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Planning and Architecture Division  
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Scottish Government  
Riaghaltas na h-Alba  
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Heads of Planning

3 October 2019

**THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS)  
(UNCONVENTIONAL OIL AND GAS) (SCOTLAND) DIRECTION 2019**

You may be aware of the announcement earlier today that the Scottish Government does not support unconventional oil and gas development in Scotland.

I attach a new Direction setting out the arrangements for notifying planning applications to the Scottish Ministers. The Direction includes notification requirements so that the Scottish Ministers are notified of any new planning application within 7 days of its validation. Authorities are also restricted from granting planning permission without first notifying the application to Scottish Ministers.

The Direction comes into force today, 3 October 2019.

Yours sincerely

John McNairney  
Chief Planner

## **THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS) (UNCONVENTIONAL OIL AND GAS) (SCOTLAND) DIRECTION 2019**

The Scottish Ministers give the following Direction in exercise of the powers conferred by regulations 31 and 32 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and all other powers enabling them to do so:

### **Citation, commencement and interpretation**

1.-(1) This Direction may be cited as the Town and Country Planning (Notification of Applications) (Unconventional Oil and Gas) (Scotland) Direction 2019 and comes into force on 3 October 2019.

(2) In this Direction-

"environmental report" means the environmental report prepared in accordance with the Environmental Assessment (Scotland) Act 2005<sup>1</sup>;

"EIA report", "Schedule 2 development" and "screening opinion" have the same meaning as in the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017<sup>2</sup>;

"unconventional oil or gas development" means development connected to the onshore exploration, appraisal or production of coal bed methane or shale oil or shale gas using unconventional oil and gas extraction techniques, including hydraulic fracturing and dewatering for coal bed methane, other than the drilling of boreholes solely for the purpose of core sampling, and

"validation date" has the same meaning as in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013<sup>3</sup>.

### **Information to be given to the Scottish Ministers of receipt of application for unconventional oil and gas development**

2. Where a planning authority receive an application for planning permission for unconventional oil and gas development, it must within 7 days of the validation date in respect of the application send to the Scottish Ministers the following information—
- (a) a copy of the planning application, accompanying plans and associated documentation (e.g. transport/noise assessment), together with the full address and post-code of the site to be developed; and
  - (b) a copy of any EIA report accompanying the application or, where an EIA report has not been prepared, a copy of any screening opinion given by the planning authority.

<sup>1</sup> [www.legislation.gov.uk/asp/2005/15/contents](http://www.legislation.gov.uk/asp/2005/15/contents)

<sup>2</sup> <http://www.legislation.gov.uk/ssi/2017/102/contents/made>

<sup>3</sup> [www.legislation.gov.uk/ssi/2013/155/made](http://www.legislation.gov.uk/ssi/2013/155/made)

## **Information to be given to the Scottish Ministers where a planning authority proposes to grant an application for unconventional oil and gas development**

3. Where a planning authority proposes to grant planning permission for unconventional oil and gas development, it must (to the extent that such information has not already been sent to the Scottish Ministers in accordance with paragraph 2) send to the Scottish Ministers the following information—
- (a) a copy of the planning application, accompanying plans and associated documentation (e.g. transport/noise assessments), together with the full address and post-code of the site to be developed;
  - (b) a copy of any EIA report accompanying the application or, where an EIA report has not been prepared—
    - (i) ) a copy of any screening opinion given by the planning authority; and
    - (ii) a copy of any environmental report that is relevant to the development;
  - (c) a copy of any appropriate assessment relating to the application carried out under Part IV of the Conservation (Natural Habitats, &c.) Regulations 1994<sup>4</sup>;
  - (d) copies of all observations submitted by consultees and all representations and petitions received, together with a list of the names and addresses of those who have submitted observations/made representations (including details of any petition organiser if known). Where 'pro-forma' representations are received, only one copy example need be submitted, but all names and addresses must be provided. Copies of petitions should be submitted, but only the organiser or first named should be included in the list of names and addresses;
  - (e) the planning authority's comments on the consultees' observations and on representations received;
  - (f) the planning authority's reasons for proposing to grant planning permission, including, where relevant, a statement setting out the reasoning—
    - (i) behind the authority's decision to depart from the development plan; and
    - (ii) for taking the decision it has, in light of any objections received.
4. Where the planning authority holds the information to be sent to the Scottish Ministers under paragraph 2 or 3 on its website, it may comply with some or all of the requirement to provide this information to the Scottish Ministers by means of an

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<sup>4</sup> [www.legislation.gov.uk/uksi/1994/2716/contents/made](http://www.legislation.gov.uk/uksi/1994/2716/contents/made)

email to the Scottish Government containing a link, or a series of links, to the relevant pages on the authority's website.

### **Restriction on grant of planning permission**

5. A planning authority must not grant planning permission for an unconventional oil and gas development before the expiry of a period of 28 days beginning with the date notified to them by the Scottish Ministers as the date of receipt by the Scottish Ministers of the information which the planning authority are required to give to the Scottish Ministers under paragraph 3.

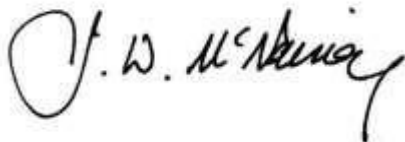
### **Submission of information**

6. Submission should be made by e-mail to the following address:

[Planning.Decisions@scotland.gov.scot](mailto:Planning.Decisions@scotland.gov.scot)

7. Where it is necessary to send hard copies of some or all of the required documents, they should be addressed to:

The Scottish Government  
Directorate for Local Government and Communities  
Planning and Architecture Division  
Area 2-F (South)  
Victoria Quay  
Edinburgh  
EH6 6QQ



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The Scottish Government  
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3 October 2019