



# Planning and Compulsory Purchase Act 2004

## 2004 CHAPTER 5

### PART 7

#### CROWN APPLICATION OF PLANNING ACTS

#### CHAPTER 2

#### SCOTLAND

#### *Urgent development and works*

#### **92 Urgent Crown development: Scotland**

- (1) In the Town and Country Planning (Scotland) Act 1997 (c. 8), before section 243 (control of development on Crown land: special enforcement notices) there is inserted the following section—

#### **“242A Urgent Crown development: application**

- (1) This section applies to a development if the appropriate authority certifies—
- that the development is of national importance, and
  - that it is necessary that the development is carried out as a matter of urgency.
- (2) The appropriate authority may, instead of making an application for planning permission to the planning authority in accordance with Part 3, make an application for planning permission to the Scottish Ministers under this section.

*Status: Point in time view as at 03/08/2012.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004, Section 92 is up to date with all changes known to be in force on or before 25 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)*

- (3) If the appropriate authority proposes to make the application to the Scottish Ministers, it must publish in one or more newspapers circulating in the locality of the proposed development a notice—
    - (a) describing the proposed development, and
    - (b) stating that the authority proposes to make the application to the Scottish Ministers.
  - (4) For the purposes of an application under this section the appropriate authority must provide to the Scottish Ministers—
    - (a) any matter required to be provided by an applicant for planning permission in pursuance of regulations made under section 40,
    - (b) a statement of the authority’s grounds for making the application.
  - (5) If the appropriate authority makes an application under this section subsections (6) to (11) below apply.
  - (6) The Scottish Ministers may require the authority to provide them with such further information as they think necessary to enable them to determine the application.
  - (7) As soon as practicable after they are provided with any document or other matter in pursuance of subsection (4) or (6) the Scottish Ministers must make a copy of the document or other matter available for inspection by the public in the locality of the proposed development.
  - (8) The Scottish Ministers must in accordance with such requirements as they may specify in a development order publish notice of the application and of the fact that such documents and other material are available for inspection.
  - (9) The Scottish Ministers must consult—
    - (a) the planning authority, and
    - (b) such other persons as may be so specified,
 about the application.
  - (10) Subsection (7) above does not apply to the extent that the document or other matter is subject to any direction given under section 265A(3) of this Act.
  - (11) Subsections (4) to (7) of section 46 apply to an application under this section as they apply to an application in respect of which a direction under section 46 has effect.”
- (2) In section 237 of that Act, (validity of certain matters) in subsection (3) at the end there is added the following paragraph—
- “(i) any decision on an application for planning permission under section 242A.”

#### **Commencement Information**

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| <b>I1</b> | S. 92(1) in force at 20.3.2006 for specified purposes by S.S.I. 2006/101, <b>art. 2</b>            |
| <b>I2</b> | S. 92(1) in force at 11.5.2006 in so far as not already in force by S.S.I. 2006/243, <b>art. 3</b> |
| <b>I3</b> | S. 92(2) in force at 11.5.2006 by S.S.I. 2006/243, <b>art. 3</b>                                   |

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