



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### [<sup>F1</sup> PART 2

#### DEVELOPMENT PLANS

##### *Local development plans*

#### [<sup>F1</sup>]<sup>F2</sup>16B Evidence report for preparation of local development plan

- (1) Before preparing a local development plan, a planning authority are to prepare an evidence report.
- (2) In preparing the evidence report the planning authority are to seek the views of, and have regard to any views expressed by—
  - (a) the key agencies,
  - (b) children and young people, in particular school pupils, youth councillors and youth parliament representatives,
  - (c) such other persons as may be prescribed, and
  - (d) the public at large.
- (3) The evidence report is to—
  - (a) set out the planning authority's view on the matters listed in section 15(5) for land in the part of the authority's district to which the local development plan will relate,
  - (b) set out—
    - (i) a summary of the action taken by the planning authority to support and promote the construction and adaptation of housing to meet the housing needs of older people and disabled people in the authority's area,

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- (ii) an analysis of the extent to which the action has helped to meet those needs,
  - (c) set out—
    - (i) a summary of the action taken by the planning authority to meet the accommodation needs of Gypsies and Travellers in the authority's area,
    - (ii) an analysis of the extent to which the action has helped to meet those needs,
  - (d) set out—
    - (i) how the planning authority have invited local communities in their district to prepare local place plans in accordance with schedule 19,
    - (ii) the assistance provided to local communities to assist them to prepare local place plans,
  - (e) include such other matters as are prescribed.
- (4) The evidence report is also to include a statement on—
  - (a) the steps taken by the planning authority in preparing the report to seek the views of the public at large, including in particular the views of—
    - (i) disabled persons,
    - (ii) Gypsies and Travellers, and
    - (iii) children and young people,
  - (b) the steps taken by the planning authority in preparing the report to seek the views of community councils, and
  - (c) the extent to which the views expressed under paragraphs (a) and (b) have been taken into account in the report.
- (5) Before submitting a proposed evidence report under subsection (7), the planning authority must approve the proposed evidence report.
- (6) Section 56 of the Local Government (Scotland) Act 1973 (arrangements for discharge of functions by local authorities) does not apply to the function of approving a proposed evidence report.
- (7) The planning authority are to submit the evidence report to the Scottish Ministers.
- (8) On receiving an evidence report submitted under subsection (7), the Scottish Ministers are to appoint a person to assess whether the report contains sufficient information to enable the planning authority to prepare a local development plan.
- (9) If, having completed the assessment, the appointed person is satisfied that the evidence report contains sufficient information to enable the planning authority to prepare a local development plan, the person is to notify the Scottish Ministers and the authority accordingly.
- (10) In any other case, the appointed person is to—
  - (a) prepare a report (an “assessment report”) setting out the reasons for not being so satisfied and recommendations for improving the evidence report received under subsection (7),
  - (b) send a copy of the assessment report to the planning authority and the Scottish Ministers.
- (11) On receipt of an assessment report the planning authority are to revise the evidence report submitted under subsection (7) and resubmit it to the Scottish Ministers.

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- (12) Subsections (8) to (11) apply to an evidence report submitted under subsection (11) as they do to an evidence report submitted under subsection (7).
- (13) The Scottish Ministers may make regulations as to—
- (a) meeting general administrative costs, staff costs and overheads incurred in relation to an assessment under subsection (8),
  - (b) the procedure to be followed in such an assessment (including by making provision that the procedure is to be at the discretion of the appointed person), and
  - (c) what is to be assessed and matters by reference to which the assessment is to be made.
- (14) In this section—
- “accommodation needs” includes, but is not limited to, needs with respect to the provision of sites on which mobile homes may be stationed,
- “children and young people” mean persons aged 25 or under,
- “community council” means a community council established by a local authority under Part 4 of the Local Government (Scotland) Act 1973,
- “disabled person” means a person who is a disabled person for the purposes of the Equality Act 2010,
- “Gypsies and Travellers” has the meaning specified in regulations made by the Scottish Ministers.
- (15) Before making regulations under subsection (14) specifying the meaning of “Gypsies and Travellers”, the Scottish Ministers must consult such persons as they consider appropriate.]]

#### Textual Amendments

- F1** Pt. 2 substituted (19.5.2008 for specified purposes, 25.6.2008 for specified purposes, 28.2.2009 in so far as not already in force) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 2, 59(2)** (with savings and transitional provisions in [S.S.I. 2008/165](#), arts. 1, 2 and [S.S.I. 2008/427](#), arts. 1(1), 2-5); [S.S.I. 2008/164](#), art. 2(1)(2), **sch.**; [S.S.I. 2009/70](#), art. 2, **sch.**
- F2** **Ss. 16B-16D** inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(6), 63(2)**; [S.S.I. 2019/314](#), reg. 2; [S.S.I. 2023/100](#), reg. 2(2)(a) (with reg. 4)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by [S.S.I. 2008/189 art. 53\(3\)](#)
- Act power to apply (with or without modifications) conferred by [2021 asp 9 s. 45\(3\)\(b\)\(c\)](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- Pt. 11A inserted by [2006 asp 17 s. 29](#)
- Pt. 12A inserted by [2006 asp 17 s. 30](#)
- Pt. 12A inserted by [2019 asp 13 s. 46\(2\)](#)
- s. 3CD inserted by [2019 asp 13 s. 4\(2\)](#)
- s. 20AA(4)(a)(iii) inserted by [2019 asp 13 s. 14\(6\)](#)
- s. 29(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(3\)\(b\)](#)
- s. 36(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(4\)\(b\)](#)
- s. 36(5)(6) inserted by [2019 asp 13 s. 36\(2\)](#)
- s. 40A inserted by [2019 asp 13 s. 19\(2\)](#)
- s. 43A-43AD substituted for s. 43A by [2019 asp 13 s. 28\(2\)](#)
- s. 47(2)(aa) inserted by [2019 asp 13 s. 28\(3\)\(a\)](#)
- s. 47(2A) inserted by [2019 asp 13 s. 28\(3\)\(b\)](#)
- s. 47(6) inserted by [2019 asp 13 s. 31\(2\)\(c\)](#)
- s. 54A-54F and cross-heading inserted by [2019 asp 13 s. 15\(2\)](#)
- s. 57(2C)(2D) inserted by [2021 asp 9 s. 44\(2\)](#)
- s. 58(4)(fa) inserted by [2019 asp 13 Sch. 2 para. 5\(5\)\(b\)](#)
- s. 61(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(6\)\(b\)](#)
- s. 75(4A) inserted by [2019 asp 13 s. 35\(2\)](#)
- s. 75A(5A) inserted by [2019 asp 13 s. 35\(3\)](#)
- s. 77A inserted by [2019 asp 13 s. 39\(2\)](#)
- s. 135(4A) inserted by [2019 asp 13 s. 43\(2\)\(c\)](#)
- s. 154(1)(c) and word inserted by [2019 asp 13 s. 28\(4\)\(a\)\(ii\)](#)
- s. 154(1A) inserted by [2019 asp 13 s. 28\(4\)\(b\)](#)
- s. 158A(1A) inserted by [2019 asp 13 s. 44\(2\)](#)
- s. 158B-158F and cross-heading inserted by [2019 asp 13 s. 43\(3\)](#)
- s. 183(1)(c) inserted by [2019 asp 13 Sch. 2 para. 5\(7\)\(b\)](#)
- s. 237(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(8\)](#)
- s. 238(3)(a)-(c) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(a\)\(ii\)](#)
- s. 238(5)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(b\)](#)
- s. 238(7) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(c\)](#)