

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 99

The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021

Pre-application consultation – exemptions

3. After regulation 4 (pre-application consultation — classes of development) insert—

“Pre-application consultation – exemptions

4A.—(1) The circumstances specified for the purposes of section 35A(1A)(b) of the Act (pre-application consultation: preliminary) in which section 35A(1) of the Act does not apply to an application for planning permission are set out in paragraph (2).

(2) The circumstances are where all of paragraphs (a) to (d) apply—

(a) the application for planning permission relates to proposed development—

(i) of the same character or description as development (or part of the development) in respect of which an earlier application for planning permission was made (“the earlier application”),

(ii) comprised within the description of the development contained in the proposal of application notice given to the planning authority under section 35B(2) of the Act in respect of the earlier application, and

(iii) to be situated on or within the same site as the development to which the earlier application related and on no other land except land which is solely for the purpose of providing a different means of access to the site of the proposed development,

(b) there has been compliance with the requirements of section 35B in respect of the earlier application,

(c) the planning authority have not exercised their power under section 39 to decline to determine the earlier application, and

(d) the application for planning permission is made no later than 18 months after the validation date of the earlier application.

(3) Where the applicant believes that section 35A(1) of the Act does not apply to an application for planning permission by virtue of section 35A(1A)(b) a statement to that effect must accompany the application for planning permission and that statement must identify the earlier application.”

Commencement Information

II Reg. 3 in force at 1.10.2021, see **reg. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021, Section 3.