



Planning (Scotland) Act 2019

2019 asp 13

PART 3

DEVELOPMENT MANAGEMENT

Applications

18 Pre-application consultation

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 35A (pre-application consultation: preliminary)—
 - (a) in subsection (1A)—
 - (i) the words “to which section 42 applies” become paragraph (a),
 - (ii) after paragraph (a), insert “, or
 - (b) in circumstances specified by the Scottish Ministers in regulations under this section.”,
 - (b) in subsection (3), for “the development is of a class prescribed under subsection (1)” substitute “compliance with section 35B is required”,
 - (c) in subsection (5), after “form” insert “, and have such content”,
 - (d) in subsection (9), for “the development is not of a class prescribed under subsection (1)” substitute “compliance with section 35B is not required”.
- (3) In section 35B (pre-application consultation: compliance), in subsection (3), after “weeks” insert “, but no more than 18 months”.
- (4) In section 35C (pre-application consultation report), in subsection (2), after “form” insert “ and include such content”.

Commencement Information

- 11** S. 18(1)(2)(4) in force at 1.12.2019 by S.S.I. 2019/385, reg. 2, sch.
- 12** S. 18(3) in force at 1.10.2022 by S.S.I. 2021/101, reg. 3 (with reg. 4) (as amended by S.S.I. 2022/67, regs. 1, 2)

*Status: Point in time view as at 01/10/2022. This version of this cross heading contains provisions that are prospective.
 Changes to legislation: Planning (Scotland) Act 2019, Cross Heading: Applications is up to date with all changes known to be in force on or before 18 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PROSPECTIVE

19 Assessment of health effects

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 40 insert—

“40A Assessment of health effects

The Scottish Ministers must by regulations make provision about the consideration to be given, before planning permission for a national development or a major development is granted, to the likely health effects of the proposed development.”.

20 Regulations about procedure for certain applications

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 42 (determination of applications to develop land without compliance with conditions previously attached), for subsection (3), substitute—
 - “(3) The Scottish Ministers may by regulations or a development order make special provision as regards the procedure to be followed in connection with such applications.”.

Commencement Information

I3 [S. 20](#) in force at 1.12.2019 by [S.S.I. 2019/385](#), reg. 2, [sch.](#)

PROSPECTIVE

21 Removal of requirement to recover costs before determining certain applications

Section 34(4)(c) of the Town and Country Planning (Scotland) Act 1997 is repealed.

22 Declining to determine an application

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 39(1) (declining to determine an application), in each of the following paragraphs, for “two” substitute “ 5 ”
 - (a) paragraph (a)(i),
 - (b) paragraph (b)(i),
 - (c) paragraph (c)(i),
 - (d) paragraph (d)(i),
 - (e) paragraph (e)(i).

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Commencement Information

I4 S. 22 in force at 1.10.2022 by S.S.I. 2022/275, reg. 2(2)(a) (with reg. 3)

Status:

Point in time view as at 01/10/2022. This version of this cross heading contains provisions that are prospective.

Changes to legislation:

Planning (Scotland) Act 2019, Cross Heading: Applications is up to date with all changes known to be in force on or before 18 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.