

1976 No. 1995 (S. 165)**TOWN AND COUNTRY PLANNING, SCOTLAND**
The Town and Country Planning (Structure and Local Plans)
(Scotland) Regulations 1976

Made - - - - 22nd November 1976

Laid before Parliament 7th December 1976

Coming into Operation 29th December 1976

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In exercise of the powers conferred upon me by sections 5(3) and (6), 6(1), (2) and (3), 7(3)(a) (as substituted by section 175(1) of the Local Government (Scotland) Act 1973(a)), 9(3)(b), (5) and (9), 10(1), (2) and (3), 11(1) and (2), 16(1) and (2), and 273 of the Town and Country Planning (Scotland) Act 1972(b) and of all other powers enabling me in that behalf I hereby make the following regulations:—

PART I**CITATION, COMMENCEMENT AND INTERPRETATION***Citation and commencement*

1. These regulations may be cited as the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1976 and shall come into operation on 29th December 1976.

Interpretation

2.—(1) In these regulations:—

“the Act” means the Town and Country Planning (Scotland) Act 1972;

“action area” has the meaning assigned to it by section 5(5) of the Act;

“area of a new town” means an area designated by an order made under section 1 of the New Towns (Scotland) Act 1968(c);

“certified copy” in relation to any document means a copy thereof certified by a proper officer as being a true copy;

“district” in relation to a regional, general or district planning authority has the meaning assigned to it in section 172 of the Local Government (Scotland) Act 1973;

“district planning authority” means a district planning authority within the meaning of section 172 of the Local Government (Scotland) Act 1973;

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

“duly made” in relation to any objection (other than an objection to a modification of a local plan) means made in accordance with these regulations;

“examination in public” means an examination in public within the meaning of section 7(3) of the Act as substituted by section 175 of the Local Government (Scotland) Act 1973;

“general planning authority” means a general planning authority within the meaning of section 172 of the Local Government (Scotland) Act 1973;

“local authority” has the meaning assigned to it by section 235 of the Local Government (Scotland) Act 1973;

(a) 1973 c. 65.
(c) 1968 c. 16.

(b) 1972 c. 52.

“local plan” means a local plan within the meaning of section 9 of the Act;
“notice by advertisement” means a notice published in the Edinburgh Gazette and in each of two successive weeks in at least one local newspaper circulating in the locality in which the land to which the notice relates is situated;

“proper officer” means in relation to the certification of a document as a true copy, the officer appointed for the purpose by the regional, general or district planning authority;

“regional planning authority” means a regional planning authority within the meaning of section 172 of the Local Government (Scotland) Act 1973;

“structure plan” means a structure plan within the meaning of section 5 of the Act;

“written statement” in relation to a structure plan means the written statement required by section 5(3) of the Act and in relation to a local plan means the written statement required by section 9(3) of the Act.

(2) A regulation or schedule referred to in these regulations only by number means the regulation or schedule so numbered in these regulations.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

PART II

PRESCRIBED PERIOD FOR MAKING REPRESENTATIONS AND CONSULTATION

Prescribed period for making representations

3. The prescribed period for the purposes of section 6(1) or 10(1) of the Act shall be such period (not less than 6 weeks) as shall be specified by a planning authority when giving publicity under these sections to matters proposed to be included in a structure or local plan.

Consultation

4.—(1) In addition to the provisions of section 174(2) of the Local Government (Scotland) Act 1973 in respect of consultation in relation to a structure plan or proposals, the provisions of this regulation shall apply in respect of consultation and related matters in connection with a structure plan, local plan or proposals.

(2) A regional, general or district planning authority preparing a structure or, as the case may be, a local plan shall—

(a) consult the following—

- (i) all other local authorities whose areas or any parts thereof are comprised in the district to which the plans relates;
- (ii) when the district to which the plan relates includes land within the area of a new town, the new town development corporation;
- (iii) such other authorities or bodies as such planning authorities think appropriate or as the Secretary of State may direct;

(b) afford the local authorities, the new town development corporation and the other authorities or bodies consulted under paragraph (a)(iii) above an opportunity to express their views; and

(c) take such views into consideration.

PART III

FORM AND CONTENT OF STRUCTURE PLANS

Title

5. A structure plan shall be given a title which shall include the name of the regional or general planning authority responsible for preparing the plan and, where the plan relates to part only of an authority's district, an indication of the area to which the plan relates; and each document contained in or accompanying a structure plan shall bear the title of the plan.

Policy and general proposals

6.—(1) The policy and general proposals formulated in a written statement as respects a structure plan shall be set out so as to be readily distinguishable from the other contents thereof.

(2) Such a written statement shall include a reasoned justification of the policy and the general proposals formulated therein.

Matters to be contained in a written statement

7. In addition to the matters required to be contained therein by the Act a written statement as respects a structure plan shall contain the matters set out in Schedule 1.

Action areas; prescribed period

8. The prescribed period for the purposes of section 5(5) of the Act (indication of an action area in the general proposals in a structure plan) shall be five years from the date on which a structure plan in which an action area is indicated is submitted to the Secretary of State.

