

**EXECUTIVE NOTE TO**  
**THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED**  
**DEVELOPMENT) (FISH FARMING) (SCOTLAND) AMENDMENT ORDER 2012**

**SSI 2012/131**

1. This instrument was made by the Scottish Ministers in exercise of the powers conferred by sections 30 and 31 of the Town and Country Planning (Scotland) Act 1997. The instrument is subject to negative resolution procedure.

**Policy Objectives**

2. The Scottish Government supports aquaculture. Its strategy statement *Delivering Planning Reform for Aquaculture*, published in March 2010<sup>1</sup>, explains the importance of the aquaculture industry to both the Scottish economy and to Scottish society by virtue of the value of its production and the jobs it brings to rural and remote areas of the country. It also contains a joint statement from the Cabinet Secretary for Finance and Sustainable Growth and the Minister for Environment that the Scottish Government needs to ensure that there are no unnecessary barriers to impede growth.

3. Reforming the planning system to allow minor modifications to be carried out to fish farm sites without the need to obtain formal planning consent – ie, through a scheme of permitted development - is one means of delivering Ministers' objectives. The Order describes a number of such minor modifications and the conditions under which they may be carried out.

**Purpose of the Order**

4. The Order makes provision for 6 modifications to a fish farm that may be carried out without the need to apply for planning permission, viz-

Changing the size and type of fish cages

Replacing or repositioning a feed barge

Replacing top nets and support structures on a fish cage

Deploying temporary equipment

Switching species being farmed from salmon to either trout or halibut and from trout to salmon

Adding longlines on a mussel farm

5. The Order also provides for prior notification to be given to the planning authority in all but one instance. This will enable it to apply conditions to minimise impact of the changes on sensitive landscapes and other vulnerable environmental features.

**Consultation**

6. Consultation on the draft Order took place with individual companies and stakeholder groups within the aquaculture sector, other marine users, environment and heritage interests

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<sup>1</sup> ISBN 978 0 7559 7823 6. Available at [www.scotland.gov.uk/Resource/Doc/304025/0095384.pdf](http://www.scotland.gov.uk/Resource/Doc/304025/0095384.pdf).

and planning authorities between March and June 2011. The consultation document may be viewed at [www.scotland.gov.uk/Publications/2011/03/14164543/0](http://www.scotland.gov.uk/Publications/2011/03/14164543/0). The provisions of the Order were settled upon only after considering and taking account of views expressed. The Government's formal response document, available at [www.scotland.gov.uk/Publications/2012/04/9740](http://www.scotland.gov.uk/Publications/2012/04/9740), explains how the conclusions came to be reached.

### **Financial implications**

7. There are no financial implications for the Scottish Government. The Order provides that in almost all instances the modifications described above must be notified to the planning authority through the planning system's "prior notification" process. This incurs a fee of £61. Planning fees, including the prior notification fee, are set at a level such as to finance local authority planning departments. They are reviewed periodically by Ministers.

### **Impact Assessment**

8. A Business and Regulatory Impact Assessment (BRIA) has been undertaken. The Order does not impose any new regulatory burdens on businesses nor impose extra costs. On the contrary, businesses will benefit from substantial savings since the prior notification fee is a fixed £61 compared to the scale fee (based on size of the site) that would apply were formal planning applications still needed for the modifications.

9. The Order does not give rise to any equality issues.

**Aquaculture Planning Unit  
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