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SCOTTISH STATUTORY INSTRUMENTS

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**2013 No. 155**

**The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**PART 6**

Particular cases

**Application relating to marine fish farming**

**36.**—(1) The provisions of these Regulations (other than regulations 10, 18 and 41) apply to an application for planning permission relating to marine fish farm development subject to the following modifications.

(2) Regulation 7(2)(b) applies as if the reference to “the locality in which the proposed development is situated” were a reference to “the district of the planning authority for the marine planning zone in which the marine fish farm development is proposed”;

(3) Regulation 9 applies as if—

(a) for paragraph 2(b) there were substituted—

“(b) a description of the location of the development;”;

(b) for paragraph (3)(a) there were substituted—

“(a) a plan sufficient to identify the location of the development;”;

(c) paragraph (3)(c) were omitted.

(4) Regulation 13 applies as if for paragraphs (1) and (2) there were substituted—

“(1) Subject to paragraph (3), an application for planning permission for marine fish farm development belonging to the category of major developments must be accompanied by a design statement.

(2) Subject to paragraph (3), an application for planning permission for marine fish farm development belonging to the category of local developments where that development is situated within—

(a) a World Heritage Site;

(b) a National Scenic Area; or

(c) the site of a scheduled monument,

must be accompanied by a design statement other than where the development in question comprises the alteration or extension of an existing marine fish farm.”.

(5) Regulation 20 applies as if—

(a) for paragraph (1) there were substituted—

“(1) The planning authority must publish a notice in the form set out in Schedule 4 in a newspaper circulating in the district of that planning authority.”; and

(b) paragraphs (2) to (5) were omitted.

(6) Schedule 2 applies as if for paragraph 2(c) there were substituted—

“(c) a description of the location of the development;”.

(7) Paragraph 6 of Schedule 5 applies as if for “within whose area the development is to take place” there were substituted, “whose area is adjacent to the marine planning zone in which the marine fish farm development is proposed”.

(8) Where an application for planning permission relates in part to marine fish farm development and in part to other development, the modifications specified in this regulation apply only for the purposes of that application to the extent that it relates to marine fish farm development.

### **Cairngorms National Park**

**37.**—(1) For the purposes of regulation 26(2) the validation date in a case where the Cairngorms National Park Authority has issued a direction in exercise of its powers under article 7(3) of the Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003<sup>(1)</sup> is to be taken as the date on which that direction was issued.

(2) Where an application is made under any of regulations 9 to 12 in respect of development situated in the area of that Authority, the planning authority must within the period of five days beginning with the validation date, give notice of the application to that Authority.

(3) Where it appears to the planning authority that development is likely to affect land in the area of that Authority the planning authority must before determining an application for planning permission consult with that Authority.

### **Applications – national security**

**38.** The validity of an application made under any of regulations 9 to 12 is not affected by failure to disclose information as to—

- (a) national security; and
- (b) the measures taken or to be taken to ensure the security of any premises or property,

where the application is accompanied by a written statement from the applicant that, in the opinion of the applicant, the information relates to the matters mentioned in (a) or (b) above, and that public disclosure of that information would be contrary to the national interest.

### **Development which does not accord with the development plan**

**39.** A planning authority may grant planning permission for development which does not accord with the provisions of the development plan provided that if any notice is required to be published in accordance with regulation 20 that notice has been so published.

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(1) S.S.I. 2003/1.