



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

[^{F1}Planning permission in respect of operation of marine fish farm

[^{F1} 31A Planning permission in respect of operation of marine fish farm

- (1) This section applies to planning permission for the operation of a marine fish farm which involves the use of such equipment as is referred to in section 26AA(1)(b).
- (2) Any planning permission is to be granted by the Scottish Ministers.

[Subject to subsection (4), any planning permission may be granted by the Scottish ^{F2}(2A) Ministers—

- (a) by order, or
- (b) on application to them in accordance with regulations under subsection (8).]

- (3) Without prejudice to the generality of subsection (2), planning permission may be granted under that subsection as respects a class of development.
- (4) Any planning permission granted by virtue of subsection (3) is to be granted by order, the class of development in question being specified in the order.

[Subsection (4B) applies where—

- ^{F3}(4A) (a) an order granting planning permission (whether by virtue of subsection (2A) (a) or subsection (3)) is revoked, and
- (b) the date of the revocation is, in relation to any marine fish farm to which the order applied, earlier than the appropriate date (within the meaning of section 26AA(2)) in respect of that fish farm.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Section 31A 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

- (4B) For the purposes of the operation of section 26AA(1)(a)(ii) in relation to any such marine fish farm after revocation of the order, the fact that planning permission had been granted by the order is to be ignored.]
- (5) Planning permission may be granted either unconditionally or subject to conditions or limitations.
- (6) The conditions or limitations which may be imposed include conditions or limitations specified in any authorisation which is at the time of imposition in effect in relation to the fish farm.
- (7) The principal matters to be taken into account by the Scottish Ministers in coming to a decision as to whether to grant planning permission are the likely impact of the development on—
- (a) any European site within the meaning of regulation 10 of the Conservation (Natural Habitats & c.) Regulations 1994 (S.I. 1994/ 2716), and
 - (b) the environment generally.
- (8) The Scottish Ministers may by regulations make provision—
- ^{F4}(a)
 - (b) as to the form of [^{F5}an application for planning permission],
 - (c) specifying documents and information which require to accompany such an application,
 - (d) as to consultation in connection with such an application, and
 - (e) as to any other matters concerning procedure on such an application.]

Textual Amendments

- F1** S. 31A and cross-heading inserted (1.4.2007) by [Planning etc. \(Scotland\) Act 2006](#) (asp 17), **ss. 4(2)**, 59(2); S.S.I. 2007/130, art. 2(2), sch.
- F2** S. 31A(2A) inserted (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013](#) (asp 7), **ss. 23(2)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2
- F3** S. 31A(4A)(4B) inserted (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013](#) (asp 7), **ss. 23(3)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2
- F4** S. 31A(8)(a) repealed (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013](#) (asp 7), **ss. 23(4)(a)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2
- F5** Words in s. 31A(8)(b) substituted (16.9.2013) by [Aquaculture and Fisheries \(Scotland\) Act 2013](#) (asp 7), **ss. 23(4)(b)**, 66(2) (with s. 65); S.S.I. 2013/249, art. 2

Modifications etc. (not altering text)

- C1** S. 31A applied (1.4.2007) by [Town and Country Planning \(Marine Fish Farming\) \(Scotland\) Order 2007](#) (S.S.I. 2007/268), arts. 1(1), **14(2)** (with art. 14(3))

Changes to legislation:

Town and Country Planning (Scotland) Act 1997, Section 31A 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.

[View outstanding changes](#)

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

- Act applied by [S.S.I. 2008/189 art. 53\(3\)](#)
- Act power to apply (with or without modifications) conferred by [2021 asp 9 s. 45\(3\)\(b\)\(c\)](#)

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

- Pt. 11A inserted by [2006 asp 17 s. 29](#)
- Pt. 12A inserted by [2006 asp 17 s. 30](#)
- Pt. 12A inserted by [2019 asp 13 s. 46\(2\)](#)
- s. 3CD inserted by [2019 asp 13 s. 4\(2\)](#)
- s. 20AA(4)(a)(iii) inserted by [2019 asp 13 s. 14\(6\)](#)
- s. 29(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(3\)\(b\)](#)
- s. 36(1)(ca) inserted by [2019 asp 13 Sch. 2 para. 5\(4\)\(b\)](#)
- s. 36(5)(6) inserted by [2019 asp 13 s. 36\(2\)](#)
- s. 40A inserted by [2019 asp 13 s. 19\(2\)](#)
- s. 43A-43AD substituted for s. 43A by [2019 asp 13 s. 28\(2\)](#)
- s. 47(2)(aa) inserted by [2019 asp 13 s. 28\(3\)\(a\)](#)
- s. 47(2A) inserted by [2019 asp 13 s. 28\(3\)\(b\)](#)
- s. 47(6) inserted by [2019 asp 13 s. 31\(2\)\(c\)](#)
- s. 54A-54F and cross-heading inserted by [2019 asp 13 s. 15\(2\)](#)
- s. 57(2C)(2D) inserted by [2021 asp 9 s. 44\(2\)](#)
- s. 58(4)(fa) inserted by [2019 asp 13 Sch. 2 para. 5\(5\)\(b\)](#)
- s. 61(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(6\)\(b\)](#)
- s. 75(4A) inserted by [2019 asp 13 s. 35\(2\)](#)
- s. 75A(5A) inserted by [2019 asp 13 s. 35\(3\)](#)
- s. 77A inserted by [2019 asp 13 s. 39\(2\)](#)
- s. 135(4A) inserted by [2019 asp 13 s. 43\(2\)\(c\)](#)
- s. 154(1)(c) and word inserted by [2019 asp 13 s. 28\(4\)\(a\)\(ii\)](#)
- s. 154(1A) inserted by [2019 asp 13 s. 28\(4\)\(b\)](#)
- s. 158A(1A) inserted by [2019 asp 13 s. 44\(2\)](#)
- s. 158B-158F and cross-heading inserted by [2019 asp 13 s. 43\(3\)](#)
- s. 183(1)(c) inserted by [2019 asp 13 Sch. 2 para. 5\(7\)\(b\)](#)
- s. 237(1)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(8\)](#)
- s. 238(3)(a)-(c) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(a\)\(ii\)](#)
- s. 238(5)(ba) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(b\)](#)
- s. 238(7) inserted by [2019 asp 13 Sch. 2 para. 5\(9\)\(c\)](#)