



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART II

DEVELOPMENT PLANS

Structure plans

6 Structure plans: continuity of old and preparation of new plans.

- (1) Each structure plan approved by the Secretary of State under the 1972 Act with respect to the district of a planning authority which is in operation immediately before the commencement of this Act shall continue in force after its commencement (subject to any alterations then in operation and to the following provisions of this Part).
- (2) Where, as a result of the making of an order under section 5, the area in respect of which a planning authority are obliged (whether acting alone or jointly with another authority or authorities) to prepare a structure plan is different from the area in respect of which a structure plan is for the time being in force, they shall prepare and submit to the Secretary of State for his approval a structure plan for their district complying with the provisions of section 7(1), together with a copy of the report of any survey which they have carried out under section 4(2).
- (3) The Secretary of State may direct a planning authority to carry out their duty under subsection (2) within a specified period from the direction, and any planning authority to whom such a direction is made shall comply with it.
- (4) Where a structure plan area extends to the district of more than one planning authority, and the authorities concerned are unable to agree on a joint structure plan for that area, then, without prejudice to the Secretary of State's powers under section 22 of this Act and section 62B (power of Secretary of State to establish joint boards) of the ^{M1}Local Government (Scotland) Act 1973, each authority concerned may include

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in the plan submitted to the Secretary of State alternative proposals in respect of particular matters.

- (5) Where authorities submit alternative proposals under subsection (4), such proposals shall be accompanied by a statement of the reasoning behind the proposals.
- (6) The planning authority shall send with the structure plan submitted by them under this section a report of the results of their review of the relevant matters under section 4 together with any other information on which the proposals are based.
- (7) A copy report submitted under subsection (2) shall include an estimate of any changes likely to occur, during such period as the planning authority consider appropriate, in the matters mentioned in section 4(3).
- (8) Before submitting a structure plan under this section, the planning authority shall consult any other planning authority who are likely to be affected by the plan.

Marginal Citations

M1 1973 c. 65.

7 Form and content of structure plans.

- (1) The structure plan for any district shall be a written statement—
 - (a) formulating the planning authority’s policy and general proposals in respect of the development and other use of land in that district (including measures for the conservation of the natural beauty and amenity of the land, the improvement of the physical environment and the management of traffic),
 - (b) stating the relationship of those proposals to general proposals for the development and other use of land in neighbouring districts which may be expected to affect that district, and
 - (c) containing such other matters as may be prescribed.
- (2) In formulating their policy and general proposals under subsection (1)(a), the planning authority shall secure that the policy and proposals are justified by the results of the survey under section 4(1) of the 1972 Act, any fresh survey under section 4(2) of that Act or any survey instituted by them under section 4 of this Act and by any other information which they may obtain and shall have regard—
 - (a) to current policies with respect to the economic planning and development of the region as a whole, and
 - (b) to the resources likely to be available for the carrying out of the proposals of the structure plan.
- (3) A structure plan for any district shall contain or be accompanied by such diagrams, illustrations and descriptive matter as the planning authority think appropriate for the purpose of explaining or illustrating the proposals in the plan, or as may be prescribed, and any such diagrams, illustrations and descriptive matter shall be treated as forming part of the plan.

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8 Publicity in connection with structure plans.

- (1) When preparing a structure plan for their district and before finally determining its content for submission to the Secretary of State, the planning authority shall take such steps as will in their opinion secure—
 - (a) that adequate publicity is given in their district to the report of the survey under section 4 of this Act and to the matters which they propose to include in the plan,
 - (b) that persons who may be expected to desire an opportunity of making representations to the authority with respect to those matters are made aware that they are entitled to an opportunity of doing so, and
 - (c) that such persons are given an adequate opportunity of making such representations.
- (2) The authority shall consider any representations made to them within the prescribed period.
- (3) Where authorities submit alternative proposals in relation to particular matters to the Secretary of State under section 6(4), their duty under subsection (1) is to secure that adequate publicity is given in each of their districts to all the matters which either or any of them propose to include in the plan.
- (4) Not later than the submission of a structure plan to the Secretary of State, the planning authority shall make copies of the plan as submitted to the Secretary of State available for inspection at their office and at such other places as may be prescribed.
- (5) Each copy of the plan shall be accompanied by a statement of the time within which objections to the plan may be made to the Secretary of State.
- (6) A structure plan submitted by the planning authority to the Secretary of State for his approval shall be accompanied by a statement containing such particulars, if any, as may be prescribed—
 - (a) of the steps which the authority have taken to comply with subsection (1), and
 - (b) of the authority's consultations with, and consideration of the views of, other persons with respect to those matters.
- (7) If after considering the statement submitted with, and the matters included in, the structure plan and any other information provided by the planning authority, the Secretary of State is satisfied that the purposes of paragraphs (a) to (c) of subsection (1) have been adequately achieved by the steps taken by the authority in compliance with that subsection, he shall proceed to consider whether to approve the plan.
- (8) If the Secretary of State is not satisfied as mentioned in subsection (7), he shall return the plan to the authority and direct them—
 - (a) to take such further action as he may specify in order better to achieve those purposes, and
 - (b) after doing so, to resubmit the plan with such modifications, if any, as they then consider appropriate and, if so required by the direction, to do so within a specified period.
- (9) Where the Secretary of State returns the plan to the planning authority under subsection (8), he shall—
 - (a) inform the authority of his reasons for doing so, and

