



Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997)

1972 CHAPTER 52

PART II

DEVELOPMENT PLANS

Local plans

9 Preparation of local plans.

^{F1}(1)

[^{F2}(1A) Every planning authority shall prepare local plans for all parts of their district, and two or more planning authorities may make a joint local plan extending to parts of each of their districts.]

(3) A local plan shall consist of a map and a written statement and shall—

- (a) formulate in such detail as the authority think appropriate the authority's proposals for the development and other use of land in that part of their district or for any description of development or other use of such land (including in either case such measures as the authority think fit for [^{F3}the conservation of the natural beauty and amenity of the land,] the improvement of the physical environment and the management of traffic); and
- (b) contain such matters as may be prescribed ^{F4} . . .

(4) Different local plans may be prepared for different purposes for the same part of any district.

[^{F5}(4A) It shall be the duty of the planning authority—

- (a) for the purpose of preparing a local plan, to institute a survey of their district or any part thereof, in so far as they have not already done so, taking into account the matters which the authority think necessary for the formulation of their proposals, and

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- (b) to keep those matters under review during and after the preparation of the local plan.]
- (5) A local plan shall contain, or be accompanied by, such diagrams, illustrations and descriptive matter as the ^{F6} . . . planning authority think appropriate for the purpose of explaining or illustrating the proposals in the plan, or as may be prescribed ^{F4} . . . ; and any such diagrams, illustrations and descriptive matter shall be treated as forming part of the plan.
- (6) Where an area is indicated as an action area in a structure plan which has been approved by the Secretary of State, the ^{F6} . . . planning authority shall (if they have not already done so), as soon as practicable after the approval of the plan, prepare a local plan for that area.
- (7) Without prejudice to the preceding provisions of this section, the ^{F6} . . . planning authority shall, if the Secretary of State gives them a direction in that behalf with respect to a part of a district for which a structure plan has been, or is in course of being, prepared as soon as practicable prepare for that part a local plan of such nature as may be specified in the direction.
- (8) Directions under subsection (7) of this section may be given by the Secretary of State [^{F7}only before] he approves the structure plan ^{F4} . . .
- (9) In formulating their proposals in a local plan the ^{F6} . . . planning authority shall secure that [^{F8}where a structure plan has been prepared under section 5 of this Act] the proposals conform generally to the structure plan as it stands for the time being (whether or not it has been approved by the Secretary of State) and shall have regard to any information and any other considerations which appear to them to be relevant, or which may be prescribed ^{F4} . . .
- (10) Before giving a direction under the preceding provisions of this section to a ^{F6} . . . planning authority, the Secretary of State shall consult the authority with respect to the proposed direction.
- (11) Where a ^{F6} . . . planning authority are required by this section to prepare a local plan, they shall take steps for the adoption of the plan.

Textual Amendments

- F1** Ss. 1–3, 9(1)(2) repealed by Local Government (Scotland) Act 1973 (c. 65), **Sch. 29**
- F2** By 1994 c. 39, s. 33(2), **Sch. 4 para. 7**; S.I. 1995/702, **art. 6**; S.I. 1996/323, art. 4(1)(a), **Sch. 1** it is provided (1.4.1996) that s. 9(1A) is inserted
- F3** Words in s. 9(3)(a) inserted (7.3.1994) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 61, **Sch. 13 para. 4** (with s. 84(5)); S.I. 1994/398, **art. 2**
- F4** Words repealed by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), **Sch. 4**
- F5** S. 9(4A) inserted by Town and Country Planning (Scotland) Act 1977 (c. 10), **s. 2(1)(a)**
- F6** Word repealed by Local Government (Scotland) Act 1973 (c. 65), **s. 172(2)**
- F7** Words substituted by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), **Sch. 2 para. 18** (c)(i)
- F8** Words inserted by Town and Country Planning (Scotland) Act 1977 (c. 10), **s. 2(1)(b)**

Modifications etc. (not altering text)

- C2** S. 9(3)(a) amended (1.5.1994) by S.I. 1994/1056, regs. 1(3), 19, **Sch. 4 Pt. I para. 7(1)**

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10 Publicity in connection with preparation of local plans.

