
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 101

The Town and Country Planning (Development Planning) (Scotland) Regulations 2023

PART 3

Local Development Plans

Maps to be included in local development plan

7.—(1) A local development plan is to contain a map or maps (to be known as “the Proposals Map”) describing the policies and proposals set out in the local development plan, so far as practicable to illustrate such policies or proposals spatially.

(2) The Proposals Map is to be sufficiently detailed so as to enable the location of proposals for the development and use of land to be identified.

Schedule of land ownership

8.—(1) The schedule of land ownership required to be appended to the plan by section 15(3) of the Act is to be in the form set out in schedule 1.

(2) Where a local development plan is prepared by a National Park authority, the schedule of land ownership is also to include land owned by a local authority.

Information and considerations

9.—(1) The information and considerations specified in paragraph (2) are for the purposes of section 16(2)(b) of the Act information and considerations to which the planning authority are to have regard to in preparing a local development plan.

(2) The information and considerations are—

- (a) any regional spatial strategy prepared under section 4ZA(1) of the Act for the local development plan area or an area adjoining the local development plan area,
- (b) any local development plan prepared for a different purpose for the local development plan area,
- (c) any local development plan prepared for an area adjoining the local development plan area,
- (d) where the local development plan area adjoins land in England, any document which forms part of the development plan(2) for the area in which that land is situated,
- (e) the following plans and strategies, insofar as relating to the local development plan area—
 - (i) the national waste management plan,
 - (ii) the national marine plan,

(1) Section 4ZA is inserted by section 5 of the Planning (Scotland) Act 2019 (asp 13).

(2) Section 38 of the Planning and Compulsory Purchase Act 2004 (c. 5) sets out the meaning of “development plan” for an area of land in England.

- (iii) any regional marine plan,
 - (iv) any river basin management plan,
 - (v) any flood risk management plan,
 - (vi) any local flood risk management plan,
 - (vii) any regional transport strategy,
 - (viii) any local transport strategy,
 - (ix) any local housing strategy,
 - (x) any open space strategy published under section 3G(3) of the Act.
- (f) the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment,
- (g) the need in the long term—
- (i) to maintain appropriate safety distances between residential areas, buildings and areas of public use, recreational areas and, as far as possible, major transport routes and—
 - (aa) establishments covered by the Directive,
 - (bb) major accident hazard pipelines,
 - (ii) to protect areas of particular natural sensitivity or interest in the vicinity of establishments or major accident hazard pipelines, where appropriate through appropriate safety distances or other relevant measures,
 - (iii) in the case of existing establishments, to take additional technical measures in accordance with regulation 5 of the Control of Major Accident Hazards Regulations 2015(4) so as not to increase the risks to human health and the environment.
- (h) the resources available or likely to be available for the carrying out of the policies and proposals set out in the local development plan.
- (3) In this regulation—
- “Directive” means [Directive 2012/18/EU](#) of the European Parliament and of the Council on the control of major accident hazards involving dangerous substances, amending and subsequently repealing Council [Directive 96/82/EC](#), as it had effect immediately before IP completion day(5), and expressions which are used in regulation 9(2)(f) and (g) and which are also used in the Directive have the same meaning as in the Directive,
- “flood risk management plan” means a flood risk management plan approved by the Scottish Ministers under section 32 of the Flood Risk Management (Scotland) Act 2009(6),
- “local flood risk management plan” means a local flood risk management plan finalised in accordance with section 36 of the Flood Risk Management (Scotland) Act 2009,
- “local housing strategy” means a strategy (and any modified strategy) prepared and submitted to the Scottish Ministers in accordance with section 89 of the Housing (Scotland) Act 2001(7),
- “local transport strategy” has the same meaning as in section 82(1) of the Transport (Scotland) Act 2001(8),

(3) Section 3G is inserted by section 3 of the Planning (Scotland) Act 2019.

(4) [S.I. 2015/483](#) to which there are amendments which are not directly relevant to these regulations.

(5) OJ L 197, 24.7.2012. p. 1.

(6) [2009 asp 6](#) to which there are amendments which are not directly relevant to these regulations.

(7) [2001 asp 10](#) as amended by section 10 of the Housing (Scotland) Act 2006 ([asp 1](#)).

(8) [2001 asp 2](#) to which there are amendments which are not directly relevant to these regulations.

