

SCHEDULE 1

Article 1(2)

Land to which this Order applies

1. Subject to paragraphs 2 and 3, the land to which this Order applies is land situated within the local authority area of Dumfries and Galloway and the whole of the area of which is within 15 miles of either—

- (a) the Port of Cairnryan, or
- (b) Loch Ryan Port.

2. This Order does not apply to any land which is, or forms part of—

- (a) a National Park as designated by an order made under section 6 of the National Parks (Scotland) Act 2000⁽¹⁾,
- (b) 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⁽²⁾,
- (c) a conservation area as designated under section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997⁽³⁾,
- (d) a historic garden or designed landscape which is included in the inventory of gardens and designed landscapes compiled and maintained under section 32A of the Ancient Monuments and Archaeological Areas Act 1979⁽⁴⁾ (“the 1979 Act”),
- (e) a site of special scientific interest, having the same meaning as in section 58(1) of the Nature Conservation (Scotland) Act 2004⁽⁵⁾,
- (f) a historic battlefield included in the inventory of battlefields compiled and maintained under section 32B of the 1979 Act,
- (g) a European site,
- (h) a World Heritage Site included in the list kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage⁽⁶⁾.

3. This Order does not apply to any land which contains—

- (a) a listed building or the curtilage of a listed building listed under section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997,
- (b) a scheduled monument within the meaning of the 1979 Act,
- (c) ancient woodland contained in the Ancient Woodland Inventory⁽⁷⁾.

⁽¹⁾ 2000 asp 10.

⁽²⁾ 1997 c.8. Section 263A was inserted by section 50 of the Planning etc. (Scotland) Act 2006 (asp 17) and amended by section 51 of the Planning (Scotland) Act 2019 (asp 13).

⁽³⁾ 1997 c.9. Sections 1 and 61 were amended by schedule 3 of the Historic Environment Scotland Act 2014 (asp 19).

⁽⁴⁾ 1979 c.46. Sections 32A and 32B were inserted by section 11 of the Historic Environment (Amendment) (Scotland) Act 2011 (asp 3) and amended by paragraphs 37 and 38 of schedule 3 of the Historic Environment Scotland Act 2014 (asp 19).

⁽⁵⁾ 2004 asp 6. The definition of “site of special scientific interest” was inserted by section 37(4) of the Wildlife and Natural Environment (Scotland) Act 2011 (asp 6).

⁽⁶⁾ See command paper 9424.

⁽⁷⁾ Available at <https://map.environment.gov.scot/sewebmap/> or by contacting Scottish Natural Heritage, Great Glen House, Leachkin Road, Inverness, IV3 8NW.