



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART III

#### CONTROL OVER DEVELOPMENT

##### *Duration of planning permission*

#### 58 [F1Duration of planning permission]

[F2][F3(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 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.]

(3A) A period specified under subsection [F4(1)(b)] is to be a period—

- [F5(a) beginning with the date on which the planning permission is granted or deemed to be granted, and]

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- (b) which the authority concerned consider appropriate having regard to the provisions of the development plan and to any other material considerations.]
- [<sup>F6</sup>(3B) During the emergency period, a planning permission which otherwise would lapse under subsection (1) or (2) lapses at the end of the extended period, unless, before the end of the extended period, the development to which the permission relates is begun.
- (3C) In subsection (3B)—
- “emergency period” means the period <sup>F7</sup>... beginning with the date on which paragraph 9 of schedule 7 of the Coronavirus (Scotland) Act 2020 came into force [<sup>F8</sup>and ending at the end of [<sup>F9</sup>30 September 2022]],
- “extended period” means the period <sup>F10</sup>... beginning with [<sup>F11</sup>the date that paragraph came into force and ending at the end of [<sup>F12</sup>31 March 2023]].
- (3D) The Scottish Ministers may, by regulations, amend the definition of “emergency period” or “extended period” in subsection (3C).
- (3E) Regulations under subsection (3D) are subject to the negative procedure.]
- (4) [<sup>F13</sup>This section applies to every planning permission with the exception of]—
- (a) any planning permission granted by a development order,
- (b) any planning permission for any development carried out before the grant of planning permission,
- <sup>F14</sup>(c) .....
- <sup>F14</sup>(ca) .....
- (d) any planning permission for development consisting of the winning and working of minerals or involving the depositing of mineral waste which is granted (or deemed to be granted) subject to a condition that the development to which it relates must be begun before the expiration of a specified period after—
- (i) the completion of other development consisting of the winning and working of minerals already being carried out by the applicant for the planning permission, or
- (ii) the cessation of depositing of mineral waste already being carried out by the applicant for the planning permission,
- (e) any planning permission granted by an enterprise zone scheme,
- (f) any planning permission granted by a simplified planning zone scheme, or
- (g) any [<sup>F15</sup>planning permission in principle], within the meaning of section 59.

#### Textual Amendments

- F1** S. 58 heading substituted (12.12.2008 for specified purposes, 3.8.2009 in so far as not already in force) by *Planning etc. (Scotland) Act 2006* (asp 17), **ss. 20(2), 59(2)** (with S.S.I. 2009/222, **art. 10(2)(b)**); S.S.I. 2008/411, art. 2(2)(3)(a), S.S.I. 2009/219, art. 2, sch.
- F2** S. 58(1)-(3A) substituted for s. 58(1)-(3) (12.12.2008 for specified purposes, 3.8.2009 in so far as not already in force) by *Planning etc. (Scotland) Act 2006* (asp 17), **ss. 20(1)(a), 59(2)** (as amended (2.8.2009) by S.S.I. 2009/256, arts. 1(2), **5(2)**) (with S.S.I. 2009/222, **art. 10(2)(b)**); S.S.I. 2008/411, art. 2(2)(3)(a), S.S.I. 2009/219, art. 2, sch.
- F3** S. 58(1)-(3) substituted (1.10.2022) by *Planning (Scotland) Act 2019* (asp 13), **ss. 32(3)(a), 63(2)**; S.S.I. 2022/275, reg. 2(2)(b) (with reg. 3)
- F4** Word in s. 58(3A) substituted (1.10.2022) by *Planning (Scotland) Act 2019* (asp 13), **ss. 32(3)(b)(i), 63(2)**; S.S.I. 2022/275, reg. 2(2)(b) (with reg. 3)

