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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**

**Relevant approvals**

- 4.—(1) No development on any site may commence unless—
- (a) a developer has made a written submission to the Scottish Ministers for approval for the use of the land and the operations comprised in the development (“relevant approval”),
  - (b) the Scottish Ministers have ascertained that the development is not likely to have a significant effect on a European site or European offshore marine site, either alone or in combination with other plans or projects, and
  - (c) the developer has obtained the relevant approval.
- (2) A submission made under paragraph (1)(a) must include—
- (a) the name of the developer by whom the submission is made and the name of the site operator,
  - (b) a plan, reproduced from or based on an Ordnance Survey map, drawn to an identified scale, which shows the location and boundary or the site to which the submission relates,
  - (c) a plan showing the maximum extent (in terms of height and area) and general layout of, and the means of access to, the development,
  - (d) details of any planning permission (including planning permission granted by another development order) that the developer proposes to rely on,
  - (e) a document confirming that the owners and occupiers of the site have been notified of the developer’s intention to make a submission under paragraph (1)(a),
  - (f) a document identifying any other land in the vicinity of the site of which the developer is the owner,
  - (g) if the developer considers that it is likely to cease to need the planning permission granted by article 3(1)(a) and (b) on or by a date substantially earlier than when the planning permission would cease, that earlier date,
  - (h) an analysis of the likely environmental effects of the development,
  - (i) a screening report under the Conservation (Natural Habitats, & c.) Regulations 1994, and for the purposes of this sub-paragraph—  
“screening report” means a report which includes an appraisal of whether the development, either alone or in combination with other plans or projects, is likely to have a significant effect on a European site or a European offshore marine site,
  - (j) a report which—
    - (i) summarises—
      - (aa) the methods used to engage with the engagement parties regarding the development,

- (bb) the information provided to the engagement parties and when it was provided to them, and
- (cc) the outcome of engagement with each engagement party, and
- (ii) includes—
  - (aa) a statement of the period given to each engagement party to make representations about the development, being not less than 21 days and beginning with the date on which they were invited to make such representations, and
  - (bb) copies of the representations received from engagement parties,
- (k) an assessment of the traffic impacts of the development,
- (l) an assessment of the impacts of the development on any part of the site which is shown as safeguarded on a safeguarding map for the purposes of the Town and Country Planning (Safeguarded Aerodromes, Technical Sites, Meteorological Technical Sites and Military Explosives Storage Areas) (Scotland) Direction 2016(1),
- (m) a statement from the Health and Safety Executive and the Office of Nuclear Regulation (as appropriate) in respect of the development where the site or any part of it is in, or includes, a safety hazard area,
- (n) a statement including—
  - (i) a description of the development,
  - (ii) a summary of the planning history of the site,
  - (iii) identification of the national and local planning policies relevant to the site and the development, and
  - (iv) an assessment of any other material considerations which are relevant to the determination of the submission and which are, in the opinion of the developer, important to that determination.

(3) Where the Scottish Ministers are in receipt of a submission made under paragraph (1)(a) and they consider they have not been provided with sufficient information to determine whether to give the relevant approval, they must within the period of 21 days beginning with the date of receipt of the submission notify the developer of what further information or documents they require.

(4) Where a condition in schedule 2 requires the approval of the Scottish Ministers to be obtained in respect of any document or other matter, such approval may only be granted in relation to a site in respect of which a relevant approval has been obtained.

(5) Approval of any document or other matter pursuant to a condition of a relevant approval (including a condition in schedule 2) may be given subject to such further conditions as the Scottish Ministers consider appropriate in relation to the subject matter of the approval.

(6) Before approving any document or other matter pursuant to a condition of a relevant approval (including a condition in schedule 2), the Scottish Ministers may engage with such engagement parties as the Scottish Ministers consider appropriate.

(7) For the purposes of this article “European offshore marine site” has the meaning given in regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017(2).

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(1) Contained in Planning Circular 2/2003 “Safeguarding of aerodromes, technical sites, meteorological technical sites, and military explosives storage areas”, available at [www.gov.scot/publications/](http://www.gov.scot/publications/) or by contacting Scottish Government Planning and Architecture Division, Area 2H, Victoria Quay, Edinburgh, EH6 6QQ.

(2) [S.I. 2017/1013](#).