

**2020 No. 129**

**TOWN AND COUNTRY PLANNING**

**The Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment Order 2020**

*Made - - - - at 1.15 p.m. on 23rd April 2020*

*Laid before the Scottish Parliament at 4.15 p.m. on 23rd April 2020*

*Coming into force - - 24th April 2020*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 30, 31 and 275 of the Town and Country Planning (Scotland) Act 1997(a) and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment Order 2020 and comes into force on 24 April 2020.

**Amendment of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992**

2. The Town and Country Planning (General Permitted Development) (Scotland) Order 1992(b) is amended in accordance with article 3.

**Amendment of Schedule 1**

3. In schedule 1 (permitted development), after Part 25B (ancient monuments) insert—

**“PART 25C**

**Development by Local Authorities and Health Service Bodies**

**Class 72C**

**(1) Development by, or on behalf of, a local authority or health service body for the purposes of—**

- (a) preventing an emergency,**
- (b) reducing, controlling or mitigating the effects of an emergency, or**
- (c) taking other action in connection with an emergency.**

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(a) 1997 c.8. Section 275 was relevantly amended by section 54(16) of the Planning etc. (Scotland) Act 2006 (asp 17) and paragraph 32 of schedule 3 of the Regulatory Reform (Scotland) Act 2014 (asp 3). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1992/223 which has been relevantly amended by S.S.I. 2011/377 and S.S.I. 2014/142.

- (2) Development is not permitted by this Class if—
- (a) any part of the development is on land which is, or forms part of—
    - (i) a site of special scientific interest,
    - (ii) site of archeological interest,
    - (iii) a historic battlefield, or
    - (iv) a historic garden or designed landscape,
  - (b) any development, other than a change of use, would be carried out within 5 metres of any boundary of the curtilage of a dwellinghouse,
  - (c) the height of any new building exceeds—
    - (i) a height of 6 metres above ground where any part of the new building is within 10 metres of any boundary of the land, or
    - (ii) a height of 18 metres above the ground, or, where the development is within the curtilage of a building, the height of the highest part of the roof of the original building, whichever is the greater,
  - (d) the height of any building enlarged, improved or altered exceeds—
    - (i) the height of the highest part of the roof of the original building, or a height of 6 metres above the ground, whichever is the greater, where any part of the enlarged, improved or altered building is within 10 metres of an boundary of the curtilage of the original building, or
    - (ii) the height of the highest part of the roof of the original building, or height of 18 metres above the ground, whichever is the greater, or
  - (e) any moveable structure, works, plant or machinery required temporarily and in connection with and for the duration of the development would be located in a position—
    - (i) within 5 metres of any boundary of the land, or
    - (ii) within 10 metres of any boundary of the curtilage of a dwellinghouse.
- (3) Development is permitted by this Class subject to the following conditions—
- (a) if the developer is not the planning authority, the developer must, as soon as practicable after commencing development, notify the planning authority of the development,
  - (b) any use of the land for the purposes of this Class ceases on or before 31st December 2020, and
  - (c) on or before the expiry of a period of 6 months beginning with the date on which the use of the land ceases for the purpose of this Class—
    - (i) any building, works, plant, machinery, structure or erection permitted by this Class is removed, and
    - (ii) the land is restored to its condition before the development took place or to such other state as may be approved by the planning authority.

### **Interpretation of Part 25C**

- (1) For the purposes of this Part—
- “emergency” means an event or situation which threatens serious damage to human welfare in a place in the United Kingdom,
- “health service body” means—
- (a) a Health Board constituted by an order under section 2(1)(a) of the National Health Service (Scotland) Act 1978(a),

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(a) 1978 c.29.

- (b) a Special Health Board constituted by an order under section 2(1)(b) of the National Health Service (Scotland) Act 1978,
- (c) the Common Services Agency<sup>(a)</sup>,
- (d) Public Health Scotland<sup>(b)</sup>,
- (e) Healthcare Improvement Scotland <sup>(c)</sup>, and
- (f) NHS 24<sup>(d)</sup>.

(2) For the purposes of paragraph (1), an event or situation threatens serious damage to human welfare only if it involves, causes or may cause—

- (a) loss of human life,
- (b) human illness or injury,
- (c) homelessness,
- (d) damage to property,
- (e) disruption of a supply of money, food, water, energy, or fuel,
- (f) disruption of a system of communication,
- (g) disruption of facilities for transport, or
- (h) disruption of services relating to health.

(3) For the purposes of this Part, where 2 or more original buildings are within the same curtilage and are used for the same undertaking they are to be treated as a single original building in making any measurement.”.

*KEVIN STEWART*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
At 1.15 p.m. on 23rd April 2020

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(a) The Common Service Agency is constituted under section 10 of the National Health Service (Scotland) Act 1978 (c.29).  
 (b) Public Health Scotland is a Special Health Board for the whole of Scotland constituted under the Public Health Scotland Order 2019 (S.S.I. 2019/336).  
 (c) Healthcare Improvement Scotland is established under section 10A of the National Health Service (Scotland) Act 1978 which was introduced by section 108 of the Public Services Reform (Scotland) Act 2010 (asp 8).  
 (d) NHS 24 is a Special Health Board for the whole of Scotland constituted under the NHS (Scotland) Order 2001 (S.S.I. 2001/137).

## EXPLANATORY NOTE

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

This Order amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the 1992 Order”). Article 3 inserts a new Part 25C and permitted development right into Schedule 1 of the 1992 Order. This will allow local authorities and certain health service bodies to carry out development for the purposes of—

- (a) preventing an emergency,
- (b) reducing, controlling or mitigating the effects of an emergency, or
- (c) taking other action in connection with an emergency.

For these purposes, an emergency is an event or situation which threatens serious damage to human welfare in a place in the United Kingdom.

The development permitted is subject to conditions which are also set out in the new Part 25C.

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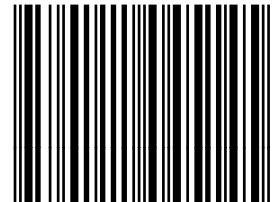
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, the Queen’s Printer for Scotland.

£4.90

S202004231001 04/2020 19585

<http://www.legislation.gov.uk/id/ssi/2020/129>

ISBN 978-0-11-104514-5



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