
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 156

**The Town and Country Planning
(Appeals) (Scotland) Regulations 2013**

PART 7

Appeals under sections 75B, 75F and 154 of the Act

Appeals under section 75B of the Act

21.—(1) An appeal to the Scottish Ministers under section 75B(1) of the Act (appeals against refusal or failure to agree to modify or discharge planning obligations) is to be made by giving notice in writing in accordance with this regulation.

(2) The notice of appeal must be served on the Scottish Ministers within the period of three months beginning with, in the case of an appeal under—

- (a) section 75B(1)(a) of the Act, the date of expiry of the period specified in regulation 7(1) of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010(1); and
- (b) section 75B(1)(b) of the Act, the date of the decision notice.

(3) In relation to an appeal under section 75B(1) of the Act—

- (a) this regulation, Parts 1, 3, 9 and 10, the Hearing Session Rules and the Inquiry Session Rules apply; and
- (b) the following provisions of Part 2 apply as they apply to an appeal under section 47 of the Act with the modifications specified in paragraph (4)—
 - (i) regulation 3(4) to (6);
 - (ii) regulation 4 other than paragraph (2)(c) and (d);
 - (iii) regulation 5 other than paragraph (2) and (3)(c); and
 - (iv) regulation 6.

(4) The modifications are—

- (a) regulation 3(4)(e) applies as if the reference to section 47(1) of the Act is a reference to section 75B(1)(b) of the Act; and
- (b) regulation 5(3)(b) applies as if the reference to development is a reference to the planning obligation and the relevant instrument within which it is contained.

Appeals under section 75F of the Act

22.—(1) An appeal to the Scottish Ministers under section 75F(1) of the Act (appeals against refusal or failure to agree to modify or discharge good neighbour agreements) is to be made by giving notice in writing in accordance with this regulation.

- (2) The notice of appeal must be served on the Scottish Ministers within the period of three months beginning with, in the case of an appeal under—
- (a) section 75F(1)(a) of the Act, the date of expiry of the period specified in regulation 7(1) of the Town and Country Planning (Modification and Discharge of Good Neighbour Agreement) (Scotland) Regulations 2010(2); and
 - (b) section 75F(1)(b) of the Act, the date of the decision notice.
- (3) In relation to an appeal under section 75F(1) of the Act—
- (a) this regulation, Parts 1, 3, 9 and 10, the Hearing Session Rules and the Inquiry Session Rules apply; and
 - (b) the following provisions of Part 2 apply as they apply to an appeal under section 47 of the Act with the modifications specified in paragraph (4)—
 - (i) regulation 3(4) to (6);
 - (ii) regulation 4 other than paragraph (2)(c) and (d);
 - (iii) regulation 5 other than paragraph (2) and (3)(c); and
 - (iv) regulation 6.
- (4) The modifications are—
- (a) regulation 3(4)(e) applies as if the reference to section 47(1) of the Act is a reference to section 75F(1)(b) of the Act; and
 - (b) regulation 5(3)(b) applies as if the reference to development is a reference to the obligation and the good neighbour agreement within which it is contained.

Appeals under section 154 of the Act

23.—(1) An appeal to the Scottish Ministers under section 154(1) of the Act (appeals against refusal or failure to give decision on application for certificate of lawfulness of use or development) is to be made by giving notice in writing in accordance with this regulation.

(2) In relation to an application for a certificate under section 150 or 151 of the Act the period prescribed for the purposes of section 154(1)(b) of the Act is the period of two months beginning with the date of receipt by the planning authority of—

- (a) the application; or
- (b) if later, any fee required to be paid in respect of the application.

(3) The notice of appeal must be served on the Scottish Ministers within the period of three months beginning with, in the case of an appeal under—

- (a) section 154(1)(a) of the Act, the date of the decision notice; and
- (b) section 154(1)(b) of the Act, the date of expiry of the period allowed for determination of the application.

(4) In relation to an appeal under section 154(1) of the Act—

- (a) this Part and Parts 1, 3, 9 (other than regulation 29) and 10, the Hearing Session Rules and the Inquiry Session Rules apply; and
- (b) the following provisions of Part 2 apply as they apply to an appeal under section 47 of the Act with the modification specified in paragraph (5)—
 - (i) regulation 3(4) to (6);
 - (ii) regulation 4 other than paragraph (2)(c) and (d); and

(iii) regulation 6 other than paragraph (1)(d) and (e).

(5) Regulation 3(4)(e) applies as if the reference to section 47(1) of the Act is a reference to section 151(1)(a) of the Act.