

SCOTTISH STATUTORY INSTRUMENTS

2008 No. 426

The Town and Country Planning (Development Planning) (Scotland) Regulations 2008

PART 5

General

Development plan schemes

24. In addition to those matters specified by the Act, a development plan scheme must state the timetable [^{F1}proposed] (specifying the proposed month) by the strategic development planning authority or the planning authority, as the case may be, with regard to—

- (a) publication of its main issues report;
- (b) publication of its proposed strategic development plan or local development plan; and
- (c) submission of its proposed strategic development plan or local development plan to the Scottish Ministers.

Textual Amendments

- F1** Word in [reg. 24](#) inserted (3.8.2009) by [The Town and Country Planning \(Miscellaneous Amendments\) \(Scotland\) Regulations 2009 \(S.S.I. 2009/220\)](#), regs. 1(1), **6(2)**

Commencement Information

- I1** [Reg. 24](#) in force at 28.2.2009, see [reg. 1\(1\)](#)

Consultation for action programmes

25. The following persons are prescribed for the purposes of section 21(3)(b) of the Act as a person whose views the strategic development planning authority or the planning authority in question is to seek and have regard to when compiling an action programme:—

- (a) the Scottish Ministers; and
- (b) any person whom that authority proposes to specify by name in the action programme.

Commencement Information

- I2** [Reg. 25](#) in force at 28.2.2009, see [reg. 1\(1\)](#)

Form and content of action programmes

26. An action programme is to set out the following matters—

- (a) a list of actions required to deliver each of the policies and proposals contained in the relevant plan;
- (b) the name of the person who is to carry out each such action; and
- (c) the timescale for the conclusion of each such action.

Commencement Information

I3 Reg. 26 in force at 28.2.2009, see [reg. 1\(1\)](#)

Supplementary Guidance

27.—^[F2(A1)] In preparing any supplementary guidance for the purpose of section 22(1) of the Act—

- (a) a strategic development planning authority must have regard to the matters referred to in regulation 3(2); and
- (b) a planning authority must to have regard to the matters referred to in regulation 10(2).]

(1) When submitting a copy of any proposed supplementary guidance to the Scottish Ministers in accordance with section 22(6) of the Act the strategic development planning authority or the planning authority, as case may be, must provide to the Scottish Ministers a statement describing—

- (a) what steps the authority took to secure adequate publicity of the proposal to adopt and issue supplementary guidance in accordance with section 22(3)(a) of the Act;
- (b) any representations made to the authority; and
- (c) the extent to which such representations were taken account of in the preparation of the proposed supplementary guidance.

(2) Supplementary guidance adopted and issued under section 22(1) of the Act in connection with a particular strategic development plan or local development plan may only deal with the provision of further information or detail in respect of the policies or proposals set out in that plan and then only provided that those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance.

Textual Amendments

F2 Reg. 27(A1) inserted (1.6.2015) by [The Town and Country Planning \(Hazardous Substances\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/181\)](#), reg. 1, [sch. 8 para. 2\(5\)](#)

Commencement Information

I4 Reg. 27 in force at 28.2.2009, see [reg. 1\(1\)](#)

Key Agencies

28.—(1) The bodies mentioned in paragraph (2) are, subject to the limitations set out in paragraph (3), specified as a key agency for the purposes of sections 9(4)(a) and (5), 10(1)(b)(i) and (d) and (9), 13(4)(b)(ii), 17(4)(a) and (5), 18(1)(b) and (d) and (10) and 21(3)(a) and (5) of the Act.

(2) The bodies are—

- (a) Scottish Natural Heritage;

^[F3(aa)] Historic Environment Scotland;]

- (b) the Scottish Environment Protection Agency;

- (c) Scottish Water;
 - (d) Scottish Enterprise;
 - (e) Highlands and Islands Enterprise;
 - (f) a regional Transport Partnership;
 - (g) the Crofters Commission; and
 - (h) a Health Board.
- (3) The limitations are—
- (a) Scottish Enterprise is specified as a key agency only where the strategic development plan or local development plan in question relates to an area within which or in relation to which the functions of that body are exercisable under or by virtue of the Enterprise and New Towns (Scotland) Act 1990(1);
 - (b) Highlands and Islands Enterprise is specified as a key agency only where the strategic development plan or local development plan in question relates to an area within which or in relation to which the functions of that body are exercisable under or by virtue of section 21(1) of the Enterprise and New Towns (Scotland) Act 1990;
 - (c) a regional Transport Partnership is specified as a key agency only where the strategic development plan or local development plan in question relates to the region for which that body is constituted as the Transport Partnership by virtue of an order under section 1(1) of the Transport (Scotland) Act 2005(2);
 - (d) the Crofters Commission is specified as a key agency only where the strategic development plan or local development plan in question relates to the crofting counties (within the meaning of the Crofters (Scotland) Act 1993(3)); and
 - (e) a Health Board is specified as a key agency only where the strategic development plan or local development plan in question relates to the area of that Health Board.
- (4) In paragraphs (2) and (3), ‘Health Board’ means a board constituted by order under section 2(1)(a) of the National Health Service (Scotland) Act 1978(4).

