



Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

1997 CHAPTER 9

PART III

GENERAL

Special cases

75 Application for listed building or conservation area consent 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 listed building consent or conservation area consent.
- (2) Notwithstanding the interest of the Crown in the land in question, an application for any such consent may be made by—
 - (a) the appropriate authority, or
 - (b) any person authorised by that authority in writing,and, subject to subsections (3) and (4), 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 listed building consent or conservation area consent granted by virtue of this section shall apply only—
 - (a) to works 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 works carried out by virtue of a private interest in the land.
- (4) The Secretary of State may by regulations—
 - (a) modify or exclude—
 - (i) any of the statutory provisions referred to in subsection (2), and

Status: This is the original version (as it was originally enacted).

- (ii) any other statutory provisions,
in their application to consents granted 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.
- (5) This section shall not be construed as affecting any right to apply for any listed building consent or conservation area consent 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.
- (6) A person who is entitled to occupy Crown land by virtue of a contract in writing shall be treated for the purpose of this section as having an interest in land and references to the disposal or grant of an interest in Crown land and to a private interest in such land shall be construed accordingly.
- (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.
- (8) Subsections (6) to (8) of section 74 apply for the purposes of this section as they apply for the purposes of that section.