

SCHEDULE 1

Article 1(2)

Land to which this Order applies

1. Subject to paragraphs 2 and 3, the land to which this Order applies is land situated within the local authority area of Dumfries and Galloway and the whole of the area of which is within 15 miles of either—

- (a) the Port of Cairnryan, or
- (b) Loch Ryan Port.

Commencement Information

I1 Sch. 1 para. 1 in force at 25.3.2021, see [art. 1\(1\)](#)

2. This Order does not apply to any land which is, or forms part of—

- (a) a National Park as designated by an order made under section 6 of the National Parks (Scotland) Act 2000 ^{M1},
- (b) a National Scenic Area as designated by a direction made by the Scottish Ministers under section 263A of the Town and Country Planning (Scotland) Act 1997 ^{M2},
- (c) a conservation area as designated under section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 ^{M3},
- (d) a historic garden or designed landscape which is included in the inventory of gardens and designed landscapes compiled and maintained under section 32A of the Ancient Monuments and Archaeological Areas Act 1979 ^{M4} (“the 1979 Act”),
- (e) a site of special scientific interest, having the same meaning as in section 58(1) of the Nature Conservation (Scotland) Act 2004 ^{M5},
- (f) a historic battlefield included in the inventory of battlefields compiled and maintained under section 32B of the 1979 Act,
- (g) a European site,
- (h) a World Heritage Site included in the list kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage ^{M6}.

Commencement Information

I2 Sch. 1 para. 2 in force at 25.3.2021, see [art. 1\(1\)](#)

Marginal Citations

- M1** 2000 asp 10.
- M2** 1997 c.8. Section 263A was inserted by section 50 of the [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#) and amended by section 51 of the [Planning \(Scotland\) Act 2019 \(asp 13\)](#).
- M3** 1997 c.9. Sections 1 and 61 were amended by schedule 3 of the [Historic Environment Scotland Act 2014 \(asp 19\)](#).
- M4** 1979 c.46. Sections 32A and 32B were inserted by section 11 of the [Historic Environment \(Amendment\) \(Scotland\) Act 2011 \(asp 3\)](#) and amended by paragraphs 37 and 38 of schedule 3 of the [Historic Environment Scotland Act 2014 \(asp 19\)](#).
- M5** 2004 asp 6. The definition of “site of special scientific interest” was inserted by section 37(4) of the [Wildlife and Natural Environment \(Scotland\) Act 2011 \(asp 6\)](#).
- M6** See command paper 9424.

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*. (See end of Document for details)

3. This Order does not apply to any land which contains—
- (a) a listed building or the curtilage of a listed building listed under section 1 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997,
 - (b) a scheduled monument within the meaning of the 1979 Act,
 - (c) ancient woodland contained in the Ancient Woodland Inventory ^{M7}.

Commencement Information

I3 Sch. 1 para. 3 in force at 25.3.2021, see **art. 1(1)**

Marginal Citations

M7 Available at <https://map.environment.gov.scot/sewebmap/> or by contacting Scottish Natural Heritage, Great Glen House, Leachkin Road, Inverness, IV3 8NW.

SCHEDULE 2

Article 3(2)

Conditions

PART 1

General

Operator and exclusions

1. Development may only be carried out by or on behalf of the Scottish Ministers [^{F1}or a border department].

Textual Amendments

F1 Words in sch. 2 para. 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, **5(a)**

Commencement Information

I4 Sch. 2 para. 1 in force at 25.3.2021, see **art. 1(1)**

2. A building on the site may only be removed if the Scottish Ministers have agreed to its removal in writing.

Commencement Information

I5 Sch. 2 para. 2 in force at 25.3.2021, see **art. 1(1)**

3. The site must not be used for the storage of fuel or for refuelling, other than as ancillary to the use of the site pursuant to article 3(1).

