



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Determination of applications

[^{F1}43B Matters which may be raised in a review under section 43A(8)]

- (1) In a review under section 43A(8), a party to the proceedings is not to raise any matter which was not before the appointed person at the time the determination reviewed was made unless that party can demonstrate—
 - (a) that the matter could not have been raised before that time, or
 - (b) that its not being raised before that time was a consequence of exceptional circumstances.
- (2) Nothing in subsection (1) affects any requirement or entitlement to have regard to—
 - (a) the provisions of the development plan, or
 - (b) any other material consideration.]

Textual Amendments

- F1** Ss. 43A, 43B inserted (12.12.2008 for specified purposes, 6.4.2009 for specified purposes, 3.8.2009 in so far as not already in force) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), ss. 17, 59(2) (with [S.S.I. 2009/222](#), art. 7(1)(b)(2)); [S.S.I. 2008/411](#), art. 2(2)(3)(a), [S.S.I. 2009/100](#), art. 2, sch., [S.S.I. 2009/219](#), art. 2, sch.

Status:

Point in time view as at 03/08/2009.

Changes to legislation:

Town and Country Planning (Scotland) Act 1997, Section 43B is up to date with all changes known to be in force on or before 04 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.