
STATUTORY INSTRUMENTS

1985 No. 2007 (S.151)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (General Development)
(Scotland) Amendment (No. 2) Order 1985

<i>Made - - - -</i>	18th December 1985
<i>Laid before Parliament</i>	20th December 1985
<i>Coming into Operation</i>	1st March 1986

In exercise of the powers conferred on me by sections 21 and 273(3) of the Town and Country Planning (Scotland) Act 1972(a) and of all other powers enabling me in that behalf, I hereby make the following order:—

1.—(1) This order may be cited as the Town and Country Planning (General Development) (Scotland) Amendment (No. 2) Order 1985, and shall be included among the orders which may be cited together as the Town and Country Planning (General Development) (Scotland) Orders 1981 to 1985(b).

(2) This order shall come into operation on 1st March 1986.

2. The Town and Country Planning (General Development) (Scotland) Order 1981 is hereby amended as follows:—

(1) in article 2(1) for the definition of “aerodrome” there shall be substituted—

“aerodrome” means an aerodrome as defined in Article 96 of the Air Navigation Order 1985(c) which is—

- (a) licensed under that order,
- (b) a Government aerodrome,
- (c) one at which the manufacture, repair or maintenance of aircraft is carried out by a person carrying on business as a manufacturer or repairer of aircraft,
- (d) one used by aircraft engaged in the public transport of passengers or cargo or aerial work, or
- (e) one identified to the Civil Aviation Authority before 1st March 1986 for inclusion in the U.K. Aerodrome Index;

and, for the purposes of this definition, the terms “aerial work”, “Government aerodrome” and “public transport” have the meanings given in Article 96;’

(2) in Article 2(1) the following definitions shall be added:—

“the 1981 Act” means the Town and Country Planning (Minerals) Act 1981(d);

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- (a) 1972 c.52; section 21 was amended by the Local Government (Scotland) Act 1973 (c.65), section 172(2).
 - (b) S.I. 1981/830, 1983/1620, 1984/237, 1985/1014.
 - (c) S.I. 1985/1643.
 - (d) 1981 c.36.

“amusement park” means an enclosed area of open land, or any part of a seaside pier, which is principally used (other than by way of temporary use) as a funfair or otherwise for the purposes of providing public entertainment by means of mechanical amusements and sideshows and where part only of an enclosed area is commonly so used as a funfair or for such public entertainment only the part so used shall be regarded as an amusement park;

“fish pond” means a pond, tank, reservoir, stew or other structure to be used for the keeping of live fish or the cultivation or propagation of shellfish;

“lawfully used” means used otherwise than—

- (a) in contravention of previous planning control; or
- (b) without planning permission granted or deemed to be granted under Part III of the Act;

“site of archaeological interest” means land which is included in the schedule of monuments compiled by the Secretary of State under section 1 of the Ancient Monuments and Archaeological Areas Act 1979(a), or land which before 1st March 1986 has been designated as an area of archaeological importance under section 33 of that Act, or which is within a site included in a Sites and Monuments Record held by any local authority before that date;

“site of special scientific interest” means land subject to a notification under section 28(1) of the Wildlife and Countryside Act 1981(b);

“stockpile” means a mineral-working deposit consisting primarily of minerals which have been deposited for the purposes of their processing or sale;

“warehouse” means a building used as a wholesale warehouse, or repository for any purpose;’.

(3) in Article 4 (Directions restricting permitted development)—

(a) in paragraph (1), after the words “any of the classes of Schedule 1” there shall be inserted the words “(other than classes XXV(2) and XXVI(2))”;

(b) in the proviso in paragraph (2) for the words “only to a listed building or a building ” to the end there shall be substituted—

“to—

(a) a building which is included in a list compiled or approved under section 52 of the Act or in respect of which the Secretary of State has given notice in writing to the authority making the direction that it is a building of architectural or historic interest; or

(b) development within the curtilage of a listed building,

and to no other description of land or development, where the direction does not affect the carrying out of any of the operations referred to in paragraph (8) of this Article.”;

(c) for paragraph (7) there shall be substituted the following paragraph:—

“(7) Any direction made by a planning authority may be cancelled by a subsequent direction by that authority or by a direction made by the Secretary of State and a cancelling direction given by the

(a) 1979 c.46.

