Local Government and Regeneration Committee

1st Report, 2015 (Session 4)

Subordinate Legislation

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Local Government and Regeneration Committee

Remit and membership

Remit:

To consider and report on a) the financing and delivery of local government and local services, and b) planning, and c) matters relating to regeneration falling within the responsibility of the Cabinet Secretary for Infrastructure and Capital Investment.

Membership:

Clare Adamson
Cameron Buchanan
Willie Coffey
Anne McTaggart
Alex Rowley
Kevin Stewart (Convener)
John Wilson (Deputy Convener)

Committee Clerking Team:

Clerk to the Committee
David Cullum

Senior Assistant Clerk
Claire Menzies Smith

Assistant Clerk
Seán Wixted

Committee Assistant
Paul Nicholson
Local Government and Regeneration Committee

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The Committee reports to the Parliament as follows—

1. A statutory instrument, subject to negative procedure, was laid before the Parliament on 13 November 2014. This instrument was entitled the ‘Town and Country Planning (General Permitted Development) (Scotland) Amendment (No.2) Order 2014’ (SSI 2014/300), (“the 2014 Order”).

2. The 2014 Order amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the 1992 Order”), by making changes to classes 18 and 22 contained in Schedule 1 to the 1992 Order. The purpose of the 1992 Order is to permit certain types or classes of development to take place without the need for express planning permission being granted by a planning authority.

3. Class 18 under the 1992 Order covers permitted development rights for certain development on agricultural land including the formation and alteration of private ways (commonly referred to as a track or hill track). Class 22 covers similar permitted development rights in relation to forestry operations. Currently, developers who develop or alter such tracks or hill tracks are not required to notify the relevant planning authority of such works.

4. The 2014 Order introduces a new paragraph (4A) into Class 18 of the 1992 Order. The effect of the new paragraph is to introduce a requirement for a developer, before starting work in respect of the development or alteration of such tracks or hill tracks, to make a prior notification to the relevant planning authority.

5. The Delegated Powers and Law Reform Committee considered the statutory instrument at its meeting on 25 November 2014, and had no comments to make on it.

6. A motion to annul the statutory instrument was lodged on 9 December 2014 by Cameron Buchanan MSP.

7. At its meeting on 7 January 2015 the Local Government and Regeneration Committee considered the statutory instrument. The Committee took evidence on the instrument from Alex Neil MSP, Cabinet Secretary for Social Justice,
Communities and Pensioners’ Rights, John McNairney, Chief Planner, David Reekie, Planning Performance Division, and Norman MacLeod, Directorate for Legal Services, Scottish Government.

8. Cameron Buchanan moved motion S4M-11842—

    That the Local Government and Regeneration Committee recommends that the Town and Country Planning (General Permitted Development) (Scotland) Amendment (No. 2) Order 2014 (SSI 2014/300) be annulled.

9. Following a debate the motion was, with the agreement of the Committee, withdrawn.

10. The Committee has no recommendation to make to the Parliament in relation to this instrument.
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