



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Determination of applications

38 Consultations in connection with determination of applications.

- (1) In determining any application to which section 34(1) applies, the planning authority shall take into account any representations relating to that application which are received by them before the expiry of any period prescribed under subsection (1)(h) of that section.
- (2) Where an application for planning permission is accompanied by such a certificate as is mentioned in section 35(1)(b), regulations or a development order may—
 - (a) provide that a planning authority shall not determine an application for planning permission before the end of such period as may be prescribed;
 - (b) require a planning authority—
 - (i) to take into account in determining such an application such representations, made within such period, as may be prescribed, and
 - (ii) to give to any person whose representations have been taken into account such notice as may be prescribed of their decision.
- (3) Regulations or a development order making any provision by virtue of this section may make different provision for different cases or different classes of development.
- (4) Before a planning authority grant planning permission for the use of land as a caravan site they shall, unless they are also the authority with power to issue a site licence for that land, consult the local authority with that power.

Status: Point in time view as at 02/04/2004. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Section 38 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(5) In this section “site licence” means a licence under Part 1 of the ^{M1}Caravan Sites and Control of Development Act 1960 authorising the use of land as a caravan site.

Marginal Citations

M1 1960 c. 62.

Status:

Point in time view as at 02/04/2004. This version of this provision has been superseded.

Changes to legislation:

Town and Country Planning (Scotland) Act 1997, Section 38 is up to date with all changes known to be in force on or before 20 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.