



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

[^{F1}PART 2 S

DEVELOPMENT PLANS

[^{F1}Local development plans

Textual Amendments

- F1** Pt. 2 substituted (19.5.2008 for specified purposes, 25.6.2008 for specified purposes, 28.2.2009 in so far as not already in force) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), [ss. 2, 59\(2\)](#) (with savings and transitional provisions in [S.S.I. 2008/165](#), [arts. 1, 2](#) and [S.S.I. 2008/427](#), [arts. 1\(1\), 2-5](#)); [S.S.I. 2008/164](#), [art. 2\(1\)\(2\)](#), [sch.](#); [S.S.I. 2009/70](#), [art. 2](#), [sch.](#)

15 Form and content of local development plans S

- (1) A local development plan is a plan in which is set out, for land in the part of the district to which it relates—
- a spatial strategy, being a detailed statement of the planning authority's policies and proposals as to the development and use of the land,
 - such other matters as may be prescribed, and
 - any other matter which the planning authority consider it appropriate to include.
- (2) Where the land is not within a strategic development plan area, a local development plan is also to set out a vision statement, that is to say a broad statement of the planning authority's views as to how the development of the land could and should occur and as to the matters (including the matters mentioned in subsection (5)) which might be expected to affect that development.

Status: Point in time view as at 19/05/2008.

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- (3) Where a local development plan contains policies or proposals for, or views as to, the occurrence of development on land owned by the planning authority, there is to be appended to the plan a schedule, in such form as may be prescribed, which identifies the land, states that it is so owned and refers to the policies, proposals or views in question.
- (4) A local development plan is, for the purpose of explaining or illustrating the proposals in the plan, to contain or be accompanied by—
 - (a) such maps, diagrams, illustrations and descriptive matter as may be prescribed, and
 - (b) such other diagrams, illustrations and descriptive matter (if any) as the planning authority think appropriate.
- (5) The matters referred to in subsection (2) are—
 - (a) the principal physical, economic, social and environmental characteristics of the district,
 - (b) the principal purposes for which the land is used,
 - (c) the size, composition and distribution of the population of the district,
 - (d) the infrastructure of the district (including communications, transport and drainage systems and systems for the supply of water and energy),
 - (e) how that infrastructure is used, and
 - (f) any change which the planning authority think may occur in relation to any of the matters mentioned in paragraphs (a) to (e).

16 Preparation and monitoring of local development plans: general **S**

- (1) A planning authority are—
 - (a) as soon as practicable after the coming into force of section 2 of the Planning etc. (Scotland) Act 2006 (asp 17) and thereafter—
 - (i) whenever required to do so by the Scottish Ministers, or
 - (ii) subject to sub-paragraph (i), at intervals of no more than five years, to prepare local development plans for all parts of their district, and
 - (b) to keep under review the plans so prepared.
- (2) In preparing a local development plan the planning authority—
 - (a) are to take into account the National Planning Framework,
 - (b) are to have regard to such information and considerations as may be prescribed, and
 - (c) may have regard to such other information and considerations as appear to them to be relevant.
- (3) Different local development plans may be prepared for different purposes for the same part of any district.
- (4) Parts of districts for which local development plans are prepared for some purpose need not have the same boundaries as parts for which they are prepared for another purpose.
- (5) Two (or more) planning authorities may prepare a joint local development plan extending to parts of each (or all) of their districts.

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- (6) Where the land to which a local development plan (or joint local development plan) relates is within a strategic development plan area—
 - (a) the planning authority are in preparing the local development plan, or
 - (b) the planning authorities are in preparing the joint local development plan, to ensure that the plan prepared is consistent with the strategic development plan.
- (7) Where a planning authority fail to comply with subsection (1)(a), the Scottish Ministers may direct them to prepare a report as to the reasons for such failure and to submit that report to the Scottish Ministers.
- (8) In carrying out their duty under paragraph (b) of subsection (1), a planning authority are in particular to monitor—
 - (a) changes in the characteristics referred to in section 15(5)(a), and
 - (b) the impact of the policies and proposals contained within the local development plans.
- (9) A planning authority are—
 - (a) from time to time, and
 - (b) in any event whenever they publish a main issues report by virtue of that paragraph, to publish a statement as to the carrying out by them of their duty under that paragraph.
- (10) In subsection (9), “publish” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet).

