

2009 No. 101

TOWN AND COUNTRY PLANNING

The Planning etc. (Scotland) Act 2006 (Saving and Transitional Provisions) Order 2009

Made - - - - *10th March 2009*

Laid before the Scottish Parliament *11th March 2009*

Coming into force - - *6th April 2009*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 58(1) of the Planning etc. (Scotland) Act 2006(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Planning etc. (Scotland) Act 2006 (Saving and Transitional Provisions) Order 2009 and comes into force on 6th April 2009.

(2) In this Order—

“the Act” means the Town and Country Planning (Scotland) Act 1997(b);

“the 2006 Act” means the Planning etc. (Scotland) Act 2006;

“structure plan” and “local plan” have the same meaning as in paragraphs 1(4) and 2(2) of schedule 14 to the Act respectively as those paragraphs had effect immediately before the 28th February 2009(c).

Pre-application consultation

2. Sections 35A(1) and 35B of the Act(d) apply only to applications for planning permission made on or after 3rd August 2009.

(a) 2006 asp 17.

(b) 1997 c.8.

(c) Section 2 of the Planning etc. (Scotland) Act 2006 came into force on 28th February 2009.

(d) Sections 35A and 35B are introduced into the Town and Country Planning (Scotland) Act 1997 by section 11 of the Planning etc. (Scotland) Act 2006.

Blighted land

3. Notwithstanding the commencement of section 54(19) of the 2006 Act on 6th April 2009, paragraphs 1 and 2 of schedule 14 to the Act shall have effect as they did immediately before 28th February 2009 for the purposes of the provisions of Chapter 2 of Part 5 of the Act in relation to a structure plan or local plan for so long as that structure plan or local plan continues in force.

St Andrew's House,
Edinburgh
10th March 2009

STEWART STEVENSON
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes transitional and savings provisions in connection with the commencement of sections 11 and 54(19) of the Planning etc. (Scotland) Act 2006 (“the 2006 Act”). Article 2 provides that it will only be necessary to comply with the pre-application consultation requirements contained in the new sections 35A and 35B of the Town and Country Planning (Scotland) Act 1997 (“the Act”) introduced by section 11 of the 2006 Act where an application for planning permission is made on or after 3rd August 2009.

Article 3 saves the current provisions of paragraphs 1 and 2 of schedule 14 of the Act for the purposes of Chapter 2 of Part 5 of the Act relating to blighted land. These paragraphs refer to structure and local plans which are to be replaced by strategic development plans and local development plans following amendments made to the Act by section 2 of the 2006 Act.

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