

**2007 No. 177**

**TOWN AND COUNTRY PLANNING**

**The Town and Country Planning (General Development Procedure) (Scotland) Amendment Order 2007**

<i>Made</i> - - - -	<i>6th March 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>7th March 2007</i>
<i>Coming into force</i> - -	<i>1st April 2007</i>

The Scottish Ministers, in exercise of the powers conferred by sections 30 and 43(1)(aa), (c) and (f) of the Town and Country Planning (Scotland) Act 1997(a) and of all other powers enabling them in that behalf, hereby make the following Order:—

**Citation and commencement**

1. This Order may be cited as the Town and Country Planning (General Development Procedure) (Scotland) Amendment Order 2007 and shall come into force on 1st April 2007.

**Amendment of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992**

2.—(1) The Town and Country Planning (General Development Procedure) (Scotland) Order 1992(b) is amended as follows.

(2) In article 2(1) (interpretation), in the definition of “historic garden or designed landscape”, for—

“the “Inventory of Gardens and Designed Landscapes in Scotland”” substitute—

““An Inventory of Gardens and Designed Landscapes in Scotland – List of Sites 2007”, published by the Scottish Ministers in 2007, (ISBN 978 1 904966 44 9)”.

(3) In article 15 (consultations before grant of planning permission), omit paragraph (1)(d)(i).

(4) After article 17 (directions restricting the grant of planning permission), insert—

**“Directions requiring consideration of condition**

**17A.** The Scottish Ministers may give directions to a planning authority requiring them, in respect of any such development, or in respect of development of any such class, as may be specified in the directions—

(a) to consider, where the planning authority are minded to grant planning permission, imposing a condition specified in, or of a nature indicated in, the directions; and

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(a) 1997 (c.8). Section 43(1)(aa) was inserted by and section 43(1)(f) was amended by section 16 of the Planning etc. (Scotland) Act 2006 (asp 17). The functions of the Secretary of State under sections 30 and 43(1) were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1992/224; to which there are amendments not relevant to this Order.

(b) (unless the directions are withdrawn) not to grant planning permission without first satisfying the Scottish Ministers that such consideration has been given and that such a condition either will be imposed or need not be imposed.”.

(5) In article 22 (decision by planning authority), for paragraph (3) substitute–

“(3) The Scottish Ministers may make directions requiring a planning authority to give to the Scottish Ministers and to such other persons as may be prescribed in directions such information as may be so prescribed with respect to applications for planning permission made to the authority, including information as to the manner in which any such application has been dealt with.”.

*DES McNULTY*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
6th March 2007

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (“the 1992 Order”).

Article 2(2) amends the definition of ‘historic garden or designed landscape’ so that this now means a garden or landscape identified in “An Inventory of Gardens and Designed Landscapes in Scotland – List of Sites 2007”. Copies of that publication may be obtained from Historic Scotland, Longmore House, Salisbury Place, Edinburgh, EH9 1SH.

Article 2(3) removes the obligation on a planning authority to consult Scottish Natural Heritage before granting planning permission where development may affect a historic garden or designed landscape.

Article 2(4) and (5) insert new provisions into the 1992 Order to implement the provisions of section 43(1)(aa) and (f) of the Town and Country Planning (Scotland) Act 1997, which were inserted by section 16 of the Planning etc. (Scotland) Act 2006.