

2012 No. 165

TOWN AND COUNTRY PLANNING

The Town and Country Planning (Development Management Procedure) (Scotland) Amendment Regulations 2012

<i>Made</i> - - - -	<i>23rd May 2012</i>
<i>Laid before the Scottish Parliament</i>	<i>25th May 2012</i>
<i>Coming into force</i> - -	<i>1st July 2012</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 30(1) and (3), 43(1)(c) and 275 of the Town and Country Planning (Scotland) Act 1997(a) and all other powers enabling them to do so.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Development Management Procedure) (Scotland) Amendment Regulations 2012 and come into force on 1st July 2012.

(2) Regulation 2 applies only in relation to applications for planning permission made on or after 1st August 2012.

Amendment of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

2.—(1) The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008(b) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3(1) (interpretation) after the definition of “the General Permitted Development Order” insert—

““historic battlefield” means a battlefield which is included in the inventory of battlefields compiled and maintained under section 32B of the Ancient Monuments and Archaeological Areas Act 1979(c);”.

(3) In Schedule 5 after paragraph 5(4) insert—

“(4A) development which may affect a historic battlefield other than where the development consists of—

(a) the alteration or extension of an existing building; or

(a) 1997 c.8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46). Section 275 was amended by section 54(16) of the Planning etc. (Scotland) Act 2008 (asp 17).
(b) S.S.I. 2008/432 to which there are amendments which are not relevant to the changes made by these Regulations.
(c) 1979 c.46. Section 32B was inserted by section 11 of the Historic Environment (Amendment) (Scotland) Act 2011 (asp 3).

- (b) development within the curtilage of a dwellinghouse for a purpose incidental to the enjoyment of the dwellinghouse;”.

St Andrew's House,
Edinburgh
23rd May 2012

DEREK MACKAY
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. Regulation 2(2) inserts a definition of “historic battlefield”. This relates to the new inventory of historic battlefields compiled and maintained under section 32B of the Ancient Monuments and Archaeological Areas Act 1979. Regulation 2(3) introduces a requirement upon the planning authority to consult the Scottish Ministers in certain cases where an application for planning permission is made for development which may affect a historic battlefield. In terms of regulation 1(2) the requirement to consult applies only to applications for planning permission made on or after 1st August 2012.

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