prescribed; and each copy shall be accompanied by a statement of the time within which objections to the plan may be made to the Secretary of State.

- (3) A structure plan submitted by the local planning authority to the Secretary of State for his approval 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 consideration of the views of, other persons with respect to those matters.
- (4) If after considering the statement submitted with, and the matters included in, the structure plan and any other information provided by the local planning authority, the Secretary of State is 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 shall proceed to consider whether to approve the structure plan; and if he is not so satisfied, he shall return the plan to the authority and direct them—
- (a) to take such further action as he may specify in order better to achieve those purposes; and
  - (b) after doing so, to resubmit the plan with such modifications, if any, as they then consider appropriate and, if so required by the direction, to do so within a specified, period.
- (5) Where the Secretary of State returns the structure plan to the local planning authority under subsection (4) of this section, he shall inform the authority of his reasons for doing so and, if any person has made to him an objection to the plan, shall also inform that person that he has returned the plan.
- (6) A local planning authority who are given directions by the Secretary of State under subsection (4) of this section shall forthwith withdraw the copies of the plan made available for inspection as required by subsection (2) of this section.
- (7) Subsections (2) to (6) of this section shall apply, with the necessary modifications, in relation to a structure plan resubmitted to the Secretary of State in accordance with directions given by him under subsection (4) as they apply in relation to the plan as originally submitted.

## **7 Approval or rejection of structure plan by Secretary of State**

- (1) The Secretary of State may, after considering a structure plan submitted (or resubmitted) to him, either approve it (in whole or in part and with or without modifications or reservations) or reject it.
- (2) In considering any such plan the Secretary of State may take into account any matters which he thinks are relevant, whether or not they were taken into account in the plan as submitted to him.
- (3) Where on taking any such plan into consideration the Secretary of State does not determine then to reject it, he shall, before determining whether or not to approve it—
- (a) consider any objections to the plan, so far as they are made in accordance with regulations under this Part of this Act;
  - (b) afford to any persons whose objections so made are not withdrawn an opportunity of appearing before, and being heard by, a person appointed by him for the purpose; and

- (c) if a local inquiry or other hearing is held, also afford the like opportunity to the local planning authority and such other persons as he thinks fit.
- (4) Without prejudice to subsection (3) of this section, on considering a structure plan the Secretary of State may consult with, or consider the views of, any local planning authority or other persons, but shall not be under an obligation to consult with, or consider the views of, any other authority or persons or, except as provided by that subsection, to afford an opportunity for the making of any objections or other representations, or to cause any local inquiry or other hearing to be held.

## **8 Alteration of structure plans**

- (1) At any time after the approval of a structure plan for their district a local planning authority may submit to the Secretary of State and shall, if so directed by the Secretary of State, submit to him within a period specified in the direction, proposals for such alterations to that plan as appear to them to be expedient or as the Secretary of State may direct, as the case may be, and any such proposals may relate to the whole or to part of that district.
- (2) The local planning authority shall send with the proposals submitted by them under this section a report of the results of their review of the relevant matters under section 4 of this Act together with any other information on which the proposals are based, and sections 6 and 7 of this Act shall apply, with any necessary modifications, in relation to the proposals as they apply in relation to a structure plan.