

1987 No. 1532 (S.115)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (Simplified Planning Zones) (Scotland) Regulations 1987

<i>Made</i> - - - -	<i>28th August 1987</i>
<i>Laid before Parliament</i>	<i>10th September 1987</i>
<i>Coming into force</i>	<i>1st October 1987</i>

The Secretary of State, in exercise of the powers conferred on him by sections 273(1) and 275(1) of, and paragraphs 1, 5(2), 7(2), 7(3), 7(4), 10(3) and 12 of Schedule 6A to, the Town and Country Planning (Scotland) Act 1972(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Town and Country Planning (Simplified Planning Zones) (Scotland) Regulations 1987 and shall come into force on 1st October 1987.

Interpretation

2.—(1) In these Regulations—

“document” includes a map, diagram, illustration or other descriptive matter in any form and also includes, where appropriate, a copy of a document;

“local advertisement” means an advertisement on at least one occasion in each of two successive weeks in a local newspaper circulating in the area likely to be affected by the proposed simplified planning zone scheme or, as the case may be, by the proposed alteration to an existing scheme; and

“Schedule 6A” means Schedule 6A to the Town and Country Planning (Scotland) Act 1972.

(2) A regulation referred to in these Regulations only by number means the regulation so numbered in these Regulations, and references to “the Schedule” are to the Schedule to these Regulations.

Prescribed period for making representations

3. The period within which representations may be made about proposals to make or alter a simplified planning zone scheme is a period of four weeks commencing with such date as the planning authority specify when giving publicity to their proposals in accordance with paragraph 5(2) of Schedule 6A.

Consultation

4. A planning authority who propose to make or alter a simplified planning zone scheme shall, without prejudice to any other steps which they take to secure the matters described in paragraph 5(2) of Schedule 6A—

(a) 1972 c.52; section 275(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made; Schedule 6A was inserted by section 26(2) of, and Part III of Schedule 6 to, the Housing and Planning Act 1986 (c.63).

- (a) consult the following—
- (i) any local authority whose area or any parts thereof are comprised within the area to which the scheme relates;
 - (ii) where the area to which the scheme relates includes land within the area of a New Town, the New Town Development Corporation;
 - (iii) where the area to which the scheme relates includes an area of coal working or former or proposed coal working notified to the planning authority by the British Coal Corporation, the British Coal Corporation;
 - (iv) where the area to which the scheme relates includes or is affected by or is likely to be affected by an installation of a type or at a location notified to the planning authority by the Health and Safety Executive, the Health and Safety Executive; and
 - (v) such other authorities or bodies as the planning authority think appropriate;
- (b) afford the authorities and bodies consulted under paragraph (a) above an opportunity to express their views; and
- (c) take such views into consideration.

Objections to a proposed scheme etc.

5. The period specified in the statement referred to in paragraph 5(4) of Schedule 6A as the period within which objections to a proposed scheme or proposals to alter an existing scheme may be made shall be a period of six weeks from the date on which the proposed scheme or alteration is first made available for inspection in accordance with paragraph 5(3)(a) of that Schedule.

Title

6. A simplified planning zone scheme shall be given a title which shall include the name of the planning authority making the scheme and an indication of the area to which the scheme relates; and each document contained in a simplified planning zone scheme shall bear the title of the scheme.

Reconciliation of contradictions in simplified planning zone schemes

7. In the case of any contradiction between the written statement and any other document forming part of a simplified planning zone scheme, the provisions of the written statement shall prevail.

Notice that documents containing proposals to make or alter a scheme are available for inspection

8. When a planning authority make copies of a proposed simplified planning zone scheme or a proposed alteration to an existing scheme available for inspection in accordance with paragraph 5(3) of Schedule 6A, they shall publish a notice in the Edinburgh Gazette and by local advertisement stating—

- (a) the area affected by the proposed scheme or, as the case may be, by the proposed alteration;
- (b) the general nature of the proposed scheme or alteration;
- (c) the place and times at which copies of the proposed scheme or alteration may be inspected by the public;
- (d) that any objections to the proposed scheme or alteration should be made in writing; and
- (e) the time within which such objections must be made and the address to which they should be sent.

