
STATUTORY INSTRUMENTS

1983 No. 1590 (S. 149)

TOWN AND COUNTRY PLANNING (SCOTLAND)

**The Town and Country Planning (Structure and Local Plans)
(Scotland) Regulations 1983**

Made - - - - - 20th October 1983
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Coming into Operation 1st December 1983

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In exercise of the powers conferred upon me by sections 5(3), (5) and (6), 6(1), (2) and (3), 7(4), 9(3)(b), (5) and (9), 10(1) and (3), 11(1) and (2), 16(1) and (2), and 273 of the Town and Country Planning (Scotland) Act 1972(a) and of all other powers enabling me in that behalf I hereby make the following regulations:—

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. These regulations may be cited as the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983 and shall come into operation on 1st December 1983.

Interpretation

2.—(1) In these regulations—

“the Act” means the Town and Country Planning (Scotland) Act 1972;

“action area” has the meaning assigned to it by section 5(5) of the Act;

“appropriate form” means the relevant form specified in the Schedule or a form substantially to the like effect;

“area of a new town” means an area designated by an order made under section 1 of the New Towns (Scotland) Act 1968(b);

(a) 1972 c. 52; section 5(3) and (6) was amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), Schedule 2, paragraphs 17(b) and (d); section 7(4) was substituted by the Local Government (Scotland) Act 1973 (c. 65), section 175(1); section 9(3)(b), (5) and (9) was amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), Schedule 2, paragraph 18(a), (b) and (d); section 10(1) was amended by the Town and Country Planning (Scotland) Act 1977 (c. 10), section 2(2); section 10(3) was amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), Schedule 3, paragraph 15; section 11(1) was amended by the Local Government and Planning (Scotland) Act 1982 (c. 43), section 38; section 16(1) was amended by the Local Government and Planning (Scotland) Act 1982 (c. 43), Schedule 2, paragraph 1.

(b) 1968 c. 16.

“certified copy” in relation to any document means a copy thereof certified by a proper officer as being a true copy;

“district” in relation to a regional, general or district planning authority has the meaning assigned to it in section 172 of the Local Government (Scotland) Act 1973(a);

“district planning authority” means a district planning authority within the meaning of section 172 of the Local Government (Scotland) Act 1973;

“document” includes a map, diagram, illustration or other descriptive matter in any form and also includes, where appropriate, a copy of a document;

“duly made” in relation to an objection means duly made in accordance with a notice given or served under these regulations;

“examination in public” means an examination in public within the meaning of section 7(3) of the Act(b);

“general planning authority” means a general planning authority within the meaning of section 172 of the Local Government (Scotland) Act 1973;

“local authority” has the meaning assigned to it by section 235 of the Local Government (Scotland) Act 1973;

“local plan” means a local plan within the meaning of section 9 of the Act;

“notice by advertisement” means a notice published in the Edinburgh Gazette and in each of 2 successive weeks in at least one local newspaper circulating in the locality in which the land to which the notice relates is situated;

“notice by local advertisement” means a notice published in each of two successive weeks in at least one local newspaper circulating in the locality in which the land to which the notice relates is situated;

“planning authority” means a planning authority within the meaning of section 172 of the Local Government (Scotland) Act 1973;

“proper officer” means, in relation to the certification of a document as a true copy, the officer appointed for the purpose by the planning authority;

“regional planning authority” means a regional planning authority within the meaning of section 172 of the Local Government (Scotland) Act 1973;

“Schedule” means the Schedule to these regulations;

“structure plan” means a structure plan within the meaning of section 5 of the Act;

“written statement” in relation to a structure plan means the written statement required by section 5(3) of the Act and in relation to a local plan means the written statement required by section 9(3) of the Act.

(2) A regulation referred to in these regulations only by number means the regulation so numbered in these regulations.

(a) 1973 c. 65.

(b) Section 7(3) was amended by section 175 of the Local Government (Scotland) Act 1973 (c. 65) and section 36 of the Local Government and Planning (Scotland) Act 1982 (c. 43).

PART II

PRESCRIBED PERIOD FOR MAKING REPRESENTATIONS AND CONSULTATION

Prescribed period for making representations

3. The prescribed period for the purposes of section 6(1) or 10(1) of the Act shall be such period (not less than 4 weeks) as shall be specified by a planning authority when giving publicity under these sections to matters proposed to be included in a structure or local plan.

Consultation

4.—(1) In addition to the provisions of section 174(2) of the Local Government (Scotland) Act 1973 in respect of consultation in relation to a structure plan or proposals, the provisions of this regulation shall apply in respect of consultation and related matters in connection with a structure plan, local plan or proposals.

(2) A planning authority preparing a structure or, as the case may be, a local plan shall—

- (a) consult the following—
 - (i) all other local authorities whose areas or any parts thereof are comprised within the district or that part of the district to which the plan relates;
 - (ii) when the district or that part of the district to which the plan relates includes land within the area of a new town, the new town development corporation;
 - (iii) such other authorities or bodies as the planning authority think appropriate.
- (b) afford the local authorities, the new town development corporation and the other authorities or bodies consulted under paragraph (a)(iii) above an opportunity to express their views; and
- (c) take such views into consideration.

PART III

FORM AND CONTENT OF STRUCTURE PLANS

Title

5. A structure plan shall be given a title which shall include the name of the planning authority responsible for preparing the plan and, where the plan relates to part only of the authority's district, an indication of the area of the district to which the plan relates; and each document contained in or accompanying a structure plan shall bear the title of the plan.