“major accident hazard pipeline” has the same meaning as in the Pipelines Safety Regulations 1996(9),

“national marine plan” and “regional marine plan” have the same meaning as in the Marine (Scotland) Act 2010(10),

“national waste management plan” has the same meaning as in the National Waste Management Plan for Scotland Regulations 2007(11),

“regional transport strategy” means a transport strategy approved by the Scottish Ministers under section 6 of the Transport (Scotland) Act 2005(12),

“river basin management plan” means a river basin management plan approved by the Scottish Ministers under section 13(1) of the Water Environment and Water Services (Scotland) Act 2003(13).

Publication of proposed local development plan

10.—(1) The manner of publication for the purposes of section 18(1)(a) of the Act is as set out in paragraph (2).

(2) Publication is to be by—

- (a) publishing in a local newspaper circulating in the area and on the internet a notice containing the following information—
 - (i) a statement that the proposed local development plan has been prepared and where and at what times it may be inspected,
 - (ii) a brief description of the content and purpose of the proposed local development plan,
 - (iii) details of how further information may be obtained regarding the proposed local development plan, including that it is to be published on the internet under paragraph (d),
 - (iv) a statement that any person wishing to do so may make representations on the content of the proposed local development plan, and
 - (v) information as to how and to whom any representations should be made(14),
- (b) sending a notice containing that information to—
 - (i) the key agencies,
 - (ii) the Scottish Ministers,
 - (iii) a planning authority for the land which adjoins the local development plan area, and
 - (iv) any community council any part of whose area is within the local development plan area,
- (c) making a copy of the proposed local development plan available for inspection at an office of the planning authority and in every public library in the local development plan area, and
- (d) publishing the proposed local development plan on the internet.

(3) In this regulation—

(9) S.I. 1996/825 to which there are amendments which are not relevant to these regulations.
(10) 2010 asp 5 to which there are amendments which are not directly relevant to these regulations.
(11) S.S.I. 2007/251 as relevantly amended by S.S.I. 2011/226 and S.S.I. 2020/314.
(12) 2005 asp 12 to which there are amendments which are not directly relevant to these regulations.
(13) 2003 asp to which there are amendments which are not directly relevant to these regulations.
(14) Section 18(2) of the Town and Country Planning (Scotland) Act 1997 as amended by section 7(8)(e) of the Planning (Scotland) Act 2019 (asp 13) requires publication under section 18(1)(a) to include specification of a date (being a date not less than 12 weeks after the date of publication) by which any representations with respect to the proposed local development plan must be made to the planning authority.

“community council” means a community council established in accordance with Part IV of the Local Government (Scotland) Act 1973⁽¹⁵⁾,

“key agencies” means the bodies specified as a key agency by regulation 25.

Consultation on proposed local development plan

11. The planning authority must, with regard to a proposed local development plan, consult the Scottish Ministers.

Notification of publication of proposed local development plan

12.—(1) Where the proposed local development plan includes a proposal for development relating to a specific site which, if implemented, would be likely to have a significant effect on the use or amenity of that site or of neighbouring land, the planning authority are to give notice to the owner, lessee or occupier of any premises situated on that site, or on such neighbouring land, as the case may be, in accordance with paragraph (2).

(2) Notice given under paragraph (1) is to be—

- (a) in the form set out in schedule 2 (and completed in accordance with the instructions therein),
- (b) accompanied by a map showing the location of the site, and
- (c) sent to the premises situated on the site or neighbouring land, as the case may be, addressed to “the Owner, Lessee or Occupier”.

(3) In this regulation, “neighbouring land” means land which is conterminous with or within 20 metres of the boundary of a specific site in respect of which a local development plan includes a proposal for development.

Publication of proposed local development plan as submitted to the Scottish Ministers

13.—(1) The manner of publication for the purposes of section 19(5A)⁽¹⁶⁾ of the Act (examination of a proposed local development plan) is as set out in paragraph (2).

(2) Publication is to be by—

- (a) publishing in a local newspaper circulating in the area a notice containing the following information—
 - (i) a statement that a proposed local development plan has been submitted to the Scottish Ministers, and
 - (ii) the date of submission of the proposed plan and details of how and at what times it and any modifications report may be inspected,
- (b) making a copy of the proposed local development plan and any modifications report available for inspection at an office of the planning authority and in every public library in the local development plan area, and
- (c) publishing the proposed local development plan and any modifications report on the internet.

(3) In this regulation “modifications report” means a report required to be published in accordance with section 19(5A)(b) of the Act.

⁽¹⁵⁾ 1973 c. 65. There are amendments to Part IV which are not directly relevant to these Regulations.

⁽¹⁶⁾ Section 19(5A) is inserted by section 7(9) of the Planning (Scotland) Act 2019 (asp 13).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
