

This Scottish Statutory Instrument has been made in consequence of defects in S.S.I 2006/270 and is being issued free of charge to all known recipients of that instrument.

SCOTTISH STATUTORY INSTRUMENTS

2007 No. 221

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Application of Subordinate Legislation to the Crown) (Scotland) Amendment Order 2007

<i>Made</i>	- - - -	<i>7th March 2007</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>9th March 2007</i>
<i>Coming into force</i>	- -	<i>1st April 2007</i>

The Scottish Ministers, in exercise of the powers conferred by sections 98 and 122(3) of the Planning and Compulsory Purchase Act 2004(1) and all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Town and Country Planning (Application of Subordinate Legislation to the Crown) (Scotland) Amendment Order 2007 and shall come into force on 1st April 2007.

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

2.—(1) The Town and Country Planning (Application of Subordinate Legislation to the Crown) (Scotland) Order 2006(2) is amended as follows.

(2) In article 7 (the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987—

- (a) in paragraph (3), in inserted paragraph (3), for the words “regulation 5(2)”, substitute “paragraph (2)”;
- (b) in paragraph (4), in inserted paragraph (4A)(a), omit “under regulation 3 or 4”; and
- (c) for paragraph (5), substitute—

(1) 2004 c. 5.
(2) S.S.I. 2006/270.

“(5) For regulation 7 (documents to accompany applications for listed building consent and conservation area consent in respect of Crown land and notification of disposal to planning authority) substitute—

“Documents to accompany applications for listed building and conservation area consent in respect of Crown land

7.—(1) Where an application is made in respect of Crown land, regulation 6 shall have effect subject to the following modifications.

(2) In paragraph (1), for “either by one or both of the documents described in regulation 7 or” substitute “by the documents described in paragraph (1A) and”; and

(3) After paragraph (1), insert—

“(1A) An application for listed building or conservation area consent 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) In article 12 (The Town and Country Planning (General Development Procedure) (Scotland) Order 1992)—

- (a) in paragraph (3), in the first line of inserted article (13A), after “application”, insert “for planning permission”;
- (b) in paragraph (4), in the first line of inserted article (28A), after “application”, insert “for a certificate of lawful use or development”.

St Andrew’s House,
Edinburgh
7th March 2007

DES McNULTY
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (Application of Subordinate Legislation to the Crown) (Scotland) Order 2006 (“the 2006 Order”).

Article 2(2) makes minor corrective amendments to article 7 of the 2006 Order which modifies the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987 in their application to the Crown.

Article 2(3) amends article 12 of the 2006 Order, which modifies the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 in its application in respect of development by the Crown. The amendments in article 2(3) clarify that the applications referred to in articles (13A) and (28A) of the 2006 Order are applications for planning permission and certificate of lawful use and development.