

1984 No. 996 (S. 99)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (Crown Land Applications)
(Scotland) Regulations 1984

<i>Made</i>	- - -	16th July 1984
<i>Laid before Parliament</i>		23rd July 1984
<i>Coming into Operation</i>		12th August 1984

In exercise of the powers conferred on me by section 1(5) of the Town and Country Planning Act 1984 **(a)**, section 273 of the Town and Country Planning (Scotland) Act 1972 **(b)** (as applied by section 6(4) of the Town and Country Planning Act 1984) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the Town and Country Planning (Crown Land Applications) (Scotland) Regulations 1984 and shall come into operation on 12th August 1984.

2. In these regulations—

“the Act” means the Town and Country Planning (Scotland) Act 1972;

“the Act of 1984” means the Town and Country Planning Act 1984;

“the order” means the Town and Country Planning (General Development) (Scotland) Order 1981 **(c)**;

“the regulations” means the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1975 **(d)**.

3. The provisions of the Act, the order and the regulations relating to the making and determination of applications for planning permission, for a determination under section 51 of the Act, for listed building consent or for conservation area consent which are specified in the Schedule to these regulations shall in their application to the making and determination of applications made by virtue of section 1(2) of the Act of 1984 for such permission, determination or consent, have effect subject to the modifications specified in that Schedule.

4. The appropriate authority shall, as soon as may be after disposing of, or disposing of an interest in, any Crown land in respect of which an application has been made by virtue of section 1(2) of the Act of 1984, give notice in writing to the planning authority of such disposal.

(a) 1984 c.10.

(b) 1972 c.52.

(c) S.I. 1981/830; relevant amending instrument is S.I. 1984/237.

(d) S.I. 1975/2069, as amended by S.I. 1977/255.

George Younger,
One of Her Majesty's
Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
16th July 1984.

SCHEDULE

Regulation 3

Provision of the Act, the order or the regulations	Modifications
<i>The Act</i> Section 24	<p>(a) In subsection (1) (a) after the words "accompanied by", insert the words "the documents described in subsection (1C) of this section or"; and</p> <p>(b) after subsection (1B) (b), add the following subsection:—</p> <p>"(1C) Where an application is made in respect of Crown land by the appropriate authority or by a person authorised by that authority in writing, and where there is no interest in the land which is for the time being held otherwise than by or on behalf of the Crown, the application shall be accompanied by—</p> <p>(a) a statement that there is for the time being no private interest in the land; and</p> <p>(b) where the application is made by a person authorised by the appropriate authority, a copy of the relevant authorisation; and</p> <p>(c) where the application relates to development consisting of the winning and working of minerals by underground mining operations, whichever of the following certificates is appropriate:—</p> <p>(i) a certificate stating that there is no person other than the Crown entitled to an interest in a mineral in the land to which the application relates, but that subsection (2A) (c) of this section has been complied with; or</p> <p>(ii) a certificate in the terms prescribed by subsection (1)(cc) (d) of this section."</p>
Section 27(1)(a)	For the words "any land under the control of the applicant (whether or not it is land in respect of which the application was made)" substitute the words "the land in respect of which the application was made".
Section 51	After subsection (1) add the following subsection:—
	"(1A) Where an application in respect of Crown land is made (otherwise than as part of an application for planning permission) under this section by virtue of the provisions of section 1(2) of the Town and Country Planning Act 1984 and is made by a person authorised
	(a) Section 24(1)(a) was instituted by Local Government, Planning and Land Act 1980 (c.65), section 92(1)(3).
	(b) Section 24(1B) was inserted by Town and Country Planning (Minerals) Act 1981 (c.36), section 21(2).
	(c) Section 24(2A) was added by Town and Country Planning (Minerals) Act 1981, section 21(4).
	(d) Section 24(1)(cc) was inserted by Town and Country Planning (Minerals) Act 1981, section 21(1).

