



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

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

#### DEVELOPMENT PLANS

##### 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.**

#### *Sustainable development*

### <sup>F2</sup>3E **Sustainable development**

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##### Textual Amendments

- F2** [S. 3E](#) repealed (8.11.2019) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 1(3), 63(2)**; [S.S.I. 2019/314](#), reg. 2, **sch.**

### [<sup>F3</sup>3F **Greenhouse gas emissions policies**

A planning authority, in any local development plan prepared by them, must include policies requiring all developments in the local development plan area to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the

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approved design and plans for the specific development, through the installation and operation of low and zero-carbon generating technologies.]

#### Textual Amendments

**F3** S. 3F inserted (1.4.2010) by [Climate Change \(Scotland\) Act 2009 \(asp 12\)](#), **ss. 72, 100(2)** (with s. 95); [S.S.I. 2009/341](#), art. 2(3)

### [<sup>F4</sup>3G Open space strategy

- (1) A planning authority is to prepare and publish an open space strategy.
- (2) An open space strategy is to set out a strategic framework of the planning authority's policies and proposals as to the development, maintenance and use of green infrastructure in their district, including open spaces and green networks.
- (3) An open space strategy must contain—
  - (a) an audit of existing open space provision,
  - (b) an assessment of current and future requirements,
  - (c) any other matter which the planning authority consider appropriate.
- (4) In this section—
 

“green infrastructure” means features of the natural and built environments that provide a range of ecosystem and social benefits,

“green networks” means connected areas of green infrastructure and open space,

“open space” means space within and on the edge of settlements comprising green infrastructure or civic areas such as squares, market places and other paved or hard landscaped areas with a civic function.
- (5) The Scottish Ministers may by regulations—
  - (a) make provision about how planning authorities are to discharge their functions under this section including, in particular—
    - (i) how they conduct an audit under subsection (3)(a), and
    - (ii) how they assess current and future requirements for the purposes of subsection (3)(b),
  - (b) amend subsection (4) by adding a definition or amending or omitting a definition for the time being specified there.
- (6) For the purposes of this section a national park authority is not a planning authority.]

#### Textual Amendments

**F4** S. 3G inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 3(2), 63(2)**; [S.S.I. 2019/314](#), reg. 2, sch.

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### *Strategic development planning*

#### **[<sup>F5</sup>4ZA Regional spatial strategies**

- (1) A planning authority, or two or more such authorities acting jointly, are to prepare and adopt a regional spatial strategy.
- (2) A regional spatial strategy is a long-term spatial strategy in respect of the strategic development of an area (or areas) which must, in particular—
  - (a) specify the area (or areas) of the planning authority (or authorities) to which it relates (“the region”), and
  - (b) identify, in relation to the region—
    - (i) the need for strategic development,
    - (ii) the outcomes to which the authority (or authorities) consider that strategic development will contribute,
    - (iii) priorities for the delivery of strategic development, and
    - (iv) proposed locations for strategic development, which must be shown in the strategy in the form of a map or diagram.
- (3) Before adopting a regional spatial strategy, a planning authority (or authorities) must—
  - (a) publish, by such means as they consider appropriate—
    - (i) a draft of the strategy,
    - (ii) a summary of the information taken into account in preparing the draft of the strategy, and
    - (iii) a statement inviting representations in relation to the strategy by a date specified in the statement,
  - (b) as soon as practicable after publishing the documents mentioned in paragraph (a), send a copy of them to—
    - (i) the planning authority (other than one involved in producing the report) for any area in which future development is likely to be significantly impacted by the strategic development to which the strategy is to relate,
    - (ii) the key agencies, and
    - (iii) any other person the planning authority (or authorities) producing the strategy consider appropriate, and
  - (c) otherwise, consult such persons as they consider are likely to have an interest in the strategy.
- (4) As soon as practicable after a strategy under subsection (1) is adopted, the planning authority (or authorities) must—
  - (a) publish the strategy by such means as they consider appropriate, and
  - (b) submit it to the Scottish Ministers.
- (5) In this section, “strategic development” means development that is likely to have a significant impact on future development within the area of more than one planning authority.

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#### Textual Amendments

- F5** Ss. 4ZA-4ZE inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 5(2), 63(2)**; S.S.I. 2019/314, **reg. 2, sch.**

### 4ZB Duties to have regard to regional spatial strategies

- (1) In exercising their functions of preparing, revising or amending the National Planning Framework, the Scottish Ministers must have regard to any adopted regional spatial strategy submitted to them under section 4ZA(4)(b).
- (2) In exercising their functions of preparing, revising or amending a local development plan, a planning authority must have regard to their adopted regional spatial strategy (or strategies) submitted to the Scottish Ministers under section 4ZA(4)(b).

#### Textual Amendments

- F5** Ss. 4ZA-4ZE inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 5(2), 63(2)**; S.S.I. 2019/314, **reg. 2, sch.**

### 4ZC Regional spatial strategies: first strategy, review and revision

- (1) A planning authority must adopt a regional spatial strategy under section 4ZA(1) as soon as reasonably practicable after section 5 of the Planning (Scotland) Act 2019 comes into force.
- (2) A planning authority—
  - (a) are to keep their adopted regional spatial strategy (or strategies) under review, and
  - (b) if they consider it appropriate, may at any time prepare and adopt a replacement strategy.
- (3) Without limit to the generality of subsection (2), a planning authority (or authorities) must review their adopted regional spatial strategy (or, if more than one, each adopted strategy) at least once in every period of 10 years beginning with the most recent date on which they—
  - (a) adopted the strategy, or
  - (b) published an explanation under subsection (4)(b).
- (4) Following such a review, a planning authority are to—
  - (a) prepare and adopt a replacement regional spatial strategy, or
  - (b) publish an explanation of why they have decided not to do so.
- (5) Section 4ZA(2) to (4) and sections 4ZB and 4ZE apply to a replacement regional spatial strategy as they apply in relation to the strategy being replaced (and references in this Part to a regional spatial strategy include references to such a replacement strategy).

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#### Textual Amendments

- F5** Ss. 4ZA-4ZE inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 5(2), 63(2)**; [S.S.I. 2019/314](#), **reg. 2**, **sch.**

### **4ZD Directions to prepare or review regional spatial strategies**

- (1) The Scottish Ministers may direct a planning authority, or two or more such authorities, to—
  - (a) prepare and adopt a regional spatial strategy under section 4ZA(1) in relation to a region specified in the direction, or
  - (b) review an adopted regional spatial strategy.
- (2) A direction under subsection (1) may require the planning authority (or authorities) to take into account such matters (if any) as are specified in the direction when preparing or reviewing the strategy.
- (3) Where a direction under this section requires two or more planning authorities to prepare and adopt a regional spatial strategy, they are to co-operate with one another.

#### Textual Amendments

- F5** Ss. 4ZA-4ZE inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 5(2), 63(2)**; [S.S.I. 2019/314](#), **reg. 2**, **sch.**

### **4ZE Guidance for regional spatial strategies**

- (1) The Scottish Ministers may issue guidance in relation to the preparation, adoption, review and content of regional spatial strategies.
- (2) A planning authority must have regard to any guidance issued under subsection (1) when preparing or adopting a regional spatial strategy.
- (3) Before issuing guidance under this section, the Scottish Ministers must consult—
  - (a) each planning authority, and
  - (b) such other persons as they consider appropriate (if any).
- (4) The Scottish Ministers must make guidance issued under subsection (1) publicly available.
- (5) The power under subsection (1) to issue guidance includes the power to—
  - (a) issue guidance that varies guidance issued under that subsection, and
  - (b) revoke guidance issued under that subsection.]

