



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Other controls over development

75 Agreements regulating development or use of land.

- (1) A planning authority may enter into an agreement with any person interested in land in their district (in so far as the interest of that person enables him to bind the land) for the purpose of restricting or regulating the development or use of the land, either permanently or during such period as may be prescribed by the agreement.
- (2) Any such agreement may contain such incidental and consequential provisions (including financial ones) as appear to the planning authority to be necessary or expedient for the purposes of the agreement.
- (3) An agreement made under this section with any person interested in land may, if the agreement has been recorded in the appropriate Register of Sasines or, as the case may be, registered in the Land Register of Scotland, be enforceable at the instance of the planning authority against persons deriving title to the land from the person with whom the agreement was entered into.
- (4) No such agreement shall at any time be enforceable against a third party who has in good faith and for value acquired right (whether [^{F1}title has been completed] or not) to the land prior to the agreement being recorded or registered or against any person deriving title from such third party.
- (5) Nothing in this section or in any agreement made under it shall be construed—
 - (a) as restricting the exercise, in relation to land which is the subject of any such agreement, of any powers exercisable by any Minister or authority under this

Status: Point in time view as at 18/01/2006. This version of this provision has been superseded.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Section 75 is up to date with all changes known to be in force on or before 31 May 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)

Act so long as those powers are exercised in accordance with the provisions of the development plan, or in accordance with any directions which may have been given by the Secretary of State as to the provisions to be included in such a plan, or

- (b) as requiring the exercise of any such powers otherwise than as mentioned in paragraph (a).

Textual Amendments

F1 Words in s. 75(4) substituted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), **Sch. 12 para. 60(2)** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

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