
Changes to legislation: Planning (Scotland) Act 2019, PART 1 is up to date with all changes known to be in force on or before 19 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 2 MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

PART 1

DEVELOPMENT PLANNING

Removal of requirement to prepare strategic development plans

- 1 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) Section 16(6) (local development plan consistency with strategic development plan) is repealed.
- (3) In section 20B (development plan schemes)—
 - (a) in subsection (1), the words “by each strategic development authority and” are repealed,
 - (b) in subsection (2), in the opening words, for “The authority in question is” substitute “ An authority are ”,
 - (c) in subsection (3), the words “their strategic development plan or as the case may be” are repealed,
 - (d) in subsection (5)(c), for “strategic development plan area or the area of the planning authority, as the case may be” substitute “ area of the authority ”.
- (4) In section 21 (action programmes)—
 - (a) subsection (1) is repealed,
 - (b) in subsection (3), for “the authority in question” substitute “ an authority ”,
 - (c) paragraph (a) of subsection (4) and the “or” immediately following it are repealed,
 - (d) in subsection (5), for “the authority in question” substitute “ an authority ”,
 - (e) in subsection (6), for “the authority in question” substitute “ an authority ”,
 - (f) sub-paragraph (i) of subsection (10)(b) and the “and” immediately following it are repealed,
 - (g) in subsection (10)(b)(ii), the words “in the case of a planning authority,” are repealed.
- (5) In section 23 (disregarding of representations with respect to development authorised by or under other enactments), paragraph (a) of subsection (1) and the “and” immediately following it are repealed.
- (6) In section 23A(2) (directions in relation to functions under Part)—
 - (a) the words “or strategic development planning authority” are repealed,
 - (b) the words “or strategic development planning authorities” are repealed.
- (7) In section 23B (default powers of the Scottish Ministers)—
 - (a) in subsection (1)(a)—
 - (i) the words “strategic development plan or” where they first occur are repealed,
 - (ii) the words “proposed strategic development plan or” are repealed,
 - (b) in subsection (2)(b), the words “strategic development plan or” are repealed,
 - (c) subsection (3) is repealed,

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- (d) subsection (4)(b) and the word “or” immediately preceding it are repealed,
 - (e) subsection (5)(b) and the word “and” immediately preceding it are repealed.
- (8) In section 23C (reviews of plans in enterprise zones), paragraph (a) and the word “and” immediately following it are repealed.
- (9) In section 237 (validity of development plans etc.), in subsection (1)(a), the words “strategic development plan or” are repealed.
- (10) In section 238 (proceedings for questioning validity of development plans etc.)—
- (a) in subsection (1), the words “strategic development plan or” are repealed,
 - (b) subsection (5)(a) is repealed.
- (11) In section 255(2)(a) (contributions by local authorities and statutory undertakers), the words “a strategic development plan or” are repealed.
- (12) In section 269(1)(a) (rights of entry), the words “strategic development plan or” are repealed.
- (13) In section 277(1) (interpretation), the entries in the list for “strategic development plan”, “strategic development plan area” and “strategic development planning authority” are repealed.
- (14) In schedule 14 (blighted land)—
- (a) paragraph 1 is repealed,
 - (b) in paragraph 2—
 - (i) in sub-paragraph (1)(a), for the words “paragraph 1(1)(a)(i) or (ii)” substitute “sub-paragraph (1A)”,
 - (ii) after sub-paragraph (1) insert—
 - “(1A) The functions are—
 - (a) the functions of a government department, local authority or statutory undertaker,
 - (b) the provision by an electronic communications operator of an electronic communications code network, or
 - (c) the provision by a former PTO of a public electronic communications network or a public electronic communications service.”.

Commencement Information

II Sch. 2 para. 1 in force at 12.2.2023 by S.S.I. 2023/10, reg. 3(2)(e)

Local development plans

- 2 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 18 (preparation and publication of proposed local development plan), subsection (1)(c) is repealed.
- (3) In section 19 (examination of proposed local development plans), in subsection (2), the words “or (6)” are repealed.