Policies and general proposals

6. The policies and general proposals formulated in a structure plan shall be set out so as to be readily distinguishable from the other contents thereof and

the plan shall include a reasoned justification of the policies and general proposals formulated therein.

Matters to be contained in a structure plan

7.—(1) In addition to the matters required to be contained therein by the Act a structure plan shall contain the following matters:—

- (a) the existing social, economic and physical structure of the district to which the plan relates and the needs and opportunities for change;
- (b) the resources likely to be available for the carrying out of the policies and general proposals formulated in the plan; and
- (c) the broad criteria to be applied as respects the control of development in the district, or any part of the district, to which the plan relates, including guidance on the application of these criteria, where appropriate, in local plans.

(2) A structure plan may also contain such other matters as the planning authority consider relevant.

Action areas: prescribed period

8. The prescribed period for the purposes of section 5(5) of the Act (indication of an action area in the general proposals in a structure plan) shall be five years from the date on which a structure plan in which an action area is indicated is approved by the Secretary of State.

Diagrams and insets and explanation of notation on diagrams

9.—(1) A structure plan shall contain or be accompanied by a diagram, called a key diagram, showing so far as the planning authority may think practicable the policies and general proposals formulated in the written statement.

(2) Insets may be contained in or accompany the key diagram to show selected policies and general proposals in greater detail: the boundary of any inset shall be shown on the main body of the key diagram and within that boundary the policies and general proposals shall be shown only on the inset and not in the main body of the key diagram. Policies and general proposals shown on any inset shall be deemed to be shown on the key diagram.

(3) No diagram contained in, or accompanying, a structure plan, or inset contained in, or accompanying, a diagram, shall be on a map base.

(4) Any diagram or inset to a diagram contained in or accompanying a structure plan shall include an explanation of the notation used thereon.

Reconciliation of contradictions in structure plans

10. In the case of any contradiction between the written statement and any other document forming part of the structure plan, the provisions of the written statement shall prevail.

PART IV

PROCEDURE FOR THE APPROVAL, REJECTION OR ALTERATION OF STRUCTURE PLANS

Notice of intention to prepare structure plan

11. A planning authority shall give notice by advertisement in the appropriate form (Form 1) of their intention to prepare a structure plan.

Submission of structure plan to the Secretary of State

12. Two certified copies of the structure plan shall be submitted to the Secretary of State together with a statement containing the following particulars:—

- (a) a brief account of the steps the planning authority have taken to secure publicity required by section 6(1)(a) of the Act;
- (b) a brief account of the steps taken by the planning authority to secure awareness of persons referred to in section 6(1)(b) of the Act of entitlement to an opportunity of making representations as mentioned in that paragraph;
- (c) a brief account of the opportunity afforded to such persons of making such representations;
- (d) a brief account of the consultations had by the planning authority with, and of their consideration of the views of, persons mentioned in regulation 4(2).

Notice of submission of structure plan

13. A planning authority who have submitted a structure plan to the Secretary of State shall give notice by advertisement in the appropriate form (Form 2).

Notice of return of structure plan

14. A planning authority to whom a structure plan has been returned under section 6(4) of the Act shall give notice by advertisement in the appropriate form (Form 3).

Re-submission of structure plan and notice in relation thereto

15.—(1) The provisions of regulation 12 shall apply in relation to a structure plan re-submitted by a planning authority to the Secretary of State with any necessary modifications in relation to that plan as they apply in relation to the plan as originally submitted.

(2) Where a planning authority re-submit a structure plan to the Secretary of State they shall at the same time give to the Secretary of State a brief account of the steps taken to comply with the direction made by the Secretary of State under section 6(4) of the Act.

(3) A planning authority who have re-submitted a structure plan to the

Secretary of State shall give notice by advertisement in the appropriate form (Form 4) and shall serve a notice in the like terms on any person who made an objection to the Secretary of State when the structure plan was originally submitted to him.

Procedure for making objections

16. Objections in respect of a structure plan shall be made in accordance with the requirements specified in the appropriate forms.

Notice of examination in public

17. When the Secretary of State causes an examination in public to be held into matters affecting his consideration of a structure plan he shall at least four weeks before the date of the examination give notice by advertisement of his intention to hold such an examination.

Proposed modifications

18. Where the Secretary of State proposes to modify a structure plan he shall, except as respects any modification which he is satisfied will not materially affect any policy or general proposal of the plan—

- (a) notify the planning authority of the proposed modifications;
- (b) give notice by advertisement of the proposed modifications;
- (c) serve notice of the proposed modifications in the like terms on such persons as he thinks fit; and
- (d) consider any objections duly made to the proposed modifications.

Notification of the Secretary of State's decision

19. The Secretary of State shall in relation to his decision on a structure plan notify the planning authority thereof in writing, give notice thereof by advertisement and shall serve a notice thereof on such persons as he thinks fit.

Copies of notices and certificates to be sent to the Secretary of State

20. On first giving notice by advertisement in accordance with any provision in this Part of these regulations, a planning authority shall send the Secretary of State a certified copy of the notice; and after complying with the requirements of any provision in this Part of these regulations relating to the giving or giving and serving of notice, the authority shall send the Secretary of State a certificate to that effect.

Alteration of structure plans

21.—(1) Subject to the provisions of paragraph (2) of this regulation the provisions of these regulations relating to structure plans shall apply, with any necessary modifications, in relation to proposals for alterations to a structure plan as they apply in relation to a structure plan.

