

PLANNING ETC. (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 2 – Development Plans

Section 2 – Development plans

Supplementary provisions

37. **New section 23** allows the Scottish Ministers and planning authorities to disregard representations made in respect of developments authorised under sections 5, 7, 9 or 12 of the Roads (Scotland) Act 1984 or section 1 of the New Towns (Scotland) Act 1968.
38. **New section 23A** covers regulations under the new Part 2 of the 1997 Act. Subsection (1) explains that regulations and directions under Part 2 may apply to the whole of Scotland or to parts of Scotland. Subsection (2) gives the Scottish Ministers powers to direct planning authorities in relation to the procedure for carrying out their development planning functions and supplying information to Ministers.
39. **New section 23B** sets out the default powers of the Scottish Ministers in relation to the preparation of development plans. Subsection (1) sets out when the default powers apply. Where an authority have not done what is required within a reasonable period, or have not met a time limit, the Scottish Ministers can, under subsections (2) to (4), direct the authority to carry out their functions, or may prepare the plan themselves. In the case of a strategic development plan, Ministers may also direct one of the constituent authorities to prepare the plan. Subsection (5) requires the defaulting authority to repay to Ministers or to any other planning authority any expenses reasonably incurred.
40. **New section 23C** replaces section 23 in the 1997 Act, and requires planning authorities to review plans in the light of the designation or modification of enterprise zone schemes.
41. **New section 23D** defines “key agencies” in relation to Part 2 by reference to any regulations in which they are specified. Key agencies are likely to include Scottish Natural Heritage, the Scottish Environment Protection Agency and Local Enterprise Companies.
42. **New section 24** defines which documents comprise a development plan.