



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

[^{F1}PART 2

DEVELOPMENT PLANS

[^{F1}Strategic development planning

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.](#)

4 Strategic development planning authorities

- (1) The Scottish Ministers may by order designate a group of planning authorities as authorities which are jointly—
 - (a) to prepare a plan (to be known as a “strategic development plan”)—
 - (i) whenever required to do so by the Scottish Ministers, and
 - (ii) (subject to sub-paragraph (i) and to section 10(8)) whenever the group think it appropriate to do so,for an area (to be known as a “strategic development plan area”) to be determined under section 5(3), and
 - (b) to keep under review the plan so prepared.
- (2) No part of the strategic development plan area is to be outwith the districts of the designated group.
- (3) The Scottish Ministers may direct—

Status: Point in time view as at 23/05/2008.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Strategic development planning is up to date with all changes known to be in force on or before 06 September 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)

- (a) that an employee of a constituent authority of the designated group is to be assigned to manage the process of preparing and reviewing the strategic development plan, and
 - (b) that other employees of the constituent authorities are to be assigned to assist in that process.
- (4) The Scottish Ministers are not to issue a direction to an authority under subsection (3) within the period of 3 months beginning with the day on which the order under subsection (1) designating the authority as a constituent authority of the designated group was made.
- (5) A group of planning authorities acting jointly by virtue of subsection (1) may be referred to as a “strategic development planning authority”; and an employee assigned as is mentioned in paragraph (a) of subsection (3) may be referred to as a “strategic development plan manager”.
- (6) For any strategic development plan area there is at no time to be more than one strategic development plan.
- (7) The Scottish Ministers may, for the purposes of this section, issue guidance to the constituent authorities of the designated group; and those authorities must have regard to any guidance so issued.
- (8) The Scottish Ministers may request a planning authority to provide them with information regarding arrangements for the assignment of any employee of that authority to manage, or assist in, the process of preparing and reviewing a strategic development plan and the authority must provide such information within 14 days of receipt of the request.
- (9) In carrying out their duty under paragraph (b) of subsection (1), a strategic development planning authority are in particular to monitor—
- (a) changes in the characteristics referred to in section 7(4)(a), and
 - (b) the impact of the policies and proposals contained within the strategic development plan.
- (10) A strategic development plan authority are—
- (a) from time to time, and
 - (b) in any event whenever they publish a main issues report by virtue of that paragraph,
- to publish a statement as to the carrying out by them of their duty under that paragraph.
- (11) In subsection (10), “publish” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet).

5 Strategic development plan area

- (1) Within 3 months after designation under section 4(1), the strategic development planning authority are to submit to the Scottish Ministers—
- (a) a plan showing the boundary which the authority propose as the boundary of the strategic development plan area, and
 - (b) a statement in justification of that proposal,
- with the request that a determination be made under subsection (3).

Status: Point in time view as at 23/05/2008.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Strategic development planning is up to date with all changes known to be in force on or before 06 September 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)

- (2) If the individual planning authorities which the strategic development planning authority comprises are not unanimous as to the boundary to be proposed, any of those individual planning authorities may, in conjunction with the submission under subsection (1), submit an alternative plan and statement under that subsection.
- (3) The Scottish Ministers may determine that the boundary of the strategic development plan area is—
 - (a) a boundary proposed in a submission under subsection (1),
 - (b) any such boundary with such modifications as they think fit, or
 - (c) such other boundary as they think fit.
- (4) If before making a determination under subsection (3) the Scottish Ministers consider they require further information from the strategic development planning authority or from a planning authority of the designated group, they may request the authority in question to provide them with that information.
- (5) The Scottish Ministers are to give notice to the strategic development planning authority of any determination under subsection (3); and where the determination is under paragraph (b) or (c) of that subsection the notice is to include a statement as to their reasons for making the determination.
- (6) Subject to section 6, a determination under subsection (3) is final and conclusive.

6 Re-determination of boundary of strategic development plan area

- (1) Where at any time a strategic development planning authority conclude (whether or not by virtue of a requirement under section 4(1)(a)(i)) that, because of a material change in circumstances, the boundary of their strategic development plan area is no longer appropriate, they are, within three months after so concluding, to submit to the Scottish Ministers—
 - (a) a plan showing a boundary which they propose in place of the determined boundary, and
 - (b) a statement in justification of that proposal.
- (2) Subsections (2) to (6) of section 5 apply in respect of a submission under subsection (1) of this section as they apply in respect of a submission under subsection (1) of that section.

