

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), SCHEDULE 6A. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 6A

#### SIMPLIFIED PLANNING ZONE SCHEMES]

##### Textual Amendments

**F1** Sch. 6A inserted by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\)](#), s. 26(2)(3), **Sch. 6 Pt. III**

##### *General*

- 1 A simplified planning zone scheme shall consist of a map and a written statement, and such diagrams, illustrations and descriptive matter as the planning authority think appropriate for explaining or illustrating the provisions of the scheme, and shall specify—
- (a) the development or classes of development permitted by the scheme,
  - (b) the land in relation to which permission is granted; and
  - (c) any conditions, limitations or exceptions subject to which it is granted;
- and shall contain such other matters as may be prescribed.

##### *Proposals to make or alter scheme*

- 2 (1) A planning authority may at any time decide to make a simplified planning zone scheme or to alter a scheme adopted by them or, with the consent of the Secretary of State, to alter a scheme approved by him.
- (2) An authority who decide to make or alter a simplified planning zone scheme shall—
- (a) notify the Secretary of State of their decision as soon as practicable, and
  - (b) determine the date on which they will begin to prepare the scheme or the alterations.

##### *Power of Secretary of State to direct making or alteration of scheme*

- 3 (1) If a person requests a planning authority to make or alter a simplified planning zone scheme but the authority—
- (a) refuse to do so, or
  - (b) do not within the period of three months from the date of the request decide to do so,
- he may, subject to sub-paragraph (2), require them to refer the matter to the Secretary of State.

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- (2) A person may not require the reference of the matter to the Secretary of State if—
- (a) in the case of a request to make a scheme, a simplified planning zone scheme relating to the whole or part of the land specified in the request has been adopted or approved within the twelve months preceding his request;
  - (b) in the case of a request to alter a scheme, the scheme to which the request relates was adopted or approved, or any alteration to it has been adopted or approved, within that period.
- (3) The Secretary of State shall, as soon as practicable after a matter is referred to him—
- (a) send the authority a copy of any representations made to him by the applicant which have not been made to the authority, and
  - (b) notify the authority that if they wish to make any representations in the matter they should do so, in writing, within 28 days.
- (4) The Secretary of State may, after—
- (a) considering the matter and any written representations made by the applicant or the authority, and
  - (b) carrying out such consultations with such persons as he thinks fit,
- give the authority a simplified planning zone direction.
- (5) The Secretary of State shall notify the applicant and the authority of his decision and of his reasons for it.
- 4 (1) A simplified planning zone direction is—
- (a) if the request was for the making of a scheme, a direction to make a scheme which the Secretary of State considers appropriate; and
  - (b) if the request was for the alteration of a scheme, a direction to alter it in such manner as he considers appropriate.
- (2) In either case the direction may extend to—
- (a) the land specified in the request to the authority,
  - (b) any part of the land so specified, or
  - (c) land which includes the whole or part of the land so specified;
- and, accordingly, may direct that land shall be added to or excluded from an existing simplified planning zone.

*Publicity and consultation: general*

- 5 (1) A planning authority who propose to make or alter a simplified planning zone scheme shall proceed in accordance with this paragraph.
- (2) Subject to paragraph 6(2) below, they shall take such steps as will in their opinion secure—
- (a) that adequate publicity for their proposals is given in the area to which the scheme relates,
  - (b) that persons who may be expected to wish to make representations about the proposals are made aware that they are entitled to do so, and
  - (c) that such persons are given an adequate opportunity of making such representations;

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and they shall consider any representations made to them within the prescribed period.

- (3) They shall then, having prepared the relevant documents, that is, the proposed scheme or alterations—
  - (a) make copies of the documents available for inspection at their office, and
  - (b) send a copy of them to the Secretary of State.
- (4) Each copy of the documents made available for inspection shall be accompanied by a statement of the time within which objections may be made.
- (5) The planning authority shall before preparing the proposed scheme or alterations consult the Secretary of State and any local roads authority in whose district the proposed zone or any part of it lies as to the effect of their proposals on existing or future roads; and when they have prepared the proposed scheme or alterations they shall send a copy to the Secretary of State and any such local roads authority.

*Publicity and consultation: expedited procedure*

- 6 (1) The documents sent by the planning authority to the Secretary of State under paragraph 5(3) shall be accompanied by a statement—
  - (a) of the steps which the authority have taken to comply with paragraph 5(2), and
  - (b) of the authority's consultations with other persons and their consideration of the views of those persons.
- (2) Where a planning authority do not consider it appropriate to take the steps required by paragraph 5(2) of this Schedule in relation to proposals made by them under sub-paragraph (1) of that paragraph for the alteration of a simplified planning zone scheme, they may instead include, with the copies of those proposals made available for inspection and with the copy sent to the Secretary of State under paragraph (3) of that paragraph, a statement of their reasons for not taking such steps.

*Objections: local inquiry or other hearing*

- 7 (1) The planning authority may cause a local inquiry or other hearing to be held for the purpose of considering objections to their proposals for the making or alteration of a simplified planning zone scheme.
- (2) They shall hold such a local inquiry or other hearing in the case of objections made in accordance with regulations unless all the persons who have made such objections have indicated in writing that they do not wish to appear.
- (3) A local inquiry or other hearing shall be held by a person appointed by the Secretary of State or, in such cases as may be prescribed, by the authority themselves.
- (4) Regulations may—
  - (a) make provision with respect to the appointment, and qualifications for appointment, of persons to hold a local inquiry or other hearing;

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- (b) include provision enabling the Secretary of State to direct a planning authority to appoint a particular person, or one of a specified list or class of persons;
  - (c) make provision with respect to the remuneration and allowances of the person appointed.
- (5) The Tribunals and Inquiries Act 1971 applies to a local inquiry or other hearing held under this paragraph as it applies to a statutory inquiry held by the Secretary of State, with the substitution in section 12(1) (statement of reasons for decision) for the references to a decision taken by the Secretary of State of references to a decision taken by a planning authority.

