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STATUTORY INSTRUMENTS

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**1995 No. 2043 (S.148)**

**TOWN AND COUNTRY PLANNING, SCOTLAND**

**The Town and Country Planning (Simplified  
Planning Zones) (Scotland) Regulations 1995**

<i>Made</i>	- - - -	<i>31st July 1995</i>
<i>Laid before Parliament</i>		<i>9th August 1995</i>
<i>Coming into force</i>	- -	<i>30th August 1995</i>

The Secretary of State, being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to measures relating to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, in exercise of the powers conferred on him by the said section 2, and sections 273(1) and 275(1) of, and paragraphs 5(2)(b), 6(a), (b) and (c) and 12 of Schedule 6A to, the Town and Country Planning (Scotland) Act 1972<sup>(3)</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1.—(1) These Regulations may be cited as the Town and Country Planning (Simplified Planning Zones) (Scotland) Regulations 1995 and shall come into force on 30th August 1995.

(2) These Regulations extend throughout Scotland.

**Interpretation**

2.—(1) In these Regulations—

“by advertisement” means by publication in the Edinburgh Gazette and by local advertisement;

“by local advertisement” means by publication on at least one occasion in two successive weeks in a local newspaper circulating in the area of the planning authority;

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(1) S.I. 1988/785.

(2) 1972 c. 68.

(3) 1972 c. 52; section 273(1) was amended by the Planning and Compensation Act 1991 (c. 34), Schedule 17, paragraph 18; section 275(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made. Schedule 6A was inserted by the Housing and Planning Act 1986 (c. 63) section 26(2), and Part III of Schedule 6. Paragraphs 5(2) and 6(a), (b) and (c) of Schedule 6A were substituted by the Planning and Compensation Act 1991, Schedule 11, paragraph 1 and paragraph 12 of Schedule 6A was amended by the said 1991 Act, Schedule 11, paragraph 9.

“community council” means a community council as referred to in Part IV of the Local Government (Scotland) Act 1973(4);

“duly made” means made in accordance with these Regulations;

“European site” has the meaning assigned to it by regulation 10(1) of the Conservation (Natural Habitats, Etc.) Regulations 1994(5);

“new law” means the Town and Country Planning (Scotland) Act 1972 in the form it is in force immediately after the coming into force of these Regulations, and these Regulations;

“old law” means the Town and Country Planning (Scotland) Act 1972 in the form it was in force immediately before the coming into force of these Regulations, and the Town and Country Planning (Simplified Planning Zones) (Scotland) Regulations 1987(6);

“owner” means, in relation to any land, any person who, in respect of such land—

- (a) is the proprietor of the *dominium utile*, or
- (b) is the lessee under a lease thereof of which not less than seven years remain unexpired;

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

“scheme” means a simplified planning zone scheme within the meaning of the Town and Country Planning (Scotland) Act 1972.

(2) In these Regulations, unless the context otherwise requires, a reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations, a reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation and a reference to a numbered form is a reference to the form bearing that number in the Schedule to these Regulations.

### **Consultation on proposals to make or alter a scheme**

3.—(1) Where a planning authority propose to make or alter a scheme, in addition to any other consultation required under paragraph 5(2)(a) of Schedule 6A, they shall consult—

- (a) where their proposals would permit any development within any of the cases set out at article 15(1) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992(7), the authorities or persons referred to in the said article 15(1);
- (b) any local authority or community council within whose area falls any land proposed to be included in the scheme;
- (c) the owners of the land proposed to be included in the scheme, except where the authority have failed to ascertain their names and addresses after taking all reasonable steps to that end; and
- (d) any New Town Development Corporation within whose area falls any land proposed to be included in the scheme.

(2) The planning authority shall consider any representations made by the consultees before finally determining the content of the proposals.

(3) When the planning authority begin the consultations mentioned in paragraph (1), they shall at the same time notify the Secretary of State that they are proposing to make or alter a scheme and of the content of their proposals.

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(4) 1973 c. 65, as read with the Local Government etc. (Scotland) Act 1994 (c. 39), section 22.

(5) S.I. 1994/2716.

(6) S.I. 1987/1532; to which there are amendments not relevant to these Regulations.

(7) S.I. 1992/224, amended by S.I.1992/2083, 1993/1039 and 1994/2585 and 3293.

