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THE TOWN AND COUNTRY PLANNING
(GENERAL DEVELOPMENT PROCEDURE)
(SCOTLAND) AMENDMENT ORDER 2007

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circular

CIRCULAR 4/2007

2 April 2007

Dear Sir or Madam

THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) (SCOTLAND) AMENDMENT ORDER 2007

1. This Circular explains the provisions of the *Town and Country Planning (General Development Procedure) (Scotland) Amendment Order 2007* which came into force on 1 April 2007.
2. The purpose of this Order is to effect changes to the arrangements for:
 - (i) handling planning applications which must be notified to Scottish Ministers by planning authorities; and
 - (ii) considering any potential impact on historic gardens and designed landscapes through the planning application process.

NOTIFICATION OF PLANNING APPLICATIONS

3. Article 2(5) of the Order enables the Scottish Ministers, by direction, to require a planning authority to provide them and others with any information relating to any planning application. This provision paves the way for Scottish Ministers to issue a new general notification direction requiring that planning authorities notify them, in prescribed circumstances, where the authority proposes to grant planning permission. This direction will be issued shortly and will replace the existing direction given in SODD Circular 4/1997 and subsequent amendments.

4. Article 2(4) enables Scottish Ministers to direct planning authorities to consider attaching conditions when granting planning permission. We envisage this power being used where applications have been notified to Scottish Ministers and where call-in of an application would not be considered necessary by Ministers if a condition, which the planning authority had not previously proposed, were to be attached to the consent. The effect would be that the planning authority could proceed to grant planning permission if, having considered the matter, the authority (i) informs Scottish Ministers that it has decided to impose such a condition, or (ii) convinces Ministers that the condition is not necessary. This could prevent unnecessary delays in the planning process, where any matter of concern to Ministers can be resolved without the need for an application to be called in.

GARDENS AND DESIGNED LANDSCAPES

5. The *Town and Country Planning (General Development Procedure) (Scotland) Order 1992* defines a “historic garden or designed landscape” as a garden or landscape identified in the *Inventory of Gardens and Designed Landscapes in Scotland*, which was published in

1988. This is defined for the purpose of circumstances in which planning authorities should carry out consultations in relation to proposed development which may affect a historic garden or designed landscape. Article 2(2) updates the definition to apply it to the updated Inventory, published on 6 March 2007. The revised Inventory can be accessed via the Historic Scotland web site at:

http://www.historic-scotland.gov.uk/index/gardens/gardens_inventory_intro.htm

If you require a paper copy of the Inventory please contact Historic Scotland on 0131 668 8940.

6. Article 2(3) removes Scottish Natural Heritage (SNH) from its role as a statutory consultee on planning applications for developments which may affect a historic garden or designed landscape. This was recommended in a recent strategic review of SNH, was agreed by Scottish Ministers in their response to the strategic review, and has been endorsed by the SNH Board. Scottish Ministers, through Historic Scotland, retain their role as statutory consultee in relation to historic gardens and designed landscapes.

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



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