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SCOTTISH STATUTORY INSTRUMENTS

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**2024 No. 102**

**TOWN AND COUNTRY PLANNING**

**The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2024**

<i>Made</i>	- - - -	<i>26th March 2024</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>28th March 2024</i>
<i>Coming into force</i>	- -	<i>24th May 2024</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(1) 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 Order 2024 and comes into force on 24 May 2024.

**Application**

2.—(1) The amendments made by this Order do not apply to development begun before 24 May 2024.

(2) For the purposes of paragraph (1) 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(2) is amended as follows—

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(1) 1997 c. 8. Section 275 was relevantly amended by section 54(16) of the Planning etc. (Scotland) Act 2006 (asp 17) and paragraph 32 of schedule 3 of the Regulatory Reform (Scotland) Act 2014 (asp 3). There are amendments to section 30 which are not relevant to the changes made by this Order. 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).

(2) S.I. 1992/223 which has been relevantly amended by S.I. 1994/3294, S.I. 1997/3060, S.S.I. 2009/34, S.S.I. 2010/27, S.S.I. 2011/136, S.S.I. 2011/357, S.S.I. 2014/142, S.S.I. 2016/126, S.S.I. 2017/189, S.S.I. 2020/269, S.S.I. 2020/437 and S.S.I. 2023/35.

- (a) in article 2(1) (interpretation)—
  - (i) after the definition of “local authority” insert—
    - ““MCS Planning Standards” means the product and installation standards specified in the Microgeneration Certification Scheme MCS 020, Issue 1.3(3),”
  - (ii) in the definition of “statutory undertaker” for “licence holders within the meaning of section 64(1)” substitute “the holder of a licence under section 6”,
  - (iii) after the definition of “Use Classes Order” insert—
    - ““World Heritage Site” means land appearing on the World Heritage List kept under article 11(2) of the Convention concerning the Protection of the World Cultural and Natural Heritage adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation at Paris on 16 November 1972(4).”
- (b) Schedule 1 (classes of permitted development) is amended in accordance with articles 4 to 18.

#### **Amendment of Part 1 of schedule 1**

- 4. In Part 1 (development within the curtilage of a dwellinghouse)—
  - (a) in class 2B (any improvement, addition or other alteration to the external appearance of a dwellinghouse that is not an enlargement) in paragraph (2)(f) after “6H(1)” insert “, 6HA(1), 6HB(1), 6HC(1), 7A(1)”,
  - (b) in class 3AA omit paragraph (3),
  - (c) in class 3B in paragraph (2)(e) after “6H(1)” insert “, 6HA(1)”.

#### **Amendment of Part 1ZA of schedule 1**

- 5. In Part 1ZA (development of a building containing a flat)—
  - (a) in class 4A (any improvement or other alteration to the external appearance of a dwelling situated within a building containing one or more flats) in paragraph (2)(h) for “or 6H(1)” substitute “, 6H(1), 6HA(1), 6HB(1), 6HC(1), 7A(1)”,
  - (b) in class 4B (the provision of a building with the curtilage of a flat) in paragraph (3) omit the definition of “World Heritage Site” and “and” immediately preceding it.

#### **Amendment of Part 1A of schedule 1**

- 6. In Part 1A (installation of domestic microgeneration equipment)—
  - (a) in class 6D (the installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse or building containing a flat), after “pump” insert “and any associated pipes or apparatus”,
  - (b) in class 6E (the installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse or building containing a flat), after “pump” insert “and any associated pipes or apparatus”,
  - (c) for class 6G (the installation, alteration or replacement of a free standing wind turbine within the curtilage of a dwelling) substitute—

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(3) Issue 1.3 dated 19 June 2019 available at <https://mcs-certified.com/wp-content/uploads/2021/10/MCS-020.pdf>.

(4) See Command Paper 9424.

