
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (“the 2013 Regulations”) in respect of provisions relating to pre-application consultation. Section 35A(1) of the Town and Country Planning (Scotland) Act 1997 (“the Act”) requires that before submitting an application for planning permission for certain classes of development the prospective applicant must undertake pre-application consultation as set out in section 35B of the Act and related provisions of the 2013 Regulations.

Section 35A(2)(b), introduced by section 18 of the Planning (Scotland) Act 2019, provides that the pre-application consultation requirements will not apply in certain circumstances. Regulation 3 inserts a new regulation 4A into the 2013 Regulations which specifies these circumstances. New regulation 4A(3) also requires additional information to be submitted with an application for planning permission where the applicant is relying on this exemption from the pre-application requirements.

Regulation 4 inserts a new paragraph (1A) into regulation 5 of the 2013 Regulations to require additional information to be included in a notice under section 35A(3) where the notice relates to development of the same character or description as has been applied for in an earlier application for planning permission. Regulation 5 modifies the requirements in respect of the information to be included in a proposal of application notice given under section 35B(2) of the Act.

Regulation 6 amends regulation 7 of the 2013 Regulations to provide that a minimum of two public events will be required and to alter the publication requirements in take account of this. It also requires that the prospective applicant must at the final public event provide feedback to the public in respect of comments received regarding the proposed development.

Regulation 7 introduces a new regulation 7B into the 2013 Regulations to set out prescribed content to be included in a pre-application consultation report under section 35C of the Act. Regulation 8 and 9 make consequential changes to the list of things which are to be submitted with an application for planning permission and planning permission in principle.

Regulation 10 makes transitional and saving provisions. Regulation 10(a) makes savings provisions in respect of the requirements contained in regulation 7 of the 2013 Regulation as they apply immediately before these Regulations come into force on 1 October 2021. Where a proposal of application notice has been given in respect of an application before that date the provisions of regulation 7 continue to apply without the amendments made by regulation 6. Those provisions are subject to the modifications made by regulation 7A of the 2013 Regulations where it applies. Regulation 10(b) provides that the new requirements of regulation 7B do not apply in relation to the submission of an application for planning permission if the proposal of application notice for that application was given before 1 October 2021.