



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

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

#### DEVELOPMENT PLANS

#### *[<sup>F1</sup> 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

- (1) A local development plan is a plan in which is set out, for land in the part of the district to which it relates—
- (a) a spatial strategy, being a detailed statement of the planning authority's policies and proposals as to the development and use of the land [<sup>F2</sup>taking account of the matters mentioned in subsection (5)],
  - (b) such other matters as may be prescribed, and
  - (c) any other matter which the planning authority consider it appropriate to include.

[<sup>F3</sup>(1A) The local development plan must also include targets for meeting the housing needs of people living in the part of the district to which it relates.]

<sup>F4</sup>(2) .....

*Status: Point in time view as at 19/05/2023.*

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- [<sup>F5</sup>(2A) A local development plan is to include a statement of the planning authority's policies and proposals as to the provision of public conveniences.
- (2B) A local development plan is to include a statement of the planning authority's policies and proposals as to the provision of water refill locations.]
- (3) Where a local development plan contains policies or proposals for, or views as to, the occurrence of development on land owned by the planning authority, there is to be appended to the plan a schedule, in such form as may be prescribed, which identifies the land, states that it is so owned and refers to the policies, proposals or views in question.
- (4) A local development plan is, for the purpose of explaining or illustrating the proposals in the plan, to contain or be accompanied by—
- (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 [<sup>F6</sup>(1)(a)] are—
- (a) the principal physical, [<sup>F7</sup>cultural,] economic, social[<sup>F8</sup>, built heritage] and environmental characteristics of the district,
  - (b) the principal purposes for which the land is used,
  - (c) the size, composition[<sup>F9</sup>, health] and distribution of the population of the district,
  - [<sup>F10</sup>(ca) the housing needs of the population of the area, including, in particular, the needs of persons undertaking further and higher education, older people and disabled people,
  - (cb) the availability of land in the district for housing, including for older people and disabled people,
  - (cc) the desirability of allocating land for the purposes of resettlement,
  - (cd) the health needs of the population of the district and the likely effects of development and use of land on those health needs,
  - (ce) the education needs of the population of the district and the likely effects of development and use of land on those education needs,
  - (cf) the extent to which there are rural areas within the district in relation to which there has been a substantial decline in population,
  - (cg) the capacity of education services in the district,
  - (ch) the desirability of maintaining an appropriate number and range of cultural venues and facilities (including in particular, but not limited to, live music venues) in the district,]
  - (d) the infrastructure of the district (including communications, transport and drainage systems[<sup>F11</sup>, systems for the supply of water and energy, and health care and education facilities]),
  - (e) how that infrastructure is used, <sup>F12</sup>...
  - (f) any change which the planning authority think may occur in relation to any of the matters mentioned in paragraphs (a) to[<sup>F13</sup>(eb)].
- [<sup>F14</sup>(5A) In subsection (5)(d), references to systems for the supply of energy include in particular land available for the development and use of facilities for renewable sources of energy.]

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### Textual Amendments

- F2** Words in s. 15(1)(a) inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(2)(a)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F3** S. 15(1A) inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(2)(b)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F4** S. 15(2) repealed (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(2)(c)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F5** S. 15(2A)(2B) inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(2)(d)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F6** Word in s. 15(5) substituted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(2)(e)(i)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F7** Word in s. 15(5)(a) inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(2)(e)(ii)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F8** Words in s. 15(5)(a) inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(2)(e)(iii)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F9** Word in s. 15(5)(c) inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(2)(e)(iv)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F10** S. 15(5)(ca)-(ch) inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(2)(e)(v)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F11** Words in s. 15(5)(d) substituted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(2)(e)(vi)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F12** Word in s. 15(5) repealed (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(2)(e)(vii)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F13** Word in s. 15(5)(f) substituted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(2)(e)(viii)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F14** S. 15(5A) inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(3)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)

### Modifications etc. (not altering text)

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

## [<sup>F15</sup>15A Preparation of local development plan: invitation to prepare local place plans

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

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

#### Textual Amendments

**F15** S. 15A inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), ss. 14(2), 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(d) (with reg. 4)

#### [<sup>F16</sup>15B Review of local place plans

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

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### Textual Amendments

**F16** S. 15B inserted (8.11.2019 for specified purposes, 22.1.2022 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), ss. 14(3), 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2021/480, reg. 2(1)

