

Changes to legislation: Town and Country Planning (Scotland) Act 1997, SCHEDULE 5 is up to date with all changes known to be in force on or before 16 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 5

Section 50(3).

SIMPLIFIED PLANNING ZONES

General

- 1 (1) A simplified planning zone scheme shall consist of a map and a written statement, and such diagrams, illustrations and descriptive matter as the planning authority think appropriate for explaining or illustrating the provisions of the scheme.
- (2) A simplified planning zone scheme shall specify—
- (a) the development or classes of development permitted by the scheme,
 - (b) the land in relation to which permission is granted, and
 - (c) any conditions, limitations or exceptions subject to which it is granted,
- and shall contain such other matters as may be prescribed.

[^{F1}Notification of proposals to alter scheme]

Textual Amendments

- F1** Sch. 5 para. 2 cross-heading substituted (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(b), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)

- 2 An authority who decide under section 50(2) to ^{F2}... alter a simplified planning zone scheme shall—
- (a) notify the Secretary of State of their decision as soon as practicable, and
 - (b) determine the date on which they will begin to prepare ^{F3}... the alterations.

Textual Amendments

- F2** Words in Sch. 5 para. 2 repealed (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(a)(i), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)
- F3** Words in Sch. 5 para. 2(b) repealed (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(a)(ii), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)

[^{F4}Power of Secretary of State to direct alteration of scheme]

Textual Amendments

- F4** Sch. 5 para. 3 cross-heading substituted (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(e), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)

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- 3 (1) If a person requests a planning authority to ^{F5}... alter a simplified planning zone scheme but the authority—
 - (a) refuse to do so, or
 - (b) do not within the period of 3 months from the date of the request decide to do so,
 he may, subject to sub-paragraph (2), require them to refer the matter to the Secretary of State.
- (2) A person may not require the reference of the matter to the Secretary of State if—
 - ^{F6}(a)
 - (b) in the case of a request to alter the scheme, the scheme to which the request relates was adopted or approved, or any alteration to it has been adopted or approved, within [^{F7}the 12 months preceding the request].
- (3) The Secretary of State shall, as soon as practicable after a matter is referred to him—
 - (a) send the authority a copy of any representations made to him by the applicant which have not been made to the authority, and
 - (b) notify the authority that if they wish to make any representations in the matter they should do so, in writing, within 28 days.
- (4) After the Secretary of State has—
 - (a) considered the matter and any written representations made by the applicant or the authority, and
 - (b) carried out such consultations with such persons as he thinks fit,
 he may give the authority a simplified planning zone direction.
- (5) The Secretary of State shall notify the applicant and the authority of his decision and of his reasons for it.

Textual Amendments

F5 Words in Sch. 5 para. 3(1) repealed (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(c), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)

F6 Sch. 5 para. 3(2)(a) repealed (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(d)(i), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)

F7 Words in Sch. 5 para. 3(2)(b) substituted (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(d)(ii), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)

- 4 (1) A simplified planning zone direction is—
 - ^{F8}(a)
 - (b) if the request was for the alteration of a scheme, a direction to alter it in such manner as [^{F9}the Scottish Ministers consider] appropriate,
 and ^{F10}... requires the planning authority to take all the steps required by this Schedule for the adoption of proposals for the ^{F11}... alteration of a scheme.
- (2) A direction under [^{F12}sub-paragraph (1)(b)] may extend—
 - (a) to the land specified in the request to the authority,
 - (b) to any part of the land so specified, or
 - (c) to land which includes the whole or part of the land so specified,

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and accordingly may direct that land shall be added to or excluded from an existing simplified planning zone.

Textual Amendments

- F8** Sch. 5 para. 4(1)(a) repealed (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(f)(i), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)
- F9** Words in Sch. 5 para. 4(1)(b) substituted (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(f)(ii), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)
- F10** Words in Sch. 5 para. 4(1) repealed (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(f)(iii), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)
- F11** Words in Sch. 5 para. 4(1) repealed (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(f)(iv), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)
- F12** Words in Sch. 5 para. 4(2) substituted (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(g), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)

Steps to be taken before depositing proposals

- 5 (1) A planning authority proposing to ^{F13}... alter a simplified planning zone scheme shall, before determining the content of their proposals, comply with this paragraph.
- (2) They shall—
- (a) consult—
- (i) the Secretary of State, and
- (ii) any local roads authority in whose area the proposed zone or any part of it lies,
- as to the effect any proposals they may make might have on existing or future roads, and
- (b) consult or notify such persons as regulations may require them to consult or, as the case may be, notify.
- (3) They shall take such steps as may be prescribed, or as the Secretary of State may in a particular case direct, to publicise—
- (a) the fact that they propose to ^{F14}... alter a simplified planning zone scheme, and
- (b) the matters which they are considering including in the proposals.
- (4) They shall consider any representations that are made in accordance with regulations.

