



# 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.

## **[<sup>F16</sup> 59 Planning permission in principle**

- (1) “Planning permission in principle” is planning permission (granted in accordance with the provisions of regulations or a development order)—
- (a) in respect of the carrying out of building, engineering, mining or other operations in, on, over or under land, and
  - (b) subject to a condition, imposed under section 37(1)(a), that the development in question will not be begun until certain matters (which may, but need not be, particularised in the application) have been approved by the planning authority or as the case may be the Scottish Ministers.

**[<sup>F17</sup>(2A)** Where planning permission in principle is granted, it must be granted subject to the condition that the development to which it relates must be begun not later than the expiration of—

- (a) 5 years beginning with the date on which the permission is granted, or
- (b) such other period (whether longer or shorter) as the authority concerned may specify when granting the permission.

(2B) If planning permission in principle is granted without the condition required by subsection (2A), 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 5 years beginning with the date of the grant.

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- (2C) If development has not begun at the expiration of the period mentioned in paragraph (a) or (b) of subsection (2A) or, as the case may be, subsection (2B), the planning permission in principle lapses.
- (2D) A period specified under subsection (2A)(b) is to be a period—
- (a) beginning with the date on which the planning permission in principle is granted, and
  - (b) which the authority concerned consider appropriate having regard to the provisions of the development plan and to any other material considerations.]
- [<sup>F18</sup>(8A) During the emergency period, a planning permission which otherwise would lapse under subsection (4) (including by virtue of a direction made under subsection (5)) 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.
- (8B) Where the latest date by which an application would otherwise be required to be made under subsection (2)(a) falls within the emergency period, then that application may be made at any time before the end of the extended period.
- (8C) In subsections (8A) and (8B)—
- “emergency period” means the period <sup>F19</sup>... beginning with the date on which paragraph 10 of schedule 7 of the Coronavirus (Scotland) Act 2020 came into force [<sup>F20</sup>and ending at the end of [<sup>F21</sup>30 September 2022]],
- “extended period” means the period <sup>F22</sup>... beginning with [<sup>F23</sup>the date that paragraph came into force and ending at the end of [<sup>F24</sup>31 March 2023]].
- (8D) The Scottish Ministers may, by regulations, amend the definition of “emergency period” or “extended period” in subsection (8C).
- (8E) Regulations under subsection (8D) are subject to the negative procedure.]]

#### Textual Amendments

- F16** S. 59 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. 21, 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. 11](#)); [S.S.I. 2008/411, art. 2\(2\)\(3\)\(a\)](#), [S.S.I. 2009/219, art. 2, sch.](#)
- F17** S. 59(2A)-(2D) substituted for s. 59(2)-(8) (1.10.2022) by [Planning \(Scotland\) Act 2019 \(asp 13\), ss. 32\(4\), 63\(2\)](#); [S.S.I. 2022/275, reg. 2\(2\)\(b\)](#) (with [reg. 3](#))
- F18** S. 59(8A)-(8E) inserted (temp.) (7.4.2020) by virtue of [Coronavirus \(Scotland\) Act 2020 \(asp 7\), s. 17\(1\), sch. 7 para. 10](#) (with [ss. 11-13](#))
- F19** Words in s. 59(8C) 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\(2\)\(a\)](#)
- F20** Words in s. 59(8C) 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\(2\)\(b\)](#)
- F21** Words in s. 59(8C) 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\(2\)](#) (with [reg. 4\(2\)](#))
- F22** Words in s. 59(8C) 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\(2\)\(a\)](#)

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- F23** Words in s. 59(8C) 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(2)(b)**
- F24** Words in s. 59(8C) 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(2)** (with reg. 4(2))

## 60 Provisions supplementary to sections 58 and 59.

- (1) The authority referred to in section [<sup>F25</sup>58(1)(b) and (3A)(b) and 59(2A)(b) and (2D)(b)] is—
- (a) the planning authority or the Secretary of State, in the case of planning permission granted by them,
  - (b) in the case of planning permission deemed to be granted under section 57(1), the department on whose direction planning permission is deemed to be granted,
  - (c) in the case of planning permission deemed to be granted under section 57(2), the Secretary of State, and
  - (d) in the case of planning permission granted on an appeal determined under paragraph 1 or 5 of Schedule 4 by a person appointed by the Secretary of State to determine the appeal, that person.

[<sup>F26</sup>(2A) Where a planning authority grants planning permission, the fact that any of the conditions of the permission are required by the provisions of section 58 or 59 to be imposed, or are deemed by those sections to be imposed, does not prevent the conditions being the subject of a review under section 43AC or an appeal under section 47.]

<sup>F27</sup>(3) .....

<sup>F27</sup>(4) .....

### Textual Amendments

- F25** Words in s. 60(1) substituted (1.10.2022) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), s. 63(2), **sch. 2 para. 6(3)**; S.S.I. 2022/275, reg. 2(2)(f) (with reg. 3)
- F26** S. 60(2A) substituted for s. 60(2) (1.10.2022) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 32(5)**, 63(2); S.S.I. 2022/275, reg. 2(2)(b) (with reg. 3)
- F27** S. 60(3)(4) repealed (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. 22(1)(c)**, 59(2) (with S.S.I. 2009/222, **art. 10(2)(c)**); S.S.I. 2008/411, art. 2(2)(3)(a); S.S.I. 2009/219, art. 2, sch.

