
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 189

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2017

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

5. After article 7 insert—

“Notification of an application for a determination under class 67

7ZA.—(1) A planning authority must give written notice in accordance with this article that an application has been submitted under sub-paragraph (23)(b) of class 67 (development by electronic communications code operators) of schedule 1.

(2) Notice under paragraph (1) is to be given where there are premises situated on neighbouring land to which the notice can be sent to the owner, lessee or occupier of such premises, by sending a notice addressed to “the Owner, Lessee or Occupier” to such premises.

(3) The notice under paragraph (1) must—

- (a) state the date on which the notice is sent;
- (b) state the name of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent;
- (c) include any reference number given to the application by the planning authority;
- (d) include a description of the development to which the application relates;
- (e) include the postal address of the land to which the application relates, or if the land has no postal address, a description of the location of the land;
- (f) state how the application and other documents submitted in connection with it may be inspected;
- (g) state that representations may be made to the planning authority with regard to the siting and appearance of the development and include information as to how representations may be made and the period within which they may be made (which must be not less than 14 days beginning with the day after the day on which the notice is sent); and
- (h) be accompanied by a plan showing the situation of the land to which the application relates in relation to neighbouring land.

(4) In this article “neighbouring land” has the same meaning as in article 7A(4)(1).

7ZB. When a planning authority is in receipt of an application submitted under sub-paragraph (23)(b) of class 67 of schedule 1 in respect of development which would be located within Cairngorms National Park they must give written notice of the application to Cairngorms National Park Authority within a period of 5 days beginning with the date

on which the planning authority is in receipt of an application which conforms to all of the requirements of sub-paragraph (23)(c).

7ZC. When a planning authority is in receipt of an application submitted under sub-paragraph (23)(b) of class 67 of schedule 1 which conforms to all of the requirements of sub-paragraph (23)(c) they must until such time as they have determined the application—

- (a) publish the information described in article 7ZA(3)(b) to (g) by means of the internet on their website; and
- (b) make the application available for inspection at an office of the planning authority.

7ZD. Before determining an application submitted under sub-paragraph (23)(b) of class 67 of schedule 1 a planning authority must—

- (a) by notice in writing consult—
 - (i) Scottish Natural Heritage—
 - (aa) where the development to which the application relates may affect a site of special scientific interest;
 - (bb) where the development would be located in a national scenic area and would exceed 12 metres in height;
 - (ii) Historic Environment Scotland in the circumstances specified in paragraph 17 of schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013(2);
 - (iii) where the development would be located within 3 kilometres of the perimeter of an aerodrome, the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as appropriate;
- (b) notify any authority, person or body required to be consulted under paragraph (a) of the period within which representations may be made (which must be a period of not less than 14 days beginning with the day after the day on which the notice is sent); and
- (c) allow the period notified under paragraph (b) to elapse.

7ZE. When determining an application submitted under sub-paragraph (23)(b) of class 67 of schedule 1 a planning authority must take into account any representations they receive before the expiry of the period notified under article 7ZD(b).”.