



Planning etc. (Scotland) Act 2006

2006 asp 17

PART 3

DEVELOPMENT MANAGEMENT

Duration of planning permission and listed building consent etc.

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.

Changes to legislation: There are currently no known outstanding effects for the Planning etc. (Scotland) Act 2006, Section 21. (See end of Document for details)

- (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 [F1sections 43A(8)(b) and] 47(1)(a), (3) and (4)(a)—
- (a) any such direction, or
 - (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

- F1** 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

- I1** S. 21 in force at 12.12.2008 for specified purposes by [S.S.I. 2008/411](#), **art. 2(2)(3)(a)**
- I2** [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.**

Changes to legislation:

There are currently no known outstanding effects for the Planning etc. (Scotland) Act 2006, Section 21.