

2011 No. 145

TOWN AND COUNTRY PLANNING

**The Town and Country Planning (Marine Fish Farming)
(Scotland) Amendment Regulations 2011**

Made - - - - - *21st February 2011*

Laid before the Scottish Parliament *23rd February 2011*

Coming into force - - - *1st April 2011*

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 and commencement

1. These Regulations may be cited as the Town and Country Planning (Marine Fish Farming) (Scotland) Amendment Regulations 2011 and come into force on 1st April 2011.

Amendment of the Town and Country Planning (Marine Fish Farming) (Scotland) Regulations 2007

2.—(1) The Town and Country Planning (Marine Fish Farming) (Scotland) Regulations 2007(b) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 1(2) (interpretation)—

(a) in the definition of “marine fish farm” for “, other than shellfish,” substitute “or shellfish”; and

(b) after the definition of “marine waters” insert—

““pre-1999 marine fish farm” means a marine fish farm referred to in regulation 2(2)(a); and

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

(3) For regulation 2(2) (requirement for an application for planning permission) substitute—

“(2) Subject to paragraph (3), paragraph (1) applies in respect of a marine fish farm where—

(a) the operation of that marine fish farm on 1st April 2007 was permitted by an authorisation granted pursuant to an application for such authorisation made before 14th March 1999; or

(a) 1997 c.8. Section 31A was inserted by section 4(2) of the Planning etc. (Scotland) Act 2006 (asp 17).

(b) S.S.I. 2007/175.

(b) the operation of that marine fish farm on 1st April 2011 is permitted by an authorisation granted pursuant to an application for such authorisation made after 14th March 1999.

(3) Paragraph (1) does not apply in respect of a marine fish farm if planning permission is granted for the operation of that marine fish farm by the Town and Country Planning (Marine Fish Farms Permitted Development) (Scotland) Order 2011^(a).

(4) In regulation 3(c) (application for planning permission) after “plan” insert “or other description”.

(5) In regulation 4 (consultation) for “a marine fish farm” substitute “a pre-1999 marine fish farm for the breeding, rearing or keeping of fish other than shellfish”.

KEITH BROWN

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
21st February 2011

^(a) S.S.I. 2011/144.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Marine Fish Farming) (Scotland) Regulations 2007 (“the 2007 Regulations”). The 2007 Regulations specify the cases where an application for planning permission must be made before planning permission may be granted by the Scottish Ministers under section 31A of the Town and Country Planning (Scotland) Act 1997.

Regulation 2 extends the cases of marine fish farm in respect of which an application for planning permission under section 31A of that Act must be made to the Scottish Ministers. Regulation 2(2)(a) amends the definition of “marine fish farm” to include shellfish farms. This extends the requirement for an application to both finfish and shellfish marine fish farms which operate under an authorisation applied for before 14th March 1999. Regulation 2(3) extends the application of regulation 2(1) of the 2007 Regulations to all other marine fish farms using equipment referred to in section 26AA(1)(b) of that Act which are actively being operated on 1st April 2011. Regulation 2(4) allows the applicant when making an application to identify the location of the fish farm by either a plan or by other manner of description. Regulation 2(5) with the changes to the definitions in the 2007 Regulations made by regulation 2(2)(b) limits the requirement to consult to cases where the application relates to a marine fish farm described in the new regulation 2(2)(b).

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