



Town and Country Planning (Scotland) Act 1997

CHAPTER 8

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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- 9 (1) After copies of proposals have been sent to the...

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- 1 (1) A Joint Planning Inquiry Commission (a “joint commission”) shall...

References

- 2 (1) Two or more of the matters mentioned in section...

Procedure on reference

- 3 (1) A reference to a joint commission of a proposal...

Functions on reference

- 4 A joint commission inquiring into a referred matter shall—

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- 5 A joint commission shall give an opportunity of appearing and...
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- 3 (1) Where it appears to the planning authority that development...
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- 7 (1) Subject to sub-paragraph (2) and without prejudice to paragraph...

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- 8 An order made under paragraph 3, 5 or 6 shall...

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- 9 (1) It shall be the duty of a planning authority—...

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- 10 (1) In this paragraph and Part II of this Schedule,...

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Default powers of Secretary of State

- 12 (1) If it appears to the Secretary of State that...

Part II — REGISTRATION OF OLD MINING PERMISSIONS

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- 13 (1) Any person who is an owner of any land...

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- 15 (1) Where an application for the registration of an old...

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- 16 (1) An application under paragraph 13 or 14 is an...

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- 18 (1) On an appeal under paragraph 17 the Secretary of...

Reference of applications to Secretary of State

- 19 (1) The Secretary of State may give directions requiring applications...

Two or more applicants

- 20 (1) Where a person has served an application under paragraph...

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- 21 (1) Subject to paragraph 15, section 36 and any provision...

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- 22 (1) In this Part of this Schedule— “official form” means...

SCHEDULE 9 — Review of old mineral planning permissions

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- 1 (1) In this Schedule— “dormant site” means a Phase I...

Phase I and II sites

- 2 (1) This paragraph has effect for the purposes of determining...

The “first list”

- 3 (1) A planning authority shall, in accordance with the following...

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- 4 (1) A planning authority shall, in accordance with the following...

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Advertisement of the first and second lists

5 (1) This paragraph makes provision for the advertisement of the...

Applications for inclusion in the first list of sites not included in that list as originally prepared and appeals from decisions upon such applications

6 (1) Any person who is the owner of any land,...

Postponement of the date specified in the first or second list for review of the permissions relating to a Phase I or II site in cases where the existing conditions are satisfactory

7 (1) Any person who is the owner of any land,...

Service on owners etc. of notice of preparation of the first and second lists

8 (1) The planning authority shall, no later than the date...

Applications for approval of conditions and appeals in cases where the conditions approved are not those proposed

9 (1) Any person who is the owner of any land,...

Notice of determination of conditions to be accompanied by additional information in certain cases

10 (1) This paragraph applies in a case where—

Right to appeal against planning authority's determination of conditions etc.

11 (1) Where the planning authority— (a) on an application under...

Permissions ceasing to have effect

12 (1) Subject to paragraph 8(11), where no application under paragraph...

Reference of applications to the Secretary of State

13 (1) The Secretary of State may give directions requiring applications...

Two or more applicants

14 (1) Where a planning authority have received from any person...

Compensation

15 (1) This paragraph applies in a case where—

Appeals: general procedural provisions

16 (1) This paragraph applies to appeals under paragraph 6(11) or...

SCHEDULE 10 — Periodic review of mineral planning permissions

Duty to carry out periodic reviews

1 The planning authority shall, in accordance with the provisions of...

Status: Point in time view as at 29/11/2004.

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Interpretation

- 2 (1) For the purposes of this Schedule— “first review date”,...

The first review date

- 3 (1) Subject to sub-paragraph (7), in a case where the...

Service of notice of first periodic review

- 4 (1) The planning authority shall, in connection with the first...

Application for postponement of the first review date

- 5 (1) Any person who is the owner of any land,...

Application to determine the conditions to which the mineral permissions relating to a mining site are to be subject

- 6 (1) Any person who is the owner of any land,...

Permissions ceasing to have effect

- 7 Where no application under paragraph 6 in respect of a...

Reference of applications to the Secretary of State

- 8 (1) The Secretary of State may give directions requiring applications...

Appeals

- 9 (1) Where on an application under paragraph 6 the planning...

Time from which conditions determined under this Schedule are to take effect

- 10 (1) Where an application has been made under paragraph 6...