Diagrams and insets

9.—(1) A structure plan shall contain or be accompanied by a diagram, called a key diagram, showing so far as the regional or general planning authority preparing the plan may think practicable the policy and general proposals formulated in the written statement as respects that plan; provided that where in the opinion of that authority it would be more appropriate to show any such policy or general proposal on an inset to a key diagram, such policy or general proposal may be so shown and shall, where the location of the boundary of the inset is shown on the key diagram, be deemed to be shown on the key diagram.

(2) No diagram or inset contained in, or accompanying, a structure plan shall be on a map base.

Explanation of Notation on Diagrams

10. Any diagram contained in or accompanying a structure plan shall include thereon an explanation of the notation used.

Reconciliation of contradictions in structure plans

11. In the case of any contradiction in a structure plan between the written statement and any other document forming part of the plan, the provision contained in the written statement shall prevail.

PART IV

FORM AND CONTENT OF LOCAL PLANS

Title

12. The title of a local plan shall include the name of the planning authority responsible for preparing the plan, the name if any to be given to the plan under

regulation 13 and an indication of the area to which the plan relates; and each document contained in or accompanying a local plan shall bear the title of the plan.

Action area and subject plans

13.—(1) A local plan for an action area shall be called an action area plan.

(2) A local plan which is based on a consideration of a particular description of development or other use of land in the district to which the plan relates shall be called by the name of the subject or subjects to which such development or use relates.

Proposals

14.—(1) The proposals formulated in a written statement as respects a local plan shall be set out so as to be readily distinguishable from the other contents thereof.

(2) Such a written statement shall contain a reasoned justification of the proposals formulated therein.

Matters to be contained in a written statement

15. In addition to the matters required to be contained in a written statement by the Act a written statement as respects a local plan shall contain the matters set out in Schedule 2.

Maps, insets and diagrams

16.—(1) The map comprised in a local plan in compliance with section 9(3) of the Act shall be called the proposals map in relation to that plan and shall—

- (a) be prepared on a map base reproduced from or based on the Ordnance Survey Map and showing the National Grid lines and numbers;
- (b) be prepared to such scale as the planning authority responsible for preparing the plan may consider appropriate or as the Secretary of State may direct;

and subject to such a direction, where a planning authority consider that any proposal relating to any part of their district should be shown to a larger scale on the proposals map than the proposals generally, such authority may prepare in accordance with sub-paragraph (a) above an inset to the proposals map showing such proposal on such larger scale, and such proposal shall be deemed to be shown on the proposals map if the boundary of such inset is shown on that map.

(2) A proposals map shall show the scale to which it has been prepared; and any map or diagram contained in or accompanying a local plan shall include thereon an explanation of the notation used.

Reconciliation of contradictions in local plans

17. In the case of any contradiction between a provision of a written statement as respects a local plan and any other document comprised in that plan, the provision of the written statement shall prevail.

Reconciliation of contradictions between local plans

18. In the case of any contradiction between the provision of any two or more local plans, being provisions made in respect of the same area of the district to which such plans relate, the provisions of the local plan most recently become operative shall prevail.

PART V

PROCEDURE FOR THE APPROVAL, REJECTION OR ALTERATION
OF STRUCTURE PLANS*Submission of structure plan to the Secretary of State*

19. Two certified copies of the structure plan shall be submitted to the Secretary of State together with a statement containing the following particulars:—

- (a) a brief account of the steps the authority have taken to secure publicity required by section 6(1)(a) of the Act;
- (b) a brief account of the steps taken by the authority to secure awareness of persons referred to in section 6(1)(b) of the Act of entitlement to an opportunity of making representations as mentioned in that paragraph;
- (c) a brief account of the opportunity afforded to such persons of making such representations;
- (d) a brief account of the consultations had by the authority with, and of their consideration of the views of, persons mentioned in regulation 4(2).

Notice of submission of structure plan

20. A regional or general planning authority who have submitted a structure plan to the Secretary of State shall give notice by advertisement in the form specified in Schedule 3 (Form 1) or a form substantially to the like effect.

Notice of return of structure plan

21. A regional or general planning authority to whom a structure plan has been returned under section 6(4) of the Act shall give notice by advertisement in the form specified in Schedule 3 (Form 2) or a form substantially to the like effect.

Re-submission of structure plan

22. The provisions of regulation 19 shall apply in relation to a structure plan re-submitted to the Secretary of State with necessary modifications in relation to that plan as they apply in relation to the plan as originally submitted.

Notice of re-submission of structure plan

23. A regional or general planning authority who have re-submitted a structure plan to the Secretary of State shall give notice by advertisement in the form specified in Schedule 3 (Form 3) or a form substantially to the like effect and shall serve a notice in or as nearly as may be in the like terms on any person who made an objection to the Secretary of State when the structure plan was originally submitted to him.

Procedure for making objections

24.—(1) An objection to a structure plan, or to proposals for the modification, alteration, repeal or replacement of a structure plan, shall be made in writing and shall state the name and address of the person making the objection, the matters to which the objection relates and the grounds on which it is made.

(2) An objection shall not be regarded as having been made in accordance with these regulations unless it has been received by the Secretary of State not later than the date specified in the notice given by the regional or general plan-

ning authority under regulation 20, 23 or 26 as the case may be which date shall not be earlier than 4 weeks after the date on which the notice was first advertised.