7 Form and content of strategic development plan

- (1) A strategic development plan is a plan in which is set out—
 - (a) a vision statement, being a broad statement of the strategic development planning authority's views as to how the development of the strategic development plan area could and should occur and as to the matters (including the matters mentioned in subsection (4)) which might be expected to affect that development,
 - (b) a spatial strategy, being a broadly based statement of proposals as to the development and use of land within the strategic development plan area,
 - (c) an analysis of the relationship of the vision statement and spatial strategy to general proposals for the development and other use of land in districts which are contiguous to any part of the strategic development plan area, being general proposals which may be expected to affect that area,

Status: Point in time view as at 23/05/2008.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Strategic development planning is up to date with all changes known to be in force on or before 06 September 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)

- (d) such other matters as may be prescribed, and
 - (e) any other matter which the strategic development planning authority consider it appropriate to include.
- (2) A strategic development plan is, for the purpose of explaining or illustrating the proposals in the plan, to contain or be accompanied by—
- (a) such maps, diagrams, illustrations and descriptive matter as may be prescribed, and
 - (b) such other maps, diagrams, illustrations and descriptive matter (if any) as the strategic development planning authority think appropriate.
- (3) Diagrams, illustrations and descriptive matter which, by virtue of subsection (2), are contained in or accompany a strategic development plan are to be treated as forming part of that plan.
- (4) The matters referred to in subsection (1)(a) are—
- (a) the principal physical, economic, social and environmental characteristics of the strategic development plan area,
 - (b) the principal purposes for which land is used in that area,
 - (c) the size, composition and distribution of the population of that area,
 - (d) the infrastructure of that area (including communications, transport and drainage systems and systems for the supply of water and energy),
 - (e) how that infrastructure is used, and
 - (f) any change which the strategic development planning authority think may occur in relation to any of the matters mentioned in paragraphs (a) to (e).

8 Preparation of strategic development plan etc. : general

- (1) In preparing a strategic development plan or a main issues report the strategic development planning authority—
- (a) are to take into account the National Planning Framework,
 - (b) are to have regard to such information and considerations as may be prescribed, and
 - (c) may have regard to such other information and considerations as appear to them to be relevant.
- (2) The Scottish Ministers may, in making a requirement under section 4(1)(a)(i), direct that preparation of the strategic development plan is to be completed by a date specified in the requirement.

9 Main issues report for preparation of strategic development plan

- (1) With a view to facilitating and informing their work in preparing a strategic development plan, a strategic development planning authority are to compile a report (a “main issues report”).
- (2) A main issues report compiled under this section is a report in which are set out—
- (a) general proposals by the authority for development in the strategic development plan area and in particular proposals as regards where the development should be carried out (and where it should not), and
 - (b) general proposals which constitute a reasonable alternative (or reasonable alternatives) to those mentioned in paragraph (a).

Status: Point in time view as at 23/05/2008.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Strategic development planning is up to date with all changes known to be in force on or before 06 September 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)

- (3) The report is also—
 - (a) to include information sufficient to secure—
 - (i) that what is proposed can readily be understood by those persons who may be expected to desire an opportunity of making representations to the authority with respect to the report, and
 - (ii) that such representations can be meaningful, and
 - (b) to draw attention to any differences between the proposals for development mentioned in paragraphs (a) and (b) of subsection (2) and the spatial strategy set out in the authority's strategic development plan (if any such plan is for the time being current).
- (4) In compiling the report the strategic development planning authority are to seek the views of, and have regard to any views expressed by—
 - (a) the key agencies,
 - (b) each planning authority the district of which is contiguous with the strategic development plan area, and
 - (c) such persons as may be prescribed.
- (5) It is the duty of a key agency to co-operate with the strategic development planning authority in the compilation of the authority's main issues report.
- (6) The strategic development planning authority are to publish their main issues report in such manner as may be prescribed; and without prejudice to the generality of this subsection the regulations in question must so far as practicable secure—
 - (a) that the persons mentioned in subsection (3) are made aware that they are entitled to make such representations as are mentioned in that subsection, and
 - (b) that those persons are given an adequate opportunity to do so.
- (7) Subsection (6) is without prejudice to the right of any person whatsoever to make representations to the authority as respects the report.
- (8) Publication under that subsection is to include specification of a date by which any representations under this section must be made.
- (9) On the report being published under that subsection, the authority are to send a copy of it to the Scottish Ministers.
- (10) In subsection (6), “ publish ” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet).