Commencement Information

I6 Sch. 2 para. 3 in force at 25.3.2021, see **art. 1(1)**

4. The site must not be used for the stationing of vehicles carrying—
- (a) Category I/II nuclear material as defined in regulation 3 of the Nuclear Industries Security Regulations 2003^{M8}, or
 - (b) High Consequence Dangerous Goods as defined in section 1.10.3.1 of Annex A to the edition of the European Agreement concerning the International Carriage of Dangerous Goods by Road published in 2019^{M9}.

Commencement Information

I7 Sch. 2 para. 4 in force at 25.3.2021, see **art. 1(1)**

Marginal Citations

M8 S.I. 2003/403 as relevantly amended by S.I. 2016/795.

M9 Copies can be obtained at <http://www.unece.org/trans/danger/publi/adr/adr2019/19contentse.html>

Development (construction, operation and reinstatement phases)

5. Any artificial lighting must be arranged so the main beam angle of each installation is directed downward and away from the closest boundary so as to minimise light spill.

Commencement Information

I8 Sch. 2 para. 5 in force at 25.3.2021, see **art. 1(1)**

6. Any fire hydrants and emergency water supplies must be kept in good repair and any defects must be repaired as soon as practicable.

Commencement Information

I9 Sch. 2 para. 6 in force at 25.3.2021, see **art. 1(1)**

7. Any surface water and foul water drainage system must be kept in good repair.

Commencement Information

I10 Sch. 2 para. 7 in force at 25.3.2021, see **art. 1(1)**

8. Temporary structures collecting sewage that are not attached to mains sewers must be emptied regularly.

Commencement Information

I11 Sch. 2 para. 8 in force at 25.3.2021, see **art. 1(1)**

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. (See end of Document for details)

9. Development must not adversely affect any ancient woodland contained in the Ancient Woodland Inventory.

Commencement Information

I12 Sch. 2 para. 9 in force at 25.3.2021, see art. 1(1)

10. There must be no net increase in the rate or volume of surface water discharge from the site.

Commencement Information

I13 Sch. 2 para. 10 in force at 25.3.2021, see art. 1(1)

11. Surface water discharged from the site must not adversely affect the quality of receiving water bodies.

Commencement Information

I14 Sch. 2 para. 11 in force at 25.3.2021, see art. 1(1)

12. Subject to condition 13, the height of any building (other than an existing building) must not exceed 15 metres.

Commencement Information

I15 Sch. 2 para. 12 in force at 25.3.2021, see art. 1(1)

13. The height of any gate, fence, wall or other means of enclosure erected or constructed, other than noise attenuation measures, must not exceed 4.5 metres.

Commencement Information

I16 Sch. 2 para. 13 in force at 25.3.2021, see art. 1(1)

14. No building other than plant, machinery, gates, fences, walls or other means of enclosure, or noise attenuation measures, may be erected or extended within 25 metres of the boundary of the curtilage of any residential dwelling.

Commencement Information

I17 Sch. 2 para. 14 in force at 25.3.2021, see art. 1(1)

15. Where there is a risk of groundwater contamination, hard surfacing must not be made or porous materials.

Commencement Information

I18 Sch. 2 para. 15 in force at 25.3.2021, see art. 1(1)

16. Where a condition in Parts 2 to 5 of this schedule requires the publication of any document, reasonable steps must be taken to ensure the document is available to persons likely to have an interest in the matters to which the document relates.

Commencement Information

I19 Sch. 2 para. 16 in force at 25.3.2021, see art. 1(1)

Stationing of vehicles

17. The stationing of vehicles is only permitted on hard surfacing.

Commencement Information

I20 Sch. 2 para. 17 in force at 25.3.2021, see art. 1(1)

18. When stationed, a vehicle must not have its engine idling without the express authority of the site operator.

Commencement Information

I21 Sch. 2 para. 18 in force at 25.3.2021, see art. 1(1)

PART 2

Construction

19. No works of construction may commence until a construction management plan for the development has been submitted to and approved by the Scottish Ministers. The plan must comprise details of policies and procedures to be complied with in connection with the construction of the development in relation to—

