

Changes to legislation: Town and Country Planning (Scotland) Act 1997, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 April 2024. 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

SCHEDULES

SCHEDULE 1

Section 24(4).

OLD DEVELOPMENT PLANS

Preliminary

- [^{F1}1 In this schedule “old development plan” means—
- (a) a local plan,
 - (b) a strategic development plan,
 - (c) supplementary guidance.]

Textual Amendments

- F1** Sch. 1 para. 1 substituted (11.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 4(2)**; S.S.I. 2023/10, reg. 2(2)(b)

Continuation in force of old development plans

- 2 Any old development plan which immediately before the [^{F2}coming into force of [^{F3}section 13 of the Planning (Scotland) Act 2019]] was in force as respects any area shall, subject to the provisions of this Schedule, continue in force as respects that area and be treated for the purposes of this Act, any other enactment relating to town and country planning and the ^{M1}Land Compensation (Scotland) Act 1963 as being comprised in the development plan for that area.

Textual Amendments

- F2** Words in Sch. 1 para. 2 substituted (28.2.2009) by Planning etc. (Scotland) Act 2006 (asp 17), **ss. 53(3), 59(2)** (with S.S.I. 2008/427, arts. 1(1), **6**); S.S.I. 2009/70, art. 2, sch.
- F3** Words in Sch. 1 para. 2 substituted (11.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 4(3)**; S.S.I. 2023/10, reg. 2(2)(b)

Marginal Citations

- M1** 1963 c. 51.

F4 ...

Textual Amendments

- F4** Sch. 1 para. 3 and cross-heading repealed (11.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 4(4)**; S.S.I. 2023/10, reg. 2(2)(b)

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F43

Street authorisation maps

F54

Textual Amendments

F5 Sch. 1 para. 4 repealed (28.2.2009) by Planning etc. (Scotland) Act 2006 (asp 17), ss. 53(5), 59(2)(with S.S.I. 2008/427, arts. 1(1), 6) ; S.S.I. 2009/70, art. 2, sch.

F6 ...

Textual Amendments

F6 Sch. 1 para. 5 and cross-heading repealed (11.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), sch. 2 para. 4(4); S.S.I. 2023/10, reg. 2(2)(b)

F65

[^{F7}Discontinuance of old development plans]

Textual Amendments

F7 Sch. 1 para. 6 cross-heading substituted (11.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), sch. 2 para. 4(6); S.S.I. 2023/10, reg. 2(2)(b)

[^{F8}6 On the publication of the revised National Planning Framework under section 3CA(7) after the coming into force of section 13 of the Planning (Scotland) Act 2019, all strategic development plans and any supplementary guidance issued in connection with them cease to have effect.]

Textual Amendments

F8 Sch. 1 paras. 6, 6A substituted for sch. 1 para. 6 (11.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), sch. 2 para. 4(5) (as amended (18.12.2019) by S.S.I. 2019/424, regs. 1, 2(5)); S.S.I. 2023/10, reg. 2(2)(b)

[^{F8}6A On the constitution of a local development plan for an area under section 20 after the coming into force of section 13 of the Planning (Scotland) Act 2019—

(a) so much of any local plan in force by virtue of paragraph 2 as relates to the area to which the plan so adopted relates ceases to have effect, and

(b) any supplementary guidance issued in connection with a local development plan for that area ceases to have effect.]

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Textual Amendments

- F8** Sch. 1 paras. 6, 6A substituted for sch. 1 para. 6 (11.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), [sch. 2 para. 4\(5\)](#) (as amended (18.12.2019) by [S.S.I. 2019/424](#), regs. 1, 2(5)); [S.S.I. 2023/10](#), reg. 2(2)(b)

[^{F9}7 The Scottish Ministers may by regulations provide that any of the provisions of an old development plan are to continue in force in relation to an area despite paragraphs 6 and 6A.]

Textual Amendments

- F9** Sch. 1 para. 7 substituted (11.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), [sch. 2 para. 4\(7\)](#); [S.S.I. 2023/10](#), reg. 2(2)(b)

8 The Secretary of State may by order wholly or partly revoke [^{F10}an old] development plan continued in force under this Schedule whether in its application to the whole of the district of a planning authority or in its application to part of that district and make such consequential amendments to the plan as appear to him to be necessary or expedient.

Textual Amendments

- F10** Words in [Sch. 1 para. 8](#) substituted (11.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), [sch. 2 para. 4\(8\)](#); [S.S.I. 2023/10](#), reg. 2(2)(b)

9 Before making an order with respect to a development plan under paragraph 7 or 8, the Secretary of State shall consult the planning authority for the district^{F11} ... to which the plan relates.

Textual Amendments

- F11** Words in [Sch. 1 para. 9](#) repealed (11.2.2023) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), [sch. 2 para. 4\(9\)](#); [S.S.I. 2023/10](#), reg. 2(2)(b)

[^{F12}Further provision as to interpretation

Textual Amendments

- F12** Sch. 1 para. 10 and cross-heading added (28.2.2009) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), ss. [53\(10\)](#), [59\(2\)](#) (with [S.S.I. 2008/427](#), arts. 1(1), 6); [S.S.I. 2009/70](#), art. 2, sch.

[^{F13}10 In this schedule—

“local plan” is to be construed in accordance with section 11 as that section applied immediately before the coming into force of the [Planning etc. \(Scotland\) Act 2006](#),

“strategic development plan” is to be construed in accordance with section 7 as it applied immediately before the coming into force of section 6 of the [Planning \(Scotland\) Act 2019](#),

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“supplementary guidance” means guidance issued under section 22 of this Act as it applied immediately before the coming into force of section 9 of the Planning (Scotland) Act 2019.]]

Textual Amendments

F13 Sch. 1 para. 10 substituted (11.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 4(10)**; S.S.I. 2023/10, reg. 2(2)(b)

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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\(9\)\(c\)](#)