

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2008 No. 426**

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

**PART 3**

**Local Development Plans**

**Information and considerations**

- 10.**—(1) In preparing a local development plan the planning authority are to have regard to—
- (a) the resources available or likely to be available for the carrying out of the policies and proposals set out in the local development plan;
  - (b) any local development plan prepared for a different purpose for the local development plan area;
  - (c) any local development plan or strategic development plan prepared for an area adjoining the local development plan area;
  - [<sup>F1</sup>(ca) any adopted national marine plan or regional marine plan relating to parts of the Scottish marine area adjoining the local development plan area;]
  - (d) any regional transport strategy relating to the local development plan area;
  - [<sup>F2</sup>(da) any approved flood risk management plan or finalised local flood risk management plan relating to the local development plan area;]
  - (e) any local transport strategy relating to the local development plan area;
  - (f) any river basin management plan relating to the local development plan area;
  - (g) any local housing strategy relating to the local development plan area;
  - (h) the national waste management plan; and
  - (i) where the local development plan area adjoins land in England, any regional spatial strategy or local development framework published in respect of that land.
- (2) In addition to the matters specified in paragraph (1), in preparing a local development plan the planning authority are also to have regard to—
- [<sup>F3</sup>(a) the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment; and
  - (b) the need in the long term—
    - (i) to maintain appropriate safety distances between establishments covered by the Directive and residential areas, buildings and areas of public use, recreational areas and, as far as possible, major transport routes;
    - (ii) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures; and

(iii) in the case of existing establishments, to take additional technical measures in accordance with [<sup>F4</sup>regulation 5 of the 2015 Regulations] so as not to increase the risks to human health and the environment.]

(3) In paragraph (1) references to a local development plan or a strategic development plan include, as the case may be, a reference to a proposed local development plan submitted to the Scottish Ministers in accordance with section 18(4)(a) or section 19A(5)(b)(ii) of the Act or a proposed strategic development plan submitted to the Scottish Ministers in accordance with section 10(3)(b) or 12A(5)(b)(ii) of the Act.

(4) In this regulation “local transport strategy” has the same meaning as in section 82(1) of the Transport (Scotland) Act 2001(1).

---

#### Textual Amendments

- F1** Reg. 10(1)(ca) inserted (1.4.2011) by [The Town and Country Planning \(Miscellaneous Amendments\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/138\)](#), regs. 1(2), **5(4)(a)**
- F2** Reg. 10(1)(da) inserted (1.4.2011) by [The Town and Country Planning \(Miscellaneous Amendments\) \(Scotland\) Regulations 2011 \(S.S.I. 2011/138\)](#), regs. 1(2), **5(4)(b)**
- F3** Reg. 10(2)(a)(b) substituted for reg. 10(2)(a)-(c) (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(4)**
- F4** Words in reg. 10(2)(b)(iii) substituted (31.12.2020) by [The Town and Country Planning and Electricity Works \(EU Exit\) \(Scotland\) \(Miscellaneous Amendments\) Regulations 2019 \(S.S.I. 2019/80\)](#), regs. 1, **2(4)** (as amended by [S.S.I. 2019/274](#), regs. 1, 2(2) and [S.S.I. 2020/310](#), regs. 1, 2(2), 4(2)); 2020 c. 1, Sch. 5 para. 1(1)
- 

#### Commencement Information

- I1** Reg. 10 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, Section 10.