



Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997)

1972 CHAPTER 52

PART II

DEVELOPMENT PLANS

Survey and structure plan

4 Survey of planning districts.

[^{F1}(1) It shall be the duty of the planning authority to keep under review the matters which may be expected to affect the development of their district or the planning of its development.]

[^{F2}(2) A planning authority may, if they think fit, institute a fresh survey, examining the matters referred to in subsection (1) above, of the whole or any part of their district, and references in subsection (3) of this section to the district of a planning authority shall be construed as including any part of that district which is the subject of a survey under this subsection.]

(3) Without prejudice to the generality of the preceding provisions of this section, the matters to be examined and kept under review thereunder shall include the following, that is to say—

- (a) the principal physical and economic characteristics of the district of the authority (including the principal purposes for which land is used) and, so far as they may be expected to affect that district, of any neighbouring districts;
- (b) the size, composition and distribution of the population of that district (whether resident or otherwise);
- (c) without prejudice to paragraph (a) of this subsection, the communications, transport system and traffic of that district and, so far as they may be expected to affect that district, of any neighbouring districts;

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Changes to legislation: There are currently no known outstanding effects for the Town and Country Planning (Scotland) Act 1972 (repealed 27.5.1997), Cross Heading: Survey and structure plan. (See end of Document for details)

- (d) any considerations not mentioned in any of the preceding paragraphs which may be expected to affect any matters so mentioned;
 - (e) such other matters as may be prescribed . . . ^{F3};
 - (f) any changes already projected in any of the matters mentioned in any of the preceding paragraphs and the effect which those changes are likely to have on the development of that district or the planning of such development.
- (4) A . . . ^{F4} planning authority shall, for the purpose of discharging their functions under this section of examining and keeping under review any matters relating to the district of another such authority, consult with that other authority about those matters.

^{F5}(5)

Textual Amendments

- F1** S. 4(1) substituted (1.4.1996) by 1994 c. 39, s. 33(2), **Sch. 4 para. 2(a)** (ith s. 7(2)); S.I. 1995/702, **art. 6**; S.I. 1996/323, art. 4(1)(a), **Sch. 1**
- F2** S. 4(2) substituted (1.4.1996) by 1994 c. 39, s. 33(2), **Sch. 4 para. 2(b)** (with s. 7(2)); S.I. 1995/702, **art. 6(b)**; S.I. 1996/323, art. 4(1)(a), **Sch. 1**
- F3** Words repealed by **Local Government (Miscellaneous Provisions) (Scotland) Act 1981** (c. 23), **Sch. 4**
- F4** Word repealed by **Local Government (Scotland) Act 1973** (c. 65), **s. 172(2)**
- F5** S. 4(5) repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(d), **Sch. 2**

Modifications etc. (not altering text)

- C2** S. 4 extended by **Local Government (Scotland) Act 1973** (c. 65), **s. 173(3)**

[^{F6}4A Structure plans.

- (1) The Secretary of State may by order designate areas (“structure plan areas”) in respect of which planning authorities are to prepare structure plans.
- (2) The district of every planning authority in Scotland shall be included in a structure plan area.
- (3) A structure plan area may extend to the district of more than one planning authority, and may extend to only part of the district of a planning authority.
- (4) Where a structure plan area extends to the district of more than one planning authority, the planning authorities concerned shall jointly carry out the functions conferred upon them under sections 4, 5, 6, 6A and 8 of this Act in accordance with such arrangements as they may agree for that purpose under sections 56 (discharge of functions by local authorities), 57 (appointment of committees) and 58 (expenses of joint committees) of the ^{M1}Local Government (Scotland) Act 1973.
- (5) An order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

- F6** S. 4A inserted (1.4.1996) by 1994 c. 39, **ss. 7(2), 33(1)**; S.I. 1995/702, **art. 6(b)**

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Marginal Citations

M1 1973 c. 65.

