

2012 No. 285

TOWN AND COUNTRY PLANNING

The Town and Country Planning (General Permitted Development) (Fish Farming) (Scotland) Amendment (No. 2) Order 2012

Made - - - - - *25th October 2012*
Laid before the Scottish Parliament *29th October 2012*
Coming into force - - - *1st December 2012*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 30, 31 and 275 of the Town and Country Planning (Scotland) Act 1997(a) and all other powers enabling them to do so.

Citation, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Fish Farming) (Scotland) Amendment (No. 2) Order 2012 and comes into force on 1st December 2012.

(2) This Order applies to development commenced on or after the date on which this Order comes into force.

Amendment of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992

2.—(1) The Town and Country Planning (General Permitted Development) (Scotland) Order 1992(b) is amended in accordance with paragraph (2).

(2) In Part 6A (fish farming) of Schedule 1 (classes of permitted development)—

(a) in Class 21A—

(i) for paragraph (3)(a) substitute—

“(a) the surface area of the waters covered by the equipment comprising the fish farm is, or would as a result of the replacement or installation of finfish pens be, greater than 15,000 square metres;”;

(ii) after paragraph (4)(a) insert—

“(aa) in the event of the equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, such works (including

(a) 1997 c.8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1992/223. Part 6A of Schedule 1 was introduced by S.S.I. 2012/131. There are other amendments which are not relevant to this Order.

lighting, buoying, raising, repairing, moving or destroying the whole or any part of that equipment) as may be needed to remove the obstruction or danger to navigation must be carried out.”;

- (b) in Class 21B—
 - (i) omit “and” following paragraph (2)(d)(ii); and
 - (ii) at the end of paragraph (2)(e) insert—
 - “; and
 - (f) in the event of the equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, such works (including lighting, buoying, raising, repairing, moving or destroying the whole or any part of that equipment) as may be needed to remove the obstruction or danger to navigation must be carried out.”;
- (c) in Class 21C, after paragraph (2)(a) insert—
 - “(aa) in the event of the equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, such works (including lighting, buoying, raising, repairing, moving or destroying the whole or any part of that equipment) as may be needed to remove the obstruction or danger to navigation must be carried out.”;
- (d) in Class 21D, after paragraph (3)(b) insert—
 - “(bb) in the event of the equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, such works (including lighting, buoying, raising, repairing, moving or destroying the whole or any part of that equipment) as may be needed to remove the obstruction or danger to navigation must be carried out.”;
- (e) in Class 21E, in paragraph (3)—
 - (i) renumber the third, fourth and fifth sub-paragraphs respectively as sub-paragraphs (c), (d) and (e);
 - (ii) omit “and” following the fourth sub-paragraph; and
 - (iii) at the end of the fifth sub-paragraph insert—
 - “; and
 - (f) in the event of the equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, such works (including lighting, buoying, raising, repairing, moving or destroying the whole or any part of that equipment) as may be needed to remove the obstruction or danger to navigation must be carried out.”; and
- (f) in the interpretation section of Part 6A, in paragraph (2) omit “or of equipment of a fish farm,” and “or equipment”.

DEREK MACKAY

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
25th October 2012

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (“the 1992 Order”). Schedule 1 to the 1992 Order specifies classes of development to which permitted development rights apply. Where such rights apply, an application for planning permission is not needed. This Order alters permitted development rights within Classes 21A to 21E of Schedule 1 to the 1992 Order. Article 2(2) amends these Classes to include an additional condition relating to the removal of obstructions or dangers to navigation. In addition article 2(2)(a)(i) alters the limitation in Class 21A so that development is not permitted by that Class if the surface area of the waters covered by equipment of the fish farm is, or would be, greater than 15,000 square metres.

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