
STATUTORY INSTRUMENTS

1996 No. 3023 (S. 227)

TOWN AND COUNTRY PLANNING, SCOTLAND

The Town and Country Planning (General Permitted Development) (Scotland) Amendment (No. 2) Order 1996

<i>Made</i>	- - - -	<i>28th November 1996</i>
<i>Laid before Parliament</i>		<i>4th December 1996</i>
<i>Coming into force</i>	- -	<i>25th December 1996</i>

The Secretary of State, in exercise of the powers conferred on him by sections 21 and 273 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, commencement and interpretation

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Scotland) Amendment (No. 2) Order 1996 and shall come into force on 25th December 1996.

(2) In this Order “the 1992 Order” means the Town and Country Planning (General Permitted Development) (Scotland) Order 1992⁽²⁾.

Amendment of the 1992 Order

2. In article 2 of the 1992 Order (interpretation), after the definition of “satellite antenna” insert—
““sewerage authority” shall be construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994⁽³⁾.”
3. In Class 5 in Part 1 (Development within the curtilage of a dwellinghouse) of Schedule 1 to the 1992 Order, in sub-paragraph (1) at the end insert “or liquified petroleum gas”.
4. In Part 12 (Development by local authorities) of Schedule 1 to the 1992 Order, delete Class 32.

(1) 1972 c. 52; section 21 was extended by the Local Government, Planning and Land Act 1980 (c. 65), section 148(2) and amended by the Telecommunications Act 1984 (c. 12), Schedule 4, paragraph 54(2); section 21(1) to (3) was substituted by the Planning and Compensation Act 1991 (c. 34), Schedule 13, paragraph 5; section 21(5) was amended by the Local Government (Scotland) Act 1973 (c. 65), section 172(2).

(2) S.I.1992/223, amended by S.I. 1992/1078 and 2084, 1993/1036, 1994/1442, 2586 and 3294 and 1996/252 and 1266 and as read with Part IV of S.I. 1994/2716.

(3) 1994 c. 39.

5. In Part 13 (Development by statutory undertakers) of Schedule 1 to the 1992 Order, after Class 43 insert—

“Sewerage undertakings

43A.—(1) Any development relating to sewerage by a sewerage authority or by a person authorised under section 3A of the Sewerage (Scotland) Act 1968⁽⁴⁾ in relation to that development, being development not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe or sludge main or associated apparatus.

(2) Development is permitted by this class subject to the condition that not less than 28 days before the beginning of operations the sewerage authority or, as the case may be, the person authorised under section 3A of the Sewerage (Scotland) Act 1968 shall give notice in writing to the planning authority of its intention to carry out the development, identifying the land under which the development is to take place.”.

Scottish Office
28th November 1996

George Kynoch
Parliamentary Under Secretary of State,

(4) 1968 c. 47; section 3A was inserted by section 101 of the Local Government etc. (Scotland) Act 1994 (c. 39).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. It introduces a permitted development right for domestic liquified petroleum gas tanks and extends to the new sewerage authorities established under the Local Government etc. (Scotland) Act 1994, and to bodies authorised by those authorities, permitted development rights in relation to certain sewerage works.