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

- (1) A planning authority are—
  - (a) as soon as practicable after the coming into force of section 2 of the Planning etc. (Scotland) Act 2006 (asp 17) and thereafter—
    - (i) whenever required to do so by the Scottish Ministers, or
    - (ii) subject to sub-paragraph (i), at intervals of no more than [<sup>F17</sup>10] years, to prepare local development plans for all parts of their district, and
  - (b) to keep under review the plans so prepared.
- (2) In preparing a local development plan the planning authority—
  - (a) are to take into account—
    - [<sup>F18</sup>(i)] the National Planning Framework[<sup>F19</sup>, and
    - (ii) any local outcomes improvement plan (within the meaning of section 6 of the Community Empowerment (Scotland) Act 2015) for the part of their district to which the local development plan relates,]
    - [<sup>F20</sup>(iii)] any registered local place plan (see schedule 19) that is for the part of their district to which the local development plan relates,]
  - [<sup>F21</sup>(aa)] are to have regard to the desirability of preserving disused railway infrastructure for the purpose of ensuring its availability for possible future public transport requirements,
  - (ab) are to have regard to the list published under section 16E of persons seeking to acquire land in the authority's area for self-build housing,]
  - (b) are to have regard to such information and considerations as may be prescribed, and
  - (c) may have regard to such other information and considerations as appear to them to be relevant.
- (3) Different local development plans may be prepared for different purposes for the same part of any district.
- (4) Parts of districts for which local development plans are prepared for some purpose need not have the same boundaries as parts for which they are prepared for another purpose.
- (5) Two (or more) planning authorities may prepare a joint local development plan extending to parts of each (or all) of their districts.
- [<sup>F22</sup>(6)] . . . . .
- (7) Where a planning authority fail to comply with subsection (1)(a), the Scottish Ministers may direct them to prepare a report as to the reasons for such failure and to submit that report to the Scottish Ministers.
- (8) In carrying out their duty under paragraph (b) of subsection (1), a planning authority are in particular to monitor—

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- (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.

<sup>F23</sup>(9) .....

<sup>F23</sup>(10) .....

#### Textual Amendments

- F17** Word in s. 16(1)(a)(ii) substituted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(4)(a)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F18** Words in s. 16(2)(a) renumbered as s. 16(2)(a)(i) (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(4)(b)(i)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F19** S. 16(2)(a)(ii) and word inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(4)(b)(ii)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F20** S. 16(2)(a)(iii) inserted (8.11.2019 for specified purposes, 20.5.2023 in so far as not already in force) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 14(4)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 3 (with reg. 4)
- F21** S. 16(2)(aa)(ab) inserted (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(4)(c)**, 63(2); S.S.I. 2019/314, reg. 2, sch.
- F22** S. 16(6) repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), **sch. 2 para. 1(2)**; S.S.I. 2023/10, reg. 3(2)(e)
- F23** S. 16(9)(10) repealed (8.11.2019 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(4)(d)**, 63(2); S.S.I. 2019/314, reg. 2, sch.

#### [<sup>F24</sup>16A Participation of children and young people in local development plan

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

#### Textual Amendments

- F24** S. 16A inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(5)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)

#### [<sup>F25</sup>16B Evidence report for preparation of local development plan

- (1) Before preparing a local development plan, a planning authority are to prepare an evidence report.

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- (2) In preparing the evidence report the planning authority are to seek the views of, and have regard to any views expressed by—
  - (a) the key agencies,
  - (b) children and young people, in particular school pupils, youth councillors and youth parliament representatives,
  - (c) such other persons as may be prescribed, and
  - (d) the public at large.
- (3) The evidence report is to—
  - (a) set out the planning authority's view on the matters listed in section 15(5) for land in the part of the authority's district to which the local development plan will relate,
  - (b) set out—
    - (i) a summary of the action taken by the planning authority to support and promote the construction and adaptation of housing to meet the housing needs of older people and disabled people in the authority's area,
    - (ii) an analysis of the extent to which the action has helped to meet those needs,
  - (c) set out—
    - (i) a summary of the action taken by the planning authority to meet the accommodation needs of Gypsies and Travellers in the authority's area,
    - (ii) an analysis of the extent to which the action has helped to meet those needs,
  - (d) set out—
    - (i) how the planning authority have invited local communities in their district to prepare local place plans in accordance with schedule 19,
    - (ii) the assistance provided to local communities to assist them to prepare local place plans,
  - (e) include such other matters as are prescribed.
- (4) The evidence report is also to include a statement on—
  - (a) the steps taken by the planning authority in preparing the report to seek the views of the public at large, including in particular the views of—
    - (i) disabled persons,
    - (ii) Gypsies and Travellers, and
    - (iii) children and young people,
  - (b) the steps taken by the planning authority in preparing the report to seek the views of community councils, and
  - (c) the extent to which the views expressed under paragraphs (a) and (b) have been taken into account in the report.
- (5) Before submitting a proposed evidence report under subsection (7), the planning authority must approve the proposed evidence report.
- (6) Section 56 of the Local Government (Scotland) Act 1973 (arrangements for discharge of functions by local authorities) does not apply to the function of approving a proposed evidence report.

