
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 117

TOWN AND COUNTRY PLANNING

The Planning etc. (Scotland) Act 2006 (National Parks) (Consequential Provisions) Order 2012

<i>Made</i>	- - - -	<i>18th April 2012</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>20th April 2012</i>
<i>Coming into force</i>	- -	<i>1st June 2012</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 58(1) and (2) of the Planning etc. (Scotland) Act 2006(1) and all other powers enabling them to do so.

Citation and commencement

1. This Order may be cited as the Planning etc. (Scotland) Act 2006 (National Parks) (Consequential Provisions) Order 2012 and comes into force on 1st June 2012.

Amendment of the Loch Lomond and The Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002

2.—(1) The Loch Lomond and The Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002(2) is amended in accordance with paragraph (2).

(2) In article 7 (planning functions)—

(a) in paragraph (1)(a) for “(but only in respect of functions in relation to local plans)” substitute “(other than functions in relation to a strategic development plan)”;

(b) after paragraph (2) insert—

“(2A) In this article “strategic development plan” has the same meaning as in the Town and Country Planning (Scotland) Act 1997(3).”; and

(c) omit article 7(3) and (4).

(1) 2006 asp 17.

(2) S.S.I. 2002/201, as relevantly amended by S.S.I. 2010/347.

(3) 1997 c.8. Section 7 was substituted by section 2 of the Planning etc. (Scotland) Act 2006 (asp 17).

Amendment of the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003

3.—(1) The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003⁽⁴⁾ is amended in accordance with paragraph (2).

(2) In article 7 (planning functions)—

(a) in paragraph (1)(a) for “(but only in respect of functions in relation to local plans)” substitute “(other than functions in relation to a strategic development plan)”;

(b) after paragraph (14) insert—

“(14A) In this article “strategic development plan” has the same meaning as in the Town and Country Planning (Scotland) Act 1997.”; and

(c) omit paragraphs (15) to (17).

Amendment of the Town and Country Planning (Marine Fish Farming) (Scotland) Order 2007

4.—(1) The Town and Country Planning (Marine Fish Farming) (Scotland) Order 2007⁽⁵⁾ is amended in accordance with paragraph (2).

(2) In column 3 of Part 2 of the Schedule (functions of The Loch Lomond and The Trossachs National Park Authority) for “(but only in respect of functions in relation to local plans)” substitute “(other than functions in relation to a strategic development plan)”.

St Andrew’s House,
Edinburgh
18th April 2012

DEREK MACKAY
Authorised to sign by the Scottish Ministers

(4) S.S.I. 2003/1, as relevantly amended by S.S.I. 2010/348.

(5) S.S.I. 2007/268.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Loch Lomond and The Trossachs National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2002 and the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003. Those Orders designated areas as National Parks and established National Park authorities for both the Cairngorms and Loch Lomond and The Trossachs.

Article 7 of both those Orders transferred the functions under the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”) in relation to local plans from planning authorities to the two National Park authorities. The Planning etc. (Scotland) Act 2006 replaced local plans in the 1997 Act with a new duty on planning authorities to prepare and publish local development plans. This Order ensures that the planning functions in relation to local development plans transfer to the National Park authorities (articles 2(2)(a) and 3(2)(a) of this Order).

This Order also deletes provisions in article 7 of each Order which amended the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983. Those Regulations were revoked by the Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008 (articles 2(2)(c) and 3(2)(c) of this Order).

This Order also amends the Town and Country Planning (Marine Fish Farming) (Scotland) Order 2007 which made provision in connection with the application of the 1997 Act to marine fish farming. The Loch Lomond and The Trossachs National Park Authority has functions for the purposes of the 1997 Act applying to fish farm development in Marine Planning Zone 6. Article 4 of this Order ensures that that National Park authority’s planning functions for fish farming development in Marine Planning Zone 6 also relate to local development plans.