(2) In their application to proposals for alterations to a structure plan the following regulations shall apply subject to the following modifications:—

(a) for regulation 12 there shall be substituted—

“12. Two certified copies of the alterations to the structure plan shall be submitted to the Secretary of State together with a statement containing a brief account—

(a) of the steps the planning authority have taken to secure publicity and the consultations undertaken by them required by section 8(3)(a) of the Act; or

(b) of their reasons for dispensing with such requirements in accordance with subsection (4)(a) of that section.”

(b) In regulations 14 and 15 for “6(4)” there shall be substituted “8(5)”(a).

PART V

FORM AND CONTENT OF LOCAL PLANS

Title of local plan

22.—(1) A local plan shall be given a title which shall include an indication of the district or the part of the district to which the plan relates and any name given to a particular plan by virtue of regulation 23.

(2) There shall be stated separately from the title the name or names of the planning authority or authorities who prepared the plan.

(3) Each document contained in or accompanying a local plan shall bear the title of the plan and, stated separately from the title, the name or names of that authority or those authorities.

Names to be given to local plan

23. A local plan shall be given the name “local plan”, preceded—

(a) if the local plan is for an action area, by the words “action area”, or

(b) if the local plan is based on a consideration of a particular description or descriptions of development or other use of land in the area to which it relates, by the name of the subject or subjects to which it relates.

Policies and proposals

24. The policies and proposals formulated in a local plan shall be set out so as to be readily distinguishable from the other contents thereof and the plan shall contain a reasoned justification of the policies and proposals formulated therein.

(a) 1972 c. 52; section 8(3), (4) and (5) was inserted by the Local Government and Planning (Scotland) Act 1982 (c. 43), section 37(c).

Matters to be contained in a local plan

25.—(1) In addition to the matters required to be contained therein by the Act the written statement as regards a local plan shall contain the following matters:—

- (a) the character, pattern and function of the existing development and other use of land within the district or part of the district to which the plan relates, and the needs and opportunities for change;
- (b) the implications of current policies and general proposals contained in the relevant structure plan for the district or any part of the district to which the local plan relates;
- (c) the resources likely to be available for the carrying out of the policies and proposals formulated in the plan;
- (d) the criteria to be applied as respects the control of development within the district or any part of the district to which the plan relates.

(2) A local plan may also contain such other matters as the planning authority consider relevant.

Maps, insets and diagrams

26.—(1) The map comprised in a local plan in compliance with section 9(3)(a) of the Act shall be called the proposals map in relation to that plan and shall be prepared on a map base reproduced from or based on the Ordnance Survey Map and showing the National Grid lines and numbers.

(2) Insets may be contained in or accompany the proposals map to show selected policies and proposals in greater detail: the boundary of any inset shall be shown on the main body of the proposals map and within that boundary the policies and proposals shall be shown only on the inset and not in the main body of the map. Policies and proposals shown on any inset shall be deemed to be shown on the proposals map.

(3) A proposals map, or any inset thereon, shall show the scale to which it has been prepared; and any map or diagram contained in or accompanying a local plan shall include such explanation of the notation used thereon as the planning authority preparing the plan may think necessary.

Reconciliation of contradictions in local plans

27.—(1) In the case of any contradiction between the written statement and any other document forming part of a local plan, the provision of the written statement shall prevail.

(2) In the case of any contradiction between the provisions of any two or more local plans, being provisions made in respect of the same area of the district to which such plans relate, the provisions of the local plan most recently adopted, or approved, shall prevail.

(a) Section 9(3)(b) was amended by the Local Government Miscellaneous Provisions (Scotland) Act 1981 (c. 23) Schedule 2, paragraph 18(a).

PART VI

PROCEDURE FOR THE ADOPTION, ABANDONMENT, APPROVAL, REJECTION, ALTERATION, REPEAL OR REPLACEMENT OF LOCAL PLANS

Notice of intention to prepare local plan

28. A planning authority shall give notice by local advertisement in the appropriate form (Form 5) of their intention to prepare a local plan.

Preparation of local plan

29. The planning authority who have prepared a local plan shall send a certified copy thereof to any other local authority whose area is wholly or partly within the district or that part of the district to which the plan relates, and to any other local authority whose interests are in the opinion of the planning authority likely to be affected by the policies and proposals contained in the local plan.

Notice of preparation of local plan

30.—(1) Before the adoption or submission for approval of a local plan by a planning authority under section 12(a) of the Act, the authority who have prepared the plan shall give notice by advertisement in the appropriate form (Form 6).

(2) Not later than the date on which the notice is given under paragraph (1) above the planning authority shall send to the Secretary of State two certified copies of the local plan and a statement containing the following particulars:—

- (a) a brief account of the steps the authority have taken to secure publicity required by section 10(1)(a)(b) of the Act;
- (b) a brief account of the steps taken by the authority to secure awareness of persons referred to in section 10(1)(b) of the Act of entitlement to an opportunity of making representations as mentioned in that paragraph;
- (c) a brief account of the opportunity afforded to such persons of making such representations;
- (d) a brief account of the consultations had by the authority with, and of their consideration of the views of, persons mentioned in regulation 4(2).

Procedure for making objections

31. Objections in respect of a local plan shall be made in accordance with the requirements specified in the appropriate forms.

(a) Section 12(1) was amended by the Local Government and Planning (Scotland) Act 1982 (c. 43), section 39; section 12(2) was amended by the Town and Country Planning (Scotland) Act 1977 (c. 10), section 2(3); section 12(4) was amended by the Local Government (Scotland) Act 1973 (c. 65), section 175(2).

(b) Section 10(1) was amended by section 2(2) of the Town and Country Planning (Scotland) Act 1977 (c. 10).

