

2020 No. 124

TOWN AND COUNTRY PLANNING

ENVIRONMENTAL PROTECTION

The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020

Made - - - - at 12.45 p.m. on 14th April 2020

Laid before the Scottish Parliament at 4.00 p.m. on 14th April 2020

Coming into force - - 24th April 2020

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972^(a), sections 35B(5), 40, 43A(10) and (11) and 275 of the Town and Country Planning (Scotland) Act 1997^(b) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 and come into force on 24 April 2020.

Amendment of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

2.—(1) The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013^(c) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 7(2) (pre-application consultation) at the beginning insert “Subject to regulation 7A,”.

-
- (a) 1972 c.68. The European Communities Act 1972 was repealed by section 1 of the European Union (Withdrawal) Act 2018 (c.16) (“the 2018 Act”) with effect from exit day (see section 20 of the 2018 Act), but saved, subject to modifications, until IP completion day by section 1A of that Act. Section 1A of the 2018 Act was inserted by the European Union (Withdrawal Agreement) Act 2020 (c.1) (“the 2020 Act”), and defines “IP completion day” by reference to section 39(1) to (5) of the 2020 Act. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7) (“the 2008 Act”), section 3(3) and schedule 1, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.
- (b) 1997 c.8. Section 35B was inserted by section 11 of the Planning etc. (Scotland) Act 2006 (asp 17) (“the 2006 Act”), section 43A was inserted by section 17 of the 2006 Act, section 40 was amended by section 24(3) of the Water Environment and Water Services (Scotland) Act 2003 (asp 3) and section 275 was relevantly amended by paragraph 20(3) of schedule 7 of the Planning and Compulsory Purchase Act 2004 (c.5.) and section 54(16) of the 2006 Act. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.
- (c) S.S.I. 2013/155 to which there are amendments which are not relevant to this instrument.

(3) After regulation 7 (pre-application consultation) insert—

“Temporary relaxation of pre-application consultation requirements during Coronavirus emergency period

7A.—(1) This regulation applies in relation to an application for planning permission submitted—

(a) either—

(i) during the emergency period, or

(ii) within the period of 6 months immediately following the expiry of the emergency period, and

(b) in respect of which a proposal of application notice is given to the planning authority before, or during, the emergency period.

(2) Where this regulation applies in relation to an application for planning permission, regulation 7 applies in relation to that application—

(a) as if paragraphs (2)(a) and (b)(iii) and (3) were omitted, and

(b) during the emergency period, as if in paragraph (2)(b)(ii) for “where” there were substituted “how (including by what electronic means)”.

(3) For the purposes of this regulation, the “emergency period” is the period beginning on 24 April 2020 and ending on the date on which Part 1 of the Coronavirus (Scotland) Act 2020(a) expires in accordance with section 12 of that Act.”.

Amendment of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

3.—(1) The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013(b) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 7(2) (local review body) at the beginning insert “Subject to regulation 7A,”.

(3) After regulation 7 insert—

“Temporary removal of requirement to hold meeting of local review body in public during Coronavirus emergency period

7A.—(1) Regulation 7 applies during the emergency period as if—

(a) paragraph (2) were omitted, and

(b) in paragraphs (3) and (4) for “, time and place” there were substituted “and time”.

(2) For the purposes of this regulation, “emergency period” is the period beginning on 24 April 2020 and ending on the date on which Part 1 of the Coronavirus (Scotland) Act 2020(c) expires in accordance with section 12 of that Act.”.

Amendment of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

4.—(1) The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017(d) are amended in accordance with paragraph (2).

(2) After regulation 25(3) (availability of copies of EIA report) insert—

(a) 2020 asp 7.

(b) S.S.I. 2013/157.

(c) 2020 asp 7.

(d) S.S.I. 2017/102 as amended by S.S.I. 2017/168.

“(4) During the emergency period the developer is not required by this regulation to ensure that copies of the EIA report are available for inspection at a place or address.

(5) For the purposes of this regulation, the “emergency period” is the period beginning on 24 April 2020 and ending on the date on which Part 1 of the Coronavirus (Scotland) Act 2020(a) expires in accordance with section 12 of that Act.”.

KEVIN STEWART

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
At 12.45 p.m. on 14th April 2020

(a) 2020 asp 7.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make temporary modifications to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. These modifications alter requirements to hold public events or hearings or to make information or documentation available for inspection in a public place.

Regulation 2 amends the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 to remove the requirement for a public event to be held as part of pre-application consultation procedures during the “emergency period”. The emergency period is defined by reference to section 12 of the Coronavirus (Scotland) Act. Regulation 3 amends the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 to remove the requirement for meetings of the local review body to be held in public during the emergency period. Regulation 4 amends the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 so that during the emergency period a developer is not required to ensure that copies of an EIA report are available for inspection at a physical location.

© Crown copyright 2020

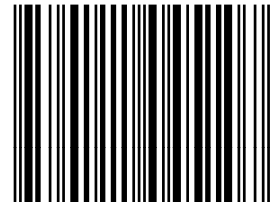
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, the Queen’s Printer for Scotland.

£4.90

S202004141004 04/2020 19585

<http://www.legislation.gov.uk/id/ssi/2020/124>

ISBN 978-0-11-104510-7



9 780111 045107