
STATUTORY INSTRUMENTS

1994 No. 3294

The Town and Country Planning (General Permitted Development) (Scotland) Amendment (No.3) Order 1994

Toll road facilities

10. After Part 23 of Schedule 1 to the 1992 Order as inserted by article 9 of this Order insert—

“PART 24

TOLL ROAD FACILITIES

Class 71.—(1) Development consisting of—

- (a) **the setting up and the maintenance, improvement or other alteration of facilities for the collection of tolls;**
 - (b) **the creation of a hard surface to be used for the parking of vehicles in connection with the use of such facilities.**
- (2) Development is not permitted by this class if—
- (a) it is not located within 100 metres (measured along the ground) of the boundary of a toll road;
 - (b) the height of any building or structure would exceed—
 - (i) 7.5 metres excluding any rooftop structure; or
 - (ii) 10 metres including any rooftop structure;
 - (c) the aggregate floor area at or above ground level of any building or group of buildings within a toll collection area, excluding the floor area of any toll collection booth, would exceed 1500 square metres.
- (3) Development is permitted by this class subject to the following conditions:—
- (a) the developer shall, before beginning the development, apply to the planning authority for a determination as to whether the prior approval of the authority will be required to the siting, design and external appearance of the facilities for the collection of tolls;
 - (b) the application shall be accompanied by a written description of the proposed development and the materials to be used together with plans and elevations, and any fee required to be paid;
 - (c) the development shall not be begun 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 such prior approval is not required;

- (ii) where the planning authority give the applicant notice within 28 days following the date of receiving his application of their determination that such prior approval is required, the giving of such approval;
- (iii) the expiry of 28 days following the date on which the application was received by the planning authority without the planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;
- (d) the development shall, except to the extent that the planning authority otherwise agree in writing, be carried out—
 - (i) where prior approval is required, in accordance with the details approved;
 - (ii) where prior approval is not required, in accordance with the details submitted with the application;
- (e) the development shall be carried out—
 - (i) where approval has been given by the planning authority, within a period of five years from the date on which approval was given;
 - (ii) in any other case, within a period of five years from the date on which the planning authority were given the information referred to in subparagraph (3)(b).

Interpretation of Part 24

For the purposes of Part 24—

“facilities for the collection of tolls” means such buildings, structures, or other facilities as are reasonably required for the purpose of or in connection with the collection of tolls in pursuance of a toll order;

“ground level” means the level of the surface of the ground immediately adjacent to the building or group of buildings in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it;

“rooftop structure” means any apparatus or structure which is reasonably required to be located on and attached to the roof, being an apparatus or structure which is—

- (a) so located for the provision of heating, ventilation, air conditioning, water, gas or electricity;
- (b) lift machinery; or
- (c) reasonably required for safety purposes;

“toll” means a toll which may be charged pursuant to a toll order;

“toll collection area” means an area of land where tolls are collected in pursuance of a toll order, and includes any facilities for the collection of tolls;

“toll collection booth” means any building or structure designed or adapted for the purpose of collecting tolls in pursuance of a toll order;

“toll road” means a road which is the subject of a toll order; and

“toll order” has the same meaning as in Part II of the New Roads and Street Works Act 1991(1).”.

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