

PLANNING ETC. (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 3 – Development Management

Section 16 – Manner in which applications for planning permission are dealt with etc.

99. **Section 16(a)(i)** inserts the new paragraph (aa) into section 43(1) of the 1997 Act. This gives the Scottish Ministers the power to direct that the planning authority are to consider attaching conditions when granting a planning application for a development or for a development of a particular class. The direction would also require the planning authority to satisfy the Scottish Ministers that they have taken the necessary steps to comply with the direction before they grant planning permission. The new provisions enable the Scottish Ministers to set out in the direction conditions for specified development or classes of development, rather than having to call it in.
100. **Section 16(a)(ii)** inserts the new paragraph (bb) into section 43(1) of the 1997 Act. This will allow regulations or a development order to be made, enabling the planning authority to require supporting documents or evidence which will enable them to deal with an application.
101. **Section 16(b)** inserts a new subsection (1A) into the existing section 43 the 1997 Act. Section 43(1)(d) and (e) give the Scottish Ministers the power to make regulations or a development order which require the planning authority to give notice to the applicant following its consideration of an application for consent, agreement or approval of an application for planning permission. The new subsection (1A) sets out the contents of the notice issued to an applicant and places a requirement within primary legislation for a planning authority to give reasons on which it has made its decision.
102. **Section 16(c)** adds new subsections (3) and (4) to section 43 of the 1997 Act. These subsections apply the provisions of section 43(1) to applications for modification or discharge of planning obligations made under section 75A(2) with necessary modifications.