



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Variation, revocation and modification of planning permission

67 Procedure for section 65 orders: unopposed cases.

- (1) This section applies where—
 - (a) the planning authority have made an order under section 65, and
 - (b) the owner, the lessee and the occupier of the land and all persons who in the authority's opinion will be affected by the order have notified the authority in writing that they do not object to it.
- (2) Where this section applies, instead of submitting the order to the Secretary of State for confirmation the authority shall advertise in the prescribed manner the fact that the order has been made, and the advertisement must specify—
 - (a) subject to subsection (4), the period within which persons affected by the order may give notice to the Secretary of State that they wish to have an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose, and
 - (b) subject to subsection (5), the period at the expiration of which, if no such notice is given to the Secretary of State, the order may take effect by virtue of this section without being confirmed by the Secretary of State.
- (3) The authority shall also serve notice to the same effect on the persons mentioned in subsection (1)(b).
- (4) The period referred to in subsection (2)(a) must not be less than 28 days from the date the advertisement first appears.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Section 67 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) The period referred to in subsection (2)(b) must not be less than 14 days from the expiration of the period referred to in subsection (2)(a).
- (6) The authority shall send a copy of any advertisement published under subsection (2) to the Secretary of State not more than 3 days after the publication.
- (7) If—
- (a) no person claiming to be affected by the order has given notice to the Secretary of State under subsection (2)(a) within the period referred to in that subsection, and
 - (b) the Secretary of State has not directed within that period that the order be submitted to him for confirmation,
- the order shall take effect at the expiry of the period referred to in subsection (2)(b), without being confirmed by the Secretary of State as required by section 66(1).
- (8) This section does not apply to—
- (a) an order revoking or modifying a planning permission granted or deemed to have been granted by the Secretary of State under this Part^{F1}, section 242A or Part VI, or
 - (b) an order modifying any conditions to which a planning permission is subject by virtue of section 58 or 59.

Textual Amendments

- F1** Words in s. 67(8)(a) inserted (11.5.2006) by [Planning and Compulsory Purchase Act 2004 \(Commencement No.2 and Consequential Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/243\)](#), arts. 1(1), 4(4)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 67(8)(b) and word repealed by 2006 asp 17 sch.

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by S.S.I. 2008/189 art. 53(3)
- Act power to apply (with or without modifications) conferred by 2021 asp 9 s. 45(3)(b)(c)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 11A inserted by 2006 asp 17 s. 29
- Pt. 12A inserted by 2006 asp 17 s. 30
- Pt. 12A inserted by 2019 asp 13 s. 46(2)
- s. 3CD inserted by 2019 asp 13 s. 4(2)
- s. 20AA(4)(a)(iii) inserted by 2019 asp 13 s. 14(6)
- s. 29(1)(ca) inserted by 2019 asp 13 Sch. 2 para. 5(3)(b)
- s. 36(1)(ca) inserted by 2019 asp 13 Sch. 2 para. 5(4)(b)
- s. 36(5)(6) inserted by 2019 asp 13 s. 36(2)
- s. 40A inserted by 2019 asp 13 s. 19(2)
- s. 43A-43AD substituted for s. 43A by 2019 asp 13 s. 28(2)
- s. 47(2)(aa) inserted by 2019 asp 13 s. 28(3)(a)
- s. 47(2A) inserted by 2019 asp 13 s. 28(3)(b)
- s. 47(6) inserted by 2019 asp 13 s. 31(2)(c)
- s. 54A-54F and cross-heading inserted by 2019 asp 13 s. 15(2)
- s. 57(2C)(2D) inserted by 2021 asp 9 s. 44(2)
- s. 58(4)(fa) inserted by 2019 asp 13 Sch. 2 para. 5(5)(b)
- s. 61(1)(ba) inserted by 2019 asp 13 Sch. 2 para. 5(6)(b)
- s. 75(4A) inserted by 2019 asp 13 s. 35(2)
- s. 75A(5A) inserted by 2019 asp 13 s. 35(3)
- s. 77A inserted by 2019 asp 13 s. 39(2)
- s. 135(4A) inserted by 2019 asp 13 s. 43(2)(c)
- s. 154(1)(c) and word inserted by 2019 asp 13 s. 28(4)(a)(ii)
- s. 154(1A) inserted by 2019 asp 13 s. 28(4)(b)
- s. 158A(1A) inserted by 2019 asp 13 s. 44(2)
- s. 158B-158F and cross-heading inserted by 2019 asp 13 s. 43(3)
- s. 183(1)(c) inserted by 2019 asp 13 Sch. 2 para. 5(7)(b)
- s. 237(1)(ba) inserted by 2019 asp 13 Sch. 2 para. 5(8)
- s. 238(3)(a)-(c) inserted by 2019 asp 13 Sch. 2 para. 5(9)(a)(ii)
- s. 238(5)(ba) inserted by 2019 asp 13 Sch. 2 para. 5(9)(b)
- s. 238(7) inserted by 2019 asp 13 Sch. 2 para. 5(9)(c)