Two or more applicants

- 11 (1) Where a planning authority have received from any person...

Second and subsequent periodic reviews

- 12 (1) In this paragraph, in relation to a mining site,...

Compensation

- 13 (1) This paragraph applies where— (a) an application made under...

SCHEDULE 11 — Development not constituting new development

- 1 (1) The carrying out of— (a) the rebuilding, as often...
2 The use as two or more separate dwellinghouses of any...
3 Where after 1st July 1948— (a) any buildings or works...
4 For the purposes of paragraph 1 the cubic content of...
5 (1) In this Schedule “at a material date” means at...
6 (1) In relation to a building erected after 1st July...

SCHEDULE 12 — Condition treated as applicable to rebuilding and alterations

- 1 Where the building to be rebuilt or altered is the...

Status: Point in time view as at 29/11/2004.

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- 2 Where the building to be rebuilt or altered is not...
- 3 In determining under this Schedule the purpose for which floor...
- 4 (1) For the purposes of this Schedule gross floor space...
- 5 In relation to a building erected after 1st July 1948...

SCHEDULE 13 — Regulations as to compensation in respect of orders relating to mineral working

Power to modify compensation provisions

- 1 (1) The Secretary of State may by regulations

Determination of claims

- 2 The references in section 86 to questions of disputed compensation...

SCHEDULE 14 — Blighted land

Land allocated for public authority functions in development plans etc.

- 1 (1) This paragraph applies to land indicated in a structure...
- 2 (1) This paragraph applies to land which—
- 3 This paragraph applies to land indicated in a plan (other...
- 4 This paragraph applies to land in respect of which a...

New towns and urban development areas

- 5 (1) This paragraph applies to land within an area described...
- 6 This paragraph applies to land within an area designated as...
- 7 (1) This paragraph applies to land which is—

Housing action areas

- 8 This paragraph applies to land within an area declared to...
- 9 This paragraph applies to land which is surrounded by or...

Roads

- 10 This paragraph applies to land indicated in a development plan...
- 11 (1) This paragraph applies to land on or adjacent to...
- 12 This paragraph applies to land shown on plans approved by...
- 13 This paragraph applies to land comprised in the site of...

Compulsory purchase

- 14 This paragraph applies to land authorised by a special enactment...
- 15 (1) This paragraph applies to land in respect of which—...

SCHEDULE 15 — General vesting declarations

Part I — GENERAL PROVISIONS

Execution of general vesting declarations

- 1 (1) Where a compulsory purchase order authorising an acquiring authority...
- 2 (1) Before making a general vesting declaration with respect to...
- 3 (1) Subject to sub-paragraph (2), a general vesting declaration shall...

Status: Point in time view as at 29/11/2004.

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- 4 As soon as may be after executing a general vesting...
- 5 For the purposes of this Schedule, a certificate by the...

Effect of general vesting declaration

- 6 At the end of the period specified in a general...
- 7 At the end of the period specified in a general...
- 8 Where any land specified in a general vesting declaration is...

Recovery of compensation overpaid

- 9 Paragraphs 10 to 14 shall have effect where, after the...
- 10 If, in a case falling within paragraph 9, it is...
- 11 If in a case falling within paragraph 9, it is...
- 12 Any question arising under paragraph 10 or 11—
- 13 Subject to paragraph 12, any amount recoverable by the acquiring...
- 14 Any sum recovered under paragraph 10 or 11 in respect...

Penalty for false information in claiming compensation

- 15 (1) If any person for the purpose of obtaining for...
Part II — SUPPLEMENTARY PROVISIONS
- 16 This Part shall have effect for the purposes of paragraphs...

Exclusion of power of entry under the Acquisition Act 1947

- 17 Paragraph 3 of Schedule 2 to the Acquisition Act 1947...

Restriction on withdrawal of constructive notice to treat

- 18 The power conferred by section 39 of the Land Compensation...