Textual Amendments

- F13** Words in Sch. 5 para. 5(1) repealed (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(h), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)
- F14** Words in Sch. 5 para. 5(3)(a) repealed (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(i), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)

Procedure after deposit of proposals

- 6 Where a planning authority have ^{F15}... proposed alterations to a simplified planning zone scheme, they shall—

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- (a) make copies of the proposed ^{F16}... alterations available for inspection at such places as may be prescribed,
- (b) take such steps as may be prescribed for the purpose of advertising the fact that the proposed ^{F16}... alterations are so available and the places at which, and times during which, they may be inspected,
- (c) take such steps as may be prescribed for inviting representations or objections to be made within such period as may be prescribed, and
- (d) send a copy of the proposed ^{F16}... alterations to the Secretary of State and to any local roads authority whom they have consulted under paragraph 5(2)(a).

Textual Amendments

- F15** Words in Sch. 5 para. 6 repealed (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(j)(i), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)
- F16** Words in Sch. 5 para. 6 repealed (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(j)(ii), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)

Procedure for dealing with objections

- 7 (1) Where objections to the proposed ^{F17}... alterations are made, the planning authority may—
- (a) for the purpose of considering the objections, 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, appointed by the authority, or
 - (b) require the objections to be considered by a person appointed by the Secretary of State.
- (2) A planning authority shall exercise the power under sub-paragraph (1), or paragraph (a) or (b) of that sub-paragraph, if directed to do so by the Secretary of State.
- (3) Regulations may—
- (a) make provision with respect to the appointment, and qualifications for appointment, of persons for the purposes of this paragraph;
 - (b) include provision enabling the Secretary of State to direct a planning authority to appoint a particular person, or one of a specified list or class of persons;
 - (c) make provision with respect to the remuneration and allowances of the person appointed.
- (4) The ^{M1}Tribunals and Inquiries Act 1992 applies to a local inquiry or other hearing held under this paragraph as it applies to a statutory inquiry held by the Secretary of State, with the substitution in section 10(1) (statement of reasons for decision) for the references to a decision taken by the Secretary of State of references to a decision taken by a planning authority.
- (5) The planning authority shall—
- (a) where a person appointed under or by virtue of this paragraph is in the public service of the Crown, pay the Secretary of State, and
 - (b) in any other case, pay the person so appointed,

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a sum, determined in accordance with regulations under sub-paragraph (6), 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).

- (6) Regulations made by the Secretary of State may make provision with respect to the determination of the sum referred to in sub-paragraph (5) and may in particular prescribe, in relation to any class of person appointed under or by virtue of this paragraph, 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.
- (7) Without prejudice to the generality of sub-paragraph (6), the Secretary of State may, in prescribing by virtue of that sub-paragraph 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.

Textual Amendments

F17 Words in [Sch. 5 para. 7\(1\)](#) repealed (1.4.2024) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), [ss. 16\(4\)\(k\), 63\(2\)](#); [S.S.I. 2024/79](#), [reg. 2\(1\)\(2\)\(c\)](#) (with [reg. 3](#))

Modifications etc. (not altering text)

C1 [Sch. 5 para. 7\(5\)-\(7\)](#) amended (27.5.1997) by [1997 c. 11](#), [ss. 5, 6\(2\)](#), [Sch. 3 para. 14](#)

Marginal Citations

M1 [1992 c. 53](#).

Adoption of proposals by planning authority

- 8 (1) After the expiry of the period for making objections or, if objections have been made in accordance with the regulations, after considering those objections and the views of any person holding an inquiry or hearing or considering the objections under paragraph 7, the planning authority may by resolution adopt the proposals (subject to the following provisions of this paragraph and of paragraph 9).
- (2) They may adopt the proposals as originally prepared or as modified so as to take account of—
- (a) any such objections as are mentioned in sub-paragraph (1) or any other objections to the proposals, or
 - (b) any other considerations which appear to the authority to be material.
- (3) After copies of the proposals have been sent to the Secretary of State and before they have been adopted by the planning authority, the Secretary of State may, if it appears to him that the proposals are unsatisfactory, direct the authority to consider modifying the proposals in such respects as are indicated in the direction.
- (4) An authority to whom a direction is given shall not adopt the proposals unless they satisfy the Secretary of State that they have made the modification necessary to conform with the direction or the direction is withdrawn.

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Calling in of proposals for approval by Secretary of State

- 9 (1) After copies of proposals have been sent to the Secretary of State and before they have been adopted by the planning authority, the Secretary of State may direct that the proposals shall be submitted to him for his approval.
- (2) In that event—
- (a) the authority shall not take any further steps for the adoption of the proposals, and in particular shall not hold or proceed with a local inquiry or other hearing or any consideration of objections in respect of the proposals under paragraph 7, and
 - (b) the proposals shall not have effect unless approved by the Secretary of State and shall not require adoption by the authority.

