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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 270**

**The Town and Country Planning (Application of Subordinate Legislation to the Crown) (Scotland) Order 2006**

**The Town and Country Planning (General Development Procedure) (Scotland) Order 1992**

**12.**—(1) The Town and Country Planning (General Development Procedure) (Scotland) Order 1992(1) applies to the Crown with the following modifications.

(2) After article 3 insert—

**“Applications in respect of Crown land**

**3A.** –

(1) An application for planning permission in respect of Crown land shall be accompanied by—

- (a) a statement that the application is made in respect of Crown land; and
- (b) where the application is made by a person authorised in writing by the appropriate authority, a copy of that authorisation.”.

(3) After article 13 (direction by planning authorities requiring further information) insert—

**“Applications – national security**

**13A.** The validity of an application shall not be affected by failure to disclose information as to—

- (a) national security; and
- (b) the measures taken or to be taken to ensure the security of any premises or property,

where the application is accompanied by a written statement from the applicant that, in the opinion of the applicant, the information relates to the matters mentioned in (a) or (b) above, and that public disclosure of that information would be contrary to the national interest.”.

(4) After article 28 (procedure on receipt of application) insert—

**“Applications for certificate of lawful use or development - national security**

**28A.** The validity of an application shall not be affected by failure to disclose information as to—

- (a) national security; and
- (b) the measures taken or to be taken to ensure the security of any premises or property,

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(1) S.I.1992/224. Relevant amendments were made by S.I. 1994/2585, S.I. 1994/3293, S.I. 1996/467, S.I. 1997/749, S.S.I. 2000/179, S.S.I. 2001/245, S.S.I. 2003/1, and S.S.I. 2003/2155.

where the application is accompanied by a written statement from the applicant that, in the opinion of the applicant, the information relates to the matters mentioned in (a) or (b) above, and that public disclosure of that information would be contrary to the national interest.”.

(5) After Part 3 insert–

## “PART 3A

### APPLICATIONS FOR PERMISSION UNDER SECTION 242A

#### **22A.** –

(1) This Order applies to an application made to the Scottish Ministers under section 242A(2) of the Act (urgent Crown development) subject to the following modifications.

(2) Reference to “planning authority” in this Order shall be treated as references to “the planning authority or the Scottish Ministers, as appropriate.”

(3) The Scottish Ministers shall, in determining an application under section 242A, take into account any representations made where any notice of the application has been–

- (a) given in accordance with article 9 within 21 days beginning with the date when the notice was given;
- (b) published in accordance with section 242A(3) of the Act within 21 days beginning on the date on which the notices was published.

(4) In article 15 (consultation before grant of planning permission), omit paragraph (1)(n) (i).

(5) Articles 12(5) and (9), 13, 14, 22 and Part 4 shall not apply.”.

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(2) Section 242A was inserted into the Town and Country Planning (Scotland) Act 1997 (c. 8) by section 92(1) of the Planning and Compulsory Purchase Act 2004 (c. 5).