

SCHEDULES

SCHEDULE 10

Section 106.

TRANSITIONAL PROVISIONS AND SAYINGS

Development plans

- 1 Until the repeal of the enactments in Part II of the Act of 1947 mentioned in Schedule 11 to this Act as respects any area (Whether the whole or part of the district of a local planning authority), proposals for any alterations or additions to a development plan in force in the area shall not without the approval of the Secretary of State be submitted to him under section 4 of that Act.
- 2 On the repeal of the said enactments in the said Part II as respects any area, the development plan which was in force in the area immediately before the repeal takes effect (hereafter in this Schedule referred to as " the old development plan ") shall, subject to the following provisions of this Schedule, continue in force as respects that area and be treated for the purposes of the Act of 1947, this Act, any other enactment relating to town and country planning, the Land Compensation (Scotland) Act 1963 and the Land Commission Act 1967 as being comprised in, or as being, the development plan therefor.
- 3 Subject to the following provisions of this Schedule, where by virtue of paragraph 2 above the old development plan for any area is treated as being comprised in a development plan for that area and there is a conflict between any of its provisions and those of the structure plan for that area, the provisions of the structure plan shall be taken to prevail for the purposes of Parts II and III of the Act of 1947, Part II of the Act of 1954, Part IV of the Act of 1959, Parts II and VI of this Act and Schedule 4 to this Act.
- 4 Where a structure plan is in force in any area, but no local plan is in force in that area, a street authorisation map prepared in pursuance of the Town and Country Planning (Development Plans) (Scotland) Regulations 1966 for that area shall—
 - (a) if in force immediately before the structure plan comes into force, be treated for the purposes of this Act as having been adopted as a local plan by the local planning authority ;
 - (b) if immediately before the structure plan comes into force it was under consideration by the Secretary of State, be treated for those purposes as having been so adopted on being approved by the Secretary of State.
- 5 Where a structure plan is in force in any area, but no local plan is in force in that area, then, for any of the purposes of the Land Compensation (Scotland) Act 1963—
 - (a) the development plan or current development plan shall, as respects that area, be taken as being whichever of the following plans gives rise to those assumptions as to the grant of planning permission which are more favourable to the owner of the land acquired, for that purpose, that is to say, the structure plan, so far as applicable to the area, and any alterations

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thereto, together with the Secretary of State's notice of approval of the plan and alterations, or the old development plan ;

- (b) land situated in an area defined in the current development plan as an area of comprehensive development shall be taken to be situated in whichever of the following areas leads to such assumptions as aforesaid, that is to say, any area wholly or partly within the area first-mentioned in this paragraph selected by the structure plan as an action area or the area so defined in the old development plan.

6 Subject to paragraph 7 below, the Secretary of State may by order wholly or partly revoke a development plan continued in force under this Schedule whether in its application to the whole of the district of a local planning authority or in its application to part of that district and make such consequential amendments to the plan as appear to him to be necessary or expedient.

7 Before making an order with respect to a development plan under paragraph 6 above, the Secretary of State shall consult with the local planning authority for the district to which the plan relates.

8 Any reference in paragraphs 1 and 2 above to the repeal of Part II of the Act of 1947 shall, in a case where that repeal is brought by an order under section 104 of this Act into operation on different days, be construed as a reference to a repeal of such of the provisions of the said Part II as may be specified in the order.

Enforcement of planning control

9 (1) References in this Act to an enforcement notice shall be construed as not including references to an enforcement notice served, before the commencement of Part II of this Act, under section 21 of the Act of 1947.

(2) In relation to an enforcement notice so served, the provisions of the Act of 1947, and of any other Act passed before this Act, shall continue to apply as if this Act had not been passed.

(3) Nothing in this paragraph shall prevent the withdrawal, after the said commencement, of an enforcement notice so served or the service thereafter of an enforcement notice under Part II of this Act.

10 The amendment of section 14 of the Civic Amenities Act 1967 which is made by paragraph 50 of Schedule 9 to this Act shall not have effect in relation to a notice served under that section before the commencement of Part II of this Act.

Acquisition of land

11 Sections 28 to 30 of this Act shall not apply to any land the acquisition of which was, immediately before the commencement of those sections, authorised by a compulsory purchase order made by a local authority or statutory undertakers or by a Minister, or was then proposed to be authorised by such an order which had not been confirmed by a Minister or, as the case may be, had been prepared in draft by a Minister, but with respect to which a notice had then been published in accordance with paragraph 3(a) of Schedule 1 to the Acquisition Act 1947.

12 Section 31 of this Act shall not apply to the compulsory acquisition of land with respect to which a compulsory purchase order was in force before the commencement of that section.

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- 13 In relation to a notice served under section 38 of the Act of 1959 before the commencement of sections 34 and 35 of this Act, and to any hereditament or agricultural unit which is the subject of the notice, Part IV of and Schedule 5 to the Act of 1959 shall, after that commencement, have effect without any of the amendments made by Part IV of this Act.
- 14 (1) Notwithstanding any amendment by this Act of sections 38 to 42 of, and Schedule 5 to, the Act of 1959, the description of land contained in section 38(1)(b) of that Act (land allocated by a development plan for the purposes of a government department, etc.) shall continue as one of the specified descriptions for the purposes of those sections and that Schedule in their application to any district to which this paragraph applies.
- (2) This paragraph applies to any area for which no local plan is in force under Part I of this Act—
- (a) allocating any land in the area for the purposes of such functions as are mentioned in section 34(1)(a) of this Act; or
- (b) defining any land in the area as the site of proposed development for the purposes of any such functions.
- (3) To the extent that section 38(1)(b) of the Act of 1959 survives by virtue of this paragraph, and for so long as it does so, the amendment by this Act of the definition of " the relevant date " in section 42(5) of that Act shall be treated as not displacing the reference in that definition to section 38(1)(b).
- 15 The validity of a compulsory purchase order made under section 34, 35 or 38 of the Act of 1947 shall not be affected by the repeal of that section; and a compulsory purchase order made (but not confirmed), or made in draft, before the repeal of that section took effect may be confirmed or made thereunder as if this Act had not been passed.

Buildings of architectural or historic interest

- 16 (1) Where, before the commencement of Part V of this Act, consent under a building preservation order has been given, either by the local planning authority or by the Secretary of State on appeal, for the execution of any works, the consent shall operate in respect of those works as listed building consent, subject to the same conditions (if any) as were attached to the consent under the building preservation order.
- (2) In the case of demolition works for which consent has been given under a building preservation order compliance with section 40(4)(b) of this Act shall not be required.
- 17 Where, before the commencement of Part V of this Act an application has been made for consent under a building preservation order for any works, any proceedings pending at the commencement of Part V of this Act and arising out of the application (including any appeal) may be continued and disposed of under and in accordance with the provisions of Part V of this Act corresponding to provisions of the building preservation order as to the making of applications, the decision of the local planning authority thereon and appeals to the Secretary of State against the said decision.
- 18 The repeal by this Act of section 27 of the Act of 1947 shall not prevent a local planning authority from taking such proceedings as could have been taken to enforce any building preservation order made under that section and for securing the restoration of a building to its former state as could have been taken but for the

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repeal; and in relation to any such proceedings the provisions of the order and of any provisions of the Act of 1947 incorporated therewith, shall continue to have the same effect as if this Act had not been passed.

The National Coal Board

- 19 The provisions of the Act of 1947 applied by regulations under section 86(1) of that Act in relation to the National Coal Board and land of that Board shall, until the coming into operation of the first regulations made under that subsection after the commencement of sections 70 to 72 of this Act, continue to have effect as so applied as if those sections had not been enacted.