Local inquiries

32. A local inquiry held in connection with a local plan shall be a public local inquiry.

Appointment of persons to hold local inquiries or other hearings

33.—(1) Where the planning authority cause a local inquiry or other hearing to be held for the purposes of considering objections duly made to a local plan, they shall appoint a person, from a list of persons specified by the Secretary of State, to hold the inquiry or hearing.

(2) Subject to any directions given by the Secretary of State, the planning authority shall pay to any person appointed under this regulation such remuneration and allowances as they think fit.

Notice of local inquiry

34.—(1) Where a planning authority cause a local inquiry to be held for the purpose of considering objections duly made to a local plan they shall at least four weeks before the date of the inquiry give notice by local advertisement in the appropriate form (Form 7) and shall serve a notice in the like terms on any person whose objections have been duly made and are not withdrawn and on such other persons as they think fit.

(2) Copies of all objections to the local plan which are to be considered at the public local inquiry shall be made available for inspection at the office of the planning authority causing the inquiry to be held.

Report of local inquiry or other hearing

35.—(1) Where, for the purpose of considering objections duly made to a local plan, a local inquiry or other hearing has been held, the planning authority who prepared the plan shall, as part of the consideration of the objections, consider the report of the person appointed to hold the inquiry or hearing and decide whether or not to take any action as respects the plan in the light of the report and each recommendation, if any, contained therein; and the authority shall prepare a statement of their decisions, giving reasons therefor.

(2) The authority shall make certified copies of the report and of the statement prepared under paragraph (1) above available for inspection—

(a) where they do not propose to modify the local plan at the time when notice is first given in accordance with regulation 38(1);

(b) where they propose to modify the local plan at the time when notice is first given in accordance with regulation 37(1).

Procedure where no local inquiry is held

36.—(1) Where by virtue of section 11(1)(a) or as the case may be section

(a) 1972 c. 52; section 11(1) was amended by the Local Government and Planning (Scotland) Act 1982 (c. 43), section 38.

13(3)(a) of the Act no local inquiry or other hearing for the purpose of considering objections made to a local plan or to the alteration, repeal or replacement thereof is held, the planning authority shall in relation to each objection made, prepare a statement of their decision and give the reasons therefor.

(2) The planning authority shall make certified copies of their statement prepared under paragraph (1) available for inspection when they first give notice by local advertisement in accordance with regulation 37(1) if applicable and in any event, not later than the date on which notice is first given under regulation 38(1).

Proposed modifications

37.—(1) Where a planning authority who have prepared a local plan propose to modify it—

- (a) they shall prepare a list of the proposed modifications, giving their reasons for proposing them and make copies thereof available for inspection at their office and at such other places as they think fit;
- (b) they shall give notice by local advertisement in the appropriate form (Form 8) and shall serve a notice in the like terms on any person whose objections to the plan have been duly made and are not withdrawn and on such other persons as they think fit;
- (c) they shall consider any objections duly made to the proposed modifications;
- (d) (i) in the case of any objections to proposed modifications which are not withdrawn and which do not relate to a matter which has already been considered at a local inquiry they shall afford to the persons making such objections an opportunity of appearing before and being heard by a person appointed by the authority for the purpose at a local inquiry or other hearing; and
(ii) in the case of any other objections which have not been withdrawn they may afford to the persons making such objections such an opportunity.

(2) Regulations 33, 34, 35 and 36 shall apply in relation to proposed modifications of a local plan as they apply in relation to a local plan.

(3) This regulation does not apply where the planning authority propose to modify a local plan to take account only of drafting or technical matters of a minor nature which do not materially affect any policy or proposal in the plan.

Action where planning authority propose to adopt a local plan

38.—(1) Where a planning authority propose to adopt a local plan, they shall before adopting the plan give notice of their intention to do so by local

(a) Section 13(3) was amended by the Local Government (Scotland) Act 1973 (c. 65), section 184, Schedule 23, paragraph 16, and the Local Government and Planning (Scotland) Act 1982 (c. 43), section 40(b) and repealed in part by section 175(3) and Schedule 29.

advertisement in the appropriate form (Form 9), and shall serve a notice in the like terms on any person whose objections to the plan have been duly made and are not withdrawn, and on such other person as they think fit.

(2) The planning authority shall send to the Secretary of State by recorded delivery service a certificate stating that they have complied with paragraph (1) above and they shall at the same time send to the Secretary of State, and in the case where a district planning authority have prepared a local plan to the regional planning authority for their district, a certified copy of the local plan in the form in which they propose to adopt it.

(3) Subject to section 12(3) of the Act and the proviso hereto the authority shall not adopt the plan on a date earlier than the expiration of 28 days from the date on which the certificate referred to in paragraph (2) is sent:

Provided that if before the expiration of the said 28 days the Secretary of State directs the authority not to adopt the plan until he notifies them that he has decided not to give a direction under section 12(3) of the Act, the authority shall not adopt the plan until they receive such notification.

Notice of adoption or abandonment of local plan

39.—(1) Where a planning authority adopt or abandon a local plan they shall give notice by advertisement in the appropriate form (Form 10) and shall serve a notice in the same terms on any person who, in accordance with a notice given or served under this Part of these regulations, has requested the authority to notify him of the adoption, abandonment, approval or rejection of the plan, and on such other persons as they think fit.

(2) A planning authority shall not later than the date on which notice is first given in accordance with paragraph (1) above send to the Secretary of State two certified copies of the adopted plan and where the district planning authority have prepared a local plan they shall at the same time send to the regional planning authority for their district two certified copies of the adopted plan.