Objection to severance

- 19 Paragraph 4 of Schedule 2 to the Acquisition Act 1947...
- 20 (1) If a general vesting declaration under this Act comprises...
- 21 Where a notice of objection to severance is served in...
- 22 Within 3 months after a person has served on an...
- 23 If the acquiring authority do not take action in accordance...
- 24 Where in accordance with paragraph 22 or 23 the notice...
- 25 Where an acquiring authority take action in accordance with paragraph...
- 26 Where in accordance with paragraph 22(c) an acquiring authority refer...
- 27 (1) If on such a reference the Lands Tribunal does...
- 28 Where by virtue of paragraph 22(a), 23, 25 or 27...
- 29 (1) Where in accordance with paragraph 20(1) a person is...

Compensation

- 30 Where any of the land specified in a general vesting...
- 31 Sections 56 to 60 and sections 63 to 66 of...

Charges and tenancies

- 32 (1) Where land specified in a general vesting declaration under...
- 33 Where land specified in a general vesting declaration under this...
- 34 Where any of the land specified in a general vesting...

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Miscellaneous

- 35 Where, after land has become vested in an acquiring authority...
 36 (1) The time within which a question of disputed compensation,...
 37 At the end of the period specified in a general...
 Part III — INTERPRETATION
 38 (1) In this Schedule— “short tenancy” means a tenancy for...
 39 In this Schedule— “Acquisition Act 1947” means the Acquisition of...

SCHEDULE 16 — Procedure for making and confirming orders relating to roads and rights of way

Part I — MAKING ORDERS

Procedure for making of orders by Secretary of State

- 1 (1) Before making an order under section 202 or 206(1)(a)...

Procedure in anticipation of planning permission, etc.

- 2 (1) Where the Secretary of State would, if planning permission...

Further procedure in anticipation of planning permission, etc.

- 3 (1) Where a planning authority would, if planning permission for...

Part II — CONFIRMATION OF ORDERS

Application

- 4 (1) This Part shall have effect with respect to the...

Confirmation of orders made by other authorities

- 5 (1) An order made under section 203 by a competent...
 6 (1) Before an order under section 203, 206(1)(b), 207 or...
 7 If no representations or objections are duly made, or if...
 8 (1) This paragraph applies where any representation or objection duly...
 9 (1) The Secretary of State shall not confirm an order...
 10 Regulations may, subject to this Part, make such provision as...
 Part III — PUBLICITY FOR ORDERS AFTER CONFIRMATION
 11 (1) As soon as may be after an order under...

SCHEDULE 17 — Enforcement as respects war-time breaches by the crown of planning control

Preliminary

- 1 In this Schedule— “authority” means an authority responsible for enforcing...

Making of compliance determination applications

- 2 (1) A compliance determination application may be made with respect...
 3 A compliance determination application shall be accompanied by such plans...
 4 (1) The authority to whom a compliance determination application is...

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Determination of applications

- 5 (1) Where a compliance determination application is made to an...

Appeals against compliance determinations or failure to make such determinations

- 6 (1) Where the applicant is aggrieved by a compliance determination, ...
7 (1) On such an appeal the Secretary of State may ...
8 Subject to paragraph 9 and to any determination or decision...

Fresh applications where alteration in circumstances

- 9 Where a compliance determination has been given that works on...

References of application to Secretary of State

- 10 (1) If it appears to the Secretary of State that...

Information

- 11 The Secretary of State may give directions to any authority...

Opportunity for hearing

- 12 (1) On a compliance determination application the applicant may require...

Notice of proposed enforcement

- 13 (1) This paragraph applies where before the relevant date any...

Power of entry

- 14 (1) At any time before the relevant date any officer...

Service of notices

- 15 (1) Any notice or other document required or authorised to...

Supplementary provisions

- 16 Parts XIII and XIV do not apply to section 251...

SCHEDULE 18 — Provisions of this Act referred to in sections 261 to 263

Part I — PROVISIONS REFERRED TO IN SECTIONS 261(1) AND (2) AND 262(1)

Sections 4 to 22. Section 24. Section 26. Section 27(2)...

Part II — PROVISIONS REFERRED TO IN SECTION 263(1)

Section 26. Section 27(2) to (6) so far as applying...

— TABLE OF DERIVATIONS

1 *Notes:*

2 The following abbreviations are used in the Table—

Acts of Parliament

- 3 The Table does not show the effect of Transfer of...
4 The Table does not give details of the effect of...
5 “Sc Law Com Rec No.” followed by a number indicates...

Status:

Point in time view as at 29/11/2004.

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