

2015 No. 235

TOWN AND COUNTRY PLANNING

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2015

<i>Made</i> - - - -	<i>2nd June 2015</i>
<i>Laid before the Scottish Parliament</i>	<i>4th June 2015</i>
<i>Coming into force</i> - -	<i>1st October 2015</i>

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, commencement and interpretation

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2015 and comes into force on 1st October 2015.

(2) For the purposes of this Order 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.

Application

2. The amendments made by article 3 apply only to development begun on or after 1st October 2015.

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) to (4).

(2) In article 2 (interpretation) for the definition of “category A listed building” substitute—

““category A listed building” means a listed building specified as being category A in a list of buildings compiled or approved under section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997(c) (listing of buildings of special architectural or historic interest);”.

(3) Omit article 7(7).

(a) 1997 c.8. Section 275 was relevantly amended by section 54(16) of the Planning (Scotland) Act 2006 (asp 17) and paragraph 32 of schedule 3 to the Regulatory Reform (Scotland) Act 2014 (asp 3). 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.S.I. 2001/266.

(c) 1997 c.9. Section 1 is amended by paragraph 2 of Schedule 3 to the Historic Environment Scotland Act 2014 (asp 19).

(4) In Schedule 1 (classes of permitted development) after Part 25A (temporary protection of poultry and other captive birds) insert—

“PART 25B

ANCIENT MONUMENTS

Class 72B—(1) The carrying out by or on behalf of the Scottish Ministers of development—

(a) consisting of the maintenance, repair or reinstatement of any ancient monument; or

(b) in exercise of their functions under the Ancient Monuments and Archaeological Areas Act 1979(a).

(2) Development is not permitted by Class 72B(1)(b) if the works involve the provision of facilities or services under section 20 of the Ancient Monuments and Archaeological Areas Act 1979(b) (provision of facilities for the public in connection with ancient monument).

(3) For the purposes of this class—

(a) development is not to be treated as being carried out by or on behalf of the Scottish Ministers where it is carried out by—

(i) Historic Environment Scotland; or

(ii) any person prescribed under section 3 of the Historic Environment Scotland Act 2014(c),

in the exercise of any function delegated to Historic Environment Scotland or such person, as the case may be, by the Scottish Ministers under that section; and

(b) “ancient monument” has the same meaning as in section 61 of the Ancient Monuments and Archaeological Areas Act 1979.”.

Amendment of the Town and Country Planning (Application of Subordinate Legislation to the Crown) (Scotland) Order 2006

4.—(1) Subject to paragraph (3), the Town and Country Planning (Application of Subordinate Legislation to the Crown) (Scotland) Order 2006(d) is amended in accordance with paragraph (2).

(2) In the Schedule, omit Part 32 (ancient monuments).

(3) The provisions of Part 32 of the Schedule to the Town and Country Planning (Application of Subordinate Legislation to the Crown) (Scotland) Order 2006 continue to have effect as they did immediately before 1st October 2015 in respect of development begun before that date.

FIONA HYSLOP

A member of the Scottish Government

St Andrew’s House,
Edinburgh
2nd June 2015

(a) 1979 c.46.

(b) Section 20 is amended by section 8 of the Historic Environment (Amendment) (Scotland) Act 2011 (asp 3).

(c) 2014 asp 19.

(d) S.S.I. 2006/270.

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(4) inserts Part 25B into Schedule 1 of the 1992 Order. Part 25B confers permitted development rights in respect of development by or on behalf of the Scottish Ministers in relation to the maintenance, repair or reinstatement of ancient monuments and the exercise of other functions under the Ancient Monuments and Archaeological Areas Act 1979. It applies to development carried out on or after 1st October 2015. Permitted development rights do not extend to the provision of facilities or services under section 20 of that Act nor to development carried out in the exercise of a function delegated by the Scottish Ministers under section 3 of the Historic Environment Scotland Act 2014. Article 3(2) amends the definition of category A listed building and article 3(3) removes the equivalent definition from article 7.

Article 4 removes the existing equivalent provisions contained in Part 32 of the Schedule to the Town and Country Planning (Application of Subordinate Legislation to the Crown) (Scotland) Order 2006 other than in respect of development begun before 1st October 2015.

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