

2007 No. 175

TOWN AND COUNTRY PLANNING

**The Town and Country Planning (Marine Fish Farming)
(Scotland) Regulations 2007**

<i>Made</i> - - - -	<i>6th March 2007</i>
<i>Laid before the Scottish Parliament</i>	<i>7th March 2007</i>
<i>Coming into force</i> - -	<i>1st April 2007</i>

The Scottish Ministers, in exercise of the powers conferred by section 31A(8) of the Town and Country Planning (Scotland) Act 1997(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Town and Country Planning (Marine Fish Farming) (Scotland) Regulations 2007 and shall come into force on 1st April 2007.

(2) In these regulations—

“Act” means the Town and Country Planning (Scotland) Act 1997;

“authorisation” has the meaning given in section 26AA(3)(b) of the Act;

“marine fish farm” means a fish farm situated in marine waters for the breeding, rearing or keeping of fish, other than shellfish, involving the use of such equipment as is referred to in section 26AA(1)(b) of the Act;

“marine waters” means the waters described in paragraph (b) or (c) of subsection (6) of section 26 of the Act.

Requirement for an application for planning permission

2.—(1) Where this paragraph applies, before the Scottish Ministers may grant planning permission under section 31A of the Act an application for planning permission for the operation of the marine fish farm must be made to the Scottish Ministers.

(2) Paragraph (1) applies where the operation of the marine fish farm on 1st April 2007 is permitted by an authorisation granted pursuant to an application for such authorisation made before 14th March 1999.

Application for planning permission

3. An application for planning permission for the operation of a marine fish farm referred to in regulation 2 shall—

(a) give the name and address of the applicant;

(a) 1997 c.8; section 31A was inserted by section 4(2) of the Planning etc. (Scotland) Act 2006 (asp 17).

(b) Section 26AA was inserted by section 4(1) of the Planning etc. (Scotland) Act 2006.

- (b) describe the equipment involved in the operation of the marine fish farm to which it relates; and
- (c) contain a plan sufficient to identify the location of the marine fish farm to which it relates.

Consultation

4. Where the Scottish Ministers receive an application for planning permission for the operation of a marine fish farm they shall, before granting planning permission, consult with the following bodies–

- (a) the planning authority;
- (b) any planning authority, where the operation of the marine fish farm is likely to affect marine waters in the district of that planning authority;
- (c) Scottish National Heritage; and
- (d) the Scottish Environmental Protection Agency.

Additional information

5. The Scottish Ministers may, in the course of their consideration of an application for planning permission for the operation of a marine fish farm, in addition to the information to be provided in accordance with regulation 3, require from the applicant particulars, documents, materials or evidence which they consider they require to enable them to deal with the application.

DES McNULTY

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
6th March 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the cases where an application for planning permission must be made before planning permission may be granted by the Scottish Ministers under section 31A of the Town and Country Planning (Scotland) Act 1997.

Regulations 3 and 5 make provision for the information to be provided by an applicant and Regulation 4 sets out the bodies that must be consulted on an application.