17 Main issues report for preparation of local development plan **S**

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

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

18 Preparation and publication of proposed local development plan S

- (1) After the date specified by virtue of subsection (8) of section 17, the planning authority are—
 - (a) having regard to such representations as timeously may have been made to them as respects their main issues report, to prepare, and to publish in such manner as was prescribed under subsection (6) of that section, a proposed local development plan,
 - (b) to send a copy of that proposed plan to each key agency,
 - (c) to notify any person who timeously has made representations under section 17 that the proposed plan has been published and of where a copy of it is available for inspection (and at what reasonable times),
 - (d) to consult, with regard to the proposed plan, the key agencies and such persons as may be prescribed, and
 - (e) in such circumstances as may be prescribed, to give notice—
 - (i) in such form,
 - (ii) of such matter, and
 - (iii) to such persons,
 as may be specified in the regulations in question.
- (2) Publication under subsection (1)(a) is to include specification of a date (being a date not less than 6 weeks after the date of publication) by which any representations with respect to the proposed local development plan must be made to the authority.
- (3) After the date specified by virtue of subsection (2), the planning authority may modify the proposed local development plan so as to take account of—
 - (a) any representations timeously made to them as respects that proposed plan (or of any matters arising out of representations so made),
 - (b) any matters arising in consultation under subsection (1)(d), and

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- (c) any minor drafting or technical matters.
- (4) Where the authority decide to make no modifications under subsection (3), or any modifications under that subsection are not of a kind prescribed for the purposes of subsection (5) (or mentioned in subsection (8)), the authority—
 - (a) are to submit the proposed local development plan to the Scottish Ministers together with—
 - (i) a report as to the extent to which the authority's actings with regard to consultation and the involvement of the public at large have conformed with (or have gone beyond the requirements of) the authority's current participation statement, and
 - (ii) a copy of their proposed action programme for the plan,
 - (b) are to publish the plan in such manner as may be prescribed, and
 - (c) if no request is to be made under section 19(1) are, in so publishing it, to advertise their intention to adopt it.
- (5) Where the authority make under subsection (3) modifications of a prescribed kind, the authority are—
 - (a) to publish in such manner as was prescribed under section 17(6) the proposed local development plan as modified, and
 - (b) to give notice—
 - (i) in such form,
 - (ii) of such matter, and
 - (iii) to such persons,as may be specified in the regulations in question.
- (6) Publication under subsection (5)(a) is to include specification of a date (being a date not less than 6 weeks after the date of publication) by which any representations with respect to the proposed local development plan must be made to the authority and, after that date, the authority may further modify the proposed plan so as to take account of—
 - (a) any representations timeously made to them as respects that proposed plan (or of any matters arising out of representations so made), and
 - (b) any minor drafting or technical matters.
- (7) Subsections (4) and (5) apply in respect of modifications under subsection (6) as they apply in respect of modifications under subsection (3).
- (8) But if the authority consider that modifications are requisite and are such as would change the underlying aims or strategy of the proposed plan (in subsection (9) referred to as the “ original plan ”) they are not to modify it (or submit it or publish it unmodified) but are to prepare and publish under subsection (1) a new proposed local development plan.
- (9) In its application to any such new plan subsection (1) is to be construed as if references to representations made timeously as respects the main issues report (and to any person timeously making representations) included references to representations so made as respects the original plan (and to any person so making representations with respect to the original plan).
- (10) It is the duty of a key agency to co-operate with the planning authority in the preparation of the authority's proposed local development plan.

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19 Examination of proposed local development plan **S**

