
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 411

TOWN AND COUNTRY PLANNING

The Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment (No. 2) Order 2021

<i>Made</i>	- - - -	<i>10th November 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>12th November 2021</i>
<i>Coming into force</i>	- -	<i>30th December 2021</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 sections 98 and 122(3) of the Planning and Compulsory Purchase Act 2004⁽²⁾ 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) (Coronavirus) (Scotland) Amendment (No. 2) Order 2021 and comes into force on 30 December 2021.

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

2.—(1) The Town and Country Planning (General Permitted Development) (Scotland) Order 1992⁽³⁾ is amended in accordance with paragraph (2).

(2) In schedule 1 (permitted development)—

- (a) in class 72C (development by local authorities and health service bodies) in paragraph (3) (b) for “31 December 2021” substitute “30 June 2022”,
- (b) in class 72D (development by the Crown relating to a pandemic) in paragraph (3)(b) for “18” substitute “24”.

(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). 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) 2004 c. 5.

(3) S.I. 1992/223 which has been relevantly amended by S.I. 2020/129, S.I. 2020/366 and S.I. 2021/29.

Status: This is the original version (as it was originally made).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

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

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

(2) In the schedule in class 91 (emergency development by the Crown) in paragraph (3A)(a) for “18” substitute “24”.

St Andrew’s House,
Edinburgh
10th November 2021

TOM ARTHUR
Authorised to sign by the Scottish Ministers

⁽⁴⁾ [S.S.I. 2006/270](#) which has been relevantly amended by [S.S.I. 2021/29](#).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. Article 2 amends Class 72C. This Class was inserted by the Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment Order 2020. Class 72C allows local authorities and certain health service bodies to carry out development for the purposes of—

- a) preventing an emergency,
- b) reducing, controlling or mitigating the effects of an emergency, or
- c) taking other action in connection with an emergency.

For these purposes, an emergency is an event or situation which threatens serious damage to human welfare in a place in the United Kingdom.

The development permitted is subject to conditions which are set out in paragraph (3) of Class 72C. These conditions currently include a requirement that any use of the land for the purposes of Class 72C ceases on or before 31 December 2021. This Order amends that condition so that the requirement will be that any use of the land for the purposes of Class 72C ceases on or before 30 June 2022.

Article 2 also amends class 72D which was inserted by the Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment Order 2021 and which provides permitted development rights for temporary development by the Crown in relation to the prevention, control and mitigation of a pandemic. Article 2 extends the duration of planning permission under class 72D from 18 months to 24 months.

Article 3 amends the Town and Country Planning (Application of Subordinate Legislation to the Crown) (Scotland) Order 2006 to extend the duration of planning permission under class 91 from 18 months to 24 months where temporary development relates to the prevention, control or mitigation of a pandemic.