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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 155**

**The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**PART 10**

Transitional provisions, revocations and savings

**Transitional provisions**

**49.**—(1) The provisions specified in paragraph (2) apply with the modifications specified in paragraph (3) to—

- (a) applications for planning permission;
- (b) applications for approval, consent or agreement required by a condition imposed on a grant of planning permission; and
- (c) applications for approval of reserved matters in connection with the grant of outline planning permission,

made before 3rd August 2009 but in respect of which no notice of the decision of the planning authority was given to the applicant before 3rd August 2009.

(2) The provisions are—

- (a) regulation 16;
- (b) regulations 26 to 28; and
- (c) Schedule 2.

(3) In regulation 26—

- (a) in paragraph (2)(a) and (b) for “validation date” substitute “the date of receipt of the application”; and
- (b) omit paragraph (4).

(4) The following provisions of these Regulations apply only in relation to applications for planning permission made on or after the date on which these Regulations come into force—

- (a) regulation 9(3)(c) and (h);
- (b) regulation 10(3)(b) and (f);
- (c) regulation 20(3); and
- (d) paragraph 9(a) of Schedule 5.

(5) Regulation 11 applies only to applications for planning permission made on or after 2nd February 2013 and regulation 11 of the 2008 Regulations has effect as it did immediately before that date in relation to an application for planning permission made before that date.

(6) References in regulations 26 and 28 and in Schedule 2 to applications made under regulations 9 to 12 of these Regulations are in the case of an application mentioned in paragraph (1)

to be treated for the purposes of the application of those provisions as references to an application made under articles 3, 4, 5 or 6, as the case may be, of the 1992 Order.

(7) For the purposes of the interpretation of these Regulations in relation to their application to an application made under any of regulations 9 to 12 of the 2008 Regulations before 30th June 2013 “neighbouring land” is to have the meaning given in the 2008 Regulations as they had effect immediately before that date.

(8) For the purposes of the interpretation of regulation 13(3)(b)(ii) in relation to an application for planning permission made before 30th June 2013 “householder development” it to be taken to mean development which consists of—

- (a) the development of an existing dwellinghouse; or
- (b) development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such.

(9) Paragraph 5(5) of Schedule 5 applies only in relation to applications for planning permission made on or after 1st August 2012 and for the purposes of the interpretation of that paragraph in relation to an application for planning permission made on or after that date but before 30th June 2013 “householder development” it to be taken to mean development which consists of—

- (a) the alteration or extension of an existing building; or
- (b) development within the curtilage of a dwellinghouse for a purpose incidental to the enjoyment of the dwellinghouse.

(10) In this Part—

“the 1992 Order” means Town and Country Planning (General Development Procedure) (Scotland) Order 1992(1);

“the 2008 Regulations” mean the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008(2); and

“reserved matters” and “outline planning permission” have the same meaning as in section 59 of the Act as it applied immediately before section 21 of the Planning etc. (Scotland) Act 2006 (planning permission in principle) came into force.

### **Applications for approval of reserved matters made on or after 3rd August 2009**

**50.** An application for approval of reserved matters made on or after 3rd August 2009 in respect of the grant of outline planning permission before that date is to be treated for the purposes of these Regulations as an application for approval required by a condition imposed on the grant of planning permission in principle.

### **Revocations and savings**

**51.**—(1) Subject to paragraphs (2) to (4) and regulation 49, the provisions specified in column 1 of the Table in Schedule 9 are revoked to the extent specified in Column 3 of that Table.

(2) The provisions of regulation 47(2) to (4A) of the 2008 Regulations shall continue to have effect as they did immediately before 30th June 2013 in respect of any application for planning permission, for approval of reserved matters, for an approval under a development order, or for a certificate of lawful use or development made before 3rd August 2009.

(1) S.I. 1992/224 as amended by S.I. 1992/2083, S.I. 1994/2585, S.I. 1994/3293, S.I. 1996/467, S.I. 1997/749, S.S.I. 2000/179, S.S.I. 2001/245, S.S.I. 2003/1, S.I. 2003/2155, S.S.I. 2004/332, S.S.I. 2007/177 and S.S.I. 2007/268.

(2) S.S.I. 2008/432 as amended by S.S.I. 2009/220, 2010/60, 2010/460, 2011/138, 2011/139, 2011/377, 2012/165 and 2012/325.

(3) Parts 1 and 2 and Schedules 2 and 4 to the 1992 Order shall continue to apply as they did immediately before 3rd August 2009 for the purposes of paragraph 7(5) of Schedule 9 and paragraph 6(3) of Schedule 10 to the Act.

(4) Any directions in force immediately before the coming into force of these Regulations by virtue of the Town and Country Planning (General Development) (Scotland) Orders 1950 to 1970<sup>(3)</sup>, the Town and Country Planning (General Development) (Scotland) Order 1975<sup>(4)</sup>, the Town and Country Planning (General Development) (Scotland) Order 1981<sup>(5)</sup>, the 1992 Order<sup>(6)</sup> and the 2008 Regulations continue in force and have effect as if given under the corresponding provisions of these Regulations.

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(3) S.I. 1950/942, S.I. 1958/1653, S.I. 1959/1361, S.I. 1960/1722, S.I. 1963/1767, S.I. 1964/1791 and S.I. 1970/600.

(4) S.I. 1975/679.

(5) S.I. 1981/830 as amended by S.I. 1983/1620, S.I. 1984/237, S.I. 1985/2007, S.I. 1986/1356, S.I. 1988/977 and 1249, S.I. 1989/148, S.I. 1990/508 and S.I. 1991/147.

(6) S.I. 1992/224.