

PLANNING ETC. (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 3 – Development Management

Section 21 – Planning permission in principle

116. **Section 21** replaces the existing section 59 of the 1997 Act with a **new section 59**, “Planning permission in principle”. New subsection (1) defines “planning permission in principle”, and new subsections (2) and (3) set out time limits within which an application must be made for the approval of any matters set out in conditions imposed under subsection (1)(b).
117. An application for approval must be made within 3 years of the date when the “planning permission in principle” was granted or within 6 months of when a previous application of approval has been refused or an appeal against a refusal has been dismissed, whichever is the latest date. Approval does not necessarily have to be given for the whole application at the same time. The planning authority may direct that a longer or shorter period than 3 years is to apply.
118. Subsections (4) provides that planning permission in principle lapses on the expiry of a period of two years after the date (or the last date) on which approval mentioned in subsection (1)(b) is given unless development has begun before that date. The planning authority may direct that a longer or shorter period should apply. Subsection (6) states that a direction under subsection (4) is to be treated as a condition for the purposes of section 47 of the 1997 Act. Subsection (7) allows a direction under subsection (5) to provide that different periods may apply to different parts of the development. Subsection (8) requires the planning authority to have regard to any provisions set out in its development plan or other material considerations if it chooses to adjust time limits set out under subsections (5) and (7).
119. Subsection (2)> ensures that the provisions in the new section 59, introduced by section 21 of the Act, do not apply to outline planning permissions granted under the current section 59 of the 1997 Act prior to section 21 of the Act coming into force. The existing statutory arrangements will continue to apply to such outline planning permissions.