



# 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.

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- (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.”

### **93 Urgent works relating to Crown land: Scotland**

- (1) In the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (c. 9), after section 73A (inserted by section 90(2)) there is inserted the following section—

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**“73B Urgent works relating to Crown land: application**

- (1) This section applies to any works proposed to be executed in connection with any building which is on Crown land if the appropriate authority certifies—
    - (a) that the works are of national importance, and
    - (b) that it is necessary that the works are carried out as a matter of urgency.
  - (2) The appropriate authority may, instead of making an application for consent to the planning authority in accordance with this Act, make an application for consent to the Scottish Ministers under this section.
  - (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 building a notice—
    - (a) describing the proposed works, 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 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 may be prescribed publish notice of the application and of the fact that such documents and other material are available for inspection.
  - (9) 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 the principal Act.
  - (10) The Scottish Ministers must consult—
    - (a) the planning authority, and
    - (b) such other persons as may be prescribed,about the application.
  - (11) Subsections (4) and (5) of section 11 apply to an application under this section as they apply to an application in respect of which a direction under section 11 has effect.”
- (2) In section 57 of that Act (validity of certain matters), in subsection (2) at the end there is added the following paragraph—

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“(d) any decision on an application for listed building consent under section 73B.”