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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 437**

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

**Peatland restoration**

**12.** In Part 6 of schedule 1 after class 20 insert—

**“Class 20A**

**(1) The carrying out on peatland of works for the restoration of that peatland—**

**(a) including—**

- (i) works for the stabilisation, revegetation and re-profiling of bare peat and related drainage works, and**
- (ii) the extraction of peat from within a peatland site for the purpose, and only for the purpose, of the use of such peat in the restoration of peatland within that peatland site, but**

**(b) not including works for the formation of alteration of a private way.**

*Conditions*

**(2)** Development is permitted by this class subject to the following conditions—

- (a)** the developer must before beginning the development submit a peatland restoration scheme to the planning authority and apply to the planning authority for a determination as to whether the prior approval of the authority is required for that peatland restoration scheme,
- (b)** the application is to be accompanied by—
  - (i)** a peatland restoration scheme,
  - (ii)** a map showing the location of the peatland site to be restored,
  - (iii)** any fee required to be paid,
- (c)** the development is not to be commenced before the occurrence of one of the following—
  - (i)** the receipt by the applicant from the planning authority of a written notice of their determination that their prior approval is not required,
  - (ii)** the expiry of a period of 28 days following the date on which the application was received by the planning authority without the planning authority giving notice to the applicant of their determination that, or the extent to which, such approval is required,
  - (iii)** the applicant has (or to the extent required has) received such approval from the planning authority,
- (d)** the development must, except to the extent that the planning authority otherwise agree in writing, be carried out—

- (i) if prior approval is required, in accordance with the peatland restoration scheme as approved,
- (ii) if prior approval is not required, in accordance with the peatland restoration scheme submitted with the application, and
- (e) the development is to be carried out within a period of 10 years from the date on which any approval required in accordance with this sub-paragraph has been given.

*Interpretation*

- (3) For the purposes of this class—

“peatland restoration scheme” means a scheme setting out the work to be carried out to restore peatland within an area of peatland identified by the scheme and including details in respect of—

- (a) any measures to mitigate—
  - (i) impacts of the proposed development on archaeology,
  - (ii) the risk of contamination or flooding as a result of the development on the peatland site,
  - (iii) the impacts of the proposed development on soil, and
- (b) the removal, felling, lopping or topping of any trees,

“peatland site” is the area identified in the peatland restoration scheme as the area of peatland to be restored in accordance with that scheme,

“re-profiling” means changing the surface of the peatland to reduce water runoff and encourage revegetation by spreading turves across the bare surface,

“revegetation” means by planting, applying locally won turves or seeding with peatland plants,

“stabilisation” means re-establishment of vegetation by seeding and the introduction of pre-grown seedlings (known as plug plants) with the use of temporary protective coverings, including a plant mulch or manufactured stabilisation product or fertilisers.”.