(b) 1981 c.69.

authority if it contains no provisions other than the cancellation of the original direction, shall not require the approval of the Secretary of State; and notice of a planning authority's cancelling direction shall be given under paragraphs (3) to (5) of this Article as though it were a direction made under paragraph (1) of this Article.”;

(d) in paragraph (8), for the words from the beginning of the paragraph to “any of the following operations:—” there shall be substituted the following:—

“No direction given or having effect under this Article shall have effect in relation to—

- (i) the carrying out in case of emergency of any development specified in Schedule 1 to this order;
 - (ii) the carrying out of any development under class XXIII, unless the direction specifically so provides; or
 - (iii) the carrying out of any of the following operations by a statutory undertaker, unless the direction specifically so provides:—”.
- (4) the following Article shall be added after Article 4:—

“Directions restricting development under Class XXV(2) or XXVI(2)

4A.—(1) If, on receipt of a notification from any person that he proposes to carry out development within class XXV(2) or XXVI(2) in Schedule 1 to this order, a planning authority are satisfied as mentioned in paragraph (2) below they may, within 21 days of receipt of the notification, direct that the permission granted by Article 3 of this order shall not apply to the development, or to such part of the development as is specified in the direction.

(2) The planning authority may make a direction under this Article if they are satisfied that it is expedient that the development, or any part of the development, should not be carried out unless permission for the development is granted on an application because—

- (a) the land on which the development is to be carried out is within—
 - (i) a national scenic area,
 - (ii) a site of archaeological interest, or
 - (iii) a site of special scientific interest; or
- (b) the development, either taken by itself or taken in conjunction with other development which is already being carried out in the area or in respect of which notification has been given in pursuance of the provisions of class XXV(2) or XXVI(2) of Schedule 1 to this order, would cause serious detriment to the amenity of the area in which it is to be carried out or would adversely affect the setting of a building shown as Category A in the list of buildings of special architectural or historic interest compiled by the Secretary of State under section 52 of the Act; or
- (c) the development would constitute a serious nuisance to the inhabitants of a nearby residential building, hospital or school; or
- (d) the development would endanger aircraft using a nearby aerodrome.

(3) A direction made under this Article shall contain a statement as to the day on which, if it is not disallowed under paragraph (5) below, it will come into force, which shall be 29 days from the date on which notice of it is sent to the Secretary of State in accordance with paragraph (4) below.

(4) As soon as may be a copy of direction under this Article shall be sent by the planning authority to the Secretary of State and to the person who gave notice of the proposal to carry out development.

(5) The Secretary of State may, at any time within a period of 28 days beginning on the day on which the direction is made, disallow the direction; and immediately upon receipt of notice in writing from the Secretary of State that he has disallowed the direction, the planning authority shall give notice in writing to the person who gave notice of the proposal that he is authorised to proceed with the development.”.

(5) in Article 15 after the words “as the case may be such authority and” there shall be added “in the case of an application referred to the Secretary of State” and the words “or such authority” where they twice occur shall cease to have effect.

(6) in Part I of Schedule 1—

(a) in class I (Development within the curtilage of a dwelling-house)—

(i) in paragraph (1), after the words “The enlargement, improvement or other alteration of a dwelling-house” there shall be inserted the words “(other than by the carrying out of operations within paragraph (2A) of this class)”;

(ii) in paragraph (2), after the words “dwelling, stable” there shall be added the words “, satellite antenna”;

(iii) the following paragraph shall be added in column 1 after paragraph (2):—

“(2A)The installation, alteration or replacement of a satellite antenna on a dwelling-house or within the curtilage of a dwelling-house, so long as—

(a) the size of the antenna (excluding any projecting feed element) does not, when measured in any dimension, exceed 90 centimetres;

(b) there is no other satellite antenna installed on the dwelling-house or anywhere else within the curtilage of the dwelling-house;

(c) in the case of an antenna installed on a dwelling-house the highest part of the antenna is not higher than the highest part of the roof of the building on which it is installed;

provided that nothing in this permission is to be construed as authorising in a national scenic area or a conservation area the installation of a satellite antenna in such a position that any part of it, when installed will be beyond the forwardmost part of any wall of the original dwelling-house which fronts on a road.”;

(iv) in column (2) opposite paragraph (2A) there shall be inserted “Standard conditions 1 and 2.”;

