STATUTORY INSTRUMENTS

1979 No. 198 (S.20)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (Scotland) (New Town of Livingston) (Special Development) Order 1979

Made - - - -	19*th February* 1979
Laid before Parliament	7*th March* 1979
Coming into Operation	29*th March* 1979

In exercise of the powers conferred on me by section 21 of the Town and Country Planning (Scotland) Act 1972(**a**) and of all other powers enabling me in that behalf I hereby order as follows:—

1.—(1) This order shall apply to land within the areas designated by the New Town (Livingston) Designation Amendment Order 1978(**b**).

(2) Subject to the provisions of this order, the General Development Order shall apply to the land to which this order applies.

(3) This order may be cited as the Town and Country Planning (Scotland) (New Town of Livingston) (Special Development) Order 1979, and shall come into operation on 29th March 1979.

2. In this order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, namely:—

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

"New Towns Act" means the New Towns (Scotland) Act 1968(**c**);

"General Development Order" means the Town and Country Planning (General Development) (Scotland) Order 1975(**d**), as amended(**e**);

"development corporation" means the Livingston Development Corporation established by the New Town (Livingston) (Development Corporation) Order 1962(**f**) as amended by the New Town (Livingston) (Development Corporation) Amendment Order 1970 and by the New Town (Livingston) (Development Corporation) Amendment Order 1978;

"areas designated" means the areas designated by the New Town (Livingston) Designation Amendment Order 1978;

"building" does not include plant or machinery or a structure or erection of the nature of plant or machinery but includes any other structure or erection and any part of a building as so defined;

"classified road", "road" and "trunk road" have the meanings assigned to them by the General Development Order;

(**a**) 1972 c. 52. (**b**) S.I. 1978/1012. (**c**) 1968 c. 16. (**d**) S.I. 1975/679.
(**e**) S.I. 1976/693; 1307. (**f**) S.I. 1962/1437.

"unapproved means of access" means a means of access which is not shown in a proposal approved by the Secretary of State under section 6(1) of the New Towns Act.

3.—(1) The carrying out by the development corporation, within the areas designated, of development of the following classes, not being development for which permission under Part III of the Act is granted or deemed to be granted otherwise than by this order, is hereby permitted, subject to such of the limitations and conditions hereinafter contained as are applicable to the development:—

Class A—Development in accordance with proposals approved by the Secretary of State under section 6(1) of the New Towns Act.

Class B—Development consisting of the erection or construction of buildings, works, plant or machinery needed temporarily in connection with development of Class A, or the institution of any temporary use in connection with the carrying out of development of Class A, subject to the condition that such buildings, works, plant or machinery shall be removed, or such use discontinued, within such period as may at any time be specified by notice in writing given in that behalf by the Secretary of State as respects all or any development of this Class within the designated area.

(2) The carrying out by a person to whom the development corporation have disposed of land, or by a successor in title or lessee of such person, of authorised development on that land shall be deemed for the purposes of this article, to be the carrying out of such development by the development corporation.

(3) The expression "authorised development" in the last foregoing paragraph means any development of land in accordance with proposals approved by the Secretary of State under section 6(1) of the New Towns Act which has been authorised in writing by the development corporation after they have complied with any requirement of article 5 of this order applicable to the development, and references in that article to the authorising of development by the development corporation shall be construed accordingly.

4.—(1) Nothing in this order shall operate so as to permit any development—

(*a*) for which permission is required as the result of an order under section 42 or section 49 of the Act;

(*b*) in relation to which, by virtue of the provisions of section 65 of the Act, an industrial development certificate is required, unless the Secretary of State has granted such a certificate.

(2) In this article, an "industrial development certificate" in relation to any development means the certificate which by virtue of the said section 65 is required in the case of an application for planning permission for such development.

5.—(1) It shall be a condition of any permission granted by this order that before the development corporation undertake or authorise development in any of the following cases they shall consult with the authorities or persons therein respectively mentioned, namely:—

(*a*) in the case of development consisting of the formation, laying out or alteration of an unapproved means of access to a trunk road, with the Secretary of State;

(*b*) in the case of development consisting of the formation, laying out or alteration of an unapproved means of access to a classified road, or to a road shown in a proposal approved by the Secretary of State under section 6(1) of the New Towns Act as a road, access to which is required to be the subject of such consultation, with the local highway authority;

(*c*) where it appears to the development corporation that the development is likely to affect land outside the areas designated, with the local planning authority in respect of that land;

(*d*) where the development consists of the erection of a building (other than an alteration, extension or re-erection of an existing building or the erection of a building of a temporary character) in an area of proposed coal working notified by the National Coal Board to the local planning authority, with the National Coal Board;

(*e*) in the case of development in respect of which the local planning authority for the land proposed to be developed are required by any direction for the time being in force under the General Development Order to consult with any authority or person other than the development corporation, with that authority or person as required by that direction.

(2) When required by this order to consult with any authority or person the development corporation shall give to such authority or person not less than 21 days' notice in writing, specifying the site of, and giving particulars sufficient to describe, the proposed development, and shall not undertake or authorise the development until after the expiration of the period of such notice; and the development corporation shall take into account any representations received from such authority or person.

(3) Where any objection or representation has been made by an authority or person consulted as aforesaid and has not been withdrawn, the development corporation shall send particulars of the proposal and of the objection or representation to the Secretary of State in writing, and shall not undertake or authorise the development in pursuance of this order until the Secretary of State has notified them that he does not intend to give a direction under article 6 of this order in respect of the development.

6.—(1) If the Secretary of State is satisfied that it is expedient that any development of either class permitted by this order should not be undertaken unless permission is granted on an application in that behalf, the Secretary of State may direct that the permission granted by article 3 of this order shall not apply to that development.

(2) Notice of a direction given by the Secretary of State under this article shall, except in the case of development to be carried out by the development corporation, be served by the development corporation on any owner and occupier of the land affected, and any such direction shall come into force on the date on which notice thereof is served on the occupier, or if there is no occupier, on the owner.

7.—(1) Any power conferred by this order to give a direction shall be construed as including power to cancel or vary the direction by a subsequent direction.

(2) Any notice to be served or given under this order may be served or given in the manner prescribed by section 269 of the Act and by any regulations for the time being in force under that section.

Bruce Millan,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh EH1 3TA.
19th February 1979.

EXPLANATORY NOTE

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

This order applies to the extension to the area of the New Town of Livingston designated in the New Town (Livingston) Designation Amendment Order 1978 and grants subject to certain limitations and conditions, planning permission for the development of land in accordance with proposals approved by the Secretary of State under section 6(1) of the New Towns (Scotland) Act 1968.

Printed in England by Harrison & Sons (London) Ltd., and published by Her Majesty's Stationery Office

82/25850 C.91 K9 3/79

20p net

ISBN 0 11 093198 X