Notice of examination in public

25. When the Secretary of State causes an examination in public to be held into matters affecting his consideration of a structure plan he shall at least six weeks before the date of the examination give notice by advertisement of his intention to hold such an examination.

Proposed modifications

26. Where the Secretary of State proposes to modify a structure plan he shall, except as respects any modification which he is satisfied will not materially affect the content of the plan—

- (a) notify the regional or general planning authority of the proposed modifications, and that authority shall give notice by advertisement in the form specified in Schedule 3 (Form 4) or a form substantially to the like effect, and shall serve a notice in or as nearly as may be in the like terms on such persons as the Secretary of State may direct; and
- (b) consider any objections duly made to the proposed modifications.

Notification of the Secretary of State's decision

27. The Secretary of State shall notify the regional or general planning authority in writing of his decision on a structure plan, and the authority shall forthwith give notice by advertisement in the form specified in Schedule 3 (Form 5) or in a form substantially to the like effect, and shall serve a notice in or as nearly as may be in the like terms on any persons who, in accordance with a notice given or served under this part of these regulations, has requested the authority to notify him of the decision on the plan and on such other persons as the Secretary of State may direct.

Copies of notices and certificates to be sent to the Secretary of State

28. On first giving notice by advertisement in accordance with any provision in this part of these regulations, a regional or general planning authority shall send the Secretary of State a certified copy of the notice; and after complying with the requirements of any provision in this Part of these regulations relating to the giving or giving and serving of notices, the authority shall send the Secretary of State a certificate to that effect.

Alteration of structure plans

29. The provisions of these regulations relating to structure plans shall apply, with any necessary modifications, in relation to proposals for alterations to a structure plan as they apply in relation to a structure plan.

PART VI

PROCEDURE FOR THE ADOPTION, ABANDONMENT, APPROVAL OR REJECTION OF LOCAL PLANS

Preparation of local plans

30.—(1) Where a local plan is prepared by a district planning authority, a certified copy thereof shall be sent to the regional council of the region in which the district of the authority is comprised.

(2) A planning authority who have prepared a local plan shall send a copy thereof to any local authority whose interests are in the opinion of the planning authority likely to be affected by the proposals in the plan.

Notice of preparation of local plan

31. Before the adoption or submission for approval of a local plan by a planning authority under section 12 of the Act, the authority who have prepared the plan shall give notice by advertisement in the form specified in Schedule 4 (Form 1) or in a form substantially to the like effect.

Notice of withdrawal of copies of local plan and subsequent action

32.—(1) A planning authority to whom a direction has been given by the Secretary of State under section 10(4) of the Act and who, in accordance with section 10(5)(a) of the Act, withdraw copies of a local plan made available for inspection as required by section 10(2) of the Act, shall give notice by advertisement in the form specified in Schedule 4 (Form 2) or a form substantially to the like effect, and, for the purpose of complying with section 10(5)(b) of the Act, shall serve a notice in or as nearly as may be in the like terms on any person by whom objections to the plan have been made to the authority.

(2) After satisfying the Secretary of State as mentioned in section 10(4) of the Act and before taking any further steps on the adoption of the plan, the authority shall again make copies of the plan available for inspection at the places where they were previously available for inspection, and shall give notice by advertisement in the form specified in Schedule 4 (Form 3) or a form substantially to the like effect, and shall serve a notice in or as nearly as may be in the like terms on any person who made objections to the authority when copies were previously available for inspection.

Procedure for making objections

33.—(1) An objection to a local plan, or to proposals for the alteration, repeal or replacement of a local plan, shall be made in writing and shall state the name and address of the person making the objection, the matters to which the objection relates and the grounds on which it is made.

(2) An objection shall not be regarded as having been made in accordance with these regulations unless it has been received by the planning authority not later than the date specified in the notice given by the authority under regulation 31 or 32(2) which date shall not be earlier than 4 weeks after the date on which the notice was first advertised.

(3) Nothing in this regulation shall apply to an objection made to a modification of a local plan.

Local Inquiries

34. A local inquiry held in connection with a local plan shall be a public local inquiry.

Appointment of persons to hold local inquiries or other hearings

35.—(1) Subject to paragraph (2) of this regulation, where the planning authority cause a local inquiry or other hearing to be held for the purposes of considering objections made to a local plan, they shall themselves appoint a person, from a list of persons specified by the Secretary of State, to hold the inquiry or hearing.

(2) The Secretary of State may direct the planning authority to appoint a particular person to hold any local inquiry or hearing for the purpose of considering objections made to a local plan.

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

Notice of local inquiry

36. Where a planning authority cause a local inquiry to be held for the purpose of considering objections made to a local plan, they shall, at least 4 weeks before the date of the inquiry, give notice by advertisement in the form specified in Schedule 4 (Form 4) or a form substantially to the like effect, and shall serve a notice in or as nearly as may be in the same terms on any person whose objections have been duly made and are not withdrawn and on such other persons as they think fit.

