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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 293**

**EXITING THE EUROPEAN UNION  
TOWN AND COUNTRY PLANNING**

**The Town and Country Planning (Cairnryan  
Border Control Posts) (EU Exit) (Scotland)  
Special Development Amendment Order 2021**

<i>Made</i>	- - - -	<i>27th August 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>31st August 2021</i>
<i>Coming into force</i>	- -	<i>1st October 2021</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 30(2) (b) of the Town and Country Planning (Scotland) Act 1997(1) and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the Town and Country Planning (Cairnryan Border Control Posts) (EU Exit) (Scotland) Special Development Amendment Order 2021 and comes into force on 1 October 2021.

**Amendment of the Town and Country Planning (Cairnryan Border Control Posts) (EU Exit) (Scotland) Special Development Order 2021**

2. The Town and Country Planning (Cairnryan Border Control Posts) (EU Exit) (Scotland) Special Development Order 2021(2) is amended in accordance with articles 3 to 6.

**Amendment of article 2**

3. In article 2(1) (interpretation)—
- (a) before the definition of “building” insert—  
““border department” means any of—

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(1) 1997 c. 8. Section 30(2)(b) was amended by section 54(3)(b) of the Planning etc. (Scotland) Act 2006 (asp 17). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).  
(2) S.S.I. 2021/98.

- (a) the Commissioners for Her Majesty’s Revenue and Customs,
  - (b) the Secretary of State for Business, Energy and Industrial Strategy,
  - (c) the Secretary of State for the Environment, Food and Rural Affairs, or
  - (d) the Secretary of State for Transport,”
- (b) for the definition of “developer” substitute—
- ““developer” means the Scottish Ministers, a border department, or a person carrying out the development on behalf of the Scottish Ministers or a border department,” and
- (c) in the definition of “safety hazard area” omit “local”.

**Amendment of article 3**

4. In article 3 (grant of planning permission for a limited period)—
- (a) in paragraph (1)(a)(i)—
    - (i) after “the Scottish Ministers” insert “or a border department”, and
    - (ii) omit “(“border processing””, and
  - (b) in paragraph (1)(b)(ii) for “border processing” substitute “those activities described in sub-paragraph (a)(i)”.

**Amendment of schedule 2**

5. In schedule 2 (conditions)—
- (a) in paragraph 1 after “the Scottish Ministers” insert “or a border department”, and
  - (b) in paragraph 25 omit “local” in both places it appears.

**Amendment of schedule 3**

6. In schedule 3 (engagement parties)—
- (a) in paragraph 3 for “Environmental” substitute “Environment”, and
  - (b) in paragraph 10(a) omit “by”.

St Andrew’s House,  
Edinburgh  
27th August 2021

*TOM ARTHUR*  
Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (Cairnryan Border Control Posts) (EU Exit) (Scotland) Special Development Order 2021 (“the SDO”). Article 3 adds a definition of “border department” to the SDO, and expands the definition of “developer” to include a border department. Article 4 amends article 3 of the SDO so that the planning permission granted by the SDO includes permission for development for the purposes of any activity that forms part of the functions of a border department. Article 5 amends schedule 2 of the SDO which applies conditions to planning permission granted by article 3 of the SDO. Articles 3(c), 4(a)(ii) and (b), 5(b) and 6 make minor amendments to the SDO to correct typographical and formatting errors.