

## **Executive Note**

### **The Planning etc. (Scotland) Act 2006 (Consequential Provisions) Order 2007 SSI/2007/176**

The above instrument was made in exercise of the powers conferred by Section 58(1) and (2) of the Planning etc. (Scotland) Act 2006. The instrument is subject to negative resolution procedure.

### **Policy Objectives**

The purpose of the instrument is to revoke the regulations which set out the unique planning procedure – the ‘Notice of Intention to Develop’ (NID) – followed by local authorities, where they are acting both as the developer and as the planning authority; the effect being that in future local authorities must apply for planning permission for their own developments where relevant. The NID procedure is set out in the *Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations 1981*. This instrument revokes both those regulations and subsequent (1984) amendment regulations. This will discontinue the NID procedure with effect from 1 April 2007, requiring local authorities to lodge planning applications for their own developments from that date.

The Order includes a saving provision which will allow for the NID process to continue for development proposals by planning authorities which had already begun the process, and had been the subject of published public notices, on or before 31 March 2007.

The instrument also revokes that part of the *Environmental Impact Assessment (Scotland) Regulations 1999* which relates to the specific arrangements for developments by planning authorities; reflecting that such developments will, wherever necessary, follow the same environmental impact assessment processes as any private development.

### **Consultation**

There has been significant consultation in recent years in relation to the modernisation of the planning system, which culminated in the Planning etc. (Scotland) Act 2006. The proposed arrangements to withdraw the Notice of Intention to Develop procedure featured in the White Paper *Modernising the Planning System* (June 2005), on which comments were sought, and was subsequently debated in the Scottish Parliament during the passage of the Bill, during which there was particular interest in arrangements for considering proposed development where the local authority has an interest.

### **Financial Effects**

The instrument has no financial effects on the Scottish Executive, local government or on business. It relates entirely to development proposed to be carried out by the local authority, and the existing planning procedure for such developments will be replaced by a similar procedure.

Scottish Executive Development Department  
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