



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART XIII

#### FINANCIAL PROVISIONS

#### 252 Fees for planning applications etc.

[<sup>F1</sup>(1) The Scottish Ministers may by regulations make provision for the payment of a charge or fee to a planning authority in respect of—

- (a) the performance by the planning authority of any of the authority's functions,
- (b) anything done by the authority which is calculated to facilitate, or is conducive or incidental to, the performance of any such function.

(1A) The regulations may (any or all)—

- (a) specify the person by whom the charge or fee is to be paid,
- (b) make provision as to how the charge or fee is to be calculated,
- (c) specify the person by whom the calculation is to be made,
- (d) make different provision for different classes of case,

[<sup>F2</sup>(da) make provision for the charge or fee payable to different planning authorities to be of different amounts,]

- (e) specify circumstances in which no charge or fee is to be paid,
- (f) specify circumstances in which the charge or fee is to be transferred from one planning authority to another.

[<sup>F3</sup>(1AA) Provision such as mentioned in subsection (1A)(da) may be made in respect of a planning authority where the Scottish Ministers are satisfied that the functions of the authority are not being, or have not been, performed satisfactorily.

(1AB) The power to make provision such as is mentioned in subsection (1A)(da) is without prejudice to the generality of the power in section 275(2A).]

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(1B) Without prejudice to the generality of paragraph (d) of subsection (1A), in relation to applications for planning permission, different provision may be made under that paragraph according to whether an application is made before or after the carrying out of the development to which it relates.]

(2) The Secretary of State may by regulations make such provision as he thinks fit for the payment—

- <sup>F4</sup>(a) . . . . .
- (b) of a fee of the prescribed amount to him in respect of any <sup>F5</sup>... application for planning permission which is deemed to be made to him under this Act or any order or regulations made under it.

[<sup>F6</sup>(3) Regulations under—

- (a) subsection (1), may provide for the remission or refunding of a prescribed charge or fee,
- (b) subsection (2), may provide for the remission or refunding of a prescribed fee, (in whole or in part) in prescribed circumstances.]

[<sup>F6</sup>(4) Without prejudice to the generality of subsection (3), circumstances prescribed under that subsection may include those where the Scottish Ministers consider (or a person appointed by them under or by virtue of this Act considers) that in the performance or actings in respect of which the charge or fee is payable—

- (a) the planning authority have behaved unreasonably, or
- (b) there has been unreasonable delay.]

<sup>F7</sup>[<sup>F6</sup>(5) . . . . .

<sup>F7</sup>(6) . . . . .

(7) Where a charge or fee is calculated in pursuance of the regulations, the planning authority must secure that, taking one financial year with another, the income from the fee or charge does not exceed the cost of the performance of the function or, as the case may be, of the doing of the thing.

(8) A financial year is a period of 12 months beginning with 1 April.]

Textual Amendments	
<b>F1</b>	S. 252(1)-(1B) substituted for s. 252(1) (14.5.2009) by <a href="#">Planning etc. (Scotland) Act 2006 (asp 17)</a> , <b>ss. 31(a)</b> , 59(2); S.S.I. 2009/179, art. 2
<b>F2</b>	S. 252(1A)(da) inserted (30.6.2014) by <a href="#">Regulatory Reform (Scotland) Act 2014 (asp 3)</a> , <b>ss. 55(a)</b> , 61(2); S.S.I. 2014/160, art. 2(1)(2), sch.
<b>F3</b>	S. 252(1AA)(1AB) inserted (30.6.2014) by <a href="#">Regulatory Reform (Scotland) Act 2014 (asp 3)</a> , <b>ss. 55(b)</b> , 61(2); S.S.I. 2014/160, art. 2(1)(2), sch.
<b>F4</b>	S. 252(2)(a) repealed (1.2.2011) by <a href="#">Planning etc. (Scotland) Act 2006 (asp 17)</a> , s. 59(2), <b>sch.</b> ; S.S.I. 2010/400, art. 3, sch.
<b>F5</b>	Word in s. 252(2)(b) repealed (1.2.2011) by <a href="#">Planning etc. (Scotland) Act 2006 (asp 17)</a> , s. 59(2), <b>sch.</b> ; S.S.I. 2010/400, art. 3, sch.
<b>F6</b>	S. 252(3)-(8) substituted for s. 252(3)-(5) (14.5.2009) by <a href="#">Planning etc. (Scotland) Act 2006 (asp 17)</a> , <b>ss. 31(b)</b> , 59(2); S.S.I. 2009/179, art. 2
<b>F7</b>	S. 252(5)(6) repealed (30.6.2014) by <a href="#">Regulatory Reform (Scotland) Act 2014 (asp 3)</a> , <b>ss. 55(c)</b> , 61(2); S.S.I. 2014/160, art. 2(1)(2), sch.; S.S.I. 2014/160, art. 2(1)(2), sch.

