

POLICY NOTE

THE TOWN AND COUNTRY PLANNING (PRESCRIBED DATE) (SCOTLAND) REGULATIONS 2013

SSI 2013/350

1. These Regulations are made by the Scottish Ministers in exercise of the powers conferred by section 26AA(2)(a) and 275 of the Town and Country Planning (Scotland) Act 1997. The instrument is subject to negative resolution procedure.

Policy Objectives

2. To provide transitional arrangements for marine fish farms which have applied for planning permission from Scottish Ministers by ensuring they are not operating unlawfully while their permissions are being determined.

Purpose of the SSI

3. Planning permission is required for the operation of a fish farm after the later of the date prescribed under section 26AA(2) of the Town and Country Planning (Scotland) Act 1997 or the expiry date of the Crown Estate lease (or SIC/OIC works licence) for the site.

4. The Town and Country Planning (Prescribed Date) (Scotland) Regulations 2012 set the prescribed date as 31 March 2014. Ministers have received a number of applications where consideration of the environmental impacts of the site means that the application may not be determined before this date.

5. To ensure that farms are not operating unlawfully while their applications are being determined it is necessary to revoke 2012 regulations and replace them with new regulations which extend the prescribed date, but only for sites for which an application has been received. Where sites have not made an application to Ministers the prescribed date will remain 31 March 2014.

Financial implications

6. There are no financial implications for the Scottish Government.

**Aquaculture Planning Unit
Marine Scotland
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