
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 432

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

PART 5

Directions

Directions as to environmental impact assessment Regulations

30. The Scottish Ministers may give directions that development which is both of a description set out in Column 1 of the table in Schedule 2 to the Environmental Impact Assessment (Scotland) Regulations 1999⁽¹⁾ and of a class described in the direction is EIA development for the purposes of those Regulations.

Directions requiring information or restricting the grant of planning permission

31.—(1) The Scottish Ministers may make directions requiring a planning authority to give to the Scottish Ministers and to such other persons as may be prescribed in directions such information as may be so prescribed with respect to applications for planning permission made to the authority, including information as to the manner in which any such application has been dealt with.

(2) The Scottish Ministers may give directions restricting the grant of planning permission by a planning authority, either indefinitely or during such period as may be specified in the directions, in respect of any development or any class of development, as may be so specified.

Directions requiring consideration of condition

32. The Scottish Ministers may give directions to a 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—

- (a) to consider, where the planning authority are minded to grant planning permission, imposing a condition specified in, or of a nature indicated in, the directions; and
- (b) (unless the directions are withdrawn) not to grant planning permission without first satisfying the Scottish Ministers that such consideration has been given and that such a condition either will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.

Provisions supplementary to regulations 30, 31 and 32

33. A planning authority must give effect to any direction given under regulation 30, 31 or 32.

⁽¹⁾ S.S.I. 1999/1 as relevantly amended by S.S.I. 2002/324, S.S.I. 2003/341 and S.S.I. 2006/614.

Notice of reference of applications to the Scottish Ministers

34. On referring any application to the Scottish Ministers following a direction under section 46 of the Act, a planning authority are to serve on the applicant notice—

- (a) of the terms of the direction;
- (b) of any reasons given by the Scottish Ministers for requiring the application to be referred to them;
- (c) that the application has been referred to the Scottish Ministers; and
- (d) that the decision of the Scottish Ministers on the application will be final.