### **Procedure once proposals prepared**

4. Where a planning authority have prepared a proposed scheme, or proposed alterations to an existing scheme, they shall, in addition to the procedure required under paragraph 6(d) of Schedule 6A—

- (a) make copies available for inspection at their principal office and such other places within their area as they consider appropriate;
- (b) give notice by advertisement in Form 1;
- (c) serve a notice to the same effect on those persons consulted in accordance with regulation 3(1), and on any other persons whom they consider should be given notice; and
- (d) display a notice to the same effect, on or near the land proposed to be included in the scheme, for a period of at least six weeks beginning with the date on which the notice given pursuant to paragraph (b) is first published in a local newspaper.

### **Objections and representations**

5.—(1) Objections to a proposed scheme or to proposed alterations of an existing scheme and representations about such a scheme or alterations, shall be made in writing and sent to the principal office of the planning authority in accordance with the details given in the notice by advertisement in Form 1 within a period of six weeks beginning with the date on which the notice given pursuant to regulation 4(b) is first published in a local newspaper.

(2) Representations complying with paragraph (1) which indicate that matters relating to those specified in paragraph 1 of Schedule 6A are not included in the proposed scheme and ought to have been so included shall be treated for all purposes of Schedule 6A as objections made in accordance with these Regulations.

(3) The planning authority shall also consider all representations not falling within paragraph (2) which comply with paragraph (1) and have not been withdrawn.

### **Advertisement of the withdrawal of proposals**

6. If a planning authority decide not to proceed with a proposal to make or alter a scheme, they shall give notice of its withdrawal by advertisement in Form 2, and shall also notify any person who has duly made and not withdrawn an objection or representation with respect to the proposal and any other person whom they consider should be notified.

### **Procedure for consideration of objections**

7.—(1) Where the planning authority decide to consider objections to a proposed scheme or to proposed alterations to an existing scheme, without causing a local inquiry or other hearing to be held, they shall give notice to this effect to every person who has duly made, and has not withdrawn, an objection or representation.

(2) Where the planning authority decide to cause a local inquiry or other hearing to be held to consider objections to a proposed scheme or to proposed alterations to an existing scheme, they shall, at least six weeks before it is due to open—

- (a) give written notice of its purpose and of the time and place at which it is to be held, and of the name of the person appointed to hold it, to every person who has duly made, and has not withdrawn, an objection or representation; and
- (b) in the case of a local inquiry, also give notice of the matters mentioned in sub-paragraph (a) by local advertisement.

(3) A local inquiry for the purpose mentioned in paragraph (2) shall be held in public.

### Statement of decisions

8.—(1) Following a local inquiry or other hearing held for the purpose mentioned in regulation 7, the planning authority shall, after considering the report of the person appointed to hold the inquiry or hearing, prepare a statement of—

- (a) the decisions they have reached in the light of the report and any recommendations as to the action to be taken (or not to be taken) contained in the report; and
- (b) the reasons for those decisions.

(2) Where objections to proposals to make or alter a scheme have been considered by a person appointed for that purpose pursuant to paragraph 7(1)(b) of Schedule 6A(8), the planning authority shall, after considering his report, prepare a statement as mentioned in paragraph (1).

(3) Where the planning authority themselves consider such objections, they shall prepare a statement of the decisions they have reached with respect to every objection made and not withdrawn, and of their reasons for those decisions.

### Publication of documents

9.—(1) A copy of the report and of the statement of decisions and reasons mentioned in regulation 8(1) or (2), or a copy of the statement of decisions and reasons mentioned in regulation 8(3), as the case may be, shall be made available by the planning authority for inspection together with, where applicable, a list of proposed modifications and reasons as mentioned in regulation 11(1)(a).

(2) In cases where the planning authority intend to adopt proposals without material modifications they shall make the documents specified in paragraph (1) available for inspection from the date on which notice by local advertisement in Form 3 is given pursuant to regulation 10 and at any place where the proposals were made available for inspection pursuant to regulation 4(a).

(3) In cases where the planning authority intend to adopt proposals with material modifications they shall make the documents specified in paragraph (1) available for inspection from the date on which and at the places at which the list of proposed modifications is made available for inspection pursuant to regulation 11(1).