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- (7) The planning authority are to submit the evidence report to the Scottish Ministers.
- (8) On receiving an evidence report submitted under subsection (7), the Scottish Ministers are to appoint a person to assess whether the report contains sufficient information to enable the planning authority to prepare a local development plan.
- (9) If, having completed the assessment, the appointed person is satisfied that the evidence report contains sufficient information to enable the planning authority to prepare a local development plan, the person is to notify the Scottish Ministers and the authority accordingly.
- (10) In any other case, the appointed person is to—
- (a) prepare a report (an “assessment report”) setting out the reasons for not being so satisfied and recommendations for improving the evidence report received under subsection (7),
  - (b) send a copy of the assessment report to the planning authority and the Scottish Ministers.
- (11) On receipt of an assessment report the planning authority are to revise the evidence report submitted under subsection (7) and resubmit it to the Scottish Ministers.
- (12) Subsections (8) to (11) apply to an evidence report submitted under subsection (11) as they do to an evidence report submitted under subsection (7).
- (13) The Scottish Ministers may make regulations as to—
- (a) meeting general administrative costs, staff costs and overheads incurred in relation to an assessment under subsection (8),
  - (b) the procedure to be followed in such an assessment (including by making provision that the procedure is to be at the discretion of the appointed person), and
  - (c) what is to be assessed and matters by reference to which the assessment is to be made.
- (14) In this section—
- “accommodation needs” includes, but is not limited to, needs with respect to the provision of sites on which mobile homes may be stationed,
- “children and young people” mean persons aged 25 or under,
- “community council” means a community council established by a local authority under Part 4 of the Local Government (Scotland) Act 1973,
- “disabled person” means a person who is a disabled person for the purposes of the Equality Act 2010,
- “Gypsies and Travellers” has the meaning specified in regulations made by the Scottish Ministers.
- (15) Before making regulations under subsection (14) specifying the meaning of “Gypsies and Travellers”, the Scottish Ministers must consult such persons as they consider appropriate.]



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#### Textual Amendments

**F25** Ss. 16B-16D inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), ss. 7(6), 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)

### [<sup>F25</sup>16C Effective community engagement: guidance

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

#### Textual Amendments

**F25** Ss. 16B-16D inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), ss. 7(6), 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)

### [<sup>F25</sup>16D Play sufficiency assessment

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

#### Textual Amendments

**F25** Ss. 16B-16D inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), ss. 7(6), 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)

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**[<sup>F26</sup>16E Publication of list of persons seeking land for self-build housing**

- (1) A planning authority are to prepare and maintain a list of persons who have registered interest with the authority with the intention of acquiring land in the authority's area for self-build housing.
- (2) A planning authority are to publish the list in such manner as the authority consider appropriate (as for example by means of the internet).
- (3) For the purpose of subsection (1), self-build housing is where an individual commissions or (whether acting alone or with other individuals) is personally involved in the design and construction of a dwelling that is intended to be the individual's main residence once it is built.]

**Textual Amendments**

**F26** S. 16E inserted (19.5.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 8(2)**, 63(2); S.S.I. 2023/100, reg. 2(2)(b)

**<sup>F27</sup>17 Main issues report for preparation of local development plan**

.....

**Textual Amendments**

**F27** S. 17 repealed (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(7)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)

**18 Preparation and publication of proposed local development plan**

- (1) After [<sup>F28</sup>being notified under section 16B(9)], the planning authority are—
  - [<sup>F29</sup>(a) having regard to the evidence report in relation to which notification under that section was received, to prepare and publish in such manner as is prescribed a proposed local development plan,
    - (aa) to publish the evidence report at the same time and in the same manner as the proposed local development plan,]
    - (b) to send a copy of that proposed plan [<sup>F30</sup>and the evidence report] to each key agency,
    - <sup>F31</sup>(c) .....
    - (d) to consult, with regard to the proposed plan, the key agencies and such persons as may be prescribed, and
    - (e) in such circumstances as may be prescribed, to give notice—
      - (i) in such form,
      - (ii) of such matter, and
      - (iii) to such persons,
 as may be specified in the regulations in question.