Report of local inquiry or other hearing

37.—(1) Where, for the purpose of considering objections made to a local plan, a local inquiry or other hearing has been held, the planning authority who prepared the plan shall, as part of the consideration of the objections, consider the report of the person appointed to hold the inquiry or hearing and decide whether or not to take any action as respects the plan in the light of the report and each recommendation, if any, contained therein; and the authority shall prepare a statement of their decisions, giving reasons therefor.

(2) The authority shall make certified copies of the report and of the statement prepared under paragraph (1) above available for inspection not later than the date on which notice is first given under regulation 39.

Proposed modifications

38.—(1) Where a planning authority who have prepared a local plan propose to modify it they shall—

- (a) prepare a list of the proposed modifications, giving their reasons for proposing them;
- (b) give notice by advertisement in the form specified in Schedule 4 (Form 5) or a form substantially to the like effect, and shall serve a notice in or as nearly as may be in the same terms on any person whose objections to the plan have been duly made and are not withdrawn and on such other persons as they think fit;
- (c) consider any objections made to the proposed modifications;
- (d) decide whether or not to afford to persons whose objections are not withdrawn, or to any of them, an opportunity of appearing before and being heard by a person appointed by the authority for the purpose at a local inquiry or other hearing; and
- (e) if a local inquiry is held, also afford the like opportunity to such other persons as they think fit;

(2) Regulations 35, 36 and 37 shall apply in relation to proposed modifications of a local plan as they apply in relation to a local plan.

Action before adoption of a local plan

39.—(1) Before adopting a local plan, a planning authority shall give notice of their decision to adopt the plan by advertisement in the form specified in

Schedule 4 (Form 6) or a form substantially to the like effect, and shall serve a notice in or as nearly as may be in the same terms on any person whose objections to the plan have been duly made and are not withdrawn, and on such other persons as they think fit.

(2) After complying with paragraph (1) above, the authority shall send the Secretary of State by recorded delivery service a certificate that they have complied therewith; and, subject as mentioned in section 12(3) of the Act, the authority shall not adopt the plan on a date earlier than the expiration of 28 days from the date on which the certificate is sent:

Provided that if, before the plan is adopted, the Secretary of State directs the authority not to adopt the plan until he notifies them that he has decided not to give a direction under section 12(3) of the Act, the authority shall not adopt the plan until they receive such notification.

Notice of adoption or abandonment of local plan

40. Where a planning authority adopt or abandon a local plan they shall give notice by advertisement in the appropriate form specified in Schedule 4 (Form 7) or a form substantially to the like effect, and shall serve a notice in or as nearly as may be in the same terms on any person who, in accordance with a notice given or served under this part of these regulations, has requested the authority to notify him of the adoption, abandonment, approval or rejection of the plan, and on such other persons as they think fit.

Documents to be sent to the Secretary of State

41. In addition to the certificate mentioned in regulation 39(2), a planning authority who have prepared a local plan shall send to the Secretary of State—

- (a) not later than the date on which notice is first given under regulation 31 or 32(2), two certified copies of the local plan and a statement giving the following particulars:
 - (i) a brief account of the steps the authority have taken to secure publicity required by section 10(1)(a) of the Act;
 - (ii) a brief account of the steps taken by the authority to secure awareness of persons referred to in section 10(1)(b) of the Act of entitlement to an opportunity of making representations as mentioned in that paragraph;
 - (iii) a brief account of the opportunity afforded to such persons of making such representations;
 - (iv) a brief account of the consultations had by the authority with, and of their consideration of the views of, persons mentioned in regulation 4(2).
- (b) not later than the date on which notice of the adoption of a local plan is first given under regulation 40, two certified copies of the plan adopted;
- (c) any other relevant document the Secretary of State may at any time require.

Notice of approval, modification, or rejection of local plan by the Secretary of State

42.—(1) Where a planning authority are required by a direction under section 12(3) of the Act to submit a local plan to the Secretary of State for his approval and the Secretary of State causes a local inquiry to be held for the

purpose of considering objections made to the local plan, he shall, at least four weeks before the date of the inquiry, give notice by advertisement in the form specified in Schedule 4 (Form 4) or a form substantially to the like effect, and shall serve a notice in the same terms on any person whose objections have been duly made and are not withdrawn and on such other persons as he thinks fit.

(2) Where the Secretary of State proposes to approve a local plan with any modification, other than a modification which he is satisfied will not materially affect the content of the plan, he shall—

- (a) notify the planning authority who prepared the plan of the proposed modifications, and the authority shall give notice by advertisement in the form specified in Schedule 4 (Form 8) or a form substantially to the like effect, and shall serve a notice in the same terms on such persons as the Secretary of State may direct;
- (b) consider any objections made to the proposed modifications;
- (c) decide whether or not to afford to persons whose objections are not withdrawn, or to any of them, an opportunity of appearing before and being heard by a person appointed by him for the purpose at a local inquiry or other hearing; and
- (d) if a local inquiry is held, also afford the like opportunity to the planning authority which prepared the plan and to such other persons as he thinks fit.

(3) The Secretary of State shall notify in writing the planning authority responsible for preparation of a local plan of his decision on the plan and that authority shall forthwith give notice of such decision by advertisement in the form specified in Schedule 4 (Form 9) or a form substantially to the like effect, and shall serve a notice in or as nearly as may be in the same terms on any person who, in accordance with a notice given or served under this part of these regulations, has requested the authority to notify him of the decision and on such other persons as the Secretary of State may direct.

