

Changes to legislation: Town and Country Planning (Scotland) Act 1997, SCHEDULE 14 is up to date with all changes known to be in force on or before 02 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) View outstanding changes

SCHEDULES

SCHEDULE 14 **S**

Section 100.

BLIGHTED LAND

Land allocated for public authority functions in development plans etc.

^{F1}1

Textual Amendments

F1 Sch. 14 para. 1 repealed (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), sch. 2 para. 1(14)(a); S.S.I. 2023/10, reg. 3(2)(e)

- 2 (1) This paragraph applies to land which—
- (a) is allocated for the purposes of any such functions as are mentioned in [^{F2}sub-paragraph (1A)] by a local [^{F3}development] plan in force, or
 - (b) is land defined in such a plan as the site of proposed development for the purposes of any such functions.
- [^{F4}(1A) The functions are—
- (a) the functions of a government department, local authority or statutory undertaker,
 - (b) the provision by an electronic communications operator of an electronic communications code network, or
 - (c) the provision by a former PTO of a public electronic communications network or a public electronic communications service.]

[^{F5}(2) In sub-paragraph (1), the reference to a local development plan in force includes a reference to a proposed local development plan which has been submitted to the Scottish Ministers under section 18(3)(b) or 19A(5)(b)(ii).]

[^{F5}(3) Sub-paragraph (2) ceases to apply—

 - (a) when the proposed local development plan (whether or not modified) is constituted under section 20(1) as the local development plan, or
 - (b) when as regards the proposed local development plan the planning authority arrive at the consideration mentioned in section 19A(6).]

(4) In sub-paragraph (2) references to anything done under any provision include references to anything done under that provision as it applies by virtue of section [^{F6}23B].

Textual Amendments

F2 Words in Sch. 14 para. 2(1)(a) substituted (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), sch. 2 para. 1(14)(b)(i); S.S.I. 2023/10, reg. 3(2)(e)

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- F3** Word in Sch. 14 para. 2(1)(a) inserted (6.4.2009) by Planning etc. (Scotland) Act 2006 (asp 17), **ss. 54(19)(b)(i), 59(2)** (with S.S.I. 2009/101, arts. 1(1), 3); S.S.I. 2009/100, art. 2, sch.
- F4** Sch. 14 para. 2(1A) inserted (12.2.2023) by Planning (Scotland) Act 2019 (asp 13), s. 63(2), **sch. 2 para. 1(14)(b)(ii)**; S.S.I. 2023/10, reg. 3(2)(e)
- F5** Sch. 14 para. 2(2)(3) substituted (6.4.2009) by Planning etc. (Scotland) Act 2006 (asp 17), **ss. 54(19)(b)(ii), 59(2)** (with S.S.I. 2009/101, arts. 1(1), 3); S.S.I. 2009/100, art. 2, sch.
- F6** Word in Sch. 14 para. 2(4) substituted (6.4.2009) by Planning etc. (Scotland) Act 2006 (asp 17), **ss. 54(19)(b)(iii), 59(2)** (with S.S.I. 2009/101, arts. 1(1), 3); S.S.I. 2009/100, art. 2, sch.

- 3 This paragraph applies to land indicated in a plan (other than a development plan) approved by a resolution passed by a planning authority for the purpose of the exercise of their powers under Part III as land which may be required for the purposes of any functions of a government department, local authority or statutory undertakers.
- 4 This paragraph applies to land in respect of which a planning authority—
- (a) have resolved to take action to safeguard it for development for the purposes of any such functions as are mentioned in paragraph 3, or
 - (b) have been directed by the Secretary of State to restrict the grant of planning permission in order to safeguard it for such development.

New towns and urban development areas

- 5 (1) This paragraph applies to land within an area described as the site of a proposed new town in the draft of an order in respect of which a notice has been published under paragraph 2 of Schedule 1 to the ^{M1}New Towns (Scotland) Act 1968.
- (2) Land shall cease to be within this paragraph when—
- (a) the order comes into force (whether in the form of the draft or with modifications), or
 - (b) the Secretary of State decides not to make the order.

Marginal Citations

M1 1968 c. 16.

- 6 This paragraph applies to land within an area designated as the site of a proposed new town by an order which has come into operation under section 1 of the New Towns (Scotland) Act 1968.
- 7 (1) This paragraph applies to land which is—
- (a) within an area intended to be designated as an urban development area by an order which has been made under section 134 of the ^{M2}Local Government, Planning and Land Act 1980 but has not come into effect, or
 - (b) within an area which has been so designated by an order under that section which has come into effect.
- (2) Land shall cease to be within this paragraph when the order comes into force.

