
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 29

The Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment Order 2021

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

2.—(1) The Town and Country Planning (General Permitted Development) (Scotland) Order 1992⁽¹⁾ is amended in accordance with paragraphs (2) and (3).

(2) In schedule 1 (permitted development), in Part 25C (development by local authorities and health service bodies) in sub-paragraph (3)(b) of class 72C for “1 July 2021” substitute “31 December 2021”.

(3) In schedule 1 after Part 25C insert—

“PART 25D

Development by the Crown relating to a pandemic

Class 72D

(1) **Development by or on behalf of the Crown on Crown land for the purposes of—**

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

Limitations

(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) a site of archaeological 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

(1) [S.I. 1992/223](#) which has been relevantly amended by [S.S.I. 2020/129](#) and [S.S.I. 2020/366](#).

- (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,
- (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.

Conditions

- (3) Development is permitted by this class subject to the following conditions—
 - (a) the developer must, as soon as practicable after commencing development, notify the planning authority of that development,
 - (b) on or before the expiry of the period of 18 months beginning with the date on which the development began—
 - (i) any use of that land for a purpose of this class ceases and any buildings, plant, machinery, structures and erections 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 agreed in writing between the planning authority and the developer,
- unless permission for the development has been granted on an application under Part 3 of the Act.

Interpretation of Part 25D

For the purposes of this Part—

“pandemic” means a public health emergency of international concern within the meaning given by the International Health Regulations (2005) of the World Health Organisation adopted by the fifty-eighth World Health Assembly on 23rd May 2005⁽²⁾,

“World Health Assembly” has the meaning set out in the Constitution of the World Health Organisation adopted by the International Health Conference held in New York from the 19th June to 22nd July 1946 and signed on 22nd July 1946⁽³⁾,

“World Health Organisation” means the specialised agency within the terms of Article 57 of the Charter of the United Nations, established by the Constitution of the World Health Organisation⁽⁴⁾.”.

(2) The International Health Regulations (2005) of the World Health Organisation adopted by the fifty-eighth World Health Assembly on 23 May 2005 https://apps.who.int/iris/bitstream/handle/10665/43883/9789241580410_eng.pdf;jsessionid=73BCAD85F145CE5CF4220563D242419F?sequence=1

(3) The Constitution of the World Health Organisation adopted by the International Health Conference held in New York from the 19th June to 22nd July 1946 and signed on 22nd July 1946-https://www.who.int/governance/eb/who_constitution_en.pdf.

(4) The Charter of the United Nations, established by the Constitution of the World Health Organisation -<https://www.un.org/en/sections/un-charter/un-charter-full-text/>.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
