



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART X

STATUTORY UNDERTAKERS

Application of Part III to statutory undertakers

218 Applications for planning permission by statutory undertakers.

(1) Where—

- (a) an application for planning permission to develop land to which this subsection applies is made by statutory undertakers and is referred to the [^{F1}Scottish Ministers] under Part III, [^{F2}or]
- (b) an appeal is made to the [^{F1}Scottish Ministers] under that Part from the decision on such an application, ^{F3}...

^{F3}(c)

the application or appeal shall be dealt with by the [^{F4}Scottish Ministers].

(2) Subsection (1) applies to—

- (a) operational land, and
- (b) land in which the statutory undertakers hold or propose to acquire an interest with a view to its being used for the purpose of carrying on their undertaking, where the planning permission, if granted on the application or appeal, would be for development involving the use of the land for that purpose.

^{F5}(3)

(4) Subsection (2)(b) shall have effect in relation to the Civil Aviation Authority as if for the reference to development involving the use of land for the purpose of carrying on the Civil Aviation Authority's undertaking there were substituted a reference to

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Application of Part III to statutory undertakers is up to date with all changes known to be in force on or before 22 April 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) View outstanding changes

development involving the use of land for such of the purposes of carrying on that undertaking as may be prescribed.

Textual Amendments

- F1** Words in s. 218(1) substituted (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 127(4)(a)**; S.I. 1998/3178, **art. 3**
- F2** Word in s. 218(1)(a) inserted (2.2.2013) by **The Planning etc. (Scotland) Act 2006 (Supplementary and Consequential Provisions) Order 2013 (S.S.I. 2013/26)**, arts. 1, **2(6)(a)**
- F3** S. 218(1)(c) omitted (2.2.2013) by virtue of **The Planning etc. (Scotland) Act 2006 (Supplementary and Consequential Provisions) Order 2013 (S.S.I. 2013/26)**, arts. 1, **2(6)(b)**
- F4** Words in s. 218(1) substituted (1.7.1999) by S.I. 1999/1820, art. 4, **Sch. 2 Pt. I para. 127(4)(a)**; S.I. 1998/3178
- F5** S. 218(3) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 127(4)(b) Pt. IV**; S.I. 1998/3178, **art. 3**

219 Conditional grants of planning permission.

Notwithstanding anything in Part III, planning permission to develop operational land of statutory undertakers shall not, except with their consent, be granted subject to conditions requiring—

- (a) that any buildings or works authorised by the permission shall be removed, or
 - (b) that any use of the land so authorised shall be discontinued,
- at the end of a specified period.

220 Development requiring authorisation of government department.

- (1) [^{F6}Scottish Ministers] shall not be required under section 218(1) to deal with an application for planning permission for the development of operational land if the authorisation of a government department is required in respect of that development.
- (2) Subsection (1) does not apply where the relevant authorisation has been granted without any direction as to the grant of planning permission.
- (3) For the purposes of this section development shall be taken to be authorised by a government department if—
 - (a) any consent, authority or approval to or for the development is granted by the department in pursuance of an enactment,
 - (b) a compulsory purchase order is confirmed by the department authorising the purchase of land for the purpose of the development,
 - (c) consent is granted by the department to the appropriation of land for the purpose of the development or the acquisition of land by agreement for that purpose,
 - (d) authority is given by the department—
 - (i) for the borrowing of money for the purpose of the development, or
 - (ii) for the application for that purpose of any money not otherwise so applicable, or
 - (e) any undertaking is given by the department to pay a grant in respect of the development in accordance with an enactment authorising the payment of such grants,

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Cross Heading: Application of Part III to statutory undertakers is up to date with all changes known to be in force on or before 22 April 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) View outstanding changes

and references in this section to the authorisation of a government department shall be construed accordingly.

