



## Briefing for the Public Petitions Committee

**Petition Number:** [PE1465](#)

**Main Petitioner:** Anatoliusz Ivanov

**Subject:** Calls on the Scottish Parliament to urge the Scottish Government to put legislation in place to enable local authorities to force owners of vacant plots of land within towns including former green belt land and previously developed areas to maintain and keep these plots of land in a manner befitting the local community

### Background

Local authorities already have a power similar to that suggested in this petition. A planning authority which considers that the amenity of any part of their area is being adversely affected by the condition of any land can, under powers conferred by the Town and Country Planning (Scotland) Act 1997 Section 179, serve a notice on the owner, occupier or lessee requiring them to take specific action to abate the adverse effect. The notice must also specify a date by which this action must be completed. These notices, commonly known as “waste land notices”, come into effect not less than 28 days after they are served.

Where the owner, occupier or lessee cannot be identified Section 271 of the Act allows a planning authority to serve a notice by registered post addressed to “the owner”, “the occupier” or “the lessee”. Alternatively an authority can serve the notice by affixing it “conspicuously to some object on those premises.”

Section 135 of the Act allows a planning authority to enter the land and take the action specified in the waste land notice where an owner, occupier or lessee fails to take the remedial action by the required date. Section 135 of the Act also allows the authority to recover the costs incurred in taking this action from the owner or lessee.

There is no criminal sanction for failure to comply with a waste land notice. A land owner, occupier or lessee can appeal to the Scottish Ministers against the imposition of a waste land notice. The notice served on them by the local authority will have no effect pending the outcome of the appeal.

### Scottish Government Action

The Scottish Government has not considered this issue in recent years.

## **Scottish Parliament Action**

The Scottish Parliament has not considered this issue in recent years.

**Alan Rehfisch**

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