- (1) A . . . ^{F9} planning authority who propose to prepare a local plan shall take such steps as will in their opinion secure—
 - (a) that adequate publicity is given in their district to any relevant matter arising out of a survey of the district [^{F10} or part of the district carried out under sections 4 or 9 of this Act] and to the matters proposed to be included 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;and the authority shall consider any representations made to them within the prescribed period.
- (2) When the . . . ^{F9} planning authority have prepared a local plan, they shall, before adopting it or submitting it for approval under section 12(4) of this Act . . . ^{F11}, make copies of the local plan available for inspection at their office and at such other places [^{F12} as appear to them to be appropriate] and send a copy to the Secretary of State; and each copy made available for inspection shall be accompanied by a statement of the time within which objections to the local plan may be made to the authority.
- (3) A copy of a local plan sent to the Secretary of State [^{F13}, or made available for inspection,] under subsection (2) of this section 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) of this section; and
 - (b) of the authority's consultations with, and their consideration of the views of, other persons.
- (4) ^{F14}

Textual Amendments

- F9** Word repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 172\(2\)](#)
- F10** Words substituted by [Town and Country Planning \(Scotland\) Act 1977 \(c. 10\), s. 2\(2\)](#)
- F11** Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)
- F12** Words substituted by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23\), Sch. 2 para. 19\(a\)](#)
- F13** Words inserted by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23\), Sch. 3 para. 15](#)
- F14** [S. 10\(4\)\(5\)](#) repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23\), Sch. 4](#)

11 Inquiries, etc. with respect to local plans.

- (1) For the purpose of considering objections made to a local plan the . . . ^{F15} planning authority may, and shall [^{F16}if] in the case of objections so made in accordance with regulations under this Act [^{F17}an objector so requires,] cause a local inquiry or other hearing to be held by a person appointed by the Secretary of State or, in such cases as may be prescribed by regulations under this Act, by the authority themselves, and—

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- (a) subsections (4) to (6) of section 267 of this Act shall apply to an inquiry held under this section as they apply to an inquiry held under that section;
 - (b) the ^{F11}Tribunals and Inquiries Act [^{F18}1992] shall apply to a local inquiry or other hearing held under this section as it applies to a statutory inquiry held by the Secretary of State, but as if in [^{F19}section 10(1)] of that Act (statement of reasons for decisions) the reference to any decision taken by the Secretary of State were a reference to a decision taken by a local authority.
- ^{F20F20}(1A) The planning authority shall—
- (a) where a person appointed under or by virtue of this section is in the public service of the Crown, pay the Secretary of State; and
 - (b) in any other case, pay the person so appointed,
- a sum, determined in accordance with regulations under subsection (1B) below, in respect of the performance by the person so appointed of his functions in relation to the inquiry or hearing (whether or not it takes place).
- ^{F20}(1B) Regulations made by the Secretary of State may make provision with respect to the determination of the sum referred to in subsection (1A) above and may in particular prescribe, in relation to any class of person appointed under or by virtue of this section, a standard daily amount applicable in respect of each day on which a person of that class is engaged in holding, or in work connected with, the inquiry or hearing.
- ^{F20}(1C) Without prejudice to the generality of subsection (1B) above, the Secretary of State may, in prescribing by virtue of that subsection a standard daily amount for any class of person—
- (a) where the persons of that class are in the public service of the Crown, have regard to the general staff costs and overheads of his department; and
 - (b) in any other case, have regard to the general administrative costs incurred by persons of that class in connection with the performance by them of their functions in relation to such inquiries and hearings.]
- (2) Regulations made for the purposes of subsection (1) of this section may—
- (a) make provision with respect to the appointment and qualifications for appointment of persons to hold a local inquiry or other hearing under that subsection, including provision enabling the Secretary of State to direct a . . . ^{F15} planning authority to appoint a particular person, or one of a specified list or class of persons;
 - (b) make provision with respect to the ^{F21}. . . allowances of a person appointed for the said purpose.