### Notice of intention to adopt without material modifications

10. Where, after considering all objections and representations duly made and not withdrawn, a planning authority intend to adopt proposals to make or alter a scheme without material modifications, when they comply with regulation 9 they shall at the same time—

- (a) give notice by local advertisement in Form 3 that they intend to adopt their proposals; and
- (b) serve a notice to the same effect on any person who has duly made and not withdrawn an objection or representation with respect to the proposals, and on any other person whom they consider should be notified.

### Procedure for modification of proposals

11.—(1) Where after considering all objections and representations duly made and not withdrawn, the planning authority propose to modify their proposals to make or alter a scheme (whether following a direction by the Secretary of State under paragraph 8(3) of Schedule 6A or for any other reasons), unless they are satisfied that the proposed modifications will not materially affect the content of the scheme or the alterations, they shall—

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(8) Sub-paragraph (1) of paragraph 7 was substituted by the Planning and Compensation Act 1991, Schedule 11 paragraph 2(1).

- (a) prepare a list of the proposed modifications, which shall include their reasons for proposing them;
- (b) make copies of that list available for inspection at all places where the original proposals were made available pursuant to regulation 4(a);
- (c) give notice by local advertisement in Form 4; and
- (d) serve a notice to the same effect on any person who has duly made and not withdrawn an objection or representation with respect to the proposed scheme or alterations, and on any other person whom they consider should be notified.

(2) Objections or representations with respect to proposed modifications considered by the planning authority (or, in a case to which regulation 14(1) applies, the Secretary of State) materially to affect the content of the scheme or alterations as earlier proposed, shall be made in writing and sent to the principal office of the planning authority in accordance with the details given in the notice by local advertisement in Form 4 within a period of six weeks beginning with the date on which the notice mentioned in paragraph (1)(c) is first published in a local newspaper.

(3) The planning authority shall consider all objections or representations with respect to proposed modifications, made in accordance with paragraph (2), which have not been withdrawn.

(4) The planning authority shall make a copy of every direction given by the Secretary of State under paragraph 8(3) of Schedule 6A available for inspection at the places mentioned in subparagraph (b) of paragraph (1), together with the list there mentioned (if any); and where there is such a list it shall identify the modifications proposed as a result of the direction.

(5) Regulations 7 to 9 shall apply in relation to objections to proposals to modify a proposed scheme or proposed alterations of an existing scheme, as they apply in relation to objections to a proposed scheme or alterations.

### **Adoption of proposals**

**12.** Proposals for a scheme or for the alteration of a scheme shall not be adopted by a planning authority until the period given by the authority in their notice of intention to adopt in Form 1, or where the authority have also given notice of their intention to adopt in Form 3 or Form 4, the period in the last such notice to be given by the authority, has expired.

### **Notice of adoption of a scheme or alterations**

**13.—(1)** Where a planning authority adopt proposals for the making or alteration of a scheme, they shall give notice by advertisement in Form 5, and serve a notice to the same effect on any person who has asked the authority to notify him.

(2) A copy of the notice mentioned in paragraph (1) and of the adopted scheme or alterations shall be made available for inspection for at least six weeks beginning with the date of first publication of the notice, at every place at which a copy of the proposed scheme or alterations was made available pursuant to regulation 4(a).

(3) Where the Secretary of State has given a direction to the planning authority under paragraph 8(3) of Schedule 6A, any notice of adoption of the proposals given pursuant to paragraph (1) shall state that the planning authority have satisfied the Secretary of State that they have implemented the direction or that the direction has been withdrawn, as the case may be.

(4) A copy of any notification by the Secretary of State that he is satisfied with the modifications made or that the direction is withdrawn shall be made available for inspection from the date on which and at the places at which the adopted proposals are made available for inspection.

### **Called-in proposals**

**14.**—(1) The Secretary of State shall send to the planning authority a list of any modifications he may propose to a proposed scheme or alterations submitted for his approval by virtue of paragraph 9 of Schedule 6A, unless he is satisfied that his proposed modifications will not materially affect the content of their proposals; and the authority shall comply with sub-paragraphs (a) to (d) of regulation 11(1) as if they were proposing the modifications themselves, except that the notice to be published by local advertisement shall be in Form 6.