*Adoption of proposals by planning authority*

- 8
- (1) After the expiry of the period afforded for making objections to proposals for the making or alteration of a simplified planning zone scheme or, if such objections were duly made within that period, after considering the objections so made, the planning authority may, subject to the following provisions of this paragraph and to paragraph 9 (calling in of proposals by Secretary of State), by resolution adopt the proposals.
  - (2) They may adopt the proposals as originally prepared or as modified so as to take account of—
    - (a) any such objections as are mentioned in sub-paragraph (1) any other objections to the proposals, or
    - (b) any other considerations which appear to the authority to be material.
  - (3) After copies of the proposals have been sent to the Secretary of State and before they have been adopted by the planning authority, the Secretary of State may, if it appears to him that the proposals are unsatisfactory, direct the authority to consider modifying the proposals in such respects as are indicated in the direction.
  - (4) An authority to whom a direction is given shall not adopt the proposals unless they satisfy the Secretary of State that they have made the modification necessary to conform with the direction or the direction is withdrawn.

*Calling in of proposals for approval by Secretary of State*

- 9
- (1) After copies of proposals have been sent to the Secretary of State and before they have been adopted by the planning authority, the Secretary of State may direct that the proposals shall be submitted to him for his approval.
  - (2) In that event—
    - (a) the authority shall not take any further steps for the adoption of the proposals, and in particular shall not hold or proceed with a local inquiry or other hearing in respect of the proposals under paragraph 7; and
    - (b) the proposals shall not have effect unless approved by the Secretary of State and shall not require adoption by the authority.

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### *Approval of the proposals by Secretary of State*

- 10 (1) The Secretary of State may after considering proposals submitted to him under paragraph 9 either approve them, in whole or in part and with or without modifications, or reject them.
- (2) In considering the proposals he may take into account any matters he thinks are relevant, whether or not they were taken into account in the proposals as submitted to him.
- (3) Where on taking the proposals into consideration the Secretary of State does not determine then to reject them, he shall, before determining whether or not to approve them—
- (a) consider any objections to them in accordance with regulations,
  - (b) afford to any person who made such an objection which has not been 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 such an opportunity to the authority and such other persons as he thinks fit,
- except so far as objections have already been considered, or a local inquiry or other hearing into the objections has already been held, by the authority.
- (4) In considering the proposals the Secretary of State may consult with, or consider the views of, any planning authority or any other person; but he is under no obligation to do so, or to afford an opportunity for the making of representations or objections, or to cause a local inquiry or other hearing to be held, except as provided by subparagraph (3).

### *Default powers*

- 11 (1) Where by virtue of any of the preceding provisions of this Schedule—
- (a) a simplified planning zone scheme or proposals for the alteration of such a scheme are required to be prepared, or
  - (b) steps are required to be taken for the adoption of any such scheme or proposals,
- then, if the Secretary of State is satisfied, after holding a local inquiry or other hearing, that the planning authority are not taking the steps necessary to enable them to prepare or adopt such a scheme or proposals within a reasonable period, he may make the scheme, or the alterations, as he thinks fit.
- (2) Where under this paragraph anything which ought to have been done by a planning authority is done by the Secretary of State, the preceding provisions of this Schedule apply, so far as practicable, with any necessary modifications in relation to the doing of that thing by the Secretary of State and the thing so done.
- (3) Where the Secretary of State incurs expenses under this paragraph in connection with the doing of anything which should have been done by a 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 the authority to the Secretary of State.

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### *Regulations and directions*

- 12 (1) Without prejudice to the preceding provisions of this Schedule, the Secretary of State may make regulations with respect to the form and content of simplified planning zone schemes and with respect to the procedure to be followed in connection with their preparation, withdrawal, adoption, submission, approval, making or alteration.
- (2) Any such regulations may in particular—
- (a) provide for the notice to be given of, or the publicity to be given to, matters included or proposed to be included in a simplified planning zone scheme and the adoption or approval of such a scheme, or of any alteration of it, or any other prescribed procedural step, and for publicity to be given to the procedure to be followed in these respects;
  - (b) make provision with respect to the making and consideration of representations as to matters to be included in, or objections to, any such scheme or proposals for its alteration;
  - (c) without prejudice to paragraph (b), provide for notice to be given to particular persons of the adoption or approval of a simplified planning zone scheme, or an alteration to such a scheme, if they have objected to the proposals and havenotified the planning authority of their wish to receive notice, subject (if the regulations so provide) to the payment of a reasonable charge;
  - (d) require or authorise a planning authority to consult with, or consider the views of, other persons before taking any prescribed procedural step;
  - (e) require a 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 document which has been made public for the purpose mentioned in paragraph 5(2) or has been made available for inspection under paragraph 5(3), subject (if the regulations so provide) to the payment of a reasonable charge;
  - (f) provide for the publication and inspection of a simplified planning zone scheme which has been adopted or approved, or any document adopted or approved altering such a scheme, and for copies of any such scheme or document to be made available on sale.
- (3) Regulations under this paragraph may extend throughoutScotland or to specified areas only and may make different provision for different cases.
- (4) Subject to the preceding provisions of this Schedule and to any regulations under this paragraph, the Secretary of State may givedirections to any planning authority or to planning authorities generally—
- (a) for formulating the procedure for the carrying out of their functions under this Schedule;
  - (b) for requiring them to give him such information as he may require for carrying out any of his functions under this Schedule.

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