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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 426**

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

**PART 5**

**General**

**Key Agencies**

**28.**—(1) The bodies mentioned in paragraph (2) are, subject to the limitations set out in paragraph (3), specified as a key agency for the purposes of sections 9(4)(a) and (5), 10(1)(b)(i) and (d) and (9), 13(4)(b)(ii), 17(4)(a) and (5), 18(1)(b) and (d) and (10) and 21(3)(a) and (5) of the Act.

(2) The bodies are—

- (a) Scottish Natural Heritage;
- (b) the Scottish Environment Protection Agency;
- (c) Scottish Water;
- (d) Scottish Enterprise;
- (e) Highlands and Islands Enterprise;
- (f) a regional Transport Partnership;
- (g) the Crofters Commission; and
- (h) a Health Board.

(3) The limitations are—

- (a) Scottish Enterprise is specified as a key agency only where the strategic development plan or local development plan in question relates to an area within which or in relation to which the functions of that body are exercisable under or by virtue of the Enterprise and New Towns (Scotland) Act 1990<sup>(1)</sup>;
- (b) Highlands and Islands Enterprise is specified as a key agency only where the strategic development plan or local development plan in question relates to an area within which or in relation to which the functions of that body are exercisable under or by virtue of section 21(1) of the Enterprise and New Towns (Scotland) Act 1990;
- (c) a regional Transport Partnership is specified as a key agency only where the strategic development plan or local development plan in question relates to the region for which that body is constituted as the Transport Partnership by virtue of an order under section 1(1) of the Transport (Scotland) Act 2005<sup>(2)</sup>;

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(1) 1990 c. 35.

(2) 2005 asp 12.

- (d) the Crofters Commission is specified as a key agency only where the strategic development plan or local development plan in question relates to the crofting counties (within the meaning of the Crofters (Scotland) Act 1993<sup>(3)</sup>); and
  - (e) a Health Board is specified as a key agency only where the strategic development plan or local development plan in question relates to the area of that Health Board.
- (4) In paragraphs (2) and (3), ‘Health Board’ means a board constituted by order under section 2(1)(a) of the National Health Service (Scotland) Act 1978<sup>(4)</sup>.

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<sup>(3)</sup> 1993 c. 44.

<sup>(4)</sup> 1978 c. 29. Section 2(1)(a) was amended by paragraph 2(2) of Schedule 2 to the [Smoking, Health & Social Care \(Scotland\) Act 2005](#) (asp 13).