

## 1975 No. 677 (S. 105)

## TOWN AND COUNTRY PLANNING, SCOTLAND

**The Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations 1975**

<i>Made</i> - - - -	14th April 1975
<i>Laid before Parliament</i>	30th April 1975
<i>Coming into Operation</i>	16th May 1975

In exercise of the powers conferred on me by section 256 and section 273 of the Town and Country Planning (Scotland) Act 1972(a) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

*Citation, commencement and interpretation*

1. These Regulations may be cited as the Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations 1975 and shall come into operation on 16th May 1975.

2.—(1) In these Regulations—

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

“notice of intention to develop” means notice given in accordance with Regulation 5(1) of these Regulations.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

*Revocation of regulations*

3. The Town and Country Planning (Development by Local Planning Authorities) (Scotland) Regulations 1949(c) are hereby revoked.

*Development permissions*

4. In relation to land of planning authorities and to the development by local authorities of land in respect of which they are planning authorities, the provisions of the Act specified in Part III of Schedule 19 to the Act, shall have effect subject to the exceptions and modifications prescribed in the following regulations.

5.—(1) Where a local authority requires planning permission to develop land, they shall give notice in the form set out in the Schedule to these Regulations to the Secretary of State of their intention to develop the land to which the notice relates in the manner described in the notice, and unless within one month from the date of receipt of such notice (or such extended period as the Secretary of State may during the said month or any period so extended notify in writing to the authority) the Secretary of State requires the authority to make an application to him for planning permission, the Secretary of State shall be deemed to have granted such permission for the development described in the notice.

(a) 1972 c. 52.  
(c) S.I. 1949/74 (1949 I, p. 4064).

(b) 1889 c. 63.

(2) When giving such notice to the Secretary of State the local authority shall also serve a copy of that notice on every other local authority which may have an interest in, or responsibility for, the district in which the land is situated.

(3) If the Secretary of State requires the local authority to make to him an application for planning permission in accordance with paragraph 1 of this Regulation, he shall give notice of that fact to any other local authority upon which a copy of a notice was served under paragraph 2 of this Regulation.

(4) An application for planning permission so required by the Secretary of State shall be deemed to be an application referred to the Secretary of State under section 32 of the Act and the provisions of that section shall apply to the determination of the application by the Secretary of State.

6.—(1) Section 31(2) of the Act (which provides for the keeping of a register with respect to applications for planning permission) shall apply as if references in that section to applications for planning permission made to a planning authority included a reference to notices of intention to develop given by an authority.

(2) Before giving notice of intention to develop to the Secretary of State under Regulation 5 above the local authority shall carry out such consultations as would have been required but for the modifications herein prescribed.

(3) In any case where—

(a) any such consultation has taken place;

(b) any directions have been given to a planning authority restricting the grant of planning permission in respect of such development as is applied for;

(c) representations have been made to the planning authority objecting to that development;

a statement giving brief particulars of such consultation, directions or representations shall accompany a notice of intention to develop given in relation to that case.

(4) When the sanction of a Government department referred to in section 37 of the Act has been obtained by the local authority in respect of the development of land, but without a direction that planning permission shall be deemed to be granted as provided in that section, a statement to that effect shall accompany the notice of intention to develop.

#### *Other consents*

7. Where a local authority require, in relation to the land, any consent or approval of the planning authority under any of the provisions specified in Part III of Schedule 19 of the Act other than a planning permission, and that authority are themselves the planning authority to whom the applications for such consent or approval should be made, such application shall be made to the Secretary of State, and his decision thereon shall be final and shall take the place of the decision of the planning authority.

*William Ross,*  
One of Her Majesty's Principal  
Secretaries of State.

New St Andrew's House,  
Edinburgh.  
14th April 1975.

SCHEDULE

FORM OF NOTICE OF INTENTION TO DEVELOP  
TOWN AND COUNTY PLANNING (SCOTLAND) ACT 1972 (SECTION 256)

To the Secretary of State

In accordance with the provisions of the Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations, 1975 the Council of \_\_\_\_\_ hereby give notice of their intention to develop land of which they are the planning authority as follows:—

Here state the nature of the proposed development (including the proposed use) and the address or location of the site. (If necessary a site plan should be enclosed for identification purposes.)

.....  
.....  
in accordance with the plans enclosed herewith. [A site plan of the land is also enclosed.]

The Council have consulted with every authority, person and body with whom a planning authority are required to consult before dealing with an application for planning permission, and the Schedule hereto contains brief particulars of such consultation, of all representations (if any) which have been made to the Council objecting to the proposed development, and of any directions restricting the grant of planning permission in respect thereof.

Signature of proper officer of the planning authority

.....  
Date.....

SCHEDULE REFERRED TO IN THE FOREGOING NOTICE

1. Names of parties consulted as to the proposed development, with particulars of any observations received.....  
.....

2. Particulars of any representations objecting to the proposed development which have been made to the Council.....  
.....

3. Particulars of any direction restricting the grant of planning permission for the proposed development given by the Secretary of State under Article 8 of the Town and Country Planning (General Development) (Scotland) Order, 1975  
.....  
.....

4. The proposed development\* does involve the demolition, alteration or does not extension of any building included in any list compiled or approved under section 52 of the Act.

Here insert name of sanctioning Department other than the Secretary of State.

5. The proposed development requires the sanction of.....  
.....

Application \*has been made for such sanction, but no direction will be made

\* has been given that planning permission shall be deemed to be granted will be applied for under the provision of Section 37(1) of the Act.

\*delete whichever is not applicable.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations revoke the Town and Country Planning (Development by Local Planning Authorities) (Scotland) Regulations 1949 and adapt the former procedures in the light of the new planning and local government systems brought into force respectively by Part II of the Town and Country Planning (Scotland) Act 1972 and the Local Government (Scotland) Act 1973 (C. 65). In cases where they require planning permission, planning authorities will continue to be required to notify the Secretary of State of their intention to develop, but they will also have to notify other local authorities with an interest in the land to be developed.

SI 1975/677  
ISBN 0-11-050677-4