Alteration, repeal or replacement of local plans

43. The provisions of these regulations relating to local plans shall apply, with any necessary modifications, in relation to proposals for the alteration, repeal or replacement of a local plan as they apply in relation to a local plan.

PART VII

STRUCTURE AND LOCAL PLANS: AVAILABILITY AND SALE
OF DOCUMENTS, REGISTER AND INDEX MAP

Availability of documents referred to in notices

44.—(1) Where a notice given or served under these regulations refers to a deposited document in relation to a plan, the planning authority who have prepared the plan shall make that document or a copy thereof available for inspection at their office and at such other place or places in the district of the authority and at such times as the authority think fit having regard to convenience to the public and to the area to which the plan relates.

(2) Any document made available for inspection under paragraph (1) above shall unless it is withdrawn in accordance with section 6(6) or 10(5)(a) of the Act, or unless the relevant plan is rejected or abandoned, be available for

inspection free of charge at all reasonable hours from a date not later than the date on which the notice is given or served until the expiration of 6 weeks from the date of the publication of the first notice of approval or adoption of the plan required by the regulations.

Availability of operative structure and local plans

45.—(1) The regional, general or district planning authority who prepared an operative structure or local plan shall make that plan available for inspection at their office and shall make certified copies thereof available for inspection at the office of every other local authority within whose area any part of the district to which the plan relates is situated.

(2) Any plan made available for inspection in pursuance of paragraph (1) above shall be accompanied by a statement setting out the provision of section 232(1) and (2) of the Act, and that statement shall remain available for inspection until the expiration of the period specified in the said section 232(1).

(3) Any plan made available for inspection in pursuance of this regulation shall be available for inspection free of charge at all reasonable hours.

Sale of documents

46. In the case of a structure plan, the regional or general planning authority, or, in the case of a local plan, the general or district planning authority who have prepared the plan shall—

- (a) provide persons making a request in that behalf with copies of that plan or any document which has been made public for the purpose mentioned in section 6(1)(a) or section 10(1)(a) of the Act or which has been made available for inspection under section 6(2) or 10(2) of the Act, subject to the payment of a reasonable charge therefor;
- (b) as soon as possible after a structure or local plan becomes operative, arrange for its reproduction and thereafter at such times as the authority thinks fit, or the Secretary of State may direct, arrange for its further reproduction and copies of the plan so reproduced shall be made available for sale to the public at a reasonable charge:

Provided that unless the Secretary of State otherwise directs it shall suffice, in relation to the application of this paragraph to any operative alteration, repeal or replacement of a structure or local plan, if the alteration, repeal or replacement is taken into account when the plan is next reproduced.

Register and index map

47.—(1) Every regional, general and district planning authority shall prepare and keep up to date a register in respect of their district containing the following information:—

- (a) the title of any structure or local plan, copies of which have been made available for inspection under section 6(2) or 10(2) of the Act, and brief particulars of any action taken in connection with any such plan, including in the case of such a plan becoming operative in pursuance of section 16(4) of the Act the date on which such plan became operative;
- (b) brief particulars of any proposals for the alteration, repeal or replacement of any structure plan or local plan copies of which have been made available for inspection under section 6(2) of the Act as applied by section 8(2) or under section 10(2) of the Act as applied by section

13(3) and of any action taken in connection with any such proposals, including in the case of an operative alteration, repeal or replacement the date on which such alteration, repeal or replacement became operative.

(2) Every such planning authority shall also prepare and keep up to date an index map for their district showing the boundary of any area in their district to which any operative structure or local plan relates, together with a reference to the appropriate entry in the register prepared under paragraph (1) above.

(3) Every such planning authority shall make their register and index map available for inspection at their office, free of charge and at all reasonable hours.

PART VIII

PREPARATION AND MAKING, ETC., OF STRUCTURE OR LOCAL PLANS BY ANOTHER PLANNING AUTHORITY

Preparation and making, etc., of structure or local plans by another planning authority

48. Where in pursuance of section 15(3) of the Act anything which ought to have been done by a planning authority is done by another such authority the provisions of these regulations shall so far as applicable apply with any necessary modifications in relation to the doing of that thing by the latter authority and the thing so done.

Bruce Millan,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
22nd November 1976.

Regulation 7

SCHEDULE 1

STRUCTURE PLANS

MATTERS TO BE CONTAINED IN A WRITTEN STATEMENT
AS RESPECTS A STRUCTURE PLAN

The matters indications of which may under the terms of regulation 7 be contained in a structure plan written statement are the following:

