

# **PLANNING ETC. (SCOTLAND) ACT 2006**

---

## **EXPLANATORY NOTES**

### **THE ACT – SECTION BY SECTION**

#### **Part 7 – Assessment**

#### ***Section 30 – Assessment of planning authority’s performance or decision making***

#### **Section 251C – Further provision as respects assessment of performance or decision making**

180. Subsection (1) requires the Scottish Ministers to notify the planning authority of their intention to carry out an assessment, and to indicate its intended scope, and where they appoint a person to carry out the assessment they are to advise the authority who the appointed person is.
181. Subsection (2) gives Ministers powers to determine that the scope of an assessment under section 251B shall relate to a type of application, a period of time or a geographical area. Subsection (3) provides that Ministers or the appointed person may require access to any premises of the authority and any documents which appear to be necessary for the purposes of the assessment. Subsection (4) allows Ministers or the appointed person to require a person to give them such information as necessary and to give them in person information or documents.
182. Subsection (5) requires the authority to provide Ministers or the appointed person with every facility and all information which they may reasonably require. Subsection (6) requires Ministers or the appointed person to give 3 clear days notice of any requirement under this section and to produce a document of identification if required to do so. Subsection (7) makes it an offence for a person without reasonable excuse to fail to comply with a requirement under subsection (3), (4) or (5), which can result on summary conviction to a fine not exceeding level 3 (at present £500).