#### Textual Amendments

- F5** Ss. 4ZA-4ZE inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 5(2), 63(2)**; [S.S.I. 2019/314](#), **reg. 2**, **sch.**

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**F64 Strategic development planning authorities**

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**Textual Amendments**

**F6** [Ss. 4-14](#) repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 6, 63\(2\)](#); [S.S.I. 2023/10](#), [reg. 3\(2\)\(a\)](#)

**F65 Strategic development plan area**

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**Textual Amendments**

**F6** [Ss. 4-14](#) repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 6, 63\(2\)](#); [S.S.I. 2023/10](#), [reg. 3\(2\)\(a\)](#)

**F66 Re-determination of boundary of strategic development plan area**

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**Textual Amendments**

**F6** [Ss. 4-14](#) repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 6, 63\(2\)](#); [S.S.I. 2023/10](#), [reg. 3\(2\)\(a\)](#)

**F67 Form and content of strategic development plan**

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**Textual Amendments**

**F6** [Ss. 4-14](#) repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 6, 63\(2\)](#); [S.S.I. 2023/10](#), [reg. 3\(2\)\(a\)](#)

**F68 Preparation of strategic development plan etc. : general**

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**Textual Amendments**

**F6** [Ss. 4-14](#) repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 6, 63\(2\)](#); [S.S.I. 2023/10](#), [reg. 3\(2\)\(a\)](#)

**F69 Main issues report for preparation of strategic development plan**

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**Textual Amendments**

**F6** Ss. 4-14 repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 6, 63(2)**; S.S.I. 2023/10, reg. 3(2)(a)

**F6 10 Preparation and publication of proposed strategic development plan**

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**Textual Amendments**

**F6** Ss. 4-14 repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 6, 63(2)**; S.S.I. 2023/10, reg. 3(2)(a)

**F6 11 Alternative proposals**

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**Textual Amendments**

**F6** Ss. 4-14 repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 6, 63(2)**; S.S.I. 2023/10, reg. 3(2)(a)

**F6 12 Examination of proposed strategic development plan**

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**Textual Amendments**

**F6** Ss. 4-14 repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 6, 63(2)**; S.S.I. 2023/10, reg. 3(2)(a)

**F6 12A Further provision as regards examination under section 12(2)**

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**Textual Amendments**

**F6** Ss. 4-14 repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 6, 63(2)**; S.S.I. 2023/10, reg. 3(2)(a)

**F6 13 Proposed strategic development plan: approval or rejection**

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#### Textual Amendments

**F6** Ss. 4-14 repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), ss. 6, 63(2); S.S.I. 2023/10, reg. 3(2)(a)

### <sup>F6</sup>14 **Publication of and publicity for strategic development plan**

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#### Textual Amendments

**F6** Ss. 4-14 repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), ss. 6, 63(2); S.S.I. 2023/10, reg. 3(2)(a)

### *Local development plans*

## 15 **Form and content of local development plans**

- (1) A local development plan is a plan in which is set out, for land in the part of the district to which it relates—
- (a) a spatial strategy, being a detailed statement of the planning authority's policies and proposals as to the development and use of the land [<sup>F7</sup>taking account of the matters mentioned in subsection (5)],
  - (b) such other matters as may be prescribed, and
  - (c) any other matter which the planning authority consider it appropriate to include.
- [<sup>F8</sup>(1A) The local development plan must also include targets for meeting the housing needs of people living in the part of the district to which it relates.]
- (2) [<sup>F9</sup>Where the land is not within a strategic development plan area, a local development plan is also to set out a vision statement, that is to say a broad statement of the planning authority's views as to how the development of the land could and should occur and as to the matters (including the matters mentioned in subsection (5)) which might be expected to affect that development.]
- [<sup>F10</sup>(2A) A local development plan is to include a statement of the planning authority's policies and proposals as to the provision of public conveniences.
- (2B) A local development plan is to include a statement of the planning authority's policies and proposals as to the provision of water refill locations.]
- (3) Where a local development plan contains policies or proposals for, or views as to, the occurrence of development on land owned by the planning authority, there is to be appended to the plan a schedule, in such form as may be prescribed, which identifies the land, states that it is so owned and refers to the policies, proposals or views in question.
- (4) A local development plan is, for the purpose of explaining or illustrating the proposals in the plan, to contain or be accompanied by—



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- (a) such maps, diagrams, illustrations and descriptive matter as may be prescribed, and
  - (b) such other diagrams, illustrations and descriptive matter (if any) as the planning authority think appropriate.
- (5) The matters referred to in subsection [F11(2)][F11(1)(a)] are—
- (a) the principal physical, [F12cultural,] economic, social[F13, built heritage] and environmental characteristics of the district,
  - (b) the principal purposes for which the land is used,
  - (c) the size, composition[F14, health] and distribution of the population of the district,
  - [F15](ca) the housing needs of the population of the area, including, in particular, the needs of persons undertaking further and higher education, older people and disabled people,
  - (cb) the availability of land in the district for housing, including for older people and disabled people,
  - (cc) the desirability of allocating land for the purposes of resettlement,
  - (cd) the health needs of the population of the district and the likely effects of development and use of land on those health needs,
  - (ce) the education needs of the population of the district and the likely effects of development and use of land on those education needs,
  - (cf) the extent to which there are rural areas within the district in relation to which there has been a substantial decline in population,
  - (cg) the capacity of education services in the district,
  - (ch) the desirability of maintaining an appropriate number and range of cultural venues and facilities (including in particular, but not limited to, live music venues) in the district,]
  - (d) the infrastructure of the district (including communications, transport and drainage systems [F16and systems for the supply of water and energy][F16, systems for the supply of water and energy, and health care and education facilities]),
  - (e) how that infrastructure is used, [F17and]
  - (f) any change which the planning authority think may occur in relation to any of the matters mentioned in paragraphs (a) to [F18(e)][F18(eb)].

[F19(5A) In subsection (5)(d), references to systems for the supply of energy include in particular land available for the development and use of facilities for renewable sources of energy.]

#### Textual Amendments

- F7** Words in s. 15(1)(a) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\), ss. 7\(2\)\(a\), 63\(2\); S.S.I. 2019/314, reg. 2, sch.](#)
- F8** S. 15(1A) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\), ss. 7\(2\)\(b\), 63\(2\); S.S.I. 2019/314, reg. 2, sch.](#)
- F9** S. 15(2) repealed (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\), ss. 7\(2\)\(c\), 63\(2\); S.S.I. 2019/314, reg. 2, sch.](#)
- F10** S. 15(2A)(2B) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\), ss. 7\(2\)\(d\), 63\(2\); S.S.I. 2019/314, reg. 2, sch.](#)
- F11** Word in s. 15(5) substituted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\), ss. 7\(2\)\(e\)\(i\), 63\(2\); S.S.I. 2019/314, reg. 2, sch.](#)

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- F12** Word in s. 15(5)(a) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(2)(e)(ii)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F13** Words in s. 15(5)(a) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(2)(e)(iii)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F14** Word in s. 15(5)(c) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(2)(e)(iv)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F15** S. 15(5)(ca)-(ch) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(2)(e)(v)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F16** Words in s. 15(5)(d) substituted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(2)(e)(vi)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F17** Word in s. 15(5) repealed (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(2)(e)(vii)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F18** Word in s. 15(5)(f) substituted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(2)(e)(viii)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F19** S. 15(5A) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(3)**, 63(2); S.S.I. 2019/314, reg. 2, sch.

