



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### [<sup>F1</sup>PART 2

#### DEVELOPMENT PLANS

#### [<sup>F1</sup>General

#### Textual Amendments

- F1** Pt. 2 substituted (19.5.2008 for specified purposes, 25.6.2008 for specified purposes, 28.2.2009 in so far as not already in force) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), [ss. 2, 59\(2\)](#) (with savings and transitional provisions in [S.S.I. 2008/165](#), [arts. 1, 2](#) and [S.S.I. 2008/427](#), [arts. 1\(1\), 2-5](#)); [S.S.I. 2008/164](#), [art. 2\(1\)\(2\)](#), [sch.](#); [S.S.I. 2009/70](#), [art. 2](#), [sch.](#)

#### 25 Status of development plan

- (1) Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise—
- (a) to be made in accordance with that plan, and
  - (b) if the development in question is a national development, to be made in accordance with any statement under section 3A(5) which—
    - (i) relates to that national development,
    - (ii) is expressed as applying for the purposes of development management, and
    - (iii) is to the effect that the development in question (or a development such as the development in question) could and should occur.
- (2) For the purposes of paragraph (b) of subsection (1)—

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*Status: Point in time view as at 19/05/2008.*

*Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: General is up to date with all changes known to be in force on or before 06 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (a) statements in the National Planning Framework which do not fall within sub-paragraphs (i) and (ii) of the paragraph are to be treated as “material considerations” (but this paragraph is without prejudice to the generality of that expression), and
  - (b) in the event of any incompatibility between the National Planning Framework and the development plan, whichever of them is the later in date is to prevail.
- (3) For the purposes of subsection (2)(b)—
- (a) the date of the National Planning Framework is the latest date on which it was published under section 3A(6) or (8),
  - (b) the date of a strategic development plan is the date on which it was published under section 14(1) (the date of any supplementary guidance issued being disregarded), and
  - (c) the date of a local development plan is the date on which it was constituted under section 20 (the date of any supplementary guidance issued being disregarded).]

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**Changes to legislation:**

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