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TRANSPORT ACT 2000 (CONSEQUENTIAL
AMENDMENTS) (SCOTLAND) ORDER 2006

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circular

CIRCULAR 2/2006

10 May 2006

Dear Sir or Madam

TRANSPORT ACT 2000 (CONSEQUENTIAL AMENDMENTS) (SCOTLAND) ORDER 2006

1. This Circular explains the provisions of the *Transport Act 2000 (Consequential Amendments) (Scotland) Order 2006* (SI 2006/1157) which came into force on 21 April 2006. The purpose of this Order is to make amendments to Scottish planning legislation to take account of the provisions in Part 1 of the Transport Act 2000 (the 2000 Act).

2. The relevant policy objective of Part 1 of the 2000 Act was to enable licences to be granted to companies authorising them to provide air traffic services in respect of a managed area (as defined in section 40 of the 2000 Act).

3. The effect of the changes outlined below is to give National Air Traffic Services (NATS) certain town and country planning powers in Scotland which were previously held by the Civil Aviation Authority (CAA) before the NATS Public Private Partnership was established. These powers only apply to NATS' licence holder subsidiary, that is, the part that provides en route air navigation services; they are similar to those held by other utilities.

Town and Country Planning (Scotland) Act 1997

4. Paragraph 1 of the Schedule to the 2006 Order amends section 216(8) of the Town and Country Planning (Scotland) Act 1997 to provide that the section does not apply for the purposes of determining whether land in which an interest is held by a licence holder or associated company is, in relation to the licence holder or company, operational land for the purposes of that Act.

Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984

5. Paragraph 2 of the Schedule amends Regulation 2 (Interpretation) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to make a licence holder a statutory undertaker for the purposes of the Regulations to the extent that he is carrying out activities authorised by the licence.

Town and Country Planning (General Permitted Development) (Scotland) Order 1992

6. Paragraph 3 of the Schedule amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 to provide that:

- (a) development by a relevant airport operator or its agent on operational land at or near an airport is granted planning permission if in connection with the provision of air traffic services; and

- (b) other specified classes of development in connection with the provision of such services or to station moveable apparatus in an emergency or for not more than six months are granted planning permission when carried out by or on behalf of a licence holder.

FURTHER COPIES AND ENQUIRIES

7. Any enquiries about this Circular should be addressed to Graham Robinson, Scottish Executive Development Department, Planning Division, Area 2-H, Victoria Quay, Edinburgh EH6 6QQ telephone (0131) 244 7063. Further copies of the Circular may be obtained by telephoning (0131) 244 7066 or from the Scottish Executive website at: www.scotland.gov.uk/planning.

Yours faithfully

A handwritten signature in black ink that reads "Tim Barraclough". The signature is written in a cursive style with a long, sweeping tail on the final letter.

TIM BARRACLOUGH
Head of Division

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