



Planning etc. (Scotland) Act 2006

2006 asp 17

PART 3

DEVELOPMENT MANAGEMENT

Determination of applications

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

In section 43 of the principal Act (directions etc. as to method of dealing with applications)—

(a) in subsection (1)—

(i) after paragraph (a) insert—

“(aa) for enabling the Scottish Ministers to give directions to the 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—

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

(ii) (unless the directions are withdrawn) not to grant planning permission without first satisfying the Scottish Ministers that such consideration has been given and that such a condition either will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;”,

(ii) after paragraph (b) insert—

“(bb) for enabling the planning authority, in the course of their consideration of an application, to require from the applicant particulars, documents, materials or evidence which they consider they require to enable them to deal with the application (being particulars, documents, materials or evidence additional to any which, by virtue of section 32(2), as the case

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Changes to legislation: There are currently no known outstanding effects for the Planning etc. (Scotland) Act 2006, Section 16. (See end of Document for details)

- may be, was included in, accompanied or was provided in support of anything in, or relating to, the application);”, and
- (iii) in paragraph (f), for the words from “the planning authority” to “order” substitute “, or enabling directions to be made requiring, the planning authority to give to the Scottish Ministers and to such other persons as may be prescribed by or under the regulations, order or directions ”,
- (b) after subsection (1) insert—
- “(1A) Any notice given by virtue of paragraph (d) or (e) of subsection (1)—
- (a) is to include a statement of—
- (i) the terms of the planning authority's decision,
- (ii) any conditions to which that decision is subject, and
- (iii) the reasons on which the authority based that decision, and
- (b) may include such other information as may be prescribed by the regulations or the order.”, and
- (c) after subsection (2) add—
- “(3) Paragraphs (a) and (f) of that subsection shall apply in relation to applications under section 75A(2) as they apply in relation to applications for planning permission.
- (4) For the purposes of the application provided for in subsection (3), the reference in paragraph (a) of subsection (1) to restricting the grant of planning permission is to be construed as a reference to restricting the giving of any agreement under subsection (2) of section 75A or the making of any determination under subsection (4) of that section.”.

Commencement Information

- I1** S. 16(b)(c) in force at 12.12.2008 for specified purposes by S.S.I. 2008/411, art. 2(2)(3)(a)
- I2** S. 16(a) in force at 1.3.2007 by S.S.I. 2007/130, art. 2(1)
- I3** S. 16(b) in force at 3.8.2009 in so far as not already in force by S.S.I. 2009/219, art. 2, Sch.
- I4** S. 16(c) in force at 1.2.2011 in so far as not already in force by S.S.I. 2010/400, art. 3, Sch.

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