
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 50

The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022

PART 3

Applications where no fee is payable

Repeat applications for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle

12.—(1) This regulation applies to an application for approval, consent or agreement required by a condition imposed on a grant of planning permission in principle made—

- (a) in respect of the same matters as an earlier application for approval, consent or agreement required by a condition imposed on a grant of that planning permission in principle,
- (b) by the same applicant, and
- (c) following—
 - (i) the withdrawal before a notice of decision was issued in respect of the earlier application,
 - (ii) the grant of such earlier application,
 - (iii) the refusal of such earlier application,
 - (iv) the making of an appeal to the Scottish Ministers under section 47(2) of the 1997 Act in relation to such earlier application, or
 - (v) a requirement to review such earlier application under section 43A(8)(c) of the 1997 Act.

(2) No fee is payable under regulation 3 where all the conditions set out in paragraph (3) are met.

(3) The conditions are—

- (a) the application is made within 12 months of the date—
 - (i) when the earlier application was made, in the case of a withdrawn application,
 - (ii) of the relevant grant of approval, consent or agreement sought by the earlier application,
 - (iii) of the refusal of the earlier application, or
 - (iv) in the case of an application which is made following an appeal under section 47(2) of the 1997 Act or a review under section 43A(8)(c) of the 1997 Act, the expiry of the period prescribed by virtue of section 47(2) or section 43A(8)(c) of the 1997 Act as the case may be,
- (b) the application relates to the same site as that to which the earlier application related, or to part of that site and to no other land,

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Fees for Applications) (Scotland) Regulations 2022, Section 12. (See end of Document for details)

- (c) no application made by the same applicant in relation to the whole or any part of the site has already been exempted from payment of a fee by virtue of this regulation or regulations 7 and 8 of the 2004 Regulations, and
- (d) the fee payable in respect of the earlier application was paid.

Commencement Information

II [Reg. 12](#) in force at 1.4.2022, see [reg. 1\(1\)](#)

Changes to legislation:

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