(2) Where under paragraph 10(4)(a) of Schedule 6A(9) the Secretary of State causes a local inquiry or other hearing to be held for the purpose of considering objections to proposals submitted as mentioned in paragraph (1), or to modifications he proposes, and the views of the planning authority and of such other persons as he thinks fit, he shall give such notice and notification as is mentioned in regulation 7(2)(a) and (b), as appropriate.

(3) Regulations 8 and 9 shall apply, with any necessary modifications, in relation to proposals submitted to the Secretary of State as mentioned in paragraph (1) as they apply in relation to proposals being dealt with by the planning authority.

(4) The planning authority shall, on being notified by the Secretary of State of his decision on proposals submitted to him for approval—

- (a) give notice by advertisement in Form 7;
- (b) serve a notice in similar form on any person who has asked to be notified of the decision reached on the proposals and on any other person on whom the Secretary of State directs them to serve such a notice; and
- (c) make a copy of the Secretary of State's notification and of the approved or rejected proposals available for inspection at any place at which the proposals were made available for inspection pursuant to regulation 4(a).

### **Direction by the Secretary of State not to adopt proposals**

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

### **Documents to be sent to the Secretary of State**

**16.** A planning authority shall send to the Secretary of State a copy of every notice published by the authority in accordance with these Regulations at the same time as the notice is first published together with copies of the following documents:—

- (a) in the case of documents made available for inspection pursuant to regulation 4(a) or 13(2), four copies of each; and
- (b) in all other cases, one copy of each document made available for inspection.

### **Preparation of a proposed scheme or alteration of a scheme by the Secretary of State**

**17.**—(1) These Regulations apply, so far as practicable and with any necessary modifications, to action taken by the Secretary of State in connection with the making or alteration of a scheme by him under paragraph 11 of Schedule 6A(10) as they apply to the making or alteration of a scheme by a planning authority.

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(9) Sub-paragraph (4) of paragraph 10 was substituted by the Planning and Compensation Act 1991, Schedule 11 paragraph 2(2).

(10) Paragraph 11 was amended by the Planning and Compensation Act 1991, Schedule 11, paragraph 8.

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

#### **Availability of schemes for inspection after adoption or approval**

**18.**—(1) Adopted proposals made available for inspection under regulation 13(2) and approved proposals made available for inspection under regulation 14(4)(c) shall remain so available until printed copies of the proposals are made available for inspection under paragraph (2).

(2) As soon as practicable after proposals for a scheme or for the alteration of a scheme have been adopted or approved, the planning authority which prepared the proposals shall secure that printed copies of the adopted or approved scheme are made available for inspection at every place at which a copy of the adopted or approved scheme or alterations was made available pursuant to regulation 13(2) or 14(4)(c).

#### **Availability of documents for purchase**

**19.**—(1) A planning authority shall, on payment of a reasonable charge, provide a person making a request, as soon as practicable, with a copy of any document made available for inspection pursuant to Schedule 6A or these Regulations.

(2) A planning authority shall continue to make copies of any scheme adopted or approved and made available for inspection or purchase under these Regulations so available until the scheme is altered, revoked or ceases to have effect.

#### **Development requiring environmental assessment or likely to affect a European site**

**20.** A planning authority shall not include in a scheme—

- (a) any development which is within a description mentioned in—
  - (i) Schedule 1 to the Environmental Assessment (Scotland) Regulations 1988<sup>(11)</sup>; or
  - (ii) Schedule 2 to those Regulations where the development would be likely to have significant effects on the environment by virtue *inter alia* of its nature, size or location; or
- (b) any development which—
  - (i) is likely to have a significant effect on a European site in Great Britain (either alone or in combination with other plans or projects), and
  - (ii) is not directly connected with or necessary to the management of the site.

#### **Opinion as to need for environmental assessment**

**21.**—(1) In this regulation and in regulation 22—

“Schedule 1” means Schedule 1 to the Environmental Assessment (Scotland) Regulations 1988;

“Schedule 2” means Schedule 2 to those Regulations; and

“Schedule 4” means Schedule 4 to those Regulations.

(2) A person who is minded to undertake development in a simplified planning zone may request in writing the planning authority’s opinion on—

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<sup>(11)</sup> S.I. 1988/1221, amended by S.I. 1990/526 and 1994/2012.

