POLICY NOTE

THE TOWN AND COUNTRY PLANNING (CAIRNRYAN BORDER CONTROL POSTS) (EU EXIT) (SCOTLAND) SPECIAL DEVELOPMENT AMENDMENT ORDER 2021

SSI 2021/293

The above instrument ("the amendment Order") was made in exercise of the powers conferred by section 30(2)(b) of the Town and Country Planning (Scotland) Act 1997. It amends the Town and Country Planning (Cairnryan Border Control Posts) (EU Exit) (Scotland) Special Development Order 2021 ("the SDO"). The instrument is subject to negative procedure.

Purpose of the instrument
The amendment Order provides for a wider range of Government functions, in addition to those of Scottish Ministers, to be carried out at any border facility that is consented under the SDO.

Policy Objectives
The SDO, which came into force on 25 March 2021, grants temporary planning permission for the development of border facilities to serve the ports at Cairnryan in Dumfries and Galloway. Development permitted by the SDO can only be carried out by, or on behalf of, the Scottish Ministers. Additionally, the planning permission granted by article 3 of the SDO relates to functions required to be carried out by on behalf of Scottish Ministers. As such, the SDO would not authorise a combined or multi-functional border facility at which relevant reserved functions of the UK Government can be carried out. The amendment Order addresses this by providing that development in connection with the functions of HMRC, BEIS, DfT and Defra (in addition to those of Scottish Ministers) may be carried out. The amendment Order does not, however, alter any of the conditions, limitations or restrictions which the temporary planning permission granted by the SDO is subject to.

Consultation
Public consultation has not been carried out in respect of the amendment Order. However, Scottish Government has engaged with – and continues to engage with - key partners and stakeholders regarding the emerging proposals for border facilities serving Cairnryan. Additionally, consultation with those parties specified in schedule 3 to the SDO is required to be carried out before site-specific approval is sought from the Scottish Ministers under article 4(1). A report summarising the outcome of this consultation must be included in the written submission made to Scottish Ministers when such site-specific approval is sought. This provision is unchanged by the amendment Order.

Impact Assessments
A Business and Regulatory Impact Assessment (BRIA), Equality Impact Assessment (EqIA) and Children's Rights and Wellbeing Impact Assessment (CRWIA) were carried out in respect of the SDO. The need for a Fairer Scotland Duty Assessment was screened out, as was the need for an Island Communities Impact Assessment. These assessments and screening assessments have been reviewed and are not considered to require updating in light of the amendment Order. This is on the basis that the amendment Order does not alter the

scope of the temporary planning permission granted by the SDO, other than who can operate at any border facility consented under it. A Strategic Environmental Assessment (SEA) screening report was completed in respect of the amendment Order. This concluded that significant environmental effects were unlikely to arise, and a SEA was therefore not required.

Scottish Government
Directorate for Local Government and Communities

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