Provision of the Act, the order or the regulations	Modifications
	in writing by the appropriate authority, the application shall be accompanied by a copy of the relevant authorisation.”.
<i>The Order</i>	
Article 10(6)	In sub-paragraphs (a) and (b) after the word “certificates”, insert the words “or documents”.
Article 16(2)	(a) at sub-paragraph (b) for the words “certificate given” substitute the words “certificate or documents given”; (b) at sub-paragraph (c) after the word “certificate” insert “or documents”.
Article 16(4)	For the words “certificate given” substitute the words “certificate or documents given”.
<i>The Regulations</i>	
Regulation 6	(a) In paragraph (1), after the words “accompanied by” insert the words “the documents described in paragraph 1(A) below or”; and (b) after paragraph (1), add the following paragraph:— “(1A) Where an application for listed building consent is made in respect of Crown land by the appropriate authority or by a person authorised by that authority in writing, and where there is no interest in the land which is for the time being held otherwise than by or on behalf of the Crown, the application shall be accompanied by— (a) a statement that there is for the time being no private interest in the land; and (b) where the application is made by a person authorised by the appropriate authority, a copy of the relevant authorisation.”.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Section 1 of the Town and Country Planning Act 1984 provides that, for the purpose of enabling Crown land, or an interest in Crown land, to be disposed of with the benefit of planning permission, a determination under section 51 of the Town and Country Planning (Scotland) Act 1972 as to whether planning permission is required, listed building consent or conservation area consent (i.e. consent to demolish an unlisted building in a conservation area), an application for such permission, determination or consent may be made by the government department or other body to which the land belongs or who are responsible for its management (the “appropriate authority”) or by a person authorised by the appropriate authority. These regulations modify, in relation to applications made pursuant to section 1 of the 1984 Act, certain of the statutory provisions relating to the making and determination of applications for planning permission, determinations under section 51, listed building consents and conservation area consents.

The modifications are as follows:—

(a) section 24 of the Town and Country Planning (Scotland) Act 1972 (which provides that a planning authority shall not entertain an application for planning permission unless it is accompanied by (inter alia) a certificate concerning notification of owners of the land to which the application relates) is modified to provide that, in respect of applications in relation to Crown land in which there is no interest other than that of the Crown, the requirement to support the application with such a certificate is replaced by a requirement to support it with a statement that there is no private interest in the land and, where the application is made by a person authorised by the appropriate authority, a copy of the authorisation; but, in the case of an application for permission for underground mining operations, the requirements concerning notification of persons with an interest in the minerals (section 24(1)(cc)) are retained;

(b) the power given to planning authorities by section 27 (1)(a) of the 1972 Act to impose conditions on planning permissions regulating the development or use of any land under the control of the applicant, or requiring the carrying out of works on such land, is replaced with a power to impose such conditions in respect of land to which the application relates;

(c) a new subsection is added to section 51 of the 1972 Act, requiring that an application for a determination in respect of Crown land which is made by a person who has been authorised by the appropriate authority shall be accompanied by a copy of the authorisation;

(d) in articles 10 and 16 of the Town and Country Planning (General Development) (Scotland) Order 1981 (which make provision with regard to the date on which an application for planning permission and for a determination under section 51 of the 1972 Act is received, the documents to be furnished to the Secretary of State on appeal and the planning authority's statement of observations on an appeal) references to certificates required by the 1972 Act are modified to take account of the modifications made to sections 24 and 51 referred to in sub-paragraphs (a) and (c) above;

(e) regulation 6 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1975 to 1977 (which provides that a planning authority shall not entertain applications for listed building consent and for conservation area consent unless accompanied by a certificate concerning notification to owners of land to which the application relates) is modified to provide that, in respect of applications in relation to Crown land in which there is no interest other than that of the Crown, the requirement to support the application with such a certificate is replaced by a requirement to support it with a statement that there is no private interest in the land and, where the application is made by a person authorised by the appropriate authority, a copy of the relevant written authorisation.

The regulations also provide that where Crown land in respect of which an application has been made by virtue of the provisions of section 1 of the 1984 Act is disposed of, or an interest in it is disposed of, the appropriate authority shall notify the planning authority of that fact.

SI 1984/996
ISBN 0-11-046996-8

