



Local Government, Planning and Land Act 1980

1980 CHAPTER 65

PART IX

TOWN AND COUNTRY PLANNING

Amendments of Town and Country Planning (Scotland) Act 1972

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- (1) In section 24 of the Town and Country Planning (Scotland) Act 1972 (notification of applications to owners and agricultural tenants) the following paragraph shall be inserted in place of paragraph (d) of subsection (1): —
 - “(a) a certificate stating that at the beginning of a period of 21 days ending with the date of the application, no person (other than the applicant) was the owner of any of the land to which the application relates ;”.
- (2) In subsection (7) of the said section 24 (definition of " owner ") for the words from " entitled " to " in the land " there shall be substituted the words " who under the Lands Clauses Acts would be enabled to sell and convey the land to the promoters of the undertaking and any person entitled to possession of the land as lessee under a lease the unexpired period of which is not less than seven years ".
- (3) Subsections (1) and (2) above shall not apply to an application for planning permission made before the commencement of this Act.
- (4) The following subsections shall be substituted for section 102(1) of the Town and Country Planning (Scotland) Act 1972 (compulsory acquisition by local authorities of land for development etc.): —
 - “(1) A local authority to whom this subsection applies shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily—

Status: This is the original version (as it was originally enacted).

- (a) any land within their area which is suitable for and is required in order to secure the carrying out of one or more of the following activities, namely, development, redevelopment and improvement ;
 - (b) any land which is in their area and which is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.
- (1A) A local authority and the Secretary of State in considering for the purposes of subsection (1)(a) above whether land is suitable for development, redevelopment or improvement shall have regard—
- (a) to the provisions of the development plan, so far as material;
 - (b) to whether planning permission for any development on the land is in force ; and
 - (c) to any other consideration which, on an application for planning permission for development on the land, would be material for the purpose of determining that application.
- (1B) Where a local authority exercise their powers under subsection (1) above in relation to any land, they shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily—
- (a) any land adjoining that land which is required for the purposes of executing works for facilitating its development or use ; or
 - (b) where the land forms part of a common or open space, any land which is required for the purpose of being given in exchange for the land which is being acquired.
- (1C) It is immaterial by whom the local authority propose any activity or purpose mentioned in subsection (1) or (1B)(a) above is to be undertaken or achieved (and in particular the local authority need not propose to undertake that activity or achieve that purpose themselves).”.
- (5) Where a compulsory purchase order has been made or missives have been entered into for the acquisition of land before the passing of this Act, sections 102 and 109 of the Town and Country Planning (Scotland) Act 1972 shall continue to apply as they applied immediately before the passing of this Act which shall for this purpose be treated as not having been passed.
- (6) In section 113(6) of that Act after the words "section 102(1)(a) ", the words " to (c) " shall be omitted.
- (7) In section 183(2)(d) of that Act (grounds of objection to blight notice) after the word " that" (where it first appears) there shall be inserted the words " (in the case of land falling within paragraph (a) or (c) but not (e), (f) or (h) of section 181(1) of this Act) " and for " ten " there shall be substituted " fifteen ".
- (8) Subsection (7) above does not apply to a counter notice served under the said section 183 before the passing of this Act.
- (9) Section 87 above extends to Scotland, and this section extends to Scotland only but, subject to that, this Part of this Act does not extend to Scotland.