

2021 No. 100

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2021

Made - - - - - *22nd February 2021*

Laid before the Scottish Parliament *24th February 2021*

Coming into force - - - *30th March 2021*

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 58(3D) and 59(8D) of the Town and Country Planning (Scotland) Act 1997(a), section 16(7) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997(b), section 12(9) of the Coronavirus (Scotland) Act 2020(c), section 9(9) of the Coronavirus (Scotland) (No. 2) Act 2020(d) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2021 and come into force on 30 March 2021.

(2) In these Regulations—

“the Act” means the Town and Country Planning (Scotland) Act 1997, and

“the Listed Buildings Act” means the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Amendment of the definition of “emergency period”

2.—(1) In the definition of “emergency period” in section 58(3C) (duration of planning permission) of the Act, for “31 March 2021” substitute “30 September 2021”.

(2) In the definition of “emergency period” in section 59(8C) (planning permission in principle) of the Act, for “31 March 2021” substitute “30 September 2021”.

(3) In the definition of “emergency period” in section 16(6) (duration of listed building consent) of the Listed Buildings Act, for “31 March 2021” substitute “30 September 2021”.

(a) 1997 c.8. Sections 58(3D) and 59(8D) have effect by virtue of paragraphs 8 to 10 of schedule 7 of the Coronavirus (Scotland) Act 2020 (asp 7). The definitions of “emergency period” and “extended period” in sections 58(3C) and 59(8C) were amended by S.S.I. 2020/254.

(b) 1997 c.9. Section 16(6) was inserted by, and section 16(7) has effect by virtue of, paragraph 2 of schedule 4 of the Coronavirus (Scotland) (No. 2) Act 2020 (asp 10). The definitions of “emergency period” and “extended period” in section 16(6) were amended by S.S.I. 2020/254.

(c) 2020 asp 7.

(d) 2020 asp 10.

Amendment of the definition of “extended period”

3.—(1) In the definition of “extended period” in section 58(3C) of the Act for “30 September 2021” substitute 31 March 2022.

(2) In the definition of “extended period” in section 59(8C) of the Act for “30 September 2021” substitute “31 March 2022”.

(3) In the definition of “extended period” in section 16(6) of the Listed Buildings Act for “30 September 2021” substitute “31 March 2022”.

Saving provisions – planning permission

4.—(1) The provisions of sections 58 and 59 of the Act continue to have effect in relation to a relevant planning permission as they have effect immediately before the relevant date subject to the modifications specified in paragraph (2).

(2) The modifications are—

- (a) section 58 of the Act is to have effect as if only subsections (3B) and (3C), as set out in paragraph 9 of schedule 7 of the Coronavirus (Scotland) Act 2020, were inserted after section 58(3A) and subsections (3D) and (3E), as set out in that paragraph, were omitted,
- (b) section 59 of the Act is to have effect as if only subsections (8A) and (8B), as set out in paragraph 10 of schedule 7 of the Coronavirus (Scotland) Act 2020, were inserted after section 58(3A), and subsections (8D) and (8E), as set out in that paragraph, were omitted.

(3) In this regulation—

“relevant date” means the date on which the Coronavirus (Scotland) Act 2020 expires in accordance with section 12 of that Act,

“relevant planning permission” means—

- (a) in relation to section 58 of the Act, planning permission granted or deemed to have been granted before 30 September 2021, and
- (b) in relation to section 59 of the Act, planning permission in principle granted before 30 September 2021.

Saving provisions – listed building consent

5.—(1) The provisions of section 16(5) and (6) of the Listed Buildings Act continue to have effect in relation to a relevant listed building consent as they had effect immediately before that date.

(2) In this regulation—

“relevant date” means the date on which the Coronavirus (Scotland) (No. 2) Act 2020 expires in accordance with section 9 of that Act,

“relevant listed building consent” means listed building consent granted before 30 September 2021.

St Andrew’s House,
Edinburgh
22nd February 2021

AILEEN CAMPBELL
A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the definitions of “emergency period” and “extended period” in sections 58(3C) and 59(8C) of the Town and Country Planning (Scotland) Act 1997 (“the Act”), as it has effect by virtue of paragraphs 8 to 10 of schedule 7 of the Coronavirus (Scotland) Act 2020, and in section 16(6) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (“the Listed Buildings Act”), as inserted by paragraph 2 of schedule 4 of the Coronavirus (Scotland) (No. 2) Act 2020.

As currently defined by sections 58(3C) and 59(8C) of the Act, as amended by S.S.I. 2020/254, the “emergency period” began on 7 April 2020 and would end on 31 March 2021 and the “extended period” began on 7 April 2020 and would end on 30 September 2021. As amended by these Regulations the “emergency period” is the period which began on 7 April 2020 and will end on 30 September 2021 and the “extended period” is the period which began on 7 April 2020 and will end on 31 March 2022.

As currently defined by section 16(6) of the Listed Buildings Act, as amended by S.S.I. 2020/254, the “emergency period” began on 27 May 2020 and would end on 31 March 2021 and the “extended period” began on 27 May 2020 and would end on 30 September 2021. As amended by these Regulations the “emergency period” is the period which began on 27 May 2020 and will end on 30 September 2021 and the “extended period” is the period which began on 27 May 2020 and will end on 31 March 2022.

Regulation 4 makes saving provisions in respect of planning permissions granted before the expiry of the emergency period. The provisions of sections 58 and 59 of the Act, as they had effect immediately before the expiry of the Coronavirus (Scotland) Act 2020 continue to have effect, with modifications, in relation to the duration of planning permissions granted before the expiry of the emergency period. The modifications are that the powers to make regulations to further amend the definitions of “emergency period” and “extended period” will not continue to have effect after the expiry of the Coronavirus (Scotland) Act 2020.

Regulation 5 makes equivalent saving provisions in respect of listed building consents granted before the expiry of the emergency period. The provisions of section 16 of the Listed Buildings Act continue to have effect as immediately before the expiry of the Coronavirus (Scotland) Act (No. 2) 2020, with modifications in relation to the duration of listed building consent granted before the expiry of the emergency period. The modifications are that the powers to make regulations to further amend the definitions of “emergency period” and “extended period” will not continue to have effect after the expiry of the Coronavirus (Scotland) (No. 2) Act 2020.

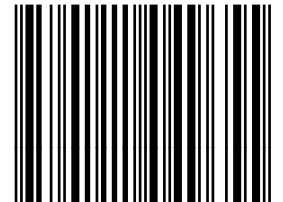
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Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, the Queen’s Printer for Scotland.

£4.90

<http://www.legislation.gov.uk/id/ssi/2021/100>

ISBN 978-0-11-104965-5



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