[<sup>F32</sup>(1A) Without prejudice to the generality of subsection (1)(d), a planning authority for a district all or part of which falls within the boundary identified by the Central

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Scotland Green Network Partnership are (for so long as such a body is included in the National Planning Framework as a national development) to consult the Network on the proposed local development plan.

(1B) Before publishing a proposed local development plan under subsection (1), the planning authority must approve the plan.

(1C) Section 56 of the Local Government (Scotland) Act 1973 (arrangements for discharge of functions by local authorities) does not apply to the function of approving a proposed local development plan.]

(2) Publication under subsection (1)(a) is to include specification of a date (being a date not less than [<sup>F33</sup>12] weeks after the date of publication) by which any representations with respect to the proposed local development plan must be made to the authority.

(3) After the date specified by virtue of subsection (2), the planning authority may modify the proposed local development plan so as to take account of—

- (a) any representations timeously made to them as respects that proposed plan (or of any matters arising out of representations so made),
- (b) any matters arising in consultation under subsection (1)(d), and
- (c) any minor drafting or technical matters.

(4) <sup>F34</sup>... The authority—

- (a) are to submit the proposed local development plan to the Scottish Ministers together with—
  - (i) a report as to the extent to which the authority's actings with regard to consultation and the involvement of the public at large have conformed with (or have gone beyond the requirements of) the authority's current participation statement, <sup>F35</sup>...
  - (ii) a copy of their proposed [<sup>F36</sup>delivery] programme for the plan, [<sup>F37</sup>and
  - (iii) if modifications have been made to the proposed plan under subsection (3), a report setting out—
    - (A) the modifications made, and
    - (B) the reasons for making them.]

<sup>F38</sup>(b) .....

<sup>F38</sup>(c) .....

<sup>F39</sup>(5) .....

<sup>F39</sup>(6) .....

<sup>F39</sup>(7) .....

<sup>F39</sup>(8) .....

<sup>F39</sup>(9) .....

(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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### Textual Amendments

- F28** Words in s. 18(1) substituted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(8)(a)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F29** S. 18(1)(a)(aa) substituted for s. 18(1)(a) (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(8)(b)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F30** Words in s. 18(1)(b) inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(8)(c)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F31** S. 18(1)(c) repealed (19.5.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 2(2)**; S.S.I. 2023/100, reg. 2(2)(f) (with reg. 4)
- F32** S. 18(1A)-(1C) inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(8)(d)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F33** Word in s. 18(2) substituted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(8)(e)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F34** Words in s. 18(4) repealed (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(8)(f)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F35** Word in s. 18(4)(a) repealed (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(8)(g)(i)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F36** Word in s. 18(4)(a)(ii) substituted (19.5.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 3(2)**; S.S.I. 2023/100, reg. 2(2)(g) (with reg. 4)
- F37** S. 18(4)(a)(iii) and word inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(8)(g)(ii)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F38** S. 18(4)(b)(c) repealed (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(8)(h)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F39** S. 18(5)-(9) repealed (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(8)(i)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)

## 19 Examination of proposed local development plan

- (1) On submitting a proposed local development plan under paragraph (a) of section 18(4), a planning authority are, if the circumstances are as mentioned in subsection (2), to request the Scottish Ministers to make an appointment under subsection (3).
- (2) The circumstances are that representations timeously made were not taken account of (or not fully taken account of) in modifications under subsection (3) <sup>F40</sup>... 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),

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they are to appoint a person to examine under this subsection the proposed plan.

(4) But where an appointment is made under subsection (3), the appointed person is firstly to examine under this subsection the extent to which the planning authority's actions with regard to consultation and the involvement of the public at large as respects the proposed plan have conformed with (or have been beyond the requirements of) the participation statement of the authority which was current when the proposed plan was published under section 18(1)(a).

(5) The Scottish Ministers may make regulations as to—

- (a) meeting general administrative costs, staff costs and overheads incurred in relation to an examination under subsection (3) or (4),
- (b) procedures to be followed at such an examination, and
- (c) what is to be assessed in such an examination and matters by reference to which the assessment is to be made;

but the form the examination is to take (as for example whether it should be in public or as to whether persons who have made representations, and other persons, are to be heard or are to present written submissions) is to be at the discretion of the appointed person.

