

2012 No. 325

TOWN AND COUNTRY PLANNING

**The Town and Country Planning (Miscellaneous Amendments)
(Scotland) Regulations 2012**

<i>Made</i>	- - - -	<i>27th November 2012</i>
<i>Laid before the Scottish Parliament</i>		<i>29th November 2012</i>
<i>Coming into force</i>	- -	<i>2nd February 2013</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 30, 32, 43, 43A and 275 of the Town and Country Planning (Scotland) Act 1997(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2012 and come into force on 2nd February 2013.

Amendment of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

2.—(1) Subject to paragraph (4), the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008(b) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 11 (further applications)—

(a) in paragraph (1)—

(i) in sub-paragraph (a) after “application” insert “(other than an application made under section 42 of the Act)”; and

(ii) omit sub-paragraph (b) and “; or” immediately preceding that sub-paragraph;

(b) after paragraph (1) insert—

“(1A) Where an application for planning permission is made under section 42 of the Act (applications to develop without compliance with previous conditions), the application may be made without complying with the provisions of regulation 9 or regulation 10 other than regulation 9(2)(c) and (3)(c) and (f) or regulation 10(2)(c) and (3)(b) and (e).”; and

(c) in paragraph (2) after “(1)” insert “or (1A)”.

(a) 1997 c.8. Section 32 was substituted by section 7(1) of the Planning etc. (Scotland) Act 2006 (asp 17) (“the 2006 Act”). Section 43A was inserted by section 17 of the 2006 Act. Sections 43 and 275 were amended by sections 16 and 54(16) respectively of the 2006 Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.S.I. 2008/432 to which there are amendments which are not relevant to these Regulations.

(3) After regulation 26(3)(a) (time periods for decision) insert—

“(aa) does not apply where the applicant and the person appointed by virtue of a scheme of delegation prepared under section 43A(1) of the Act agree in writing by virtue of section 43A(8)(c) of the Act to extend the period within which the appointed person may determine the application before the right to require the planning authority to review the case under section 43A(8) of the Act arises;”.

(4) Regulation 11 continues to have effect as it did immediately before the date on which these Regulations come into force in relation to an application for planning permission made before that date.

Amendment of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008

3.—(1) The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008(a) are amended in accordance with paragraph (2).

(2) In regulation 2 (interpretation) in the definition of “period allowed for determination of the application” after “2008” insert—

“or such extended period as may be agreed in writing between the applicant and the appointed officer under section 43A(8)(c) of the Act”.

DEREK MACKAY

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
27th November 2012

(a) S.S.I. 2008/433 to which there are amendments which are not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make minor amendments to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008. The changes come into force on 2nd February 2013.

Regulation 2 amends regulation 11 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 so that an application for planning permission made under section 42 of the Town and Country Planning (Scotland) Act 1997 on or after 2nd February 2013 will not require to be accompanied by a pre application consultation report.

Regulation 3 amends the definition of “period allowed for determination of the application” in regulation 2 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008. The amendment takes account of the possibility that there may on or after 2nd February 2013 be an agreement to extend the period under section 43A(8)(c) of the Act.

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