

POLICY NOTE

THE TOWN AND COUNTRY PLANNING, MANAGEMENT OF EXTRACTIVE WASTE AND ELECTRICITY WORKS (EU EXIT) (SCOTLAND) (MISCELLANEOUS AMENDMENTS) REGULATIONS 2020

SSI 2020/310

The above instrument was made in exercise of the powers conferred by paragraph 1(1) and (3) of Schedule 2 to the European Union (Withdrawal) Act 2018. The instrument is subject to negative procedure.

Purpose of the instrument.

The Regulations update references to exit day in the Management of Extractive Waste (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019/273, and the Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019/80.

Policy Objectives

The Regulations update references to exit day in the Management of Extractive Waste (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019/273, and the Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019/80. Both of those instruments are to come into force on IP completion day and as such, the amending provisions of this instrument require to come into force immediately before IP completion day to ensure the law is clear following IP completion day.

Explanation of the law being amended by the regulations

The Regulations make some minor and technical amendments to the Management of Extractive Waste (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019/273, and the Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019/80. The amendments are required to update references to “exit day”. SSIs 2019/273 and 2019/80, which this instrument will amend, themselves made minor and technical changes to the Management of Extractive Waste (Scotland) Regulations 2010, the Town and Country Planning (Development Planning) (Scotland) Regulations 2008, the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015, the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

Reasons for and effect of the proposed change or changes on retained EU law

The Regulations update references to exit day in the Management of Extractive Waste (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019/273, and the Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019/80. Both of those instruments are to come into force on IP completion day and as such, the amending provisions of this instrument require to come into force immediately before IP completion to ensure the law is clear following IP completion day. These amendments do not introduce any policy changes.

Statements required by European Union (Withdrawal) Act 2018

Statement that in their opinion Scottish Ministers consider that the regulations do no more than is appropriate

The Cabinet Secretary for Communities and Local Government, Aileen Campbell has made the following statement “In my view the Town and Country Planning, Management of Extractive Waste and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2020 do no more than is appropriate”. This is the case because the changes being made are minor and technical amendments.

Statement as to why the Scottish Ministers consider that there are good reasons for the regulations and that this is a reasonable course of action

The Cabinet Secretary for Communities and Local Government, Aileen Campbell has made the following statement “In my view there are good reasons for the provisions in this instrument, and I have concluded they are a reasonable course of action given the changes being made are minor and technical amendments to ensure the law is clear following IP completion day.”.

Statement as to whether the SSI amends, repeals or revokes any provision of equalities legislation, and, if it does, an explanation of that amendment, repeal or revocation

The Cabinet Secretary for Communities and Local Government, Aileen Campbell has made the following statement “In my view the Town and Country Planning, Management of Extractive Waste and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2020 do not amend, repeal or revoke a provision or provisions in the Equality Act 2006 or the Equality Act 2010 or subordinate legislation made under those Acts.”

Statement that Scottish Ministers have, in preparing the regulations, had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010

The Cabinet Secretary for Communities and Local Government, Aileen Campbell has made the following statement “In my view the Town and Country Planning, Management of Extractive Waste and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2020 have had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.”.

Additional information provided for EU Exit instruments in terms of the protocol agreed between the Scottish Government and the Scottish Parliament

Statement that Scottish Ministers have, in preparing the regulations, had due regard to the guidance principles on the environment and animal welfare

The Cabinet Secretary for Communities and Local Government, Aileen Campbell has made the following statement “In my view the Town and Country Planning, Management of Extractive Waste and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2020 have had due regard to the need to the guiding principles on the environment and animal welfare as derived from the equivalent principles provided for in

Articles 13 and 191(2) in Titles II and XX respectively of the Treaty on the Functioning of the European Union.”.

Statement explaining the effect (if any) of the regulations on rights and duties relating to employment and health and safety and matters relating to consumer protection (so far as is within devolved competence)

Not applicable

An indication of how the regulations should be categorised in relation to the significance of the change proposed

Low - given the changes being made are minor and technical amendments.

Statement setting out the Scottish Ministers’ reasons for their choice of procedure

The Cabinet Secretary for Communities and Local Government, Aileen Campbell has made the following statement “In my view, it is appropriate that the Town and Country Planning, Management of Extractive Waste and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2020 are subject to the negative procedure as the amendments made by the instrument are minor and technical in nature.”

Further information

Consultation

The instrument contains provisions which are due to come into force before IP completion day. Therefore, in accordance with paragraph 4 of schedule 2 to the EU (Withdrawal) Act 2018, we have consulted with the Secretary of State for Housing, Communities and Local Government before making the instrument. No other consultation was considered necessary as the amendments are minor and technical in nature.

Impact Assessments

Full impact assessments have not been prepared for this instrument because the amendments made by the instrument are minor and technical in nature.

Financial Effects

The Cabinet Secretary for Communities and Local Government, Aileen Campbell confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Scottish Government
Directorate for Local Government and Communities

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