**“Class 6G**

- (1) The installation, alteration or replacement of a free standing wind turbine within the curtilage of a dwelling.
- (2) Development is not permitted by this class—
  - (a) if it would result in the presence within the curtilage of a dwelling of more than one free standing wind turbine,
  - (b) if the wind turbine would be situated a distance which is less than 110% of the blade tip height of the turbine from the curtilage of another dwelling,
  - (c) if the blade tip height of the wind turbine would exceed 15 metres,
  - (d) if the lowest part of the wind turbine blade tip would be less than 5 metres from ground level,
  - (e) within—
    - (i) a conservation area,
    - (ii) the curtilage of a listed building,
    - (iii) a World Heritage Site,
    - (iv) a site of special scientific interest,
    - (v) a site of archaeological interest.
- (3) Development 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 will be required in respect of the siting, design, size and external appearance of the proposed wind turbine,
  - (b) the application is to be accompanied by—
    - (i) a written description of the proposed development, including details of the siting, design, size and external appearance of the proposed wind turbine, and
    - (ii) a plan indicating the site,
  - (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 prior approval in respect of the siting, design, size and external appearance of the proposed wind turbine 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 of their determination that such approval is required, or
    - (iii) where the planning authority gives the applicant notice within a period of 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval,
  - (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,
- (e) the development is to be carried out within a period of three years from the date on which all approvals required in accordance with this paragraph have been given,
- (f) the wind turbine must comply with MCS Planning Standards for wind turbines or equivalent standards,
- (g) the wind turbine (including the blades) must be constructed and maintained in a uniform external finish and colour and be free from external rust, staining or discolouration,
- (h) if the wind turbine is no longer needed for, or capable of, the generation of electricity it must be removed as soon as reasonably practicable.”,
- (d) in Class 6H—
  - (i) in paragraph (3)(c) after “Standards” insert “for air source heat pumps”,
  - (ii) omit paragraph (4),
- (e) after Class 6H insert—

**“Class 6HA**

- (1) The installation, alteration or replacement of solar PV or solar thermal equipment on a dwelling.
- (2) Development is not permitted by this class if—
  - (a) it would protrude more than 1 metre from the outer surface of an external wall, roof plane, roof ridge or chimney of the dwelling,
  - (b) the dwelling is situated in a conservation area and the solar PV or solar thermal equipment would be located on—
    - (i) the principal elevation, or
    - (ii) a side elevation where that elevation fronts a road,
  - (c) the dwelling is —
    - (i) a listed building or is within the curtilage of a listed building,
    - (ii) within a World Heritage Site.
- (3) Development is permitted by this class subject to the condition that solar PV or solar thermal equipment which is no longer needed for, or capable of, the generation of electricity or the production of heat, as the case may be, must be removed as soon as reasonably practicable.

**Class 6HB**

- (1) The installation, alteration or replacement of solar PV or solar thermal equipment on a building situated within the curtilage of a dwelling.
- (2) Development is not permitted by this class if—
  - (a) it would protrude more than 500 millimetres from the outer surface of an external wall, roof plane, roof ridge or chimney of the building,
  - (b) the building is situated in the front curtilage of the dwelling,
  - (c) the building is—
    - (i) a listed building or within the curtilage of a listed building,
    - (ii) within a World Heritage Site,

(d) it would be development described in class 6HA(1).

(3) Development is permitted by this class subject to the condition that solar PV or solar thermal equipment which is no longer needed for, or capable of, the generation of electricity or the production of heat, as the case may be, must be removed as soon as reasonably practicable.

(4) In this class “front curtilage” means that part of the curtilage of the dwelling forward of the principal elevation of the dwelling.

#### **Class 6HC**

(1) The installation, alteration or replacement of a wind turbine on a detached dwellinghouse.

(2) Development is not permitted by this class—

- (a) if it would result in the presence on the same dwellinghouse of more than one wind turbine,
- (b) if any part of the wind turbine would protrude more than 3 metres above the highest part of the roof (excluding any chimney) of the dwellinghouse,
- (c) if any part of the wind turbine would be less than 5 metres from ground level,
- (d) if the swept area of the turbine would be more than 4 square metres,
- (e) if any part of the wind turbine would be less than 5 metres from the boundary of the curtilage of the dwellinghouse,
- (f) in the case of a dwellinghouse—
  - (i) in a conservation area,
  - (ii) in a World Heritage Site,
  - (iii) in a site of special scientific interest,
  - (iv) which is a listed building or is in the curtilage of a listed building.

(3) Development is permitted by this class subject to the following conditions—

- (a) the wind turbine must comply with MCS Planning Standards for wind turbines or equivalent standards,
- (b) the wind turbine must be constructed and maintained in a uniform external finish and colour and be free from advertisements, external rust, staining or discolouration, and
- (c) if the wind turbine is no longer needed for, or capable of, generating electricity it must be removed as soon as reasonably practicable.”,

(f) in the interpretation section of Part 1A—

(i) after the definition of “microgeneration” insert—

““principal elevation” means the elevation of the building which by virtue of its design or setting, or both, is the principal elevation,

“rear elevation” means the elevation of the building that is opposite its principal elevation,

“side elevation” means the elevation of the building linking the principal elevation with the rear elevation,

“solar PV” means solar photovoltaics,”

(ii) omit the definition of “World Heritage Site”.

