

2022 No. 66

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2022

Made - - - - 22nd February 2022

Laid before the Scottish Parliament 24th February 2022

Coming into force - - 30th March 2022

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 32, 35A, 35B, 35C, 58(3D), 59(8D) and 275 of the Town and Country Planning (Scotland) Act 1997(a), section 16(7) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997(b), section 12(9) of the Coronavirus (Scotland) Act 2020(c), section 9(9) of the Coronavirus (Scotland) (No. 2) Act 2020(d) and all other powers enabling them to do so.

PART 1

Citation, commencement and interpretation

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2022 and come into force on 30 March 2022.

(2) In these Regulations—

“the Act” means the Town and Country Planning (Scotland) Act 1997, and

“the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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- (a) 1997 c. 8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46). Sections 58(3D) and 59(8D) have effect by virtue of paragraphs 8 to 10 of schedule 7 of the Coronavirus (Scotland) Act 2020 (asp 7). The definitions of “emergency period” and “extended period” in sections 58(3C) and 59(8C) were amended by S.S.I. 2020/254, S.S.I. 2021/100 and S.S.I. 2021/292.
- (b) 1997 c. 9. Section 16(6) was inserted by, and section 16(7) has effect by virtue of, paragraph 2 of schedule 4 of the Coronavirus (Scotland) (No. 2) Act 2020 (asp 10). The definitions of “emergency period” and “extended period” in section 16(6) were amended by S.S.I. 2020/254, S.S.I. 2021/100 and S.S.I. 2021/292.
- (c) 2020 asp 7 as amended by the Coronavirus (Extension and Expiry) (Scotland) Act 2021 (asp 19).
- (d) 2020 asp 10 as amended by the Coronavirus (Extension and Expiry) (Scotland) Act 2021 (asp 19).

PART 2

Amendment of Emergency Period and Extended Period

Amendment of the definition of “emergency period”

2.—(1) In the definition of “emergency period” in section 58(3C) (duration of planning permission) of the Act, for “31 March 2022” substitute “30 September 2022”.

(2) In the definition of “emergency period” in section 59(8C) (planning permission in principle) of the Act, for “31 March 2022” substitute “30 September 2022”.

(3) In the definition of “emergency period” in section 16(6) (duration of listed building consent) of the Listed Buildings Act, for “31 March 2022” substitute “30 September 2022”.

Amendment of the definition of “extended period”

3.—(1) In the definition of “extended period” in section 58(3C) of the Act for “30 September 2022” substitute “31 March 2023”.

(2) In the definition of “extended period” in section 59(8C) of the Act for “30 September 2022” substitute “31 March 2023”.

(3) In the definition of “extended period” in section 16(6) of the Listed Buildings Act for “30 September 2022” substitute “31 March 2023”.

Saving provisions – planning permission

4.—(1) The provisions of sections 58 and 59 of the Act continue to have effect in relation to a relevant planning permission as they have effect immediately before the relevant date subject to the modifications specified in paragraph (2).

(2) The modifications are—

- (a) section 58 of the Act is to have effect as if only subsections (3B) and (3C), as set out in paragraph 9 of schedule 7 of the Coronavirus (Scotland) Act 2020, were inserted after section 58(3A) and subsections (3D) and (3E), as set out in that paragraph, were omitted,
- (b) section 59 of the Act is to have effect as if only subsections (8A), (8B) and (8C), as set out in paragraph 10 of schedule 7 of the Coronavirus (Scotland) Act 2020, were inserted after section 59(8), and subsections (8D) and (8E), as set out in that paragraph, were omitted.

(3) In this regulation—

“planning permission” and “planning permission in principle” have the same meaning as in the Act,

“relevant date” means the end of 30 September 2022,

“relevant planning permission” means—

- (a) in relation to section 58 of the Act, planning permission granted or deemed to have been granted before the relevant date, and
- (b) in relation to section 59 of the Act, planning permission in principle granted before the relevant date.

Saving provisions - listed building consent

5.—(1) The provisions of section 16(5) and (6) of the Listed Buildings Act continue to have effect in relation to a relevant consent as they had effect immediately before the relevant date.

(2) In this regulation—

“listed building consent” and “conservation area consent” have the same meaning as in the Listed Buildings Act,

“relevant consent” means—

- (a) a listed building consent granted before the relevant date,
- (b) a conservation area consent granted before the relevant date,

“relevant date” means the end of 30 September 2022.