10 Preparation and publication of proposed strategic development plan

- (1) After the date specified by virtue of subsection (8) of section 9, the strategic development planning authority are—
 - (a) having regard to such representations as timeously may have been made to them as respects their main issues report, to prepare, and to publish in such manner as was prescribed under subsection (6) of that section, a proposed strategic development plan,
 - (b) to send a copy of that document to—
 - (i) each key agency, and
 - (ii) each planning authority the district of which is contiguous with the strategic development plan area,

Status: Point in time view as at 23/05/2008.

Changes to legislation: *Town and Country Planning (Scotland) Act 1997, Cross Heading: Strategic development planning is up to date with all changes known to be in force on or before 06 September 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)*

- (c) to notify any person who timeously has made representations under section 9 of where a copy of that document is available for inspection (and at what reasonable times), and
 - (d) to consult, with regard to that document, the key agencies and such persons as may be prescribed.
- (2) Publication under subsection (1)(a) is to include specification of a date (being a date not less than 6 weeks after the date of publication) by which any representations with respect to the proposed strategic development plan must be made to the authority.
- (3) After the date specified by virtue of subsection (2), the strategic development planning authority—
- (a) may modify the proposed strategic development plan so as to take account of—
 - (i) any representations timeously made to them as respects that proposed plan (or of any matters arising out of representations so made),
 - (ii) any matters arising in consultation under subsection (1)(d), and
 - (iii) any minor drafting or technical matters, and
 - (b) are to submit it (whether or not modified) to the Scottish Ministers together with—
 - (i) a note of such representations as were timeously made to the authority and of whether those representations are taken account of in the plan (and if so to what extent),
 - (ii) a report as to the extent to which the authority's actings with regard to consultation and the involvement of the public at large have conformed with (or have gone beyond the requirements of) their current participation statement, and
 - (iii) a copy of their proposed action programme for the plan.
- (4) But if the authority consider that modifications are requisite and are such as would change the underlying aims or strategy of the proposed plan (in subsection (5) referred to as the “ original plan ”) they are not to modify it (or submit it unmodified to the Scottish Ministers) but are to prepare and publish under subsection (1) a new proposed strategic development plan.
- (5) In its application to any such new plan subsection (1) is to be construed as if references to representations made timeously as respects the main issues report (and to any person timeously making representations) included references to representations so made as respects the original plan (and to any person so making representations with respect to the original plan).
- (6) Where a proposed strategic development plan is modified under subsection (3), the modified plan is to be published in such manner as was prescribed under section 9(6).
- (7) On submitting a proposed strategic development plan under subsection (3)(b), the strategic development planning authority are to advertise, in such manner as may be prescribed, that they have done so.
- (8) Where there is a current strategic development plan, a proposed strategic development plan must be submitted under subsection (3)(b) within 4 years after the date on which that current plan was approved under section 13(1).
- (9) It is the duty of a key agency to co-operate with the strategic development planning authority in the preparation of the authority's proposed strategic development plan.

Status: Point in time view as at 23/05/2008.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Strategic development planning is up to date with all changes known to be in force on or before 06 September 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)

11 Alternative proposals

- (1) If the individual planning authorities which a strategic development planning authority comprises are unable to agree on the content of the proposed strategic development plan to be submitted under section 10(3)(b), then the proposed plan so submitted may include alternative proposals in respect of particular matters.
- (2) Alternative proposals so submitted are to be accompanied by a statement of the reasoning behind them.