- (a) engagement with relevant owners and occupiers, including complaints handling,
- (b) application of best practicable means to minimise noise, vibration and emissions to air,
- (c) application of best practicable means to minimise the adverse effect of lighting on the amenity of relevant owners and occupiers, ecological receptors and road users,
- (d) sourcing, placing, managing and storing of construction materials, including, where appropriate, the stripping, storage and re-spreading of soil,
- (e) management of waste in accordance with the waste hierarchy,
- (f) pollution prevention and control,
- (g) preventing damage to trees to be retained on the site, or trees immediately adjacent to any works on the site,
- (h) management of construction traffic, including measures to prevent the deposit of mud and construction materials on the highway,
- (i) the management of invasive species, and
- (j) where appropriate, the appointment and retention of a suitably qualified archaeologist, arboriculturist, ecologist or ordnance specialist to oversee works,

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. (See end of Document for details)

and references to “the CMP” in the following paragraphs of this Part are to that plan as approved by the Scottish Ministers from time to time.

.....
Commencement Information

I22 Sch. 2 para. 19 in force at 25.3.2021, see **art. 1(1)**

20. A copy of the CMP must be kept on the site at all times.

.....
Commencement Information

I23 Sch. 2 para. 20 in force at 25.3.2021, see **art. 1(1)**

21. A non-technical summary of the CMP must be published.

.....
Commencement Information

I24 Sch. 2 para. 21 in force at 25.3.2021, see **art. 1(1)**

22. Construction works must be undertaken in compliance with the CMP.

.....
Commencement Information

I25 Sch. 2 para. 22 in force at 25.3.2021, see **art. 1(1)**

23. The CMP and the published non-technical summary of the CMP must be kept under review and updated as necessary throughout all construction works.

.....
Commencement Information

I26 Sch. 2 para. 23 in force at 25.3.2021, see **art. 1(1)**

24. Prior notification of the intended commencement of development must be given to the Scottish Ministers and the planning authority, and such notification must include—

- (a) the address and location of the development (including a site plan in the form prescribed by article 4(2)(b)),
- (b) the name and address of the owner of the site,
- (c) a description of the development, and
- (d) the date on which it is intended that any material operation (as defined in section 27(4) of the Town and Country Planning (Scotland) Act 1997) will first be carried out.

.....
Commencement Information

I27 Sch. 2 para. 24 in force at 25.3.2021, see **art. 1(1)**

PART 3

Commencement of operational use

25. The developer must—

- (a) as soon as practicable after doing so, give notice of the completion of the development to the Scottish Ministers and the ^{F2}... planning authority, and
- (b) give notice of the date on which the development is to become operational to the Scottish Ministers and the ^{F2}... planning authority.

Textual Amendments

- F2** Word in sch. 2 para. 25 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, **5(b)**

Commencement Information

- I28** Sch. 2 para. 25 in force at 25.3.2021, see [art. 1\(1\)](#)

PART 4

Operation

26. No use other than works of construction and tests of the operation of the development may commence until an operational management plan for the development has been submitted to and approved by the Scottish Ministers. The plan must comprise details of policies and procedures to be complied with in connection with the use and operation of the development in relation to—

- (a) engagement with relevant owners and occupiers, including complaints handling,
- (b) dealing with adverse weather, incidents and protestors,
- (c) emergency response,
- (d) inspection, maintenance and repair of hard surfacing, surface and foul water drainage systems, fire hydrants and emergency water supplies,
- (e) managing traffic associated with the operation of the development, including—
 - (i) the management of vehicles moving between the site and the strategic road network (being the trunk roads for which the Scottish Ministers are the roads authority), and the provision of signage for their drivers, and
 - (ii) preventing vehicles carrying goods specified in paragraph 4 of Part 1 of this schedule from having access to, or being stationed on, the site,
- (f) pollution prevention and control,
- (g) prescribing limits on levels of noise and emissions to air that will be adhered to during the operation of the development, and monitoring and management measures to secure adherence to those levels,
- (h) managing waste and waste disposal in accordance with the waste hierarchy, and
- (i) managing and enhancing biodiversity,

and reference to “the OMP” in the following paragraphs of this Part are to that plan as approved by the Scottish Ministers from time to time.