- (a) whether the proposed development would fall within any of the descriptions mentioned in Schedule 1; or
  - (b) whether the proposed development would fall within any of the descriptions mentioned in Schedule 2 and, if so, whether it would be likely to have significant effects on the environment.
- (3) A request under paragraph (2) shall be accompanied by—
- (a) a plan sufficient to identify the land on which the proposed development would be carried out; and
  - (b) a brief description of the nature and purpose of the proposed development and of its possible effects on the environment.
- (4) On receipt of any such request—
- (a) the planning authority shall send the person making the request an acknowledgement stating the date of receipt;
  - (b) the planning authority shall consult such of the authorities, bodies or persons mentioned in Schedule 4 as they consider appropriate.
- (5) The planning authority shall within 4 weeks, or such longer period as the parties agree in writing, beginning with the date of receipt of a request, give the person making the request their written opinion on the questions raised with reasons therefor.
- (6) Where the planning authority give an opinion under paragraph (5) that the proposed development would fall within any of the descriptions of development mentioned in Schedule 1, or in Schedule 2 and would be likely to have significant effects on the environment, they shall let the person making the request know which, if any, of the authorities, bodies or persons they consulted under paragraph (4)(b).
- (7) Where the planning authority consider that the person making the request has not provided them with sufficient information to enable them to form an opinion, they may ask him for further information.
- (8) At the same time as they give the person making the request their written opinion, the planning authority shall send to such other persons as they consider desirable a copy of that opinion together with documents sufficient to identify the land and the proposed development to which the opinion relates.
- (9) Where—
- (a) the person making the request is notified by the planning authority that in their opinion the proposed development would fall within any of the descriptions of development mentioned in Schedule 1, or in Schedule 2 and would be likely to have significant effects on the environment, and the person making the request disagrees, or
  - (b) the planning authority do not give the person making the request their written opinion within the 4 week period or such longer period as may be agreed between the parties under paragraph (5) above,
- the person making the request may ask the Secretary of State in accordance with the provisions of regulation 22 for a direction in the matter.
- (10) Paragraph (9)(b) applies notwithstanding that the authority may not have received further information which they have sought under paragraph (7).
- (11) The planning authority shall hold copies of their written opinion, together with the request for it and accompanying documents, and any direction made in pursuance of regulation 22, and shall make them available for inspection at any place where the proposals were made available for inspection pursuant to regulation 4(a).

### **Direction as to need for environmental assessment**

**22.**—(1) An application to the Secretary of State under regulation 21(9) for a direction shall be accompanied by—

- (a) a copy of the applicant’s request to the planning authority for their opinion;
- (b) copies of the documents which accompanied the request and any other information supplied to the planning authority;
- (c) a copy of the opinion if any and the reasons therefor; and
- (d) any representations which the applicant wishes to make.

(2) On the date on which an application is made to the Secretary of State for a direction, the applicant shall send to the planning authority a copy of—

- (a) his letter to the Secretary of State; and
- (b) any representations he has made;

and the planning authority may within 2 weeks beginning with that date make written comments to the Secretary of State on any matter relating to the application.

(3) Where the Secretary of State considers that the documents put before him do not provide him with sufficient information to enable him to give a direction, the applicant and the planning authority shall supply him with such further information as he may request.

(4) If on the expiry of 4 weeks from the receipt by the Secretary of State of the application for a direction (or such longer period as the Secretary of State may, during the said 4 weeks or any period so extended, notify in writing to the applicant and the planning authority) the Secretary of State does not issue a direction, he shall be deemed to have directed that the proposed development would be within a description mentioned in Schedule 1, or within a description mentioned in Schedule 2 and likely to have significant effects on the environment.

(5) The Secretary of State shall upon giving a direction send a copy to the applicant and the planning authority and to such other persons as he considers desirable and where he gives a direction that the proposed development would be—

- (a) within a description mentioned in Schedule 1; or
- (b) within a description mentioned in Schedule 2 and likely to have significant effects on the environment,

he shall at the same time send them a statement of his reasons therefor.

### **Revocation and savings**

**23.**—(1) Subject to paragraphs (2) and (3), the Town and Country Planning (Simplified Planning Zones) (Scotland) Regulations 1987(**12**) are hereby revoked.

