

Executive Note

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2008 SSI/2008/203

The above instrument is made by the Scottish Ministers in exercise of the powers conferred by sections 30, 31 and 275 of the Town and Country Planning (Scotland) Act 1997. The instrument is subject to negative resolution procedure.

Policy Objectives

The purpose of this instrument is to correct a reference in The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the 1992 Order”) to National Scenic Areas (“NSAs”) designated under provisions of the Town and Country Planning (Scotland) Act 1972 (“the 1972 Act”). It was recently discovered by the Scottish Government that no formal designations of NSAs appear to have been made under the 1972 Act. Instead, NSAs were recognised in the planning system through a series of circulars and directions which define NSAs by reference to Part II of the Countryside Commission for Scotland publication “Scotland’s Scenic Heritage” published in 1978 (“the CCS 1978 Report”)¹. However, the 1992 Order incorrectly referred to areas designated under the 1972 Act. It is thought that in practice the 1992 Order has been applied so that areas identified in the CCS 1978 Report have been treated as if they had been formally designated under the 1972 Act. The current Order therefore amends the description of NSAs in the 1992 Order by substituting a reference to NSAs identified in the CCS 1978 Report. The “Scotland’s Scenic Heritage” publication is available from the Scottish Natural Heritage website at <http://www.snh.org.uk/publications/on-line/scotlandsscenicareas/> (and a hard copy deposited in SPICe.)

Consultation

As these are technical/ legal changes no formal public consultation has been undertaken.

Financial Effects

The instrument has no new financial effects on the Scottish Government, local government or on business. The changes proposed will correct the technical defect identified but will have no other implications for the legislation or its application

**Scottish Government Rural Directorate
May 2008**

¹ SDD Circular 20/1980 introduced new controls for NSAs via Directions made under the Town and Country Planning (General Development) (Scotland) Order 1975. These Directions were replaced by Directions made in 1987 (and notified to local authorities via Circular 9/1987).