Modification of a proposed scheme or of an alteration to an existing scheme

9.—(1) Where a planning authority intend to modify their proposals for the making or alteration of a simplified planning zone scheme, whether to conform with a direction given by the Secretary of State under paragraph 8(3) of Schedule 6A or otherwise, they shall, unless they are satisfied that the proposed modifications would not materially affect the content of the proposed scheme or alteration—

- (a) prepare a list of the proposed modifications with their reasons for proposing them;
- (b) publish a notice by local advertisement in form 1 in the Schedule or a form substantially to the like effect;
- (c) serve a notice in similar form on every person who has duly made objection to the proposed scheme or alteration and not withdrawn his objection and on such other persons as they think fit;
- (d) subject to any direction given by the Secretary of State, decide whether to afford any person who duly makes objection to the proposed modifications and does not withdraw his objections an opportunity of appearing before and being heard by a person appointed by the authority for the purpose at a local inquiry or other hearing; and
- (e) where a local inquiry or other hearing is held, afford an opportunity to such other persons as they think fit to appear before and be heard by the person appointed to hold it.

(2) Without prejudice to any other provision as to the time at which a proposed simplified planning zone scheme or a proposed alteration to an existing scheme may be adopted, a planning authority shall not proceed to adopt proposals for the making or alteration of a scheme with modifications until—

- (i) the period for making objections to the proposed modifications has expired; and
- (ii) where objections were duly made within that period, the objections so made have been considered.

Appointment of persons to hold local inquiries or other hearings

10.—(1) A planning authority intending to hold a local inquiry or other hearing to consider objections to proposals to make or alter a simplified planning zone scheme shall appoint a person from a list of persons specified by the Secretary of State to hold the inquiry or hearing.

(2) Subject to any direction given by the Secretary of State, the planning authority shall pay to any person appointed under this regulation such remuneration and allowances as they think fit.

Local inquiries and other hearings

11.—(1) A planning authority intending to hold a local inquiry to consider objections to proposals to make or alter a simplified planning zone scheme, or to proposed modifications to such proposals, shall, at least four weeks before the inquiry is due to open—

- (a) give notice by local advertisement of the time and place at which the inquiry is to open and of the purpose of the inquiry; and
- (b) serve a notice in similar terms on every person who has duly made objection (other than an objector who has indicated in writing that he does not wish to appear or be represented at any inquiry) and on such other persons as they think fit.

(2) A planning authority intending to hold a hearing to consider such objections as are mentioned in paragraph (1) shall, at least 4 weeks before the date of the hearing, notify every person who has made objection as aforesaid (other than an objector who has indicated in writing that he does not wish to appear or be represented at any hearing) and every other person whom they consider should be given notice of the hearing of the time and place at which the hearing is to be held and of the purpose of the hearing.

(3) Copies of all objections to proposals to make or alter a simplified planning zone scheme or to proposed modifications to such proposals which are to be considered at a local inquiry or other hearing shall be made available for inspection at the office of the planning authority; and the authority shall include notice of their availability for inspection in the notices given or served under paragraphs (1) and (2).

(4) A local inquiry held for the purpose mentioned in paragraph (1) shall be a public local inquiry.

Report of local inquiry or other hearing

12.—(1) Where a local inquiry or other hearing is held for the purpose mentioned in regulation 11, the planning authority shall, after considering the report of the person appointed to hold the inquiry or hearing, prepare a statement of—

- (a) the decisions they have reached in the light of the report and any recommendations contained in it; and
- (b) the reasons for those decisions.

(2) A copy of the report and of the statement of decisions and reasons mentioned in paragraph (1) shall be made available by the planning authority for public inspection from the date on which notice is first given under regulation 13(1) or, where it is proposed to modify the proposed scheme or alteration and regulation 9(1) applies, from the date on which the document mentioned in regulation 9(1)(a) is made available for public inspection.

Action prior to adopting proposals to make or alter a scheme

13.—(1) Where a planning authority are disposed to adopt proposals for the making or alteration of a simplified planning zone scheme, they shall, before adopting the proposals—

- (a) publish by local advertisement a notice in form 2 in the Schedule or a form substantially to the like effect; and
- (b) serve a notice in similar form on every person who has duly made objection to the proposed scheme or alteration (or duly objected to any proposed modifications thereto) and not withdrawn his objection, and on any other person whom they consider should be given notice.

(2) The planning authority shall, after complying with paragraph (1), send to the Secretary of State—

- (a) a certificate that they have so complied;
- (b) two copies of the simplified planning zone scheme or alteration to an existing scheme which they are disposed to adopt;
- (c) particulars of any modifications that have been made to the original proposals; and
- (d) where the Secretary of State has given a direction under paragraph 8(3) of Schedule 6A, a statement explaining how any relevant modifications meet the requirements of the direction or, where such requirements are not met, of the reasons why the authority considers it inappropriate to meet them.

