



# Marine (Scotland) Act 2010

## 2010 asp 5

### PART 4

#### MARINE LICENSING

*Power by order to provide marine fish farming is not “development”*

#### **63 Power by order to provide marine fish farming is not “development”**

- (1) The Town and Country Planning (Scotland) Act 1997 (c.8) is amended as follows.
- (2) In section 26(1) (meaning of “development”), after “section” where it first occurs insert “and to section 26AB”.
- (3) After section 26AA, insert—

#### **“26AB Power by order to provide marine fish farming is not “development”**

- (1) The Scottish Ministers may by order provide that—
  - (a) section 26(6) does not apply as respects the placing or assembly of equipment for the purpose of fish farming in waters identified in the order (the “relevant waters”),
  - (b) section 26(6AA) does not apply as respects any material change in the use of equipment so placed or assembled for that purpose, and
  - (c) the operation of a marine fish farm in the relevant waters in the circumstances specified in section 26AA is not “development” for the purposes of this Act.
- (2) An order under subsection (1) may be made only with the agreement of the planning authority (or planning authorities) for the relevant waters; and in this subsection the “planning authority” means the planning authority specified in an order under section 26(6D).”.
- (4) In section 275 (regulations and orders)—
  - (a) in subsection (4), after “26(2)(f), (6A) and (6C),” insert “26AB(1),”
  - (b) in subsection (5A), after “26(6A) or (6C)” insert “or 26AB(1)”.