#### Modifications etc. (not altering text)

- C1** S. 15(1)(a) modified (27.3.2011) by [The Waste Management Licensing \(Scotland\) Regulations 2011 \(S.S.I. 2011/228\)](#), reg. 1(1), **sch. 4 para. 9** (with regs. 31-33)

### [<sup>F20</sup>15A Preparation of local development plan: invitation to prepare local place plans

Before preparing a local development plan, a planning authority are to publish, in such manner as they consider appropriate—

- (a) an invitation to local communities in their district to prepare local place plans in accordance with schedule 19,
- (b) information on—
  - (i) the manner in which and date by which such local place plans are to be prepared in order to be taken into account in the preparation of the local development plan,
  - (ii) the assistance available for local communities to prepare local place plans.]

#### Textual Amendments

- F20** S. 15A inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 14(2)**, 63(2); S.S.I. 2019/314, reg. 2, sch.

### [<sup>F21</sup>15B Review of local place plans

- (1) The Scottish Ministers must, as soon as practicable after the end of the 7 year period—
  - (a) carry out a review of local place plans,
  - (b) set out the conclusions of the review in a report,
  - (c) publish the report, and
  - (d) lay it before the Scottish Parliament.
- (2) The report must, in particular, set out—
  - (a) the number of local place plans that have been submitted and the name of the community body that submitted the local place plan,

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- (b) the number of local place plans registered,
  - (c) a summary of the participation of people who engaged in preparing and submitting local place plans, either through a community body or through consultation,
  - (d) the support given to community bodies to prepare and submit a local place plan,
  - (e) an assessment of how the registered local place plans have influenced planning authorities'—
    - (i) preparation of local development plans for their district,
    - (ii) determination of applications for planning permission,
  - (f) an assessment of—
    - (i) the impact and effectiveness of local place plans across Scotland,
    - (ii) whether further support to community bodies should be provided to prepare and submit local place plans.
- (3) The Scottish Ministers may, by notice, require a planning authority to provide it with such information as is specified or described in the notice and which they require for the purpose of subsection (1).
- (4) In subsection (1), “the 7 year period” means the period of 7 years beginning with the day on which the Bill for the Planning (Scotland) Act 2019 receives Royal Assent.]

#### Textual Amendments

**F21** S. 15B inserted (8.11.2019 for specified purposes, 22.1.2022 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), ss. 14(3), 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2021/480, reg. 2(1)

## 16 Preparation and monitoring of local development plans: general

- (1) A planning authority are—
- (a) as soon as practicable after the coming into force of section 2 of the Planning etc. (Scotland) Act 2006 (asp 17) and thereafter—
    - (i) whenever required to do so by the Scottish Ministers, or
    - (ii) subject to sub-paragraph (i), at intervals of no more than <sup>F22</sup>five<sup>F22</sup>10 years,to prepare local development plans for all parts of their district, and
  - (b) to keep under review the plans so prepared.
- (2) In preparing a local development plan the planning authority—
- (a) are to take into account—
    - <sup>F23</sup>(i) the National Planning Framework<sup>F24</sup>, and
    - (ii) any local outcomes improvement plan (within the meaning of section 6 of the Community Empowerment (Scotland) Act 2015) for the part of their district to which the local development plan relates,]
    - <sup>F25</sup>(iii) any registered local place plan (see schedule 19) that is for the part of their district to which the local development plan relates,]
  - <sup>F26</sup>(aa) are to have regard to the desirability of preserving disused railway infrastructure for the purpose of ensuring its availability for possible future public transport requirements,

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- (ab) are to have regard to the list published under section 16E of persons seeking to acquire land in the authority's area for self-build housing,]
  - (b) are to have regard to such information and considerations as may be prescribed, and
  - (c) may have regard to such other information and considerations as appear to them to be relevant.
- (3) Different local development plans may be prepared for different purposes for the same part of any district.
- (4) Parts of districts for which local development plans are prepared for some purpose need not have the same boundaries as parts for which they are prepared for another purpose.
- (5) Two (or more) planning authorities may prepare a joint local development plan extending to parts of each (or all) of their districts.
- <sup>F27</sup>(6) . . . . .
- (7) Where a planning authority fail to comply with subsection (1)(a), the Scottish Ministers may direct them to prepare a report as to the reasons for such failure and to submit that report to the Scottish Ministers.
- (8) In carrying out their duty under paragraph (b) of subsection (1), a planning authority are in particular to monitor—
- (a) changes in the characteristics referred to in section 15(5)(a), and
  - (b) the impact of the policies and proposals contained within the local development plans.
- (9) [<sup>F28</sup>A planning authority are—
- (a) from time to time, and
  - (b) in any event whenever they publish a main issues report by virtue of that paragraph,
- to publish a statement as to the carrying out by them of their duty under that paragraph.]
- (10) [<sup>F28</sup> In subsection (9), “ publish ” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet). ]

#### Textual Amendments

- F22** Word in s. 16(1)(a)(ii) substituted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(4)(a)**, 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)
- F23** Words in s. 16(2)(a) renumbered as s. 16(2)(a)(i) (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(4)(b)(i)**, 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)
- F24** S. 16(2)(a)(ii) and word inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(4)(b)(ii)**, 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)
- F25** S. 16(2)(a)(iii) inserted (8.11.2019 for specified purposes, 20.5.2023 in so far as not already in force) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 14(4)**, 63(2); S.S.I. 2019/314, [reg. 2](#); S.S.I. 2023/100, [reg. 3](#) (with [reg. 4](#))
- F26** S. 16(2)(aa)(ab) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(4)(c)**, 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)
- F27** S. 16(6) repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), **sch. 2 para. 1(2)**; S.S.I. 2023/10, [reg. 3\(2\)\(e\)](#)

*Status: Point in time view as at 12/02/2023.*

*Changes to legislation: Town and Country Planning (Scotland) Act 1997, Part 2 is up to date with all changes known to be in force on or before 20 April 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)*

**F28** S. 16(9)(10) repealed (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 7\(4\)\(d\)](#), [63\(2\)](#); [S.S.I. 2019/314](#), [reg. 2](#), [sch.](#)

### **[<sup>F29</sup>16A Participation of children and young people in local development plan**

- (1) A planning authority must make such arrangements as they consider appropriate to promote and facilitate participation by children and young people (meaning for the purpose of this section a person aged 25 or under) in the preparation of the local development plan.
- (2) Without prejudice to the generality of subsection (1), planning authorities must first consider discharging their duty under subsection (1) by means of contact with schools, youth councils and youth parliament representatives within their district.
- (3) A planning authority must—
  - (a) publish information about its arrangements under subsection (1), and
  - (b) keep the information published up to date.]

#### **Textual Amendments**

**F29** S. 16A inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 7\(5\)](#), [63\(2\)](#); [S.S.I. 2019/314](#), [reg. 2](#), [sch.](#)

### **[<sup>F30</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,
    - (ii) an analysis of the extent to which the action has helped to meet those needs,
  - (c) set out—

*Status: Point in time view as at 12/02/2023.*

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- (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.
- (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).

*Status: Point in time view as at 12/02/2023.*

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- (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

**F30** Ss. 16B-16D inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), ss. 7(6), 63(2); S.S.I. 2019/314, reg. 2, sch.

