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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 426**

**The Town and Country Planning (Development Planning) (Scotland) Regulations 2008**

**PART 1**

**Introductory**

**Citation, commencement and interpretation**

**1.—(1)** These Regulations may be cited as the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 and come into force on 28th February 2009.

**(2)** In these Regulations—

“the Act” means the Town and Country Planning (Scotland) Act 1997;

“the 2005 Act” means the Environmental Assessment (Scotland) Act 2005<sup>(1)</sup>;

[<sup>F1</sup>“the 2015 Regulations” means the Control of Major Accident Hazards Regulations 2015,]

“community council” means a community council established in accordance with the provisions of Part IV of the Local Government (Scotland) Act 1973<sup>(2)</sup>;

[<sup>F2</sup>“the Directive” means Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC<sup>[F3]</sup>, as Directive 2012/18/EU had effect immediately before IP completion day];]

“environmental report” means the environmental report prepared in connection with a proposed plan in accordance with the 2005 Act;

[<sup>F4</sup>“flood risk management plan” and “local flood risk management plan” have the same meaning as in the Flood Risk Management (Scotland) Act 2009;]

“key agency” means a body specified as a key agency in regulation 28;

“local development plan area” means the area of land to which a proposed local development plan relates;

“local housing strategy” means a strategy (and any modified strategy) prepared and submitted to the Scottish Ministers in accordance with section 89 of the Housing (Scotland) Act 2001<sup>(3)</sup>;

[<sup>F5</sup>“national marine plan” and “regional marine plan” have the same meaning as in Part 3 of the Marine (Scotland) Act 2010;]

“National Park” and “National Park authority” have the same meaning as in the National Parks (Scotland) Act 2000<sup>(4)</sup>;

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<sup>(1)</sup> 2005 asp 15.

<sup>(2)</sup> 1973 c. 65. Part IV was relevantly amended by section 180(2) and Schedule 14 to the Local Government etc. (Scotland) Act 1994 (c. 39).

<sup>(3)</sup> 2001 asp 10.

<sup>(4)</sup> 2000 asp 10.

“national waste management plan” has the same meaning as in the National Waste Management Plan for Scotland Regulations 2007<sup>(5)</sup>;

“neighbouring land” means land which is conterminous with or within 20 metres of the boundary of a specific site in respect of which a local development plan includes a proposal;

“regional transport strategy” means a transport strategy approved by the Scottish Ministers under section 6 of the Transport (Scotland) Act 2005<sup>(6)</sup>;

“relevant date” means the date on which section 2 of the Planning etc. (Scotland) Act 2006 comes into force for all purposes;

“river basin management plan” means a river basin management plan approved by the Scottish Ministers under section 13(1) of the Water Environment and Water Services Act 2003<sup>(7)</sup>; and

[<sup>F6</sup>“Scottish marine area” has the meaning given in section 1 of the Marine (Scotland) Act 2010;]

“supplementary guidance” has the same meaning as in section 22(1) of the Act.

(3) Expressions which are used in regulations 3(2) and 10(2) and which are also used in the Directive have the same meaning as in the Directive.

(4) Any reference to a numbered Schedule is a reference to the Schedule bearing that number in these Regulations and any requirement that a form shall be as set out in a specified Schedule shall be construed as meaning a form as so specified or a form substantially to the like effect.

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| <b>F1</b> | Words in reg. 1(2) inserted (31.12.2020) by <a href="#">The Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (S.S.I. 2019/80)</a> , regs. 1, <b>2(2)(a)</b> (as amended by <a href="#">S.S.I. 2019/274</a> , regs. 1, 2(2) and <a href="#">S.S.I. 2020/310</a> , regs. 1, 2(2), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)                          |
| <b>F2</b> | Words in reg. 1(2) substituted (1.6.2015) by <a href="#">The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 (S.S.I. 2015/181)</a> , reg. 1, <b>sch. 8 para. 2(2)</b>   |
| <b>F3</b> | Words in reg. 1(2) inserted (31.12.2020) by <a href="#">The Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019 (S.S.I. 2019/80)</a> , regs. 1, <b>2(2)(b)</b> (as amended by <a href="#">S.S.I. 2019/274</a> , regs. 1, <b>2(2)</b> and <a href="#">S.S.I. 2020/310</a> , regs. 1, <b>2(2)(3)</b> , 4(2)); 2020 c. 1, <b>Sch. 5 para. 1(1)</b> |
| <b>F4</b> | Words in reg. 1(2) inserted (1.4.2011) by <a href="#">The Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2011 (S.S.I. 2011/138)</a> , regs. 1(2), <b>5(2)(a)</b>  |
| <b>F5</b> | Words in reg. 1(2) inserted (1.4.2011) by <a href="#">The Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2011 (S.S.I. 2011/138)</a> , regs. 1(2), <b>5(2)(b)</b>  |
| <b>F6</b> | Words in reg. 1(2) inserted (1.4.2011) by <a href="#">The Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2011 (S.S.I. 2011/138)</a> , regs. 1(2), <b>5(2)(c)</b>  |

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#### Commencement Information

- I1** Reg. 1 in force at 28.2.2009, see [reg. 1\(1\)](#)

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(5) [S.S.I. 2007/251](#).

(6) [2005 asp 12](#).

(7) [2003 asp 3](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Development Planning) (Scotland) Regulations 2008, PART 1.