(b) in class V (Agricultural buildings, works and uses)—

(i) in paragraph (1)—

- (A) after the words “building or engineering operations” there shall be inserted the words “(other than engineering operations to which paragraph (4) below applies)”; and
- (B) the following conditions shall be substituted in place of the conditions contained in column (2) opposite paragraph (1) in column (1):—
- “(1) Standard conditions 1 and 2.
- (2) In the case of operations which involve the deposit on or under the land of refuse or waste materials no such material shall be brought on to the land from elsewhere.
- (3) Where an operation involves the extraction of any mineral from the land, or from any disused railway embankment on the land, or the removal of any mineral from a mineral-working deposit on or under the land, and no planning permission has been granted (on an application made to the planning authority under Part III of the Act) for the winning and working of that mineral, the mineral shall not be moved off the land.”;
- (ii) the following conditions shall be inserted in column (2) opposite paragraph (3) in column (1):—
- “(1) Standard conditions 1 and 2.
- (2) No minerals extracted during the course of the operations shall be moved to any place outside the land from which they were extracted, except to the land which is held or occupied with that land and is used for agricultural purposes.”;
- (iii) the following paragraph shall be added after paragraph (3):—
- “(4) The carrying out of operations for the construction of fishponds (including the excavation of land and the winning and working of minerals) and other engineering operations on agricultural land used for the purposes of any business of fish farming or of shellfish farming which is registered in a register kept for the purposes of an order made under section 7 of the Diseases of Fish Act 1983^(a) where—
- (a) the area of the site within which the operations are carried out does not exceed 2 hectares;
- (b) no operations are carried out within 25 metres of the metalled portion of a trunk or classified road;
- (c) in a case where the operations involve the winning or working of minerals, they comply with both of the following limitations:—
- (i) that no excavation exceeds a depth of 2.5 metres; and
- (ii) that the area of excavation (taken together with any other excavations carried out on the land within the preceding two years) does not exceed 0.2 hectares.”;
- (iv) In column (2) opposite paragraph (4) in column (1) there shall be inserted “Standard conditions 1 and 2.”;
- (c) in class VII (Development for industrial purposes) the following subparagraphs shall be substituted for subparagraph (iv) of paragraph (1):—

^(a) 1983 c.30.

- “(iv) the extension or alteration of buildings (whether erected before or after 1st July 1948), so long as the height of the original building is not exceeded, the cubic content of the original building (as ascertained by external measurement) is not increased by more than 25 per cent, and its aggregate floor space is not increased by more than 1,000 square metres;”;
- (d) in class XV (Development by statutory undertakers) an additional paragraph shall be added at the end as set out in Part I of the Schedule to this order;
- (e) in class XX (Development by planning authorities) for paragraph (c)(ii) there shall be substituted “development of any of the classes specified in Schedule 2”;
- (f) after class XXIV there shall be added the classes set out in Part II of the Schedule to this order.

George Younger,
One of Her Majesty's
Principal Secretaries of State.

New St Andrew's House,
Edinburgh.
18th December 1985.

SCHEDULE

Articles 2(6)(d) and (f)

PART I

Column (1) Description of Development	Column (2) Conditions
<p>“J. Civil Aviation Authority</p> <p>(1) The carrying out within the perimeter of an aerodrome at which the Civil Aviation Authority provide air traffic control services of development required in connection with the provision of services and facilities which are necessary or desirable either for providing air traffic control services or for assisting the navigation of aircraft using the aerodrome.</p> <p>(2) The carrying out, on any operational land of the Authority which is outside but within 8 kilometres of the perimeter of an aerodrome at which the authority provide air traffic control services, of development required in connection with the provision of services and facilities which are necessary or desirable either for providing such air traffic control services or for assisting the navigation of aircraft using the aerodrome, with the exception of—</p> <p>(a) the erection of buildings to be used for purposes other than housing equipment used in connection with the provision of air traffic control services or in connection with assisting the navigation of aircraft;</p> <p>(b) the erection of any building exceeding a height of 4 metres;</p> <p>(c) the installation or erection, by way of addition or replacement, of any radio mast, radar mast, antenna or other apparatus which exceeds the height of the mast, antenna or apparatus which is being replaced, or a height of 15 metres, whichever is the greater.</p> <p>(3) The carrying out, on land which was operational land of the Authority on 1st March 1986 and remains operational land, of development required in connection with the provision by the Authority of services and facilities necessary or desirable for assisting the navigation of aircraft, except—</p> <p>(a) the erection of buildings to be used for purposes other than housing equipment used in con-</p>	<p>Standard conditions 1 and 2.</p> <p>Standard conditions 1 and 2.</p> <p>Standard conditions 1 and 2.</p>

