

**2012 No. 259**

**TOWN AND COUNTRY PLANNING**

**The Town and Country Planning (Marine Fish Farming)  
(Scotland) Amendment Regulations 2012**

*Made* - - - - - *20th September 2012*

*Laid before the Scottish Parliament* *24th September 2012*

*Coming into force* - - - *10th November 2012*

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 2012 and come into force on 10th November 2012.

**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 (4).

(2) In regulation 1(2) (interpretation) in the definition of “pre-1999 marine fish farm” for “referred to in regulation 2(2)(a)” substitute “the operation of which is permitted by an authorisation granted pursuant to an application for such authorisation made before 14th March 1999”.

(3) In regulation 2 (requirement for an application for planning permission) for paragraphs (2) and (3) substitute—

“(2) Paragraph (1) applies in respect of a marine fish farm other than where 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(c).”.

(4) In regulation 3 (application for planning permission) omit “referred to in regulation 2”.

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(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 as amended by S.S.I. 2011/145.  
(c) S.S.I. 2011/144.

**Revocation**

3. Regulation 2(3) of the Town and Country Planning (Marine Fish Farming) (Scotland) Amendment Regulations 2011<sup>(a)</sup> is revoked.

St Andrew's House,  
Edinburgh  
20th September 2012

*DEREK MACKAY*  
Authorised to sign by the Scottish Ministers

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<sup>(a)</sup> S.S.I. 2011/145.

## **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(3) extends the application of regulation 2(1) of the 2007 Regulations to all marine fish farms other than those in respect of which planning permission is granted by the Town and Country (Marine Fish Farms Permitted Development) (Scotland) Order 2011.

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