#### [<sup>F30</sup> 16C Effective community engagement: guidance

- (1) The Scottish Ministers may issue guidance to planning authorities about undertaking effective community engagement in relation to the local development plan.
- (2) Guidance under subsection (1) may include in particular guidance on—
  - (a) how, in preparing a local development plan, planning authorities are to undertake effective community engagement,
  - (b) ways in which planning authorities should consult communities and encourage them to contribute to the preparation of a local development plan,
  - (c) any other matters relevant to the functions of planning authorities in relation to community engagement in local development plans.
- (3) Before issuing guidance under this section, the Scottish Ministers must consult such persons as they consider appropriate.
- (4) The Scottish Ministers must publish in such manner as they consider appropriate any guidance issued under this section.
- (5) A planning authority must have regard to any guidance issued to them under this section.
- (6) The Scottish Ministers may vary or revoke guidance issued under this section.]

*Status: Point in time view as at 12/02/2023.*

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#### Textual Amendments

**F30** Ss. 16B-16D inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), ss. [7\(6\)](#), [63\(2\)](#); S.S.I. 2019/314, [reg. 2](#), [sch.](#)

### [<sup>F30</sup>16D Play sufficiency assessment

- (1) A planning authority must assess the sufficiency of play opportunities in its area for children in preparing an evidence report.
- (2) The Scottish Ministers must by regulations make provisions about—
  - (a) the form and content of the assessment,
  - (b) such persons who must be consulted in relation to the assessment,
  - (c) publication of the assessment.]

#### Textual Amendments

**F30** Ss. 16B-16D inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), ss. [7\(6\)](#), [63\(2\)](#); S.S.I. 2019/314, [reg. 2](#), [sch.](#)

### 17 Main issues report for preparation of local development plan

- [<sup>F31</sup>(1) With a view to facilitating and informing their work in preparing a local development plan, a planning authority are to compile a report (a “main issues report”).
- (2) A main issues report compiled under this section is a report in which are set out—
  - (a) general proposals by the authority for development in their district and in particular proposals as regards where the development should be carried out (and where it should not), and
  - (b) general proposals which constitute a reasonable alternative (or reasonable alternatives) to those mentioned in paragraph (a).
- (3) The report is also—
  - (a) to include information sufficient to secure—
    - (i) that what is proposed can readily be understood by those persons who may be expected to desire an opportunity of making representations to the authority with respect to the report, and
    - (ii) that such representations can be meaningful, and
  - (b) to draw attention to any differences between the proposals for development mentioned in paragraphs (a) and (b) of subsection (2) and the spatial strategy set out in the authority's local development plan (if any such plan is for the time being current).
- (4) In compiling the report the planning authority are to seek the views of, and have regard to any views expressed by—
  - (a) the key agencies, and
  - (b) such persons as may be prescribed.
- (5) It is the duty of a key agency to co-operate with the planning authority in the compilation of the authority's main issues report.



*Status: Point in time view as at 12/02/2023.*

*Changes to legislation: Town and Country Planning (Scotland) Act 1997, Part 2 is up to date with all changes known to be in force on or before 20 April 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)*

- (6) The planning authority are to publish their main issues report in such manner as may be prescribed; and without prejudice to the generality of this subsection the regulations in question must so far as practicable secure—
  - (a) that the persons mentioned in subsection (3) are made aware that they are entitled to make such representations as are mentioned in that subsection, and
  - (b) that those persons are given an adequate opportunity to do so.
- (7) Subsection (6) is without prejudice to the right of any person whatsoever to make representations to the authority as respects the report.
- (8) Publication under that subsection is to include specification of a date by which any representations under this section must be made.
- (9) On the report being published under that subsection, the authority are to send a copy of it to the Scottish Ministers.
- (10) In subsection (6), “ publish ” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet). ]

#### Textual Amendments

**F31** S. 17 repealed (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 7\(7\)](#), [63\(2\)](#); [S.S.I. 2019/314](#), [reg. 2](#), [sch.](#)

## 18 Preparation and publication of proposed local development plan

- (1) After <sup>F32</sup>the date specified by virtue of subsection (8) of section 17] <sup>F32</sup>being notified under section 16B(9)], the planning authority are—
  - (a) <sup>F33</sup>having regard to the evidence report in relation to which notification under that section was received, to prepare and publish in such manner as is prescribed a proposed local development plan,
    - (aa) to publish the evidence report at the same time and in the same manner as the proposed local development plan,]
    - (b) to send a copy of that proposed plan <sup>F34</sup>and the evidence report] to each key agency,
    - (c) to notify any person who timeously has made representations under section 17 that the proposed plan has been published and of where a copy of it is available for inspection (and at what reasonable times),
    - (d) to consult, with regard to the proposed plan, the key agencies and such persons as may be prescribed, and
    - (e) in such circumstances as may be prescribed, to give notice—
      - (i) in such form,
      - (ii) of such matter, and
      - (iii) to such persons,as may be specified in the regulations in question.
- <sup>F35</sup>(1A) Without prejudice to the generality of subsection (1)(d), a planning authority for a district all or part of which falls within the boundary identified by the Central Scotland Green Network Partnership are (for so long as such a body is included in the National Planning Framework as a national development) to consult the Network on the proposed local development plan.

*Status: Point in time view as at 12/02/2023.*

*Changes to legislation: Town and Country Planning (Scotland) Act 1997, Part 2 is up to date with all changes known to be in force on or before 20 April 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)*

- (1B) Before publishing a proposed local development plan under subsection (1), the planning authority must approve the plan.
- (1C) 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 local development plan.]
- (2) Publication under subsection (1)(a) is to include specification of a date (being a date not less than [<sup>F36</sup>6][<sup>F36</sup>12] weeks after the date of publication) by which any representations with respect to the proposed local development plan must be made to the authority.
- (3) After the date specified by virtue of subsection (2), the planning authority may modify the proposed local development plan so as to take account of—
- (a) any representations timeously made to them as respects that proposed plan (or of any matters arising out of representations so made),
  - (b) any matters arising in consultation under subsection (1)(d), and
  - (c) any minor drafting or technical matters.
- (4) [<sup>F37</sup>Where the authority decide to make no modifications under subsection (3), or any modifications under that subsection are not of a kind prescribed for the purposes of subsection (5) (or mentioned in subsection (8)),] the authority—
- (a) are to submit the proposed local development plan to the Scottish Ministers together with—
    - (i) a report as to the extent to which the authority's actings with regard to consultation and the involvement of the public at large have conformed with (or have gone beyond the requirements of) the authority's current participation statement, [<sup>F38</sup>and]
    - (ii) a copy of their proposed action programme for the plan, [<sup>F39</sup>and
    - (iii) if modifications have been made to the proposed plan under subsection (3), a report setting out—
      - (A) the modifications made, and
      - (B) the reasons for making them.]
  - (b) [<sup>F40</sup>are to publish the plan in such manner as may be prescribed, and]
  - (c) [<sup>F40</sup>if no request is to be made under section 19(1) are, in so publishing it, to advertise their intention to adopt it.]
- (5) [<sup>F41</sup>Where the authority make under subsection (3) modifications of a prescribed kind, the authority are—
- (a) to publish in such manner as was prescribed under section 17(6) the proposed local development plan as modified, and
  - (b) to give notice—
    - (i) in such form,
    - (ii) of such matter, and
    - (iii) to such persons,
 as may be specified in the regulations in question.]