## Amendment of Part 1B of schedule 1

7. In Part 1B (installation of non-domestic microgeneration equipment)—
- (a) in the heading of Part 1B after “microgeneration” insert “and generation”,
  - (b) in class 6I (the installation, alteration or replacement of underground pipes within the curtilage of a non-domestic building)—
    - (i) for paragraph (1) substitute—
      - “(1) The installation, alteration or replacement of a ground source heat pump or a water source heat pump, and any associated equipment and underground pipes, within the curtilage of a non-domestic building.”,
    - (ii) omit paragraphs (4) and (6).
  - (c) for class 6J (the installation, alteration or replacement of solar PV or solar thermal equipment on a non-domestic building) substitute—

### “Class 6J

- (1) The installation, alteration or replacement of solar PV or solar thermal equipment on a non-domestic building.
- (2) Development is not permitted by this class—
  - (a) if any part of the solar PV or solar thermal equipment installed would protrude more than 1 metre from the surface of the building,
  - (b) if the building is situated in a conservation area and the solar PV or solar thermal equipment would be located on—
    - (i) the principal elevation, or
    - (ii) a side elevation where that elevation fronts a road,
  - (c) on a listed building or within the curtilage of a listed building,
  - (d) within 3 kilometres of an aerodrome or technical site,
  - (e) within—
    - (i) a national scenic area,
    - (ii) a historic garden or designed landscape,
    - (iii) a National Park,
    - (iv) World Heritage Site.
- (3) Development is permitted by this class subject to the condition that solar PV or solar thermal equipment which is no longer needed for, or capable of, the generation of electricity or the production of heat, as the case may be, must be removed as soon as reasonably practicable.”,
- (d) after class 6M (the extension or alteration of an industrial building or a warehouse) insert—

### “Class 6N

- (1) The installation, alteration or replacement of free standing solar PV or free standing solar thermal equipment within the curtilage of a non-domestic building.
- (2) Development is not permitted by this class—
  - (a) if the cumulative surface area of the solar PV or solar thermal equipment within the curtilage of the building would exceed 12 square metres,
  - (b) within a conservation area if any part of that development would be in the front curtilage of the building,
  - (c) within—

- (i) a national scenic area,
  - (ii) 3 kilometres of an aerodrome or technical site,
  - (iii) the curtilage of a listed building,
  - (iv) a historic garden or designed landscape,
  - (v) a National Park,
  - (vi) a World Heritage Site,
- (d) it would be development described in class 6J(1).
- (3) Development is permitted by this class subject to the condition that that solar PV or solar thermal equipment which is no longer needed for, or capable of, the generation of electricity or the production of heat, as the case may be, must be removed as soon as reasonably practicable.
- (4) In this class “front curtilage” means that part of the curtilage of the building forward of the principal elevation of the building.”,
- (e) in the interpretation section of Part 1B—
- (i) after the definition of “dwelling” insert—
    - ““free standing solar PV” means solar PV which is not installed on a building,
    - “free standing solar thermal equipment” means solar thermal equipment which is not installed on a building.”,
  - (ii) after the definition of “non-domestic building” insert—
    - ““principal elevation” means the elevation of the building which by virtue of its design or setting, or both, is the principal elevation,
    - “rear elevation” means the elevation of the building that is opposite its principal elevation,
    - “side elevation” means the elevation of the building linking the principal elevation with the rear elevation.”.

#### **Amendment of Part 2 of schedule 1**

**8.** After class 7 (the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosures) insert—

##### **“Class 7A**

- (1) Any alteration or replacement of an existing window<sup>(5)</sup>.
- (2) Development is not permitted by this class within a World Heritage Site.
- (3) Paragraph (4) applies to development to alter or replace a window in a conservation area where—
  - (a) the window is part of—
    - (i) the principal elevation, or
    - (ii) a side elevation where that elevation fronts a road, and
  - (b) the window as altered or replaced would not be the same, or substantially the same, as the window to be altered or replaced in the following respects—
    - (i) the manner in which the window is opened and closed,

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(5) In terms of section 26(2)(a) of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”) should the works to alter or replace an existing window only affect the interior of the building or would not materially affect the external appearance of the building those works would not for the purposes of the 1997 Act be taken to involve development.