Notice of approval, modification or rejection of local plan by the Secretary of State

40.—(1) Where a planning authority are required by a direction under section 12(3) of the Act to submit a local plan to the Secretary of State for his approval and the Secretary of State causes a local inquiry to be held for the purpose of considering objections made to the local plan, he shall, at least four weeks before the date of the inquiry, give notice by advertisement, and shall serve a notice in the like terms on any person whose objections have been duly made and are not withdrawn and on such other persons as he thinks fit.

(2) Where the Secretary of State proposes to approve a local plan with any modification he shall—

- (a) notify the planning authority who prepared the plan of the proposed modifications and the planning authority shall thereafter give notice by local advertisement in the appropriate form (Form 11) and serve a notice in the like terms on such persons as they think fit;
- (b) consider any objections made to the proposed modifications;
- (c) decide whether or not to afford to any persons whose objections are not withdrawn an opportunity of appearing before and being heard by a person appointed by him for the purpose at a local inquiry or other hearing; and
- (d) if a local inquiry is held, also afford the like opportunity to the authority which prepared the plan and to such other persons as he thinks fit.

(3) Paragraph (2) above shall not apply where—

- (a) the Secretary of State is satisfied that the proposed modifications will not materially affect any policy or proposal of the plan, or
- (b) the planning authority have advertised the proposed modifications and considered any objections to them in accordance with regulation 37.

(4) The Secretary of State shall notify in writing the planning authority responsible for preparation of a local plan of his decision on the plan and that authority shall forthwith give notice of such decision by local advertisement in the appropriate form (Form 12) and shall serve a notice in the like terms on any person who, in accordance with a notice given or served under this Part of these regulations, has requested the authority to notify him of the decision and on such other persons as the Secretary of State may direct.

Alteration, repeal or replacement of local plans

41.—(1) Subject to the provisions of paragraph (2) below the provisions of this Part of these regulations relating to local plans shall apply, with any necessary modifications, in relation to proposals for the alteration, repeal or replacement of a local plan as they apply in relation to a local plan.

(2) In the application of regulation 30(2) to proposals for the alteration, repeal or replacement of a local plan there shall be added after sub-paragraph (b) the following sub-paragraph—

“(bA) where the planning authority by virtue of section 13(4)(a) of the Act consider that it is not appropriate to take the steps referred to in section 10(1)(b) of the Act, a brief account of the reasons for not doing so;”

(a) Section 13(4) was inserted by section 40 of the Local Government and Planning (Scotland) Act 1982 (c. 43).

(b) Section 10(1) was amended by section 2(2) of the Town and Country Planning (Scotland) Act 1977 (c. 10).

PART VII

STRUCTURE AND LOCAL PLANS: AVAILABILITY AND SALE OF DOCUMENTS, REGISTER AND INDEX MAP

Availability of documents referred to in notices

42.—(1) Where a notice given or served under these regulations refers to a deposited document in relation to a plan, the planning authority who have prepared the plan shall make that document or a copy thereof available for inspection at their office and at such other place or places within the area of the authority and at such times as the authority think fit having regard to convenience to the public and to the district to which the plan relates.

(2) Any document made available for inspection under paragraph (1) above shall, unless it is withdrawn in accordance with section 6(6) or 8(7)(a) of the Act, or unless the relevant plan is rejected or abandoned, be available for inspection free of charge at all reasonable hours from a date not later than the date on which the notice is given or served until the expiration of six weeks from the date of the publication of the first notice of approval or adoption of the plan as required by the regulations.

Availability of operative structure and local plans

43.—(1) The planning authority who prepared an operative structure or local plan shall make that plan available for inspection at their main office and shall make certified copies thereof available for inspection at the office of every local authority within whose area any part of the district to which the plan relates is situated.

(2) Any plan made available for inspection in pursuance of paragraph (1) above shall be accompanied by a statement setting out the provisions of section 232(1) and (2) of the Act, and that statement shall remain available for inspection until the expiration of the period specified in the said section 232(1).

(3) Any plan made available for inspection in pursuance of this regulation shall be available for inspection free of charge at all reasonable hours.

Reproduction and sale of documents

44.—(1) The planning authority who have prepared a structure or local plan shall provide on request, subject to payment of a reasonable charge, copies of such plan or any document which has been made public for the purpose mentioned in section 6(1) or 10(1)(b) of the Act or which has been made available for inspection under section 6(2) or section 10(2)(c) of the Act.

(2) The planning authority who have prepared a structure or local plan shall—

(a) arrange for the reproduction thereof as soon as possible after the date on which such plan becomes operative;

(a) Section 8(7) was inserted by the Local Government and Planning (Scotland) Act 1982 (c. 43) section 37(c).

(b) 1972 c. 52; section 10(1) was amended by the Town and Country Planning (Scotland) Act 1977 (c. 10), section 10(1).

(c) Section 10(2) was partly repealed by the Local Government (Scotland) Act 1973 (c. 65), Schedule 29 and was also amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), Schedule 2, paragraph 19(a).

- (b) arrange for the reproduction thereof to take into account any alteration, repeal or replacement thereto as soon as possible after the date on which it becomes operative;
- (c) make available for sale to the public on payment of a reasonable charge copies of such plan as reproduced.

Register and index map

45.—(1) Every planning authority shall prepare and keep up to date a register which relates to their district, containing the following information:—

- (a) the title of any structure or local plan, copies of which have been made available for inspection under section 6(2) or section 10(2) of the Act, and brief particulars of any action taken in connection with any such plan, including in the case of such a plan becoming operative in pursuance of section 16(4) of the Act the date on which such plan became operative;
- (b) brief particulars of any proposals for the alteration, repeal or replacement of any structure plan or local plan which relates to their district, copies of which have been made available for inspection under section 6(2) of the Act as applied by section 8(2) or under section 10(2) of the Act as applied by section 13(3) and of any action taken in connection with any such proposals, including in the case of an operative alteration, repeal or replacement the date on which such alteration, repeal or replacement became operative.

