
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 300

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

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(1) 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;
- (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.”.