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- (b) if any person has made an objection to the plan to him, also inform that person that he has returned the plan.
- (10) A planning authority who are given directions by the Secretary of State under subsection (8) shall immediately withdraw the copies of the plans made available for inspection as required by subsection (4).
- (11) Subsections (4) to (10) shall apply, with the necessary modifications, in relation to a structure plan resubmitted to the Secretary of State in accordance with directions given by him under subsection (8) as they apply in relation to the plan as originally submitted.

9 Alteration and replacement of structure plans.

- (1) A planning authority—
 - (a) may at any time submit to the Secretary of State proposals for such alterations to or repeal and replacement of the structure plan for their district as appear to them to be expedient, and
 - (b) shall, if so directed by the Secretary of State, submit to him within a period specified in the direction proposals for such alterations to or repeal and replacement of the plan as the Secretary of State may direct.
- (2) Such proposals may relate to the whole or to part of the district to which the plan relates.
- (3) The planning authority shall send with the proposals submitted by them under this section a report of the results of their review of the relevant matters under section 4 together with any other information on which the proposals are based, and subsections (4) and (5) of section 8 shall apply, with any necessary modifications, in relation to the proposals as they apply in relation to a structure plan.
- (4) Before a planning authority submit proposals under this section they shall—
 - (a) consult every other planning authority who are likely to be affected by the proposals,
 - (b) give such publicity (if any) to, and undertake such other consultation (if any) about, the proposals as they think fit, and
 - (c) consider any representations timeously made to them about the proposals.
- (5) The planning authority shall send with any proposals submitted by them under this section a statement of the steps they have taken to comply with subsection (4) and, if they have not publicised or have not consulted under that subsection, the statement shall explain the absence of such publicity or as the case may be consultation.
- (6) If the Secretary of State is not satisfied with the steps taken by the planning authority to comply with subsection (4), or as the case may be if he is not satisfied with the terms of any explanation provided by them under subsection (5), he may return the proposals to the authority, and may direct them—
 - (a) to take such steps or further steps as he may specify, and
 - (b) after they have done so, to resubmit the proposals with such modification, if any, as they consider appropriate.
- (7) Where, under subsection (6), the Secretary of State returns proposals, he shall—
 - (a) inform the authority of his reasons for doing so, and

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- (b) if any person has made to him an objection to the proposals, inform that person that he has returned the proposals.
- (8) A planning authority who are given directions under subsection (6) shall immediately withdraw the copies which have, under section 8(4) (as applied by subsection (3)) been made available for inspection.
- (9) Section 8(4) and (5) and subsections (4) to (8) of this section shall apply, in relation to proposals resubmitted in accordance with directions given under subsection (6), as they apply in relation to proposals submitted under subsection (1).

10 Approval or rejection of structure plans and proposals for alteration or replacement.

- (1) The Secretary of State may, after considering a relevant proposal, either approve it (in whole or in part and with or without modifications or reservations) or reject it.
- (2) In this section, “relevant proposal” means—
 - (a) a structure plan (including any alternative proposals included in the plan by virtue of section 6(4)), or
 - (b) a proposal for the alteration or repeal and replacement of a structure plan, submitted (or resubmitted) to the Secretary of State.
- (3) In considering a relevant proposal the Secretary of State may take into account any matters which he thinks are relevant, whether or not they were taken into account in the proposal as submitted to him.
- (4) Where on considering a relevant proposal the Secretary of State does not determine then to reject it, he shall, before determining whether or not to approve it—
 - (a) consider any objections to the proposal, so far as they are made in accordance with regulations, and
 - (b) if, but only if, it appears to him that an examination in public should be held of any matter affecting his consideration of the proposal, cause a person or persons, appointed by him for the purpose, to hold such an examination.
- (5) The Secretary of State may make regulations with respect to the procedure to be followed at any examination under subsection (4).
- (6) The Secretary of State need not secure to any planning authority or other person a right to be heard at any such examination and, subject to subsection (7), only such bodies and persons as he may before or during the course of the examination invite to do so may take part in it.
- (7) The person or persons holding the examination may before or during the course of the examination invite additional bodies or persons to take part in it if it appears to him or them desirable to do so.
- (8) An examination under subsection (4)(b) shall constitute a statutory inquiry for the purposes of section 1(1)(c) of the ^{M2}Tribunals and Inquiries Act 1992, but shall not constitute such an inquiry for any other purpose of that Act.
- (9) On considering a relevant proposal the Secretary of State may consult, or consider the views of, any planning authority or other person, but shall not be under any obligation to do so.

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- (10) On exercising his powers under subsection (1) in relation to a relevant proposal, the Secretary of State shall give such statement as he considers appropriate of the reasons governing his decision.

Marginal Citations

M2 1992 c. 53.

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