



# Town and Country Planning (Scotland) Act 1972

## 1972 CHAPTER 52

### PART X

#### HIGHWAYS

##### *Procedure for making and confirming orders*

#### **205 Procedure in anticipation of planning permission, etc.**

- (1) Where the Secretary of State would, if planning permission for any development had been granted under Part III of this Act, have power to make an order under section 198 or 200 of this Act authorising the stopping-up or diversion of a highway in order to enable that development to be carried out, then, notwithstanding that such permission has not been granted, the Secretary of State may, in the circumstances specified in subsections (2) to (4) of this section, publish notice of the draft of such an order in accordance with section 204 of this Act.
- (2) The Secretary of State may publish such a notice as aforesaid where the relevant development is the subject of an application for planning permission and either—
  - (a) that application is made by a local authority or statutory undertakers or the National Coal Board ; or
  - (b) that application stands referred to the Secretary of State in pursuance of a direction under section 32 of this Act; or
  - (c) the applicant has appealed to the Secretary of State under section 33 of this Act against a refusal of planning permission or of approval required under a development order, or against a condition of any such permission or approval.
- (3) The Secretary of State may publish such a notice as aforesaid where—
  - (a) the relevant development is to be carried out by a local authority, statutory undertakers or the National Coal Board and requires, by virtue of an enactment, the authorisation of a government department; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) the developers have made application to the department for that authorisation and also requested a direction under section 37 of this Act or, in the case of the National Coal Board, under section 2 of the Opencast Coal Act 1958, that planning permission be deemed to be granted for that development.
- (4) The Secretary of State may publish such a notice as aforesaid where the local planning authority certify that they have begun to take such steps, in accordance with regulations made by virtue of section 256 of this Act, as are requisite in order to enable them to obtain planning permission for the relevant development.
- (5) Section 204(5) of this Act shall not be construed as authorising the Secretary of State to make an order under section 198 or 200 of this Act of which notice has been published by virtue of subsection (1) of this section until planning permission is granted for the development which occasions the making of the order.