

**2013 No. 277**

**TOWN AND COUNTRY PLANNING**

**The Town and Country Planning (Marine Fish Farming)  
(Scotland) Regulations 2013**

*Made* - - - - *19th September 2013*

*Laid before the Scottish Parliament* *23rd September 2013*

*Coming into force* - - *8th November 2013*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 31A(8) of the Town and Country Planning (Scotland) Act 1997(a) and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Town and Country Planning (Marine Fish Farming) (Scotland) Regulations 2013 and come into force on 8th November 2013.

(2) In these Regulations—

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

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

“marine planning zone” has the same meaning as in the Town and Country Planning (Marine Fish Farming) (Scotland) Order 2007(c);

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

“pre-1999 marine fish farm” means a marine fish farm the operation of which is permitted by an authorisation granted pursuant to an application for such authorisation made before 14th March 1999; and

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

**Application for planning permission**

2. An application for planning permission for the operation of a marine fish farm must—

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

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(a) 1997 c.8. Section 31A was inserted by section 4(2) of the Planning etc. (Scotland) Act 2006 (asp 17) (“the 2006 Act”) and is amended by section 23 of the Aquaculture and Fisheries (Scotland) Act 2013 (asp 7). The terms “authorisation”, “equipment” and “marine fish farm” are defined in section 26AA(3) of the Town and Country Planning (Scotland) Act 1997 inserted by section 4(1) of the 2006 Act.

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

(c) S.S.I. 2007/268 as amended by S.S.I. 2012/117.

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

### **Consultation**

3. Where the Scottish Ministers receive an application for planning permission for the operation of a pre-1999 marine fish farm for the breeding, rearing or keeping of fish other than shellfish they must, before granting planning permission, consult with the following bodies—

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

### **Additional information**

4. 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 2, require from the applicant particulars, documents, materials or evidence which they consider they require to enable them to deal with the application.

### **Revocation**

5. The following Regulations are revoked—

- (a) the Town and Country Planning (Marine Fish Farming) (Scotland) Regulations 2007(a);
- (b) the Town and Country Planning (Marine Fish Farming) (Scotland) Amendment Regulations 2011(b); and
- (c) the Town and Country Planning (Marine Fish Farming) (Scotland) Amendment Regulations 2012(c).

*DEREK MACKAY*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
19th September 2013

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(a) S.S.I. 2007/175 as amended by S.S.I. 2011/145 and S.S.I. 2012/259.  
(b) S.S.I. 2011/145 as amended by S.S.I. 2012/259.  
(c) S.S.I. 2012/259.

## **EXPLANATORY NOTE**

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

These Regulations replace and revoke the Town and Country Planning (Marine Fish Farming) (Scotland) Regulations 2007. They set out how an application for planning permission for the operation of a marine fish farm is to be made to the Scottish Ministers under section 31A of the Town and Country Planning (Scotland) Act 1997. Regulations 2 and 4 make provision for the information to be provided by an applicant and regulation 3 sets out when certain bodies must be consulted on an application. Regulation 5 also revokes the Town and Country Planning (Marine Fish Farming) (Scotland) Amendment Regulations 2011 and the Town and Country Planning (Marine Fish Farming) (Scotland) Amendment Regulations 2012 which are spent.

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