EXECUTIVE NOTE

THE PLANNING ETC. (SCOTLAND) ACT 2006 (NATIONAL PARKS) (CONSEQUENTIAL PROVISIONS) ORDER 2012

SSI 2012/117

1. The above instrument was made in exercise of the powers conferred by Section 58(1) and (2) of the Planning etc. (Scotland) Act 2006. The Order must be laid in Parliament and is subject to negative parliamentary procedure.

Policy Objectives

2. Prior to the establishment of National Parks in Scotland, the power to prepare local plans rested with local authorities.

3. On their establishment in 2002 and 2003 respectively, the Loch Lomond and the Trossachs National Park Authority and the Cairngorms National Park Authority assumed these powers from the several local authorities which have part of their area covered by the Parks. Both Park Authorities have since prepared and adopted Local Plans – Cairngorms in 2010 and Loch Lomond & The Trossachs in 2011.

4. The Planning etc. (Scotland) Act 2006 ("the 2006 Act") changed the way development planning is carried out. The 2006 Act did this by substituting a new Part 2 to the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"). This new Part replaced Local Plans with Local Development Plans and related Supplementary Guidance. It also replaced Structure Plans (higher tier plans which covered the whole of Scotland) with Strategic Development Plans (which cover the four largest city-regions only).

5. The instrument ensures that both National Park Authorities can continue with their local development planning functions under the 2006 Act. They will now prepare Local Development Plans, and any associated Supplementary Guidance. For Loch Lomond & The Trossachs National Park Authority, it ensures that their Local Development Plans can, like their current Local Plan, cover marine fish farming.

6. The instrument therefore makes no significant change in how it is intended that local development planning is to operate within both the National Parks. Both Park Authorities have been and remain responsible for this function.

Consultation

7. This statutory instrument has not been subject to formal consultation but we have discussed it informally with both the National Park Authorities, both of which are content with it. We will use the Directorate for the Built Environment's e-alert system to inform other stakeholders such as residents and landowners in the Parks who, though not directly affected by the Instrument, may have an interest.

Business and Regulatory Impact Assessment and other impacts

8. Due to the technical nature of the Instrument, and because it continues current practice, we have not prepared a formal business and regulatory impact assessment. We do not consider that the Instrument imposes any additional regulatory burden or has any other adverse effect on business. Nor have we identified any impacts on the environment or on equality groups arising from it.

Financial Implications

9. No significant financial implications have been identified.

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Directorate of the Built Environment
April 2012