



Town and Country Planning (Scotland) Act 1997

1997 CHAPTER 8

PART III

CONTROL OVER DEVELOPMENT

Meaning of development

^[F1] **Marine fish farms: circumstances referred to in section 26(1)**

26AA

- (1) The circumstances to which section 26(1) refers are—
- (a) that the marine fish farm is being operated after—
 - (i) the date which is the appropriate date in respect of that fish farm, or
 - (ii) if earlier than that date, the date on which planning permission is granted, or an application for planning permission is refused, under section 31A, and
 - (b) that the operation involves the use of equipment which was placed or assembled in waters at a time when that placing or assembly did not constitute development under this Act.
- (2) For the purposes of subsection (1)(a), the appropriate date in respect of a fish farm is whichever is the later of—
- (a) a date prescribed by the Scottish Ministers for the purposes of this subsection, and
 - (b) the date on which any authorisation which—
 - (i) relates to the operation of that fish farm, and
 - (ii) is in effect at the date of commencement of section 4 of the Planning etc. (Scotland) Act 2006 (asp 17), ceases to have effect.
- (3) In this section and in section 31A—

Status: Point in time view as at 01/04/2017.

Changes to legislation: Town and Country Planning (Scotland) Act 1997, Section 26AA is up to date with all changes known to be in force on or before 28 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“ authorisation ” means—

- (a) a consent for fish farming issued by the Crown Estate Commissioners [^{F2}or a relevant person] ,
- (b) a licence granted under section 11 of the Orkney County Council Act 1974 (c.xxx), or
- (c) a licence granted under section 11 of the Zetland County Council Act 1974 (c.viii),

“ equipment ” has the same meaning as in section 26(6), ^{F3} ...

“ marine fish farm ” means a fish farm situated in any part of any waters referred to in paragraphs (b) and (c) of section 26(6). [^{F4}; and

“relevant person”, in relation to any property, rights or interests to which section 90B(5) of the Scotland Act 1998 applies, means the person who manages that property or those rights or interests.]

Textual Amendments

- F1** S. 26AA inserted (1.4.2007) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\)](#), **ss. 4(1)**, 59(2); S.S.I. 2007/130, art. 2(2), sch.
- F2** Words in s. 26AA(3) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), **Sch. 5 para. 29(2)(a)**
- F3** Word in s. 26AA(3) omitted (1.4.2017) by virtue of [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), **Sch. 5 para. 29(2)(b)**
- F4** Words in s. 26AA(3) inserted (1.4.2017) by [The Crown Estate Transfer Scheme 2017 \(S.I. 2017/524\)](#), art. 1(2), **Sch. 5 para. 29(2)(c)**

Modifications etc. (not altering text)

- C1** S. 26AA applied (1.4.2007) by [Town and Country Planning \(Marine Fish Farming\) \(Scotland\) Order 2007 \(S.S.I. 2007/268\)](#), arts. 1(1), **14(2)** (with art. 14(3))

Status:

Point in time view as at 01/04/2017.

Changes to legislation:

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