

Status: Point in time view as at 01/06/2015.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, SCHEDULE 1 is up to date with all changes known to be in force on or before 14 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)

SCHEDULES

SCHEDULE 1

Section 24(4).

OLD DEVELOPMENT PLANS

Preliminary

- 1 In this Schedule “old development plan” means—
- [^{F1}(a)] a development plan to which paragraph 2 of Schedule 5 to the 1972 Act (continuation in force of development plans prepared before structure plans became operative) applied immediately before the commencement of this Act[^{F2}, and
- (b) except in paragraph 5, a development plan within the meaning of section 24 as that section applied immediately before the coming into force of section 2 of the Planning etc. (Scotland) Act 2006 (asp 17)].

Textual Amendments

- F1** Words in Sch. 1 para. 1 renumbered as Sch. 1 para. 1(a) (28.2.2009) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 53(2), 59(2)** (with [S.S.I. 2008/427](#), arts. 1(1), **6**); [S.S.I. 2009/70](#), art. 2, sch.
- F2** Sch. 1 para. 1(b) and word added (28.2.2009) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 53(2), 59(2)** (with [S.S.I. 2008/427](#), arts. 1(1), **6**); [S.S.I. 2009/70](#), art. 2, sch.

Continuation in force of old development plans

- 2 Any old development plan which immediately before the [^{F3}coming into force of that section] was in force as respects any area shall, subject to the provisions of this Schedule, continue in force as respects that area and be treated for the purposes of this Act, any other enactment relating to town and country planning and the ^{M1}Land Compensation (Scotland) Act 1963 as being comprised in the development plan for that area.

Textual Amendments

- F3** Words in Sch. 1 para. 2 substituted (28.2.2009) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 53(3), 59(2)** (with [S.S.I. 2008/427](#), arts. 1(1), **6**); [S.S.I. 2009/70](#), art. 2, sch.

Marginal Citations

- M1** 1963 c. 51.

Structure plans to prevail over old development plans

- 3 Subject to the following provisions of this Schedule, where by virtue of paragraph 2 the old development plan[^{F4}, not being the structure plan or local plan,] for any

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area is treated as being comprised in a development plan for that area and there is a conflict between any of its provisions and those of [^{F5}the strategic development plan or] the structure plan for that area, the provisions of [^{F6}the strategic development plan or as the case may be] the structure plan shall be taken to prevail for the purposes of Parts III and V to VIII and section 85 of this Act, the ^{M2}Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the ^{M3}Planning (Hazardous Substances) (Scotland) Act 1997.

Textual Amendments

- F4** Words in Sch. 1 para. 3 inserted (28.2.2009) by Planning etc. (Scotland) Act 2006 (asp 17), ss. 53(4)(a), 59(2)(with S.S.I. 2008/427, arts. 1(1), 6) ; S.S.I. 2009/70, art. 2, sch.
- F5** Words in Sch. 1 para. 3 inserted (28.2.2009) by Planning etc. (Scotland) Act 2006 (asp 17), ss. 53(4)(b), 59(2)(with S.S.I. 2008/427, arts. 1(1), 6) ; S.S.I. 2009/70, art. 2, sch.
- F6** Words in Sch. 1 para. 3 inserted (28.2.2009) by Planning etc. (Scotland) Act 2006 (asp 17), ss. 53(4)(c), 59(2)(with S.S.I. 2008/427, arts. 1(1), 6) ; S.S.I. 2009/70, art. 2, sch.

Marginal Citations

- M2** 1997 c. 9.
- M3** 1997 c. 10.

Street authorisation maps

^{F74}

Textual Amendments

- F7** Sch. 1 para. 4 repealed (28.2.2009) by Planning etc. (Scotland) Act 2006 (asp 17), ss. 53(5), 59(2)(with S.S.I. 2008/427, arts. 1(1), 6) ; S.S.I. 2009/70, art. 2, sch.

Development plans for compensation purposes

- 5 Where there is no local plan in force in an area to which a structure plan applies, then, for any of the purposes of the Land Compensation (Scotland) Act 1963—
- (a) the development plan or current development plan shall as respects that area be taken as being—
 - (i) the structure plan so far as applicable to the area, and any alterations to it, together with the Secretary of State’s notice of approval of the plan and alterations, or
 - (ii) the old development plan,
 whichever gives rise to those assumptions as to the grant of planning permission which are more favourable to the owner of the land acquired, for that purpose, and
 - (b) land situated in an area defined in the current development plan as an area of comprehensive development shall be taken to be situated in—
 - (i) any area wholly or partly within that area selected by the structure plan as an action area, or
 - (ii) the area so defined in the old development plan,
 whichever leads to such assumptions as are mentioned in paragraph (a).

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[^{F8}Discontinuance of old development plan on approval of strategic development plan or adoption of local development plan]

Textual Amendments

F8 Sch. 1 para. 6 cross-heading substituted (28.2.2009) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), ss. [53\(9\)](#), [59\(2\)](#) (with [S.S.I. 2008/427](#), arts. [1\(1\)](#), [6](#)); [S.S.I. 2009/70](#), art. 2, sch.

- 6 Subject to paragraph 7, on the^{F9}—
- (a) approval of a strategic development plan under section 13, so much of any structure plan as relates to the area to which the plan so approved relates,
 - (b) adoption of a local development plan under section 20, so much of any old development plan as relates to the area to which the plan so adopted relates, shall cease to have effect.]

Textual Amendments

F9 Words in Sch. 1 para. 6 substituted (28.2.2009) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), ss. [53\(6\)](#), [59\(2\)](#) (with [S.S.I. 2008/427](#), arts. [1\(1\)](#), [6](#)); [S.S.I. 2009/70](#), art. 2, sch.

- 7 The Secretary of State may by order direct that any of the provisions of the old development plan shall continue in force in relation to the area to which the [^{F10}plan so approved, or as the case may be adopted,] relates and, if he does so, the provisions of the old development plan specified in the order shall continue in force to the extent so specified.

Textual Amendments

F10 Words in Sch. 1 para. 7 substituted (28.2.2009) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), ss. [53\(7\)](#), [59\(2\)](#) (with [S.S.I. 2008/427](#), arts. [1\(1\)](#), [6](#)); [S.S.I. 2009/70](#), art. 2, sch.

- 8 The Secretary of State may by order wholly or partly revoke a development plan continued in force under this Schedule whether in its application to the whole of the district of a planning authority or in its application to part of that district and make such consequential amendments to the plan as appear to him to be necessary or expedient.
- 9 Before making an order with respect to a development plan under paragraph 7 or 8, the Secretary of State shall consult the planning authority for the district^{F11}, and the strategic development planning authority for any strategic development plan area,] to which the plan relates.

Textual Amendments

F11 Words in Sch. 1 para. 9 inserted (28.2.2009) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), ss. [53\(8\)](#), [59\(2\)](#) (with [S.S.I. 2008/427](#), arts. [1\(1\)](#), [6](#)); [S.S.I. 2009/70](#), art. 2, sch.

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[^{F12}Further provision as to interpretation

Textual Amendments

F12 Sch. 1 para. 10 and cross-heading added (28.2.2009) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 53(10), 59(2)** (with [S.S.I. 2008/427](#), arts. 1(1), 6); [S.S.I. 2009/70](#), art. 2, sch.

- 10 In this Schedule, “structure plan” is to be construed in accordance with section 6 and “local plan” in accordance with section 11 as those sections applied immediately before the coming into force of section 2 of the [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#).]

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