(2) The old law shall continue to apply for the purpose of the adoption or approval of proposals for the making or alteration of a scheme where those proposals are or have been made available for inspection under the old law before the coming into force of these Regulations but the scheme or the alteration of the scheme has not yet come into operation on that date.

(3) Any consultation undertaken before the coming into force of these Regulations for the purposes of any provision contained in the old law shall be as effective for the purposes of any similar provision contained in the new law as if undertaken after the coming into force of these Regulations.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
31st July 1995

*George Kynoch*  
Parliamentary Under Secretary of State, Scottish  
Office

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE

### PRESCRIBED FORMS

#### FORM 1:NOTICE OF PROPOSALS FOR A SCHEME OR FOR THE ALTERATION OF A SCHEME

Regulations 4 and 5

*Town and Country Planning (Scotland) Act 1972*

*Notice of Proposals for [making] [the alteration of] a [Simplified Planning Zone Scheme]  
(Title of scheme)*

**\*1** have prepared proposals for [making] [the alteration of] the above scheme.

Copies of the proposals are available for public inspection at **\*2** free of charge on **\*3**.

Objections and representations with respect to the proposals should be sent in writing to **\*4** before **\*5**. Objections and representations should specify the matters to which they relate and the grounds on which they are made, and may be accompanied by a request to be notified at a specified address of the withdrawal, adoption, approval or rejection of the proposals.

Only persons whose objections or representations are made in writing and sent to the address specified above within the six week period ending on **\*5** will have a right to have their objections or representations considered.

#### *Notice of Intention to Adopt Proposals*

If no objections are received during the period given for making objections **\*1** intend to adopt the proposals on the expiry of that period.

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#### *Notes*

Omit any expression within square brackets which is inappropriate.

Insert where asterisked:

- 1** the name of the planning authority;
- 2** the address of the planning authority's principal office and of any other places at which the documents are available for inspection;
- 3** the days on which, and hours between which, the documents are available for inspection;
- 4** the name or title of the officer to whom objections and representations should be sent and the address to which they are to be sent;
- 5** the date which provides a period of six weeks beginning with the date on which the notice is first published in a local newspaper for the making of objections and representations.

#### FORM 2:NOTICE OF WITHDRAWAL OF PROPOSALS FOR A SCHEME OR FOR THE ALTERATION OF A SCHEME

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 6

*Town and Country Planning (Scotland) Act 1972*  
*Notice of Withdrawal of Proposals for [making] [the alteration of] a*  
*[Simplified Planning Zone Scheme]*  
*(Title of scheme)*

Copies of these proposals made available for inspection by \*1 have been withdrawn because \*2.

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*Notes*

Omit any expression within square brackets which is inappropriate.

Insert where asterisked:

- 1 the name of the planning authority;
- 2 the reasons why the proposals have been withdrawn.

FORM 3:NOTICE OF INTENTION TO ADOPT PROPOSALS FOR A SCHEME OR FOR THE ALTERATION OF A SCHEME WITHOUT MATERIAL MODIFICATIONS

Regulation 10

*Town and Country Planning (Scotland) Act 1972*  
*Notice of Intention to Adopt Proposals for [making] [the alteration of] a*  
*[Simplified Planning Zone Scheme]*  
*(Title of scheme)*

\*1 propose to adopt these scheme proposals without material modifications. Copies of the scheme proposals [, the report of [the person who held the [local inquiry] [hearing]] [the person appointed to consider the objections] and the authority's statement of reasons and decisions in the light of the report] [and the planning authority's statement of reasons and decisions as respects objections to the scheme proposals] are available for inspection at \*2 on \*3.

\*1 will adopt the proposals after \*4.

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*Notes*

Omit any expression within square brackets which is inappropriate.

Insert where asterisked:

- 1 the name of the planning authority;
- 2 the address of the planning authority's principal office and of any other places at which the documents are available for inspection;
- 3 the days on which, and hours between which, the documents are available for inspection;
- 4 the date which is 28 days after the date on which the notice is first published in a local newspaper.

FORM 4:NOTICE OF PROPOSED MODIFICATIONS TO PROPOSALS FOR MAKING A SCHEME OR THE ALTERATION OF A SCHEME

*Town and Country Planning (Scotland) Act 1972*

*Notice of Proposed Modifications to Proposals for [making] [the alteration of] a  
[Simplified Planning Zone Scheme]*

*(Title of scheme)*

\*1 propose to modify these scheme proposals.