(6) [<sup>F41</sup>Publication under subsection (5)(a) is to include specification of a date (being a date not less than 6 weeks after the date of publication) by which any representations with respect to the proposed local development plan must be made to the authority

*Status: Point in time view as at 12/02/2023.*

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- and, after that date, the authority may further modify the proposed plan so as to take account of—
- (a) any representations timeously made to them as respects that proposed plan (or of any matters arising out of representations so made), and
  - (b) any minor drafting or technical matters.]
- (7) [<sup>F41</sup>Subsections (4) and (5) apply in respect of modifications under subsection (6) as they apply in respect of modifications under subsection (3).]
- (8) [<sup>F41</sup> But if the authority consider that modifications are requisite and are such as would change the underlying aims or strategy of the proposed plan (in subsection (9) referred to as the “ original plan ”) they are not to modify it (or submit it or publish it unmodified) but are to prepare and publish under subsection (1) a new proposed local development plan. ]
- (9) [<sup>F41</sup>In its application to any such new plan subsection (1) is to be construed as if references to representations made timeously as respects the main issues report (and to any person timeously making representations) included references to representations so made as respects the original plan (and to any person so making representations with respect to the original plan).]
- (10) It is the duty of a key agency to co-operate with the planning authority in the preparation of the authority's proposed local development plan.

#### Textual Amendments

- F32** Words in s. 18(1) substituted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(8)(a)**, 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)
- F33** S. 18(1)(a)(aa) substituted for s. 18(1)(a) (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(8)(b)**, 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)
- F34** Words in s. 18(1)(b) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(8)(c)**, 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)
- F35** S. 18(1A)-(1C) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(8)(d)**, 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)
- F36** Word in s. 18(2) substituted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(8)(e)**, 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)
- F37** Words in s. 18(4) repealed (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(8)(f)**, 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)
- F38** Word in s. 18(4)(a) repealed (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(8)(g)(i)**, 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)
- F39** S. 18(4)(a)(iii) and word inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(8)(g)(ii)**, 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)
- F40** S. 18(4)(b)(c) repealed (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(8)(h)**, 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)
- F41** S. 18(5)-(9) repealed (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(8)(i)**, 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)

## 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).

*Status: Point in time view as at 12/02/2023.*

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- (2) The circumstances are that representations timeously made were not taken account of (or not fully taken account of) in modifications under subsection (3) or (6) 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—
- (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.
- [<sup>F42</sup>(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) [<sup>F43</sup>, unless section 19ZA applies,] the appointed person is to—

*Status: Point in time view as at 12/02/2023.*

*Changes to legislation: Town and Country Planning (Scotland) Act 1997, Part 2 is up to date with all changes known to be in force on or before 20 April 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)*

- (a) prepare a report—
    - (i) setting out, and giving reasons for, his conclusions and recommendations<sup>[F44]</sup> (which may include recommendations for amendments to the proposed local development plan)], 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).
- <sup>[F45]</sup>(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.
- (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 <sup>[F46]</sup>subsection<sup>[F46]</sup> 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,
  - (b) <sup>[F47]</sup>to publish the modifications made, together with the proposed plan as modified (or, if no modifications are made, to publish the proposed plan) in such manner as may be prescribed,]
  - (c) <sup>[F47]</sup>in so publishing the proposed plan (whether or not modified), to advertise their intention to adopt it, and]
  - (d) <sup>[F47]</sup>to notify each person who made representations under section 18 that the proposed plan has been published and of where a copy of it is available for inspection (and at what reasonable times).]
- (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.

*Status: Point in time view as at 12/02/2023.*

*Changes to legislation: Town and Country Planning (Scotland) Act 1997, Part 2 is up to date with all changes known to be in force on or before 20 April 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)*

- (12) <sup>F48</sup>The planning authority are, within 3 months after receiving a report submitted under subsection (8)(b), to send to the Scottish Ministers a copy of each of the following—
- (a) the modifications, if any, made under sub-paragraph (i) of subsection (10)(a),
  - (b) where a modification recommended by the appointed person is not made, a statement setting out the recommendation and explaining (by reference to the grounds prescribed for the purposes of that sub-paragraph) why it is not made,
  - (c) the proposed plan (whether or not modified),
  - (d) the report,
  - (e) any environmental assessment carried out by virtue of subsection (11), and
  - (f) the advertisement mentioned in subsection (10)(c).]

#### Textual Amendments

- F42** S. 19(5A) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 7\(9\)\(a\)](#), 63(2); [S.S.I. 2019/314](#), [reg. 2](#), [sch.](#)
- F43** Words in s. 19(8) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 7\(9\)\(b\)](#), 63(2); [S.S.I. 2019/314](#), [reg. 2](#), [sch.](#)
- F44** Words in s. 19(8)(a)(i) repealed (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 7\(9\)\(c\)](#), 63(2); [S.S.I. 2019/314](#), [reg. 2](#), [sch.](#)
- F45** S. 19(8A)(8B) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 7\(9\)\(d\)](#), 63(2); [S.S.I. 2019/314](#), [reg. 2](#), [sch.](#)
- F46** Words in s. 19(9) substituted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 7\(9\)\(e\)](#), 63(2); [S.S.I. 2019/314](#), [reg. 2](#), [sch.](#)
- F47** S. 19(10)(b)-(d) repealed (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 7\(9\)\(f\)](#), 63(2); [S.S.I. 2019/314](#), [reg. 2](#), [sch.](#)
- F48** S. 19(12) repealed (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 7\(9\)\(g\)](#), 63(2); [S.S.I. 2019/314](#), [reg. 2](#), [sch.](#)

#### <sup>F49</sup>~~19Z~~ **Examination under section 19(3): further provision**

- (1) This section applies where—
  - (a) a person appointed under subsection (3) of section 19 is conducting an examination of a proposed local development plan under that subsection, and
  - (b) the person is not satisfied that the amount of land allocated for housing in the proposed local development plan is sufficient to meet the targets it includes in relation to the housing needs of people living in the part of the district to which it relates (see section 15(1A)).
- (2) The appointed person may, instead of preparing a report under section 19(8), issue a notice to the planning authority requiring it to prepare another proposed local development plan under section 18(1).
- (3) A notice under subsection (2) must include—
  - (a) a statement that the proposed local development plan is unsatisfactory due to its failure to address the identified housing needs,
  - (b) the appointed person's reasons for coming to that conclusion.
- (4) The appointed person must—
  - (a) send a copy of a notice issued under subsection (2) to the Scottish Ministers,

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- (b) publish it, and
  - (c) notify the persons mentioned in paragraph (b) of section 19(6), and any person who made representations by virtue of section 19A that a notice has been given under subsection (2) (and its effect).
- (5) A planning authority that receive a notice under subsection (2)—
- (a) may not take any further action in respect of the unsatisfactory proposed local development plan, and
  - (b) must prepare another proposed local development plan in accordance with section 18.
- (6) The planning authority may use the evidence report prepared and assessed in respect of the unsatisfactory proposed local development plan for the purpose of subsection (5) (b).
- (7) In subsection (4)(b), “publish” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet).]