PART I

Column (1) Description of Development	Column (2) Conditions
<p>nection with assisting the navigation of aircraft;</p> <p>(b) the erection of any building exceeding a height of 4 metres;</p> <p>(c) the installation or erection of any radio mast, radar mast, antenna or other apparatus, save by way of replacement or substitution for an existing mast or antenna or existing apparatus by one which does not exceed the height of the mast, antenna or apparatus which is being replaced, or a height of 15 metres, whichever is the greater.</p>	
<p>(4) The use of land by or on behalf of the Civil Aviation Authority in case of emergency, for a period not exceeding six months, for the stationing of moveable apparatus required for the replacement of unserviceable apparatus.</p>	<p>(1) Standard conditions 1 and 2.</p> <p>(2) On or before the expiry of any period of six months, all such uses shall cease and any apparatus or structure shall be removed, and the land shall be restored to its condition before the development took place.</p>
<p>(5) The use of land by or on behalf of the Civil Aviation Authority, for a period not exceeding six months, for the purpose of providing services and facilities in connection with air traffic control services or assistance in the navigation of aircraft, and the erection or placing of moveable structures on the land for the purposes of such use.</p>	<p>(1) Standard conditions 1 and 2.</p> <p>(2) On or before the expiry of any period of six months, all such uses shall cease and any apparatus or structure shall be removed, and the land shall be restored to its condition before the development took place.</p>
<p>(6) The use of land by or on behalf of the Civil Aviation Authority, for a period not exceeding six months, for the stationing and operation of apparatus in connection with the carrying out of surveys or investigations.</p>	<p>(1) Standard conditions 1 and 2.</p> <p>(2) On or before the expiry of any period of six months, all such</p>

PART I

Column (1) Description of Development	Column (2) Conditions
	uses shall cease and any apparatus or structure shall be removed, and the land shall be restored to its condition before the development took place.

PART II

Class XXV (Mineral exploration)

(1) The carrying out of any of the following operations, namely:—	(1) Standard conditions 1 and 2.
(i) the drilling of boreholes for the purpose of ascertaining the presence, extent or quality of a deposit of a mineral with a view to the exploitation of that mineral;	(2) No operations shall be carried out between the hours of 6 p.m. and 7 a.m.
(ii) operations required for the carrying out of seismic surveys designed for the purpose of ascertaining the presence, extent or quality of a deposit of a mineral with a view to the exploitation of that mineral;	(3) No trees on the land shall be removed, felled, lopped or topped except insofar as the planning authority may otherwise have agreed in writing and no operations shall be carried out (or any other thing done on the land) which is likely to have any detrimental effect on the trees.
(iii) the making of other excavations for the purpose of ascertaining the presence, extent or quality of a deposit of a mineral with a view to the exploitation of that mineral,	(4) Before any operation consisting of an excavation is carried out the topsoil shall be removed from the area of land excavated and shall be stored separately from other excavated material; and the subsoil shall then be removed and stored separately from the other excavated material (including the topsoil).
on any land during a period not exceeding 28 consecutive days, and the erection, assembly or construction on the land, or adjoining land, of buildings, plant or machinery, or other structures, which are required in connection with any of those operations, where—	
(a) no operations are carried out in, on, over or under land which is within 50 metres of any part of an occupied residential building or a building which is occupied and used as a hospital or a school;	(5) Within a 28 day period following the cessation of the operations the following action shall be taken (unless, in any particular case, the planning authority have otherwise agreed in writing):—
(b) no operations are carried out on land which is within a national scenic area or a site of archaeological interest or special scientific interest;	a. all buildings, plant, machinery and other structures and any waste materials, shall be removed from the land;

