



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART II

DEVELOPMENT PLANS

Supplementary provisions

20 Disregarding of representations with respect to development authorised by or under other enactments.

Notwithstanding anything in the previous provisions of this Part, neither the Secretary of State nor a planning authority need consider representations or objections with respect to a structure plan, a local plan or any proposal to alter, repeal or replace any such plan if it appears to the Secretary of State or the authority, as the case may be, that those representations or objections are in substance representations or objections with respect to things done or proposed to be done in pursuance of—

- (a) an order or scheme under section 5, 7, 9 or 12 of the ^{M1}Roads (Scotland) Act 1984 (trunk road orders, special road schemes and orders for other public roads);
- (b) an order under section 1 of the ^{M2}New Towns Act 1946 or section 1 of the ^{M3}New Towns (Scotland) Act 1968 (designation of sites of new towns).

Marginal Citations

- M1** 1984 c. 54.
M2 1946 c. 68.
M3 1968 c. 16.

Status: Point in time view as at 02/04/2004.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Supplementary provisions is up to date with all changes known to be in force on or before 01 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)

21 Power of Secretary of State to make regulations as to structure and local plans.

- (1) Without prejudice to the previous provisions of this Part, the Secretary of State may make regulations with respect to—
 - (a) the form and content of structure and local plans, and
 - (b) the procedure to be followed in connection with their preparation, submission, withdrawal, approval, adoption, making, alteration, modification, repeal and replacement.
- (2) In particular any such regulations may—
 - (a) provide for the publicity to be given to the report of any survey carried out by a planning authority under section 4;
 - (b) provide for the notice to be given of, or the publicity to be given to—
 - (i) matters included or proposed to be included in any such plan,
 - (ii) the approval, adoption or making of any such plan or any alteration, modification, repeal or replacement of it, or
 - (iii) any other prescribed procedural step,
 and for publicity to be given to the procedure to be followed as mentioned in subsection (1)(b);
 - (c) make provision with respect to the making and consideration of representations with respect to matters to be included in, or objections to, any such plan or proposals for its alteration, modification, repeal or replacement;
 - (d) without prejudice to paragraph (b), provide for notice to be given to particular persons of the approval, adoption, alteration or modification of any plan, if they have objected to the plan and have notified the planning authority of their wish to receive notice, subject (if the regulations so provide) to the payment of a reasonable charge for receiving it;
 - (e) require or authorise a planning authority to consult, or consider the views of, other persons before taking any prescribed procedural step;
 - (f) require a planning authority, in such cases as may be prescribed or in such particular cases as the Secretary of State may direct, to provide persons on request by them with copies of any plan or document which has been made public for the purpose mentioned in section 8(1)(a) or 12(1)(a) or has been made available for inspection under section 8(4) or 12(3), subject (if the regulations so provide) to the payment of a reasonable charge;
 - (g) provide for the publication and inspection of any structure plan or local plan which has been approved, adopted or made, or any document approved, adopted or made altering, repealing or replacing any such plan, and for copies of any such plan or document to be made available on sale.
- (3) Such regulations may extend throughout Scotland or to specified areas only and may make different provisions for different cases.
- (4) Subject to the previous provisions of this Part and to any such regulations, the Secretary of State may give directions to any planning authority, or to planning authorities generally—
 - (a) for formulating the procedure for the carrying out of their functions under this Part;
 - (b) for requiring them to give him such information as he may require for carrying out any of his functions under this Part.

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- (5) Subject to section 237, a structure plan or local plan or any alteration, repeal or replacement thereof shall become operative on a date appointed for the purpose in the relevant notice of approval, resolution of adoption or notice of the making, alteration, repeal or replacement of the plan.

22 Default powers of Secretary of State.

- (1) Where, by virtue of any of the previous provisions of this Part, any structure or local plan is, or proposals for the alteration, repeal or replacement of such a plan are, required to be prepared or submitted to the Secretary of State, or steps are required to be taken for the adoption of any such plan or proposals, then—

- (a) if at any time the Secretary of State is satisfied that the planning authority are not taking the steps necessary to enable them to submit or adopt such a plan or proposals within a reasonable period, or
- (b) in a case where a period is specified for the submission or adoption of any such plan or proposals, if no such plan or proposals have been submitted or adopted within that period,

the Secretary of State may direct the planning authority to carry out their functions in relation to the matters mentioned in this subsection and may specify in the direction the factors to be taken into account or objectives to be achieved by the planning authority in so doing, or the Secretary of State may carry out a survey in accordance with the provisions of section 4 or prepare and make a structure plan or local plan or, as the case may be, alter, repeal or replace it, as he thinks fit.