12 Examination of proposed strategic development plan

- (1) On receiving a proposed strategic development plan by virtue of paragraph (b) of section 10(3), the Scottish Ministers are, if—
 - (a) representations timeously made were not taken account of (or not fully taken account of) in modifications under paragraph (a) of that section and have not been withdrawn,
 - (b) by virtue of section 11(1) the proposed plan includes alternative proposals, or
 - (c) they consider it appropriate that such a direction be made,to direct that a person appointed by them examine under this subsection the proposed plan.
- (2) But where an appointment is made by virtue of subsection (1), the appointed person is firstly to examine under this subsection the extent to which the strategic development planning authority's actions with regard to consultation and the involvement of the public at large as respects the proposed plan have conformed with (or have been beyond the requirements of) the participation statement of the authority which was current when the proposed plan was published under section 10(1)(a).
- (3) The Scottish Ministers may make regulations as to—
 - (a) meeting general administrative costs, staff costs and overheads incurred in relation to an examination under subsection (1) or (2),
 - (b) procedures to be followed at such an examination, and
 - (c) what is to be assessed in such an examination and matters by reference to which the assessment is to be made;but the form the examination is to take (as for example whether it should be in public or as to whether persons who have made representations and other persons are to be heard or are to present written submissions) is to be at the discretion of the person appointed.
- (4) When they make a direction under subsection (1) the Scottish Ministers are—
 - (a) to advertise its making in a local newspaper within the strategic development plan area,
 - (b) to serve notice of its making on the strategic development planning authority, and
 - (c) if it is made by virtue of paragraph (a) of subsection (1), to serve notice of its making on each of the persons making the representations in question.
- (5) On receiving notice under subsection (4)(b) as respects a direction, the strategic development planning authority are to advertise, in the public libraries within the strategic development plan area, the making of that direction.
- (6) No such examination as is mentioned in subsection (1) is to be commenced—

Status: Point in time view as at 23/05/2008.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Strategic development planning is up to date with all changes known to be in force on or before 06 September 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)

- (a) within 4 weeks after the direction is made, and
 - (b) where a report is submitted under subsection (1)(b) of section 12A, before a direction is given under subsection (3)(b) of that section.
- (7) On completing his examination under subsection (1) the appointed person is to—
- (a) prepare a report—
 - (i) setting out, and giving reasons for, his conclusions and recommendations (which may include recommendations for amendments to the proposed strategic development plan), and
 - (ii) as to the matters considered by him under subsection (2),
 - (b) submit it to the Scottish Ministers,
 - (c) send a copy of it to the strategic development planning authority,
 - (d) publish it, and
 - (e) serve on the persons mentioned in subsection (4)(c) notice of its submission and publication (including the means of publication).
- (8) In subsection (7)(d), “ publish ” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet).

12A Further provision as regards examination under section 12(2)

- (1) If, having conducted an examination under subsection (2) of section 12, the appointed person is not satisfied with the actings mentioned in that subsection he is to—
- (a) prepare a report setting out his reasons for not being satisfied and recommending that the strategic development planning authority take such further steps with regard to—
 - (i) consultation, or
 - (ii) involving the public at large,
 as are specified in the report,
 - (b) submit it to the Scottish Ministers, and
 - (c) send a copy of it to the authority.
- (2) The authority may, within 4 weeks after receiving that copy, make representations to the Scottish Ministers as regards the report.
- (3) The Scottish Ministers, provided that 4 weeks have elapsed since they received the report, may—
- (a) direct the authority to take such further steps with regard to—
 - (i) consultation, or
 - (ii) involving the public at large,
 as are specified in the direction, or
 - (b) direct the appointed person to proceed to an examination under subsection (1) of section 12.
- (4) In giving a direction under paragraph (a) of subsection (3) the Scottish Ministers are to have regard to the appointed person's recommendations under paragraph (a) of subsection (1) and to any representations made under subsection (2).
- (5) Where such a direction is given—
- (a) the appointed person is not to proceed to an examination under subsection (1) of section 12, and

Status: Point in time view as at 23/05/2008.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Strategic development planning is up to date with all changes known to be in force on or before 06 September 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)

