
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 101

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

PART 3

Local Development Plans

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,
 - (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—

(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.

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

- (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),

“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).

(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.

(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.

Status: This is the original version (as it was originally made).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