- (2) Where under subsection (1) the Secretary of State has power to do anything which should have been done by a planning authority (“the defaulting authority”), he may, if he thinks fit, authorise any other planning authority who appear to him to have an interest in the proper planning of the district of the defaulting authority to do it.
- (3) Where under subsection (1) the Secretary of State has power to do anything which should have been done by a planning authority acting jointly with another planning authority or authorities, he may, if he thinks fit, authorise one of those authorities to do that thing on behalf of both or all of them.
- (4) The previous provisions of this Part shall, so far as applicable, apply with any necessary modifications in relation to the doing of anything under this section by the Secretary of State or an authority other than the defaulting authority and the thing so done.
- (5) The defaulting authority—
- (a) shall on demand repay to the Secretary of State so much of any expenses incurred by him in connection with the doing of anything which should have been done by them as he certifies to have been incurred in the performance of their functions, and
 - (b) shall repay to any other authority who do under this section anything which should have been done by the defaulting authority, any expenses certified by the Secretary of State to have been reasonably incurred by that other authority in connection with the doing of that thing.

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23 Reviews of plans in enterprise zones.

- (1) As soon as practicable after an order has been made under paragraph 5 of Schedule 32 to the ^{M4}Local Government, Planning and Land Act 1980 (designation of enterprise zone scheme) or a notification has been given under paragraph 11 of that Schedule (modification of such a scheme), any planning authority for an area in which the enterprise zone is wholly or partly situated shall review—
 - (a) any structure plan for their area or for part of it which relates to the whole or part of the zone in the light of the provisions of the scheme or modified scheme, and
 - (b) any local plan which relates to any land situated in the zone.
- (2) A planning authority shall—
 - (a) submit to the Secretary of State proposals for any alterations to a structure plan which they consider necessary to take account of the scheme or the modified scheme, and
 - (b) make proposals for any alterations to such a local plan as is mentioned in subsection (1)(b) which they consider necessary to take account of the scheme or modified scheme, or for the repeal or replacement of any of those plans whose repeal or replacement they consider necessary for that purpose.

Marginal Citations

M4 1980 c. 65.

24 Meaning of “development plan”.

- (1) For the purposes of this Act, any other enactment relating to town and country planning and the ^{M5}Land Compensation (Scotland) Act 1963, the development plan for any area (whether the whole or part of the district of a planning authority) shall be taken as consisting of—
 - (a) the provisions of the structure plan for the time being in force for that district or the relevant part of that district, together with the Secretary of State’s notice of approval of the plan,
 - (b) any alterations to that plan, together with the Secretary of State’s notices of approval of them,
 - (c) any provisions of a local plan for the time being applicable to the area, together with a copy of the authority’s resolution of adoption or, as the case may be, the Secretary of State’s notice of approval of the local plan, and
 - (d) any alterations to that local plan, together with a copy of the authority’s resolutions of adoption or, as the case may be, the Secretary of State’s notices of approval of them.
- (2) References in subsection (1) to the provisions of any plan, notices of approval, alterations and resolutions of adoption shall, in relation to an area forming part of the district to which they are applicable, be respectively construed as references to so much of those provisions, notices, alterations and resolutions as is applicable to the area.
- (3) References in subsections (1) and (2) to notices of approval shall in relation to any plan or alteration made by the Secretary of State under section 22 be construed as references to notices of the making of the plan or alteration.

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- (4) This section has effect subject to Schedule 1 (old development plans).
- (5) For the avoidance of doubt it is provided that, notwithstanding—
- (a) any changes made to local government areas by the ^{M6}Local Government etc. (Scotland) Act 1994, and
 - (b) any alterations to structure plan areas made by orders under section 5, the structure plans and local plans made prior to the coming into force of the provisions mentioned in paragraphs (a) and (b) shall remain in force until replaced by new plans made under or by virtue of those provisions.
- (6) Any reference in the ^{M7}Land Compensation (Scotland) Act 1963 to an area defined in a current development plan as an area of comprehensive development shall be construed as a reference to an action area for which a local plan is in force or, as the case may be, to a comprehensive development area.

Marginal Citations

M5 1963 c. 51.

M6 1994 c. 39.

M7 1963 c. 51.

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