- (1) On submitting a proposed local development plan under paragraph (a) of section 18(4), a planning authority are, if the circumstances are as mentioned in subsection (2), to request the Scottish Ministers to make an appointment under subsection (3).
- (2) The circumstances are that representations timeously made were not taken account of (or not fully taken account of) in modifications under subsection (3) or (6) of section 18 and have not been withdrawn.
- (3) If, when a proposed development plan is submitted to the Scottish Ministers under paragraph (a) of section 18(4)—
 - (a) a request is made under subsection (1), or
 - (b) no such request is made but it appears to them that the circumstances are as mentioned in subsection (2),
 they are to appoint a person to examine under this subsection the proposed plan.
- (4) But where an appointment is made under subsection (3), the appointed person is firstly to examine under this subsection the extent to which the planning authority's actings with regard to consultation and the involvement of the public at large as respects the proposed plan have conformed with (or have been beyond the requirements of) the participation statement of the authority which was current when the proposed plan was published under section 18(1)(a).
- (5) The Scottish Ministers may make regulations as to—
 - (a) meeting general administrative costs, staff costs and overheads incurred in relation to an examination under subsection (3) or (4),
 - (b) procedures to be followed at such an examination, and
 - (c) what is to be assessed in such an examination and matters by reference to which the assessment is to be made;
 but the form the examination is to take (as for example whether it should be in public or as to whether persons who have made representations, and other persons, are to be heard or are to present written submissions) is to be at the discretion of the appointed person.
- (6) When a person is appointed under subsection (3), the planning authority are—
 - (a) to advertise the forthcoming examination of the proposed plan in a local newspaper and in the public libraries within the part of the authority's district to which the proposed plan relates, and
 - (b) to serve notice of that examination on each of the persons who have made the representations mentioned in subsection (2).
- (7) No such examination as is mentioned in subsection (3) is to be commenced—
 - (a) within 4 weeks after the appointment is made, and
 - (b) where a report is submitted under subsection (1)(b) of section 19A, before a direction is given under subsection (3)(b) of that section.
- (8) On completing his examination under subsection (3) the appointed person is to—
 - (a) prepare a report—
 - (i) setting out, and giving reasons for, his conclusions and recommendations (which may include recommendations for amendments to the proposed local development plan), and
 - (ii) as to the matters considered by him under subsection (4),

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- (b) submit it to the planning authority,
 - (c) publish it, and
 - (d) serve on the persons mentioned in paragraph (b) of subsection (6), and on any person who made representations by virtue of section 19A, notice of the report's submission and publication (including the means of publication).
- (9) In subsection (8)(c), “ publish ” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet).
- (10) The planning authority are, on receiving a report submitted under subsection (8)(b)—
- (a) to make—
 - (i) (except in so far as they decline to do so, on such grounds as may be prescribed for the purposes of this sub-paragraph) such modifications, if any, to the proposed local development plan as the appointed person recommends, and
 - (ii) such other modifications to it, if any, as appear to them to be requisite having regard to the report,
 - (b) to publish the modifications made, together with the proposed plan as modified (or, if no modifications are made, to publish the proposed plan) in such manner as may be prescribed,
 - (c) in so publishing the proposed plan (whether or not modified), to advertise their intention to adopt it, and
 - (d) to notify each person who made representations under section 18 that the proposed plan has been published and of where a copy of it is available for inspection (and at what reasonable times).
- (11) But the authority may, before complying with subsection (10), secure the carrying out of an environmental assessment (within the meaning of the Environmental Assessment (Scotland) Act 2005 (asp 15)) in relation to the proposed plan as so modified; and if they do so then paragraph (a) of that subsection is to be construed as subject to the qualification that any modification made must, in the opinion of the authority, be acceptable having regard to that assessment.
- (12) The planning authority are, within 3 months after receiving a report submitted under subsection (8)(b), to send to the Scottish Ministers a copy of each of the following—
- (a) the modifications, if any, made under sub-paragraph (i) of subsection (10)(a),
 - (b) where a modification recommended by the appointed person is not made, a statement setting out the recommendation and explaining (by reference to the grounds prescribed for the purposes of that sub-paragraph) why it is not made,
 - (c) the proposed plan (whether or not modified),
 - (d) the report,
 - (e) any environmental assessment carried out by virtue of subsection (11), and
 - (f) the advertisement mentioned in subsection (10)(c).

