

PLANNING ETC. (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 8 – Financial Provisions

Section 31 – Fees and charges

185. **Section 31(a)** substitutes new provisions in place of subsection (1) of section 252 of the 1997 Act. New subsection (1) gives the Scottish Ministers powers to make regulations which provide for fees and charges in relation to the performance of a planning authority's functions, and anything done by the authority in relation to the performance of those functions. New subsection (1A) gives regulation making powers to set out the procedural details. New subsection (1B) confirms that different provisions may be made for different classes of case under subsection (1A)(d), including different provisions for applications made after development has been carried out.
186. **Section 31(b)** substitutes new provisions in place of subsections (3) to (5) of section 252 in the 1997 Act. New subsection (3) gives regulation making powers that cover the remission or refunding of charges or fees, and new subsection (4) explains that the circumstances in which Scottish Ministers can prescribe using these powers include those where they or an appointed person consider that the planning authority have behaved unreasonably, or there has been unreasonable delay. New subsections (5) and (6) provide that the regulations made under subsection (1) are subject to affirmative resolution of the Scottish Parliament unless they relate to cost of living based increases, or specify who is to make the calculation of fees or charges. New subsections (7) and (8) require the planning authority to secure that the income from fees and charges does not exceed the cost of performing the related functions, taking one financial year with another.

Section 32 – Grants for advice and assistance

187. This section inserts **new section 253A** in the 1997 Act, which enables the Scottish Ministers to make grants to those providing advice and assistance in relation to functions under planning legislation. This would include, for example, training for planners and funding to organisations involved in giving planning advice. The Scottish Ministers would be able to set the terms and conditions that would apply to these grants.