

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2007 No.**

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

**Amendment of the Environmental Impact Assessment (Scotland) Regulations 1999**

**11.**—(1) The Environmental Impact Assessment (Scotland) Regulations 1999(1) are amended as follows.

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

(a) after the definition of “exempt development”, insert—

““fish farming” means the breeding, rearing or keeping of fish, excluding shellfish;  
“fish farm development” means the placing or assembly of any equipment in marine waters for the purposes of fish farming (“equipment” having the same meaning as in section 26(6) of the Act) and any material change of use of equipment so placed or assembled;” and

(b) after the definition of “the land” insert—

““marine waters” means the waters described in paragraphs (b) and (c) of subsection (6) of section 26 of the Act”.

(3) After regulation 28B (applications for permission under section 242A) insert—

**“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—

(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(2).

(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—

(6) In regulation 19(2) omit “subject to substitution, in paragraph (1), of “in Schedule 6” in place of “in Schedule 5”.

---

(1) S.S.I. 1999/1 as amended by S.S.I. 2002/324, S.S.I. 2003/331, S.S.I. 2004/332, S.S.I. 2006/614 and modified by S.S.I. 2006/270.

(2) 2003 asp 15.

(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.”.