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

- (1) If, having conducted an examination under subsection (4) of section 19, the appointed person is not satisfied with the actings mentioned in that subsection he is to—
- (a) prepare a report setting out his reasons for not being satisfied and recommending that the authority take such further steps with regard to—
 - (i) consultation, or

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- (ii) involving the public at large,
as are specified in the report,
 - (b) submit it to the Scottish Ministers, and
 - (c) send a copy of it to the planning authority.
- (2) The authority may, within 4 weeks after receiving that copy, make representations to the Scottish Ministers as regards the report.
- (3) The Scottish Ministers, provided that 4 weeks have elapsed since they received the report, may—
 - (a) direct the authority to take such further steps with regard to—
 - (i) consultation, or
 - (ii) involving the public at large,
as are specified in the direction, or
 - (b) direct the appointed person to proceed to an examination under subsection (3) of section 19.
- (4) In giving a direction under paragraph (a) of subsection (3) the Scottish Ministers are to have regard to the appointed person's recommendations under paragraph (a) of subsection (1) and to any representations made under subsection (2).
- (5) Where such a direction is given—
 - (a) the appointed person is not to proceed to an examination under subsection (3) of section 19, and
 - (b) after the further steps specified in the direction have been taken the authority—
 - (i) may modify the proposed local development plan so as to take account of any representations made to them in consequence of their taking those steps (and of any minor drafting or technical matters), and
 - (ii) are to submit it (whether or not modified) to the Scottish Ministers together with a note of any representations so made and of whether those representations are taken account of in the plan (and if so to what extent) and a report as to the extent to which the authority's actions with regard to consultation and involving the public at large have conformed with (or have gone beyond the requirements of) the specification of further steps.
- (6) But if the authority consider that modifications are requisite and are such as would change the underlying aims or strategy of the proposed plan they are not to modify it (or submit it unmodified to the Scottish Ministers) but are to prepare and publish under section 18(1) a new proposed local development plan.
- (7) Where a proposed local development plan is modified under subsection (5)(b)(i), the modified plan is to be published in such manner as is prescribed under section 18(4)(b).
- (8) On submitting a proposed local development plan under subsection (5)(b)(ii), the planning authority are to advertise, in such manner as may be prescribed, that they have done so.
- (9) Section 19 and this section apply in relation to a proposed local development plan so submitted as they apply in relation to such a plan submitted under section 18(4)(a).

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- (10) Except that for the purposes of the application provided for in subsection (9), section 19 is to be construed as if—
- (a) in subsection (2), for the words “subsection (3) or (6) of section 18” there were substituted “ section 19A(5)(b)(i) ”, and
 - (b) in subsection (4), for the words “the participation statement of the authority which was current when the proposed plan was published under section 18(1)(a)” there were substituted “ the further steps specified in the direction under section 19A(3)(a) ”.

20 Constitution of local development plan S

- (1) On being adopted by the planning authority the proposed local development plan is constituted as the local development plan.
- (2) But subsection (1) is subject to any direction made under subsection (7) and does not apply if such adoption is in contravention of subsection (3) or (6) (the reference to subsection (3) including a reference to subsection (3) as applying by virtue of a direction made under subsection (4)).
- (3) A proposed local development plan is not to be so adopted before a period of 28 days has elapsed after the planning authority's intention to adopt it is advertised under section 18(4)(c) or 19(10)(c).
- (4) The Scottish Ministers may, as regards a particular proposed local development plan submitted to them, direct that subsection (3) is to apply as if, for the period mentioned in the subsection there were substituted such longer period as is specified in the direction.
- (5) At any time during the period mentioned in subsection (3), or as the case may be specified in a direction under subsection (4), the Scottish Ministers may, if it appears to them that the proposed plan is unsatisfactory, direct the authority to consider modifying it in such respects as are indicated in the direction.
- (6) A planning authority given a direction under subsection (5) are not to adopt the proposed plan unless—
 - (a) they satisfy the Scottish Ministers that they have made the modifications necessary to conform with the direction, or
 - (b) the Scottish Ministers withdraw the direction.
- (7) At any time before a proposed local development plan submitted to the Scottish Ministers has been adopted by the planning authority, the Scottish Ministers may direct that the proposed plan is to be constituted not on being so adopted but if and when approved by the Scottish Ministers.

20A Publication of and publicity for local development plan S

- (1) As soon as is reasonably practicable after the local development plan is constituted as mentioned in section 20(1), the planning authority are to—
 - (a) send two copies of it to the Scottish Ministers,
 - (b) publish it,
 - (c) place a copy of it in each public library in the part of the district to which it relates,

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- (d) both—
 - (i) notify each person who made representations under section 18 or by virtue of section 19A, and
 - (ii) advertise, in a local newspaper,that the local development plan has been published (including the means of publication) and is available for inspection in those libraries.
- (2) In subsection (1)(b), “ publish ” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet).]

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