

*This draft Order supersedes the draft laid in the Scottish Parliament on 8th November 2010 and published on 10th November 2010. It is being issued free of charge to all known recipients of that draft Order.*

*Draft Order laid before the Scottish Parliament under section 58(5) of the Planning etc. (Scotland) Act 2006 for approval by resolution of the Scottish Parliament.*

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## DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2010 No.**

# COUNTRYSIDE

## The National Scenic Areas (Consequential Modifications) (Scotland) Order 2010

*Made - - - - 2010*

*Coming into force - - 17th December 2010*

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

In accordance with section 58(5) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

### Citation and commencement

1. This Order may be cited as the National Scenic Areas (Consequential Modifications) (Scotland) Order 2010 and comes into force on 17th December 2010.

### The Harbours Act 1964

2. In paragraph 1 of Schedule 3 to the Harbours Act 1964<sup>(2)</sup> (Procedure for making harbour revision and empowerment Orders), in the definition of “sensitive area”, in paragraph (k), for the words from “an area defined” to “1978” substitute “as a National Scenic Area by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997”.

### The Road Traffic Regulation Act 1984

3. In section 22(1)(b)(ii) (Traffic regulation for special areas in the countryside) of the Road Traffic Regulation Act 1984<sup>(3)</sup> for the words from “under” to “1972” substitute “by a direction

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(1) 2006 asp 17.

(2) 1964 c.40; Schedule 3 was substituted by S.I. 1999/3445 and relevantly amended by S.S.I. 2008/202.

(3) 1984 c.27.

made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997(4)”.

### **The Overhead Lines (Exemption) Regulations 1990**

4. In regulation 3(2) (exemptions from section 37(1) of the Electricity Act 1989) of the Overhead Lines (Exemption) Regulations 1990(5), for the definition of “National Scenic Area” substitute—

““National Scenic Area” means an area designated by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997;”.

### **The Town and Country Planning (General Permitted Development) (Scotland) Order 1992**

5. In article 2(1) (interpretation) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992(6), for the definition of “national scenic area” substitute—

““national scenic area” means an area designated by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997;”.

### **The Environmental Impact Assessment (Scotland) Regulations 1999**

6.—(1) The Environmental Impact Assessment (Scotland) Regulations 1999(7) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 2(1) (interpretation), in the definition of “sensitive area”, for paragraph (f) substitute—

“(f) a National Scenic Area as designated by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997;”.

(3) In regulation 55(a) (interpretation), in the definition of “sensitive area”, for paragraph (d) substitute—

“(d) a National Scenic Area as designated by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997;”.

### **The Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999**

7. In paragraph 1 (interpretation) of Schedule 2 (thresholds for identification of projects likely to have significant effects on the environment) to the Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999(8), in the definition of “sensitive area”, for paragraph (e) substitute—

“(e) a National Scenic Area as designated by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997;”.

### **The Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999**

8. In regulation 2(1) (interpretation) of the Public Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999(9), in paragraph (j) of the definition of “sensitive area”, for the words from “an area defined” to “1978” substitute “as a National Scenic Area by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997”.

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(4) 1997 c.8.

(5) S.I. 1990/2035 and relevantly amended by S.S.I. 2008/202.

(6) S.I. 1992/223; amended by S.S.I. 2008/203.

(7) S.S.I. 1999/1; (a relevant amending instrument is S.S.I. 2006/614) and relevantly amended by S.S.I. 2008/202.

(8) S.S.I. 1999/43; amended by S.S.I. 2006/614 and relevantly amended by S.S.I. 2008/202.

(9) S.I. 1999/1672 (to which there are amendments not relevant to these Regulations) and relevantly amended by S.S.I. 2008/202.

### **The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000**

9. In paragraph 1 of Schedule 2 (description of development for the purposes of the definition of “Schedule 2 development”) to the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000<sup>(10)</sup>, in paragraph (v) of the definition of “sensitive area”, for the words from “an area defined” to “1978” substitute “as a National Scenic Area by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997”.

### **The Electronic Communications Code (Conditions and Restrictions) Regulations 2003**

10. In regulation 2(2) (interpretation) of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003<sup>(11)</sup> for the definition of “national scenic area” substitute—

““national scenic area” means an area designated by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997;”.

### **The Environmental Impact Assessment (Agriculture) (Scotland) Regulations 2006**

11. In regulation 5(3) (screening decision – restructuring project) of the Environmental Impact Assessment (Agriculture) (Scotland) Regulations 2006<sup>(12)</sup>, for paragraph (f) substitute—

“(f) a National Scenic Area as designated by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997;”.

### **The Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008**

12. In paragraph 1 of Schedule 1 (interpretation of Schedules) to the Rural Development Contracts (Rural Priorities) (Scotland) Regulations 2008<sup>(13)</sup> for the definition of “NSA” substitute—

““NSA” means a National Scenic Area designated by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997;”.

### **The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008**

13. In regulation 3(1) (interpretation) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008<sup>(14)</sup> for the definition of “National Scenic Area” substitute—

““National Scenic Area” means an area designated by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997;”.

St Andrew’s House,  
Edinburgh  
Date

Authorised to sign by the Scottish Ministers

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(10) [S.S.I. 2000/320](#) and relevantly amended by [S.S.I. 2008/202](#).

(11) [S.I. 2003/2553](#); amended by [S.I. 2009/584](#).

(12) [S.S.I. 2006/582](#) and relevantly amended by [S.S.I. 2008/202](#).

(13) [S.S.I. 2008/100](#).

(14) [S.S.I. 2008/432](#).

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The National Scenic Areas (Consequential Modifications) (Scotland) Order 2010 No. 460*

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## EXPLANATORY NOTE

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

This Order makes provision consequential on section 50 of the Planning etc. (Scotland) Act 2006 which inserts section 263A into the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”).

This Order provides for modifications of the enactments specified in articles 2 to 13 so that references in those enactments to “national scenic areas” will be references to national scenic areas designated by a direction made by the Scottish Ministers under section 263A of the 1997 Act.