



Planning (Scotland) Act 2019

2019 asp 13

PART 1

DEVELOPMENT PLANNING

Development planning

13 Development plan

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 24 (meaning of “development plan”), for subsections (1) to (4) substitute—
 - “(1) For the purposes of this Act, any other enactment relating to town and country planning and the Land Compensation (Scotland) Act 1963, the development plan for an area is to be taken as consisting of the provisions of—
 - (a) the National Planning Framework,
 - (b) any strategic development plan for the time being applicable to the area, together with—
 - (i) the Scottish Ministers' notice of approval of that plan, and
 - (ii) any supplementary guidance issued in connection with that plan, and
 - (c) any local development plan for the time being applicable to the area.
 - (2) A reference in subsection (1) to provisions of a framework or plan is to be construed as a reference to so much of the provisions as are applicable to the area.
 - (3) In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail.
 - (4) For the purposes of subsection (3)—
 - (a) the date of the National Planning Framework is the latest date on which it was published under [F1 section 3CA(7)],
 - (b) the date of a local development plan is the date on which it was constituted under section 20.”.

Changes to legislation: Planning (Scotland) Act 2019, Section 13 is up to date with all changes known to be in force on or before 22 July 2023. 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) View outstanding changes

- (3) In section 25 (status of development plan)—
- (a) for paragraphs (a) and (b) of subsection (1), substitute “, to be made in accordance with that plan.”,
 - (b) subsections (2) and (3) are repealed.
- (4) In section 237(1) (validity of development plans etc.), before paragraph (a) insert—
- “(za) the National Planning Framework and any revised framework or amendment to it, whether before or after the framework, revised framework or amended framework is published.”
- (5) In section 238 (proceedings for questioning validity of development plans etc.)—
- (a) before subsection (1) insert—

“(A1) If any person aggrieved by the National Planning Framework desires to question the validity of the framework on the ground—

 - (a) that it is not within the powers conferred by Part 1A, or
 - (b) that any requirement of that Part or of any regulations made under that Part has not been complied with,

the person may make an application to the Court of Session under this section.”,
 - (b) in subsection (5), before paragraph (a) insert—

“(za) in the case of an application in respect of the National Planning Framework—

 - (i) the date of its publication under [F²section 3CA(7)], or
 - (ii) where the grounds of the application arise from an amendment to the National Planning Framework, the date on which the amendment took effect,”,
 - (c) in subsection (5)(aa)—
 - (i) the words “the date of its publication under section 20A(1)(b)” become sub-paragraph (i), and
 - (ii) after sub-paragraph (i) so formed insert “, or
 - (ii) where the grounds of the application arise from an amendment to the local development plan, the date on which the amendment took effect.”.

Textual Amendments

- F1** Words in s. 13(2) substituted (18.12.2019) by [The Planning \(Scotland\) Act 2019 \(Ancillary Provision\) Regulations 2019 \(S.S.I. 2019/424\)](#), regs. 1, **2(3)(a)**
- F2** Words in s. 13(5)(b) substituted (18.12.2019) by [The Planning \(Scotland\) Act 2019 \(Ancillary Provision\) Regulations 2019 \(S.S.I. 2019/424\)](#), regs. 1, **2(3)(b)**

Commencement Information

- I1** S. 13(1) in force at 23.12.2022 for specified purposes by [S.S.I. 2022/386](#), **reg. 2**
- I2** S. 13(1) in force at 12.2.2023 in so far as not already in force by [S.S.I. 2023/10](#), **reg. 3(2)(c)**
- I3** S. 13(2)(3) in force at 12.2.2023 by [S.S.I. 2023/10](#), **reg. 3(2)(c)**
- I4** S. 13(4)(5) in force at 23.12.2022 by [S.S.I. 2022/386](#), **reg. 2(1)**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.S.I. 2019/377, reg. 9 by [S.S.I. 2019/411 reg. 2](#)
- specified provision(s) amendment to earlier commencing S.S.I. 2021/101, regs. 3, 4 by [S.S.I. 2021/291 reg. 2](#)