



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART XII

CROWN LAND

Application of Act as respects Crown land

[^{F1}242A Urgent Crown development: application

- (1) This section applies to a development if the appropriate authority certifies—
 - (a) that the development is of national importance, and
 - (b) that it is necessary that the development is carried out as a matter of urgency.
- (2) The appropriate authority may, instead of making an application for planning permission to the planning authority in accordance with Part 3, make an application for planning permission to the Scottish Ministers under this section.
- (3) If the appropriate authority proposes to make the application to the Scottish Ministers, it must publish in one or more newspapers circulating in the locality of the proposed development a notice—
 - (a) describing the proposed development, and
 - (b) stating that the authority proposes to make the application to the Scottish Ministers.
- (4) For the purposes of an application under this section the appropriate authority must provide to the Scottish Ministers—
 - (a) any matter required to be provided by an applicant for planning permission in pursuance of regulations made under section 40,
 - (b) a statement of the authority's grounds for making the application.

Status: Point in time view as at 01/04/2017.

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- (5) If the appropriate authority makes an application under this section subsections (6) to (11) below apply.
- (6) The Scottish Ministers may require the authority to provide them with such further information as they think necessary to enable them to determine the application.
- (7) As soon as practicable after they are provided with any document or other matter in pursuance of subsection (4) or (6) the Scottish Ministers must make a copy of the document or other matter available for inspection by the public in the locality of the proposed development.
- (8) The Scottish Ministers must in accordance with such requirements as they may specify in a development order publish notice of the application and of the fact that such documents and other material are available for inspection.
- (9) The Scottish Ministers must consult—
 - (a) the planning authority, and
 - (b) such other persons as may be so specified,
 about the application.
- (10) Subsection (7) above does not apply to the extent that the document or other matter is subject to any direction given under section 265A(3) of this Act.
- (11) Subsections (4) [^{F2}and] (7) of section 46 apply to an application under this section as they apply to an application in respect of which a direction under section 46 has effect.]

Textual Amendments

F1 S. 242A inserted (20.3.2006 for specified purposes, 11.5.2006 in so far as not already in force) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 92(1)**, 121(4) (with s. 111); S.S.I. 2006/101, art. 2, sch.; S.S.I. 2006/243, art. 3

F2 Word in s. 242A(11) substituted (3.8.2009) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 54(13)**, 59(2) (with S.S.I. 2009/222, **art. 13**; S.S.I. 2009/219, art. 2, sch.

^{F3}243 Control of development on Crown land: special enforcement notices.

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Textual Amendments

F3 S. 243 repealed (12.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. 121(4), Sch. 5 para. 9(1), **Sch. 9** (with s. 111, Sch. 5 para. 9(2)); S.S.I. 2006/268, art. 3(e)(f)

^{F4}244 Supplementary provisions as to special enforcement notices.

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Textual Amendments

F4 S. 244 repealed (12.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. 121(4), Sch. 5 para. 9(1), **Sch. 9** (with s. 111, Sch. 5 para. 9(2)); S.S.I. 2006/268, art. 3(e)(f)

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^{F5}245 Exercise of powers in relation to Crown land.

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Textual Amendments

F5 S. 245 repealed (12.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 94(1), 121(4), [Sch. 9](#) (with s. 111); [S.S.I. 2006/268](#), art. 3(b)(e)

[^{F6}245A Enforcement in relation to the Crown

- (1) No act or omission done or suffered by or on behalf of the Crown constitutes an offence under this Act; but the Court of Session may, on the application of a public authority or office-holder responsible for the enforcement of anything required to be done, or prohibited, by or under this Act, declare unlawful any act or omission so done or suffered.
- (2) A planning authority must not take any step for the purposes of enforcement in relation to Crown land unless it has the consent of the appropriate authority.
- (3) The appropriate authority may give consent under subsection (2) subject to such conditions as it thinks appropriate.
- (4) A step taken for the purposes of enforcement is anything done in connection with the enforcement of anything required to be done or prohibited by or under this Act.
- (5) A step taken for the purposes of enforcement includes—
 - (a) entering land,
 - (b) initiating proceedings,
 - (c) the making of an application.
- (6) A step taken for the purposes of enforcement does not include—
 - (a) service of a notice,
 - (b) the making of an order (other than a court order).]

Textual Amendments

F6 S. 245A inserted (12.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), ss. 94(2), 121(4) (with s. 111); [S.S.I. 2006/268](#), art. 3(b)

[^{F7}245B References to an interest in land

- (1) Subsection (2) applies to the extent that an interest in land is a Crown interest.
- (2) Anything which requires or is permitted to be done by or in relation to the owner of the interest in land must be done by or in relation to the appropriate authority.
- (3) An interest in land includes an interest only as occupier of the land.]

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Textual Amendments

- F7** S. 245B inserted (12.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), **ss. 94(3)**, 121(4) (with s. 111); S.S.I. 2006/268, art. 3(b)

^{F8}**246 Agreements relating to Crown land.**

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Textual Amendments

- F8** S. 246 repealed (12.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. 121(4), **Sch. 5 para. 23**, **Sch. 9** (with s. 111); S.S.I. 2006/268, art. 3(e)(f)

^{F9}**247 Supplementary provisions as to Crown interest.**

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Textual Amendments

- F9** S. 247 repealed (12.6.2006) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. 121(4), **Sch. 9** (with s. 111); S.S.I. 2006/268, art. 3(e)

^{F10}**247A Applications for planning permission by Crown**

- (1) This section applies to an application for planning permission or for a certificate under section 151 made by or on behalf of the Crown.
- (2) The Scottish Ministers may by regulations modify or exclude any statutory provision relating to the making and determination of such applications.
- (3) A statutory provision is a provision contained in or having effect under any enactment (including any enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament).]

Textual Amendments

- F10** S. 247A inserted (20.3.2006 for specified purposes, 12.6.2006 in so far as not already in force) by [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#), s. 121(4), **Sch. 5 para. 10(1)** (with s. 111); S.S.I. 2006/101, art. 2, sch.; S.S.I. 2006/268, art. 3(f)

Status:

Point in time view as at 01/04/2017.

Changes to legislation:

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