
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 432

The Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010

PART 4

General

Directions requiring information or restricting the modification or discharge of a planning obligation

10.—(1) The Scottish Ministers may make directions requiring a planning authority to give to the Scottish Ministers and to such other persons as may be prescribed in directions such information as may be so prescribed with respect to applications under section 75A(2) of the Act, including information as to the manner in which any such application has been dealt with.

(2) The Scottish Ministers may give directions restricting—

- (a) the giving of any agreement by a planning authority under section 75A(2); or
- (b) the making of any determination by a planning authority under section 75A(4),

either indefinitely or during such period as may be specified in the directions, in respect of any development or any class of development, as may be specified in the directions.

Electronic communications

11.—(1) Where the criteria in paragraph (2) are met, any document required or authorised to be sent by these Regulations may be sent by electronic communications and any requirement in these Regulations that any document is to be in writing is fulfilled.

(2) The criteria are—

- (a) the recipient consents, or is deemed to have agreed under paragraph (3), to receive it electronically; and
- (b) the document transmitted by the electronic communication is—
 - (i) capable of being accessed by the recipient;
 - (ii) legible in all material respects; and
 - (iii) sufficiently permanent to be used for subsequent reference.

(3) Any person sending a document using electronic communications is to be taken to have agreed—

- (a) to the use of such communications for all purposes relating to the application or appeal, as the case may be, which are capable of being carried out electronically; and
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, that communication.

(4) Deemed agreement under paragraph (3) shall subsist until that person gives notice to revoke the agreement.

(5) Notice of withdrawal of consent to the use of electronic communications or of revocation of agreement under paragraph (4) takes effect on a date specified by the person in the notice, but not less than seven days after the date on which the notice is given.

(6) In this regulation—

“document” includes any notice, consent, agreement, decision, representation, statement or other information or communication;

“legible in all material respects” means that the information contained in the document is available to the recipient to no lesser extent than it would be if sent by means of a document in printed form; and

“sent” includes given and, in relation to representations or an application, includes made cognate expressions are to be construed accordingly.