#### Textual Amendments

**F49** S. 19ZA inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(10), 63(2)**; [S.S.I. 2019/314](#), **reg. 2, sch.**

### 19A Further provision as regards examination under section 19(4)

- (1) If, having conducted an examination under subsection (4) of section 19, the appointed person is not satisfied with the actings mentioned in that subsection he is to—
- (a) prepare a report setting out his reasons for not being satisfied and recommending that the authority take such further steps with regard to—
    - (i) consultation, or
    - (ii) involving the public at large,as are specified in the report,
  - (b) submit it to the Scottish Ministers, and
  - (c) send a copy of it to the planning authority.
- (2) The authority may, within 4 weeks after receiving that copy, make representations to the Scottish Ministers as regards the report.
- (3) The Scottish Ministers, provided that 4 weeks have elapsed since they received the report, may—
- (a) direct the authority to take such further steps with regard to—
    - (i) consultation, or
    - (ii) involving the public at large,as are specified in the direction, or
  - (b) direct the appointed person to proceed to an examination under subsection (3) of section 19.
- (4) In giving a direction under paragraph (a) of subsection (3) the Scottish Ministers are to have regard to the appointed person's recommendations under paragraph (a) of subsection (1) and to any representations made under subsection (2).

*Status: Point in time view as at 12/02/2023.*

*Changes to legislation: Town and Country Planning (Scotland) Act 1997, Part 2 is up to date with all changes known to be in force on or before 20 April 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)*

- (5) Where such a direction is given—
- (a) the appointed person is not to proceed to an examination under subsection (3) of section 19, and
  - (b) after the further steps specified in the direction have been taken the authority—
    - (i) may modify the proposed local development plan so as to take account of any representations made to them in consequence of their taking those steps (and of any minor drafting or technical matters), and
    - (ii) are to submit it (whether or not modified) to the Scottish Ministers together with a note of any representations so made and of whether those representations are taken account of in the plan (and if so to what extent) and a report as to the extent to which the authority's actings with regard to consultation and involving the public at large have conformed with (or have gone beyond the requirements of) the specification of further steps.
- (6) But if the authority consider that modifications are requisite and are such as would change the underlying aims or strategy of the proposed plan they are not to modify it (or submit it unmodified to the Scottish Ministers) but are to prepare and publish under section 18(1) a new proposed local development plan.
- (7) <sup>F50</sup>Where a proposed local development plan is modified under subsection (5)(b)(i), the modified plan is to be published in such manner as is prescribed under section 18(4)(b).]
- (8) <sup>F50</sup>On submitting a proposed local development plan under subsection (5)(b)(ii), the planning authority are to advertise, in such manner as may be prescribed, that they have done so.]
- (9) Section 19 and this section apply in relation to a proposed local development plan <sup>F51</sup>so submitted][<sup>F51</sup>submitted under subsection (5)(b)(ii)] as they apply in relation to such a plan submitted under section 18(4)(a).
- (10) Except that for the purposes of the application provided for in subsection (9), section 19 is to be construed as if—
- (a) in subsection (2), for the words “subsection (3) or (6) of section 18” there were substituted “ section 19A(5)(b)(i) ” , and
  - (b) in subsection (4), for the words “the participation statement of the authority which was current when the proposed plan was published under section 18(1)(a)” there were substituted “ the further steps specified in the direction under section 19A(3)(a) ” .

#### Textual Amendments

**F50** S. 19A(7)(8) repealed (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(11)(a)**, 63(2); S.S.I. 2019/314, reg. 2, sch.

**F51** Words in s. 19A(9) substituted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(11)(b)**, 63(2); S.S.I. 2019/314, reg. 2, sch.



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## 20 Constitution of local development plan

(1) On being adopted by the planning authority the proposed local development plan is constituted as the local development plan.

[<sup>F52</sup>(1A) A proposed local development plan may not be adopted before the end of the period that—

- (a) begins on the day it is submitted to the Scottish Ministers under section 18(4)(a) or (as the case may be) 19A(5)(b)(ii), and
- (b) ends at the end of the day that falls 28 days later.

(1B) Where—

- (a) a request is made under section 19(1) when a proposed local development plan is submitted to the Scottish Ministers, or
- (b) no such request is made but, within the 28 day period described in subsection (1A), the Ministers appoint a person under section 19(3),

the proposed local development plan may not be adopted until the planning authority have received a report in relation to the plan submitted under section 19(8)(b).]

### Textual Amendments

**F52** S. 20(1A)(1B) substituted for s. 20(2)-(7) (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(12)**, 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)

## 20A Publication of and publicity for local development plan

(1) As soon as is reasonably practicable after the local development plan is constituted as mentioned in section 20(1), the planning authority are to—

- (a) send two copies of it to the Scottish Ministers,
- (b) publish it,
- (c) place a copy of it in each public library in the part of the district to which it relates,
- (d) both—
  - (i) notify each person who made representations under section 18 or by virtue of section 19A, and
  - (ii) advertise, in a local newspaper,

that the local development plan has been published (including the means of publication) and is available for inspection in those libraries.

[<sup>F53</sup>(1A) In addition to taking the steps required by subsection (1), as soon as reasonably practicable after the local development plan is constituted the planning authority must—

- (a) in the circumstances described by subsection (1B), publish in the prescribed manner a recommended-modification statement, and
- (b) in the circumstance described by subsection (1C), publish in the prescribed manner a report on modifications (but this requirement is qualified by subsection (1D)).

(1B) The circumstances referred to in subsection (1A)(a) are—

- (a) a person appointed under section 19(3) recommended a modification to a proposed version of the plan, and

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- (b) the modification was not made.
- (1C) The circumstance referred to in subsection (1A)(b) is that the constituted plan differs from the proposed plan published under section 18(1)(a) as a result of modifications made under section 18(3), 19(10) or 19A(5)(b)(i).
- (1D) In a case where a report in relation to a proposed version of the plan has been published as required by section 19(5A)—
- (a) if no modifications were subsequently made, a report on modifications need not be published,
  - (b) if modifications were subsequently made, the report on modifications need only set out those modifications.
- (1E) In this section—
- (a) “recommended-modification statement” means a statement that—
    - (i) sets out the modification mentioned in subsection (1B), and
    - (ii) explains, by reference to the grounds prescribed for the purposes of section 19(10)(a)(i), why the modification was not made,
  - (b) “report on modifications” means a report that sets out—
    - (i) the modifications mentioned in subsection (1C), and
    - (ii) the reasons for making them.]
- (2) In <sup>F54</sup>subsection (1)(b)]<sup>F54</sup>this section], “publish” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet).

#### Textual Amendments

**F53** S. 20A(1A)-(1E) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 7\(13\)\(a\)](#), 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)

**F54** Words in s. 20A(2) substituted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 7\(13\)\(b\)](#), 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)

*Development plan schemes and action  
programmes]*<sup>F55</sup>*Development plan schemes and delivery programmes]*<sup>F55</sup>

#### Textual Amendments

**F55** S. 20B cross-heading substituted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 11\(4\)](#), 63(2); S.S.I. 2019/314, [reg. 2](#), [sch.](#)

## 20B Development plan schemes

- (1) A development plan scheme is to be prepared <sup>F56</sup>... by each planning authority.
- (2) <sup>F57</sup>[An authority are] to prepare the scheme—
  - (a) whenever required to do so by the Scottish Ministers, and
  - (b) (subject to paragraph (a)) whenever the authority think it appropriate to do so but in any event within 1 year after last preparing such a plan.

