

Circular 5/1997: Town and country planning (general development procedure) (Scotland) amendment order 1997: consultation on planning applications for roadside facilities and developments affecting playing fields

The Chief Executive Local Authorities
Our ref: PGD/1/21

Copy to: The Director of Planning

1 April 1997

Dear Sir/Madam

Introduction

1. This Circular explains the provisions of the Town and Country Planning (General Development Procedure) (Scotland) Amendment Order 1997 (SI No 749/1997) which was made on 5 March 1997 and comes into force on 9 April 1997. This Order amends the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (the GDPO) by introducing statutory requirements for planning authorities to consult:

- 1.1 the Scottish Sports Council about developments affecting playing fields; and
- 1.2 the Secretary of State about the proposed development of certain roadside facilities.

2. A copy of the Amendment Order is enclosed for planning authorities only.

Development affecting playing fields

3. Paragraph 14 of National Planning Policy Guideline (NPPG) 11: "Sport, Physical Recreation and Open Space" gave notice of the Secretary of State's intention to confer statutory consultee status on the Scottish Sports Council.

4. Accordingly, a new sub-paragraph (o) is added to Article 15(1) of the GDPO to require the Scottish Sports Council to be consulted about planning applications for:

- development likely to prejudice the use of land as a playing field;
- development likely to lead to loss of land used as a playing field; and
- development on land last used as a playing field which has not subsequently been built on.

Article 2 of the GDPO has been amended to include a definition of "playing field" as an area of land of 0.4 hectares or more used for any pitch sports, including any adjacent tennis courts, bowling greens and athletics tracks.

Roadside facilities

5. While the Government's policy for roadside facilities on motorways encourages the identification and development of commercial opportunities, these are subject to certain criteria being met. Many of these criteria, set out in National Planning Policy Guideline (NPPG) 9 "The Provision of Roadside Facilities on Motorways and Other Trunk Roads in Scotland", are for planning authorities to consider in drawing up proposals in development plans, and in determining planning applications. But there are some where the responsibility ultimately rests with the Secretary of State in undertaking his role to ensure the safe and efficient passage of through traffic on the motorway system. Issues of road safety include, for example, spacing on the motorway network to control the number of potentially conflicting access and egress movements; detailed design of Motorway Service Areas to avoid the possibility of traffic queues on the motorway; and maintenance of minimum standards of provision to present drivers with a consistently reliable 'offer' when they respond to 'Services' signs on the road. In order to ensure the consistent operation of this policy, paragraph 32 of NPPG 9 gave notice that the GDPO would be amended to require the Secretary of State to be consulted about the proposed development of certain roadside facilities.

6. Accordingly, Article 15(1)(j) of the GDPO is extended to require the Secretary of State to be consulted about planning applications for:

- any development proposal to create a Motorway Service Area or any development within the boundary of an existing Motorway Service Area;
- any development proposal which includes services such as refreshments, fuel or parking and is wholly or partly within 400 metres of the boundary of a motorway; or
- any development for the purpose of providing fuel and refreshments, which comprises an area exceeding 2 hectares within 1 kilometre of a motorway junction.

7. The Town and Country Planning (Notification of Applications) (Scotland) Direction 1997 (Annex A to Circular No 4/1997) includes a new provision that where, following consultation with the Secretary of State under Article 15(1)(iiA), (iiB) or (iiC) of the GDPO, the planning authority intend to grant permission, either contrary to his advice to refuse it or without conditions which he has recommended, the application must be notified to the Secretary of State. It remains the case that any roadside facility development within 67 metres of a trunk or special road which a planning authority propose to approve contrary to the recommendation of the Secretary of State, has to be notified to the Secretary of State.

Appeals

8. The opportunity has been taken to correct an omission in Article 23 - it has now been amended to apply to appeals against refusal of any consent, agreement or approval of a planning authority required by a condition imposed on a grant of planning permission. At the same time the references to regional planning authorities, which were abolished by local government reorganisation, have been deleted.

Further copies and enquiries

9. Enquiries about the content of this Circular should be addressed to Mr Stephen Bruce (0131 244 7065). Further copies and a list of current planning circulars may be obtained from The Scottish Office Development Department, Planning Division, 2-H, Victoria Quay, Edinburgh, EH6 6QQ (0131 244 7066 or 7825).

Yours faithfully

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