(3) Without prejudice to paragraph 8(4) of Schedule 6A and paragraph (5) of this regulation, a planning authority shall not adopt proposals to make or alter a simplified planning zone scheme until at least 28 days after the date on which the certificate referred to in paragraph (2)(a) is sent.

(4) Where, after a planning authority has complied with paragraph (1), the relevant proposals are modified in consequence of a direction given by the Secretary of State under paragraph 8(3) of Schedule 6A, the authority shall comply with paragraphs (1) and (2) in relation to the modified proposals before adopting them.

(5) If, before the planning authority have adopted proposals for the making or alteration of a simplified planning zone scheme, the Secretary of State directs them not to adopt those proposals until he has decided whether to give them a direction under paragraph 9(1) of Schedule 6A in relation to the proposals, they shall not adopt the proposals until he has notified them of his decision.

Notice of adoption of a simplified planning zone scheme etc.

14.—(1) Where a planning authority adopt proposals for the making of a simplified planning zone scheme or the alteration of an existing scheme, they shall give notice in the Edinburgh Gazette and by local advertisement in form 3 in the Schedule or a form substantially to the like effect and shall serve a notice in similar form on such persons as they think fit; and a copy of the notice and a copy of the scheme or alteration to which it relates shall be made available for inspection at every place at which copies of the proposed scheme or alteration were made available for public inspection.

(2) The planning authority shall, not later than the date on which notice is first given by advertisement in accordance with paragraph (1), send two copies of the scheme or alteration to the Secretary of State.

Withdrawal of a proposed scheme etc.

15.—(1) Subject to paragraph (2), a planning authority who have brought forward proposals for the making or alteration of a simplified planning zone scheme may withdraw those proposals at any time prior to their adoption.

(2) A planning authority who are acting in accordance with a simplified planning zone direction given by the Secretary of State under paragraph 3 of Schedule 6A may not withdraw proposals for the making or alteration of a simplified planning zone scheme unless the Secretary of State withdraws the direction.

(3) Where a planning authority determine to withdraw proposals for the making or alteration of a simplified planning zone scheme they shall—

- (a) give notice of such withdrawal by publishing a notice in the Edinburgh Gazette and by local advertisement; and
- (b) serve a notice in similar terms on any person who has duly made objection to the proposed scheme or alteration and on any other person whom they consider should be given notice.

Notice of an inquiry or hearing on behalf of the Secretary of State

16.—(1) Where, under paragraph 10(3) of Schedule 6A, the Secretary of State causes a local inquiry to be held for the purpose of considering objections to proposals for the making or alteration of a simplified planning zone scheme submitted to him under paragraph 9(1) of that Schedule, he shall, at least four weeks before the inquiry is due to open—

- (a) give notice by local advertisement of the time and place at which the inquiry is to open and of the purpose of the inquiry; and
- (b) serve a notice in similar terms on every person who has duly made objection (other than an objector who has indicated in writing that he does not wish to appear or be represented at any inquiry) and on such other persons as he thinks fit.

(2) Where the Secretary of State intends to hold a hearing for the purpose mentioned in paragraph (1), he shall, at least 4 weeks before the date of the hearing, notify every person who has made objection as aforesaid (other than an objector who has indicated in writing that he does not wish to appear or be represented at any hearing) and every other person whom he considers should be given notice of the hearing of the time and place at which the hearing is to be held and of the purpose of the hearing.

Modifications to a proposed scheme etc. by the Secretary of State

17.—(1) Subject to paragraph (2), where the Secretary of State is minded to approve with modifications proposals for the making or alteration of a simplified planning zone scheme which have been submitted to him in accordance with paragraph 9(1) of Schedule 6A, the planning authority, on being notified by him of the modifications he proposes to make, shall -

- (a) give notice by local advertisement in form 4 in the Schedule or a form substantially to the like effect; and
- (b) comply with any direction which the Secretary of State has served on them requiring notice to be given in similar form to the persons named in the direction.

(2) Paragraph (1) shall not apply where the Secretary of State is satisfied that either—

- (a) the proposed modifications will not materially affect the content of the proposed scheme or alteration; or
- (b) the planning authority have previously advertised the proposed modifications and considered any objections to them in accordance with regulation 9.

Notice of approval by the Secretary of State of a simplified planning zone scheme etc.