5 Preparation of structure plans.

- [^{F7}(1) Where, as a result of the making of an order under section 4A of this Act, the area in respect of which a planning authority are obliged (whether acting alone or jointly with another authority or authorities) to prepare a structure plan is different from the area in respect of which a structure plan is for the time being in force, they shall prepare and submit to the Secretary of State for his approval a structure plan for their district complying with the provisions of subsection (3) below, together with a copy of the report of any survey which they have carried out under section 4(2) of this Act.
- ^{F7}(1A) The Secretary of State may direct a planning authority to carry out their duty under subsection (1) above within a specified period from the direction, and any planning authority to whom such a direction is made shall comply with it.
- ^{F7}(1B) Where a structure plan area extends to the district of more than one planning authority, and the authorities concerned are unable to agree on a joint structure plan for that area, then, without prejudice to the Secretary of State's powers under section 15 of this Act and section 62B (power of Secretary of State to establish joint boards) of the ^{M2}Local Government (Scotland) Act 1973 each authority concerned may include in the plan submitted to the Secretary of State alternative proposals in respect of particular matters.
- ^{F7}(1C) Where authorities submit alternative proposals under subsection (1B) above, such proposals shall be accompanied by a statement of the reasoning behind the proposals.
- ^{F7}(1D) The provisions of section 8(2) of this Act shall apply in relation to structure plans submitted to the Secretary of State under this section as they apply in relation to the submission of alterations to structure plans submitted to him under that section.]
- (2) The said report shall include an estimate of any changes likely to occur [^{F8}, during such period as the planning authority consider appropriate, in the matters mentioned in section 4(3) of this Act.]
- (3) The structure plan for any district shall be a written statement—
- formulating the ^{F9} . . . planning authority's policy and general proposals in respect of the development and other use of land in that district (including measures for [^{F10}the conservation of the natural beauty and amenity of the land,] the improvement of the physical environment and the management of traffic);
 - stating the relationship of those proposals to general proposals for the development and other use of land in neighbouring districts which may be expected to affect that district; and
 - containing such other matters as may be prescribed ^{F11} . . .
- (4) In formulating their policy and general proposals under subsection (3)(a) of this section, the . . . ^{F9} planning authority shall secure that the policy and proposals are justified by the results of their survey under section 4 of this Act and by any other information which they may obtain and shall have regard—
- to current policies with respect to the economic planning and development of the region as a whole;

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(b) to the resources likely to be available for the carrying out of the proposals of the structure plan . . . ^{F12}

^{F12}(c)

^{F13}(5)

(6) A structure plan for any district shall contain or be accompanied by such diagrams, illustrations and descriptive matter as the . . . ^{F9} planning authority think appropriate for the purpose of explaining or illustrating the proposals in the plan, or as may be prescribed ^{F11} . . . ; and any such diagrams, illustrations and descriptive matter shall be treated as forming part of the plan.

^{F13}(7)

Textual Amendments

- F7** S. 5(1)-(1D) substituted for s. 5(1) (1.4.1996) by 1994 c. 39, s. 33(2), **Sch. 4 para. 3** (with s. 7(2)); S.I. 1995/702, **art. 6**; S.I. 1996/323, art. 4(1)(a), **Sch. 1**
- F8** Words substituted by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), **Sch. 2 para. 17(a)**
- F9** Word repealed by Local Government (Scotland) Act 1973 (c. 65), **s. 172(2)**
- F10** Words in s. 5(3)(a) inserted (7.3.1994) by Planning and Compensation Act 1991 (c. 34, SIF 123:2), s. 61, **Sch. 13 para. 3** (with s. 84(5)); S.I. 1994/398, **art. 2**
- F11** Words repealed by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), **Sch. 4**
- F12** Word and s. 5(4)(c) repealed by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), **Sch. 4**
- F13** S. 5(5)(7) repealed (1.4.1996) by 1994 c. 39, s. 180(2), **Sch. 14**; S.I. 1996/323, art. 4(1)(b)(d), **Sch. 2**

Modifications etc. (not altering text)

- C3** S. 5(3) extended by Local Government (Scotland) Act 1973 (c. 65), **s. 173(3)**
- C4** S. 5(3)(a) amended (1.5.1994) by S.I. 1994/1056, regs. 1(3), 19, **Sch. 4 Pt. 1 para. 7(1)**

Marginal Citations

- M2** 1973 c. 65.

6 Publicity in connection with preparation of structure plans.

(1) When preparing a structure plan for their district and before finally determining its content for submission to the Secretary of State, the . . . ^{F14} planning authority shall take such steps as will in their opinion secure—

- (a) that adequate publicity is given in their district to the report of the survey under section 4 of this Act and to the matters which they propose to include 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.

