
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 101

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

PART 6

General

Development plan schemes

22.—(1) In addition to those matters specified by section 20B of the Act, a development plan scheme is to indicate the anticipated timetable for constitution of the local development plan and must specify the quarter in which the planning authority expects to—

- (a) publish its evidence report and its proposed local development plan,
- (b) submit its proposed local development plan to the Scottish Ministers,
- (c) adopt the proposed local development plan.

(2) If the timetable included in the development plan scheme differs from the timetable included in the development plan scheme last prepared by the planning authority, the development plan scheme must—

- (a) identify the changes to the timetable,
- (b) set out the reasons for the changes to the timetable.

(3) In this regulation—

- (a) references to a “quarter” are to a quarter of the financial year (April- March) and means a period of three months ending at the end of June (“quarter 1”), at the end of September (“quarter 2”), at the end of December (“quarter 3”) or at the end of March (“quarter 4”), and
- (b) a requirement to specify the quarter is a requirement to specify the numbered quarter (as numbered in paragraph (a)) and year in which in which an action is expected to be done.

Proposed delivery programmes - publication and consultation

23.—(1) Publication of a proposed delivery programme under section 21(4) of the Act 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 delivery programme 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 delivery programme,
 - (iii) details of how further information may be obtained regarding the proposed delivery programme, including that it is to be published on the internet under paragraph (c),

- (iv) a statement that any person wishing to do so may make representations on the content of the proposed delivery programme, and
 - (v) information as to how and to whom any representations should be made and the date by which they should be made,
 - (b) making a copy of the proposed delivery programme 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 delivery programme on the internet.
- (2) The Scottish Ministers are, for the purposes of section 21(3)(b) of the Act, a person whose views the planning authority is to seek and have regard to when preparing a delivery programme.

Form and content of delivery programmes

- 24.** A delivery 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 local development plan and an explanation as to how those actions are to be taken,
 - (b) the timescale for the conclusion of each such action,
 - (c) the expected sequencing of, and timescales for, delivery of housing on sites allocated by the local development plan.

Key Agencies

25.—(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 3AB(4)(b)(ii), 3CB, 4ZA(3)(b)(iii), 16B(2)(a), 18(1)(b) and (d) and (10) and 21(3)(a) and (5) of the Act⁽¹⁾.

- (2) The bodies are—
- (a) Scottish Natural Heritage (NatureScot),
 - (b) the Scottish Environment Protection Agency,
 - (c) Scottish Water,
 - (d) Scottish Enterprise,
 - (e) Highlands and Islands Enterprise,
 - (f) South of Scotland Enterprise,
 - (g) a regional Transport Partnership,
 - (h) the Crofting Commission,
 - (i) a Health Board,
 - (j) Historic Environment Scotland.
- (3) The limitations are—
- (a) Scottish Enterprise is specified as a key agency only where the local development plan 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⁽²⁾,
 - (b) Highlands and Islands Enterprise is specified as a key agency only where the local development plan relates to an area within which or in relation to which the functions of

(1) Sections 3AB and 3CB are inserted by section 2(11) and (13) of the Planning (Scotland) Act 2019 (“the 2019 Act”). Section 4ZA is to be inserted by section 5 of the 2019 Act. Section 16B is inserted by section 7(6) of the 2019 Act.

(2) 1990 c. 35.

that body are exercisable under or by virtue of section 21(1) of the Enterprise and New Towns (Scotland) Act 1990,

- (c) South of Scotland Enterprise is specified as a key agency only where the local development plan relates to an area within which or in relation to which the functions of that body are exercisable under or by virtue of the South of Scotland Enterprise Act 2019(3),
- (d) a regional Transport Partnership is specified as a key agency only where the local development plan 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(4),
- (e) the Crofting Commission is specified as a key agency only where the local development plan relates to the crofting counties (within the meaning of the Crofters (Scotland) Act 1993(5)) or an area which is designated under section 3A(1)(b) of that Act to constitute the land as a croft, and
- (f) a Health Board is specified as a key agency only where the local development plan 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(6).

Revocations

26.—(1) Subject to regulation 27, the Town and Country Planning (Development Planning) (Scotland) Regulations 2008(7) are revoked.

(2) The provisions specified in column 1 of the table in schedule 4 are revoked to the extent specified in column 3 of that table.

Transitional and saving provisions

27.—(1) This regulation applies to—

- (a) a local development plan in respect of which notice of the proposed local development plan is published in a local newspaper in accordance with regulation 12(2)(a) of the 2008 Regulations before 12 February 2023,
- (b) supplementary guidance in connection with a local development plan.

(2) Where this regulation applies in relation to a local development plan or supplementary guidance the provisions of the 2008 Regulations continue to apply for the purposes of that plan or that supplementary guidance, as the case may be, as they did immediately before 19 May 2023.

(3) In this regulation—

“the 2008 Regulations” means the Town and Country Planning (Development Planning) (Scotland) Regulations 2008,

(3) 2019 asp 9.

(4) 2005 asp 12.

(5) 1993 c. 44. In terms of section 61(1) of the Crofters Act 1993 the “crofting counties” means the former counties of Argyll, Caithness, Inverness, Orkney, Ross and Cromarty, Sutherland and Zetland. Areas designated under section 3A(1)(b) by S.S.I. 2010/29 are—(a) that part of the local government area of Highland that is outwith the crofting counties, (b) the local government area of Moray, (c) in the local government area of Argyll and Bute, the parishes of Kingarth, North Bute and Rothesay, and (d) in the local government area of North Ayrshire, the islands of Arran (including Holy Island and Pladda), Great Cumbrae and Little Cumbrae. Section 3A was inserted by section 6 of the Crofting Reform etc. Act 2007 (asp 7).

(6) 1978 c. 29. Section 2(1)(a) was relevantly amended by paragraph 2(2) of Schedule 2 to the Smoking, Health & Social Care (Scotland) Act 2005 (asp 13).

(7) S.S.I. 2008/426 as amended by S.S.I. 2009/220, S.S.I. 2009/343, S.S.I. 2011/138, S.S.I. 2015/181, S.S.I. 2015/237, S.S.I. 2019/80.

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“supplementary guidance” has the same meaning as in section 22 of the Act as that section had effect on 11 February 2023⁽⁸⁾.

⁽⁸⁾ Section 22 was repealed by section 9 of the Planning (Scotland) Act 2019 on 12 February 2023 subject to saving and transitional provisions contained in [S.S.I. 2023/10](#).