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. (See end of Document for details)

Commencement Information

I29 Sch. 2 para. 26 in force at 25.3.2021, see **art. 1(1)**

27. A copy of the OMP must be kept on the site at all times and the use and operation of the development must be carried out in compliance with the OMP.

Commencement Information

I30 Sch. 2 para. 27 in force at 25.3.2021, see **art. 1(1)**

28. A non-technical summary of the OMP must be published.

Commencement Information

I31 Sch. 2 para. 28 in force at 25.3.2021, see **art. 1(1)**

29. The development must be operated in compliance with the OMP.

Commencement Information

I32 Sch. 2 para. 29 in force at 25.3.2021, see **art. 1(1)**

30. The OMP and the published non-technical summary of the OMP must be kept under review and updated as necessary during the use and operation of the development.

Commencement Information

I33 Sch. 2 para. 30 in force at 25.3.2021, see **art. 1(1)**

PART 5

Reinstatement

31. A reinstatement plan must be submitted to the Scottish Ministers no later than 6 months before use of the land is to discontinue in terms of article 3(4)(a).

Commencement Information

I34 Sch. 2 para. 31 in force at 25.3.2021, see **art. 1(1)**

32. Reinstatement works must not be commenced until the Scottish Ministers have approved the reinstatement plan.

Commencement Information

I35 Sch. 2 para. 32 in force at 25.3.2021, see **art. 1(1)**

33. The reinstatement works must be carried out and completed in accordance with the approved reinstatement plan.

Commencement Information

I36 Sch. 2 para. 33 in force at 25.3.2021, see art. 1(1)

34. A non-technical summary of the approved reinstatement plan must be published.

Commencement Information

I37 Sch. 2 para. 34 in force at 25.3.2021, see art. 1(1)

SCHEDULE 3

Article 2(1)

Engagement Parties

1. Scottish Fire and Rescue Service.

Commencement Information

I38 Sch. 3 para. 1 in force at 25.3.2021, see art. 1(1)

2. Dumfries and Galloway Council.

Commencement Information

I39 Sch. 3 para. 2 in force at 25.3.2021, see art. 1(1)

3. Scottish [^{F3}Environment] Protection Agency.

Textual Amendments

F3 Word in sch. 3 para. 3 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, 6(a)

Commencement Information

I40 Sch. 3 para. 3 in force at 25.3.2021, see art. 1(1)

4. The Police Service of Scotland.

Commencement Information

I41 Sch. 3 para. 4 in force at 25.3.2021, see art. 1(1)

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*. (See end of Document for details)

5. The COMAH competent authority being the competent authority within the meaning of regulation 4 of the Control of Major Accident Hazards Regulations 2015^{M10} (if the site or any part of it is in, or includes, a safety hazard area).

Commencement Information

I42 Sch. 3 para. 5 in force at 25.3.2021, see **art. 1(1)**

Marginal Citations

M10 S.I. 2015/483.

6. Scottish Natural Heritage.

Commencement Information

I43 Sch. 3 para. 6 in force at 25.3.2021, see **art. 1(1)**

7. Historic Environment Scotland.

Commencement Information

I44 Sch. 3 para. 7 in force at 25.3.2021, see **art. 1(1)**

8. Owners of any part of the site.

Commencement Information

I45 Sch. 3 para. 8 in force at 25.3.2021, see **art. 1(1)**

9. Relevant owners and occupiers.

Commencement Information

I46 Sch. 3 para. 9 in force at 25.3.2021, see **art. 1(1)**

10. Community Councils—

- (a) which have been established^{F4}... under Part 4 of the Local Government (Scotland) Act 1973^{M11}, and
- (b) whose—
 - (i) area includes the whole or part of the site, or
 - (ii) boundary at any point adjoins any part of the boundary of the site.

Textual Amendments

F4 Word in sch. 3 para. 10(a) 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, **6(b)**

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. (See end of Document for details)

Commencement Information

I47 Sch. 3 para. 10 in force at 25.3.2021, see **art. 1(1)**

Marginal Citations

M11 1973 c.65.

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.