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

C1 S. 252 applied (27.5.1997) by 1997 c. 10, ss. 29(3), 40(2) (with ss. 9(3), 10(5), 31, 38(6))

### 253 Grants for research and education.

The Secretary of State may, <sup>F8</sup> . . . , make grants for assisting establishments engaged in promoting or assisting research relating to, and education with respect to, the planning and design of the physical environment.

#### Textual Amendments

F8 Words in 253 repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 127(19), Pt. IV; S.I. 1998/3178, art. 3

### [<sup>F9</sup>253A Grants for advice and assistance

- (1) The Scottish Ministers may make grants for the purpose of assisting any person to provide advice and assistance in connection with any matter which is related to the planning Acts or the Planning etc. (Scotland) Act 2006 (asp 17).
- (2) The Scottish Ministers may, as respects any such grant, provide that it is to be subject to such terms and conditions as they think appropriate.]

#### Textual Amendments

F9 S. 253A inserted (1.4.2007) by Planning etc. (Scotland) Act 2006 (asp 17), ss. 32, 59(2); S.S.I. 2007/130, art. 2(2), sch.

### 254 Contributions by Ministers towards compensation paid by planning authorities.

- (1) Where—
  - (a) compensation is payable by a planning authority under this Act in consequence of any decision or order to which this section applies, and
  - (b) that decision or order was given or made wholly or partly in the interest of a service which is provided by a government department and the cost of which is defrayed out of money provided by Parliament,the Minister responsible for the administration of that service may pay to that authority a contribution of such amount as he may with the consent of the Treasury determine.
- (2) This section applies to any decision or order given or made under Part III, [<sup>F10</sup>section 242A,] the provisions of Part V relating to purchase notices, Part VI, Part VII or Schedule 3 or 4 or Part I of Schedule 8.

#### Textual Amendments

F10 Words in s. 254(2) inserted (11.5.2006) by Planning and Compulsory Purchase Act 2004 (Commencement No.2 and Consequential Provisions) (Scotland) Order 2006 (S.S.I. 2006/243), arts. 1(1), 4(11)

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## 255 Contributions by local authorities and statutory undertakers.

- (1) Without prejudice to section 5(9) of the <sup>M1</sup>Roads (Scotland) Act 1984 (power of local roads authority to contribute towards costs incurred by Secretary of State in construction or improvement of trunk road) any local authority may contribute towards any expenses incurred by a local roads authority or the Secretary of State—
  - (a) in the acquisition of land under Part VIII of this Act or Chapter V of Part I of the <sup>M2</sup>Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997,
  - (b) in the construction or improvement of roads on land so acquired, or
  - (c) in connection with any development required in the interests of the proper planning of the area of the local authority.
- (2) Any local authority and any statutory undertakers may contribute towards any expenses incurred by a planning authority in or in connection with—
  - (a) the [<sup>F11</sup>preparation of a strategic development plan or a local development] plan or the alteration, repeal or replacement of such a plan under Part II;
  - (b) the performance of any of their functions under Part III, the provisions of Part V relating to purchase notices, Part VI (except sections 156 and 157, Part VII (except section 168), Part VIII or Schedule 3 or 8.
- (3) In the application of subsection (2) to a local authority, “planning authority” means a planning authority other than that local authority.

### Textual Amendments

**F11** Words in s. 255(2)(a) substituted (28.2.2009) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), ss. 54(14), 59(2); S.S.I. 2009/70, art. 2, sch.

### Marginal Citations

**M1** 1984 c. 54.

**M2** 1997 c. 9.

## 256 Assistance for acquisition of property where objection made to blight notice in certain cases.

- (1) A local authority may, subject to such conditions as may be approved by the Secretary of State, advance money to any person for the purpose of enabling him to acquire a hereditament or agricultural unit in respect of which a counter-notice has been served under section 102 specifying the grounds mentioned in subsection (4)(d) of that section as, or as one of, the grounds of objection.
- (2) No advance may be made under subsection (1) in the case of a hereditament if its annual value exceeds such amount as may be prescribed for the purposes of section 100(3)(a).