- (ii) the number, orientation and colour of the panes comprised in the window,
  - (iii) the dimensions and colour of the frame of the window or any astragal bars comprised in the window.
- (4) Development to which this paragraph applies 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 will be required in respect of the design and external appearance of the proposed alteration to or replacement window,
  - (b) the application is to be accompanied by a written description of the proposed development, the materials to be used and a plan indicating the site together with 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 such prior approval is not required,
    - (ii) where the planning authority gives the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval,
    - (iii) the expiry of 28 days following the date on which the application was received by the planning authority without the planning authority making any determination as to whether such approval is required or notifying the applicant of their determination,
  - (d) the development must, except to the extent that the planning authority otherwise agree in writing, be carried out—
    - (i) where prior approval is required, in accordance with the details approved, or
    - (ii) where prior approval is not required, in accordance with the details submitted with the application, and
  - (e) the development is to be carried out—
    - (i) where approval has been given by the planning authority, within a period of 3 years from the date on which approval was given,
    - (ii) in any other case, within a period of 3 years from the date on which the planning authority were given the information referred to in paragraph (3)(b).
- (5) In this class—
- “principal elevation” means the elevation of the building which by virtue of its design or setting, or both, is the principal elevation,
- “rear elevation” means the elevation of the building that is opposite its principal elevation,
- “side elevation” means the elevation of the building linking the principal elevation with the rear elevation.”.

#### **Amendment of Part 2A of schedule 1**

**9.** In class 9A (the extension or alteration of a shop or financial or professional services establishment)—

- (a) in paragraph (2) omit “or” at the end of sub-paragraph (f) and after sub-paragraph (g) insert—



- “(h) it would be development described in class 7A(1)”,
- (b) in paragraph (5) omit the definition of “World Heritage Site” and “and” immediately preceding it.

#### **Amendment of Part 2B of schedule 1**

**10.** In class 9C (the extension or alteration of a school, college, university or hospital building or nursing or care home)—

- (a) in paragraph (2) omit “or” at the end of sub-paragraph (h) and after sub-paragraph (i) insert—
  - “(j) it would be development described in class 7A(1)”,
- (b) in paragraph (4)(b) omit the definition of “World Heritage Site”.

#### **Amendment of Part 2C of schedule 1**

**11.** In class 9D (the extension or alteration of an office building)—

- (a) in paragraph (2) omit “or” at the end of sub-paragraph (d) and after subparagraph (e) insert—
  - “(f) it would be development described in class 7A(1)”,
- (b) in paragraph (4)(b) omit the definition of “World Heritage Site” and “and” which immediately precedes it.

#### **Amendment of Part 2F of schedule 1**

**12.** In class 9H (the installation, alteration or replacement of a reverse vending machine in a wall of a shop or within the curtilage of a shop) in paragraph (4) omit the definition of “World Heritage Site” and “and” which immediately precedes it.

#### **Amendment of Part 2G of schedule 1**

**13.** In the interpretation section of Part 2G (pedal cycle storage) omit the definition of “World Heritage Site”.

#### **Amendment of Part 2I of schedule 1**

**14.** In Part 2I (solar canopies, battery storage and equipment housing for recharging vehicles) for class 9M substitute—

##### **“Class 9M**

- (1) The installation, alteration or replacement—
  - (a) within a qualifying parking area of—
    - (i) a solar canopy,
    - (ii) equipment (including equipment housing) necessary for operation of the solar canopy,
  - (b) within a qualifying parking area of—
    - (i) battery storage which is wholly or primarily associated with the operation of a solar canopy permitted under this class,
    - (ii) equipment (including equipment housing) necessary for operation of the battery storage.

### *Limitations*

- (2) Development is not permitted by paragraph (1)(a) or (b) of this class—
- (a) if the development would—
    - (i) be within 5 metres of a road,
    - (ii) be within the curtilage of a dwellinghouse, or a building containing one or more flats,
    - (iii) be within 10 metres of the curtilage of a dwellinghouse or a building containing one or more flats,
    - (iv) be within 3 kilometres of the perimeter of an aerodrome or technical site,
  - (b) if any part of the development would exceed 4 metres in height from the level of the surface used for the parking of vehicles or if part of the development (other than a solar canopy) would exceed 3 metres in height from the level of the surface used for the parking of vehicles,
  - (c) if any battery storage unit or piece of equipment (including equipment housing but excluding a solar canopy or cabling) would exceed 29 cubic metres in size,
  - (d) in the case of development falling within paragraph (1)(b), if the combined size of all battery storage units and all pieces of equipment (including equipment housing but excluding cabling) would exceed 58 cubic metres in size,
  - (e) within—
    - (i) a site of archaeological interest,
    - (ii) a national scenic area,
    - (iii) a historic garden or designed landscape,
    - (iv) a historic battlefield,
    - (v) a conservation area
    - (vi) a National Park,
    - (vii) a World Heritage Site,
    - (viii) the curtilage of a listed building,
  - (f) if the development would take place—
    - (i) on the roof of a building, or
    - (ii) on the top level of an open top multi-storey car park.

