



Planning etc. (Scotland) Act 2006

2006 asp 17

PART 3

DEVELOPMENT MANAGEMENT

Duration of planning permission and listed building consent etc.

20 Duration of planning permission and listed building consent etc.

(1) In section 58 of the principal Act (general condition limiting duration of planning permission)—

(a) for subsections (1) to (3) substitute—

“(1) Subject to subsection (2), a planning permission to which this section applies, whether granted or deemed to be granted, lapses on the expiration of a period of 3 years (beginning with the date on which the permission is granted or as the case may be deemed to be granted) unless the development to which the permission relates is begun before that expiration.

(2) The authority concerned may, in granting any such planning permission (or as the case may be in making a direction under section 57), direct that subsection (1) is not to apply as respects the permission but that the permission is to lapse on the expiration of a period, whether longer or shorter than 3 years, specified in the direction (under this section) unless the development to which the permission relates is begun before that expiration.

(3) For the purposes of [F¹sections 43A(8)(b) and] 47(1)(a), (3) and (4) (a)—

(a) any such direction, or

(b) the effect of subsection (1) as that subsection applies in consequence of the authority electing not to make such a direction,

is to be treated as a condition subject to which the application is granted.

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- (3A) A period specified under subsection (2) is to be a period—
- (a) beginning as mentioned in subsection (1), and
 - (b) which the authority concerned consider appropriate having regard to the provisions of the development plan and to any other material considerations.”, and
- (b) in subsection (4)—
- (i) for the words “Nothing in this section applies to” substitute “ This section applies to every planning permission with the exception of ”,
 - (ii) after paragraph (c) insert—
 - “(ca) any planning permission granted before the date on which section 20 of the Planning etc. (Scotland) Act 2006 came into force,”, and
 - (iii) in paragraph (g), for the words “outline planning permission” substitute “ planning permission in principle ”.
- (2) The title of section 58 becomes “**Duration of planning permission**”.
- (3) In section 16 of the listed buildings Act (limit of duration of listed building consent), for subsections (1) and (2) substitute—
- “(1) A listed building consent lapses—
- (a) on the expiration of such period (beginning with the date on which the consent is granted) as the planning authority may, for the purposes of this section, specify in the consent, or
 - (b) if no period is so specified, on the expiration of a period of 3 years (beginning with that date),
- unless the works permitted by the consent are begun before that expiration.
- (1A) Subsection (1) does not apply to a listed building consent granted before the date on which section 20 of the Planning etc. (Scotland) Act 2006 came into force.
- (2) For the purposes of sections 18(1)(a) and 19(1) and (2)(a)—
- (a) any such specification as is mentioned in subsection (1)(a), or
 - (b) the effect of subsection (1) as that subsection applies in consequence of the authority electing not to make such a specification,
- is to be treated as a condition subject to which the application is granted.”.

Textual Amendments

- F1** Words in s. 20(1)(a) substituted (2.8.2009) by [Planning etc. \(Scotland\) Act 2006 \(Consequential Amendments\) Order 2009 \(S.S.I. 2009/256\)](#), arts. 1(2), **5(2)**

Commencement Information

- I1** S. 20 in force at 12.12.2008 for specified purposes by [S.S.I. 2008/411](#), **art. 2(2)(3)(a)**
- I2** [S. 20\(1\)\(2\)](#) in force at 3.8.2009 in so far as not already in force by [S.S.I. 2009/219](#), **art. 2, Sch.**
- I3** [S. 20\(3\)](#) in force at 1.12.2011 in so far as not already in force by [S.S.I. 2011/382](#), **art. 2(1)(2)(a)**

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21 Planning permission in principle