- (i) The existing structure of the district to which the plan relates and the needs and opportunities for change.
- (ii) Any changes already projected, or likely to occur, which may materially affect matters dealt with in the plan, and the effect those changes are likely to have.
- (iii) The effect (if any) on the district to which the plan relates of any proposal to make an order under section 1 of the New Towns (Scotland) Act 1968 (Designation of Sites of New Towns) or of any order made or having effect as if made under that section or of any known intentions of a development corporation established in pursuance of such an order.
- (iv) The existing size, composition and distribution of population, and state of employment in the district to which the plan relates, and estimates of these matters at such future times as the regional or general planning authority think relevant in formulating the policies of the plan, together with the assumptions on which the estimates are based.
- (v) The regard the regional or general planning authority have had to current policies with respect to the economic planning and development of the region as a whole.
- (vi) The regard the regional or general planning authority have had to social policies and considerations.
- (vii) The regard the regional or general planning authority have had to the resources likely to be available for carrying out the policy and general proposals formulated in the plan.
- (viii) The broad criteria to be applied as respects the control of development in the district, or any part of the district, to which the plan relates.
- (ix) The extent and nature of the relationship among the policies formulated in the plan.
- (x) The considerations underlying any major items of policy formulated in the plan as respects matters of common interest to the regional or general planning authority by whom the plan is prepared and the regional or general planning authorities for neighbouring areas, and the extent to which those major items have been agreed by the authorities concerned.
- (xi) Any other relevant matters.

Regulation 15

SCHEDULE 2

LOCAL PLANS

MATTERS TO BE CONTAINED IN A WRITTEN STATEMENT
AS RESPECTS A LOCAL PLAN

The matters which under the terms of regulation 15 may be contained in a local plan written statement are the following:

- (i) The character, pattern and function of the existing development and other use of land in the district to which the plan relates, and the needs and opportunities for change.
- (ii) Any changes already projected, or likely to occur, which may materially affect matters dealt with in the plan, and the effect those changes are likely to have including, when the district to which the plan relates is

within the area of a new town, the effect of any development proposed by the new town development corporation.

- (iii) The regard the planning authority preparing the plan have had to economic and social policies and considerations.
- (iv) The regard the planning authority preparing the plan have had to the resources likely to be available for carrying out the proposals formulated in the plan.
- (v) The criteria to be applied as respects the control of development in the district, or any part of the district, to which the plan relates.
- (vi) The extent and nature of the relationship among the proposals formulated in the plan.
- (vii) Any other relevant matters.

SCHEDULE 3

Regulation 20

FORMS OF NOTICES—STRUCTURE PLANS

Form 1: Form of notice of submission of structure plan

NOTICE OF SUBMISSION OF STRUCTURE PLAN

Town and Country Planning (Scotland) Act 1972

(Title of structure plan)

(1) submitted the above-named structure plan to the Secretary of State for Scotland on (10) for his approval [The plan relates to land in the following district(s): (2)](3)

Certified copies of the plan, of the report of survey and of the statement mentioned in section 6(3) of the Act have been deposited at (4).

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

Objections to the plan should be sent in writing to the Secretary, Scottish Development Department, New St. Andrew's House, St. James Centre, Edinburgh EH1 3SZ before (6). Objections should state the matters to which they relate and the grounds on which they are made*. A person making objections may send a written request (stating his name and the address to which notice is to be sent) to (7) to be notified of the decision on the plan.

19 .

(Signature)

Regulation 21

Form 2: Form of notice of return of structure plan

NOTICE OF RETURN OF STRUCTURE PLAN

Town and Country Planning (Scotland) Act 1972

(Title of structure plan)

The above-named structure plan has been returned to (1) by the Secretary of State for Scotland and the council have been directed to take certain further action as respects publicity in connection with the plan, and, after doing so, to resubmit the

* Forms for making objections are obtainable at the places where documents have been deposited.

plan to the Secretary of State with such modifications, if any, as the authority then consider appropriate [within (8)] (3).

Copies of the plan made available for inspection in accordance with section 6(2) of the above Act have been withdrawn.

When the plan is resubmitted objections made to the plan as originally submitted will be considered, and there will be an opportunity to make objections to the plan as resubmitted.

19 .

(Signature)

Regulation 23

Form 3: Form of notice of resubmission of structure plan

NOTICE OF RESUBMISSION OF STRUCTURE PLAN

Town and Country Planning (Scotland) Act 1972

(Title of structure plan)

[To:] (9)

(1) resubmitted the above-named structure plan [with modifications] [without modifications] (3) to the Secretary of State for Scotland on (10) for his approval. [The plan relates to land in the following district(s): (2)] (3).

Certified copies of the plan, of the report of survey and of the statement mentioned in section 6(3) of the Act have been deposited at (4).

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

Objections to the plan should be sent in writing to the Secretary, Scottish Development Department, New St. Andrew's House, St. James Centre, Edinburgh EH1 3SZ before (6). Objections should state the matters to which they relate and the grounds on which they are made*. A person making objections may send a written request (stating his name and the address to which notice is to be sent) to (7) to be notified of the decision on the plan. Objections made to the plan when it was originally submitted to the Secretary of State will be considered by him.

19 .

(Signature)

Regulation 26

Form 4. Form of notice of proposed modifications to structure plan

NOTICE OF PROPOSED MODIFICATIONS TO STRUCTURE PLAN

Town and Country Planning (Scotland) Act 1972

(Title of structure plan)

[To:] (9)

The Secretary of State for Scotland proposes to modify the above-named plan.

Certified copies of the plan and of the list of proposed modifications have been deposited at (4).

* Forms for making objections are obtainable at the places where documents have been deposited.