A list of the proposed modifications (other than modifications which the authority are satisfied will not materially affect the content of the scheme proposals) with the authority's reasons for proposing them are available for inspection at \*2 on \*3. Copies of the scheme proposals [, a direction from the Secretary of State directing the authority to consider modifying the scheme proposals,] [, the report of [the person who held the [local inquiry] [hearing]] [the person appointed to consider the objections] and the authority's statement of reasons and decisions in the light of the report] [and the authority's statement of reasons and decisions as respects objections to the scheme proposals] are similarly available for inspection.

Objections and representations with respect to the proposed modifications should be sent in writing to \*4 before \*5. Objections and representations should specify the matters to which they relate and the grounds on which they are made, and may be accompanied by a request to be notified at a specified address of the withdrawal, adoption, approval or rejection of the scheme proposals.

*Notice of Intention to Adopt Proposals*

If no objections are received during the period given for making objections [and the Secretary of State is satisfied that the modifications proposed implement his direction or the direction is withdrawn] \*1 intend to adopt the proposals on the expiry of that period.

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*Notes*

Omit any expression within square brackets which is inappropriate.

Insert where asterisked:

- 1 the name of the planning authority;
- 2 the address of the planning authority's principal office and of any other places at which the documents are available for inspection;
- 3 the days on which, and the hours between which, the documents are available for inspection;
- 4 the name or title of the officer to whom objections and representations should be sent and the address to which they are to be sent;
- 5 the date which provides a period of six weeks beginning with the date on which the notice is first published in a local newspaper for the making of objections and representations.

FORM 5:NOTICE OF ADOPTION OF PROPOSALS FOR A SCHEME OR FOR THE ALTERATION OF A SCHEME

*Status:* This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 13

*Town and Country Planning (Scotland) Act 1972*

*Notice of Adoption of Proposals for [making] [the alteration of] a [Simplified Planning Zone Scheme]  
(Title of scheme)*

On \*1 \*2 adopted these scheme proposals [with modifications]. [The Secretary of State [was satisfied that his direction under paragraph 8(3) of Schedule 6A of the Town and Country Planning (Scotland) Act 1992 had been implemented]] [withdrew his direction under paragraph 8(3) of Schedule 6A of the Town and Country Planning (Scotland) Act 1972.]]

Copies of the adopted proposals [and of the Secretary of State's notification [that he was satisfied with the modifications made to comply with] [withdrawing] [his direction]] are available for inspection at \*3 on \*4.

The proposals became operative on their adoption, but any person aggrieved by the proposals who desires to question their validity on the ground that they are not within the powers conferred by Part III of the Town and Country Planning (Scotland) Act 1972 or that any requirement of that Act or of any regulation made under it has not been complied with in relation to the adoption of the proposals, may, within six weeks from \*5, make an application to the Court of Session under section 232 of the 1972 Act.

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*Notes*

Omit any expression within square brackets which is inappropriate.

Insert where asterisked:

- 1 the date on which the proposals were adopted;
- 2 the name of the planning authority;
- 3 the address of the planning authority's principal office and of any other places at which the documents are available for inspection;
- 4 the days on which, and hours between which, the documents are available for inspection;
- 5 the date on which this notice is first published.

FORM 6:NOTICE OF PROPOSED MODIFICATIONS BY THE SECRETARY OF STATE TO PROPOSALS FOR MAKING A SCHEME OR THE ALTERATION OF A SCHEME SUBMITTED TO HIM FOR HIS APPROVAL

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Regulation 14(1)

*Town and Country Planning (Scotland) Act 1972*

*Notice of Proposed Modifications to Proposals for [making] [the alteration of] a  
[Simplified Planning Zone Scheme]  
(Title of scheme)*

The Secretary of State for Scotland proposes to modify these scheme proposals prepared by \*1 and submitted to the Secretary of State for his approval.

Copies of the scheme proposals and a list of the proposed modifications (other than modifications which the Secretary of State is satisfied will not materially affect the content of the scheme proposals) are available for inspection at \*2 on \*3.

Objections and representations with respect to the proposed modifications should be sent in writing to \*4 before \*5 and may be accompanied by a request to be notified at a specified address of the approval or rejection of the scheme proposals.