Marginal Citations

M2 1980 c. 65.

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Housing action areas

- 8 This paragraph applies to land within an area declared to be a housing action area by a resolution under section 89, 90 or 91 of the ^{M3}Housing (Scotland) Act 1987 in relation to houses or parts of buildings which have been identified in accordance with section 92(4)(c) of that Act.

Marginal Citations

M3 1987 c. 26.

- 9 This paragraph applies to land which is surrounded by or adjoining an area declared to be a housing action area by a resolution under section 89, 90 or 91 of the ^{M4}Housing (Scotland) Act 1987 whether or not the resolution identifies any of the buildings in accordance with section 92(4)(a) of that Act.

Marginal Citations

M4 1987 c. 26.

Roads

- 10 This paragraph applies to land indicated in a development plan (otherwise than by being dealt with in a manner mentioned in paragraphs 1, 2, 3 and 4) as—
- (a) land on which a road is proposed to be constructed, or
 - (b) land to be included in a road as proposed to be improved or altered.
- 11 (1) This paragraph applies to land on or adjacent to the line of a road proposed to be constructed, improved or altered, as indicated in an order or scheme—
- (a) which has come into operation under, or
 - (b) which is proposed to be made or conferred under, and in respect of which a notice has been published under Schedule 1 to,
- the ^{M5}Roads (Scotland) Act 1984, being land in relation to which a power of compulsory acquisition conferred by that Act may become exercisable, as being land required for purposes of construction, improvement or alteration as indicated in the order or scheme.
- (2) Land shall cease to be within sub-paragraph (1)(b) when—
- (a) the relevant order or scheme comes into operation (whether in its original form or with modifications), or
 - (b) the Secretary of State decides not to confirm or make the order or scheme.

Marginal Citations

M5 1984 c. 54.

- 12 This paragraph applies to land shown on plans approved by a resolution of a roads authority as land comprised in the site of a road as proposed to be constructed, improved or altered by that authority.

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- 13 This paragraph applies to land comprised in the site of a road as proposed to be constructed, improved or altered by the Secretary of State if the Secretary of State has given written notice of the proposal, together with maps or plans sufficient to identify the land in question, to the planning authority.

Compulsory purchase

- 14 This paragraph applies to land authorised by a special enactment to be compulsorily acquired, or land falling within the limits of deviation within which powers of compulsory acquisition conferred by a special enactment are exercisable.

Modifications etc. (not altering text)

- C1** Sch. 14 para. 14 modified (27.4.2006) by [Edinburgh Tram \(Line Two\) Act 2006 \(asp 6\)](#), s. 74(1) (with s. 75)
- C2** Sch. 14 para. 14 modified (8.5.2006) by [Edinburgh Tram \(Line One\) Act 2006 \(asp 7\)](#), s. 75(1) (with ss. 76, 84)

- 15 (1) This paragraph applies to land in respect of which—
- (a) a compulsory purchase order is in force, or
 - (b) there is in force a compulsory purchase order providing for the acquisition of a right in or over that land,
- and the appropriate authority have power to serve, but have not served, notice to treat in respect of the land or, as the case may be, the right or rights.
- (2) This paragraph applies also to land in respect of which—
- (a) a compulsory purchase order has been submitted for confirmation to, or been prepared in draft by, a Minister, and
 - (b) a notice has been published under paragraph 3(1)(a) of Schedule 1 to the ^{M6}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 or under any corresponding enactment applicable to it.
- (3) Sub-paragraph (2) shall cease to apply when—
- (a) the relevant compulsory purchase order comes into force (whether in its original form or with modifications), or
 - (b) the Minister concerned decides not to confirm or make the order.

Marginal Citations

- M6** 1947 c. 42.

- [^{F7}16 This paragraph applies to land—
- (a) the compulsory acquisition of which is authorised by an order under section 1 of the Transport and Works (Scotland) Act 2007,
 - (b) which falls within the limits of deviation within which powers of compulsory acquisition conferred by such an order are exercisable, or
 - (c) which is the subject of a proposal, contained in an application made in accordance with rules under section 4 of that Act or in a draft order prepared under section 6(3) of that Act, that it should be such land.]