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

Objections to the proposed modifications should be sent in writing to the Secretary, Scottish Development Department, New St. Andrew's House, St. James Centre, Edinburgh EH1 3SZ before (6). Objections should state the matters to which they relate and the grounds on which they are made*. A person making objections may send a written request (stating his name and address to which notice is to be sent) to (7) to be notified of the decision on the plan.

19

(Signature)

Regulation 27

Form 5: Form of notice of approval or rejection of structure plan

NOTICE OF [APPROVAL] [REJECTION] (3) OF STRUCTURE PLAN

Town and Country Planning (Scotland) Act 1972

(Title of structure plan)

[To:] (9)

On 19 the Secretary of State for Scotland [approved] [rejected] (3) the above-named structure plan [so far as it relates to (11)] [with modifications] [and] [with reservations] (3).

Certified copies of the plan and of the Secretary of State's letter notifying his decision have been deposited at (4).

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

[The plan became operative on (12), but if any person aggrieved by the plan desires to question its validity on the ground that it is not within the powers conferred by Part II of the Town and Country Planning (Scotland) Act 1972, or that any requirement of the said Part II or of any regulations made thereunder has not been complied with in relation to the approval of the plan, he may, within six weeks from (13) make an application to the Court of Session under section 232 of the Town and Country Planning (Scotland) Act 1972] (14).

19

(Signature)

FOOTNOTES TO FORMS 1 TO 5 OF SCHEDULE 3

- (1) Insert name of regional or islands council.
- (2) Insert name(s) of district(s).
- (3) Insert as appropriate.
- (4) Insert address of regional or islands council's office and addresses of other places at which documents deposited.
- (5) Specify days and hours during which deposited documents are available for inspection.
- (6) Specify date not less than four weeks after date on which notice first published in local newspaper.
- (7) State appropriate officer and name and address of regional or islands council.
- (8) State period specified in directions.
- (9) Insert only in personal notice name and address of addressee.
- (10) Insert date of submission or resubmission of plans as appropriate.
- (11) Give indication of area.
- (12) Insert date appointed in Secretary of State's letter.
- (13) Insert date of first publication of the notice.
- (14) Insert paragraph only if the plan is approved.

* Forms for making objections are obtainable at the places where documents have been deposited.

SCHEDULE 4

FORMS OF NOTICES—LOCAL PLANS

Regulation 31

Form 1: Form of notice of preparation of local plan

NOTICE OF PREPARATION OF LOCAL PLAN

Town and Country Planning (Scotland) Act 1972

(Title of local plan)

(1) have prepared the above-named local plan.

Certified copies of the plan [, of relevant survey material] (2), and of the statement mentioned in section 10(3) of the Act have been deposited at (3).

The deposited documents are available for inspection free of charge (4).

Objections to the plan should be sent in writing to (1) at (3) before (11). Objections should state the matters to which they relate and the grounds on which they are made.

19 .

(Signature)

Regulation 32(1)

Form 2: Form of notice of withdrawal of copies of local plan

NOTICE OF WITHDRAWAL OF COPIES OF LOCAL PLAN

Town and Country Planning (Scotland) Act 1972

(Title of local plan)

[To:] (5)

The Secretary of State for Scotland has directed (1) not to take any further steps for the adoption of the above-named local plan without taking certain further action as respects publicity in connection with the plan and satisfying him that they have done so.

The copies of the plan made available for inspection have been withdrawn. Before (1) take further steps for the adoption of the plan, copies of the plan will again be made available for inspection at the places where they were previously available for inspection.

When the plan is re-deposited objections made to the plan as originally deposited will be considered and there will be an opportunity to make objections to the plan as resubmitted.

19 .

(Signature)

Regulation 32(2)

Form 3: Form of notice of re-deposit of copies of local plan

NOTICE OF RE-DEPOSIT OF COPIES OF LOCAL PLAN

Town and Country Planning (Scotland) Act 1972

(Title of local plan)

[To:] (5)

(1) have decided to take further steps for the adoption of the above-named local plan. Certified copies of the plan, [of relevant survey material] (2) and of the statement mentioned in section 10(3) of the Act have been deposited at (3).

The deposited documents are available for inspection free of charge (4).

Objections to the plan should be sent in writing to (1) at (3) before (11). Objections should state the matters to which they relate and the grounds on which they are made. Objections made to the plan when it was originally deposited will be considered.

19

(Signature)

Regulations 36 and 42(1)

Form 4: Form of notice of public local inquiry

NOTICE OF PUBLIC LOCAL INQUIRY

Town and Country Planning (Scotland) Act 1972

(Title of local plan)

(6) WILL HOLD A PUBLIC LOCAL INQUIRY AT (7) INTO OBJECTIONS MADE [TO PROPOSED MODIFICATIONS](2) TO THE ABOVE-NAMED LOCAL PLAN.

19

(Signature)

Regulation 38

Form 5: Form of notice of proposal to modify local plan

NOTICE OF PROPOSAL TO MODIFY LOCAL PLAN

Town and Country Planning (Scotland) Act 1972

(Title of local plan)

[To:] (5)

(1) propose to modify the above-named local plan.