(2) Every planning authority shall also prepare and keep up to date an index map for their district showing the boundary of any area to which any operative structure or local plan relates, together with a reference to the appropriate entry in the register prepared under paragraph (1) above.

(3) Every planning authority shall make their register and index map available for inspection at their office at all reasonable hours, free of charge.

PART VIII

PREPARATION AND MAKING, ETC., OF STRUCTURE OR LOCAL PLANS BY ANOTHER PLANNING AUTHORITY AND REVOCATION OF CURRENT REGULATIONS

Preparation and making, etc., of structure or local plans by another planning authority

46.—(1) Where in pursuance of section 15(3) of the Act anything which ought to have been done by a planning authority is done by another such authority the provisions of these regulations shall so far as they are applicable apply with any necessary modifications in relation to the doing of that thing by the latter authority and the thing so done.

(2) In the event of the Secretary of State exercising his power in accordance with section 15(3) of the Act to make, alter, repeal or replace a structure plan or a local plan, the planning authority on whom the duty falls by virtue of these regulations shall nevertheless give or serve all notices required by the

regulations and carry out the relevant duties imposed by regulations 42, 43, 44 and 45.

Revocation, transitional and savings

47. The Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1976(a) are hereby revoked but without prejudice to the validity of anything done under or by virtue of the regulations hereby revoked before the coming into force of these regulations and provided that insofar as these regulations contain a corresponding provision anything done under the regulations hereby revoked shall be deemed to have been done under the corresponding provision of these regulations.

George Younger,
One of Her Majesty's
Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
20th October 1983.

(a) S.I. 1976/1995.

SCHEDULE

FORMS OF NOTICES

PART I

Regulations 11, 21

Form 1: Form of notice of intention to start preparation of structure plan or alterations to structure plan

NOTICE OF INTENTION TO START PREPARATION OF
[ALTERATIONS TO] (3) STRUCTURE PLAN

Town and Country Planning (Scotland) Act 1972
(Title of structure plan)

(1) intend to prepare [alterations to] (3) the above-named structure plan in respect of
land in (2).

Further information on the plan can be obtained from (3).

19

(Signature)

Form 2: Form of notice of submission of structure plan or alterations to structure plan

NOTICE OF SUBMISSION OF [ALTERATIONS TO] (3) STRUCTURE PLAN

Town and Country Planning (Scotland) Act 1972
(Title of structure plan)

(1) submitted [alterations to] (3) the above-named structure plan to the Secretary of State for Scotland on (10) for his approval. [The plan relates to land in the following district(s): (2)](3)

Certified copies of the [alterations to the] (3) plan, of the report of [survey] [the results of review of relevant matters] (3) and of the statement mentioned in section [6(3)] [8(4)] of the Act have been deposited at (4).

The deposited documents are available for inspection free of charge (5).

Objections to [the alterations to] (3) the structure plan should be sent in writing to the Secretary, Scottish Development Department, New St Andrew's House, St James Centre, Edinburgh EH1 3SZ before (6). Objections should state the name and address of the objector, the matters to which they relate and the grounds on which they are made*. A person making objections may request to be notified of the decision on the [alterations to the] (3) plan.

19

(Signature)

*Forms for making objections are obtainable at the places where documents have been deposited.

Form 3: Form of notice of return of structure plan or alterations to structure plan

NOTICE OF RETURN OF [ALTERATIONS TO] (3) STRUCTURE PLAN

Town and Country Planning (Scotland) Act 1972
(Title of structure plan)

[The] [Alterations to the] (3) above-named structure plan [have] [has] (3) been returned to (1) by the Secretary of State for Scotland and the council have been directed to take certain further action as respects publicity in connection with the [alterations to the] (3) plan, and, after doing so, to resubmit the [alterations to the] (3) plan to the Secretary of State with such modifications, if any, as the authority then consider appropriate [within (8)] (3).

Copies of [the alterations to] (3) the plan made available for inspection in accordance with section [6(2)] [8(4)](3) of the above Act have been withdrawn.

When [alterations to] the plan [is] [are] (3) resubmitted objections made to the [alterations to the] (3) plan as originally submitted will be considered, and there will be an opportunity to make objections to the [alterations to the] (3) plan as resubmitted.

19 .

(Signature)

Form 4: Form of notice of resubmission of structure plan or of alterations to structure plan

NOTICE OF RESUBMISSION OF [ALTERATIONS TO] (3) STRUCTURE PLAN

Town and Country Planning (Scotland) Act 1972

(Title of structure plan)

[To:] (9)

(1) resubmitted [alterations to] (3) the above-named structure plan [with modifications] [without modifications] (3) to the Secretary of State for Scotland on (10) for his approval. [The plan relates to land in the following district(s): (2)] (3).

Certified copies of the [alterations to] (3) the plan, of [the report of survey] [the results of review of relevant matters] (3) and of the statement mentioned in section [6(3)] [8(4)] of the Act have been deposited at (4).

The deposited documents are available for inspection free of charge (5).

Objections to [the alterations to] (3) the structure plan should be sent in writing to the Secretary, Scottish Development Department, New St Andrew's House, St James Centre, Edinburgh EH1 3SZ before (6). Objections should state the name and address of the objector, the matters to which they relate and the grounds on which they are made*. A person making objections may request to be notified of the decision on [alterations to] (3) the plan. Objections made to the [alterations to the] (3) plan as originally submitted to the Secretary of State will be considered by him.