[<sup>F41</sup>(5A) When a request is made under subsection (1), or an appointment is made under subsection (3) without a request having been made, the planning authority must publish in the prescribed manner—

- (a) the proposed plan, and
- (b) if modifications were made to the proposed plan under section 18(3) or 19A(5) (b)(i), a report setting out—
  - (i) the modifications made, and
  - (ii) the reasons for making them.]

(6) When a person is appointed under subsection (3), the planning authority are—

- (a) to advertise the forthcoming examination of the proposed plan in a local newspaper and in the public libraries within the part of the authority's district to which the proposed plan relates, and
- (b) to serve notice of that examination on each of the persons who have made the representations mentioned in subsection (2).

(7) No such examination as is mentioned in subsection (3) is to be commenced—

- (a) within 4 weeks after the appointment is made, and
- (b) where a report is submitted under subsection (1)(b) of section 19A, before a direction is given under subsection (3)(b) of that section.

(8) On completing his examination under subsection (3) [<sup>F42</sup>, unless section 19ZA applies,] the appointed person is to—

- (a) prepare a report—
  - (i) setting out, and giving reasons for, his conclusions and recommendations<sup>F43</sup> ..., and
  - (ii) as to the matters considered by him under subsection (4),
- (b) submit it to the planning authority,
- (c) publish it, and

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- (d) serve on the persons mentioned in paragraph (b) of subsection (6), and on any person who made representations by virtue of section 19A, notice of the report's submission and publication (including the means of publication).

[<sup>F44</sup>(8A) Recommendations under subsection (8)(a)(i) may include—

- (a) recommendations that the planning authority make modifications to the proposed local development plan,
- (b) in a case where the appointed person considers that a change required is not suitable to be dealt with by such modification, a recommendation that, if adopted, the planning authority should amend the local development plan under section 20AA in relation to such matters as may be specified in the report.

(8B) Where a report prepared under subsection (8)(a) includes a recommendation of the type described in subsection (8A)(b), the appointed person must send a copy of the report to the Scottish Ministers.]

(9) In [<sup>F45</sup>subsections (5A) and] (8)(c), “ publish ” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet).

(10) The planning authority are, on receiving a report submitted under subsection (8)(b)—

- (a) to make—
  - (i) (except in so far as they decline to do so, on such grounds as may be prescribed for the purposes of this sub-paragraph) such modifications, if any, to the proposed local development plan as the appointed person recommends, and
  - (ii) such other modifications to it, if any, as appear to them to be requisite having regard to the report,

<sup>F46</sup>(b) .....

<sup>F46</sup>(c) .....

<sup>F46</sup>(d) .....

(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.

<sup>F47</sup>(12) .....

**Textual Amendments**

**F40** Words in s. 19(2) repealed (19.5.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 2(3)**; S.S.I. 2023/100, reg. 2(2)(f) (with reg. 4)

**F41** S. 19(5A) inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(9)(a)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)

**F42** Words in s. 19(8) inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(9)(b)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)

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- F43** Words in s. 19(8)(a)(i) repealed (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), ss. 7(9)(c), 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F44** S. 19(8A)(8B) inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), ss. 7(9)(d), 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F45** Words in s. 19(9) substituted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), ss. 7(9)(e), 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F46** S. 19(10)(b)-(d) repealed (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), ss. 7(9)(f), 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F47** S. 19(12) repealed (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), ss. 7(9)(g), 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)

#### **[<sup>F48</sup>19Z] Examination under section 19(3): further provision**

- (1) This section applies where—
  - (a) a person appointed under subsection (3) of section 19 is conducting an examination of a proposed local development plan under that subsection, and
  - (b) the person is not satisfied that the amount of land allocated for housing in the proposed local development plan is sufficient to meet the targets it includes in relation to the housing needs of people living in the part of the district to which it relates (see section 15(1A)).
- (2) The appointed person may, instead of preparing a report under section 19(8), issue a notice to the planning authority requiring it to prepare another proposed local development plan under section 18(1).
- (3) A notice under subsection (2) must include—
  - (a) a statement that the proposed local development plan is unsatisfactory due to its failure to address the identified housing needs,
  - (b) the appointed person's reasons for coming to that conclusion.
- (4) The appointed person must—
  - (a) send a copy of a notice issued under subsection (2) to the Scottish Ministers,
  - (b) publish it, and
  - (c) notify the persons mentioned in paragraph (b) of section 19(6), and any person who made representations by virtue of section 19A that a notice has been given under subsection (2) (and its effect).
- (5) A planning authority that receive a notice under subsection (2)—
  - (a) may not take any further action in respect of the unsatisfactory proposed local development plan, and
  - (b) must prepare another proposed local development plan in accordance with section 18.
- (6) The planning authority may use the evidence report prepared and assessed in respect of the unsatisfactory proposed local development plan for the purpose of subsection (5) (b).



