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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 269**

**The Planning and Compulsory Purchase Act 2004  
(Transitional Provisions) (Scotland) Order 2006**

**Transitional provisions - the 1997 Act**

**3.—**(1) This article applies to development if—

- (a) it is development for which before the relevant date no planning permission is required;
- (b) it is not development or a description of development for which planning permission is granted by development order; and
- (c) before the relevant date proposed development notice had been given to the planning authority.

(2) In this article—

- (a) the relevant date is the date of commencement of section 90(1) of the 2004 Act;
- (b) “proposed development notice” is notice of a proposal for development given by the developer in pursuance of arrangements made by the Scottish Ministers in relation to development by or on behalf of the Crown; and
- (c) the developer is the Crown or a person acting on behalf of the Crown.

(3) If before the relevant date the planning authority have in pursuance of the arrangements kept a register of proposed development notices, the register must be treated as if it is part of the register kept by them in pursuance of section 36 of the 1997 Act.

*Acceptable development*

(4) If before the relevant date either the planning authority or the Scottish Ministers, as the case may be, give notice that they find the proposed development acceptable, planning permission is granted under Part III of the 1997 Act, subject to paragraph (6).

(5) If the notice is subject to conditions, the conditions have effect as if they are conditions attached to the planning permission.

(6) If the proposed development is EIA development, consent is not granted unless the requirements of the EIA Regulations have been met in relation to the proposed development in the same way as if planning permission had been required.

*Unacceptable development or development with conditions*

(7) If before the relevant date—

- (a) the planning authority have notified the developer in pursuance of the arrangements that they do not find the development acceptable; or
- (b) the planning authority have notified the developer in pursuance of the arrangements that they find the development acceptable subject to conditions,

section 47 of the 1997 Act shall apply to the proposal as it applies to an application for planning permission.

*Referred proposals*

(8) If before the relevant date—

- (a) the planning authority have notified the developer in pursuance of the arrangements that they do not find the development acceptable; or
- (b) the planning authority have notified the developer in pursuance of the arrangements that they find the development acceptable subject to conditions; or
- (c) the planning authority have not given notice of their decision on a proposal to the developer,

and the matter has been referred to but not decided by the Scottish Ministers, the Scottish Ministers must deal with the proposal as if it is an appeal by an applicant for planning permission under section 47 of the 1997 Act.

*Pending proposals*

(9) If before the relevant date—

- (a) proposed development notice has been given; and
- (b) the planning authority have not given notice of their decision on a proposal to the developer,

and the matter has not been referred to the Scottish Ministers, the 1997 Act applies as if the proposal is an application for planning permission made under Part III of that Act.