- (b) after the further steps specified in the direction have been taken the authority—
 - (i) may modify the proposed strategic development plan so as to take account of any representations made to them in consequence of their taking those steps (and of any minor drafting or technical matters), and
 - (ii) are to submit it (whether or not modified) to the Scottish Ministers together with a note of any representations so made and of whether those representations are taken account of in the plan (and if so to what extent) and a report as to the extent to which the authority's actings with regard to consultation and involving the public at large have conformed with (or have gone beyond the requirements of) the specification of further steps.
- (6) But if the authority consider that modifications are requisite and are such as would change the underlying aims or strategy of the proposed plan they are not to modify it (or submit it unmodified to the Scottish Ministers) but are to prepare and publish under section 10(1) a new proposed strategic development plan.
- (7) Where a proposed strategic development plan is modified under subsection (5)(b)(i), the modified plan is to be published in such manner as was prescribed under section 9(6).
- (8) On submitting a proposed strategic development plan under subsection (5)(b)(ii), the strategic development planning authority are to advertise, in such manner as may be prescribed, that they have done so.
- (9) Sections 11 and 12, this section and section 13 apply in relation to a proposed strategic development plan so submitted as they apply in relation to such a plan submitted under section 10(3)(b).
- (10) Except that for the purposes of the application provided for in subsection (9), section 12 is to be construed as if—
 - (a) in subsection (1)(a), for the words “paragraph (a) of that section” there were substituted “section 12A(5)(b)(i)”, and
 - (b) in subsection (2), for the words “the participation statement of the authority which was current when the proposed plan was published under section 10(1)(a)” there were substituted “the further steps specified in the direction under section 12A(3)(a)”.

13 Proposed strategic development plan: approval or rejection

- (1) The Scottish Ministers may, after receiving—
 - (a) a proposed strategic development plan by virtue of paragraph (b) of section 10(3), and
 - (b) (if they make a direction under subsection (1) of section 12), a report prepared under subsection (7)(a) of that section,either approve the proposed plan (in whole or in part and with or without modifications) or reject it.
- (2) If so approved, the proposed plan is constituted (as so approved) as the strategic development plan.
- (3) Subsection (1) is subject to the following subsections.

Status: Point in time view as at 23/05/2008.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Strategic development planning is up to date with all changes known to be in force on or before 06 September 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)

- (4) Where the Scottish Ministers—
- (a) modify a proposed strategic development plan which has been examined under section 12, they are, in approving the plan, to set out in the instrument by which approval is given the modifications and the reasons for making them,
 - (b) in considering a proposed strategic development plan which has not been so examined, form the intention of modifying it under subsection (1), they are—
 - (i) to publish in such manner as they think fit the modifications they intend to make and the reasons for making them, and
 - (ii) to consult with regard to the modifications the key agencies, the strategic development planning authority and such other persons (if any) as they consider appropriate.
- (5) Publication under subsection (4)(b)(i) is to include specification of a date (being a date not less than 6 weeks after the date of publication) by which any representations with respect to the intended modifications must be made to the Scottish Ministers.
- (6) Where a date is so specified, approval under subsection (1) is not to be given before that date.
- (7) The reference in subsection (1) to “modifications” is, where there has been publication under subsection (4)(b)(i), to be construed as a reference to—
- (a) the intended modifications so published, or
 - (b) such modifications as the Scottish Ministers, having regard to any representations timeously made by virtue of subsection (5) and to any matters arising in consultation under subsection (4)(b)(ii), think fit.
- (8) The Scottish Ministers are to notify the strategic development planning authority of any representations made by virtue of subsection (5).

14 Publication of and publicity for strategic development plan

- (1) As soon as is reasonably practicable after the strategic development plan is constituted as mentioned in section 13(2), the strategic development planning authority are to—
- (a) send two copies of it to the Scottish Ministers,
 - (b) publish it,
 - (c) place a copy of it in each public library in the strategic development plan area,
 - (d) both—
 - (i) notify each person who made representations under section 10 or 13 or by virtue of section 12A, and
 - (ii) advertise, in a local newspaper,
 that the strategic development plan has been published (including the means of publication) and is available for inspection in those libraries.
- (2) In subsection (1)(b), “publish” includes, without prejudice to that expression's generality, publish by electronic means (as for example by means of the internet).]

Status:

Point in time view as at 23/05/2008.

Changes to legislation:

Town and Country Planning (Scotland) Act 1997, Cross Heading: Strategic development planning is up to date with all changes known to be in force on or before 06 September 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.