



Planning (Scotland) Act 2019

2019 asp 13

PART 3

DEVELOPMENT MANAGEMENT

Duration of planning permission

32 Duration of planning permission

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 41 (conditional grant of planning permission), in subsection (1), after paragraph (b) insert—
 - “(c) for identifying (whether by means of a specified time period or otherwise) when the applicant may be required to—
 - (i) make an application for a consent, agreement or approval, or
 - (ii) carry out some other action in connection with the permission or development.”.
- (3) In section 58 (duration of planning permission)—
 - (a) for subsections (1) to (3) substitute—
 - “(1) Where a planning permission to which this section applies is granted or deemed to be granted, it must be granted or, as the case may be, is to be deemed to be granted subject to the condition that the development to which it relates must be begun not later than the expiration of—
 - (a) 3 years beginning with the date on which the permission is granted or, as the case may be, deemed to be granted, or
 - (b) such other period (whether longer or shorter) as the authority concerned may specify when granting the permission or, as the case may be, in making a direction under section 57.
 - (2) If planning permission is granted or is deemed to be granted without the condition required by subsection (1), the permission is deemed to be subject to the condition that the development to which it relates must be begun not later than the expiration of 3 years beginning with

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the date on which the permission is granted or, as the case may be, deemed to be granted.

(3) If development has not begun at the expiration of the period mentioned in paragraph (a) or (b) of subsection (1) or, as the case may be, subsection (2), the planning permission lapses.”

(b) in subsection (3A)—

(i) in the opening words, for “(2)”, substitute “ (1)(b) ”,

(ii) for paragraph (a) substitute—

“(a) beginning with the date on which the planning permission is granted or deemed to be granted, and”

(c) in subsection (4), paragraphs (c) and (ca) are repealed.

(4) In section 59 (planning permission in principle), for subsections (2) to (8), substitute—

“(2A) Where planning permission in principle is granted, it must be granted subject to the condition that the development to which it relates must be begun not later than the expiration of—

(a) 5 years beginning with the date on which the permission is granted, or

(b) such other period (whether longer or shorter) as the authority concerned may specify when granting the permission.

(2B) If planning permission in principle is granted without the condition required by subsection (2A), the permission is deemed to be subject to the condition that the development to which it relates must be begun not later than the expiration of 5 years beginning with the date of the grant.

(2C) If development has not begun at the expiration of the period mentioned in paragraph (a) or (b) of subsection (2A) or, as the case may be, subsection (2B), the planning permission in principle lapses.

(2D) A period specified under subsection (2A)(b) is to be a period—

(a) beginning with the date on which the planning permission in principle is granted, and

(b) which the authority concerned consider appropriate having regard to the provisions of the development plan and to any other material considerations.”

(5) In section 60 (provisions supplementary to sections 58 and 59), for subsection (2) substitute—

“(2A) Where a planning authority grants planning permission, the fact that any of the conditions of the permission are required by the provisions of section 58 or 59 to be imposed, or are deemed by those sections to be imposed, does not prevent the conditions being the subject of a review under section 43AC or an appeal under section 47.”

Commencement Information

II S. 32 in force at 1.10.2022 by S.S.I. 2022/275, reg. 2(2)(b) (with reg. 3)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.S.I. 2019/377, reg. 9 by [S.S.I. 2019/411 reg. 2](#)
- specified provision(s) amendment to earlier commencing S.S.I. 2021/101, regs. 3, 4 by [S.S.I. 2021/291 reg. 2](#)