



Planning (Hazardous Substances) (Scotland) Act 1997

1997 CHAPTER 10

Secretary of State's powers

18 Reference of applications to Secretary of State.

- (1) The Secretary of State may give directions requiring applications for hazardous substances consent or applications under section 15(1) to be referred to him instead of being dealt with by planning authorities.
- (2) A direction under this section—
 - (a) may be given either to a particular planning authority or to planning authorities generally, and
 - (b) may relate either to a particular application or to applications of a class specified in the direction.
- (3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State.
- (4) Before determining an application referred to him under this section, the Secretary of State shall, if either the applicant or the planning authority so wish, give to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.
- (5) The decision of the Secretary of State on any application referred to him under this section shall be final.

Modifications etc. (not altering text)

- C1** S. 18 applied (7.1.2003) by [The Cairngorms National Park Designation, Transitional and Consequential Provisions \(Scotland\) Order 2003 \(S.S.I. 2003/1\)](#), arts. 1, **7(7)(c)**
- C2** S. 18 modified (1.6.2015) by [The Town and Country Planning \(Hazardous Substances\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/181\)](#), regs. 1, **56(3)**

Changes to legislation: There are currently no known outstanding effects for the Planning (Hazardous Substances) (Scotland) Act 1997, Section 18. (See end of Document for details)

C3 S. 18(1)-(3) modified (7.1.2003) by The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003 (S.S.I. 2003/1), arts. 1, **7(3)(c)** (with art. 3(4)(5)(6))

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