
SCOTTISH STATUTORY INSTRUMENTS

2018 No. 142

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2018

Amendment of article 3

4. In article 3 (permitted development)(1)—

(a) after paragraph (4A)(b) insert—

“(c) in the case of a permission granted in connection with an existing fish farm, the placement or assembly of equipment forming that fish farm is unlawful.” and

(b) after paragraph (4A) insert—

“(4B) Paragraph (4A)(c) does not apply where—

- (a) the equipment in question is equipment of the same size, colour and design and is in the same location as the equipment which it replaces; and
- (b) the only reason that the placement or assembly of equipment forming the existing fish farm is unlawful is that there was a failure to comply with the terms of a condition imposed by virtue of a provision mentioned in paragraph (4C).

(4C) The provisions referred to in paragraph (4B)(b) are—

- (a) paragraph (4)(b) of Class 21A;
- (b) paragraph (2)(a) of Class 21B;
- (c) paragraph (2)(b) of Class 21C;
- (d) paragraph (3)(c) of Class 21D;
- (e) paragraph (3)(a) of Class 21E;
- (f) paragraph (2)(a) of Class 21G;
- (g) paragraph (2)(a) of Class 21H;
- (h) paragraph (2)(a) of Class 21I; and
- (i) paragraph (3)(a) of Class 21J.

(4D) In paragraphs (4A) and (4B) “existing fish farm”, “equipment” and “fish farm” have the same meaning as for the purposes of Part 6A of Schedule 1.”