
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 268

**The Town and Country Planning (Marine
Fish Farming) (Scotland) Order 2007**

“Marine fish farming

28C.—(1) These Regulations shall apply to an application for planning permission relating to fish farm development subject to the following modifications.

- (2) In regulation 2(1) (interpretation)—
 - (a) in the definition of “the consultation bodies”—
 - (i) omit paragraph (e);
 - (ii) after paragraph (g) insert—
 - “(h) any district salmon fishery board in whose area the proposed development is to be situated.”; and
 - (iii) after the definition of “the Directive” insert, ““district salmon fishery board” has the meaning given in section 43 of the Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003(1).
- (3) In regulation 5(2)(a) for “land” substitute, “location of the development”.
- (4) In regulation 10(2)(a) for “land” substitute, “location of the development”.
- (5) For regulation 13 substitute—

“ Publicity for environmental statements for fish farming

13.—(1) Where the relevant planning authority or the Scottish Ministers receive an environmental statement relating to an EIA application relating to fish farm development, they shall publish as soon as possible in a local newspaper circulating in the locality in which the proposed development is to be situated and in the Edinburgh Gazette a notice stating—

- (a) that copies of the environmental statement and other documents submitted with the application may, during the period of 4 weeks after first publication of the notice, be inspected in—
 - (i) a specified office of the relevant planning authority, being an office of the relevant authority in the locality nearest to the proposed development; and
 - (ii) a specified Post Office being a Post Office in the locality nearest to the proposed development;
- (b) the address at which copies of the application and the environmental statement may be obtained;
- (c) the cost of a copy of the environmental statement;
- (d) that representations may be made to the relevant planning authority, at the office referred to in paragraph (1)(a)(i), within the period specified in paragraph (1)(a); and

- (e) the nature of possible decisions.
- (2) prior to the first publication of the notice referred to in paragraph (1)–
 - (a) make available in the office of the relevant planning authority referred to in paragraph (1)(a)(i); and
 - (b) send to the Post Office referred to in paragraph (1)(a)(ii),
the documents referred to in paragraph (1)(a).
- (3) Where the relevant planning authority or the Scottish Ministers are required to publish a notice in accordance with paragraph (1), the applicant shall pay the cost to be incurred by the relevant authority in arranging the advertisement at the time of submission of the statement.”.
- (6) In regulation 19(2) omit “subject to substitution, in paragraph (1), of “in Schedule 6” in place of “in Schedule 5””.
- (7) Where an application for planning permission relates in part to fish farm development and in part to other development, the modifications specified in this regulation shall apply only for the purposes of the application to the extent that it relates to fish farm development.”.
- (4) In column 2 of the Table in Schedule 2, for the entry corresponding to the entry 1(d) in column 1 (intensive fish farming), substitute–
 - “(a) the installation resulting from the development is designed to produce more than 10 tonnes of dead fish weight per year;
 - (b) where the development is situated in marine waters, the development is designed to hold a biomass of 100 tonnes or greater; or
 - (c) the proposed development will extend to 0.1 hectare or more of the surface area of the marine waters, including any proposed structures or excavations,”.