*Status: Point in time view as at 12/02/2023.*

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- (3) A development plan scheme is a document setting out the authority's programme for preparing and reviewing <sup>F58</sup>... their local development plans.
- (4) Without prejudice to the generality of subsection (3), “programme” in that subsection includes, having regard to the provisions of this Part—
  - (a) proposed timetabling,
  - (b) details of what is likely to be involved at each stage of preparation or review, and
  - (c) an account (in this Part referred to as an authority's “participation statement”) of when consultation is likely to take place and with whom and of its likely form and of the steps to be taken to involve the public at large in the stages of preparation or review.
- [<sup>F59</sup>(4A) In preparing the development plan scheme the planning authority are to seek the views of, and have regard to any views expressed by the public at large as to the content of the participation statement.]
- (5) As soon as is reasonably practicable after a development plan scheme has been adopted, the authority which prepared it are to—
  - (a) send two copies of it to the Scottish Ministers,
  - (b) publish it, and
  - (c) place a copy of it in each public library in the [<sup>F60</sup>area of the authority].
- (6) In subsection (5)(b), “publish” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet).
- (7) Regulations may make provision as to—
  - (a) the form and content of, and
  - (b) the procedures for preparing and adopting, a development plan scheme.

#### Textual Amendments

- F56** Words in s. 20B(1) repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), [sch. 2 para. 1\(3\)\(a\)](#); S.S.I. 2023/10, reg. 3(2)(e)
- F57** Words in s. 20B(2) substituted (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), [sch. 2 para. 1\(3\)\(b\)](#); S.S.I. 2023/10, reg. 3(2)(e)
- F58** Words in s. 20B(3) repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), [sch. 2 para. 1\(3\)\(c\)](#); S.S.I. 2023/10, reg. 3(2)(e)
- F59** S. 20B(4A) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 7\(14\)](#), 63(2); S.S.I. 2019/314, reg. 2, sch.
- F60** Words in s. 20B(5)(c) substituted (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), [sch. 2 para. 1\(3\)\(d\)](#); S.S.I. 2023/10, reg. 3(2)(e)

## 21 [<sup>F61</sup>Action programmes][<sup>F61</sup>Delivery programmes]

<sup>F62</sup>(1) .....

- (2) A planning authority who prepare a local development plan are to prepare [<sup>F63</sup>an action][<sup>F63</sup>a delivery] programme for the plan.

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- (3) In preparing [<sup>F64</sup>the action][<sup>F64</sup>a delivery] programme [<sup>F65</sup>an authority] are to seek the views of, and have regard to any views expressed by—
- (a) the key agencies, and
  - (b) such persons as may be prescribed.
- (4) When an authority publish a proposed—
- <sup>F66</sup>(a) .....
  - (b) local development plan under section 18(1)(a),
- they are to publish a proposed [<sup>F67</sup>action][<sup>F67</sup>delivery] programme for the plan.
- <sup>F68</sup>(4A) It is the duty of the head of the planning authority's paid service (designated under section 4 of the Local Government and Housing Act 1989) to prepare the proposed delivery programme.
- (4B) The planning authority must approve the proposed delivery programme before it is published.
- (4C) 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 delivery programme.]
- (5) It is the duty of a key agency to co-operate with [<sup>F69</sup>an authority] in the preparation of the authority's [<sup>F70</sup>action][<sup>F70</sup>delivery] programme or proposed [<sup>F70</sup>action][<sup>F70</sup>delivery] programme.
- (6) [<sup>F71</sup>An action][<sup>F71</sup>A delivery] programme is a document setting out how [<sup>F72</sup>an authority] propose to implement the plan to which it relates.
- (7) Regulations may make provision as to—
- (a) the form and content of, and
  - (b) the procedures for preparing and adopting,
- [<sup>F73</sup>an action][<sup>F73</sup>a delivery] programme.
- (8) The authority are to adopt and publish the [<sup>F74</sup>action][<sup>F74</sup>delivery] programme within 3 months after the date on which the plan to which it relates is constituted.
- (9) The authority must keep the [<sup>F75</sup>action][<sup>F75</sup>delivery] programme under review and must update and re-publish it—
- (a) whenever required to do so by the Scottish Ministers, and
  - (b) (subject to paragraph (a)) whenever they think it appropriate to do so but in any event within 2 years after last publishing (or re-publishing) it.
- (10) When they publish, or re-publish, [<sup>F76</sup>an action][<sup>F76</sup>a delivery] programme, the authority are to—
- (a) send two copies of it to the Scottish Ministers, and
  - (b) place a copy of it in each public library—
    - <sup>F77</sup>(i) .....
    - (ii) <sup>F78</sup>... in the part of the authority's district to which the local development plan in question relates,

and such publication, or re-publication, is to include by electronic means (as for example by means of the internet).

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### Textual Amendments

- F61** S. 21 heading 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. 11(3)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(c) (with reg. 5)
- F62** S. 21(1) repealed (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 1(4)(a)**; S.S.I. 2023/10, reg. 3(2)(e)
- F63** Words in s. 21(2) substituted (8.11.2019 for specified purposes) by Planning (Scotland) Act 2019 (asp 13), **ss. 11(2)(a)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F64** Words in s. 21(3) substituted (8.11.2019 for specified purposes) by Planning (Scotland) Act 2019 (asp 13), **ss. 11(2)(b)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F65** Words in s. 21(3) substituted (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 1(4)(b)**; S.S.I. 2023/10, reg. 3(2)(e)
- F66** S. 21(4)(a) and word repealed (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 1(4)(c)**; S.S.I. 2023/10, reg. 3(2)(e)
- F67** Word in s. 21(4) substituted (8.11.2019 for specified purposes) by Planning (Scotland) Act 2019 (asp 13), **ss. 11(2)(c)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F68** S. 21(4A)-(4C) inserted (8.11.2019 for specified purposes) by Planning (Scotland) Act 2019 (asp 13), **ss. 11(2)(d)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F69** Words in s. 21(5) substituted (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 1(4)(d)**; S.S.I. 2023/10, reg. 3(2)(e)
- F70** Word in s. 21(5) substituted (8.11.2019 for specified purposes) by Planning (Scotland) Act 2019 (asp 13), **ss. 11(2)(e)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F71** Words in s. 21(6) substituted (8.11.2019 for specified purposes) by Planning (Scotland) Act 2019 (asp 13), **ss. 11(2)(f)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F72** Words in s. 21(6) substituted (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 1(4)(e)**; S.S.I. 2023/10, reg. 3(2)(e)
- F73** Words in s. 21(7) substituted (8.11.2019 for specified purposes) by Planning (Scotland) Act 2019 (asp 13), **ss. 11(2)(g)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F74** Word in s. 21(8) substituted (8.11.2019 for specified purposes) by Planning (Scotland) Act 2019 (asp 13), **ss. 11(2)(h)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F75** Word in s. 21(9) substituted (8.11.2019 for specified purposes) by Planning (Scotland) Act 2019 (asp 13), **ss. 11(2)(i)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F76** Words in s. 21(10) substituted (8.11.2019 for specified purposes) by Planning (Scotland) Act 2019 (asp 13), **ss. 11(2)(j)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F77** S. 21(10)(b)(i) and word repealed (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 1(4)(f)**; S.S.I. 2023/10, reg. 3(2)(e)
- F78** Words in s. 21(10)(b)(ii) repealed (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 1(4)(g)**; S.S.I. 2023/10, reg. 3(2)(e)

F79 ...

### Textual Amendments

- F79** S. 22 and cross-heading repealed (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), **ss. 9**, 63(2); S.S.I. 2023/10, reg. 3(2)(b) (with reg. 4)

## F79 22 Supplementary guidance

.....