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- [^{F15}(1A) Where authorities submit alternative proposals in relation to particular matters to the Secretary of State under section 5(1B) of this Act, their duty under subsection (1) above is to secure that adequate publicity is given in each of their districts to all the matters which either or any of them propose to include in the plan.]
- (2) Not later than the submission of a structure plan to the Secretary of State, the . . . ^{F14} planning authority shall make copies of the plan as submitted to the Secretary of State available for inspection at their office and at such other places as may be prescribed; and each copy shall be accompanied by a statement of the time within which objections to the plan may be made to the Secretary of State.
- (3) A structure plan submitted by the . . . ^{F14} planning authority to the Secretary of State for his approval 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 consideration of the views of, other persons with respect to those matters.
- (4) If after considering the statement submitted with, and the matters included in, the structure plan and any other information provided by the . . . ^{F14} planning authority, the Secretary of State is satisfied that the purposes of paragraphs (a) to (c) of subsection (1) of this section have been adequately achieved by the steps taken by the authority in compliance with that subsection, he shall proceed to consider whether to approve the structure plan; and if he is not so satisfied, he shall return the plan to the authority and direct them—
- (a) to take such further action as he may specify in order better to achieve those purposes; and
 - (b) after doing so, to resubmit the plan with such modifications, if any, as they then consider appropriate and, if so required by the direction, to do so within a specified period.
- (5) Where the Secretary of State returns the structure plan to the . . . ^{F14} planning authority under subsection (4) of this section, he shall inform the authority of his reasons for doing so and, if any person has made to him an objection to the plan, shall also inform that person that he has returned the plan.
- (6) A . . . ^{F14} planning authority who are given directions by the Secretary of State under subsection (4) of this section shall forthwith withdraw the copies of the plan made available for inspection as required by subsection (2) of this section.
- (7) Subsections (2) to (6) of this section shall apply, with the necessary modifications, in relation to a structure plan resubmitted to the Secretary of State in accordance with directions given by him under subsection (4) as they apply in relation to the plan as originally submitted.

Textual Amendments

F14 Word repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 172\(2\)](#)

F15 [S. 6\(1A\)](#) inserted (1.4.1996) by [1994 c. 39, s. 33\(2\)](#), [Sch. 4 para. 4](#); [S.I. 1995/702, art. 6\(b\)](#); [S.I. 1996/323, art. 4\(1\)\(a\)](#), [Sch. 1](#)

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[^{F16}6A Consultation with other planning authorities.

Before submitting a structure plan or proposals for alteration thereof to the Secretary of State, a planning authority shall consult every other planning authority who are likely to be affected by the plan or proposals.]

Textual Amendments

F16 S. 6A inserted (1.4.1996) by 1994 c. 39, s. 33(2), **Sch. 4 para. 5**; S.I. 1995/702, **art. 6(b)**; S.I. 1996/323, art. 4(1)(a), **Sch. 1**

7 Approval or rejection of structure plan by Secretary of State.

- (1) The Secretary of State may, after considering a structure plan [^{F17}(including any alternative proposals included in the plan by virtue of section 5(1B) of this Act)] submitted (or resubmitted) to him, either approve it (in whole or in part and with or without modifications or reservations) or reject it.
- (2) In considering any such 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.
- [^{F18}(3) Where on taking any such plan into consideration the Secretary of State does not determine then to reject it, he shall, before determining whether or not to approve it—
 - (a) consider any objections to the plan, so far as they are made in accordance with regulations under this Part of this Act, and
 - [if, but only if, it appears to him that an examination in public should be held of
 - ^{F19}(b) any matter affecting his consideration of the plan, cause a person or persons, appointed by him for the purpose, to hold such an examination.]
- (4) The Secretary of State may make regulations with respect to the procedure to be followed at any examination under subsection (3) of this section.
- (5) The Secretary of State shall not be required to secure to any planning authority or other person a right to be heard at any examination under the said subsection (3), and the bodies and persons who may take part therein shall be such only as he may, whether before or during the course of the examination, in his discretion invite to do so:

