

Heads of Planning

cc: Transport Scotland  
SNH  
SEPA  
Scottish Water  
Historic Scotland

In 2014 Scotland Welcomes the World



2<sup>nd</sup> April 2014

## Permitted Development Rights, Trunk Roads & Quarrying Activities

I am writing to clarify the application of certain permitted development rights to quarrying activities associated with Trunk Roads projects.

In particular, planning authorities will wish to be aware that any quarrying activities undertaken outwith the land made available for a roads project would not, under usual circumstances, be undertaken by the Scottish Ministers and therefore would not benefit from permitted development rights under either class 73 or class 74 of The General Permitted Development Order (the 'GPDO')<sup>1</sup>. Consequently, any such development will require planning permission.

Whilst classes 73 and 74 of the GPDO grant planning permission for certain development associated with trunk roads projects, their application is limited to development carried out by the Scottish Ministers. For ease of reference the relevant extract from the GPDO is enclosed with this letter.

Authorities are also reminded of the need to comply with all relevant European obligations which may apply to quarrying activities. Guidance on Environmental Impact Assessment and permitted development rights is provided in Planning Circular 3/2011. Additional obligations arise in connection with any development likely to have a significant effect on any European Site<sup>2</sup>.

Yours faithfully,



**JOHN McNAIRNEY**  
**Chief Planner**

<sup>1</sup>The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as applied by the Town and Country Planning (Application of Subordinate Legislation to the Crown) (Scotland) Order 2006

<sup>2</sup>The Conservation (Natural Habitats, &c.) Regulations 1994 as amended refer.

Extract from The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended

Class 73—

(1) The carrying out by the Scottish Ministers of development in connection with a project for:

- (a) the construction of a new road for which the Scottish Ministers are roads authority;
- (b) the improvement of a road authorised by an order such as is mentioned in paragraph 1 of Schedule 1 to the Roads (Scotland) Act 1984;
- (c) the improvement of a road without such an order.

(2) For the purposes of this class “roads authority” has the same meaning as in section 151 of the Roads (Scotland) Act 1984

Class 74—

The carrying out by the Scottish Ministers of development (other than development falling within Class 73) in exercise of their functions under the Roads (Scotland) Act 1984 , or development in connection with, or incidental to, the exercise of those functions.