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- (7) In subsection (4)(b), “publish” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet).]

#### Textual Amendments

**F48** S. 19ZA inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), ss. 7(10), 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)

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

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



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actings with regard to consultation and involving the public at large have conformed with (or have gone beyond the requirements of) the specification of further steps.

- (6) But if the authority consider that modifications are requisite and are such as would change the underlying aims or strategy of the proposed plan they are not to modify it (or submit it unmodified to the Scottish Ministers) but are to prepare and publish under section 18(1) a new proposed local development plan.

<sup>F49</sup>(7) .....

<sup>F49</sup>(8) .....

- (9) Section 19 and this section apply in relation to a proposed local development plan [<sup>F50</sup>submitted under subsection (5)(b)(ii)] as they apply in relation to such a plan submitted under section 18(4)(a).

- (10) Except that for the purposes of the application provided for in subsection (9), section 19 is to be construed as if—
- (a) in subsection (2), for the words “subsection (3) <sup>F51</sup>... of section 18” there were substituted “ section 19A(5)(b)(i) ”, and
  - (b) in subsection (4), for the words “the participation statement of the authority which was current when the proposed plan was published under section 18(1) (a)” there were substituted “ the further steps specified in the direction under section 19A(3)(a) ”.

#### Textual Amendments

- F49** S. 19A(7)(8) repealed (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), ss. 7(11)(a), 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F50** Words in s. 19A(9) substituted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), ss. 7(11)(b), 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F51** Words in s. 19A(10)(a) repealed (19.5.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), sch. 2 para. 2(4); S.S.I. 2023/100, reg. 2(2)(f) (with reg. 4)

## 20 Constitution of local development plan

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

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

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

(1B) Where—

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

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

#### Textual Amendments

**F52** S. 20(1A)(1B) substituted for (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 7(12)**, 63(2); [S.S.I. 2019/314](#), [reg. 2](#); [S.S.I. 2023/100](#), [reg. 2\(2\)\(a\)](#) (with [reg. 4](#))

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

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

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

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

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

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

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

- (a) a person appointed under section 19(3) recommended a modification to a proposed version of the plan, and
- (b) the modification was not made.

(1C) The circumstance referred to in subsection (1A)(b) is that the constituted plan differs from the proposed plan published under section 18(1)(a) as a result of modifications made under section 18(3), 19(10) or 19A(5)(b)(i).

(1D) In a case where a report in relation to a proposed version of the plan has been published as required by section 19(5A)—

- (a) if no modifications were subsequently made, a report on modifications need not be published,
- (b) if modifications were subsequently made, the report on modifications need only set out those modifications.

(1E) In this section—

- (a) “recommended-modification statement” means a statement that—

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- (i) sets out the modification mentioned in subsection (1B), and
  - (ii) explains, by reference to the grounds prescribed for the purposes of section 19(10)(a)(i), why the modification was not made,
- (b) “report on modifications” means a report that sets out—
- (i) the modifications mentioned in subsection (1C), and
  - (ii) the reasons for making them.]
- (2) In<sup>F54</sup>this section], “ publish ” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet). ]

#### Textual Amendments

- F53** S. 20A(1A)-(1E) inserted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(13)(a)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)
- F54** Words in s. 20A(2) substituted (8.11.2019 for specified purposes, 19.5.2023 in so far as not already in force) by Planning (Scotland) Act 2019 (asp 13), **ss. 7(13)(b)**, 63(2); S.S.I. 2019/314, reg. 2; S.S.I. 2023/100, reg. 2(2)(a) (with reg. 4)

**Status:**

Point in time view as at 19/05/2023.

**Changes to legislation:**

Town and Country Planning (Scotland) Act 1997, Cross Heading: Local development plans is up to date with all changes known to be in force on or before 15 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.