

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: Planning (Scotland) Act 2019, Cross Heading: Applications is up to date with all changes known to be in force on or before 09 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



# Planning (Scotland) Act 2019

## 2019 asp 13

### PART 3 S

#### DEVELOPMENT MANAGEMENT

##### *Applications*

### 18 Pre-application consultation S

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 35A (pre-application consultation: preliminary)—
  - (a) in subsection (1A)—
    - (i) the words “to which section 42 applies” become paragraph (a),
    - (ii) after paragraph (a), insert “, or
  - (b) in circumstances specified by the Scottish Ministers in regulations under this section.”,
  - (b) in subsection (3), for “the development is of a class prescribed under subsection (1)” substitute “compliance with section 35B is required”,
  - (c) in subsection (5), after “form” insert “, and have such content”,
  - (d) in subsection (9), for “the development is not of a class prescribed under subsection (1)” substitute “compliance with section 35B is not required”.
- (3) In section 35B (pre-application consultation: compliance), in subsection (3), after “weeks” insert “, but no more than 18 months”.
- (4) In section 35C (pre-application consultation report), in subsection (2), after “form” insert “ and include such content”.

#### Commencement Information

- I1 S. 18(1)(2)(4) in force at 1.12.2019 by S.S.I. 2019/385, reg. 2, sch.
- I2 S. 18(3) in force at 1.10.2022 by S.S.I. 2021/101, reg. 3 (with reg. 4) (as amended by S.S.I. 2022/67, regs. 1, 2)

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PROSPECTIVE

## 19 Assessment of health effects **S**

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 40 insert—

### “40A Assessment of health effects

The Scottish Ministers must by regulations make provision about the consideration to be given, before planning permission for a national development or a major development is granted, to the likely health effects of the proposed development.”.

## 20 Regulations about procedure for certain applications **S**

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 42 (determination of applications to develop land without compliance with conditions previously attached), for subsection (3), substitute—

“(3) The Scottish Ministers may by regulations or a development order make special provision as regards the procedure to be followed in connection with such applications.”.

### Commencement Information

**I3** [S. 20](#) in force at 1.12.2019 by [S.S.I. 2019/385](#), reg. 2, [sch.](#)

PROSPECTIVE

## 21 Removal of requirement to recover costs before determining certain applications **S**

Section 34(4)(c) of the Town and Country Planning (Scotland) Act 1997 is repealed.

## 22 Declining to determine an application **S**

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) In section 39(1) (declining to determine an application), in each of the following paragraphs, for “two” substitute “ 5 ”
  - (a) paragraph (a)(i),
  - (b) paragraph (b)(i),
  - (c) paragraph (c)(i),
  - (d) paragraph (d)(i),
  - (e) paragraph (e)(i).

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#### Commencement Information

**I4** S. 22 in force at 1.10.2022 by S.S.I. 2022/275, reg. 2(2)(a) (with reg. 3)

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

- specified provision(s) amendment to earlier commencing S.S.I. 2019/377, reg. 9 by [S.S.I. 2019/411 reg. 2](#)
- specified provision(s) amendment to earlier commencing S.S.I. 2021/101, regs. 3, 4 by [S.S.I. 2021/291 reg. 2](#)