18. Where the Secretary of State approves, either with or without modifications, proposals for the making or alteration of a simplified planning zone scheme which have been submitted to him in accordance with paragraph 9(1) of Schedule 6A, the planning authority, on being notified by him of his approval, shall give notice in the Edinburgh Gazette and by local advertisement in form 3 in the Schedule (subject to the necessary modifications) or a form substantially to the like effect and shall serve a notice in similar form on such persons as the Secretary of State may direct; and a copy of the notice and a copy of the scheme or alteration to which it relates shall be made available for inspection at every place at which copies of the proposed scheme or alteration were made available for public inspection.

Availability of documents referred to in notices

19. Where a planning authority gives or serves a notice under these Regulations which indicates that a document is available for inspection by the public, the authority shall make that document available for inspection at their office and at such other place or places within their area as they think fit having regard to convenience to the public and to the area likely to be affected by the proposed simplified planning zone scheme or, as the case may be, by the proposed alteration to an existing scheme.

Documents to be sent to the Secretary of State

20. In addition to the certificates and other documents sent in accordance with regulations 13(2) and 14(2), the planning authority shall send to the Secretary of State—

- (a) at the time of first publication, a copy of any notice given by local advertisement in accordance with the requirements of these Regulations; and
- (b) any other document relating to proposals by the authority to make or alter a simplified planning zone scheme which the Secretary of State requests them to supply to him.

Reproduction and sale of documents

21.—(1) A planning authority who propose to make or alter a simplified planning zone scheme shall provide, on request, subject to payment of a reasonable charge, copies of any document which they have made available for inspection by members of the public under these Regulations.

(2) Where a simplified planning zone scheme has been adopted by a planning authority under paragraph 8(1) of Schedule 6A or has been approved by the Secretary of State under paragraph 10(1) of that Schedule, the planning authority shall—

- (a) arrange for its reproduction, incorporating any modifications made to it, as soon as possible after the date on which it takes effect;
- (b) arrange for its reproduction to take into account any alteration to it as soon as possible after the date on which the alteration takes effect;
- (c) make available for sale to the public on payment of a reasonable charge copies of the scheme as reproduced.

Preparation of simplified planning zone schemes etc. by the Secretary of State

22.—(1) These Regulations apply with any necessary modifications to action taken by the Secretary of State in connection with the making or alteration of a simplified planning zone scheme by him under paragraph 11 of Schedule 6A as they apply to the making or alteration of a scheme by a planning authority.

(2) The Secretary of State may require the planning authority concerned to give, in relation to any proposals by him to make or alter a simplified planning zone scheme or any scheme or alterations so made, any notice or notification required to be given by these Regulations in their application by virtue of paragraph (1).

New St. Andrew's House, Edinburgh
28th August 1987

James Douglas-Hamilton
Parliamentary Under Secretary of State,
Scottish Office

SCHEDULE

FORM 1

Regulation 9

Form of notice of proposed modifications to a proposed simplified planning zone scheme or to a proposed alteration to such a scheme

NOTICE OF PROPOSED MODIFICATIONS TO [A PROPOSED] [PROPOSALS FOR THE ALTERATION OF A] (1) SIMPLIFIED PLANNING ZONE SCHEME

Town and Country Planning (Scotland) Act 1972
(Title of scheme)

(2) are disposed to make modifications to [the above-named proposed scheme] [the proposed alteration to the above-named scheme] (1) which was made available for public inspection at (3).

[Some of the] [The] (1) modifications are intended to implement a direction given by the Secretary of State on (4).]

[A copy of the Secretary of State's direction, and a] [A] (1) list of the proposed modifications and of the reasons for proposing them together with a copy of the original proposals have been deposited at (5).

The deposited documents are available for inspection free of charge (6).

Objections to any of the proposed modifications may be made in writing. They should be sent to (7) on or before (8).

Objections should state the name and address of the objector, the matters to which they relate and the grounds on which they are made.

..... 19.....

..... (Signature of the responsible officer of the authority)

(1) Use whichever form is appropriate.

(2) Insert the name of the planning authority.

(3) Insert the address of the planning authority's office and of the other places at which the original documents were deposited and the period during which they were available for public inspection.

(4) Delete if no direction has been given. If the paragraph is included, insert the date of the direction.

(5) Insert the address of the planning authority's office and of the other places at which the documents have been deposited.

(6) Specify the days and hours during which the deposited documents are available for public inspection.

(7) Insert the name and address of the planning authority.

(8) Insert a date six weeks after the date of first publication of the notice.

