
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 348

The Planning etc. (Scotland) Act 2006 (Saving and Transitional Provisions) Amendment Order 2011

Amendment of Planning etc. (Scotland) Act 2006 (Saving and Transitional Provisions) Order 2010

2.—(1) The Planning etc. (Scotland) Act 2006 (Saving and Transitional Provisions) Order 2010(1) is amended in accordance with paragraph (2).

(2) For article 3 substitute—

“Planning obligations

3.—(1) Subject to paragraph (2)—

- (a) an existing planning agreement shall have effect as if made under section 75 (planning obligations) of the Act as that provision has effect on 1st February 2011 (following commencement of section 23(1) (planning obligations) of the 2006 Act on that date)(2);
- (b) sections 75, 75A (modification and discharge of planning obligations) and 75B (appeals) of the Act (as those provisions have effect on 1st February 2011) apply in relation to an existing planning obligation as they apply to a planning obligation entered into by an agreement entered into under section 75 of the Act on or after that date and, for the purpose of such application, references in those sections and regulations made under the Act to—
 - (i) a planning obligation shall be treated as including a reference to an existing planning obligation;
 - (ii) a relevant instrument shall be treated as including a reference to an existing planning agreement.

(2) Sections 75(5) and (6) and 75C (planning obligations: continuing liability of former owner etc.) of the Act shall not apply in relation to an existing planning agreement.

(3) In this article—

“existing planning agreement” means an agreement entered into under, or having effect as if entered into under, section 75 of the Act before 1st February 2011; and

“existing planning obligation” means an obligation entered into by an existing planning agreement.”.

(1) [S.S.I. 2010/431](#).

(2) Section 23(1) of the Planning etc. (Scotland) Act 2006 is commenced by [S.S.I. 2010/400](#).