



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Deemed planning permission

57 Development with government authorisation.

- (1) Where the authorisation of a government department is required by virtue of an enactment in respect of development to be carried out by a local authority, or by statutory undertakers who are not a local authority, that department may, on granting that authorisation, direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.
 - (2) On granting a consent under section 36 or 37 of the ^{M1}Electricity Act 1989 in respect of any operation or change of use that constitutes development, the Secretary of State may direct that planning permission for that development and any ancillary development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.
- [^{F1}(2A) On making an order under section 1 of the Transport and Works (Scotland) Act 2007 which includes provision for development, the Scottish Ministers may direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.]
- [^{F2}(2B) On—
- (a) confirming a flood protection scheme under paragraph 7(4) of schedule 2 to the Flood Risk Management (Scotland) Act 2009 (asp 6) in respect of any operation which would constitute development, or

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Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Deemed planning permission is up to date with all changes known to be in force on or before 15 July 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. (See end of Document for details)

- (b) a local authority confirming such a scheme under paragraph 4(1) or 9(1) of that schedule,
the Scottish Ministers must direct that planning permission for that development shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.]
- (3) The provisions of this Act (except Part XI) shall apply in relation to any planning permission deemed to be granted by virtue of a direction under this section as if it had been granted by the Secretary of State on an application referred to him under section 46.
- (4) For the purposes of this section development is authorised by a government department if—
- (a) any consent, authority or approval to or for the development is granted by the department in pursuance of an enactment,
 - (b) a compulsory purchase order is confirmed by the department authorising the purchase of land for the purpose of the development,
 - (c) consent is granted by the department to the appropriation of land for the purpose of the development or the acquisition of land by agreement for that purpose,
 - (d) authority is given by the department—
 - (i) for the borrowing of money for the purpose of the development, or
 - (ii) for the application for that purpose of any money not otherwise so applicable, or
 - (e) any undertaking is given by the department to pay a grant in respect of the development in accordance with an enactment authorising the payment of such grants,
- and references in this section to the authorisation of a government department shall be construed accordingly.
- (5) In subsection (2) “ancillary development”, in relation to development consisting of the extension of a generating station, does not include any development which is not directly related to the generation of electricity by that station; and in this subsection “extension” and “generating station” have the ^{M2}same meanings as in Part I of the Electricity Act 1989.

Textual Amendments

- F1** S. 57(2A) inserted (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), ss. **15(1)**, 30(4); [S.S.I. 2007/516](#), art. 2
- F2** S. 57(2B) inserted (24.12.2010) by [Flood Risk Management \(Scotland\) Act 2009 \(asp 6\)](#), ss. **65**, 97(1) (with s. 91); [S.S.I. 2010/401](#), art. 3(e)

Marginal Citations

- M1** 1989 c. 29.
- M2** 1989 c. 29.

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