



# Planning (Scotland) Act 2019

## 2019 asp 13

### PART 3

#### DEVELOPMENT MANAGEMENT

##### *Duration of planning permission*

#### **32 Duration of planning permission**

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 41 (conditional grant of planning permission), in subsection (1), after paragraph (b) insert—
  - “(c) for identifying (whether by means of a specified time period or otherwise) when the applicant may be required to—
    - (i) make an application for a consent, agreement or approval, or
    - (ii) carry out some other action in connection with the permission or development.”.
- (3) In section 58 (duration of planning permission)—
  - (a) for subsections (1) to (3) substitute—
    - “(1) Where a planning permission to which this section applies is granted or deemed to be granted, it must be granted or, as the case may be, is to be deemed to be granted subject to the condition that the development to which it relates must be begun not later than the expiration of—
      - (a) 3 years beginning with the date on which the permission is granted or, as the case may be, deemed to be granted, or
      - (b) such other period (whether longer or shorter) as the authority concerned may specify when granting the permission or, as the case may be, in making a direction under section 57.
    - (2) If planning permission is granted or is deemed to be granted without the condition required by subsection (1), the permission is deemed to be subject to the condition that the development to which it relates must be begun not later than the expiration of 3 years beginning with

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the date on which the permission is granted or, as the case may be, deemed to be granted.

(3) If development has not begun at the expiration of the period mentioned in paragraph (a) or (b) of subsection (1) or, as the case may be, subsection (2), the planning permission lapses.”

(b) in subsection (3A)—

(i) in the opening words, for “(2)”, substitute “(1)(b)”,

(ii) for paragraph (a) substitute—

“(a) beginning with the date on which the planning permission is granted or deemed to be granted, and”

(c) in subsection (4), paragraphs (c) and (ca) are repealed.

(4) In section 59 (planning permission in principle), for subsections (2) to (8), substitute—

“(2A) Where planning permission in principle is granted, it must be granted subject to the condition that the development to which it relates must be begun not later than the expiration of—

(a) 5 years beginning with the date on which the permission is granted, or

(b) such other period (whether longer or shorter) as the authority concerned may specify when granting the permission.

(2B) If planning permission in principle is granted without the condition required by subsection (2A), the permission is deemed to be subject to the condition that the development to which it relates must be begun not later than the expiration of 5 years beginning with the date of the grant.

(2C) If development has not begun at the expiration of the period mentioned in paragraph (a) or (b) of subsection (2A) or, as the case may be, subsection (2B), the planning permission in principle lapses.

(2D) A period specified under subsection (2A)(b) is to be a period—

(a) beginning with the date on which the planning permission in principle is granted, and

(b) which the authority concerned consider appropriate having regard to the provisions of the development plan and to any other material considerations.”

(5) In section 60 (provisions supplementary to sections 58 and 59), for subsection (2) substitute—

“(2A) Where a planning authority grants planning permission, the fact that any of the conditions of the permission are required by the provisions of section 58 or 59 to be imposed, or are deemed by those sections to be imposed, does not prevent the conditions being the subject of a review under section 43AC or an appeal under section 47.”

### 33 Completion notices

(1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.

(2) In section 61 (termination of planning permission by reference to time limit: completion notices), after subsection (3) insert—

- “(3A) A completion notice must also—
- (a) state that a person on whom it is served may lodge an objection,
  - (b) specify the date on which the notice will take effect if no objection is lodged before that date.

(3B) The date so specified must be a date at least 28 days after the date on which the notice is served.”.

- (3) In section 62 (effect of completion notice)—
- (a) in subsection (1), for the words from “shall” to the end substitute “takes effect—
    - (a) on the date specified in it, unless before that date an objection is lodged under section 62A(1),
    - (b) where an objection is lodged under section 62A(1), only if and when the notice is confirmed by the Scottish Ministers.”,
  - (b) subsections (2) and (3) are repealed,
  - (c) in subsection (4)—
    - (i) for “Secretary of State” substitute “Scottish Ministers”,
    - (ii) for “subsection (2)” substitute “section 62A(5)”.
- (4) After section 62, insert—

**“62A Objection to completion notice**

- (1) A person on whom a completion notice is served may, prior to the date specified in it, lodge an objection to the notice with the planning authority which served it.
  - (2) Where an objection is lodged under subsection (1), the planning authority must give notice of the objection to—
    - (a) every person who was served with the completion notice, and
    - (b) the Scottish Ministers.
  - (3) Before confirming a completion notice, the Scottish Ministers must allow the following people the opportunity to make representations to a person appointed for the purpose by the Scottish Ministers—
    - (a) the person who lodged the objection, and
    - (b) the planning authority.
  - (4) The Scottish Ministers must give notice of their decision as to whether or not to confirm the completion notice to—
    - (a) every person who was served with the completion notice, and
    - (b) the planning authority.
  - (5) In confirming a completion notice, the Scottish Ministers may substitute a longer period for that specified in the notice as the period at the expiration of which the planning permission is to cease to have effect.”.
- (5) In section 182 (regulations controlling display of advertisements), in subsection (3) (a), for “62” substitute “62A”.

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- (6) In section 237 (validity of certain decisions), in subsection (3)(c), for “62” substitute “62A”.