



Planning (Scotland) Act 2019

2019 asp 13

PART 3

DEVELOPMENT MANAGEMENT

Conditional grant of planning permission: provision of toilet facilities within certain large developments

26 Conditional grant of planning permission: provision of toilet facilities within certain large developments

- (1) The Town and Country Planning (Scotland) Act 1997 is amended as follows.
- (2) After section 41A insert—

“41B Conditional grant of planning permission: provision of toilet facilities within certain large developments

- (1) Without prejudice to the generality of section 41(1), a planning authority may grant planning permission for a development that falls within subsection (2) only on condition that the development includes at least one toilet facility described in subsection (3).
- (2) A development that is the subject of an application for planning permission falls within this subsection if it is for the construction of a building, structure or other erection for use for any of the following purposes—
 - (a) as a school, college or university,
 - (b) as a community centre, sports and leisure centre, or similar public building,
 - (c) as a hospital or other facility for the provision of health services,
 - (d) as a retail outlet the gross floor space of which is or exceeds 10,000 square metres,
 - (e) as a cultural centre, such as a museum, concert hall or art gallery,
 - (f) as a stadium or large auditorium,
 - (g) as a major transport terminus or interchange,

Changes to legislation: Planning (Scotland) Act 2019, Section 26 is up to date with all changes known to be in force on or before 03 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (h) as a motorway service facility.
- (3) The toilet facility mentioned in subsection (1) is an accessible public facility which—
 - (a) has sufficient space, being not less than 12 square metres, to allow up to two carers to assist an adult to use the toilet and the equipment mentioned in paragraph (c),
 - (b) has a centrally-placed toilet with sufficient space, being not less than 1 metre, from the wall on either side for carers to assist an adult to use the toilet,
 - (c) includes—
 - (i) a height-adjustable changing bench of a size suitable for an adult,
 - (ii) a tracking hoist able to cover the full floor area of the facility,
 - (d) is equipped with—
 - (i) a non-slip floor surface,
 - (ii) a screen or curtain,
 - (iii) a supply of hygienic disposable covering for the changing bench,
 - (iv) suitable waste disposal facilities,
 - (v) a shelf suitable for temporary placing of colostomy bags and related equipment.
- (4) The Scottish Ministers may by regulations—
 - (a) amend subsection (2) so as—
 - (i) to add, amend or remove a purpose, or
 - (ii) to describe other types of development that fall within subsection (2), (whether or not by reference to the development's use for a particular purpose) and to amend or remove such types,
 - (b) specify that the requirement in subsection (1) does not apply—
 - (i) to a particular building, structure or erection,
 - (ii) to such descriptions of buildings, structures or erections as may be prescribed, or
 - (iii) in such circumstances as may be prescribed,
 - (c) amend the description of toilet facility in subsection (3).”.

Commencement Information

- I1** S. 26 in force at 1.12.2019 for specified purposes by S.S.I. 2019/385, reg. 2, sch.
- I2** S. 26 in force at 18.5.2020 for specified purposes by S.S.I. 2020/67, reg. 2 (with reg. 3)

Changes to legislation:

Planning (Scotland) Act 2019, Section 26 is up to date with all changes known to be in force on or before 03 October 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.S.I. 2019/377, reg. 9 by [S.S.I. 2019/411 reg. 2](#)
- specified provision(s) amendment to earlier commencing S.S.I. 2021/101, regs. 3, 4 by [S.S.I. 2021/291 reg. 2](#)