

# **CORONAVIRUS (SCOTLAND) ACT 2020**

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## **EXPLANATORY NOTES**

### **DETAIL ABOUT PROVISIONS**

#### *Schedule 7 - Other measures in response to coronavirus*

#### **Duration of planning permission**

264. Paragraph 9 of schedule 7 provides that section 58 of the Town and Country Planning (Scotland) Act 1997 is to have effect as if new subsections (3B) to (3E) were inserted into it. In terms of section 58(1) and (2) planning permission lapses if development is not begun by the end of a specified period, usually of 3 years, from the date of the grant of planning permission. Subsection (3B) has the effect that if a planning permission would under the normal rules under subsection (1) or (2) lapse during the “emergency period” then the period within which development is to be commenced is extended. Subsection (3C) defines the “emergency period” as the period of 6 months after the provision comes into force. This means that a planning permission due to expire within the emergency period would instead lapse at the end of the extended period unless development has already commenced. Subsection (3C) also defines the “extended period” as the period of 12 months beginning with the date on which the provisions come into force. Subsections (3D) and (3E) provide the Scottish Ministers with the power to amend those periods if required through regulations subject to the negative procedure.
265. Paragraph 10 makes equivalent provisions in respect of section 59 of the Town and Country Planning (Scotland) Act 1997 and planning permission in principle. It provides that section 59 has effect as if new subsections (8A) to (8E) were inserted. Development authorised by planning permission in principle cannot be begun until all the requisite approvals needed in accordance with conditions imposed on the grant of planning permission have been obtained. In terms of section 59(4) planning permission in principle lapses if development is not begun by the end of a specified period, usually of 2 years, from the date on which the last requisite approval is obtained. A different period may be substituted by direction given under section 59(5). Subsection (8A) has equivalent effect in respect of planning permission in principle as new subsection (3B) has for other planning permissions. It means that if a planning permission in principle would lapse during the emergency period it would not under subsection (8A) lapse until at the end of the extended period if the development to which the permission relates had not begun.
266. New subsection (8B) provides for the situation where the last date by which an application for a requisite approval can be made is within the emergency period then that application can be made before the end of the extended period.
267. New subsections (8C), (8D) and (8E) define “emergency period” and “extended” period and provide the Scottish Ministers with the power to amend those periods if required through regulations subject to the negative procedure.