### *Conditions*

- (3) Development is permitted by this class subject to the following conditions—
- (a) if the development is no longer needed for the generation of electricity—
    - (i) the development must be removed as soon as reasonably practicable, and
    - (ii) the land on which the development was mounted or into which the development was set must be reinstated—
      - (aa) as soon as reasonably practicable, and so far as reasonably practicable, to its condition before that development was carried out, or
      - (bb) in accordance with a restoration plan agreed in writing with the planning authority,
  - (b) any lighting or illumination forming part of the development—
    - (i) is directed towards the surface used for the parking of vehicles, and

(ii) only illuminates the immediate area of the development.

(4) Development to which paragraph (1)(b) applies 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 will be required in respect of the design and siting of the battery storage or equipment,
- (b) the application is to be accompanied by—
  - (i) a description of the proposed development,
  - (ii) a plan or plans indicating the location of the site of the proposed development and location of the proposed development within the site,
  - (iii) 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 such prior approval is not required,
  - (ii) where the planning authority gives the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval,
  - (iii) the expiry of 28 days following the date on which the application was received by the planning authority without the planning authority making any determination as to whether such approval is required or notifying the applicant of their determination,
- (d) the development must, except to the extent that the planning authority otherwise agree in writing, be carried out—
  - (i) where prior approval is required, in accordance with the details approved, or
  - (ii) where prior approval is not required, in accordance with the details submitted with the application, and
- (e) the development is to be carried out—
  - (i) where approval has been given by the planning authority, within a period of 3 years from the date on which approval was given,
  - (ii) in any other case, within a period of 3 years from the date on which the planning authority were given the information referred to in paragraph (4)(b).

#### *Interpretation*

(5) In this class—

“battery storage” means equipment and apparatus for the storage of energy which is converted from electricity and is stored for the purpose of its future reconversion into electricity,

“qualifying canopy structure” means a canopy structure which supports solar photovoltaics and which—

- (a) is open on one or more sides, and
- (b) is designed to allow one or more vehicles to be parked underneath it,

“qualifying parking area” means an area—

- (a) which has as its primary use the lawful off-street parking of vehicles, and

- (b) where vehicles are parked on a hard surface,  
“solar canopy” means solar photovoltaics supported by a qualifying canopy structure and the qualifying canopy structure and connecting cabling,  
“technical site” means—
- (a) any area within which is sited or is proposed to be sited equipment operated by or on behalf of NATS Holdings Limited, any of its subsidiaries or such other person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000 for the provision of air traffic services, particulars of which have been furnished by the Scottish Ministers or the Civil Aviation Authority to the planning authority or authorities for the area in which it is situated, or
- (b) any area within which is sited or is proposed to be sited equipment operated by or on behalf of the Secretary of State for Defence for the provision of air traffic services, particulars of which have been furnished by the Secretary of State for Defence to the planning authority or authorities for the area in which it is situated.”.

#### **Amendment of Part 6 of schedule 1**

**15.** In the interpretation section of Part 6 (agricultural buildings and operations) omit the definition of “World Heritage Site”.

#### **Amendment of Part 8 of schedule 1**

**16.** In the interpretation section of Part 8 (industrial and warehouse development) omit the definition of “World Heritage Site”.

#### **Amendment of Part 13 of schedule 1**

**17.—(1)** Class 40 (electricity undertakings) is amended in accordance with this regulation.

(2) In paragraph (1)—

- (a) for “statutory undertakers for the generation, transmission or supply of electricity” substitute “an electricity undertaker”,
- (b) in sub-paragraph (b) omit “or replacement” in both places it appears,
- (c) after sub-paragraph (b) insert—
- “(ba) the replacement of any electronic communications line which connects any part of an electric line to any electrical plant or building, and the replacement of any support for any such line,”,
- (d) for sub-paragraph (c) substitute—
- “(c) the carrying out of works for the purpose of survey or investigation and the installation of any plant or machinery reasonably necessary in connection with such works,”,
- (e) after sub-paragraph (c) insert—
- “(ca) the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure,”.

