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SCOTTISH STATUTORY INSTRUMENTS

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**2009 No. 220**

**The Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2009**

**Amendment of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008**

7.—(1) The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008<sup>(1)</sup> are amended in accordance with paragraphs (2) to (9).

(2) In regulation 2(1)(b) (application) omit “in principle”.

(3) In regulation 3(1) (interpretation) in the definition of “neighbouring land” for “land which” substitute “an area or plot of land which, or part of which,”.

(4) In regulation 13(3) (design and access statements) at the end of sub-paragraph (b)(iii) insert—  
“; or

(c) an application for planning permission in principle.”.

(5) In regulation 20(1)(c) and (d) (publication of application by the planning authority) after “application” insert “is made under regulation 9, 10 or 11 and”.

(6) In regulation 27(1)(b) (pre-determination of hearings) omit “local”.

(7) In regulation 45 (transitional provisions)—

(a) in paragraph (1)(b) omit “in principle”; and

(b) for paragraph (3) substitute—

“(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).

(3A) References in regulations 26 and 28 and in Schedule 2 to applications made under regulations 9 to 12 of these Regulations are to be treated for the purposes of the application of those provisions in the case mentioned in paragraph (1) as references to applications made under articles 3, 4, 5 or 6, as the case may be, of the 1992 Order.”.

(8) In regulation 47 (revocations and savings)—

(a) in paragraph (1) for “(4)” substitute (4A);

(b) in paragraph (3)(b) omit “in principle”;

(c) in paragraph (4)(b) for “14” substitute “14(2)”; and

(d) after paragraph (4) insert—

“(4A) 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.”.

- (9) In Schedule 2 (registers under sections 36(1) to (4))–
- (a) omit “and” following paragraph 3(d); and
  - (b) at the end of paragraph 3(e) insert–
    - “; and
    - (f) where an application is deemed to be refused under regulation 7(5) of the Environmental Impact Assessment (Scotland) Regulations 1999<sup>(2)</sup> a statement to that effect including the date on which the application is deemed to be refused”.

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(2) S.S.I. 1999/1.