Form of notice of disposition to adopt proposals for the making or alteration of a simplified planning zone scheme

NOTICE OF DISPOSITION TO ADOPT [AN ALTERATION TO] (1) A SIMPLIFIED PLANNING ZONE SCHEME

**Town and Country Planning (Scotland) Act 1972
(Title of scheme)**

(2) are disposed to adopt [an alteration to] (1) the above-named scheme [as modified by them] (1) on or after (3), unless, before the [scheme] [alteration] (4) has been adopted, the Secretary of State directs that the [scheme] [alteration] (4) shall be submitted to him for his approval.

Copies of the [scheme] [alteration] (4) [together with copies of the report of the [local inquiry] [hearing] (4) held and of the council's statement prepared following consideration of that report] (1) have been deposited at (5)

The deposited documents are available for inspection free of charge (6)

..... 19.....

..... (Signature of the responsible officer of the authority)

- (1) Omit the words in square brackets if irrelevant.
- (2) Insert the name of the planning authority.
- (3) Insert a date allowing for the period which must intervene to comply with regulation 13(3).
- (4) Use whichever form is appropriate.
- (5) Insert the address of the planning authority's office and of the other places at which the documents have been deposited.
- (6) Specify the days on which, and the hours during which, the deposited documents are available for public inspection.

Form of notice of adoption of proposals for the making or alteration of a simplified planning zone scheme

NOTICE OF ADOPTION OF [AN ALTERATION TO] (1) A SIMPLIFIED PLANNING ZONE SCHEME

**Town and Country Planning (Scotland) Act 1972
(Title of scheme)**

On 19..... (2) adopted [an alteration to] (1) the above-named scheme [as modified by them] (1).

Copies of the [scheme] [alteration] (3) [together with copies of the report of the [local inquiry] [hearing] (3) held and of the council's statement prepared following consideration of that report] (1) have been deposited at (4)

The deposited documents are available for inspection free of charge (5)

The [scheme] [alteration] (3) became operative on (6), but if any person aggrieved by the [scheme] [alteration] (3) desires to question its validity on the ground that it is not within the powers conferred by the Town and Country Planning (Scotland) Act 1972, as amended, or that any requirement of that Act or of any regulation made under it has not been complied with in relation to the adoption of the [scheme] [alteration] (3), he may, within six weeks from (7), make an application to the Court of Session under section 232 of that Act.

..... 19.....

..... (Signature of the responsible officer of the authority)

- (1) Omit the words in square brackets if irrelevant.
- (2) Insert the date of adoption and the name of the planning authority.
- (3) Use whichever form is appropriate.
- (4) Insert the address of the planning authority's office and of the other places at which the documents have been deposited.
- (5) Specify the days on which, and the hours during which, the deposited documents are available for public inspection.
- (6) Insert the operative date.
- (7) Insert the date of first publication of this notice by local advertisement.

Form of notice of proposed modifications by the Secretary of State to proposals for the making or alteration of a simplified planning zone scheme

NOTICE OF PROPOSED MODIFICATIONS BY THE SECRETARY OF STATE TO A PROPOSED [ALTERATION TO A] (1) SIMPLIFIED PLANNING ZONE SCHEME

**Town and Country Planning (Scotland) Act 1972
(Title of Scheme)**

The Secretary of State proposes to modify [the alteration to] (1) the above-named scheme proposed by (2)

Copies of the [scheme] [alteration] (3) and of the list of proposed modifications subject to which the Secretary of State is minded to approve it have been deposited at (4)

The deposited documents are available for inspection free of charge (5)

Objections to the proposed modifications should be sent in writing to the Secretary of State (6)

Objections should state the name and address of the objector, the matters to which they relate and the grounds on which they are made.

..... 19.....

..... (Signature of the responsible officer of the authority)

(1) Omit the words in square brackets if irrelevant.

(2) Insert the name of the planning authority.

(3) Use whichever form is appropriate.

(4) Insert the address of the planning authority's office and of the other places at which the documents have been deposited.

(5) Specify the days on which, and the hours during which, the deposited documents are available for public inspection.

(6) Insert the address notified by the Secretary of State and a date six weeks after the date of first publication of the notice by local advertisement.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 21A - 21E of, and Schedule 6A to, the Town and Country Planning (Scotland) Act 1972 (as inserted by section 26 of the Housing and Planning Act 1986) impose upon district and general planning authorities a duty to consider whether it would be desirable to establish simplified planning zones in their area and, where they decide that it would be beneficial to do so, to make schemes establishing such zones. These Regulations make further provision as to the procedures to be followed in the making or alteration of a simplified planning zone scheme.