## 61 Termination of planning permission by reference to time limit: completion notices.

- (1) This section applies where—
- [<sup>F28</sup>(a) a development to which a planning permission relates has been begun but not completed by the date on which the permission would have lapsed had the development not been begun,]
  - (b) development has been begun in accordance with planning permission under a simplified planning zone scheme but has not been completed by the time the area ceases to be a simplified planning zone, or

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- (c) development has been begun in accordance with planning permission under an enterprise zone scheme but has not been completed by the time the area ceases to be an enterprise zone.
- (2) If the planning authority are of the opinion that the development will not be completed within a reasonable period, they may serve a notice (“a completion notice”) stating that the planning permission will cease to have effect at the expiration of a further period specified in the notice.
- (3) The period so specified must not be less than 12 months after the notice takes effect.
- [<sup>F29</sup>(3A) A completion notice must also—
  - (a) state that a person on whom it is served may lodge an objection,
  - (b) specify the date on which the notice will take effect if no objection is lodged before that date.
- (3B) The date so specified must be a date at least 28 days after the date on which the notice is served.]
- (4) A completion notice shall be served—
  - (a) on the owner of the land,
  - (b) on the occupier of the land, and
  - (c) on any other person who in the opinion of the planning authority will be affected by the notice.
- (5) The planning authority may withdraw a completion notice at any time before the expiration of the period specified in it as the period at the expiration of which the planning permission is to cease to have effect.
- (6) If they do so they shall immediately give notice of the withdrawal to every person who was served with the completion notice.

**Textual Amendments**

**F28** S. 61(1)(a) 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. 22(2)**, 59(2) (with S.S.I. 2009/222, **art. 10(2)(d)**); S.S.I. 2008/411, **art. 2(2)(3)(a)**; S.S.I. 2009/219, **art. 2**, sch.

**F29** S. 61(3A)(3B) inserted (1.10.2022) by [Planning \(Scotland\) Act 2019 \(asp 13\)](#), **ss. 33(2)**, 63(2); S.S.I. 2022/275, **reg. 2(2)(c)** (with **reg. 3**)

**62 Effect of completion notice.**

- (1) A completion notice [<sup>F30</sup>takes effect—
  - (a) on the date specified in it, unless before that date an objection is lodged under section 62A(1),
  - (b) where an objection is lodged under section 62A(1), only if and when the notice is confirmed by the Scottish Ministers.]
- <sup>F31</sup>(2) .....
- <sup>F31</sup>(3) .....
- (4) If a completion notice takes effect, the planning permission referred to in it shall become invalid at the expiration of the period specified in the notice (whether the

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original period specified under section 61(2) or a longer period substituted by the [F32Scottish Ministers] under [F33section 62A(5)].

- (5) Subsection (4) shall not affect any permission so far as development carried out under it before the end of the period mentioned in that subsection is concerned.

#### Textual Amendments

- F30** Words in s. 62(1) substituted (1.10.2022) by Planning (Scotland) Act 2019 (asp 13), ss. 33(3)(a), 63(2); S.S.I. 2022/275, reg. 2(2)(c) (with reg. 3)
- F31** S. 62(2)(3) repealed (1.10.2022) by Planning (Scotland) Act 2019 (asp 13), ss. 33(3)(b), 63(2); S.S.I. 2022/275, reg. 2(2)(c) (with reg. 3)
- F32** Words in s. 62(4) substituted (1.10.2022) by Planning (Scotland) Act 2019 (asp 13), ss. 33(3)(c)(i), 63(2); S.S.I. 2022/275, reg. 2(2)(c) (with reg. 3)
- F33** Words in s. 62(4) substituted (1.10.2022) by Planning (Scotland) Act 2019 (asp 13), ss. 33(3)(c)(ii), 63(2); S.S.I. 2022/275, reg. 2(2)(c) (with reg. 3)

#### [F3462A Objection to completion notice

- (1) A person on whom a completion notice is served may, prior to the date specified in it, lodge an objection to the notice with the planning authority which served it.
- (2) Where an objection is lodged under subsection (1), the planning authority must give notice of the objection to—
- every person who was served with the completion notice, and
  - the Scottish Ministers.
- (3) Before confirming a completion notice, the Scottish Ministers must allow the following people the opportunity to make representations to a person appointed for the purpose by the Scottish Ministers—
- the person who lodged the objection, and
  - the planning authority.
- (4) The Scottish Ministers must give notice of their decision as to whether or not to confirm the completion notice to—
- every person who was served with the completion notice, and
  - the planning authority.
- (5) In confirming a completion notice, the Scottish Ministers may substitute a longer period for that specified in the notice as the period at the expiration of which the planning permission is to cease to have effect.]

#### Textual Amendments

- F34** S. 62A inserted (1.10.2022) by Planning (Scotland) Act 2019 (asp 13), ss. 33(4), 63(2); S.S.I. 2022/275, reg. 2(2)(c) (with reg. 3)

#### 63 Power of Secretary of State to serve completion notice.

- (1) If it appears to the Secretary of State that it is expedient that a completion notice should be served in respect of any land, he may himself serve such a notice under section 61.

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- (2) A completion notice served by the Secretary of State shall have the same effect as if it had been served by the planning authority.
- (3) The Secretary of State shall not serve such a notice without consulting the planning authority.
- (4) The provisions of this Act relating to completion notices apply, so far as relevant, to a completion notice served by the Secretary of State as they apply to a completion notice served by a planning authority, but with the substitution for any reference in those provisions to the planning authority of a reference to the Secretary of State, and any other necessary modifications.



**Changes to legislation:**

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**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\(9\)\(c\)](#)