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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 144**

**TOWN AND COUNTRY PLANNING**

**The Town and Country Planning (Marine Fish Farms Permitted Development) (Scotland) Order 2011**

*Made* - - - - 21st February 2011

*Coming into force* - - 23rd February 2011

The Scottish Ministers make the following Order in exercise of the powers conferred by section 31A of the Town and Country Planning (Scotland) Act 1997<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the Town and Country Planning (Marine Fish Farms Permitted Development) (Scotland) Order 2011 and comes into force on 23rd February 2011.

**Interpretation**

2.—(1) In this Order—

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

“fish farming” has the meaning given in section 26(6) of the Act; and

“marine waters” means the waters described in paragraphs (b) and (c) of subsection (6) of section 26 of the Act; and

“shellfish” includes any kind of sea urchin, crustacean or mollusc.

(2) References to a numbered marine planning zone are to such part of the marine waters so described and identified by the Town and Country Planning (Marine Fish Farming) (Scotland) Order 2007<sup>(2)</sup>.

**Permitted development**

3.—(1) Planning permission is granted for the classes of development specified in paragraph (2) subject to any limitation or condition specified in paragraphs (3) to (5).

(2) The classes of development are the operation of a marine fish farm—

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(1) 1997 c.8. Section 31A was inserted by section 4(2) of the [Planning etc. \(Scotland\) Act 2006](#) (asp 17).  
(2) [S.S.I. 2007/268](#).

- (a) situated within those parts of the marine waters described in Schedule 1 and involving the use of equipment referred to in section 26AA(1)(b) of the Act for the purposes of the breeding, rearing or keeping of fish other than shellfish; and
  - (b) situated within those parts of the marine waters described in Schedule 2 and involving the use of such equipment for the purposes of the breeding, rearing or keeping of shellfish.
- (3) Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part III of the Act otherwise than by this Order.
- (4) Paragraph (2) does not grant planning permission for development unless the equipment referred to in section 26AA(1)(b) of the Act—
- (a) is in use on 23rd February 2011; or
  - (b) has been used between 1st January 2008 and 23rd February 2011,
- for the purposes of fish farming.
- (5) Planning permission granted by this Order is subject to the condition that in the event of any equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, the developer shall carry out such works (including lighting, buoying, raising, repairing, moving or destroying the whole or any part of that equipment) so as to remove the obstruction or danger to navigation.

St Andrew's House,  
Edinburgh  
21st February 2011

*KEITH BROWN*  
Authorised to sign by the Scottish Ministers

## SCHEDULE 1

Article 3(2)(a)

### DESCRIPTION OF MARINE WATERS

#### *FINFISH FARMS*

The marine waters referred to in article 3(2)(a) are—

1. All marine waters within marine planning zone 3.
2. The following marine waters situated in marine planning zone 5—
  - (a) Firth of Lorn;
  - (b) Loch Etive;
  - (c) Loch Fyne;
  - (d) Loch Linnhe;
  - (e) Loch Striven;
  - (f) Sound of Gigha;
  - (g) Sound of Kerrera;
  - (h) Sound of Mull; and
  - (i) Sound of Shuna.
3. The following marine waters situated in marine planning zone 7—
  - (a) Broadford bay;
  - (b) Loch a Choire;
  - (c) Loch Ewe;
  - (d) Loch Greshornish;
  - (e) Loch Kishorn;
  - (f) Loch Leven;
  - (g) Loch Nevis;
  - (h) Loch Portree;
  - (i) Loch Torridon; and
  - (j) Sound of Raasay.
4. The following marine waters situated in marine planning zone 8—
  - (a) Bag nam Faoilean;
  - (b) Loch Tarbert;
  - (c) Loch Boisdale;
  - (d) Loch Seaforth; and
  - (e) Loch Sheilavaig
5. The following marine waters situated in marine planning zone 9—
  - (a) Weddell Sound.
6. The following marine waters situated in marine planning zone 10—
  - (a) Baltasound;
  - (b) Clift Sound;
  - (c) Colla Firth;

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- (d) Dury Voe;
- (e) Hascosay Sound;
- (f) Linga Sound;
- (g) Sandwick, Basta Voe;
- (h) Scalloway;
- (i) Setter Voe;
- (j) South Sound, Yell;
- (k) Vaila Sound;
- (l) Weisdale Voe; and
- (m) West Voe.

## SCHEDULE 2

Article 3(2)(b)

### DESCRIPTION OF MARINE WATERS

#### *SHELLFISH FARMS*

The marine waters referred to in article 3(2)(b) are—

1. The following marine waters situated in marine planning zone 5—
  - (a) Ardencaple Bay;
  - (b) Clachan Sound;
  - (c) Loch a Chumhainn;
  - (d) Loch Creran;
  - (e) Loch Etive;
  - (f) Loch Feochan;
  - (g) Loch Fyne;
  - (h) Loch Linnhe;
  - (i) Loch Melfort;
  - (j) Loch na Keal;
  - (k) Loch Scridain;
  - (l) Loch Spelve;
  - (m) Loch Striven;
  - (n) Loch Tarbert;
  - (o) Seil Sound;
  - (p) Sound of Ulva;
  - (q) Sound of Mull; and
  - (r) The Strand.
2. The following marine waters situated in marine planning zone 7—
  - (a) Broadford Bay;
  - (b) Loch Beag;

- (c) Loch Carron;
  - (d) Loch Ceann na Saile;
  - (e) Loch Eil;
  - (f) Loch Eishort;
  - (g) Loch Ewe;
  - (h) Loch Glendhu;
  - (i) Loch Harport;
  - (j) Loch Inchard;
  - (k) Loch Kishorn;
  - (l) Loch Leven;
  - (m) Loch Nevis;
  - (n) Loch Slapin; and
  - (o) Loch Sligachan.
3. The following marine waters situated in marine planning zone 8—
- (a) Loch Leurbost; and
  - (b) Loch Roag
4. The following marine waters situated in marine planning zone 10—
- (a) Balta Sound;
  - (b) Basta Voe;
  - (c) Burra Firth;
  - (d) Busta Voe;
  - (e) Clift Sound;
  - (f) Gruting Voe;
  - (g) Sandsound Voe;
  - (h) Scalloway;
  - (i) Stromness Voe;
  - (j) Suthra Voe;
  - (k) Swarbacks Minn;
  - (l) Uyea Sound;
  - (m) Vaila Sound;
  - (n) Vementry Sound;
  - (o) Weisdale Voe; and
  - (p) West Voe.

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### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order confers permitted development rights in respect of the operation of certain marine fish farms. Where such rights apply, no specific application for planning permission is needed.