

**Changes to legislation:** Town and Country Planning (Scotland) Act 1997, PART 5 is up to date with all changes known to be in force on or before 03 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

# SCHEDULES

## [<sup>F1</sup>SCHEDULE 5A

### MASTERPLAN CONSENT AREAS

#### Textual Amendments

- F1** Sch. 5A inserted (1.4.2024 for specified purposes) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), ss. 15(3), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(b)(4)

## PART 5

### FURTHER POWERS OF SCOTTISH MINISTERS

#### CHAPTER 1

##### EXCLUDING KINDS OF DEVELOPMENT FROM SCHEMES

###### *Power to exclude kinds of development*

- 19 (1) The Scottish Ministers may by regulations provide that no scheme grants authorisation in relation to development of a kind described in the regulations.
- (2) Regulations under this paragraph may describe a kind of development by reference to its being development of land that is specified, or of a description specified, in the regulations.
- (3) Sub-paragraph (2) is not exhaustive of the ways in which kinds of development can be described in regulations under this paragraph.

###### *Effect of exclusion on existing schemes*

- 20 If a scheme has conferred authorisation in relation to development of a kind that regulations under paragraph 19 state cannot be granted authorisation by a scheme—
- (a) the scheme ceases to have the effect of granting authorisation for any new development of that kind from the date the regulations prescribe, but
- (b) the authorisation granted by the scheme is unaffected by the regulations in relation to development begun before that date.

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## CHAPTER 2

### POWERS IN RELATION TO PROCEDURE, ETC.

#### *Directions about procedure and provision of information*

- 21 (1) The Scottish Ministers may give a planning authority a direction—
- (a) about how the authority are to formulate their procedures for carrying out their functions under this schedule,
  - (b) requiring that the authority provide the Scottish Ministers with information specified in the direction.
- (2) A planning authority must comply with any direction given under sub-paragraph (1).
- (3) Information may not be specified under sub-paragraph (1)(b) unless it is information that the Scottish Ministers require for carrying out their functions under this schedule.

#### *Regulations about form, content and procedure*

- 22 (1) The Scottish Ministers may make regulations about—
- (a) the form and content of schemes, and
  - (b) the procedure to be followed in connection with making and altering schemes.
- (2) Regulations under this paragraph may in particular—
- (a) provide for the publicity to be given to—
    - (i) matters included, or proposed for inclusion in, a scheme,
    - (ii) the making or alteration of a scheme,
    - (iii) any procedural step in relation to the making or alteration of a scheme,
  - (b) make provision with respect to the making and consideration of representations concerning—
    - (i) whether a scheme should be made,
    - (ii) what should be included in a scheme,
  - (c) require, or authorise, consultation with persons identified in the regulations (by name or description) prior to the taking of steps in the process of making or altering a scheme,
  - (d) require a planning authority, in circumstances prescribed in the regulations, to give anyone who requests them copies of documents which have been made public,
  - (e) allow a planning authority to impose a reasonable charge on anyone given a copy of a document in accordance with provision made by virtue of paragraph (d),
  - (f) provide for the publication and inspection of—
    - (i) any scheme which has been made, or
    - (ii) a document setting out alterations that have been, or are to be, made to a scheme,
  - (g) provide for the sale of copies of—
    - (i) schemes, and

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- (ii) any document that sets out alterations that have been, or are to be, made to a scheme.]

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by [S.S.I. 2008/189 art. 53\(3\)](#)
- Act power to apply (with or without modifications) conferred by [2021 asp 9 s. 45\(3\)\(b\)\(c\)](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- Pt. 11A inserted by [2006 asp 17 s. 29](#)
- Pt. 12A inserted by [2006 asp 17 s. 30](#)
- Pt. 12A inserted by [2019 asp 13 s. 46\(2\)](#)
- s. 3CD inserted by [2019 asp 13 s. 4\(2\)](#)
- s. 20AA(4)(a)(iii) inserted by [2019 asp 13 s. 14\(6\)](#)
- s. 29(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(3\)\(b\)](#)
- s. 36(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(4\)\(b\)](#)
- s. 36(5)(6) inserted by [2019 asp 13 s. 36\(2\)](#)
- s. 40A inserted by [2019 asp 13 s. 19\(2\)](#)
- s. 43A-43AD substituted for s. 43A by [2019 asp 13 s. 28\(2\)](#)
- s. 47(2)(aa) inserted by [2019 asp 13 s. 28\(3\)\(a\)](#)
- s. 47(2A) inserted by [2019 asp 13 s. 28\(3\)\(b\)](#)
- s. 47(6) inserted by [2019 asp 13 s. 31\(2\)\(c\)](#)
- s. 54A-54F and cross-heading inserted by [2019 asp 13 s. 15\(2\)](#)
- s. 57(2C)(2D) inserted by [2021 asp 9 s. 44\(2\)](#)
- s. 58(4)(fa) inserted by [2019 asp 13 Sch. 2 para. 5\(5\)\(b\)](#)
- s. 61(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(6\)\(b\)](#)
- s. 75(4A) inserted by [2019 asp 13 s. 35\(2\)](#)
- s. 75A(5A) inserted by [2019 asp 13 s. 35\(3\)](#)
- s. 77A inserted by [2019 asp 13 s. 39\(2\)](#)
- s. 135(4A) inserted by [2019 asp 13 s. 43\(2\)\(c\)](#)
- s. 154(1)(c) and word inserted by [2019 asp 13 s. 28\(4\)\(a\)\(ii\)](#)
- s. 154(1A) inserted by [2019 asp 13 s. 28\(4\)\(b\)](#)
- s. 158A(1A) inserted by [2019 asp 13 s. 44\(2\)](#)
- s. 158B-158F and cross-heading inserted by [2019 asp 13 s. 43\(3\)](#)
- s. 183(1)(c) inserted by [2019 asp 13 Sch. 2 para. 5\(7\)\(b\)](#)
- s. 237(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(8\)](#)
- s. 238(3)(a)-(c) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(a\)\(ii\)](#)
- s. 238(5)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(b\)](#)
- s. 238(7) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(c\)](#)