
STATUTORY INSTRUMENTS

1997 No. 749 (S.72)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (General Development Procedure) (Scotland) Amendment Order 1997

<i>Made</i>	- - - -	<i>5th March 1997</i>
<i>Laid before Parliament</i>		<i>19th March 1997</i>
<i>Coming into force</i>	- -	<i>9th April 1997</i>

The Secretary of State, in exercise of the powers conferred on him by section 28(1)(c) and 273(3) of the Town and Country Planning (Scotland) Act 1972(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Town and Country Planning (General Development Procedure) (Scotland) Amendment Order 1997 and shall come into force on 9th April 1997.

(2) In this Order “the 1992 Order” means the Town and Country Planning (General Development Procedure) (Scotland) Order 1992(2).

Amendment of interpretation article

2. In article 2(1) of the 1992 Order (interpretation)—

(a) after the definition of “local advertisement”(3) insert—

““motorway” means any road to which the Motorways Traffic (Scotland) Regulations 1995(4) apply by virtue of regulation 3 thereof(5);”;

(b) after the definition of “outline planning permission” insert—

““playing field” means an area of land extending to not less than 0.4 hectares used for any sport which is played on a pitch and may also include any adjoining land used for tennis courts, bowling greens and athletics tracks;”.

(1) 1972 c. 52; section 28(1) was relevantly amended by the Local Government (Scotland) Act 1973 (c. 65), section 172(2) and the Planning and Compensation Act 1991 (c. 34), Schedule 13, paragraph 7(a).
(2) S.I.1992/224, amended by S.I. 1992/2083, 1993/1039, 1994/2585 and 3293 and 1996/467.
(3) Inserted by S.I. 1994/3293.
(4) S.I. 1995/2507, amended by S.I. 1995/3070 and 1996/2664.
(5) Regulation 3 was amended by S.I. 1996/2664.

3.—(1) In article 15(1) of the 1992 Order (consultations before grant of planning permission) insert—

(a) after sub-paragraph (j)(ii)—

“(iiA) development for the purpose of creating a motorway service area or new development within the boundary of such an area;

(iiB) development of land within 400 metres of the boundary of any motorway for the purpose of providing such services as refreshments, fuel or parking;

(iiC) development of an area of land exceeding 2 hectares situated within one kilometre of a motorway junction for the purpose of providing fuel and refreshments;”;

(b) after sub-paragraph (n)(6)—

“(o) the Scottish Sports Council where the development—

(i) is likely to prejudice the existing use of any land as a playing field;

(ii) is likely to result in the loss of land as a playing field; or

(iii) is likely to prevent the use of land, which was last used as a playing field, from being used again for that purpose.”.

(2) Paragraph (1) of this article shall not apply in relation to applications for planning permission made before the date on which this Order comes into force.

4. In article 23 of the 1992 Order (appeals)—

(a) in paragraph (1)(a)—

(i) delete the words “or of a regional planning authority”; and

(ii) after the words “the General Permitted Development Order”(7) insert “refusing any consent, agreement or approval required by a condition imposed on a grant of planning permission”;

(b) in paragraph (1)(c) delete the words “or of a regional planning authority”;

(c) delete paragraph (2)(c); and

(d) in paragraph (3) delete the words “or to the regional planning authority as the case may be”.

St Andrew’s House,
Edinburgh
5th March 1997

George Kynoch
Parliamentary Under Secretary of State, Scottish
Office

(6) Inserted by S.I. 1996/467.

(7) Inserted by S.I. 1994/3293.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Development Procedure) (Scotland) Order 1992. The main changes are—

- (a) article 15 (consultations before grant of planning permission) is amended to—
 - (i) require the Secretary of State to be consulted about development for the purpose of creating a motorway service area or a new development within the boundary of such an area and also similar types of development situated within specified distances of a motorway;
 - (ii) require the Scottish Sports Council to be consulted about development likely to prejudice the use of land as a playing field or likely to lead to loss of land as a playing field;
- (b) article 23 (appeals) is amended—
 - (i) so that it now applies to appeals against refusal of any consent, agreement or approval of a planning authority required by a condition imposed on a grant of planning permission;
 - (ii) consequential on the abolition of regional planning authorities as a result of local government re-organisation, by deletion of references to appeals against a decision made by a regional planning authority or against the failure of a regional planning authority to give notice of their decision.