



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### [<sup>F1</sup> PART 2

#### DEVELOPMENT PLANS

#### *[<sup>F1</sup> Supplementary provisions*

#### Textual Amendments

- F1** Pt. 2 substituted (19.5.2008 for specified purposes, 25.6.2008 for specified purposes, 28.2.2009 in so far as not already in force) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 2, 59(2)** (with savings and transitional provisions in [S.S.I. 2008/165](#), arts. 1, 2 and [S.S.I. 2008/427](#), arts. 1(1), 2-5); [S.S.I. 2008/164](#), art. 2(1)(2), **sch.**; [S.S.I. 2009/70](#), art. 2, **sch.**

### 23 Disregarding of representations with respect to development authorised by or under other enactments

- (1) Where subsection (2) applies—
- <sup>F2</sup>(a) .....
  - (b) neither the Scottish Ministers nor a planning authority need consider representations with respect to—
    - <sup>F3</sup>(i) .....
    - (ii) a proposed local development plan.
- (2) This subsection applies where it appears to the Scottish Ministers or the authority, as the case may be, that those representations are in substance representations with respect to things done or proposed to be done in pursuance of—
- (a) an order or scheme under section 5, 7, 9 or 12 of the Roads (Scotland) Act 1984 (c. 54) (trunk road orders, special road schemes and orders for other public roads), or

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- (b) an order under section 1 of the New Towns (Scotland) Act 1968 (c. 16) (designation of sites of new towns).

**Textual Amendments**

**F2** S. 23(1)(a) and word repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\), s. 63\(2\), sch. 2 para. 1\(5\)](#); S.S.I. 2023/10, reg. 3(2)(e)

**F3** S. 23(1)(b)(i) and word repealed (19.5.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\), s. 63\(2\), sch. 2 para. 2\(6\)](#); S.S.I. 2023/100, reg. 2(2)(f) (with reg. 4)

**23A Regulations under this Part**

- (1) Regulations under this Part may extend throughout Scotland or to specified areas only and may make different provision for different cases.
- (2) Subject to the previous provisions of this Part and to any such regulations, the Scottish Ministers may give directions to any planning authority<sup>F4</sup> ..., or to planning authorities<sup>F5</sup> ... generally for—
  - (a) formulating the procedure for the carrying out of functions under this Part, or
  - (b) requiring them to give the Scottish Ministers such information as the Scottish Ministers may require for carrying out functions under this Part.

**Textual Amendments**

**F4** Words in s. 23A(2) repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\), s. 63\(2\), sch. 2 para. 1\(6\)\(a\)](#); S.S.I. 2023/10, reg. 3(2)(e)

**F5** Words in s. 23A(2) repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\), s. 63\(2\), sch. 2 para. 1\(6\)\(b\)](#); S.S.I. 2023/10, reg. 3(2)(e)

**23B Default powers of the Scottish Ministers**

- (1) This section applies where—
  - (a) under any of the previous sections of this Part, any<sup>F6</sup> ... local development plan requires to be prepared,<sup>F7</sup> ... any<sup>F8</sup> ... proposed local development plan requires to be submitted to the Scottish Ministers, or steps are required to be taken for the adoption of a proposed local development plan, and
  - (b) the Scottish Ministers are satisfied that the authority in question—
    - (i) are not, within a reasonable period, doing what is required, or
    - (ii) have not met a time limit specified in any of those provisions for doing what is required (or some part of what is required).
- (2) Where this section applies, the Scottish Ministers may—
  - (a) direct the authority in question (the “defaulting authority”) to carry out that authority's functions in relation to the matter and may specify in the direction the factors to be taken into account or objectives to be achieved by that authority in so doing, or
  - (b) prepare a<sup>F9</sup> ... local development plan.

<sup>F10</sup>(3) .....

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- (4) The previous sections of this Part apply, so far as applicable and with any necessary modifications, in relation to the doing of anything—
- (a) under subsection (2)(b) by the Scottish Ministers, or
  - <sup>F11</sup>(b) .....
- as they apply in relation to the doing of anything by the defaulting authority.
- (5) The defaulting authority—
- (a) must on demand repay to the Scottish Ministers so much of any expenses incurred by the Scottish Ministers in connection with the doing of anything which should have been done by the defaulting authority as the Scottish Ministers certify to have been incurred in the performance of the defaulting authority's functions, and
  - <sup>F12</sup>(b) .....

