
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 138

The Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2011

Amendment of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

2.—(1) The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008⁽¹⁾ are amended in accordance with paragraphs (2) to (6).

(2) For regulation 27 (pre determination hearings) substitute—

“Pre-determination hearings

27.—(1) Before determining an application for planning permission for a development within the classes of development specified in paragraph (2), the planning authority are to give to the applicant and to persons who submit representations to the planning authority in respect of that application in accordance with these Regulations an opportunity of appearing before and being heard by a committee of the authority.

(2) The classes of development prescribed for the purposes of section 38A(1) of the Act are developments within the categories of—

- (a) national developments; and
- (b) major developments which are significantly contrary to the development plan.”.

(3) In regulation 28 (decision notice)—

- (a) in paragraph (1)(b) for “person” substitute “authority, person or body”; and
- (b) in paragraph (3)(a)(v) for “58(2) or 59(4)” substitute “58(1) or 59(4)”.

(4) In regulation 35 (application to marine fish farming)—

- (a) in paragraph (3)—
 - (i) insert “and” after sub-paragraph (a);
 - (ii) omit “and” after sub-paragraph (b); and
 - (iii) omit sub-paragraph (c); and

(b) after paragraph (4) insert—

“(4A) In regulation 13 for paragraphs (1) and (2) substitute—

“(1) Subject to paragraph (3), an application for planning permission for marine fish farm development belonging to the category of major developments must be accompanied by a design statement.

(2) Subject to paragraph (3), an application for planning permission for marine fish farm development belonging to the category of local developments where that development is situated within—

- (a) a World Heritage Site;

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- (b) a National Scenic Area; or
- (c) the site of a scheduled monument,

must be accompanied by a design statement other than where the development in question comprises the alteration or extension of an existing marine fish farm.””

- (5) In Schedule 5 (consultation by the planning authority) after paragraph 14 insert—

“**15.** The Crofters Commission where the development may have an adverse effect on the continued use of land for crofting.”.

- (6) In Schedule 6 (notice to accompany refusal etc.) in paragraph 1 of both Form 1 and Form 2 for “three months from” substitute “three months beginning with”.