

**ANGUS COUNCIL**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 – SECTION 238**

**TOWN AND COUNTRY PLANNING (STRUCTURE AND LOCAL PLANS)  
(SCOTLAND) REGULATIONS 1983**

**REGULATION 43**

**ANGUS LOCAL PLAN REVIEW**

On 19 February 2009 Angus Council, by resolution adopted the above named Local Plan, as modified by the Council. The Plan became operational on 20 February 2009 and the date of publication of the first Notice of Adoption was 6 March 2009. The terms of Section 238(1) and (2) of the Town and Country Planning (Scotland) Act 1997 are applicable, viz:-

238(1) If any person aggrieved by such a Structure Plan or a Local Plan or by any alteration, repeal or replacement of any such Plan desires to question the validity of the Plan or, as the case may be, the alteration, repeal or replacement on the ground:-

- (a) that it is not within the powers conferred by Part II: or
- (b) that any requirement of that Part or of any regulation made under it has not been complied with in relation to the approval or adoption of the Plan or, as the case may be, its alteration, repeal or replacement,

he may make an application to the Court of Session under this section.

(2) On any application under this section the Court of session:-

- (a) may by interim order wholly or in part suspend the operation of the Plan or, as the case may be, the alteration, repeal or replacement, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings;
- (b) if satisfied that the Plan or, as the case may be, the alteration, repeal or replacement is wholly or to any extent outside the powers conferred by Part II, or that the interests of the applicant have been substantially prejudiced by the failure to comply with any requirement of that part or of any regulations made under it, may wholly or in part quash the Plan or, as the case may be, the alteration, repeal or replacement either generally or in so far as it affects any property of the applicant.

6 March 2009

George Chree  
Head of Planning and Transport