



Planning etc. (Scotland) Act 2006

2006 asp 17

PART 3

DEVELOPMENT MANAGEMENT

Duration of planning permission and listed building consent etc.

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(1) In section 58 of the principal Act (general condition limiting duration of planning permission)—

(a) for subsections (1) to (3) substitute—

“(1) Subject to subsection (2), a planning permission to which this section applies, whether granted or deemed to be granted, lapses on the expiration of a period of 3 years (beginning with the date on which the permission is granted or as the case may be deemed to be granted) unless the development to which the permission relates is begun before that expiration.

(2) The authority concerned may, in granting any such planning permission (or as the case may be in making a direction under section 57), direct that subsection (1) is not to apply as respects the permission but that the permission is to lapse on the expiration of a period, whether longer or shorter than 3 years, specified in the direction (under this section) unless the development to which the permission relates is begun before that expiration.

(3) For the purposes of section 47(1)(a), (3) and (4)(a)—

(a) any such direction, or

(b) the effect of subsection (1) as that subsection applies in consequence of the authority electing not to make such a direction,

is to be treated as a condition subject to which the application is granted.

(3A) A period specified under subsection (2) is to be a period—

Status: This is the original version (as it was originally enacted).

- (a) beginning as mentioned in subsection (1), and
 - (b) which the authority concerned consider appropriate having regard to the provisions of the development plan and to any other material considerations.”, and
- (b) in subsection (4)—
 - (i) for the words “Nothing in this section applies to” substitute “This section applies to every planning permission with the exception of”,
 - (ii) after paragraph (c) insert—
 - “(ca) any planning permission granted before the date on which section 20 of the Planning etc. (Scotland) Act 2006 came into force,”, and
 - (iii) in paragraph (g), for the words “outline planning permission” substitute “planning permission in principle”.
- (2) The title of section 58 becomes “**Duration of planning permission**”.
- (3) In section 16 of the listed buildings Act (limit of duration of listed building consent), for subsections (1) and (2) substitute—
 - “(1) A listed building consent lapses—
 - (a) on the expiration of such period (beginning with the date on which the consent is granted) as the planning authority may, for the purposes of this section, specify in the consent, or
 - (b) if no period is so specified, on the expiration of a period of 3 years (beginning with that date),
 unless the works permitted by the consent are begun before that expiration.
 - (1A) Subsection (1) does not apply to a listed building consent granted before the date on which section 20 of the Planning etc. (Scotland) Act 2006 came into force.
 - (2) For the purposes of sections 18(1)(a) and 19(1) and (2)(a)—
 - (a) any such specification as is mentioned in subsection (1)(a), or
 - (b) the effect of subsection (1) as that subsection applies in consequence of the authority electing not to make such a specification,
 is to be treated as a condition subject to which the application is granted.”.