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Textual Amendments

- F7** Sch. 14 para. 16 added (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), **ss. 15(2), 30(4)**; [S.S.I. 2007/516](#), art. 2

Modifications etc. (not altering text)

- C3** Sch. 14 para. 16 applied (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), **ss. 52(2)(3), 70(1)**

- [^{F8}17 (1) This paragraph applies to land which relates to the construction (other than by a gas transporter) of an oil or gas cross-country pipe-line—
- (a) one end of which is in England or Wales, and
 - (b) the other end of which is in Scotland,
- where one of the following conditions is met.
- (2) The conditions are—
- (a) the compulsory acquisition of the land is authorised by an order granting development consent under the Planning Act 2008,
 - (b) the land falls within the limits of deviation within which powers of compulsory acquisition conferred by such an order are exercisable,
 - (c) an application for such an order seeks authority to compulsorily acquire the land.

Textual Amendments

- F8** Sch. 14 paras. 17, 18 and cross-heading inserted (6.4.2009 for specified purposes, 1.3.2010 in so far as not already in force) by [Planning Act 2008 \(c. 29\)](#), **ss. 176(2), 241(8)** (with s. 226); [S.I. 2009/400](#), art. 4(a), [S.I. 2010/101](#), art. 5 (with art. 6)

Land identified in national policy statements so far as relating to certain pipe-lines

- 18 This paragraph applies to land which is in a location identified in a national policy statement as suitable (or potentially suitable) for the construction (other than by a gas transporter) of an oil or gas cross-country pipe-line—
- (a) one end of which is in England or Wales, and
 - (b) the other end of which is in Scotland.

Note

Land ceases to be within this paragraph when the national policy statement—

- (a) ceases to have effect, or
- (b) ceases to identify the land as suitable or potentially suitable for the construction of such a pipe-line.]

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [S.S.I. 2008/189 art. 53\(3\)](#)
- Act power to apply (with or without modifications) conferred by [2021 asp 9 s. 45\(3\)\(b\)\(c\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 11A inserted by [2006 asp 17 s. 29](#)
- Pt. 12A inserted by [2006 asp 17 s. 30](#)
- Pt. 12A inserted by [2019 asp 13 s. 46\(2\)](#)
- s. 3CD inserted by [2019 asp 13 s. 4\(2\)](#)
- s. 20AA(4)(a)(iii) inserted by [2019 asp 13 s. 14\(6\)](#)
- s. 29(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(3\)\(b\)](#)
- s. 36(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(4\)\(b\)](#)
- s. 36(5)(6) inserted by [2019 asp 13 s. 36\(2\)](#)
- s. 40A inserted by [2019 asp 13 s. 19\(2\)](#)
- s. 43A-43AD substituted for s. 43A by [2019 asp 13 s. 28\(2\)](#)
- s. 47(2)(aa) inserted by [2019 asp 13 s. 28\(3\)\(a\)](#)
- s. 47(2A) inserted by [2019 asp 13 s. 28\(3\)\(b\)](#)
- s. 47(6) inserted by [2019 asp 13 s. 31\(2\)\(c\)](#)
- s. 54A-54F and cross-heading inserted by [2019 asp 13 s. 15\(2\)](#)
- s. 57(2C)(2D) inserted by [2021 asp 9 s. 44\(2\)](#)
- s. 58(4)(fa) inserted by [2019 asp 13 Sch. 2 para. 5\(5\)\(b\)](#)
- s. 61(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(6\)\(b\)](#)
- s. 75(4A) inserted by [2019 asp 13 s. 35\(2\)](#)
- s. 75A(5A) inserted by [2019 asp 13 s. 35\(3\)](#)
- s. 77A inserted by [2019 asp 13 s. 39\(2\)](#)
- s. 135(4A) inserted by [2019 asp 13 s. 43\(2\)\(c\)](#)
- s. 154(1)(c) and word inserted by [2019 asp 13 s. 28\(4\)\(a\)\(ii\)](#)
- s. 154(1A) inserted by [2019 asp 13 s. 28\(4\)\(b\)](#)
- s. 158A(1A) inserted by [2019 asp 13 s. 44\(2\)](#)
- s. 158B-158F and cross-heading inserted by [2019 asp 13 s. 43\(3\)](#)
- s. 183(1)(c) inserted by [2019 asp 13 Sch. 2 para. 5\(7\)\(b\)](#)
- s. 237(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(8\)](#)
- s. 238(3)(a)-(c) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(a\)\(ii\)](#)
- s. 238(5)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(b\)](#)
- s. 238(7) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(c\)](#)