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STATUTORY INSTRUMENTS

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**1994 No. 3293**

**The Town and Country Planning (General Development Procedure) (Scotland) Amendment (No.2) Order 1994**

**Consultations before grant of planning permission**

5. In article 15(1) of the 1992 Order—

(a) for sub-paragraph (d) substitute—

“Scottish Natural Heritage where—

- (i) the development may affect a historic garden or designed landscape;
- (ii) the development may affect an area of special interest notified to the planning authority by Scottish Natural Heritage in accordance with section 28 of the Wildlife and Countryside Act 1981(1); or
- (iii) the development consists of or includes the winning and working of peat other than for the domestic requirements of the applicant;”;

(b) for sub-paragraph (f) substitute—

“(f) the Health and Safety Executive where the development is within an area which has been notified to the planning authority by the Health and Safety Executive for the purpose of this provision because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances and either involves the provision of—

- (i) residential accommodation;
- (ii) more than 250 square metres of retail floor space;
- (iii) more than 500 square metres of office floor space; or
- (iv) more than 750 square metres of floor space to be used for an industrial process,

or is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area;”;

(c) delete sub-paragraph (g);

(d) for sub-paragraph (i) substitute—

“(i) the roads authority concerned, where the development involves—

- (i) the formation, laying out or alteration of any means of access to, or is likely to create or attract traffic which will result in a material increase in the volume of traffic entering or leaving, a road (other than a trunk road) for which the planning authority are not also the roads authority; or
- (ii) the formation, laying out or alteration of any means of access to land affording access to a toll road;”;

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(1) 1981 c. 69; section 28 was amended by the Wildlife and Countryside (Amendment) Act 1985 (c. 31), section 2, by the Wildlife and Countryside (Service of Notices) Act 1985 (c. 59), section 1(2), by the Norfolk and Suffolk Broads Act 1988 (c. 4), Schedule 3, paragraph 31(1) and by the Planning (Consequential Provisions) Act 1990 (c. 11), Schedule 2, paragraph 54(1).

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

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- (e) in each of sub-paragraphs (j)(v) and (j)(vi) at the end insert the words “or its setting”; and
- (f) at the end of sub-paragraph (j) insert—
  - “(vii) development which consists of or includes the winning and working of peat other than for the domestic requirements of the applicant;”.