SCOTTISH STATUTORY INSTRUMENTS

2014 No. 300

TOWN AND COUNTRY PLANNING

The Town and Country Planning (General Permitted Development) (Scotland) Amendment (No. 2) Order 2014

Made - - - -	*11th November 2014*
Laid before the Scottish Parliament	*13th November 2014*
Coming into force - -	*15th December 2014*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 30, 31 and 275 of the Town and Country Planning (Scotland) Act 1997(**a**) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Town and Country Planning (General Permitted Development) (Scotland) Amendment (No. 2) Order 2014 and comes into force on 15th December 2014.

Application

2.—(1) The amendments made by article 3 do not apply to development begun before 15th December 2014.

(2) For the purposes of this article development is to be taken to be begun on the earliest date on which any material operation (within the meaning of section 27(4) of the Town and Country Planning (Scotland) Act 1997) comprised in the development begins to be carried out.

Amendment of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992

3.—(1) The Town and Country Planning (General Permitted Development) (Scotland) Order 1992(**b**) is amended in accordance with paragraphs (2) and (3).

(2) In class 18 of Part 6 (agricultural buildings and operations) of Schedule 1, after paragraph (4) insert—

"(4A) Development consisting of the formation or alteration of a private way is permitted by this class subject to the following conditions—

(a) the developer must before beginning the development apply to the planning authority for a determination as to whether the prior approval of the authority is required in respect of the design, manner of construction or route of the private way;

(**a**) 1997 c.8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(**b**) S.I. 1992/223: relevantly amended by S.I. 1992/1078, S.I. 1994/3294, S.I. 1997/3060, S.S.I. 2001/266 and S.S.I. 2014/142.

(b) the application is to be accompanied by—

(i) a description of the proposed development, including the proposed design and manner of construction, details of the materials to be used and a plan indicating the route of the private way; and

(ii) any fee required to be paid;

(c) the development is not to be commenced before the occurrence of one of the following:—

(i) the receipt by the applicant from the planning authority of a written notice of their determination that their prior approval is not required;

(ii) the expiry of a period of 28 days following the date on which the application was received by the planning authority without the planning authority giving notice to the applicant of their determination that, or the extent to which, such approval is required; or

(iii) the applicant has (or to the extent required has) received such approval from the planning authority;

(d) the development must, except to the extent that the planning authority otherwise agree in writing, be carried out—

(i) to the extent to which prior approval is required, in accordance with the details approved;

(ii) to the extent to which prior approval is not required, in accordance with the details submitted with the application; and

(e) the development is to be carried out within a period of 3 years from the date on which all approvals required in accordance with this paragraph have been given."

(3) In class 22 of Part 7 (forestry buildings and operations) of Schedule 1, after paragraph (3) insert—

"(4) Development consisting of the formation or alteration of a private way is permitted by this class subject to the following conditions:—

(a) the developer must before beginning the development apply to the planning authority for a determination as to whether the prior approval of the authority is required in respect of the design, manner of construction or route of the private way;

(b) the application is to be accompanied by—

(i) a description of the proposed development, including the proposed design and manner of construction, details of the materials to be used and a plan indicating the route of the private way; and

(ii) any fee required to be paid;

(c) the development is not to be commenced before the occurrence of one of the following:—

(i) the receipt by the applicant from the planning authority of a written notice of their determination that their prior approval is not required;

(ii) the expiry of a period of 28 days following the date on which the application was received by the planning authority without the planning authority giving notice to the applicant of their determination that, or the extent to which, such approval is required; or

(iii) the applicant has (or to the extent required has) received such approval from the planning authority;

(d) the development must, except to the extent that the planning authority otherwise agree in writing, be carried out—

(i) to the extent to which prior approval is required, in accordance with the details approved;

(ii) to the extent to which prior approval is not required, in accordance with the details submitted with the application; and

(e) the development is to be carried out within a period of 3 years from the date on which all approvals required in accordance with this paragraph have been given.".

DEREK MACKAY
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
11th November 2014

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 ("the 1992 Order").

Article 3 introduces new conditions in relation to certain development permitted under Class 18 and Class 22 as specified in Schedule 1 to the 1992 Order. The effect is to require a developer undertaking development for the formation or alteration of a private way under those Classes to make an application to the planning authority for determination as to whether the prior approval of the authority will be required before development is commenced. Where approval is not required the development must be carried out in accordance with the details provided to the planning authority and to the extent that approval is required development must be carried out in accordance with the approved details.

Article 2 provides that the new conditions will not apply to development begun before the date on which the Order comes into force.

© Crown copyright 2014

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, the Queen's Printer for Scotland.

ISBN 978-0-11-102493-5



£4.25

S201411127 11/2014 19585

http://www.legislation.gov.uk/id/ssi/2014/300