19

(Signature)

*Forms for making objections are obtainable at the places where documents have been deposited.

FOOTNOTES TO FORMS 1 TO 4 OF THE SCHEDULE

- (1) Insert name of planning authority.
- (2) Insert name(s) of district(s).
- (3) Insert as appropriate.
- (4) Insert address of planning authority's office and address of other places at which documents deposited.
- (5) Specify days and hours during which deposited documents are available for inspection.
- (6) Specify date 6 weeks after date on which notice first published in local newspaper.
- (7) State appropriate officer and name and address of planning authority.
- (8) State period specified in directions.
- (9) Insert only in personal notice name and address of addressee.
- (10) Insert date of submission or resubmission of plans as appropriate.

Form 5: Form of notice of intention to start preparation of local plan or alterations to, or repeal or replacement of, local plan

NOTICE OF INTENTION TO START PREPARATION OF [ALTERATIONS TO]
[REPEAL OF] [REPLACEMENT OF] (2) LOCAL PLAN

Town and Country Planning (Scotland) Act 1972
(Title of local plan)

(1) intend to prepare [alterations to] [repeal of] [replacement of] (2) the above-named local plan in respect of land in (2).

Further information on the plan can be obtained from (3).

19 .

(Signature)

Form 6: Form of notice of preparation of local plan or alterations to, or repeal or replacement of, local plan

NOTICE OF PREPARATION OF [ALTERATIONS TO] [REPEAL OF]
[REPLACEMENT OF] (2) LOCAL PLAN

Town and Country Planning (Scotland) Act 1972
(Title of local plan)

(1) have prepared [alterations to] [repeal of] [replacement of] (2) the above-named local plan.

Certified copies of [alterations to] [repeal of] [replacement of] (2) the plan, and of the statement mentioned in section [10(3)] [13(4)] (2) of the Act have been deposited at (3).

The deposited documents are available for inspection free of charge (4).

Objections to [alterations to] [repeal of] [replacement of] (2) the plan should be sent in writing to (1) at (3) before (11). Objections should state the name and address of the objector, the matters to which they relate and the grounds on which they are made.

(Signature)

Form 7: Form of notice of public local inquiry

NOTICE OF PUBLIC LOCAL INQUIRY
Town and Country Planning (Scotland) Act 1972
(Title of local plan)

(6) WILL HOLD A PUBLIC LOCAL INQUIRY AT (7) INTO OBJECTIONS MADE TO [PROPOSED MODIFICATIONS TO] [PROPOSED ALTERATIONS TO] [PROPOSED REPEAL OF] [PROPOSED REPLACEMENT OF] (2) THE ABOVE-NAMED LOCAL PLAN. Copies of objections are available for inspection free of charge at (3).

19

(Signature)

Form 8: Form of notice of proposal to modify local plan or alterations to, or repeal or replacement of, local plan

NOTICE OF PROPOSAL TO MODIFY LOCAL PLAN

Town and Country Planning (Scotland) Act 1972
(Title of local plan)

[To:] (5)

(1) propose to modify the above-named local plan.

Certified copies of [alterations to] the plan [of the report of the inquiry into objections, of the council's statement prepared following the consideration of the report] [the statement of the planning authority's decision with respect to each objection to the local plan containing reasons for the decision] (2) and of the list of proposed modifications have been deposited at (3).

The deposited documents are available for inspection free of charge (4).

Objections to the proposed modifications should be sent in writing to (1) at (3) before (11). Objections should state the name and address of the objector, the matters to which they relate and the grounds on which they are made.

(Signature)

Form 9: Form of notice of intention to adopt local plan or alterations to, or repeal or replacement of local plan

NOTICE OF INTENTION TO ADOPT [ALTERATIONS TO] [REPEAL OF]
[REPLACEMENT OF] (2) LOCAL PLAN

Town and Country Planning (Scotland) Act 1972
(Title of local plan)

[To:] (5)

(1) have decided to adopt [alterations to] [repeal of] [replacement of] the above-named local plan [as modified by them] (2) on or after (8) unless, before the [plan has] [alterations have] [repeal has] [replacement has] (2) been adopted, the Secretary of State for Scotland directs that [alterations to] [repeal of] [replacement of] (2) the plan shall not be adopted until further notice or shall not have effect unless approved by him.

Certified copies of [alterations to] [repeal of] [replacement of] (2) the plan together with [certified copies of the reports of all local inquiries held and of the council's statements prepared following the consideration of such reports (9)] [the statement of the planning authority's decision with respect to each objection containing reasons for the decision] (2) have been deposited at (3).

The deposited documents are available for inspection free of charge (4).

19 .

(Signature)

Form 10: Form of notice of adoption or abandonment of local plan or alterations to, or repeal or replacement of local plan

NOTICE OF [ADOPTION] [ABANDONMENT] (2) OF [ALTERATIONS TO]
[REPEAL] [REPLACEMENT OF] (2) LOCAL PLAN

Town and Country Planning (Scotland) Act 1972
(Title of local plan)

[To:] (5)

On 19 (1) by resolution [adopted] [abandoned] (2) [alterations to] [repeal of] [replacement of] the above-named local plan [as modified by the council] (2).

Certified copies of [alterations to] [repeal of] [replacement of] the plan and of the resolution together with [certified copies of the reports of all local inquiries held and of the council's statements prepared following the consideration of such reports (9)] [the statement of the planning authority's decision with respect to each objection containing reasons for the decision] (2) have been deposited at (3).

