
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 142

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2014

Amendment of the 1992 Order

- 2.—(1) The 1992 Order is amended in accordance with paragraphs (2) to (13).
- (2) In article 2(1) (interpretation) after the definition of “floor area” insert—
- ““historic battlefield” means a battlefield which is included in the inventory of battlefields compiled and maintained under section 32B of the Ancient Monuments and Archaeological Areas Act 1979(1);”.
- (3) In article 3(9)(b) (permitted development) after “directed” insert “under regulation 5(10) or (11), 7(4) or 45 of the EIA Regulations”.
- (4) After Part 2 (sundry minor operations) of Schedule 1 insert Parts 2A to 2E contained in the Schedule to this Order.
- (5) In class 15 of Part 4 (temporary buildings and uses) of Schedule 1 omit “or an open air market”.
- (6) In class 18 of Part 6 (agricultural buildings and operations) of Schedule 1—
- (a) after paragraph (1) insert—
- “(1A) Development is not permitted by this class if, in the case of any development referred to in sub-paragraph (1)(a), the land is within a historic battlefield;”;
- (b) at the start of paragraph (2) insert—
- “Subject to paragraph (4)”.
- (7) In class 22 of Part 7 (forestry buildings and operations) of Schedule 1, after paragraph (1) insert—
- “(1A) Development is not permitted by this class if, in the case of any development referred to in sub-paragraph (1)(a), the land is within a historic battlefield.”
- (8) For class 25 in Part 8 (industrial and warehouse development) of Schedule 1, substitute—
- “Class 25—**
- (1) **The provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purposes of the undertaking concerned.**
- (2) Development is not permitted by this class in the case of land within—
- (a) a site of archaeological interest;
- (b) a national scenic area;
- (c) a historic garden or designed landscape;
- (d) a historic battlefield;
- (e) a conservation area;
- (f) a National Park; or

- (g) a World Heritage Site.
- (3) Development is permitted by this class subject to the following conditions—
- (a) the hard surface must be made of porous materials; or
 - (b) provision must be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.”.
- (9) In the interpretation section of Part 8 (industrial and warehouse development) of Schedule 1—
- (a) for the definition of “industrial building” substitute—

““industrial building” means a building used for the carrying out of an industrial process (including the carrying out of research and development of products or processes) and includes a building used for the carrying out of such a process on land used as a dock, harbour or quay for the purposes of an industrial undertaking but does not include a building or land in or adjacent to land occupied with a mine;”;
 - (b) after the definition of “warehouse” insert—

“World Heritage Site” means land appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage.”.
- (10) For class 30 in Part 12 (development by local authorities) of Schedule 1, substitute—
- “Class 30**
- (1) The erection or construction and the maintenance, improvement or other alteration by a local authority of—**
- (a) any building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity on land belonging to or maintained by them, being building, works or equipment required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;**
 - (b) street furniture required in connection with the operation of any public service administered by them.”.**
- (11) In class 33 of Part 12 (development by local authorities) of Schedule 1—
- (a) for “planning authority” substitute “local authority”;
 - (b) in paragraph (a) for “dwellinghouses” substitute “dwellings”;
 - (c) in paragraph (c) for “£100,000” substitute “£250,000”;
 - (d) after paragraph (c) insert—

“In this class “dwelling” means a dwellinghouse, a building containing one or more flats or a flat contained within such a building.”.
- (12) In the interpretation section of Part 15 (mineral exploration) of Schedule 1, after the definition of “mineral exploration” insert—
- ““petroleum” has the same meaning as given in section 1 of the Petroleum Act 1998(2);”
- (13) In class 67 of Part 20 (development by telecommunications code system operators) of Schedule 1—
- (a) in paragraph (1)(b), for “6 months” substitute “12 months”;
 - (b) in paragraph (2)(a)—
 - (i) after “interest” insert “, historic battlefield”;

- (ii) in head (ii) for “the dwellinghouse, neither of which faces on to a road” substitute “a building”;
- (iii) omit “or” following head (ii);
- (iv) for head (iii) substitute—
 - “(iii) involves the installation of telegraph poles, the replacement or alteration of existing telegraph poles, the installation of new overhead lines on such poles or is ancillary to such development; or
 - (iv) is development of or description of development which is permitted by virtue of paragraph (2)(c) or is ancillary to such development;”;
- (c) for paragraph (2)(c) substitute—
 - “(c) it involves the replacement or alteration of an existing mast which is ground based or the installation of apparatus on such a mast which results in—
 - (i) an increase in the overall height of the original structure of—
 - (aa) in the case of an existing mast where the overall size of the structure is 50 metres or less in height, more than 5 metres; or
 - (bb) in the case of an existing mast where the overall size of the structure is more than 50 metres in height, more than 15% of the original height of the structure;
 - (ii) an increase in the overall width of the structure (measured horizontally at the widest point of the original structure) of more than the greater of—
 - (aa) one metre; or
 - (bb) one third of the original width of the structure; or
 - (iii) a change in location of more than 4 metres from the location of the existing mast;”;
- (d) in paragraphs 2(f) and 2(g)(i), for “4 metres” substitute “6 metres”;
- (e) omit paragraph (2)(h);
- (f) in paragraph (2)(n), after “any” where it first appears insert “ground based”;
- (g) for paragraph (2)(q) substitute—
 - “(q) in the case of the installation, alteration or replacement of an antenna system on a building or other structure (excluding a ground based mast) where the development is to be located more than 15 metres above ground level—
 - (i) any individual antenna exceeds 6 metres in height or 1.3 metres when measured horizontally;
 - (ii) the development would result in there being more than 4 antenna systems (other than small antennas) on the building or structure; or
 - (iii) the antenna system and its supporting apparatus exceeds 6 metres in height;”;
- (h) for paragraph (2)(r) substitute—
 - “(r) in the case of the installation, alteration or replacement of an antenna system on a building or other structure (excluding a ground based mast) where the development is to be located fewer than 15 metres above ground level—
 - (i) any individual antenna exceeds 3 metres in height or 0.9 metres when measured horizontally;

- (ii) the development would result in there being more than 4 antenna systems (other than small antennas) on the building or structure; or
 - (iii) the antenna system and its supporting apparatus exceeds 6 metres in height;”;
- (i) in the interpretation section—
- (i) in paragraph (a) after the definition of “the 1984 Act” insert—
 - ““antenna system” means a set of antennas installed on a building or structure and operated in accordance with the electronic communications code;
 - “electronic communications apparatus”, “electronic communications service” and “electronic communications code” have the same meaning as in the Communications Act 2003(3);
 - “existing mast” means a mast with attached electronic communications apparatus;”;
 - (ii) for the definition of “small antenna” substitute—
 - ““small antenna” means an antenna which—
 - (a) operates on a point to multi-point or area basis in connection with an electronic communications service;
 - (b) may be variously referred to as a femtocell, picocell, metrocell or microcell antenna;
 - (c) does not, in any two dimensional measurement, have a surface area exceeding 5,000 square centimetres; and
 - (d) does not have a volume exceeding 50,000 cubic centimetres,and any calculation for the purposes of heads (c) and (d) is to include any power supply unit or casing, but excludes any mounting, fixing, bracket or other support structure;; and”;
 - (iii) after paragraph (a) insert—
 - “(aa) development which is ancillary to and reasonably required for the construction and subsequent use of equipment housing includes security equipment, perimeter walls and fences, and handrails, steps and ramps, except on any land which is, or is within, a site of special scientific interest.”