



Town and Country Planning (Scotland) Act 1997

CHAPTER 8

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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- 8 (1) After the expiry of the period for making objections...

Calling in of proposals for approval by Secretary of State

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

Approval of proposals by Secretary of State

- 10 (1) The Secretary of State may after considering proposals submitted...

Default powers

- 11 (1) Where— (a) a planning authority are directed under paragraph...

Regulations and directions

- 12 (1) Without prejudice to the preceding provisions of this Schedule,...

SCHEDULE 6 — Planning Inquiry Commissions

Constitution

- 1 (1) A Planning Inquiry Commission (“a commission”) shall consist of...

References

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

Status: Point in time view as at 12/02/2023.

Changes to legislation: Town and Country Planning (Scotland) Act 1997 is up to date with all changes known to be in force on or before 03 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)

Procedure on reference

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

Functions on reference

- 4 (1) A commission inquiring into a matter referred to them...

Local inquiries held by commission

- 5 (1) A commission shall, for the purpose of complying with...
6 (1) In section 69 and this Schedule “the responsible Minister...

SCHEDULE 7 — Joint Planning Inquiry Commissions

Constitution

- 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—
5 A joint commission shall give an opportunity of appearing and...
6 A joint commission may, with the approval of the Ministers...
7 The provisions of sections 46(5) and 48(2) of this Act...

Local inquiries

- 8 (1) A joint commission shall, for the purpose of complying...

Interpretation

- 9 In this Schedule— “the 1990 Act” means the Town and...

SCHEDULE 8 — Old mineral workings and permissions

Part I — REQUIREMENTS RELATING TO DISCONTINUANCE OF MINERAL WORKING

Orders requiring discontinuance of mineral working

- 1 (1) If, having regard to the development plan and to...
2 (1) Where development consisting of the winning and working of...

Prohibition of resumption of mineral working

- 3 (1) Where it appears to the planning authority that development...
4 (1) An order under paragraph 3 shall not take effect...

Orders after suspension of winning and working of minerals

- 5 (1) Where it appears to the planning authority—

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Supplementary suspension orders

- 6 (1) At any time when a suspension order is in...

Confirmation and coming into operation of suspension orders

- 7 (1) Subject to sub-paragraph (2) and without prejudice to paragraph...

Registration of suspension orders

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

Review of suspension orders

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

Old mining permissions

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

Resumption of mineral working after suspension order

- 11 (1) Subject to sub-paragraph (2), nothing in a suspension order...

Default powers of Secretary of State

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

Part II — REGISTRATION OF OLD MINING PERMISSIONS

Application for registration

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

Determination of conditions

- 14 (1) The conditions to which an old mining permission is...

Registration

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

General provisions about applications

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

Right of appeal

- 17 (1) Where the planning authority— (a) refuse an application under...

Determination of appeal

- 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...

Status: Point in time view as at 12/02/2023.

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Application of provisions relating to planning permission

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

Interpretation

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

SCHEDULE 9 — Review of old mineral planning permissions

Interpretation

- 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...

The “second list”

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

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...

Status: Point in time view as at 12/02/2023.

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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...

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...
3A (1) The Scottish Ministers may by order specify a first...

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...

Status: Point in time view as at 12/02/2023.

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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...
- 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 strategic...
- 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—

Status: Point in time view as at 12/02/2023.

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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—...
- 16 This paragraph applies to land— (a) the compulsory acquisition of...
- 17 (1) This paragraph applies to land which relates to the...

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...

Note

Land ceases to be within this paragraph when the national...

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...
- 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...

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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...

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...

Status: Point in time view as at 12/02/2023.

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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...

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...

Status: Point in time view as at 12/02/2023.

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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)

.....

— 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...

SCHEDULE 19 — Local place plans

Preparation of local place plans

- 1 (1) A community body may prepare a local place plan....

Submission of local place plans

- 2 (1) A community body must comply with any prescribed requirements...

Register of local place plans

- 3 (1) Every planning authority must keep a register of local...

Map of local place plans

- 4 Every planning authority must make publicly available, in the manner...

Meaning of “community body”

- 5 In this schedule, “community body” means—

Status:

Point in time view as at 12/02/2023.

Changes to legislation:

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