

Circular 10/1996: the town and country planning (development contrary to development plans) (Scotland) direction 1996

The Chief Executive
Local Authorities
Our ref: PGC/7/7

9 April 1996

Dear Sir/Madam

The town and country planning (development contrary to development plans) (Scotland) direction 1996

1. The attached Direction revokes the Town and Country Planning (Development Contrary to Development Plans) (Scotland) (No.2) Direction 1994. It may be cited as the Town and Country Planning (Development Contrary to Development Plans) (Scotland) Direction 1996 and will come into force on 1 April 1996.
2. The Direction authorises planning authorities to grant planning permission for a development which does not accord with the provisions of the development plan, subject to certain requirements listed within the Direction.
3. The Direction has been issued in order to avoid any confusion which might have arisen from the reorganisation of local government from 1 April 1996. Later this year, we are aiming to issue a revised version of SDD Circular 29/1988, "Notification of Applications", together with consolidated versions of the Directions referred to in that Circular, which will also take account of recent legislative changes and local government reorganisation.
4. Enquiries about the contents of this Circular should be addressed to Mr Stephen Bruce, 2-H34, Victoria Quay, Edinburgh, EH6 6QQ (Telephone 0131-244-7065). Further copies and a list of planning Circulars may be obtained from Miss Kelly Wood at the same address (Telephone 0131-244-7066).

Yours faithfully

M T Affolter

The town and country planning (development contrary to development plans) (Scotland) direction 1996

The Secretary of State in exercise of the powers conferred on him by Article 18 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 **(a)** and all other powers enabling him in that behalf, hereby gives the following Direction:-

Interpretation

1. In this Direction "an Article 17 direction" means a direction given by the Secretary of State under Article 17 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 restricting the grant of planning permission by a planning authority and "the restriction period referred to in such direction" is the period during which the planning authority is prevented from granting planning permission by reason of the restriction imposed by the direction.

Application

2. This Direction does not apply to an application for planning permission to which an Article 17 direction applies, during the restriction period referred to in such direction.

3. Planning authorities are hereby authorised to grant planning permission for development which does not accord with the provisions of the development plan provided –

(a) they have published a notice in a local newspaper circulating within their district, giving details of the application and where it and any relevant plans and other documents may be examined, and requesting that representations be made in writing within 21 days of the date of the first publication of the notice; and

(b) they have considered any representations so made.

4. The Town and Country Planning (Development Contrary to Development Plans) (Scotland) (No.2) Direction 1994 is hereby revoked.

5. This direction may be cited as the Town and Country Planning (Development Contrary to Development Plans) (Scotland) Direction 1996 and shall come into force on 1 April 1996.

M T Affolter

Assistant Secretary
The Scottish Office Development Department
Victoria Quay
Edinburgh
1 April 1996