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- F5** S. 58(3A)(a) substituted (1.10.2022) by Planning (Scotland) Act 2019 (asp 13), **ss. 32(3)(b)(ii)**, 63(2); S.S.I. 2022/275, reg. 2(2)(b) (with reg. 3)
- F6** S. 58(3B)-(3E) inserted (temp.) (7.4.2020) by virtue of Coronavirus (Scotland) Act 2020 (asp 7), s. 17(1), **sch. 7 para. 9** (with ss. 11-13)
- F7** Words in s. 58(3C) omitted (5.10.2020) by virtue of The Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2020 (S.S.I. 2020/254), regs. 1(1), **2(1)(a)**
- F8** Words in s. 58(3C) inserted (5.10.2020) by The Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2020 (S.S.I. 2020/254), regs. 1(1), **2(1)(b)**
- F9** Words in s. 58(3C) substituted (30.3.2022) by The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2022 (S.S.I. 2022/66), regs. 1(1), **2(1)** (with reg. 4(2))
- F10** Words in s. 58(3C) omitted (5.10.2020) by virtue of The Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2020 (S.S.I. 2020/254), regs. 1(1), **3(1)(a)**
- F11** Words in s. 58(3C) substituted (5.10.2020) by The Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2020 (S.S.I. 2020/254), regs. 1(1), **3(1)(b)**
- F12** Words in s. 58(3C) substituted (30.3.2022) by The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2022 (S.S.I. 2022/66), regs. 1(1), **3(1)** (with reg. 4(2))
- F13** Words in s. 58(4) substituted (12.12.2008 for specified purposes, 3.8.2009 in so far as not already in force) by Planning etc. (Scotland) Act 2006 (asp 17), **ss. 20(1)(b)(i)**, 59(2) (with S.S.I. 2009/222, **art. 10(2)(b)**); S.S.I. 2008/411, art. 2(2)(3)(a), S.S.I. 2009/219, art. 2, sch.
- F14** S. 58(4)(c)(ca) repealed (1.10.2022) by Planning (Scotland) Act 2019 (asp 13), **ss. 32(3)(c)**, 63(2); S.S.I. 2022/275, reg. 2(2)(b) (with reg. 3)
- F15** Words in s. 58(4)(g) substituted (12.12.2008 for specified purposes, 3.8.2009 in so far as not already in force) by Planning etc. (Scotland) Act 2006 (asp 17), **ss. 20(1)(b)(iii)**, 59(2) (with S.S.I. 2009/222, **art. 10(2)(b)**); S.S.I. 2008/411, art. 2(2)(3)(a), S.S.I. 2009/219, art. 2, sch.

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**Changes and effects yet to be applied to :**

- s. 58(4)(f) word repealed by [2019 asp 13 Sch. 2 para. 5\(5\)\(a\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied by [S.S.I. 2008/189 art. 53\(3\)](#)
- Act power to apply (with or without modifications) conferred by [2021 asp 9 s. 45\(3\)\(b\)\(c\)](#)

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- Pt. 11A inserted by [2006 asp 17 s. 29](#)
- Pt. 12A inserted by [2006 asp 17 s. 30](#)
- Pt. 12A inserted by [2019 asp 13 s. 46\(2\)](#)
- s. 3CD inserted by [2019 asp 13 s. 4\(2\)](#)
- s. 20AA(4)(a)(iii) inserted by [2019 asp 13 s. 14\(6\)](#)
- s. 29(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(3\)\(b\)](#)
- s. 36(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(4\)\(b\)](#)
- s. 36(5)(6) inserted by [2019 asp 13 s. 36\(2\)](#)
- s. 40A inserted by [2019 asp 13 s. 19\(2\)](#)
- s. 43A-43AD substituted for s. 43A by [2019 asp 13 s. 28\(2\)](#)
- s. 47(2)(aa) inserted by [2019 asp 13 s. 28\(3\)\(a\)](#)
- s. 47(2A) inserted by [2019 asp 13 s. 28\(3\)\(b\)](#)
- s. 47(6) inserted by [2019 asp 13 s. 31\(2\)\(c\)](#)
- s. 54A-54F and cross-heading inserted by [2019 asp 13 s. 15\(2\)](#)
- s. 57(2C)(2D) inserted by [2021 asp 9 s. 44\(2\)](#)
- s. 58(4)(fa) inserted by [2019 asp 13 Sch. 2 para. 5\(5\)\(b\)](#)
- s. 61(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(6\)\(b\)](#)
- s. 75(4A) inserted by [2019 asp 13 s. 35\(2\)](#)
- s. 75A(5A) inserted by [2019 asp 13 s. 35\(3\)](#)
- s. 77A inserted by [2019 asp 13 s. 39\(2\)](#)
- s. 135(4A) inserted by [2019 asp 13 s. 43\(2\)\(c\)](#)
- s. 154(1)(c) and word inserted by [2019 asp 13 s. 28\(4\)\(a\)\(ii\)](#)
- s. 154(1A) inserted by [2019 asp 13 s. 28\(4\)\(b\)](#)
- s. 158A(1A) inserted by [2019 asp 13 s. 44\(2\)](#)
- s. 158B-158F and cross-heading inserted by [2019 asp 13 s. 43\(3\)](#)
- s. 183(1)(c) inserted by [2019 asp 13 Sch. 2 para. 5\(7\)\(b\)](#)
- s. 237(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(8\)](#)
- s. 238(3)(a)-(c) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(a\)\(ii\)](#)
- s. 238(5)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(b\)](#)
- s. 238(7) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(c\)](#)