(3) In paragraph (2)—

- (a) omit “or” at the end of sub-paragraph (a)(i),
- (b) in sub-paragraph (a)(ii) for “29” substitute “45”,
- (c) after sub-paragraph (a)(ii) insert—

- “(iii) it would consist of, or include, the installation or replacement of a chamber for housing apparatus which would exceed 3 metres in height, or
- (iv) it would consist of, or include, the installation or replacement of a chamber for housing apparatus which would exceed 29 cubic metres in capacity and would be located—
  - (aa) within 5 metres of a dwelling,
  - (bb) in a national scenic area,
  - (cc) in a National Park,
  - (dd) in a conservation area,
  - (ee) in a historic garden or designed landscape,
  - (ff) in a historic battlefield,
  - (gg) in the curtilage of a listed building,
  - (hh) in the site of a scheduled monument,
  - (ii) in a World Heritage Site.”,
- (d) after sub-paragraph (b) insert—
  - “(ba) in the case of any development referred to in sub-paragraph (ca) if—
    - (i) the height of any gate, fence, wall or other means of enclosure to be erected or constructed would exceed 3 metres above ground level, or
    - (ii) the height of any existing gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or 3 metres above ground level.”.
- (4) In paragraph (3)—
  - (a) after sub-paragraph (b) insert—
    - “(ba) in the case of any development referred to in paragraph (1)(ba)—
      - (i) the dimensions of the support for any electronic communications line are the same, or smaller than, the dimensions of the support being replaced,
      - (ii) the electronic communications line and any support for such line are in the same, or substantially the same, location as the those being replaced, and
      - (iii) no more electronic communications lines or supports for any such line are present than were present before the replacement.”,
    - (b) in sub-paragraph (d) after “paragraph (1)(e)” insert “which would exceed 3 metres in height”.
- (5) Omit paragraph (4).
- (6) In paragraph (5) after the definition of “electrical plant” omit “and” and insert—
  - ““electricity undertaker” means the holder of a licence under section 6 of the Electricity Act 1989(6),”.

#### **Amendment of Part 20 of schedule 1**

**18.** In Part 20 (development by electronic communications code operators), in class 67 in paragraph (24)(a) omit the definition of “World Heritage Site”.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
26th March 2024

*JOE FITZPATRICK*  
Authorised to sign by the Scottish Ministers

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## 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(a) amends the interpretation provisions of the 1992 Order and together with articles 4(b), 5(b), 6(f)(ii), 9(b), 10(b), 11(b), 13, 15, 16 and 18 provides for a single definition of “World Heritage Site”.

Articles 4 and 5 amend Part 1 and Part 1ZA of schedule 1 of the 1992 Order in consequence of other changes made by the Order to ensure that, where particular provision is made in respect of the grant of permitted development rights for specified development, the development is excluded from the more general classes of development to which classes 2B, 3B and 4A apply.

Article 6 amends Part 1A of schedule 1 of the 1992 Order in relation to the installation of domestic microgeneration equipment. Article 6 amends the 1992 Order to replace the existing class 6G and to introduce new classes 6HA, 6HB and 6HC and makes consequential changes to the interpretation section of Part 1A.

Article 7 amends Part 1B of schedule 1 of the 1992 Order in relation to the installation of generation equipment on and within the curtilage of non-domestic buildings. It amends the 1992 Order to replace the existing class 6J and to introduce new class 6N and makes consequential changes to the interpretation section of Part 1B.

Article 8 amends Part 2 of schedule 1 of the 1992 Order to include a new class 7A which provides permitted development rights for the alteration or replacement of existing windows. Articles 9(a) and 10(a) make consequential amendment to class 9C and class 9D to exclude such development from class 9C and class 9D.

Article 14 amends Part 2I of schedule 1 of the 1992 Order to replace class 9M in respect of the grant of permitted development rights for solar canopies and related battery storage equipment.

Article 17 amends class 40 in Part 13 of schedule 1 of the 1992 Order in respect of the grant of permitted development rights for development by statutory undertakers who are licence holders under the Electricity Act 1989 for the purpose of their undertaking.

A Business and Regulatory Impact Assessment has been prepared for these Regulations and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Planning, Architecture and Regeneration Division, Victoria Quay, Edinburgh EH6 6QQ.