



# Town and Country Planning (Scotland) Act 1997

## 1997 CHAPTER 8

### PART VIII

#### ACQUISITION AND APPROPRIATION OF LAND FOR PLANNING PURPOSES ETC.

##### *Powers relating to land held for planning purposes*

#### **191 Disposal of land held for planning purposes**

- (1) Where a planning authority—
  - (a) has acquired or appropriated any land for planning purposes, and
  - (b) holds that land for the purposes for which it was so acquired or appropriated, the authority may dispose of the land to such person, in such manner and subject to such conditions as may appear to them to be expedient for the purposes mentioned in subsection (2).
- (2) Those purposes are to secure—
  - (a) the best use of that or other land and any buildings or works which have been, or are to be, erected, constructed or carried out on it, whether by themselves or by any other person, or
  - (b) the erection, construction or carrying out on it of any buildings or works appearing to them to be needed for the proper planning of their area.
- (3) Subject to the provisions of subsection (7), any land disposed of under this section shall not be disposed of otherwise than at the best price or on the best terms that can reasonably be obtained.
- (4) Where representations are made to the Secretary of State—
  - (a) that a planning authority have refused to dispose of any land under this section to any person or to agree with him as to the manner in which, or the terms or conditions on or subject to which, it is to be disposed of to him, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) that the refusal constitutes unfair discrimination against that person or is otherwise oppressive,  
the Secretary of State may cause the representations to be intimated to the authority.
- (5) After considering any statement in writing made to him by the authority, the Secretary of State may, if he thinks fit, cause a public local inquiry to be held.
- (6) After considering the report of the person appointed to hold the inquiry (if any), the Secretary of State may, if it appears to him that the representations are well founded and that it is expedient as mentioned in subsection (1) that the authority should dispose of the land under this section to that person, require the authority to offer to dispose of it to him, and give directions as to the manner of the disposal and as to all or any of the terms or conditions on or subject to which it is to be offered to him.
- (7) In relation to land acquired or appropriated for planning purposes for a reason mentioned in section 189(1)(a) or (3), the powers conferred by this section on a planning authority shall be so exercised as to secure, so far as may be practicable, to persons who—
- (a) were living or carrying on business or other activities on any such land,
  - (b) desire to obtain accommodation on such land, and
  - (c) are willing to comply with any requirements of the authority as to the development and use of such land,
- an opportunity to obtain accommodation on it suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them.
- (8) In subsection (7), “development” includes redevelopment.
- (9) Where land is disposed of under this section by a planning authority to any person for the erection of a church or other building for religious worship or buildings ancillary thereto, then, unless the parties otherwise agree, such disposal shall be by way of feu.
- (10) In relation to any such land as is mentioned in subsection (1), this section shall have effect to the exclusion of the provisions of any enactment, other than this Act, by virtue of or under which the planning authority are or may be authorised to dispose of land held by them.