Certified copies of the plan, of the report of the inquiry into objections, of the council's statement prepared following the consideration of the report and of the list of proposed modifications have been deposited at (3).

The deposited documents are available for inspection free of charge (4).

Objections to the proposed modifications should be sent in writing to (1) at (3) before (11). Objections should state the matters to which they relate and the grounds on which they are made.

19

(Signature)

Regulation 39

Form 6: Form of notice of decision to adopt local plan

NOTICE OF DECISION TO ADOPT LOCAL PLAN

Town and Country Planning (Scotland) Act 1972

(Title of local plan)

[To:] (5)

(1) have decided to adopt the above-named local plan [as modified by them] (2) on or after (8) unless, before the plan has been adopted, the Secretary of State for Scotland directs that the plan shall not be adopted until further notice or shall not have effect unless approved by him.

Certified copies of the plan [together with certified copies of the reports of all local inquiries held and of the council's statements prepared following the consideration of such reports (9)] have been deposited at (3).

The deposited documents are available for inspection free of charge (4).

19 .

(Signature)

Regulation 40

Form 7: Form of notice of adoption or abandonment of local plan

NOTICE OF [ADOPTION] [ABANDONMENT] (2) OF LOCAL PLAN

Town and Country Planning (Scotland) Act 1972

(Title of local plan)

[To:] (5)

On 19 (1) by resolution [adopted] [abandoned] (2) the above-named local plan [as modified by the council] (2).

Certified copies of the plan and of the resolution together with certified copies of the reports of all local inquiries held and of the council's statements prepared following the consideration of such reports (9) have been deposited at (3).

The deposited documents are available for inspection free of charge (4).

[The plan became operative on (10), but if any person aggrieved by the plan desires to question its validity on the ground that it is not within the powers conferred by Part II of the Town and Country Planning (Scotland) Act 1972, or that any requirement of the said Part II or of any regulations made thereunder has not been complied with in relation to the adoption of the plan, he may, within six weeks from (15), make an application to the Court of Session under section 232 of the Town and Country Planning (Scotland) Act 1972] (12).

19 .

(Signature)

Regulation 42(2)

Form 8: Form of notice of proposed modifications to local plan

NOTICE OF PROPOSED MODIFICATIONS TO LOCAL PLAN

Town and Country Planning (Scotland) Act 1972

(Title of local plan)

[To:] (5)

The Secretary of State for Scotland proposes to modify the above-named plan. Certified copies of the plan and of the list of proposed modifications have been deposited at (3).

The deposited documents are available for inspection free of charge (4).

Objections to the proposed modifications should be sent in writing to the Secretary, Scottish Development Department, New St. Andrew's House, St. James Centre, Edinburgh EH1 3SZ before (11). Objections should state the matters to which they relate and the grounds on which they are made.

19

(Signature)

Regulation 42(3)

Form 9: Form of notice of approval or rejection of local plan

NOTICE OF [APPROVAL] [REJECTION] (2) OF LOCAL PLAN

Town and Country Planning (Scotland) Act 1972

(Title of local plan)

[To:] (5)

On 19 the Secretary of State for Scotland [approved] [rejected] (2) the above-named local plan [with modifications] [and] [with reservations] (2).

Certified copies of the plan and of the Secretary of State's letter notifying his decision have been deposited at (3).

The deposited documents are available for inspection free of charge (4).

[The plan became operative on (13) but if any person aggrieved by the plan desires to question its validity on the ground that it is not within the powers conferred by Part II of the Town and Country Planning (Scotland) Act 1972, or that any requirement of the said Part II or of any regulations made thereunder has not been complied with in relation to the approval of the plan, he may, within six weeks from (15) make an application to the Court of Session under section 232 of the Town and Country Planning (Scotland) Act 1972] (14).

19

(Signature)

FOOTNOTES TO FORMS 1 TO 9 OF SCHEDULE 4

- (1) Insert name of regional, islands or district council.
- (2) Insert as appropriate.
- (3) Insert address of regional, islands or district council's office and addresses of other places at which documents deposited.

- (4) Specify days and hours during which deposited documents are available for inspection by public.
 - (5) Insert only in personal notice name and address of addressee.
 - (6) Insert name of person appointed to hold local inquiry.
 - (7) State time and date of local inquiry and address at which it is to be held.
 - (8) Specify date taking account of the period of 28 days specified in regulation 39(2).
 - (9) Modify as necessary or omit where inappropriate.
 - (10) Insert date appointed in the resolution.
 - (11) Insert date not less than 4 weeks after date of first publication of the notice.
 - (12) Insert paragraph only if plan is adopted.
 - (13) Insert date appointed in Secretary of State's letter.
 - (14) Insert paragraph only if plan is approved.
 - (15) Insert date of first publication of the notice.
-

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision with respect to the form and content of structure and local plans prepared under Part II of the Town and Country Planning (Scotland) Act 1972 and with respect to the procedure for their preparation, submission and approval or adoption.

Under the provisions of the Local Government (Scotland) Act 1973, the functions of the planning authority in relation to surveys and structure plans are exercisable by regional and general planning authorities and the functions of preparing local plans are exercisable by general and district planning authorities.

SI 1976/1995
ISBN 0-11-061995-1

