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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision in connection with applications for the modification and discharge of obligations entered into good neighbour agreements under section 75D of the Town and Country Planning (Scotland) Act 1997 (“the Act”) and related appeals.

Regulation 3 specifies how an application under section 75E for the modification or discharge of an obligation is to be made. Regulation 4 sets out when it will be taken to have been made. This date is the beginning of the two month period prescribed in regulation 7 within which a planning authority is to determine an application. Regulation 5 provides for the notification of an application to the community body and to the owner of the land to which the planning obligation relates and other parties against whom the obligation is enforceable. Regulation 6 provides that the planning authority may seek further information to enable them to deal with the application. Regulation 8 sets out the content of the notice of determination to be given to the applicant and regulation 7(2) requires a copy of the notice to be sent to interested parties.

Section 75F(1) of the Act enables an applicant to appeal to the Scottish Ministers in certain circumstances. Regulation 9 applies the procedures contained in the Town and Country Planning (Appeals) (Scotland) Regulations 2008 (“the 2008 Regulations”) to appeals made under section 75F as they apply to appeals under section 47 of the Act with certain modifications. In addition to applying such procedures, the modifications made to regulation 3 of the 2008 Regulations have the effect that the prescribed period within which an appeal under section 75F may be made is three months from (and including) the date of the planning authority’s notice of decision in respect of the application or, where the planning authority fail to issue a decision, the period allowed for determination of the application under regulation 7(1).

Regulation 10 allows for the use of electronic communications.