

2009 No. 257

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Charges for Publication of Notices) (Scotland) Regulations 2009

Made - - - - *22nd June 2009*

Coming into force - - *3rd August 2009*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 252(1) and (1A)(a), (b) and (d) of the Town and Country Planning (Scotland) Act 1997(a) and all other powers enabling them to do so.

In accordance with section 252(6) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Charges for Publication of Notices) (Scotland) Regulations 2009 and come into force on 3rd August 2009.

(2) In these Regulations—

“the 2008 Regulations” means the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008(b);

“applicant” means the person who made the application in respect of which notice is required to be published under regulation 20(1) of the 2008 Regulations; and

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(c).

Recovery of cost of publication

2.—(1) Where a planning authority publish a notice in a newspaper in accordance with regulation 20(1) of the 2008 Regulations they are to charge the cost of publishing that notice to the applicant in accordance with paragraphs (2) and (3).

(2) The planning authority are to notify the applicant in writing of the cost of publication of the notice, calculated in accordance with paragraph (3), and the applicant must, within 21 days of being so notified, pay to the planning authority a sum equal to that cost.

(a) 1997 c.8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Section 252 is amended by section 31 of the Planning etc. (Scotland) Act 2006 (asp 17).

(b) S.S.I. 2008/432.

(c) 2000 c.7. Section 15 was amended by the Communications Act 2003 (c.21), Schedule 17, paragraph 158.

- (3) Where the advertisement by which notice is published relates to—
- (a) one application only, the cost of publication is the amount paid by the planning authority for that advertisement;
 - (b) more than one application, the cost of publication in respect of each application is the amount paid by the planning authority for that advertisement divided by the number of applications to which it relates.

Electronic communications

3. Where under regulation 43 of the 2008 Regulations the applicant has, or is deemed to have, consented to the use of electronic communications (and has not withdrawn that consent) then provided the criteria specified in paragraph (2) of that regulation are met, notification under regulation 2(2) may be sent by electronic communications and any requirement in regulation 2(2) that notification is to be in writing is fulfilled.

STEWART STEVENSON
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
22nd June 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the recovery by the planning authority of the cost of publishing a notice in a newspaper in accordance with regulation 20(1) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. The planning authority may charge the applicant the cost of placing the notice in the newspaper or, if the notice relates to more than one application, they may charge all the applicants an equal share of that cost. The applicant has 21 days to pay following notification of the charge by the planning authority.

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