



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART XII

#### CROWN LAND

*Provisions relating to anticipated disposal of Crown land*

**248 Application for planning permission etc. in anticipation of disposal of Crown land.**

- (1) This section has effect for the purpose of enabling Crown land, or an interest in Crown land, to be disposed of with the benefit of planning permission or a certificate under section 151.
- (2) Notwithstanding the interest of the Crown in the land in question, an application for any such permission or certificate may be made by—
  - (a) the appropriate authority, or
  - (b) any person authorised by that authority in writing,and, subject to subsections (3) to (5), all the statutory provisions relating to the making and determination of any such application shall accordingly apply as if the land were not Crown land.
- (3) Any planning permission granted by virtue of this section shall apply only—
  - (a) to development carried out after the land in question has ceased to be Crown land, and
  - (b) so long as that land continues to be Crown land, to development carried out by virtue of a private interest in the land.
- (4) Any application made by virtue of this section for a certificate under section 151 shall be determined as if the land were not Crown land.

---

*Status: Point in time view as at 02/04/2004.*

*Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Provisions relating to anticipated disposal of Crown land is up to date with all changes known to be in force on or before 01 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)*

---

- (5) The Secretary of State may by regulations—
- (a) modify or exclude any of the statutory provisions referred to in subsection (2) in their application by virtue of that subsection and any other statutory provisions in their application to permissions or certificates granted or made by virtue of this section,
  - (b) make provision for requiring a planning authority to be notified of any disposal of, or of an interest in, any Crown land in respect of which an application has been made by virtue of this section, and
  - (c) make such other provision in relation to the making and determination of applications by virtue of this section as he thinks necessary or expedient.
- (6) This section shall not be construed as affecting any right to apply for any such permission or certificate as is mentioned in subsection (1) in respect of Crown land in a case in which such an application can be made by virtue of a private interest in the land.
- (7) In this section “statutory provisions” means provisions contained in or having effect under any enactment and references to the disposal of an interest in Crown land include references to the grant of an interest in such land.

#### **249 Tree preservation orders in anticipation of disposal of Crown land.**

- (1) A planning authority may make a tree preservation order in respect of Crown land in which no interest is for the time being held otherwise than by or on behalf of the Crown, if they consider it expedient to do so for the purpose of preserving trees or woodlands on the land in the event of its ceasing to be Crown land or becoming subject to a private interest.
- (2) No tree preservation order shall be made by virtue of this section except with the consent of the appropriate authority.
- (3) A tree preservation order made by virtue of this section shall not take effect until the first occurrence of a relevant event.
- (4) For the purposes of subsection (3), a relevant event occurs in relation to any land if it ceases to be Crown land or becomes subject to a private interest.
- (5) A tree preservation order made by virtue of this section—
  - (a) shall not require confirmation under section 161 until after the occurrence of the event by virtue of which it takes effect, and
  - (b) shall by virtue of this subsection continue in force until—
    - (i) the expiration of the period of 6 months beginning with the occurrence of that event, or
    - (ii) the date on which the order is confirmed,
 whichever occurs first.
- (6) Where a tree preservation order takes effect in accordance with subsection (3), the appropriate authority shall as soon as practicable give to the authority who made the order a notice in writing of the name and address of the person who has become entitled to the land in question or to a private interest in it.
- (7) The procedure prescribed under section 161 in connection with the confirmation of a tree preservation order shall apply in relation to an order made by virtue of this section

*Status: Point in time view as at 02/04/2004.*

*Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Provisions relating to anticipated disposal of Crown land is up to date with all changes known to be in force on or before 01 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)*

as if the order were made on the date on which the notice under subsection (6) is received by the authority who made it.

**Modifications etc. (not altering text)**

C1 S. 249(3) extended (27.5.1997) by 1997 c. 11, ss. 5, 6(2), Sch. 3 para. 10(2)

**250 Requirement of planning permission for continuance of use instituted by the Crown.**

- (1) A planning authority in whose area any Crown land is situated may agree with the appropriate authority that subsection (2) shall apply to such use of land by the Crown as is specified in the agreement, being a use resulting from a material change made or proposed to be made by the Crown in the use of the land.
- (2) Where an agreement is made under subsection (1) in respect of any Crown land, then, if at any time the land ceases to be used by the Crown for the purpose specified in the agreement, this Act shall have effect in relation to any subsequent private use of the land as if—
  - (a) the specified use by the Crown had required planning permission, and
  - (b) that use had been authorised by planning permission granted subject to a condition requiring its discontinuance at that time.
- (3) The condition referred to in subsection (2) shall not be enforceable against any person who had a private interest in the land at the time when the agreement was made unless the planning authority by whom the agreement was made have notified him of the making of the agreement and of the effect of that subsection.
- (4) An agreement made under subsection (1) shall be recorded in the appropriate Register of Sasines or, as the case may be, registered in the Land Register of Scotland, and the condition referred to in subsection (2) shall not be enforceable against any person acquiring title to the land after the agreement is made unless the agreement has been so recorded or registered before he acquired title.
- (5) References in this section to the use of land by the Crown include references to its use on behalf of the Crown, and “private use” means use otherwise than by or on behalf of the Crown.

**Status:**

Point in time view as at 02/04/2004.

**Changes to legislation:**

Town and Country Planning (Scotland) Act 1997, Cross Heading: Provisions relating to anticipated disposal of Crown land is up to date with all changes known to be in force on or before 01 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.