



Water Environment and Water Services (Scotland) Act 2003

2003 asp 3

PART 1 **S**

PROTECTION OF THE WATER ENVIRONMENT

CHAPTER 3 **S**

MEASURES FOR PROTECTION OF THE WATER ENVIRONMENT

24 **Planning permission: fish farming** **S**

- (1) The Town and Country Planning (Scotland) Act 1997 (c. 8) is amended as follows.
- (2) In section 26 (meaning of “development”)—
 - (a) in subsection (6)—
 - (i) for “tank” in the first and second places where it occurs substitute “equipment”;
 - (ii) after “waters” in the first place where it occurs insert “, transitional water or coastal water”;
 - (iii) before the definition of “fish farming” insert—

““coastal water” has the meaning given by section 3(8) of the Water Environment and Water Services (Scotland) Act 2003 (asp 3);

“equipment” includes any tank, cage or other structure, or long-line, for use in fish farming;”;
 - (iv) the definition of “tank” is repealed;
 - (v) at the end insert—

““transitional water” has the meaning given by section 3(7) of the Water Environment and Water Services (Scotland) Act 2003 (asp 3);”;
 - (b) after subsection (6) insert—

Changes to legislation: *Water Environment and Water Services (Scotland) Act 2003, Section 24 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“(6A) The Scottish Ministers may by order made by statutory instrument make such modifications as they consider necessary or expedient to the definitions of “equipment” and “fish farming” in subsection (6); and an order under this subsection may make different provision for different purposes and different areas.

(6B) In subsection (6A), “modifications” includes amendments and repeals.”

(3) In section 40 (assessment of environmental effects), after subsection (3) insert—

“(4) Without prejudice to subsection (1), before planning permission is granted by a planning authority in respect of anything which is development by virtue of section 26(6), the authority must consider the effect of the proposed development on the water environment.

(5) In subsection (4), “water environment” has the same meaning as in section 3(2) of the Water Environment and Water Services (Scotland) Act 2003 (asp 3).”

(4) In section 275 (regulations and orders)—

(a) in subsection (4), after “26(2)(f)” insert “ and (6A) ”,

(b) after subsection (5) insert—

“(5A) No order made under section 26(6A) is to be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, the Scottish Parliament.”

^{F1}(5)

^{F1}(6)

^{F1}(7)

Textual Amendments

F1 S. 24(5)-(7) repealed (1.4.2007) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), s. 59(2), [Sch.](#); [S.S.I. 2007/130](#), [art. 2\(2\)](#), [Sch.](#)

Commencement Information

I1 S. 24(1)-(4) in force at 31.3.2007 in so far as not already in force by [S.S.I. 2007/50](#), [art. 2](#)

I2 S. 24(1)-(4) in force at 6.2.2007 for specified purposes by [S.S.I. 2007/50](#), [art. 2](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 23(5) inserted by [2014 asp 3 sch. 3 para. 8\(6\)\(b\)](#)