
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 101

The Town and Country Planning (Development Planning) (Scotland) Regulations 2023

PART 6

General

Key Agencies

25.—(1) The bodies mentioned in paragraph (2) are, subject to the limitations set out in paragraph (3), specified as a key agency for the purposes of sections 3AB(4)(b)(ii), 3CB, 4ZA(3)(b)(iii), 16B(2)(a), 18(1)(b) and (d) and (10) and 21(3)(a) and (5) of the Act⁽¹⁾.

(2) The bodies are—

- (a) Scottish Natural Heritage (NatureScot),
- (b) the Scottish Environment Protection Agency,
- (c) Scottish Water,
- (d) Scottish Enterprise,
- (e) Highlands and Islands Enterprise,
- (f) South of Scotland Enterprise,
- (g) a regional Transport Partnership,
- (h) the Crofting Commission,
- (i) a Health Board,
- (j) Historic Environment Scotland.

(3) The limitations are—

- (a) Scottish Enterprise is specified as a key agency only where the local development plan relates to an area within which or in relation to which the functions of that body are exercisable under or by virtue of the Enterprise and New Towns (Scotland) Act 1990⁽²⁾,
- (b) Highlands and Islands Enterprise is specified as a key agency only where the local development plan relates to an area within which or in relation to which the functions of that body are exercisable under or by virtue of section 21(1) of the Enterprise and New Towns (Scotland) Act 1990,
- (c) South of Scotland Enterprise is specified as a key agency only where the local development plan relates to an area within which or in relation to which the functions of that body are exercisable under or by virtue of the South of Scotland Enterprise Act 2019⁽³⁾,

(1) Sections 3AB and 3CB are inserted by section 2(11) and (13) of the Planning (Scotland) Act 2019 (“the 2019 Act”). Section 4ZA is to be inserted by section 5 of the 2019 Act. Section 16B is inserted by section 7(6) of the 2019 Act.

(2) 1990 c. 35.

(3) 2019 asp 9.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (d) a regional Transport Partnership is specified as a key agency only where the local development plan relates to the region for which that body is constituted as the Transport Partnership by virtue of an order under section 1(1) of the Transport (Scotland) Act 2005(4),
 - (e) the Crofting Commission is specified as a key agency only where the local development plan relates to the crofting counties (within the meaning of the Crofters (Scotland) Act 1993(5)) or an area which is designated under section 3A(1)(b) of that Act to constitute the land as a croft, and
 - (f) a Health Board is specified as a key agency only where the local development plan relates to the area of that Health Board.
- (4) In paragraphs (2) and (3), ‘Health Board’ means a board constituted by order under section 2(1)(a) of the National Health Service (Scotland) Act 1978(6).

(4) 2005 asp 12.

(5) 1993 c. 44. In terms of section 61(1) of the Crofters Act 1993 the “crofting counties” means the former counties of Argyll, Caithness, Inverness, Orkney, Ross and Cromarty, Sutherland and Zetland. Areas designated under section 3A(1)(b) by S.S.I. 2010/29 are—(a) that part of the local government area of Highland that is outwith the crofting counties, (b) the local government area of Moray, (c) in the local government area of Argyll and Bute, the parishes of Kingarth, North Bute and Rothesay, and (d) in the local government area of North Ayrshire, the islands of Arran (including Holy Island and Pladda), Great Cumbrae and Little Cumbrae. Section 3A was inserted by section 6 of the Crofting Reform etc. Act 2007 (asp 7).

(6) 1978 c. 29. Section 2(1)(a) was relevantly amended by paragraph 2(2) of Schedule 2 to the Smoking, Health & Social Care (Scotland) Act 2005 (asp 13).