PART II

Column (1) Description of Development	Column (2) Conditions
<p>(c) in the case of operations carried out under sub-paragraph (ii) above, no explosive charge of more than 1 kilogram is used;</p> <p>(d) in the case of operations carried out under sub-paragraph (iii) above—</p> <p>(i) no excavation made during the carrying out of the operations exceeds 10 metres in depth or 12 square metres in surface area; and</p> <p>(ii) the operations do not result in the making of more than 10 excavations over any period of 24 months within any area of 1 hectare within the land;</p> <p>(e) in the case of the erection, assembly or construction of buildings, plant or machinery or other structures—</p> <p>(i) no such building, plant or machinery or other structure exceeds a height of 12 metres; and</p> <p>(ii) no building, plant or machinery or other structure which exceeds a height of 3 metres is erected, assembled or constructed on any land which is within 3 kilometres of the perimeter of an aerodrome.</p> <p>(2)—1. the carrying out of any of the following operations, namely:—</p> <p>(i) the drilling of boreholes for the purpose of ascertaining the presence, extent or quality of a deposit of a mineral with a view to the exploitation of that mineral;</p>	<p>b. all boreholes shall be adequately sealed or (as the case may be) all other excavations shall be filled in with material from the site; the surface shall be levelled and the top-soil shall be replaced as the uppermost layer; and</p> <p>c. the land shall (so far as it is practicable to do so) be restored to its condition before the development took place (with the carrying out of seeding and replanting so far as may be necessary).</p> <p>(1) Standard conditions 1 and 2.</p> <p>(2) The development shall be carried out in accordance with the details specified in the written notice given to the planning authority, except insofar as the planning authority have otherwise agreed in writing.</p>

PART II

Column (1) Description of Development	Column (2) Conditions
<p>(ii) operations required for the carrying out of seismic surveys designed for the purpose of ascertaining the presence, extent or quality of a deposit of a mineral with a view to the exploitation of that mineral;</p> <p>(iii) the making of other excavations for the purpose of ascertaining the presence, extent or quality of a deposit of a mineral with a view to the exploitation of that mineral;</p> <p>on any land during a period not exceeding 4 months, and the erection, assembly or construction on that land, or on adjoining land, of buildings, plant or machinery or other structures, which are required in connection with any of those operations where—</p> <p>(a) in the case of operations carried out under sub-paragraph (ii) above, no explosive charge of more than 2 kilograms is used;</p> <p>(b) in the case of operations carried out under sub-paragraph (iii) above, no excavation made during the carrying out of the operations exceeds 10 metres in depth or 12 square metres in surface area; and</p> <p>(c) in the case of the erection, assembly or construction of buildings, plant or machinery or other structures, no such building, plant or machinery or other structure exceeds a height of 12 metres,</p>	<p>(3) No trees on the land shall be removed, felled, lopped or topped except insofar as the planning authority may otherwise have agreed in writing, and no operations shall be carried out (or any other thing done on the land) which is likely to have any detrimental effect on the trees.</p> <p>(4) Before any operation consisting of an excavation is carried out, the topsoil shall be removed from the area of land excavated and shall be stored separately from other excavated material; and the subsoil shall then be removed and stored separately from other excavated material (including the topsoil).</p> <p>(5) Within a 28 day period following the cessation of the operations, the following action shall be taken (unless in any particular case, the planning authority have otherwise agreed in writing):—</p> <p>a. all buildings, plant, machinery and other structures and any waste materials, shall be removed from the land;</p> <p>b. all boreholes shall be adequately sealed or (as the case may be) all other excavations shall be filled in with other material from the site; the surface shall be levelled and the topsoil shall be replaced as the uppermost layer; and</p> <p>c. the land shall (so far as it is practicable to do so) be restored to its condition before development took place (with the carrying out of seeding and replanting so far as may be necessary).</p>

PART II

Column (1) Description of Development	Column (2) Conditions
<p>so long as the developer has previously notified the planning authority in writing of his intention to carry out development under this paragraph (specifying the nature of the development), and the relevant period has elapsed.</p> <p>2. The relevant period elapses—</p> <p>(a) where the planning authority do not issue a direction under Article 4A—</p> <p>(i) 28 days after the notification referred to in paragraph 1, above, or</p> <p>(ii) if earlier, on the date on which the planning authority notify the developer in writing that they will not issue such a direction; and</p> <p>(b) where the planning authority issue a direction under Article 4A—</p> <p>(i) 28 days from the date on which notice of it is sent to the Secretary of State, or</p> <p>(ii) if earlier, the date on which the planning authority notify the developer in writing that the Secretary of State has disallowed the direction.</p> <p>Class XXVI (Removal of material from mineral-working deposits)</p> <p>(1) The removal of material of any description from a mineral-working deposit, where material has been extracted from the deposit, otherwise than in breach of planning control, at any time during the period of 12 months immediately preceding the date of the coming into operation of section 19 of the 1981 Act:</p> <p>provided that—</p> <p>(1) this permission does not authorise the carrying out of development after the end of the period of 6 months from the date of the coming into operation of section 19 of the 1981 Act, unless an application has been made, before the end of that period, for planning permission to continue</p>	<p>Standard conditions 1 and 2.</p>