The deposited documents are available for inspection free of charge (4).

[The Plan became operative on (10), but if any person aggrieved by the plan desires to question its validity on the ground that it is not within the powers conferred by Part II of the Town and Country Planning (Scotland) Act 1972, or that any requirement of the said Part II or of any regulations made thereunder has not been complied with in relation to the adoption of the plan, he may, within six weeks from (15), make an application to the Court of Session under section 232 of the Town and Country Planning (Scotland) Act 1972] (12).

(Signature)

Form 11: Form of notice of proposed modifications to local plan or alterations to, or repeal or replacement of local plan

NOTICE OF PROPOSED MODIFICATIONS TO [ALTERATIONS TO] [REPEAL OF] [REPLACEMENT OF] (2) LOCAL PLAN

Town and Country Planning (Scotland) Act 1972
(Title of local plan)

[To:] (5)

The Secretary of State for Scotland proposes to modify [alterations to] [repeal of] [replacement of] (2) the above-named local plan. Certified copies of the plan and of the list of proposed modifications have been deposited at (3).

The deposited documents are available for inspection free of charge (4).

Objections to the proposed modifications should be sent in writing to the Secretary, Scottish Development Department, New St Andrew's House, St James Centre, Edinburgh, EH1 3SZ before (11). Objections should state the name and address of the objector, the matters to which they relate and the grounds on which they are made.

(Signature)

Form 12: Form of notice of approval or rejection of local plan alterations to, or repeal or replacement of local plan

NOTICE OF [APPROVAL] [REJECTION] (2) OF [ALTERATIONS TO]
LOCAL PLAN

Town and Country Planning (Scotland) Act 1972
(*Title of local plan*)

[To:] (5)

On 19 the Secretary of State for Scotland [approved] [rejected] (2) [alterations to] [repeal of] [replacement of] (2) the above-named local plan [with modifications] [and] [with reservations] (2).

Certified copies of [alterations to] (2) the plan and of the Secretary of State's letter notifying his decision have been deposited at (3).

The deposited documents are available for inspection free of charge (4).

[The plan became operative on (13), but if any person aggrieved by the plan desires to question its validity on the ground that it is not within the powers conferred by Part II of the Town and Country Planning (Scotland) Act 1972, or that any requirements of the said Part II or of any regulations made thereunder has not been complied with in relation to the approval of the plan, he may, within six weeks from (15), make an application to the Court of Session under section 232 of the Town and Country Planning (Scotland) Act 1972] (14).

19 .

(*Signature*)

FOOTNOTES TO FORMS 5 TO 12 OF THE SCHEDULE

- (1) Insert name of planning authority.
- (2) Insert as appropriate.
- (3) Insert address of planning authority's office and addresses of other places at which documents deposited.
- (4) Specify days and hours during which deposited documents are available for inspection by public.
- (5) Insert only in personal notice name and address of addressee.
- (6) Insert name of person appointed to hold local inquiry.
- (7) State time and date of local inquiry and address at which it is to be held.
- (8) Specify date taking account of the period of 28 days specified in regulation 38(2).
- (9) Modify as necessary or omit where inappropriate.
- (10) Insert date appointed in the resolution.
- (11) Insert date 6 weeks after date of first publication of the notice.
- (12) Insert paragraph only if plan is adopted.
- (13) Insert date appointed in Secretary of State's letter.
- (14) Insert paragraph only if plan is approved.
- (15) Insert date of first publication of the notice.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke and re-enact the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1976 with amendments which take into account the provisions of the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 and the Local Government and Planning (Scotland) Act 1982 ("the 1982 Act").

2. The regulations make provision as to the procedures for the preparation, submission and approval or adoption of structure and local plans under Part II of the Town and Country Planning (Scotland) Act 1972 and as to the form and content of these plans. The regulations also set out the procedures to be followed for the alteration, repeal and replacement of such plans.

3. The principal changes made by the regulations are as follows. Local authorities are required to advertise their intention to prepare a structure or local plan or an alteration to such a plan (regulations 11 and 28). They need advertise certain stages in the local plan process in local newspapers only, and not, as previously, also in the Edinburgh Gazette (regulations 28, 34, 37, 38). The period for the making of representations is not less than 4 weeks, rather than not less than 6 weeks (regulation 3). The period of notice within which the Secretary of State must give notice of an Examination in Public is not less than 4 weeks, rather than 6 weeks (regulation 17). The period within which objections must be made is fixed at 6 weeks rather than being at least 4 weeks (regulations 16 and 31). The matters to be contained in structure and local plans are fewer than in the previous regulations (regulations 7 and 25).

4. The 1982 Act allows a local authority to dispense with a local inquiry into a local plan unless objectors indicate that they require one and the regulations prescribe the procedure to be followed in such cases (regulation 36). Modifications to local plans to take account only of drafting or technical matters of a minor nature which do not materially affect the plan content need not now be advertised (regulation 37). The 1982 Act allows for an expedited procedure for alteration of a structure or local plan in which the planning authority do not have to follow the full consultation procedure and the regulations provide for the new procedure (regulations 21 and 41). The regulations provide that the Secretary of State, rather than the planning authority, shall undertake all notification of his decision on a structure plan submitted to him (regulation 19).

STATUTORY INSTRUMENTS

1983 No. 1590 (S. 149)

TOWN AND COUNTRY PLANNING (SCOTLAND)

**The Town and Country Planning (Structure and Local Plans)
(Scotland) Regulations 1983**

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