Textual Amendments

- F15** Word repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 172\(2\)](#)
- F16** Word inserted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 38\(a\)](#)
- F17** Words inserted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 38\(b\)](#)
- F18** Word in s. 11(1)(b) substituted (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\), ss. 18\(1\), 19\(2\), Sch. 3 para. 4\(a\)](#)
- F19** Words in s. 11(1)(b) substituted (1.10.1992) by [Tribunals and Inquiries Act 1992 \(c. 53\), ss. 18\(1\), 19\(2\), Sch. 3 para. 4\(b\)](#)
- F20** [S. 11\(1A\)-\(1C\)](#) inserted (8.11.1995 with effect in relation to the performance of functions in relation to inquiries or hearings before as well as after 8.11.1995) by [1995 c. 49, s. 3\(2\)\(a\)\(4\)](#)

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F21 Words in s. 11(2)(b) omitted (8.11.1995 with effect in relation to the performance of functions in relation to inquiries or hearings before as well as after 8.11.1995) by virtue of 1995 c. 49, s. 3(2)(b)(4)

Modifications etc. (not altering text)

C3 S. 11: power to modify conferred (8.11.1995) by 1995 c. 49, s. 4(3)

C4 S. 11(1A) amended (*temp.* from 8.11.1995) by 1995 c. 49, s. 3(5)(b)

Marginal Citations

M1 1992 c. 53

12 Adoption and approval of local plans.

- (1) After the expiry of the period afforded for making objections to a local plan or, if such objections have been duly made during that period, after considering the objections so made, the . . . ^{F22} planning authority may, subject to . . . ^{F23} subsections [^{F24}(2), (2A), (2B) and (3)] of this section, by resolution adopt the plan either as originally prepared or as modified so as to take account of [^{F25}—
- (a) any such objections (whether or not they have been the subject of a local inquiry or other hearing);
 - (b) any matters arising out of such objections; or
 - (c) any drafting or technical matters, if these are of a minor nature.]

[^{F26}(2) Where for any area the Secretary of State has approved a structure plan under section 7 of this Act the planning authority shall not adopt a local plan unless it conforms . . . ^{F27} to that structure plan.]

[^{F28}(2A) After copies of a local plan have been sent to the Secretary of State and before it has been adopted by the planning authority, the Secretary of State may, if it appears to him that any part of it is unsatisfactory, and without prejudice to his power to make a direction under subsection (3) below, direct the authority to consider modifying the plan in such respects as are indicated in the direction.

(2B) An authority to whom a direction is given shall not adopt the plan unless they satisfy the Secretary of State that they have made the modifications necessary to conform with the direction or the direction is withdrawn.]

(3) After copies of a local plan have been sent to the Secretary of State and before the plan has been adopted by the . . . ^{F22} planning authority, the Secretary of State may direct that the plan shall not have effect unless approved by him.

[^{F29}(4) Where the Secretary of State gives a direction under subsection (3) of this section, the planning authority shall submit the plan accordingly to him for his approval, and—

- (a) the Secretary of State may, after considering the plan, either approve it (in whole or in part and with or without modifications or reservations) or reject it;
- (b) in considering the plan, 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 plan as submitted to him;
- (c) subject to paragraph (d) of this subsection, where on taking the plan into consideration the Secretary of State does not determine then to reject it, he shall, before determining whether or not to approve it—

- (i) consider any objections to the plan, so far as they are made in accordance with regulations under this Part of this Act;