*Status: Point in time view as at 12/02/2023.*

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### Supplementary provisions

## 23 Disregarding of representations with respect to development authorised by or under other enactments

- (1) Where subsection (2) applies—
- <sup>F80</sup>(a) .....
- (b) neither the Scottish Ministers nor a planning authority need consider representations with respect to—
- (i) a main issues report compiled under section 17, or
- (ii) a proposed local development plan.
- (2) This subsection applies where it appears to the Scottish Ministers or the authority, as the case may be, that those representations are in substance representations with respect to things done or proposed to be done in pursuance of—
- (a) an order or scheme under section 5, 7, 9 or 12 of the Roads (Scotland) Act 1984 (c. 54) (trunk road orders, special road schemes and orders for other public roads), or
- (b) an order under section 1 of the New Towns (Scotland) Act 1968 (c. 16) (designation of sites of new towns).

#### Textual Amendments

**F80** S. 23(1)(a) and word repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), [sch. 2 para. 1\(5\)](#); S.S.I. 2023/10, reg. 3(2)(e)

## 23A Regulations under this Part

- (1) Regulations under this Part may extend throughout Scotland or to specified areas only and may make different provision for different cases.
- (2) Subject to the previous provisions of this Part and to any such regulations, the Scottish Ministers may give directions to any planning authority <sup>F81</sup>..., or to planning authorities <sup>F82</sup>... generally for—
- (a) formulating the procedure for the carrying out of functions under this Part, or
- (b) requiring them to give the Scottish Ministers such information as the Scottish Ministers may require for carrying out functions under this Part.

#### Textual Amendments

**F81** Words in s. 23A(2) repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), [sch. 2 para. 1\(6\)\(a\)](#); S.S.I. 2023/10, reg. 3(2)(e)

**F82** Words in s. 23A(2) repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), [sch. 2 para. 1\(6\)\(b\)](#); S.S.I. 2023/10, reg. 3(2)(e)

## 23B Default powers of the Scottish Ministers

- (1) This section applies where—
- (a) under any of the previous sections of this Part, any <sup>F83</sup>... local development plan requires to be prepared, any main issues report requires to be compiled

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- or any <sup>F84</sup>... proposed local development plan requires to be submitted to the Scottish Ministers, or steps are required to be taken for the adoption of a proposed local development plan, and
- (b) the Scottish Ministers are satisfied that the authority in question—
- (i) are not, within a reasonable period, doing what is required, or
  - (ii) have not met a time limit specified in any of those provisions for doing what is required (or some part of what is required).
- (2) Where this section applies, the Scottish Ministers may—
- (a) direct the authority in question (the “defaulting authority”) to carry out that authority's functions in relation to the matter and may specify in the direction the factors to be taken into account or objectives to be achieved by that authority in so doing, or
  - (b) prepare a <sup>F85</sup>... local development plan.
- <sup>F86</sup>(3) .....
- (4) The previous sections of this Part apply, so far as applicable and with any necessary modifications, in relation to the doing of anything—
- (a) under subsection (2)(b) by the Scottish Ministers, or
  - <sup>F87</sup>(b) .....
- as they apply in relation to the doing of anything by the defaulting authority.
- (5) The defaulting authority—
- (a) must on demand repay to the Scottish Ministers so much of any expenses incurred by the Scottish Ministers in connection with the doing of anything which should have been done by the defaulting authority as the Scottish Ministers certify to have been incurred in the performance of the defaulting authority's functions, and
  - <sup>F88</sup>(b) .....

#### Textual Amendments

- F83** Words in s. 23B(1)(a) repealed (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 1(7)(a)(i)**; S.S.I. 2023/10, reg. 3(2)(e)
- F84** Words in s. 23B(1)(a) repealed (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 1(7)(a)(ii)**; S.S.I. 2023/10, reg. 3(2)(e)
- F85** Words in s. 23B(2)(b) repealed (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 1(7)(b)**; S.S.I. 2023/10, reg. 3(2)(e)
- F86** S. 23B(3) repealed (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 1(7)(c)**; S.S.I. 2023/10, reg. 3(2)(e)
- F87** S. 23B(4)(b) and word repealed (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 1(7)(d)**; S.S.I. 2023/10, reg. 3(2)(e)
- F88** S. 23B(5)(b) and word repealed (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 1(7)(e)**; S.S.I. 2023/10, reg. 3(2)(e)

### 23C Reviews of plans in enterprise zones

As soon as practicable after an order has been made under paragraph 5 of Schedule 32 to the Local Government, Planning and Land Act 1980 (c. 65) (designation of

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enterprise zone scheme) or a notification has been given under paragraph 11 of that Schedule (modification of such a scheme)—

- <sup>F89</sup>(a) .....
- (b) a planning authority for a district in which the enterprise zone is wholly or partly situated are, in that light, to review any local development plan which relates to land situated both in the district and in the zone.

#### Textual Amendments

**F89** S. 23C(a) and word repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), [sch. 2 para. 1\(8\)](#); S.S.I. 2023/10, reg. 3(2)(e)

### 23D Meaning of “key agency”

Any reference in a provision of [<sup>F90</sup>Part 1A or] this Part to a “key agency” is to [<sup>F91</sup>a person (other than an individual) or an officeholder] which the Scottish Ministers specify as such for the purposes of that provision by regulations.

#### Textual Amendments

**F90** Words in s. 23D inserted (8.11.2019) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 10\(a\)](#), 63(2); S.S.I. 2019/314, reg. 2, sch.

**F91** Words in s. 23D substituted (8.11.2019) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 10\(b\)](#), 63(2); S.S.I. 2019/314, reg. 2, sch.

### 24 Meaning of “development plan”

[<sup>F92</sup>(1) For the purposes of this Act, any other enactment relating to town and country planning and the Land Compensation (Scotland) Act 1963, the development plan for an area is to be taken as consisting of the provisions of—

- (a) the National Planning Framework,
- (b) any strategic development plan for the time being applicable to the area, together with—
- (i) the Scottish Ministers' notice of approval of that plan, and
- (ii) any supplementary guidance issued in connection with that plan, and
- (c) any local development plan for the time being applicable to the area.

(2) A reference in subsection (1) to provisions of a framework or plan is to be construed as a reference to so much of the provisions as are applicable to the area.

(3) In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail.

(4) For the purposes of subsection (3)—

- (a) the date of the National Planning Framework is the latest date on which it was published under section 3CA(7),
- (b) the date of a local development plan is the date on which it was constituted under section 20.]

(5) This section has effect subject to Schedule 1 (old development plans).



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**Textual Amendments**

**F92** S. 24(1)-(4) substituted (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), ss. 13(2), 63(2) (as amended (18.12.2019) by S.S.I. 2019/424, regs. 1, 2(3)(a)); S.S.I. 2023/10, reg. 3(2)(c)

*General*

**25 Status of development plan**

(1) Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise [<sup>F93</sup>, to be made in accordance with that plan.]

<sup>F94</sup>(2) .....

<sup>F94</sup>(3) .....]

**Textual Amendments**

**F93** Words in s. 25(1) substituted (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), ss. 13(3)(a), 63(2); S.S.I. 2023/10, reg. 3(2)(c)

**F94** S. 25(2)(3) repealed (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), ss. 13(3)(b), 63(2); S.S.I. 2023/10, reg. 3(2)(c)

**Status:**

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**Changes to legislation:**

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