## 257 Recovery from acquiring authorities of sums paid by way of compensation.

- (1) This section applies where—
  - (a) an interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers, and

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- (b) a notice is recorded or registered under section 79(1) in respect of any of the land acquired or sold (whether before or after the completion of the acquisition or sale) in consequence of a planning decision or order made before the service of the notice to treat, or the making of the contract, in pursuance of which the acquisition or sale is effected.
- (2) Where this section applies the Secretary of State shall, subject to the following provisions of this section, be entitled to recover from the acquiring authority a sum equal to so much of the amount of the compensation specified in the notice as (in accordance with section 79(2)) is to be treated as attributable to that land.
- (3) If, immediately after the completion of the acquisition or sale, there is outstanding some interest in the land acquired or sold to which a person other than the acquiring authority is entitled, the sum referred to in subsection (2) shall not accrue due until that interest either ceases to exist or becomes vested in the acquiring authority.
- (4) No sum shall be recoverable under this section in the case of a compulsory acquisition or sale where the Secretary of State is satisfied that the interest in question is being acquired for the purposes of the use of the land as a public open space.
- (5) In this section “authority possessing compulsory purchase powers”, in relation to the compulsory acquisition of an interest in land, means the person or body of persons effecting the acquisition and, in relation to any other transaction relating to an interest in land, means any person or body of persons who could be or have been authorised to acquire that interest compulsorily for the purposes for which the transaction is or was effected.

## **258 Sums recoverable from acquiring authorities reckonable for purposes of grant.**

Where—

- (a) a sum is recoverable from any authority under section 257 by reference to an acquisition or purchase of an interest in land, and
- (b) a grant became or becomes payable to that or some other authority under an enactment in respect of that acquisition or purchase or of a subsequent appropriation of the land,

the power conferred by that enactment to pay the grant shall include, and shall be deemed always to have included, power to pay a grant in respect of that sum as if it had been expenditure incurred by the acquiring authority in connection with the acquisition or purchase.

## **259 Financial provision.**

- (1) There shall be paid out of money provided by Parliament—
  - (a) any expenses incurred by the Secretary of State in the payment of expenses of any committee established under section 182(2)(d),
  - (b) any sums necessary to enable the Secretary of State to make any payments becoming payable by him under Part IV or sections 143, 165, 166 or 185,
  - (c) any expenses incurred by the Secretary of State under Part IX,
  - (d) any expenses incurred by the Secretary of State in the making of grants under section 253, and
  - (e) any administrative expenses incurred by the Secretary of State for the purposes of this Act.

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- (2) There shall be paid out of money provided by Parliament any expenses incurred by any government department (including the Secretary of State)—
- (a) in the acquisition of land under Part VIII,
  - (b) in the payment of compensation under section 194(4), 232(2) or 270, or
  - (c) under section 254.

## **260 General provision as to receipts of Secretary of State.**

Subject to section 82, any sums received by the Secretary of State under any provision of this Act shall be paid into the Consolidated Fund.

### *Expenses of local authorities*

## **261 Expenses of, and borrowing by, local authorities.**

- (1) Any expenses incurred by a local roads authority under the provisions of this Act specified in Part I of Schedule 18 shall be defrayed in the same manner as expenses incurred by the authority on roads.
- (2) Any expenses incurred by a local authority under the provisions of this Act specified in Part I of Schedule 18 in pursuance of a purchase notice or in the acquisition of land under this Act for the purposes of any function of that authority, shall be defrayed in the same manner as other expenses incurred by that authority for the purposes of that function.
- (3) A local authority may borrow for the purposes of this Act in accordance with the provisions of Part VII of the <sup>M3</sup>Local Government (Scotland) Act 1973.
- (4) Nothing in this section shall authorise the exercise of the power of borrowing money thereby conferred otherwise than in compliance with the provisions of the <sup>M4</sup>Local Authorities Loans Act 1945.

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

**C2** S. 261(3)(4) extended (27.5.1997) by 1997 c. 9, **ss. 80(5), 83(2)** (with s. 45(4))

**C3** S. 261(3)(4) applied (27.5.1997) by 1997 c. 10, **ss. 37(4), 40(2)** (with ss. 9(3), 10(5), 38(6))

#### **Marginal Citations**

**M3** 1973 c. 65.

**M4** 1945 c. 18.

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