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2007

THE PLANNING ETC. (SCOTLAND) ACT 2006
(CONSEQUENTIAL PROVISIONS) ORDER 2007

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circular

2 April 2007

Dear Sir or Madam

THE PLANNING ETC. (SCOTLAND) ACT 2006 (CONSEQUENTIAL PROVISIONS) ORDER 2007

1. This Circular explains the provisions of the *Planning etc. (Scotland) Act 2006 (Consequential Provisions) Order 2007* which came into force on 1 April 2007.
2. The Order discontinues the ‘Notice of Intention to Develop’ (NID) procedure – the unique planning procedure followed by local authorities where they are acting both as the developer and as the planning authority. The NID procedure was set out in the *Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations 1981*. This Order has revoked both those regulations and the subsequent (1984) amendment regulations with effect from 1 April 2007; the effect being that from that date local authorities must apply for planning permission for their own developments where relevant.
3. The Order includes a saving provision which allows for the NID process to continue for any development proposals by planning authorities which had already begun the process, and had been the subject of published public notices, on or before 31 March 2007.
4. By consequence, this Order also revokes Regulations 22 to 26 of the *Environmental Impact Assessment (Scotland) Regulations 1999*; reflecting that developments by planning authorities will, wherever necessary, follow the same environmental impact assessment processes as any private development.
5. In withdrawing the NID procedure, this Order implements Scottish Ministers’ commitment to require local authority developments to be the subject of planning applications, and thereby also be subject to the wider reforms of the land use planning system. This is set out in the 2005 White Paper *Modernising the Planning System*. In addition, the *Planning etc. (Scotland) Act 2006* has also repealed Section 263 of the *Town and Country Planning (Scotland) Act 1997*, under which provisions the Development by Planning Authorities Regulations had been made.

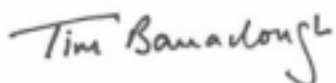
NOTIFICATION TO SCOTTISH MINISTERS

6. The NID procedure had included a requirement, in certain circumstances, for planning authorities to notify Scottish Ministers before permission could be deemed to be granted, and Ministers could require authorities to make formal planning applications to them. Developments by planning authorities will now fall within the category of “developments in which planning authorities have an interest” in the Schedule to the *Town and Country Planning (Notification of Applications) (Scotland) Direction 1997* (see SODD Circular 4/1997), and therefore must be notified to Scottish Ministers before planning permission can be granted if the circumstances set out in that Direction are met. A new Notification Direction will be issued shortly, which will replace the 1997 Direction.

FURTHER COPIES AND ENQUIRIES

7. Any enquiries about this Circular should be addressed to Andy Kinnaird, Scottish Executive Development Department, Planning Division, Area 2-H, Victoria Quay, Edinburgh EH6 6QQ; Telephone (0131) 244 7079. Further copies of the Circular may be obtained by telephoning (0131) 244 7543 or from the Scottish Executive website at: www.scotland.gov.uk/Topics/Planning.

Yours faithfully

A handwritten signature in black ink that reads "Tim Barraclough". The signature is written in a cursive style with a long, sweeping tail on the letter 'h'.

TIM BARRACLOUGH
Head of Division

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