(1) For section 59 of the principal Act substitute—

“59 Planning permission in principle

- (1) “Planning permission in principle” is planning permission (granted in accordance with the provisions of regulations or a development order)—
 - (a) in respect of the carrying out of building, engineering, mining or other operations in, on, over or under land, and
 - (b) subject to a condition, imposed under section 37(1)(a), that the development in question will not be begun until certain matters (which may, but need not be, particularised in the application) have been approved by the planning authority or as the case may be the Scottish Ministers.
- (2) Application for the approval mentioned in subsection (1)(b)—
 - (a) must be made before whichever is latest of the following—
 - (i) the expiration of 3 years from the date of the grant of the permission,
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, and
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed, and
 - (b) may be made for—
 - (i) different matters, and
 - (ii) different parts of the development,at different times.
- (3) But, in relation to any matter, only one application may be made by virtue of sub-paragraphs (ii) and (iii) of subsection (2)(a) after the expiration of the 3 year period mentioned in sub-paragraph (i) of that subsection.
- (4) Subject to subsection (5), a planning permission in principle lapses on the expiration of 2 years from the requisite approval being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.
- (5) Where a planning permission in principle is to be granted, the authority concerned with the terms of the permission may direct that (either or both)—
 - (a) subsections (2)(a)(i) and (3) are to apply as respects the permission with the substitution, for the period of 3 years referred to in each of those subsections,
 - (b) subsection (4) is to apply as respects the permission with the substitution, for the period of 2 years referred to in that subsection,of such other periods respectively (whether longer or shorter) as they consider appropriate.
- (6) For the purposes of [F2sections 43A(8)(b) and] 47(1)(a), (3) and (4)(a)—
 - (a) any such direction, or

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- (b) the effect of subsection (4) as that subsection applies in consequence of the authority electing not to make such a direction, is to be treated as a condition subject to which the application is granted.
- (7) A direction under subsection (5) may provide for the substitution of different periods for different parts of the development (or for no substitution to be made for some part of the development).
- (8) In considering whether to exercise their powers under subsections (5) and (7), the authority is to have regard to the provisions of the development plan and to any other material considerations.”
- (2) Subsection (1) does not affect section 59 in that section's application as respects any outline planning permission granted before the date on which this section comes into force.

Textual Amendments

- F2** Words in s. 21(1) substituted (2.8.2009) by [Planning etc. \(Scotland\) Act 2006 \(Consequential Amendments\) Order 2009 \(S.S.I. 2009/256\)](#), arts. 1(2), **5(3)**

Commencement Information

- I4** S. 21 in force at 12.12.2008 for specified purposes by [S.S.I. 2008/411](#), [art. 2\(2\)\(3\)\(a\)](#)
- I5** S. 21 in force at 3.8.2009 in so far as not already in force by [S.S.I. 2009/219](#), [art. 2](#), [Sch.](#)

22 Further provision as regards duration of planning permission etc.

- (1) In section 60 of the principal Act (provisions supplementary to sections 58 and 59)—
- in subsection (1), for the words “58(1)(b)” substitute “ 58(2) and (3A)(b) ”,
 - in subsection (2), the word “ reserved ” is repealed, and
 - subsections (3) and (4) are repealed.
- (2) In section 61(1) of that Act (termination of planning permission by reference to time limit: completion notices), for paragraph (a) substitute—
- “(a) a development to which a planning permission relates has been begun but not completed by the date on which the permission would have lapsed had the development not been begun,”.
- (3) In section 71(7) (orders requiring discontinuance of use or alteration or removal of buildings or works), for the words “58(1)(b)” substitute “ 58(2) and (3A)(b) ”.
- (4) In section 88(5) (circumstances in which purchase notices may be served), for the words “conditions referred to in” substitute “ provisions of ”.
- (5) In section 232(7) (right to compensation in respect of certain decisions and orders), for the words “conditions referred to in” substitute “ provisions of ”.

Commencement Information

- I6** S. 22 in force at 12.12.2008 for specified purposes by [S.S.I. 2008/411](#), [art. 2\(2\)\(3\)\(a\)](#)
- I7** S. 22 in force at 3.8.2009 in so far as not already in force by [S.S.I. 2009/219](#), [art. 2](#), [Sch.](#)

Changes to legislation:

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