

1988 No. 1249 (S.123)

**TOWN AND COUNTRY PLANNING, SCOTLAND**

**The Town and Country Planning (General Development) (Scotland) Amendment (No.2) Order 1988**

|                               |         |                         |
|-------------------------------|---------|-------------------------|
| <i>Made</i>                   | - - - - | <i>15th July 1988</i>   |
| <i>Laid before Parliament</i> |         | <i>20th July 1988</i>   |
| <i>Coming into force</i>      |         | <i>10th August 1988</i> |

The Secretary of State, in exercise of the powers conferred on him by sections 21, 28 (as read with regulation 5 of the Environmental Assessment (Scotland) Regulations 1988(a) and 273(3) of the Town and Country Planning (Scotland) Act 1972(b), 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 (No. 2) Order 1988 and shall be included amongst the Orders which may be cited together as the Town and Country Planning (General Development) (Scotland) Orders 1981 to 1988(c).

(2) This Order shall come into force on 10th August 1988.

**Amendment of the general development order**

2. The Town and Country Planning (General Development) (Scotland) Order 1981(d) shall be amended by substituting, for article 11(2), the following:—

“(2) Without prejudice to the generality of paragraph (1), the Secretary of State may in particular give directions—

- (a) that particular proposed development of a description set out in Schedule 1 or Schedule 2 to the Environmental Assessment (Scotland) Regulations 1988 is exempted from the application of those Regulations;
- (b) as to whether particular proposed development is or is not development in respect of which those Regulations require the consideration of environmental information (as defined in those Regulations) before planning permission can be granted; or
- (c) that development of any class described in the direction is development in respect of which those Regulations require the consideration of such information before such permission can be granted.

(3) A planning authority or regional planning authority shall deal with applications for planning permission for development to which a direction given under this article applies in such manner as to give effect to the direction.”

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(a) S.I. 1988/1221.

(b) 1972 c.52; sections 21 and 28 were amended by the Local Government (Scotland) Act 1973 (c. 65), section 172(2); section 21 was also amended by the Housing and Planning Act 1986 (c. 63), Schedule 11, paragraph 30, and section 28 by the Local Government and Planning (Scotland) Act 1982 (c. 43), Schedule 2, paragraph 6.

(c) S.I. 1981/830, 1983/1620, 1984/237, 1985/1014 and 2007, and 1988/977.

(d) S.I. 1981/830, to which there are amendments not relevant to this Order.

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order is linked with the Environmental Assessment (Scotland) Regulations 1988 ("the 1988 Regulations"), which are concerned with the implementation in Scotland of the provisions of Council Directive No. 85/337/EEC (O.J. No. L175, 5.7.85, p.40) on the assessment of the effects of certain public and private projects on the environment.

The Order amends the Town and Country Planning (General Development) (Scotland) Order 1981 to enable the Secretary of State to direct in the case of development of a description set out in Schedule 1 or 2 to the 1988 Regulations that it is exempt development to which those Regulations do not apply; that particular proposed development is, or is not, development in respect of which the consideration of environmental information is required by those Regulations before planning permission can be granted; and that development of any class is development in respect of which the consideration of such information is so required.

Regulation 2 of the 1988 Regulations defines "environmental information" to mean a statement (conforming with Schedule 3 to those Regulations) by the person seeking planning permission of the likely significant environmental effects of his proposed development and representations made by bodies consulted and others.

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