Provided that the person or persons holding the examination shall have power, exercisable either before or during the course of the examination, to invite additional bodies or persons to take part therein if it appears to him or them desirable to do so.
- (6) An examination under subsection (3)(b) of this section shall constitute a statutory inquiry for the purposes of section 1(1)(c) of the ^{M3}Tribunals and Inquiries Act [^{F20}1992], but shall not constitute such an inquiry for any other purpose of that Act.
- (7) On considering a structure plan the Secretary of State may consult with, or consider the views of, any planning authority or other person, but shall not be under any obligation to do so.
- (8) On exercising his powers under subsection (1) of this section in relation to any structure plan, the Secretary of State shall give such statement as he considers appropriate of the reasons governing his decision.]

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Textual Amendments

- F17** Words in s. 7(1) substituted (1.4.1996) by 1994 c. 39, s. 33(2), **Sch. 4 para. 6**; S.I. 1995/702, **art. 6(b)**; S.I. 1996/323, **art. 4(1)(a)**, **Sch. 1**
- F18** S. 7(3)–(8) substituted for s. 7(3)(4) by Local Government (Scotland) Act 1973 (c. 65), **s. 175(1)**
- F19** S. 7(3)(b) substituted by Local Government and Planning (Scotland) Act 1982 (c. 43), **s. 36**.
- F20** Word in s. 7(6) substituted (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(1), 19(2), **Sch. 3 para. 3**

Marginal Citations

- M3** 1992 c. 53

8 Alteration of structure plans.

- (1) At any time after the approval of a structure plan for their district a . . . ^{F21} planning authority may submit to the Secretary of State and shall, if so directed by the Secretary of State, submit to him within a period specified in the direction, proposals for such alterations to that plan [^{F22}(which may include proposals for repeal and replacement)] as appear to them to be expedient or as the Secretary of State may direct, as the case may be, and any such proposals may relate to the whole or to part of that district ^{F23} . . .
- (2) The . . . ^{F21} planning authority shall send with the proposals submitted by them under this section a report of the results of their review of the relevant matters under section 4 of this Act together with any other information on which the proposals are based, and sections 6 [^{F24}(2)] and 7 of this Act shall apply, with any necessary modifications, in relation to the proposals as they apply in relation to a structure plan.
- ^{F25}(3) Before a planning authority submit proposals under this section they shall give such publicity (if any) to, and undertake such consultation (if any) about, the said proposals as they think fit, and shall consider any representations timeously made to them about such proposals.
- (4) The planning authority shall send with any proposals submitted by them under this section a statement of the steps they have taken to comply with subsection (3) above and, if they have not publicised or have not consulted under that subsection, the statement shall explain the absence of such publicity or as the case may be consultation.
- (5) If the Secretary of State is not satisfied with the steps taken by the planning authority to comply with subsection (3) above, or as the case may be if he is not satisfied with the terms of any explanation provided by them under subsection (4) above, he may return the proposals to the authority, and may direct them—
 - (a) to take such steps or further steps as he may specify; and
 - (b) after they have done so, to resubmit the proposals with such modification, if any, as they consider appropriate.
- (6) Where, under subsection (5) above, the Secretary of State returns proposals, he shall inform the authority of his reasons for doing so and, if any person has made to him an objection to the proposals, shall also inform that person that he has returned the proposals.

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- (7) A planning authority who are given directions under subsection (5) of this section shall forthwith withdraw the copies which have, under section 6(2) of this Act (as applied by subsection (2) above) been made available for inspection.
- (8) The said section 6(2) and subsections (3) to (7) above shall apply, in relation to proposals resubmitted in accordance with directions given under subsection (5) above, as they apply in relation to proposals submitted under subsection (1) above.]

Textual Amendments

- F21** Word repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), s. 172\(2\)](#)
- F22** Words inserted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 37\(a\)\(i\)](#)
- F23** Words in s. 8(1) repealed (1.4.1996) by 1994 c. 39, s. 180(2), [Sch. 14](#); S.I. 1996/323, art. 4(1)(b)(d), [Sch. 2](#)
- F24** Word inserted by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 37\(b\)](#)
- F25** [S. 8\(3\)—\(8\)](#) added by [Local Government and Planning \(Scotland\) Act 1982 \(c. 43\), s. 37\(c\)](#)

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