Textual Amendments

- F3** Reg. 28(2)(aa) inserted (1.10.2015) by [The Town and Country Planning \(Historic Environment Scotland\) Amendment Regulations 2015 \(S.S.I. 2015/237\)](#), regs. 1(1), **3(2)** (with reg. 3(3)(4))

Commencement Information

- I5** Reg. 28 in force at 28.2.2009, see [reg. 1\(1\)](#)

Transitional Provisions – structure plans

29.—(1) This regulation applies to a structure plan or a proposal for the alteration or repeal and replacement of a structure plan (within the meaning of the Act immediately before the relevant date)—

- (a) in respect of which the planning authority have, before the relevant date, taken such steps as will in their opinion secure that the requirements of section 8(1) (publicity and consultation) or as, the case may be section 9(4) (alteration and replacement of structure

(1) 1990 c. 35.

(2) 2005 asp 12.

(3) 1993 c. 44.

(4) 1978 c. 29. Section 2(1)(a) was amended by paragraph 2(2) of Schedule 2 to the [Smoking, Health & Social Care \(Scotland\) Act 2005](#) (asp 13).

plans) of the Act (as those sections applied immediately before the relevant date) are satisfied; but

(b) has not been submitted to the Scottish Ministers before the relevant date.

(2) Where this regulation applies, regulations 1, 5 to 7, 18 to 23 and Schedule 4 apply to a structure plan or a proposal for the alteration or repeal and replacement of a structure plan as they apply to a strategic development plan subject to the modifications specified in paragraph (3).

(3) The modifications are—

(a) references to—

- (i) a strategic development plan are to be treated as references to a structure plan or, as the case may be, a proposal for the alteration or repeal and replacement of a structure plan;
- (ii) the strategic development plan area are to be treated as references to the district of the planning authority or, where two or more planning authorities are to prepare a structure plan jointly under section 5 of the Act (as that section applied immediately before the relevant date), references to the structure plan area designated by order under subsection (1) of that section; and
- (iii) a strategic development planning authority are to be treated as references to the planning authority or planning authorities, as the case may be, which are preparing the structure plan; and

(b) paragraphs (d) to (f) of regulation 20(1) do not apply.

Commencement Information

I6 Reg. 29 in force at 28.2.2009, see [reg. 1\(1\)](#)

Transitional Provisions – local plans

30.—(1) This regulation applies to a local plan or a proposal to alter, repeal or replace a local plan in respect of which, before the relevant date—

- (a) the planning authority have taken such steps as will in their opinion secure that the requirements of section 12(1)(a) of the Act (publicity and consultation) (as that section applied immediately before the relevant date) are satisfied; but
- (b) notice of a local inquiry under regulation 34 of the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983⁽⁵⁾ has not been given by local advertisement (within the meaning of those Regulations).

(2) Where this regulation applies, regulations 1, 17 to 23 and Schedule 4 apply to a local plan or a proposal to alter, repeal or replace a local plan as they apply to a local development plan subject to the modifications specified in paragraph (3).

(3) The modifications are—

(a) references to—

- (i) a local development plan are to be treated as references to a local plan or, as the case may be, a proposal to alter, repeal or replace a local plan; and
- (ii) the local development plan area are to be treated as references to the area of land to which the local plan [^{F4}or, as the case may be, a proposal to alter, repeal or replace a local plan] relates;

(5) S.I.1983/1590.

- (b) in regulation 18 for the definition of “unresolved representations” substitute—
[^{F5}“unresolved representations” means any objections to a local plan or a proposal to alter, repeal or replace a local plan, as the case may be, timeously made to the planning authority (and not subsequently withdrawn) following the local plan or proposal being made available for inspection under section 12(3)(a) of the Act (as that section applied immediately before the relevant date).”]; and
- (c) paragraphs (d) to (f) of regulation 20(1) do not apply.

Textual Amendments

- F4** Words in [reg. 30\(3\)\(a\)\(ii\)](#) inserted (16.11.2009) by [The Town and Country Planning \(Miscellaneous Amendments\) \(Scotland\) \(No. 2\) Regulations 2009 \(S.S.I. 2009/343\)](#), regs. 1, **4(2)(a)**
- F5** Words in [reg. 30\(3\)\(b\)](#) substituted (16.11.2009) by [The Town and Country Planning \(Miscellaneous Amendments\) \(Scotland\) \(No. 2\) Regulations 2009 \(S.S.I. 2009/343\)](#), regs. 1, **4(2)(b)**
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Commencement Information

- I7** [Reg. 30](#) in force at 28.2.2009, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Development Planning) (Scotland) Regulations 2008, PART 5.