
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 432

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

PART 4

Procedure by planning authority

Time periods for decision

26.—(1) Where a planning authority has received—

- (a) an application under any of regulations 9 to 12;
- (b) an application for their determination that their approval is required as a condition of permission granted by the General Permitted Development Order and the planning authority has determined that their approval is required; or
- (c) an application for any other consent, agreement or approval required by a condition attached to a grant of planning permission,

the period within which the authority must give notice to an applicant of their decision or determination or referral of the application to the Scottish Ministers is the period mentioned in paragraph (2).

(2) The period is—

- (a) in the case of an application for planning permission for development within the category of national developments or major developments, four months after the validation date; and
- (b) in any other case, two months after the validation date.

(3) Paragraph (1)—

- (a) does not apply where the applicant and the planning authority agree in writing by virtue of section 47(2) to extend the period within which the planning authority may give notice of their decision to the applicant before the right to appeal under section 47(2) arises;
- (b) is subject to—
 - (i) paragraph (4);
 - (ii) section 34(4) of the Act; and
 - (iii) sections 60(3) and 65(3) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

(4) An application under any of regulations 9 to 12 is not to be determined until the date, or the latest date, of the expiry of the period allowed for the making of representations in respect of that application specified in notice—

- (a) given in accordance with regulation 18 or 19; or
- (b) published in accordance with regulation 20(1).