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STATUTORY INSTRUMENTS

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**1997 No. 1871**

**The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 1997**

**Permitted development**

**3.** In article 3 of the 1992 Order—

(a) after paragraph (7) insert—

“(8) Subject to paragraph (10), the permission granted by Schedule 1 shall not authorise development if, were that development the subject of an application for planning permission, that application would be—

(a) an annex 1 application; or

(b) an annex 2 application where the proposed development would be likely to have significant effects on the environment by virtue inter alia of its nature, size or location.

(9) Where—

(a) a planning authority have given an opinion under regulation 7, or stated their opinion under regulation 25(1A), of the Environmental Assessment Regulations that proposed development would fall within a description mentioned in Schedule 1 to those Regulations, or within a description mentioned in Schedule 2 to those Regulations and would be likely to have significant effects on the environment, and the Secretary of State has issued no direction to the contrary under regulation 7(9A) of those Regulations; or

(b) the Secretary of State has given or is deemed to have given a direction under regulation 7(9A) of the Environmental Assessment Regulations that proposed development would fall within a description mentioned in Schedule 1 to those Regulations, or within a description mentioned in Schedule 2 to those Regulations and would be likely to have significant effects on the environment,

the development to which that opinion or direction relates shall be treated for the purposes of paragraph (8) as development which is not permitted by this Order.

(10) Paragraph (8) does not apply to—

(a) development which comprises or forms part of a project serving national defence purposes;

(b) development which consists of the carrying out of drainage works to which Part V of the Environmental Assessment Regulations applies;

(c) development which consists of the installation of an electric line (within the meaning of Part I of the Electricity Act 1989<sup>(1)</sup>) which replaces an existing line (as defined in regulation 2 of the Overhead Lines (Exemption) Regulations 1990<sup>(2)</sup>) and in respect of which consent under section 37 of that Act is not

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(1) 1989 c. 29.

(2) S.I. 1990/2035.

required by virtue of regulation 3(1)(e) of those Regulations; provided that, in the circumstances mentioned in paragraph (1)(a) or (b) of regulation 5 of those Regulations, the determination for the purposes of that regulation that there is not likely to be a significant adverse effect on the environment shall have been made otherwise than as mentioned in paragraph (2) of that regulation;

- (d) development for which permission is granted by Part 7, Class 26 of Part 8, Part 11, Class 39(1)(a) of Part 13, Class 58 of Part 17 or Class 64 of Part 18 of Schedule 1;
- (e) development for which permission is granted by Class 54 of Part 15, Class 59 or 60 of Part 17 or Class 63 of Part 18 of Schedule 1 provided that the development is to be carried out—
  - (i) in the case of Class 54 of Part 5 on the same land or, as the case may be, on land adjoining that land;
  - (ii) in the case of Class 59 or 60 of Part 17, on the same authorised site;
  - (iii) in the case of Class 63 of Part 18, on the same premises or, as the case may be, the same ancillary mining land,as that on which development of any description permitted by the same Class has been carried out before 1st September 1997;
- (f) the completion of any development begun before 1st September 1997.”.