Approval of proposals by Secretary of State

- 10 (1) The Secretary of State may after considering proposals submitted to him under paragraph 9 either approve them, in whole or in part and with or without modifications, or reject them.
- (2) In considering the proposals he may take into account any matters he thinks are relevant, whether or not they were taken into account in the proposals as submitted to him.
- (3) Where on taking the proposals into consideration the Secretary of State does not determine then to reject them he shall, before determining whether or not to approve them, consider any objections made in accordance with regulations (and not withdrawn) except objections which—
- (a) have already been considered by the planning authority or by a person appointed by the Secretary of State, or
 - (b) have already been considered at a local inquiry or other hearing.
- (4) The Secretary of State may—
- (a) for the purpose of considering any objections and the views of the planning authority and of such other persons as he thinks fit, cause a local inquiry or other hearing to be held by a person appointed by him, or
 - (b) require such objections and views to be considered by a person appointed by him.
- (5) In considering the proposals the Secretary of State may consult, or consider the views of, any planning authority or any other person; but he need not do so, or give an opportunity for the making or consideration of representations or objections, except so far as he is required to do so by sub-paragraph (3) of this paragraph.

Default powers

- 11 (1) Where—
- ^{F18}(a) a planning authority are directed under paragraph 3 to alter a simplified planning zone scheme in such manner as the Scottish Ministers consider appropriate, and]
 - (b) the Secretary of State is satisfied, after holding a local inquiry or other hearing, that the authority are not taking within a reasonable period the steps required by this Schedule for the adoption of proposals for the ^{F19}... alteration of a scheme,

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he may himself make ^{F20} ... the alterations.

- (2) Where under this paragraph anything which ought to have been done by a planning authority is done by the Secretary of State, the preceding provisions of this Schedule apply, so far as practicable, with any necessary modifications in relation to the doing of that thing by the Secretary of State and the thing so done.
- (3) Where the Secretary of State incurs expenses under this paragraph in connection with the doing of anything which should have been done by a planning authority, so much of those expenses as may be certified by the Secretary of State to have been incurred in the performance of functions of that authority shall on demand be repaid by the authority to the Secretary of State.

Textual Amendments

- F18** Sch. 5 para. 11(1)(a) substituted (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(1)(i), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)
- F19** Words in Sch. 5 para. 11(1)(b) repealed (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(1)(ii), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)
- F20** Words in Sch. 5 para. 11(1) repealed (1.4.2024) by Planning (Scotland) Act 2019 (asp 13), ss. 16(4)(1)(iii), 63(2); S.S.I. 2024/79, reg. 2(1)(2)(c) (with reg. 3)

Regulations and directions

- 12 (1) Without prejudice to the preceding provisions of this Schedule, the Secretary of State may make regulations with respect to the form and content of simplified planning zone schemes and with respect to the procedure to be followed in connection with their preparation, withdrawal, adoption, submission, approval, making or alteration.
- (2) Any such regulations may in particular—
 - (a) provide for the notice to be given of, or the publicity to be given to, matters included or proposed to be included in a simplified planning zone scheme and the adoption or approval of such a scheme, or of any alteration of it, or any other prescribed procedural step, and for publicity to be given to the procedure to be followed in these respects;
 - (b) make provision with respect to the making and consideration of representations as to matters to be included in, or objections to, any such scheme or proposals for its alteration;
 - (c) make provision with respect to the circumstances in which representations with respect to the matters to be included in such a scheme or proposals for its alteration are to be treated, for the purposes of this Schedule, as being objections made in accordance with regulations;
 - (d) without prejudice to paragraph (a), provide for notice to be given to particular persons of the adoption or approval of a simplified planning zone scheme, or an alteration to such a scheme, if they have objected to the proposals and have notified the planning authority of their wish to receive notice, subject (if the regulations so provide) to the payment of a reasonable charge;
 - (e) require or authorise a planning authority to consult with, or consider the views of, other persons before taking any prescribed procedural step;
 - (f) require a planning authority, in such cases as may be prescribed or in such particular cases as the Secretary of State may direct, to provide persons making a request in that behalf with copies of any document which has

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- been made public, subject (if the regulations so provide) to the payment of a reasonable charge;
- (g) provide for the publication and inspection of a simplified planning zone scheme which has been adopted or approved, or any document adopted or approved altering such a scheme, and for copies of any such scheme or document to be made available on sale.
- (3) Regulations under this paragraph may extend throughout Scotland or to specified areas only and may make different provision for different cases.
- (4) Subject to the preceding provisions of this Schedule and to any regulations under this paragraph, the Secretary of State may give directions to any planning authority or to planning authorities generally—
- (a) for formulating the procedure for the carrying out of their functions under this Schedule;
- (b) for requiring them to give him such information as he may require for carrying out any of his functions under this Schedule.

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