

## **POLICY NOTE**

### **THE TOWN AND COUNTRY PLANNING (MARINE FISH FARMING) (SCOTLAND) AMENDMENT REGULATIONS 2012**

**SSI 2012/259**

1. This instrument was made by the Scottish Ministers in exercise of the powers conferred by section 31A(8) of the Town and Country Planning (Scotland) Act 1997. The instrument is subject to negative resolution procedure.

#### **Policy Objectives**

2. The Regulations will amend the Town and Country Planning (Marine Fish Farming) (Scotland) Regulations 2007 to extend the cases where an application for planning permission is to be made to Scottish Ministers for planning permission to operate certain marine fish farms. The cases are extended to all farms where equipment was in the water before development needed planning permission from the Local Authority other than those which are granted planning permission under the Town and Country Planning (Marine Fish Farms Permitted Development) (Scotland) Order 2011 (“the 2011 Order”).

3. These provisions extend to Scotland only. There are no similar provisions in England, Wales and Northern Ireland.

4. On 1 April 2007, responsibility for new marine fish farm developments and modifications to existing developments was transferred to planning authorities by the Town and Country Planning (Scotland) Act 1997, as amended. Prior to this, the responsibility for issuing consents for marine fish farm developments in all areas except Shetland and Orkney rested with the Crown Estate. In Shetland and Orkney, the local authority was responsible for issuing works licences under, respectively, the Zetland County Council Act 1974 and Orkney County Council Act 1974.

5. At the same time as this transfer, it was decided that Scottish Ministers would assess all existing marine fish farm developments to determine whether permanent planning permission should be granted for the operation of these developments.

6. Currently Ministers can only accept applications for sites that were in operation on the date specified, and which are authorised either by a Crown Estate lease or, in Shetland and Orkney, a Works Licence. We are now aware of some sites that may fall outwith these restrictions. For example some sites may have had equipment in the water but not in operation on 1 April 2007 and may have since become active.

7. These Regulations will allow all farms which require to obtain planning permission under section 31A and have not been granted permission by the 2011 Order to make an application for that permission.

## **Consultation**

8. These proposals have been discussed at the Improved Systems for Licensing Aquaculture Developments Working Group. This Working Group comprises Scottish Salmon Producers' Organisation, the Association of Scottish Shellfish Growers, British Trout Association, Association of Salmon Fishery Boards, all relevant planning authorities, Scottish Environment Protection Agency, Scottish Natural Heritage, Crown Estate, and Marine Scotland. In view of the purpose of these Regulations, no public consultation has been considered necessary.

## **Impact Assessments**

9. The Order makes minor technical change to a process that has been underway since 2007. As the effect is only to extend the sites that are able to apply through this process, it does not give rise to any equality issues and therefore no equality assessment has been undertaken.

## **Financial implications**

10. No BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

**Aquaculture Planning Unit  
Marine Scotland  
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