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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 35**

The Town and Country Planning (General  
Permitted Development and Use Classes)  
(Scotland) Miscellaneous Amendment Order 2023

Part 2

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

**Amendment of Part 13 of schedule 1**

**12.** In Part 13 (development by statutory undertakers) in class 35 (dock, pier, harbour, water transport, canal or inland navigation undertakings)—

(a) in paragraph (1)—

(i) for “Development” substitute “The carrying out of development”

(ii) for “undertakers or their lessees” substitute “undertakers, or their lessees or agents”,

(iii) at the end of sub-paragraph (a) omit “or”,

(iv) after sub-paragraph (b) insert—

“(c) in connection with the provision of services and facilities.”

(b) in paragraph (2)—

(i) at the end of sub-paragraph (b)(i) omit “or”,

(ii) after sub-paragraph (b)(ii) insert—

“(iii) where development falls with paragraph (1)(c)—

(aa) the erection of a building other than an operational building, or

(bb) the alteration or reconstruction of a building other than an operational building where its design or external appearance would be materially affected.”,

(c) after paragraph (2) insert—

“(2A) Development is permitted by this class subject to the condition that notice of the development is given to the planning authority before any development is carried out unless that development—

(a) is urgently required for the efficient running of the dock, pier, harbour, water transport, canal or inland navigation undertaking, and

(b) consists of the carrying out of works, or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building or equipment do not exceed 4 metres in height or 200 cubic metres in capacity.”.