Revocations

6. Regulations 4 and 5 of the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2021(a) are revoked.

PART 3

Pre-Application Consultation

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

7.—(1) The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013(b) are amended in accordance with paragraph (2).

(2) In regulation 7A(3) (temporary relaxation of pre-application consultation requirements during coronavirus emergency period) for “31 March 2022” substitute “30 September 2022”.

Amendment of the Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021

8.—(1) The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021(c) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(1) (citation, commencement and interpretation) for “1 April 2022” substitute “1 October 2022”.

(3) In regulation 10 (transitional and savings provisions) for “1 April 2022” substitute “1 October 2022”.

TOM ARTHUR

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
22nd February 2022

(a) S.S.I. 2021/292.

(b) S.S.I. 2013/155 as relevantly amended by S.S.I. 2020/124 and S.S.I. 2012/292.

(c) S.S.I. 2021/99 as relevantly amended by S.S.I. 2021/292.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the definitions of “emergency period” and “extended period” in sections 58(3C) and 59(8C) of the Town and Country Planning (Scotland) Act 1997 (“the Act”), as it has effect by virtue of paragraphs 8 to 10 of schedule 7 of the Coronavirus (Scotland) Act 2020, and in section 16(6) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (“the Listed Buildings Act”). These Regulations also make amendments to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and the Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021.

Regulations 2 and 3 amend the definitions of “emergency period” and “extended period” in sections 58(3C) and 59(8C) of the Act and in section 16(6) of the Listed Buildings Act.

As currently defined by sections 58(3C) and 59(8C) of the Act, as amended by S.S.I. 2020/254, S.S.I. 2021/100 and S.S.I. 2021/292, the “emergency period” began on 7 April 2020 and would end at the end of 31 March 2022 and the “extended period” began on 7 April 2020 and would end at the end of 30 September 2022. As amended by these Regulations the “emergency period” is the period which began on 7 April 2020 and will end at the end of 30 September 2022 and the “extended period” is the period which began on 7 April 2020 and will end at the end of 31 March 2023.

As currently defined by section 16(6) of the Listed Buildings Act, as amended by S.S.I. 2020/254, S.S.I. 2021/100 and S.S.I. 2021/292, the “emergency period” began on 27 May 2020 and would end at the end of 31 March 2022 and the “extended period” began on 27 May 2020 and would end at the end of 30 September 2022. As amended by these Regulations the “emergency period” is the period which began on 27 May 2020 and will end at the end of 30 September 2022 and the “extended period” is the period which began on 27 May 2020 and will end at the end of 31 March 2023.

Regulation 4 makes saving provisions in respect of planning permissions granted before the expiry of the emergency period. The provisions of sections 58 and 59 of the Act, as they had effect immediately before the expiry of the emergency period continue to have effect, with modifications, in relation to the duration of planning permissions granted before the expiry of the emergency period. The modifications are that the powers to make regulations to further amend the definitions of “emergency period” and “extended period” will not continue to have effect after the expiry of the Coronavirus (Scotland) Act 2020.

Regulation 5 makes equivalent saving provisions in respect of listed building consents granted before the expiry of the emergency period. The provisions of section 16 of the Listed Buildings Act continue to have effect as they had effect immediately before the expiry of the Coronavirus (Scotland) Act (No. 2) 2020, with modifications in relation to the duration of listed building consent granted before the expiry of the emergency period. The powers to make regulations to further amend the definitions of “emergency period” and “extended period” will not continue to have effect after the expiry of the Coronavirus (Scotland) (No. 2) Act 2020.

The provisions of regulations 4 and 5 replace and supersede the saving provisions contained in regulations 4 and 5 of the Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2021. Those provisions are therefore revoked by regulation 6.

Regulation 7 amends the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 to align the dates of the emergency period with the changes made by regulation 2 of these Regulations.

Regulation 8 amends the date on which the Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021 come into force from 1 April 2022 to 1 October 2022 and makes consequential changes to the related transitional and savings provisions.

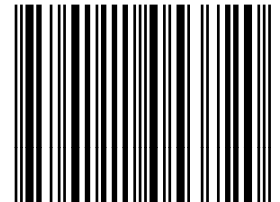
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