PART II

Column (1) Description of Development	Column (2) Conditions
<p>to remove material from the deposit;</p> <p>(2) where an application for permission to continue to remove material from the deposit has been made before the end of the period described in proviso (1), this permission does not authorise the carrying out of any development after the date when that application is determined by the planning authority or, in the event of an appeal to the Secretary of State, the date when that appeal is finally determined;</p> <p>(3) where an application for permission to continue to remove material from the deposit has been made before the end of the period described in proviso (1), this permission does not authorise the carrying out of any development other than the development described in the application.</p> <p>(2)—1. The removal of material of any description from a stockpile or a mineral-working deposit other than a stockpile which either—</p> <p>(i) covers a ground area not exceeding 2 hectares; or</p> <p>(ii) contains no mineral or other material which was deposited on the land more than 5 years before the date of removal;</p> <p>provided that:</p> <p>(a) this permission does not authorise the removal of material from any stockpile or other mineral-working deposit which derives from the carrying out of any operations permitted under class V;</p>	<p>(1) Standard condition 1 and 2.</p> <p>(2) Where the development consists of the removal of material from a mineral-working deposit which is not a stockpile—</p> <p>(i) it shall be carried out in accordance with the details given in the notice sent to the planning authority in accordance with proviso (b) in column (1), except where the authority have otherwise agreed in writing;</p> <p>(ii) if the planning authority so require, the developer shall submit to them for approval a scheme making provision for the restoration and after-care of the site, such scheme to be submitted within such period as the authority may specify (which shall not be less than 3 months from the date when the requirement is made); and</p>

PART II

Column (1) Description of Development	Column (2) Conditions
<p>(b) no material shall be removed from a mineral-working deposit which is not a stockpile unless the developer has notified the planning authority in writing of his intention to carry out development within this class, specifying the nature of that development, the exact location of the mineral-working deposit from which material, is to be removed, the proposed means of vehicular access to the site at which the development is to be carried out and the earliest date at which any material presently contained in the deposit was deposited on the land, and the relevant period has elapsed.</p> <p>2. The relevant period elapses—</p> <p>(a) where the planning authority do not issue a direction under Article 4A—</p> <p>(i) 28 days after the notification referred to in paragraph (b) of the proviso above, or</p> <p>(ii) if earlier, on the date on which the planning authority notify the developer in writing that they will not issue such a direction; and</p> <p>(b) where the planning authority issue a direction under Article 4A—</p> <p>(i) 28 days from the date on which the notice of it is sent to the Secretary of State, or</p> <p>(ii) if earlier, on the date on which the planning authority notify the developer in writing that the Secretary of State has disallowed the direction.</p>	<p>(iii) where submission of a scheme of restoration and aftercare has been required, the site shall be restored and aftercare shall be carried out in accordance with the provisions of such scheme (as those provisions are approved).</p>
<p>Class XXVII (Warehouses)</p> <p>The extension or alteration of a building (whether erected before or after 1st July 1948) which is lawfully used as a warehouse and which is to be used for that purpose, so long as—</p> <p>(a) the height of the original building is not exceeded;</p>	<p>Standard conditions 1 and 2.</p>

PART II

Column (1) Description of Development	Column (2) Conditions
<p>(b) the cubic content of the original building (as ascertained by external measurement) is not increased by more than 25 per cent, and its aggregate floor space is not increased by more than 1000 square metres;</p> <p>(c) the external appearance of the premises is not materially affected;</p> <p>(d) the development does not result in a decrease in the extent of any existing vehicle parking area or area laid out for turning of vehicles; and</p> <p>(e) no part of such extension or alteration projects beyond the forwardmost part of any wall of the existing building which fronts on a road:</p> <p>provided that the erection on land within the curtilage of an existing warehouse of an additional building to be used in connection with that warehouse shall be treated as an extension of the existing warehouse and, where any two or more existing buildings in the same curtilage are used as one unit for the warehouse purposes, the references in paragraph (b) above to the cubic content and to the aggregate floor space shall be construed as references to the aggregate cubic content and the total floor space (respectively) of those buildings.</p>	
<p>Class XXVIII (Amusement Parks)</p>	
<p>The carrying out of any of the following operations on land (or on a seaside pier) which is lawfully used as an amusement park:—</p>	<p>Standard conditions 1 and 2.</p>
<p>(a) the erection of any booths, stalls, other similar buildings or structures, or the installation of any plant or machinery (which expression in this class includes structures or erections of the nature of plant or machinery) to be used for or in connection with the provision in the amusement park of entertainment or amusement for the public;</p>	

