

Local Government Housing and Planning Committee
Tuesday 14 May 2024
15 Meeting, 2024 (Session 6)

Note by the Clerk on The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2024 (SSI 2024/102)

Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument, The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2024 (SSI 2024/102), which is subject to annulment by resolution of the Parliament until 22 May 2024. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.

2. More information about the instrument is summarised below:

Title of instrument: [The Town and Country Planning \(General Permitted Development\) \(Scotland\) Amendment Order 2024](#) (SSI 2024/102)

Laid under: sections 30, 31 and 275 of the [Town and Country Planning \(Scotland\) Act 1997](#)

Laid on: 28 March 2024

Procedure: Negative

Deadline for committee consideration: 20 May 2024

Deadline for Chamber consideration: 22 May 2024

Commencement: 24th May 2024

Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
 - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
 - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a

meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

Delegated Powers and Law Reform Committee consideration

7. The DPLR Committee considered the instrument on 23 April 2024 and reported on it in its [Subordinate legislation considered by the DPLR Committee Report, 23 April 2024](#). The DPLR Committee made no recommendations in relation to the instrument.

Purpose of the instrument

8. The above instrument (“the Order”) was made in exercise of the powers conferred by sections 30, 31 and 275 of the Town and Country Planning (Scotland) Act 1997. The instrument is subject to negative procedure. The Order amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the GPDO”).
9. The GPDO grants planning permission for specified types of development, meaning development can take place without a planning application having to be submitted to – and granted by – the planning authority. These grants of planning permission under the GPDO are referred to as permitted development rights (“PDR”). PDR removes the need to apply for planning permission in relation to developments and circumstances specified in the legislation.
10. The amendments made by the Order form part of the Scottish Government’s phased programme to review and extend PDR in Scotland. The Order relates to Phase 3 of that review programme.
11. The Policy Note explains that Phase 3 of the review programme is concerned with:

“amending existing and introducing some new PDR which are intended to help support the:

 - Deployment of domestic and non-domestic renewables equipment, such as solar panels, wind turbines and heat pumps.
 - Alteration/replacement of windows to improve energy efficiency.
 - Roll-out of electricity network infrastructure.”
12. The [Policy Note](#) accompanying the instrument includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.

Committee consideration

13. This is the Committee's second consideration of the instrument. At its meeting on 7 May, the Committee agreed to seek further information on the instrument and return to consider it again at its next meeting.
14. So far, no motion recommending annulment has been lodged.
15. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:
 - seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
 - inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.
16. It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.
17. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).
18. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

Clerks to the Committee
May 2024