



# Planning (Scotland) Act 2019

## 2019 asp 13

### PART 3

#### DEVELOPMENT MANAGEMENT

##### *Applications*

#### **18 Pre-application consultation**

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 35A (pre-application consultation: preliminary)—
  - (a) in subsection (1A)—
    - (i) the words “to which section 42 applies” become paragraph (a),
    - (ii) after paragraph (a), insert “, or
  - (b) in circumstances specified by the Scottish Ministers in regulations under this section.”,
  - (b) in subsection (3), for “the development is of a class prescribed under subsection (1)” substitute “compliance with section 35B is required”,
  - (c) in subsection (5), after “form” insert “, and have such content,”,
  - (d) in subsection (9), for “the development is not of a class prescribed under subsection (1)” substitute “compliance with section 35B is not required”.
- (3) In section 35B (pre-application consultation: compliance), in subsection (3), after “weeks” insert “, but no more than 18 months,”.
- (4) In section 35C (pre-application consultation report), in subsection (2), after “form” insert “and include such content”.

#### **19 Assessment of health effects**

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 40 insert—

#### **“40A Assessment of health effects**

The Scottish Ministers must by regulations make provision about the consideration to be given, before planning permission for a national development or a major development is granted, to the likely health effects of the proposed development.”.

### **20 Regulations about procedure for certain applications**

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 42 (determination of applications to develop land without compliance with conditions previously attached), for subsection (3), substitute—
  - “(3) The Scottish Ministers may by regulations or a development order make special provision as regards the procedure to be followed in connection with such applications.”.

### **21 Removal of requirement to recover costs before determining certain applications**

Section 34(4)(c) of the Town and Country Planning (Scotland) Act 1997 is repealed.

### **22 Declining to determine an application**

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 39(1) (declining to determine an application), in each of the following paragraphs, for “two” substitute “5”—
  - (a) paragraph (a)(i),
  - (b) paragraph (b)(i),
  - (c) paragraph (c)(i),
  - (d) paragraph (d)(i),
  - (e) paragraph (e)(i).