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- (4) In section 19A (further provision as regards examination under section 19(4)), in subsection (10)(a), the words “or (6)” are repealed.
- (5) In section 20B(2)(b), for “plan” substitute “ scheme ”.
- (6) In section 23(1)(b) (disregarding representations with respect to main issues report), sub-paragraph (i) and the “or” immediately following it are repealed.
- (7) In section 23B(1)(a) (default powers of the Scottish Ministers), the words “any main issues report requires to be compiled or” are repealed.

Commencement Information

I2 Sch. 2 para. 2 in force at 19.5.2023 by S.S.I. 2023/100, reg. 2(2)(f) (with reg. 4)

Delivery programmes

- 3 (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 18(4)(a)(ii) (submission of programme to Scottish Ministers), for “action” substitute “ delivery ”.

Commencement Information

I3 Sch. 2 para. 3 in force at 19.5.2023 by S.S.I. 2023/100, reg. 2(2)(g) (with reg. 4)

Development plan

- 4 (1) Schedule 1 of the Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) For paragraph 1 substitute—
 - “1 In this schedule “old development plan” means—
 - (a) a local plan,
 - (b) a strategic development plan,
 - (c) supplementary guidance.”.
- (3) In paragraph 2, for “that section” substitute “ section 13 of the Planning (Scotland) Act 2019 ”
- (4) Paragraphs 3 and 5, and the italic headings immediately preceding them, are repealed.
- (5) For paragraph 6 substitute—
 - “6 On the publication of the revised National Planning Framework under [F1section 3CA(7)] after the coming into force of section 13 of the Planning (Scotland) Act 2019, all strategic development plans and any supplementary guidance issued in connection with them cease to have effect.
 - 6A On the constitution of a local development plan for an area under section 20 after the coming into force of section 13 of the Planning (Scotland) Act 2019—

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- (a) so much of any local plan in force by virtue of paragraph 2 as relates to the area to which the plan so adopted relates ceases to have effect, and
 - (b) any supplementary guidance issued in connection with a local development plan for that area ceases to have effect.”.
- (6) The italic heading immediately preceding paragraph 6 becomes “ Discontinuance of old development plans ”.
- (7) For paragraph 7 substitute—
- “7 The Scottish Ministers may by regulations provide that any of the provisions of an old development plan are to continue in force in relation to an area despite paragraphs 6 and 6A.”
- (8) In paragraph 8, for the word “a” where first occurring substitute “ an old ”.
- (9) In paragraph 9, the words “and the strategic development planning authority for any strategic development plan area,” are repealed.
- (10) For paragraph 10, substitute—
- “10 In this schedule—
- “local plan” is to be construed in accordance with section 11 as that section applied immediately before the coming into force of the Planning etc. (Scotland) Act 2006,
- “strategic development plan” is to be construed in accordance with section 7 as it applied immediately before the coming into force of section 6 of the Planning (Scotland) Act 2019,
- “supplementary guidance” means guidance issued under section 22 of this Act as it applied immediately before the coming into force of section 9 of the Planning (Scotland) Act 2019.”.

Textual Amendments

- F1** Words in [sch. 2 para. 4\(5\)](#) substituted (18.12.2019) by [The Planning \(Scotland\) Act 2019 \(Ancillary Provision\) Regulations 2019 \(S.S.I. 2019/424\)](#), regs. 1, **2(5)**
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Commencement Information

- I4** [Sch. 2 para. 4](#) in force at 11.2.2023 by [S.S.I. 2023/10](#), **reg. 2(2)(b)**

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.S.I. 2019/377, reg. 9 by [S.S.I. 2019/411 reg. 2](#)
- specified provision(s) amendment to earlier commencing S.S.I. 2021/101, regs. 3, 4 by [S.S.I. 2021/291 reg. 2](#)