
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 26

**The Planning etc. (Scotland) Act 2006 (Supplementary
and Consequential Provisions) Order 2013**

Amendment of the Town and Country Planning (Scotland) Act 1997

2.—(1) The Town and Country Planning (Scotland) Act 1997⁽¹⁾ is amended in accordance with paragraphs (2) to (6).

(2) After section 39(2)⁽²⁾ (declining to determine an application) insert—

“(2A) For the purposes of the application of this section by virtue of section 43A(5)—

- (a) the references in subsection (1) to an appeal to the Scottish Ministers include a reference to a requirement on the planning authority to review a case by virtue of section 43A(8);
- (b) the references in that subsection to the dismissal by the Scottish Ministers of an appeal include a reference to the upholding by the planning authority of a determination on review; and
- (c) the references to an appeal under section 47(2) include a reference to a requirement to review under section 43A(8)(c).”

(3) In section 43A (local developments: schemes of delegation)—

(a) in subsection (5)—

- (i) after “sections” insert “27A(2), 27B(2), 30(3), 32A(3),”;
- (ii) after “39” insert “, 40(4),” and
- (iii) for “and 42” substitute “, 42, 43(1) to (2), 46, 58, 59 and 60(5),”;

(b) after subsection (8) insert—

“(8A) A requirement to review may not be made by virtue of paragraph (c) of subsection (8) if within the period (or extended period) mentioned in that paragraph notice has been given to the applicant that—

- (a) the power under section 39 to decline to determine the application has been exercised; or
- (b) the application has been referred to the Scottish Ministers in accordance with directions given under section 46.”

(4) In section 46(2) (call-in of applications) after paragraph (a) insert—

“(ab) may relate to an application which is the subject of a review by the planning authority under section 43A(8),”.

(1) 1997 c.8. Section 43A was inserted by section 17 of the Planning etc. (Scotland) Act 2006 (“the 2006 Act”).

(2) Section 39(2) was substituted by section 15(a) of the 2006 Act.

(3) Sections 27A and 27B were inserted by section 6(1) of the Planning etc. (Scotland) Act 2006 (asp 17) (“the 2006 Act”) and section 32A was inserted by section 8 of the 2006 Act.

(4) Section 40 was amended by section 24(3) of the Water Environment and Water Services (Scotland) Act 2003 (asp 3) and S.I. 2011/1043.

(5) Sections 43(1), 46, 58 and 60 were respectively amended by sections 16(a), 18, 20(1) and 22(1) of the 2006 Act. Section 59 was substituted by section 21 of the 2006 Act.

- (5) In section 59(2)(a)(iii) (planning permission in principle) after “dismissed” insert—
“or, where the earlier application is the subject of a review by virtue of section 43A(8), the expiration of 6 months from the date of the notice of the decision to uphold the determination given by virtue of section 43A(11)(e)”.
- (6) In section 218(1)(6) (applications for planning permission by statutory undertakers)—
- (a) after paragraph (a) insert “or”; and
 - (b) omit paragraph (c) and the preceding “or”.