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STATUTORY INSTRUMENTS

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**1994 No. 3294**

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

**Development by statutory undertakers**

7.—(1) In Class 34 in Part 13 of Schedule 1 to the 1992 Order, in sub-paragraph (1) for the word “**occupational**” substitute the word “**operational**”.

(2) In Class 39 in Part 13 of Schedule 1 to the 1992 Order, for sub-paragraph (3)(c) substitute—

“(c) in the case of any development referred to in sub-paragraph (1)(e)—

- (i) the public gas supplier 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 building;
- (ii) the application shall be accompanied by a written description of the proposed development and the materials to be used and a plan indicating the site together with any fee required to be paid;
- (iii) the development shall not be begun before the occurrence of one of the following:
  - (aa) the receipt by the applicant from the planning authority of a written notice of their determination that such prior approval is not required;
  - (bb) 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;
  - (cc) 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;
- (iv) the development shall, except to the extent that the planning authority otherwise agree in writing, be carried out—
  - (aa) where prior approval is required, in accordance with the details approved;
  - (bb) where prior approval is not required, in accordance with the details submitted with the application;
- (v) the development shall be carried out—
  - (aa) where approval has been given by the planning authority, within a period of five years from the date on which approval was given;
  - (bb) 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 sub-paragraph (c)(ii).”.

(3) In Class 40 in Part 13 of Schedule 1 to the 1992 Order, for sub-paragraph (3)(d) substitute—

“(d) in the case of any development referred to in sub-paragraph (1)(e)—

- (i) the statutory undertaker 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 building;
- (ii) the application shall be accompanied by a written description of the proposed development and the materials to be used and a plan indicating the site together with any fee required to be paid;
- (iii) the development shall not be begun before the occurrence of one of the following:
  - (aa) the receipt by the applicant from the planning authority of a written notice of their determination that such prior approval is not required;
  - (bb) 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;
  - (cc) 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;
- (iv) the development shall, except to the extent that the planning authority otherwise agree in writing, be carried out—
  - (aa) where prior approval is required, in accordance with the details approved;
  - (bb) where prior approval is not required, in accordance with the details - submitted with the application;
- (v) the development shall be carried out—
  - (aa) where approval has been given by the planning authority, within a period of five years from the date on which approval was given;
  - (bb) 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 (d)(ii).”.