STATUTORY INSTRUMENTS

1984 No. 238 (S. 21)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (Development by Planning Authorities) (Scotland) Amendment Regulations 1984

Made - - - -	24*th February* 1984
Laid before Parliament	9*th March* 1984
Coming into Operation	14*th May* 1984

In exercise of the powers conferred on me by sections 256 and 273 of the Town and Country Planning (Scotland) Act 1972**(a)** and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the Town and Country Planning (Development by Planning Authorities) (Scotland) Amendment Regulations 1984 and shall come into operation on 14th May 1984.

2. The Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations 1981**(b)** are hereby amended as follows:—

(*a*) In regulation 4—

(i) after paragraph 2(*b*) there shall be inserted—

"and (*c*) comply with such requirements of any development order and of any direction given by the Secretary of State thereunder as would have had to be complied with by an applicant were an application for planning permission made to the planning authority for the development proposed.";

(ii) for paragraph (3) there shall be substituted—

"(3) Where—

(*a*) the development falls within any of the descriptions of development set out in section 25 of the Act (publicity for applications affecting conservation areas), or

(*b*) the requirements of any development order or of any direction given by the Secretary of State thereunder include publication of a notice in a local newspaper containing information as to the development,

the publication of the notice under paragraph (1) of this regulation shall, notwithstanding the provisions of the Act or of a development order, be deemed sufficient compliance with the requirements of that section or of a development order insofar as relating to publication of a notice in a local newspaper.";

(a) 1972 c. 52. **(b)** S.I. 1981/829.

(*b*) In regulation 5(1)(*b*) the word "23" shall be deleted.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
24th February 1984.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These regulations amend the Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations 1981 in two ways.

The principal change is that a new paragraph is added to regulation 4 to provide that, before publishing a notice of a proposed development in a local newspaper in accordance with paragraph (1) of that regulation, the planning authority shall comply with such requirements of a development order and of any direction given thereunder as if the planning authority were another party making an application for planning permission to the planning authority for the development proposed. This new provision has the effect of requiring the planning authority to comply with the requirements placed upon applicants for planning permission by the Town and Country Planning (General Development) (Scotland) Orders 1981 to 1984 (S.I. 1981/830, 1983/1620, 1984/237). In particular, the planning authority must comply with the requirements placed upon applicants by article 7 of the Town and Country Planning (General Development) (Scotland) Order 1984 to notify those with a notifiable interest in neighbouring land.

The other change is consequential on the amendment of section 23 of the Town and Country Planning (Scotland) Act 1972 by way of section 41 of the Local Government and Planning (Scotland) Act 1982 (c. 43). Regulation 4(3) of the 1981 Regulations provided that publicity in accordance with certain statutory provisions would be deemed sufficient compliance with the requirement as to advertising by planning authorities as contained in paragraph (1) of that regulation. Since the amended version of section 23 provides for advertising requirements to be set out in a development order as opposed to being contained in the statutory provision itself, regulation 4(3) has been amended accordingly.

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