

PLANNING ETC. (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 3 – Development Management

Section 14 – Pre-determination hearings

93. **Subsection (1)** inserts a **new section 38A** into the 1997 Act. **New section 38A(1)** provides that regulations or a development order may set out which developments are subject to pre-determination hearings. These hearings give the applicant and anyone else referred to in the regulations an opportunity to appear before and be heard by a committee of the planning authority.
94. **New section 38A(2) and (3)** allows the planning authority to determine the procedures for such a hearing, and who else may attend. **New section 38A(4)** allows the authority to hold hearings in circumstances other than those set out in new section 38A(1).
95. **Subsection (2)** amends the [Local Government \(Scotland\) Act 1973 \(c.65\)](#), specifically section 56 (arrangements for discharge of functions by local authorities). It requires that planning applications in a class specified under section 38A(1) are to be decided by the authority, i.e. the full council, and not by an official or committee of the authority. This is another requirement of the new enhanced scrutiny procedures along with pre-determination hearings, pre-application consultation and notification of applications to Ministers.