
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 344

The Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Amendment (No. 2) Order 2009

Amendment of Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008

2.—(1) The Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008⁽¹⁾ is amended in accordance with paragraphs (2) and (3).

(2) In article 3(2)(b)(ii) for “as it” substitute “or the period within which representations may be timeously made following publication of proposals under section 9(4) of the Act (as the case may be) as those sections”.

(3) In article 5(2)(b) for paragraphs (ii) and (iii) substitute—

“(ii) the circumstances mentioned in section 19(2) were that the period within which objections to a local plan may be timeously made to the planning authority following the local plan being made available for inspection under section 12(3)(a) of the Act (as continued in force by paragraph (2)(a)) has expired and one or more objection to the plan has been made to the planning authority within that period (and has not been subsequently withdrawn);

(iii) the requirement under section 19(1) to make a request to the Scottish Ministers to appoint a person to examine the proposed plan under section 19(3) arises following the expiry of that period rather than on the submission of a proposed local development plan;

(iv) in section 19(3) the reference to time of the submission of a proposed development plan under section 18(4)(a) were a reference to the time following the expiry of that period; and

(v) references in section 19(6)(b) and section 20A(1)(d)(i) to persons who have made representations were references to persons making an objection to the local plan within that period.”.