
STATUTORY INSTRUMENTS

1990 No. 508 (S.66)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (General Development) (Scotland) Amendment Order 1990

<i>Made</i>	- - - -	<i>6th March 1990</i>
<i>Laid before Parliament</i>		<i>9th March 1990</i>
<i>Coming into Force</i>	- -	<i>31st March 1990</i>

The Secretary of State, in exercise of the powers conferred on him by sections 21, 23, 33 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 and commencement

1.—(1) This Order may be cited as the Town and Country Planning (General Development) (Scotland) Amendment Order 1990 and shall be included amongst the Orders which may be cited together as the Town and Country Planning (General Development) (Scotland) Orders 1981 to 1990(2).

(2) This Order shall come into force on 31st March 1990.

Amendment of the general development order

2. The Town and Country Planning (General Development) (Scotland) Order 1981(3) shall be amended as follows:—

(a) in article 2(1)–

(i) at the end of the definition of “agricultural land” and “agricultural unit” there shall be added the words “but shall not include land or a unit respectively used for the purposes of fish farming”;

(ii) at the appropriate place the following definition shall be added –

“fish farming” means the breeding or rearing of fish or the cultivation of shellfish (including crustaceans and molluscs of any description) for the purpose of producing food for human consumption or for transfer to other waters;

(1) 1972 c. 52.

(2) S.I. 1981/830, 1983/1620, 1984/237, 1985/1014 and 2007, 1986/1356, 1988/977 and 1249 and 1989/148.

(3) Relevant amending instruments are S.I. 1985/1014 and 2007 and 1986/1356.

- (iii) the definition of “fish pond” is hereby revoked; and
- (iv) in the definition of “statutory undertakers”, for the words “and public gas suppliers within the meaning of Part I of the Gas Act 1986(4)” there shall be substituted the words “, public gas suppliers within the meaning of Part I of the Gas Act 1986 and licence holders within the meaning of section 64(1) of the Electricity Act 1989(5)”;
- (b) in article 16–
 - (i) in paragraph (1), after the word “made” where it occurs for the first time, there shall be inserted the following sentence–

“The applicant shall at the same time as he gives notice of the appeal to the Secretary of State send a copy of the notice to the planning authority or to the regional planning authority as the case may be.”;
 - (ii) after paragraph (2) there shall be inserted the following paragraph:–

“(2A) The following paragraphs of this article shall apply where the appeal is being disposed of other than on the basis of written submissions”;
 - (iii) paragraphs (3), (4) and (7) are hereby revoked; and
 - (iv) in paragraph (8) the words from “and the references” to the end are hereby revoked;
- (c) in class V in Part I of Schedule I, in paragraph (1) the words from “(other” to “applies)” and paragraph (4) are hereby revoked.
- (d) in class XV E in Part 1 of Schedule 1–
 - (i) at the end of paragraph (5)(a) there shall be added the following subparagraph:–

“(v) for the purposes of subparagraph (iv) the land of the holder of a licence under section 6(2) of the Electricity Act 1989 shall be treated as operational land if it would be operational land within the meaning of section 211 of the Act if such licence holder were a statutory undertaker for the purpose of that section.”;
 - (ii) in paragraph (5)(b), for the words “under the Electricity (Supply) Acts 1882-1936 and the Electricity (Scotland) Act 1979”, there shall be substituted the words “under the Electricity Act 1989”;

St. Andrew’s House,
Edinburgh
6th March 1990

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

(4) 1986 c. 44.
(5) 1989 c. 29.

EXPLANATORY NOTE

(This note is not part of the Order)

The Order amends the Town and Country Planning (General Development) (Scotland) Order 1981 (“the GDO”) in 3 areas:–

1. It removes permitted development rights under article 3 of and Schedule 1 to the GDO to fish farming (article 2(a)(i)-(iii) and (c)).
2. In relation to appeals to the Secretary of State it modifies article 16 of the GDO:–
 - (a) by requiring the appellant, rather than the Secretary of State, to notify the planning authority of the appeal (article 2(b)(i) and (iii) in respect of the revocation of paragraph (3)); and
 - (b) to take account of the introduction of the Town and Country Planning (Appeals) (Written Submissions Procedure) (Scotland) Regulations 1990 (S.I.1990/507) by inserting a new paragraph (2A) into article 16 restricting the remaining paragraphs to appeals which are not to be disposed of on the basis of written submissions (article 2(b)(ii)). Consequential amendments are the revocation of paragraph (4) and (7) (article 2(b)(iii) and the amendment to paragraph (8) (article 2(b)(iv)).
3. It makes amendments to the GDO consequential on the Electricity Act 1989. Article 2(a)(iv) amends article 2(1) of the GDO so that the definition of “statutory undertakers” includes licence holders under the Electricity Act 1989. Article 2(d) contains 2 minor amendments to class XV E in Part I of Schedule 1 to the GDO (permitted development).