
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to section 41B of the Town and Country Planning (Scotland) Act 1997 (“the Act”). Section 41B(1) of the Act requires that a planning authority may only grant planning permission for certain types of development, listed in subsection (2), on condition that the development includes at least one toilet facility (a “Changing Places Toilet”) that meets specified standards suitable for people with complex care needs. These Regulations come into force on 18 May 2020.

Regulation 2(2) adds new purposes to the list of developments in section 41B(2) and removes the size limitation in paragraph (d) applicable to a building, structure or erection used as a retail outlet. Regulation 2(3) amends the specification requirements of a Changing Places Toilet set out in section 41B(3) of the Act.

Regulation 3(1) provides that the requirements of section 41B(1) of the Act do not apply unless the relevant part of the building, structure or erection which is the subject of the application for planning permission has a gross floor area of more than 5,000 square metres, or can be used for specified purposes by more than 1,000 people at a single time. Regulation 3(2) sets out definitions of the terms “relevant part”, “specified purposes” and “floor area” referred to in regulation 3(1).