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- (ii) afford to any persons whose objections so made are not withdrawn an opportunity of appearing before, and being heard by, a person appointed by him for the purpose; and
- (iii) if a local inquiry or other hearing is held, also afford the like opportunity to the authority and such other persons as he thinks fit;
- (d) before deciding whether or not to approve the plan the Secretary of State shall consider any objections thereto which have been considered by the authority, but he shall not be obliged to cause an inquiry or other hearing to be held into the plan if any such inquiry or hearing has already been held at the instance of the authority;
- (e) without prejudice to paragraph (c) of this subsection, on considering the plan the Secretary of State may consult with, or consider the views of, any planning authority or other persons, but shall not be under an obligation to consult with, or consider the views of, any other authority or persons, or except as provided by that paragraph, to afford an opportunity for the making of any objections or other representations, or to cause any local inquiry or other hearing to be held; and
- (f) after the giving of the direction the authority shall have no further power or duty to hold a local inquiry or other hearing under section 11 of this Act in connection with the plan.]

Textual Amendments

- F22** Word repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 172\(2\)](#)
- F23** Words repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), Sch. 4 Pt. I](#)
- F24** Words substituted by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\), s. 53\(1\), Sch. 11 Pt. II para. 28\(2\)](#)
- F25** Words substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 39](#)
- F26** [S. 12\(2\)](#) substituted by [Town and Country Planning \(Scotland\) Act 1977 \(c. 10\), s. 2\(3\)](#)
- F27** Word repealed by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), Sch. 4 Pt. I](#)
- F28** [S. 12\(2A\)\(2B\)](#) inserted by [Housing and Planning Act 1986 \(c. 63, SIF 123:2\), s. 53\(1\), Sch. 11 Pt. II para. 28\(1\)](#)
- F29** [S. 12\(4\)](#) substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 175\(2\)](#)

13 Alteration of local plans.

^{F30}(1) A planning authority shall keep under review any local plan adopted by them, or approved by the Secretary of State, and may at any time make proposals for the alteration, repeal or replacement of such plan; and any such proposals may include proposals for the repeal of two or more local plans and their replacement with one local plan:

Provided that where a local plan has been approved by the Secretary of State they shall not make such proposals in relation to that plan without his consent.]

(2) Without prejudice to subsection (1) of this section, a . . . ^{F31} planning authority shall, if [^{F32}before] the Secretary of State [^{F33}approves the structure plan for their district he] gives them a direction in that behalf with respect to a local plan adopted by them or approved by him, as soon as practicable prepare proposals of a kind specified in the direction, being proposals for the alteration, repeal or replacement of the [^{F34}local] plan.

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(3) [^{F35}Subject to subsection (4) below] The provisions of sections 9(9) to (11), 10, 11 and 12 of this Act shall apply in relation to the making of proposals for the alteration, repeal or replacement of a local plan under this section, and to alterations to a local plan so proposed, as they apply in relation to the preparation of a local plan under section 9 of this Act and to a local plan prepared thereunder, . . . ^{F36}.

[^{F37}(4) If a planning authority do not consider it appropriate to take the steps required by section 10(1) of this Act in relation to proposals made by them under subsection (1) of this section for alteration of a local plan, they may instead include, with the copies of those proposals made available for inspection and with the copy sent to the Secretary of State under section 10(2) of this Act, a statement of their reasons for not taking such steps.

(5) In carrying out their duty under subsection (1) above the authority shall have regard to any structure plan approved for the area by the Secretary of State.]

Textual Amendments

F30 S. 13(1) substituted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 40\(a\)](#)

F31 Word repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 172\(2\)](#)

F32 Word inserted by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23\), Sch. 2 para. 20\(a\)](#)

F33 Words inserted by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23\), Sch. 2 para. 20\(b\)](#)

F34 Word inserted by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23\), Sch. 2 para. 20\(c\)](#)

F35 Words inserted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 40\(b\)](#)

F36 Words repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)

F37 S. 13(4)(5) added by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 40\(c\)](#)

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