



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

[^{F1} PART 2

DEVELOPMENT PLANS

Local development plans

[^{F1}19 Examination of proposed local development plan

- (1) On submitting a proposed local development plan under paragraph (a) of section 18(4), a planning authority are, if the circumstances are as mentioned in subsection (2), to request the Scottish Ministers to make an appointment under subsection (3).
- (2) The circumstances are that representations timeously made were not taken account of (or not fully taken account of) in modifications under subsection (3) ^{F2}... of section 18 and have not been withdrawn.
- (3) If, when a proposed development plan is submitted to the Scottish Ministers under paragraph (a) of section 18(4)—
 - (a) a request is made under subsection (1), or
 - (b) no such request is made but it appears to them that the circumstances are as mentioned in subsection (2),they are to appoint a person to examine under this subsection the proposed plan.
- (4) But where an appointment is made under subsection (3), the appointed person is firstly to examine under this subsection the extent to which the planning authority's actions with regard to consultation and the involvement of the public at large as respects the proposed plan have conformed with (or have been beyond the requirements of) the participation statement of the authority which was current when the proposed plan was published under section 18(1)(a).
- (5) The Scottish Ministers may make regulations as to—

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- (a) meeting general administrative costs, staff costs and overheads incurred in relation to an examination under subsection (3) or (4),
- (b) procedures to be followed at such an examination, and
- (c) what is to be assessed in such an examination and matters by reference to which the assessment is to be made;

but the form the examination is to take (as for example whether it should be in public or as to whether persons who have made representations, and other persons, are to be heard or are to present written submissions) is to be at the discretion of the appointed person.

[^{F3}(5A) When a request is made under subsection (1), or an appointment is made under subsection (3) without a request having been made, the planning authority must publish in the prescribed manner—

- (a) the proposed plan, and
- (b) if modifications were made to the proposed plan under section 18(3) or 19A(5) (b)(i), a report setting out—
 - (i) the modifications made, and
 - (ii) the reasons for making them.]

(6) When a person is appointed under subsection (3), the planning authority are—

- (a) to advertise the forthcoming examination of the proposed plan in a local newspaper and in the public libraries within the part of the authority's district to which the proposed plan relates, and
- (b) to serve notice of that examination on each of the persons who have made the representations mentioned in subsection (2).

(7) No such examination as is mentioned in subsection (3) is to be commenced—

- (a) within 4 weeks after the appointment is made, and
- (b) where a report is submitted under subsection (1)(b) of section 19A, before a direction is given under subsection (3)(b) of that section.

(8) On completing his examination under subsection (3)[^{F4}, unless section 19ZA applies,] the appointed person is to—

- (a) prepare a report—
 - (i) setting out, and giving reasons for, his conclusions and recommendations^{F5} ..., and
 - (ii) as to the matters considered by him under subsection (4),
- (b) submit it to the planning authority,
- (c) publish it, and
- (d) serve on the persons mentioned in paragraph (b) of subsection (6), and on any person who made representations by virtue of section 19A, notice of the report's submission and publication (including the means of publication).

[^{F6}(8A) Recommendations under subsection (8)(a)(i) may include—

- (a) recommendations that the planning authority make modifications to the proposed local development plan,
- (b) in a case where the appointed person considers that a change required is not suitable to be dealt with by such modification, a recommendation that, if adopted, the planning authority should amend the local development plan under section 20AA in relation to such matters as may be specified in the report.

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- (8B) Where a report prepared under subsection (8)(a) includes a recommendation of the type described in subsection (8A)(b), the appointed person must send a copy of the report to the Scottish Ministers.]
- (9) In [F7 subsections (5A) and] (8)(c), “ publish ” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet).
- (10) The planning authority are, on receiving a report submitted under subsection (8)(b)—
- (a) to make—
 - (i) (except in so far as they decline to do so, on such grounds as may be prescribed for the purposes of this sub-paragraph) such modifications, if any, to the proposed local development plan as the appointed person recommends, and
 - (ii) such other modifications to it, if any, as appear to them to be requisite having regard to the report,
- F8(b)
- F8(c)
- F8(d)
- (11) But the authority may, before complying with subsection (10), secure the carrying out of an environmental assessment (within the meaning of the Environmental Assessment (Scotland) Act 2005 (asp 15)) in relation to the proposed plan as so modified; and if they do so then paragraph (a) of that subsection is to be construed as subject to the qualification that any modification made must, in the opinion of the authority, be acceptable having regard to that assessment.
- F9(12)]

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** Words in s. 19(2) repealed (19.5.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), **sch. 2 para. 2(3)**; [S.S.I. 2023/100](#), reg. 2(2)(f) (with reg. 4)
- F3** [S. 19\(5A\)](#) 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(9)(a)**, 63(2); [S.S.I. 2019/314](#), reg. 2; [S.S.I. 2023/100](#), reg. 2(2)(a) (with reg. 4)
- F4** Words in s. 19(8) 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(9)(b)**, 63(2); [S.S.I. 2019/314](#), reg. 2; [S.S.I. 2023/100](#), reg. 2(2)(a) (with reg. 4)
- F5** Words in s. 19(8)(a)(i) repealed (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(9)(c)**, 63(2); [S.S.I. 2019/314](#), reg. 2; [S.S.I. 2023/100](#), reg. 2(2)(a) (with reg. 4)
- F6** [S. 19\(8A\)\(8B\)](#) 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(9)(d)**, 63(2); [S.S.I. 2019/314](#), reg. 2; [S.S.I. 2023/100](#), reg. 2(2)(a) (with reg. 4)
- F7** Words in s. 19(9) substituted (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(9)(e)**, 63(2); [S.S.I. 2019/314](#), reg. 2; [S.S.I. 2023/100](#), reg. 2(2)(a) (with reg. 4)

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- F8** S. 19(10)(b)-(d) repealed (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(9)(f)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F9** S. 19(12) repealed (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(9)(g)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)

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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\(9\)\(c\)](#)