
SCOTTISH STATUTORY INSTRUMENTS

2008 No. 432

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

PART 11

Transitional provisions, revocations and savings

Transitional provisions

45.—(1) The provisions specified in paragraph (2) apply with the modifications specified in paragraph (3) to—

- (a) applications for planning permission;
- (b) applications for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle; and
- (c) applications for approval of reserved matters in connection with the grant of outline planning permission,

made before 3rd August 2009 but in respect of which no notice of the decision of the planning authority is given to the applicant before 3rd August 2009.

(2) The provisions are—

- (a) regulation 16;
- (b) regulations 26 to 28;
- (c) Schedule 2.

(3) In regulation 26(2)(a) and (b) for “validation date” substitute, “the date of receipt of the application”.

(4) In this Part “reserved matters” and “outline planning permission” have the same meaning as in section 59 of the Act as it applied immediately before section 21 of the Planning etc. (Scotland) Act 2006 comes into force.

Applications for approval of reserved matters made on or after 3rd August 2009

46. An application for approval of reserved matters made on or after 3rd August 2009 in respect of the grant of outline planning permission before that date is to be treated for the purposes of these Regulations as an application for approval required by a condition imposed on the grant of planning permission in principle.

Revocations and savings

47.—(1) The 1992 Order is, subject to paragraphs (2) to (4), revoked on 3rd August 2009.

(2) The 1992 Order (other than articles 23 to 25) shall continue to apply as it did immediately before 3rd August 2009 in respect of any application for planning permission, for approval of

reserved matters, for an approval under a development order, or for a certificate of lawful use or development made before 3rd August 2009.

- (3) The provisions of the 1992 Order specified in paragraph (4) do not apply to—
- (a) applications for planning permission;
 - (b) applications for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle; and
 - (c) applications for approval of reserved matters in connection with the grant of outline planning permission,

made before 3rd August 2009 but in respect of which no notice of the decision of the planning authority is given to the applicant before 3rd August 2009.

- (4) The provisions are—
- (a) article 10;
 - (b) article 14;
 - (c) article 22; and
 - (d) Schedule 5.

(5) Any directions in force immediately before the coming into force of these Regulations by virtue of the Town and Country Planning (General Development) (Scotland) Orders 1950 to 1970⁽¹⁾, the Town and Country Planning (General Development) (Scotland) Order 1975⁽²⁾, the Town and Country Planning (General Development) (Scotland) Order 1981⁽³⁾ and the 1992 Order shall continue in force and have effect as if given under the corresponding provisions of these Regulations.

(1) S.I.1950/942, S.I. 1958/1653, S.I. 1959/1361, S.I. 1960/1722, S.I. 1963/1767, S.I. 1964/1791 and S.I. 1970/600.

(2) S.I. 1975/679.

(3) S.I. 1981/830 as amended by S.I. 1983/1620, S.I. 1984/237, S.I. 1985/2007, S.I. 1986/1356, S.I. 1988/977 and 1249, S.I. 1989/148, S.I. 1990/508 and S.I. 1991/147.