
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 98

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

Grant of planning permission for a limited period

3.—(1) Subject to the provisions of this article and regulation 64 of the Conservation (Natural Habitats, &c.) Regulations 1994, planning permission is granted for—

- (a) the making of a material change in the use of any buildings or other land for the purpose of or in connection with—
 - (i) any activity that forms part of, or is incidental to, functions required to be carried out by or on behalf of the Scottish Ministers in connection with vehicles (in particular goods vehicles) and goods entering or exiting, or that are about to enter or exit, Great Britain, including—
 - (aa) recording vehicles entering or exiting the site,
 - (bb) providing, reviewing, checking, endorsing and approving customs declarations, permits and other documents relating to vehicles and goods,
 - (cc) examining, seizing and detaining goods,
 - (dd) inspecting vehicles and goods for any other lawful purpose,
 - (ee) storing or holding goods carried in vehicles,
 - (ff) checking vehicles to ensure compliance with the conditions imposed by this Order (“border processing”),
 - (ii) the associated stationing of vehicles,
 - (iii) carrying out repairs to vehicles, where an examiner appointed pursuant to section 66A of the Road Traffic Act 1988⁽¹⁾ has—
 - (aa) examined the vehicle on the site,
 - (bb) determined, pursuant to section 69(1) of that Act⁽²⁾ (power to prohibit driving of unfit vehicles), that owing to any defects in the vehicle, it is, or is likely to become, unfit for service, and
 - (cc) prohibited the driving of the vehicle on a road,
- (b) the construction, installation, provision, operation, maintenance, improvement or alteration, decommissioning or removal of any buildings, and the carrying out of any works and earth modelling, required or provided in connection with the use of the site pursuant to sub-paragraph (a), including but not limited to the provision of—
 - (i) facilities for drivers of vehicles,
 - (ii) facilities for persons engaged in border processing,
 - (iii) roads and other means of access,

⁽¹⁾ 1988 c.52. Section 66A was inserted by section 9(1) of the Road Traffic Act 1991 (c.4) and amended by Good Vehicles (Licensing of Operators) Act 1995 (c.23).

⁽²⁾ Section 69 was amended by section 12 of the Road Traffic Act 1991 (c.4).

- (iv) any main, pipe, cable or other apparatus for the provision of water, gas, electricity or other services,
 - (v) any foul water and surface water drainage systems,
 - (vi) hard surfacing,
 - (vii) lighting,
 - (viii) landscaping,
 - (ix) noise attenuation measures,
 - (x) security and reception facilities,
- (c) reinstatement works.
- (2) Planning permission is granted by paragraph (1) subject to—
- (a) article 4,
 - (b) the conditions specified in schedule 2, and
 - (c) such other conditions as the Scottish Ministers may specify in a relevant approval.
- (3) This Order does not permit—
- (a) schedule 1 development, as defined in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017⁽³⁾, unless the Scottish Ministers have directed under regulation 6(4) or 6(6) that the development is exempt from the requirements of those Regulations, or
 - (b) schedule 2 development, as defined in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, unless the Scottish Ministers have—
 - (i) made a screening direction under regulation 7(4) of those Regulations that the development is not EIA development, or
 - (ii) directed under regulation 6(4) or 6(6) that the development is exempt from the requirements of those Regulations.
- (4) Planning permission is granted by paragraph (1) subject to the requirement that—
- (a) on the date falling 5 years after the date which is notified in terms of paragraph 25(b) of schedule 2 (the “notified date”), any use of the land so authorised is discontinued, and
 - (b) the developer shall carry out the reinstatement works specified in the reinstatement plan approved by the Scottish Ministers under Part 5 of schedule 2 before the date falling 6 years after the notified date.