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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 156**

**The Town and Country Planning  
(Appeals) (Scotland) Regulations 2013**

**PART 7**

**Appeals under sections 75B, 75F and 154 of the Act**

**Appeals under section 75B of the Act**

**21.**—(1) An appeal to the Scottish Ministers under section 75B(1) of the Act (appeals against refusal or failure to agree to modify or discharge planning obligations) is to be made by giving notice in writing in accordance with this regulation.

(2) The notice of appeal must be served on the Scottish Ministers within the period of three months beginning with, in the case of an appeal under—

- (a) section 75B(1)(a) of the Act, the date of expiry of the period specified in regulation 7(1) of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010(1); and
- (b) section 75B(1)(b) of the Act, the date of the decision notice.

(3) In relation to an appeal under section 75B(1) of the Act—

- (a) this regulation, Parts 1, 3, 9 and 10, the Hearing Session Rules and the Inquiry Session Rules apply; and
- (b) the following provisions of Part 2 apply as they apply to an appeal under section 47 of the Act with the modifications specified in paragraph (4)—
  - (i) regulation 3(4) to (6);
  - (ii) regulation 4 other than paragraph (2)(c) and (d);
  - (iii) regulation 5 other than paragraph (2) and (3)(c); and
  - (iv) regulation 6.

(4) The modifications are—

- (a) regulation 3(4)(e) applies as if the reference to section 47(1) of the Act is a reference to section 75B(1)(b) of the Act; and
- (b) regulation 5(3)(b) applies as if the reference to development is a reference to the planning obligation and the relevant instrument within which it is contained.