STATUTORY INSTRUMENTS

1983 No. 1620 (S. 152)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (General Development) (Scotland) Amendment Order 1983

Made - - - -	31*st October* 1983
Laid before Parliament	10*th November* 1983
Coming into Operation	1*st May* 1984

In exercise of the powers conferred on me by sections 21 and 273 of the Town and Country Planning (Scotland) Act 1972**(a)** and of all other powers enabling me in that behalf, I hereby make the following order:—

1.—(1) This order may be cited as The Town and Country Planning (General Development) (Scotland) Amendment Order 1983, and the Town and Country Planning (General Development) (Scotland) Order 1981**(b)** and this order may be cited together as the Town and Country Planning (General Development) (Scotland) Orders 1981 and 1983.

(2) This order shall come into operation on 1st May 1984.

2. The Town and Country Planning (General Development) (Scotland) Order 1981 is hereby amended as follows:—

(*a*) in article 2(1), the following definitions shall be added:—
" 'hazardous substance' and 'notifiable quantity' have the meanings assigned to those terms by the Notification of Installations Handling Hazardous Substances Regulations 1982**(c)**;

'notifiable pipeline' means a pipeline (as that term is defined in section 65 of the Pipelines Act 1962**(d)**) which contains or is intended to contain a hazardous substance, but does not include a pipeline which has been authorised under section 1 of the Pipelines Act 1962, nor a pipeline which contains, or is intended to contain, no hazardous substance other than a substance within one of the following classes, namely:—

(*a*) a flammable gas (as specified in item 1 of Part II of Schedule 1 to the Notification of Installations Handling Hazardous Substances Regulations 1982) at a pressure of less than 8 bars absolute; or

(*b*) a flammable liquid, as specified in item 4 of Part II of that Schedule;";

(a) 1972 c. 52. **(b)** S.I. 1981/830. **(c)** S.I. 1982/1357.
(d) 1962 c. 58.

(*b*) in article 3 (Permitted development)—

(i) for paragraph (1) there shall be substituted—

"(1) Subject to the provisions of this order, planning permission is granted by this order for development of any class specified in column (1) of Part I of Schedule 1 and such development may be undertaken upon land to which this order applies, without the permission of any planning authority or of the Secretary of State:

Provided that—

(*a*) the permission granted by this order in respect of any such development shall be subject to any limitations and conditions imposed in column (1) and to any condition imposed in column (2) of that part of Schedule 1 in respect of the class to which the development relates, and any reference in that column to standard condition 1 or 2 is a reference to the condition bearing that number and specified respectively in paragraphs 1 and 2, of Part II of Schedule 1; and

(*b*) the permission granted by this order in respect of any such class of development (other than development to which paragraph 5(*b*) of Class XV.E applies) shall be subject to the condition that no building, plant or machinery, or structure or erection in the nature of plant or machinery (other than a mains, pipe or other apparatus belonging to a gas undertaker), authorised by the permission, and no floor space created by development authorised by the permission, shall be used for any purpose which involves the manufacture, processing, keeping or use of a hazardous substance in such circumstances as will result in there being at any one time a notifiable quantity of such substance in, on, over or under the land on which the building, plant or machinery, structure or erection or floorspace is situated, or any site of which that land forms part.";

(ii) the following paragraphs shall be inserted after paragraph (2):—

"(2A) The permission granted by this article and Schedule 1 shall not operate so as to permit the carrying out of any development for a purpose which involves, or is likely to involve, either the laying or construction of a notifiable pipeline or the manufacture, processing, keeping or use of a hazardous substance in such circumstances (in any of those cases) as will result in there being at any one time a notifiable quantity of a hazardous substance in, on, over or under the land on which the development would be carried out, or any site of which that land forms part, except in the following cases:—

(i) where the development is to be carried out in, on, over or under land which constitutes or forms part of a site in respect of which notification has been given to the Health and Safety Executive in pursuance of the requirements of the Notification of Installations Handling Hazardous Substances Regulations 1982 and the carrying out of the development is not likely to result in an increase in the quantity of such substance present at any one time in, on, over or under the land to a quantity which exceeds three times the quantity in respect of which such notification was last given;

(ii) where there is already a notifiable quantity of a hazardous substance present on the land in, on, over or under which the development is to be carried out but that land is excepted from the requirements of the Regulations referred to in subparagraph (i) above, and the carrying out of the development is not likely to result in an increase in the quantity of such substance present at any one time in, on, over or under that land to a quantity which exceeds three times the quantity present immediately before the development is begun;

(iii) where the development is to be carried out by a gas undertaker and consists of the laying of mains, pipes or other apparatus;

(iv) where the development is to be carried out by an electricity undertaker and consists of development to which paragraph 5(*b*) of Class XV.E applies;

(v) where the development is for the purpose of inspecting, repairing or renewing mains, pipes or other apparatus.