**Textual Amendments**

- F6** Words in s. 23B(1)(a) repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), **sch. 2 para. 1(7)(a)(i)**; S.S.I. 2023/10, reg. 3(2)(e)
- F7** Words in s. 23B(1)(a) repealed (19.5.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), **sch. 2 para. 2(7)**; S.S.I. 2023/100, reg. 2(2)(f) (with reg. 4)
- F8** Words in s. 23B(1)(a) repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), **sch. 2 para. 1(7)(a)(ii)**; S.S.I. 2023/10, reg. 3(2)(e)
- F9** Words in s. 23B(2)(b) repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), **sch. 2 para. 1(7)(b)**; S.S.I. 2023/10, reg. 3(2)(e)
- F10** S. 23B(3) repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), **sch. 2 para. 1(7)(e)**; S.S.I. 2023/10, reg. 3(2)(e)
- F11** S. 23B(4)(b) and word repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), **sch. 2 para. 1(7)(d)**; S.S.I. 2023/10, reg. 3(2)(e)
- F12** S. 23B(5)(b) and word repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), **sch. 2 para. 1(7)(e)**; S.S.I. 2023/10, reg. 3(2)(e)

**23C Reviews of plans in enterprise zones**

As soon as practicable after an order has been made under paragraph 5 of Schedule 32 to the Local Government, Planning and Land Act 1980 (c. 65) (designation of enterprise zone scheme) or a notification has been given under paragraph 11 of that Schedule (modification of such a scheme)—

- <sup>F13</sup>(a) .....
- (b) a planning authority for a district in which the enterprise zone is wholly or partly situated are, in that light, to review any local development plan which relates to land situated both in the district and in the zone.

**Textual Amendments**

- F13** S. 23C(a) and word repealed (12.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), **sch. 2 para. 1(8)**; S.S.I. 2023/10, reg. 3(2)(e)

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### 23D Meaning of “key agency”

Any reference in a provision of [<sup>F14</sup>Part 1A or] this Part to a “key agency” is to [<sup>F15</sup>a person (other than an individual) or an officeholder] which the Scottish Ministers specify as such for the purposes of that provision by regulations.

#### Textual Amendments

**F14** Words in s. 23D inserted (8.11.2019) by Planning (Scotland) Act 2019 (asp 13), ss. 10(a), 63(2); S.S.I. 2019/314, reg. 2, sch.

**F15** Words in s. 23D substituted (8.11.2019) by Planning (Scotland) Act 2019 (asp 13), ss. 10(b), 63(2); S.S.I. 2019/314, reg. 2, sch.

### 24 Meaning of “development plan”

[<sup>F16</sup>(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 section 3CA(7),
- (b) the date of a local development plan is the date on which it was constituted under section 20.]

(5) This section has effect subject to Schedule 1 (old development plans).]

#### Textual Amendments

**F16** S. 24(1)-(4) substituted (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), ss. 13(2), 63(2) (as amended (18.12.2019) by S.S.I. 2019/424, regs. 1, 2(3)(a)); S.S.I. 2023/10, reg. 3(2)(c)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by [S.S.I. 2008/189 art. 53\(3\)](#)
- Act power to apply (with or without modifications) conferred by [2021 asp 9 s. 45\(3\)\(b\)\(c\)](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- Pt. 11A inserted by [2006 asp 17 s. 29](#)
- Pt. 12A inserted by [2006 asp 17 s. 30](#)
- Pt. 12A inserted by [2019 asp 13 s. 46\(2\)](#)
- s. 3CD inserted by [2019 asp 13 s. 4\(2\)](#)
- s. 20AA(4)(a)(iii) inserted by [2019 asp 13 s. 14\(6\)](#)
- s. 29(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(3\)\(b\)](#)
- s. 36(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(4\)\(b\)](#)
- s. 36(5)(6) inserted by [2019 asp 13 s. 36\(2\)](#)
- s. 40A inserted by [2019 asp 13 s. 19\(2\)](#)
- s. 43A-43AD substituted for s. 43A by [2019 asp 13 s. 28\(2\)](#)
- s. 47(2)(aa) inserted by [2019 asp 13 s. 28\(3\)\(a\)](#)
- s. 47(2A) inserted by [2019 asp 13 s. 28\(3\)\(b\)](#)
- s. 47(6) inserted by [2019 asp 13 s. 31\(2\)\(c\)](#)
- s. 54A-54F and cross-heading inserted by [2019 asp 13 s. 15\(2\)](#)
- s. 57(2C)(2D) inserted by [2021 asp 9 s. 44\(2\)](#)
- s. 58(4)(fa) inserted by [2019 asp 13 Sch. 2 para. 5\(5\)\(b\)](#)
- s. 61(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(6\)\(b\)](#)
- s. 75(4A) inserted by [2019 asp 13 s. 35\(2\)](#)
- s. 75A(5A) inserted by [2019 asp 13 s. 35\(3\)](#)
- s. 77A inserted by [2019 asp 13 s. 39\(2\)](#)
- s. 135(4A) inserted by [2019 asp 13 s. 43\(2\)\(c\)](#)
- s. 154(1)(c) and word inserted by [2019 asp 13 s. 28\(4\)\(a\)\(ii\)](#)
- s. 154(1A) inserted by [2019 asp 13 s. 28\(4\)\(b\)](#)
- s. 158A(1A) inserted by [2019 asp 13 s. 44\(2\)](#)
- s. 158B-158F and cross-heading inserted by [2019 asp 13 s. 43\(3\)](#)
- s. 183(1)(c) inserted by [2019 asp 13 Sch. 2 para. 5\(7\)\(b\)](#)
- s. 237(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(8\)](#)
- s. 238(3)(a)-(c) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(a\)\(ii\)](#)
- s. 238(5)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(b\)](#)
- s. 238(7) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(c\)](#)