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## SCOTTISH STATUTORY INSTRUMENTS

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### 2021 No. 98

## The Town and Country Planning (Cairnryan Border Control Posts) (EU Exit) (Scotland) Special Development Order 2021

### Interpretation

2.—(1) In this Order—

[<sup>F1</sup>“border department” means any of—

- (a) the Commissioners for Her Majesty’s Revenue and Customs,
- (b) the [<sup>F2</sup>Secretary of State for Business and Trade],
- (c) the Secretary of State for the Environment, Food and Rural Affairs, or
- (d) the Secretary of State for Transport,]

“building” includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building,

[<sup>F3</sup>“ developer ” means the Scottish Ministers, a border department, or a person carrying out the development on behalf of the Scottish Ministers or a border department,]

“development” means development carried out, or proposed to be carried out, as the case may be, pursuant to the planning permission granted by article 3(1),

“engagement parties” means the persons and bodies specified in schedule 3,

“European site” has the meaning given in regulation 10(1) of the Conservation (Natural Habitats, &c.) Regulations 1994 <sup>M1</sup>,

“goods” includes animals and plants,

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted,

“hard surfacing” includes any artificial surfacing and may be permeable or porous,

“reinstatement plan” means a plan detailing the reinstatement works and a method statement and timetable for carrying out the reinstatement works,

“reinstatement works” means the cessation of the use, and the removal of all buildings, for which planning permission is granted by article 3(1)(a) and (b) on a site and the restoration of the site to its condition before such development commenced, except as specified in a reinstatement plan approved by the Scottish Ministers,

“relevant approval” has the meaning given in article 4(1)(a),

“relevant owners and occupiers” means, in respect of a development—

- (a) those owners of the land adjacent to the site, and
- (b) those occupiers of the land adjacent to the site, or to roads that will be used by vehicles travelling to and from the site that are likely to be affected by the development,

“safety hazard area” means an area notified to the <sup>F4</sup>... planning authority—

- (a) by the Health and Safety Executive for the purposes of paragraph 3 of schedule 5 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 <sup>M2</sup>, or
- (b) by the Office for Nuclear Regulation for the purposes of paragraph 3A of that schedule, “site” means the land on which a developer proposes to implement, or implements, as the case may be, the planning permission granted by article 3(1),  
“site operator” means, in respect of a site, the person whose name is notified in writing from time to time to the Scottish Ministers as responsible for site operations,  
“waste hierarchy” means the waste hierarchy set out in Article 4(1) of Directive 2008/98/EC of the European Parliament and of the Council on waste <sup>M3</sup>.
- (2) Except when a contrary intention appears, any reference in this Order to the height of a building shall be construed as a reference to its height when measured from ground level,
- (3) For the purposes of paragraph (2), “ground level” means the level of the surface of the ground immediately adjacent to the building in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.
- (4) Any requirement of this Order—
- (a) on a developer to engage with engagement parties in respect of a development, or
- (b) to publish a document,
- includes such use of hard copy, electronic means (including social media), or other forms of communication as the site operator or developer considers appropriate.

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#### Textual Amendments

- F1** Words in art. 2(1) inserted (1.10.2021) by *The the Town and Country Planning (Cairnryan Border Control Posts) (EU Exit) (Scotland) Special Development Amendment Order 2021 (S.S.I. 2021/293)*, arts. 1, **3(a)**
- F2** Words in reg. 2(1) substituted (3.5.2023) by *The Secretaries of State for Energy Security and Net Zero, for Science, Innovation and Technology, for Business and Trade, and for Culture, Media and Sport and the Transfer of Functions (National Security and Investment Act 2021 etc) Order 2023 (S.I. 2023/424)*, art. 1(2), **Sch. para. 68** (with art. 17)
- F3** Words in art. 2(1) substituted (1.10.2021) by *The the Town and Country Planning (Cairnryan Border Control Posts) (EU Exit) (Scotland) Special Development Amendment Order 2021 (S.S.I. 2021/293)*, arts. 1, **3(b)**
- F4** Word in art. 2(1) omitted (1.10.2021) by virtue of *The the Town and Country Planning (Cairnryan Border Control Posts) (EU Exit) (Scotland) Special Development Amendment Order 2021 (S.S.I. 2021/293)*, arts. 1, **3(c)**
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#### Commencement Information

- I1** Art. 2 in force at 25.3.2021, see art. 1(1)
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#### Marginal Citations

- M1** S.I. 1994/2716.
- M2** S.S.I. 2013/155, as relevantly amended by S.I. 2014/469.
- M3** OJ L No. 312, 22.11.2008, p.3.

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Cairnryan Border Control Posts) (EU Exit) (Scotland) Special Development Order 2021, Section 2.