PART II

Column (1) Description of Development	Column (2) Conditions
<p>(b) the extension, alteration or replacement of any plant or machinery, building or other structure so used;</p> <p>so long as—</p> <p>(i) no plant or machinery installed, extended, altered or replaced pursuant to this permission exceeds a height of 25 metres above ground level (or if the land or pier is within 3 kilometres of the perimeter of an aerodrome 25 metres or the height of the highest existing structure, whichever is the lesser), and</p> <p>(ii) no other building or structure erected pursuant to this permission exceeds the height of 5 metres above ground level (or, in the case of an extension to a building or structure, 5 metres or the height of the roof of the existing building or of the structure whichever is the greater),</p> <p>and so long as no such operation is carried out within 25 metres of the curtilage of a dwelling.</p>	

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order which comes into operation on 1st March 1986 amends the Town and Country Planning (General Development) (Scotland) Orders 1981 to 1985 ("the General Development Order"). It includes various minor changes and improvements and four new classes of permitted development.

Article 2(1) of the order substitutes a more restrictive definition of "aerodrome" in the General Development Order. This will affect the application of Classes V and VI in Part I of Schedule 1, as well as the new provisions made in this order.

Article 2(3)(a) to (c) makes various small changes and improvements to Article 4 of the General Development Order. Article 2(3)(d) amends Article 4(8) to preclude the making of a direction under Article 4 in relation to

development under Class XXIII (Development by Telecommunications Code System Operators) unless the direction contains specific provision to that effect.

Article 2(4) adds a new Article 4A to the General Development Order. It provides for a direction to be made withdrawing certain planning permissions granted by Classes XXV(2) (Mineral exploration) and XXVI(2) (Removal of material from mineral-working deposits) by a procedure which is speedier than the procedure under Article 4 of the General Development Order.

Article 2(5) makes minor amendments to Article 15 of the General Development Order (Notice of reference of applications) in the light of the amendments made to section 179 of the Local Government (Scotland) Act 1973 (c.65) by paragraph 24 of Schedule 3 to the Local Government and Planning (Scotland) Act 1982 (c.43) which removed the requirement that a regional planning authority, on directing that an application for planning permission should be referred to them, should afford the applicant an opportunity of appearing before and being heard by a person appointed for the purpose.

Article 2(6)(a) amends Class I in Part I of Schedule 1 to the General Development Order by permitting the installation of 90 centimetre satellite antennas on dwelling-houses and in the curtilage of dwelling-houses. An additional condition is provided in respect of such development in a national scenic area or a conservation area.

Article 2(6)(b) makes changes to Class V in Part I of Schedule 1 to control the use of the Class for mineral extraction and tipping of waste on agricultural land.

Article 2(6)(c) relaxes the limits on the cubic content and floorspace in extensions under Class VII.

A new paragraph J is added by Article 2(6)(d) to Class XV to permit development by the Civil Aviation Authority in relation to the provision of air traffic control services at or near airports.

Article 2(6)(e) makes a minor amendment to Class XX to take account of Schedule 2 to the General Development Order which was inserted by the Town and Country Planning (General Development) (Scotland) Amendment Order 1984 (S.I. 1984/237).

Article 2(6)(f) adds four new Classes to Part I of Schedule 1 to the General Development Order. They are—

- (1) a new class XXV which grants permission for small scale temporary exploration for the purposes of exploiting minerals,
- (2) a new class XXVI which grants permission for the removal of material from stockpiles and from small or temporary mineral-working deposits,
- (3) a new class XXVII which permits the extension of existing warehouses, similar to the permission available in relation to industrial buildings, and
- (4) a new class XXVIII which permits the provision and rearranging of small buildings and equipment within existing amusement parks.

The U.K. Aerodrome Index (Cap 481, edition of 19th April 1986) which will include all aerodromes identified to the Civil Aviation Authority before 1st March 1986, will be published by the Civil Aviation Authority in April 1986. Copies can then be purchased by post from the Civil Aviation Authority, Printing and Publication Services, Greville House, Grattan Road, Cheltenham, Gloucestershire GL50 2BN.

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