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*Notes*

Omit any expression within square brackets which is inappropriate.

Insert where asterisked:

- 1 the name of the planning authority;
- 2 the address of the planning authority's principal office and of any other places at which the documents are available for inspection;
- 3 the days on which, and hours between which, the documents are available for inspection;
- 4 the name and address of the appropriate Department of the Scottish Office to whom such objections and representations should be sent;
- 5 the date which provides a period of six weeks beginning with the date on which the notice is first published in a local newspaper for the making of objections and representations.

FORM 7:NOTICE OF APPROVAL OR REJECTION BY THE SECRETARY OF STATE OF PROPOSALS FOR MAKING A SCHEME OR THE ALTERATION OF A SCHEME SUBMITTED TO HIM FOR HIS APPROVAL

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 14(4)

*Town and Country Planning (Scotland) Act 1972*

*Notice of [Approval] [Rejection] by the Secretary of State of Proposals for [making]  
[the alteration of] a [Simplified Planning Zone Scheme]  
(Title of scheme)*

The Secretary of State for Scotland [approved] [rejected] these scheme proposals prepared by \*1 [in part] [and with modifications].

Copies of the proposals and of the Secretary of State's letter notifying his decision are available for inspection at \*2 on \*3.

[The proposals [became] [become] operative on \*4, but any person aggrieved by the proposals who desires to question their validity on the ground that they are not within the powers conferred by Part III of the Town and Country Planning (Scotland) Act 1972 or that any requirement of that Act or of any regulation made under it has not been complied with in relation to the approval of the proposals, may, within six weeks from \*5, make an application to the Court of Session under section 232 of the 1972 Act.]

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*Notes*

Omit any expression within square brackets which is inappropriate.

Insert where asterisked:

- 1 the name of the planning authority;
- 2 the address of the planning authority's principal office and of any other places at which the documents are available for inspection;
- 3 the days on which, and hours between which, the documents are available for inspection;
- 4 the appropriate date;
- 5 the date on which this notice is first published.

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

The Town and Country Planning (Scotland) Act 1972 empowers planning authorities to make simplified planning zone schemes. Such a scheme provides planning permission within the area covered by the scheme for development in accordance with the scheme without the need for specific application.

These Regulations, which apply throughout Scotland, are mainly concerned with the procedure for making and altering such schemes. They supplement the provision made by Schedule 6A to the Town and Country Planning (Scotland) Act 1972 (which has been amended by Schedule 11 to the Planning and Compensation Act 1991).

They make provision in respect of consultation and notification before determining the content of the proposals (regulation 3) and the procedure once proposals are prepared (regulation 4), for making objections and representations (regulation 5), for withdrawal of proposals (regulation 6), for consideration of objections (regulations 7, 8 and 9) and for modification of proposals (regulation 11).

They specify the content or form of certain notices to be given by the authority (regulations 4, 5, 6, 10, 11, 12 and 13) and by the Secretary of State (regulation 14).

They make provision for the Secretary of State with regard to called-in proposals (regulation 14), directions (regulation 15) and making or altering a scheme (regulation 17).

They also specify that planning authorities shall not include in a scheme development which requires environmental assessment or is likely to affect a European site. The Town and Country Planning (Simplified Planning Zones) (Scotland) Order 1995 (S.I. [1995/2044](#)) and regulation 65 of the Conservation (Natural Habitats, Etc.) Regulations 1994 (S.I. [1994/2716](#)) respectively provide that the adoption or approval of a simplified planning zone scheme does not have effect to grant planning permission for such developments.

A prospective developer in a simplified planning zone may seek the planning authority's opinion as to whether the proposed development would require environmental assessment and so be excluded from the Scheme. He may seek a direction from the Secretary of State if he does not accept the authority's opinion (regulations 21 and 22). These provisions are similar to provisions in the Environmental Assessment (Scotland) Regulations 1988, and are concerned with the further implementation in Scotland of Council Directive [85/337/EEC](#) (OJ No.L175, 5.7.85, p.40).

The Regulations supersede the Town and Country Planning (Simplified Planning Zones) Regulations 1987 (S.I. [1987/1532](#)), which are revoked, subject to a limited savings provision which provides for the transition to the new procedures (regulation 23).