

## SCHEDULES

### SCHEDULE 2

#### RELAXATION OF CONTROLS OVER LOCAL AND OTHER AUTHORITIES

##### *The Town and Country Planning (Scotland) Act 1972 (c. 52)*

25 After section 198 (Secretary of State may authorise stopping up or diversion of highway if satisfied it is necessary to do so to enable development to be carried out) there shall be inserted the following section—

##### **“198A Highways affected by development: orders by planning authorities.**

- (1) Subject to section 206 of this Act and to subsection (5) below, a planning authority may by order authorise the stopping up or diversion of any highway which is not—
  - (a) a trunk road within the meaning of section 50 of the Roads (Scotland) Act 1970 ; or
  - (b) a special road provided by the Secretary of State in pursuance of a scheme under section 1 of the Special Roads Act 1949,if they are satisfied as mentioned in section 198(1) of this Act.
- (2) An order under this section—
  - (a) may make such provision as appears to the planning authority to be necessary or expedient for the provision or improvement of any other highway (not being a trunk road such as is mentioned in paragraph (a), or a special road such as is mentioned in paragraph (b), of subsection (1) above) and may direct that any highway so provided or improved shall be maintained and managed by the highway authority;
  - (b) may contain such incidental and consequential provisions as appear to the planning authority to be necessary or expedient, including in particular—
    - (i) provision for authorising the planning authority, or requiring any other authority or person specified in the order, to make such payments, repayments or contributions as are mentioned in sub-paragraphs (i) and (ii) of paragraph (a) of subsection (3) of section 198 of this Act;
    - (ii) such provision as is mentioned in paragraph (b) of that subsection.
- (3) An order may be made under this section authorising the stopping up or diversion of any highway (not being a trunk road such as is mentioned in paragraph (a), or a special road such as is mentioned in paragraph (b), of subsection (1) above) which is temporarily stopped up or diverted under any other enactment.

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*Status: This is the original version (as it was originally enacted).*

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- (4) The provisions of this section shall have effect without prejudice to any power conferred on the planning authority by any other enactment to authorise the stopping up or diversion of a highway.
- (5) The planning authority shall not make an order under this section without consulting the highway authority (in a case where they are themselves not that authority).”.