.....
Textual Amendments

F6 Words in s. 220(1) substituted (1.7.1999) by [S.I. 1999/1820, arts. 1\(2\), 4, Sch. 2 Pt. I para. 127\(5\)](#); [S.I. 1998/3178, art. 3](#)

F7 **221**

.....
Textual Amendments

F7 S. 221 repealed (1.7.1999) by [S.I. 1999/1820, arts. 1\(2\), 4, Sch. 2 Pt. I para. 127\(6\), Pt. IV](#); [S.I. 1998/3178, art. 3](#)

F8 **222**

.....
Textual Amendments

F8 S. 222 repealed (1.7.1999) by [S.I. 1999/1820, arts. 1\(2\), 4, Sch. 2 Pt. I para. 127\(6\), Pt. IV](#); [S.I. 1998/3178, art. 3](#)

F9 **223**

.....
Textual Amendments

F9 S. 223 repealed (1.7.1999) by [S.I. 1999/1820, arts. 1\(2\), 4, Sch. 2 Pt. I para. 127\(6\), Pt. IV](#); [S.I. 1998/3178, art. 3](#)

Changes to legislation:

Town and Country Planning (Scotland) Act 1997, Cross Heading: Application of Part III to statutory undertakers is up to date with all changes known to be in force on or before 22 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [S.S.I. 2008/189 art. 53\(3\)](#)
- Act power to apply (with or without modifications) conferred by [2021 asp 9 s. 45\(3\)\(b\)\(c\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 11A inserted by [2006 asp 17 s. 29](#)
- Pt. 12A inserted by [2006 asp 17 s. 30](#)
- Pt. 12A inserted by [2019 asp 13 s. 46\(2\)](#)
- s. 3CD inserted by [2019 asp 13 s. 4\(2\)](#)
- s. 20AA(4)(a)(iii) inserted by [2019 asp 13 s. 14\(6\)](#)
- s. 29(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(3\)\(b\)](#)
- s. 36(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(4\)\(b\)](#)
- s. 36(5)(6) inserted by [2019 asp 13 s. 36\(2\)](#)
- s. 40A inserted by [2019 asp 13 s. 19\(2\)](#)
- s. 43A-43AD substituted for s. 43A by [2019 asp 13 s. 28\(2\)](#)
- s. 47(2)(aa) inserted by [2019 asp 13 s. 28\(3\)\(a\)](#)
- s. 47(2A) inserted by [2019 asp 13 s. 28\(3\)\(b\)](#)
- s. 47(6) inserted by [2019 asp 13 s. 31\(2\)\(c\)](#)
- s. 54A-54F and cross-heading inserted by [2019 asp 13 s. 15\(2\)](#)
- s. 57(2C)(2D) inserted by [2021 asp 9 s. 44\(2\)](#)
- s. 58(4)(fa) inserted by [2019 asp 13 Sch. 2 para. 5\(5\)\(b\)](#)
- s. 61(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(6\)\(b\)](#)
- s. 75(4A) inserted by [2019 asp 13 s. 35\(2\)](#)
- s. 75A(5A) inserted by [2019 asp 13 s. 35\(3\)](#)
- s. 77A inserted by [2019 asp 13 s. 39\(2\)](#)
- s. 135(4A) inserted by [2019 asp 13 s. 43\(2\)\(c\)](#)
- s. 154(1)(c) and word inserted by [2019 asp 13 s. 28\(4\)\(a\)\(ii\)](#)
- s. 154(1A) inserted by [2019 asp 13 s. 28\(4\)\(b\)](#)
- s. 158A(1A) inserted by [2019 asp 13 s. 44\(2\)](#)
- s. 158B-158F and cross-heading inserted by [2019 asp 13 s. 43\(3\)](#)
- s. 183(1)(c) inserted by [2019 asp 13 Sch. 2 para. 5\(7\)\(b\)](#)
- s. 237(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(8\)](#)
- s. 238(3)(a)-(c) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(a\)\(ii\)](#)
- s. 238(5)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(b\)](#)
- s. 238(7) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(c\)](#)