(2B) For the purposes of paragraphs (1) and (2A) above, "site" means the whole of the area of land within a single unit of occupation.";

(*c*) For Class XV.D in Schedule 1 there shall be substituted the following:—

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Column (1) Description of Development	Column (2) Conditions
D. Gas undertakings	Standard Conditions 1 and 2.
(4) Development required for the purposes of the undertaking of any of the following descriptions, that is to say:—	
(i) the laying underground of mains, pipes or other apparatus;	Not less than 8 weeks before the commencement of operations for the laying of a notifiable pipeline, the undertaker shall give notice in writing to the planning authority of the intention to carry out such development, identifying the land under which the pipeline is to be laid.
(ii) the installation in a gas distribution system of gas valve governor houses not exceeding (except when constructed underground elsewhere than under a road) 30 cubic metres in capacity;	
(iii) the construction, in any storage area or protective area specified in an order made under section 4 of the Gas Act 1965**(a)** of boreholes, other than those shown in the order as approved by the Secretary of State for the purposes of subsection (6) as read with subsection (7) of the said section 4, and the erection or construction, in any such area, of any plant or machinery or other structure not exceeding 6 metres in height which is required in connection with any such borehole;	
(iv) any other development carried out in, on, over or under the operational land of the undertaking except:—	
(*a*) the erection, or the reconstruction or alteration so as materially to affect the design or external appearance thereof, of buildings;	

(a) 1965 c. 36.

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Column (1) Description of Development	Column (2) Conditions
(*b*) the installation of any plant or machinery, or structures or erections of the nature of plant or machinery, exceeding 15 metres in height or capable, without addition, of being extended to a height exceeding 15 metres;	
(*c*) the replacement of any plant or machinery, or structures or erections of the nature of plant or machinery, to a height exceeding 15 metres or the height of the plant, machinery, structure or erection so replaced, whichever is the greater.	

"

George Younger,
One of Her Majesty's
Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
31st October 1983.

EXPLANATORY NOTE

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

This Order amends the Town and Country Planning (General Development) (Scotland) Order 1981, which provides for the granting of permission for the development of land under Part III of the Town and Country Planning (Scotland) Act 1972 and itself permits certain developments to be carried out without a grant of planning permission from the planning authority or the Secretary of State.

The amendments relate to development which is likely to involve the presence of a notifiable quantity of a hazardous substance within the meaning of the Notification of Installations Handling Hazardous Substances Regulations 1982.

The following changes are made in the Order of 1981:—

(*a*) the addition of a new paragraph (2A) to article 3 (which grants permission for development within the classes set out in Schedule 1 to the Order) to exclude from the permission granted by the article any development which involves, or is likely to involve, the laying or construction of a notifiable pipeline or the presence of a notifiable quantity of a hazardous substance, or, where a hazardous substance

is already present on the land in a notifiable quantity, development which will, or is likely to, lead to a more than three-fold increase in the amount present: permission continues to be given under article 3, however, for the laying of gas mains, gas pipes and gas apparatus, development by an electricity undertaker for which consent, authority or approval has been granted by the Secretary of State under other statutes and development for the purpose of inspecting, repairing or renewing all kinds of mains, pipes and other apparatus;

(*b*) the amendment of paragraph (1) of article 3 to provide that permission granted by the article is subject to the condition that no permitted building, plant or machinery (other than mains, pipes and other apparatus belonging to gas undertakers and certain development by an electricity undertaker) shall be used for any purpose which will result in the presence of a notifiable quantity of a hazardous substance;

(*c*) the amendment of Class XV.D of Schedule 1 (development by gas undertakers) by the addition of a condition requiring the undertaker to give written notice to the planning authority before laying a notifiable pipeline (a definition of that term being added to the 1981 Order by article 2(*a*)).

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