

Draft Regulations laid before the Scottish Parliament under section 275(7BA) of the Town and Country Planning (Scotland) Act 1997 for approval by resolution of the Scottish Parliament

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2020 No.

TOWN AND COUNTRY PLANNING

**The Town and Country Planning (Changing Places
Toilet Facilities) (Scotland) Regulations 2020**

Made - - - - 2020
Coming into force - - 18th May 2020

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 41B(4) of the Town and Country Planning (Scotland) Act 1997(1) and all other powers enabling them to do so.

In accordance with section 275(7BA)(2) of that Act a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and come into force on 18 May 2020.

(2) In these Regulations “the Act” means the Town and Country Planning (Scotland) Act 1997.

Amendment of section 41B of the Town and Country Planning (Scotland) Act 1997

2.—(1) Section 41B of the Act is amended in accordance with this regulation.

(2) In subsection (2)—

(a) in paragraph (d) omit “the gross floor space of which is or exceeds 10,000 square metres”,

(b) after paragraph (h) insert—

“(i) as a conference or exhibition centre,

(j) as a restaurant or cafe,

(k) as a public house or nightclub.”.

(3) In subsection (3)—

(1) 1997 c. 8. Section 41B is inserted into the Town and Country Planning (Scotland) Act 1997 (c.8) (“the Act”) by section 26 of the Planning (Scotland) Act 2019 (asp 13) (“the 2019 Act”).

(2) Section 275(7BA) is inserted into the Act by schedule 2, paragraph 9(2) of the 2019 Act.

- (a) in paragraph (b) omit “centrally-placed”,
- (b) for paragraphs (d)(iii) and (iv) substitute—
 - “(iii) a height adjustable wash hand basin,
 - (iv) grab rails to assist in the use of the toilet facility,”,
- (c) in paragraph (v) after “shelf” insert “or other surface”,
- (d) after paragraph (v) insert—
 - “(vi) a call assistance system.”.

Disapplication of section 41B(1)

3.—(1) The requirements of section 41B(1) of the Act do not apply unless the relevant part of the building, structure or erection which is the subject of the application for planning permission—

- (a) has a floor area of more than 5,000 square metres, or
- (b) can be used for specified purposes by more than 1,000 people at a single time.

(2) In this regulation—

“relevant part” means—

- (a) if the whole building, structure or erection is to be used for specified purposes, the whole building, structure or erection,
- (b) if the whole building, structure or erection is not to be used for specified purposes, only such part or parts of the building, structure or erection which are to be used for specified purposes,

“specified purposes” means one or more of the purposes specified in section 41B(2) of the Act,

“floor area” means the total floor space in a building taking each floor into account but excluding any area where the headroom measures less than 1.5 metres.

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to section 41B of the Town and Country Planning (Scotland) Act 1997 (“the Act”). Section 41B(1) of the Act requires that a planning authority may only grant planning permission for certain types of development, listed in subsection (2), on condition that the development includes at least one toilet facility (a “Changing Places Toilet”) that meets specified standards suitable for people with complex care needs. These Regulations come into force on 18 May 2020.

Regulation 2(2) adds new purposes to the list of developments in section 41B(2) and removes the size limitation in paragraph (d) applicable to a building, structure or erection used as a retail outlet. Regulation 2(3) amends the specification requirements of a Changing Places Toilet set out in section 41B(3) of the Act.

Regulation 3(1) provides that the requirements of section 41B(1) of the Act do not apply unless the relevant part of the building, structure or erection which is the subject of the application for planning permission has a gross floor area of more than 5,000 square metres, or can be used for specified purposes by more than 1,000 people at a single time. Regulation 3(2) sets out definitions of the terms “relevant part”, “specified purposes” and “floor area” referred to in regulation 3(1).