POLICY NOTE

THE TOWN AND COUNTRY PLANNING (PRESCRIBED DATE) (SCOTLAND) REGULATIONS 2012

SSI 2012/260

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

Policy Objectives

2. The purpose of these Regulations is to prescribe the date of 31st March 2014 for the purposes of section 26AA(2) of the Town and Country Planning (Scotland) Act 1997, as amended. The Regulations also revoke The Town and Country Planning (Prescribed Date) (Scotland) Regulations 2007 and the Town and Country Planning (Prescribed Date) (Scotland) Amendment Regulations 2010 which are superceded by these Regulations.

3. These provisions extend to Scotland only. There are no similar provisions in England, Wales and Northern Ireland.

4. On 1 April 2007, responsibility for new marine fish farm developments and modifications to existing developments was transferred to planning authorities by the Town and Country Planning (Scotland) Act 1997, as amended. Prior to this, the responsibility for issuing consents for marine fish farm developments in all areas except Shetland and Orkney rested with the Crown Estate. In Shetland and Orkney, the local authority was responsible for issuing works licences under, respectively, the Zetland County Council Act 1974 and Orkney County Council Act 1974.

5. At the same time as this transfer, it was decided that Scottish Ministers would assess all existing marine fish farm developments to determine whether planning permission should be granted for the operation of these developments.

6. Following changes made by the Planning etc (Scotland) Act 2006, the operation of an existing marine fish farm – i.e. a fish farm with equipment in place before 1 April 2007 – requires planning permission after the 'appropriate date'. The appropriate date is whichever is the later of:

- a date prescribed by Scottish Ministers, and
- the date on which any consent or works licence which relates to the operation of a farm ceases to have effect.

7. The purpose of the prescribed date is to allow time to review farms where the authorisation has lapsed, or will lapse before the farm can be assessed. The current date prescribed is 31 March 2013; the deadline has been extended once before from 1st April 2010. It is considered that a year's extension is required to assess the remaining marine fish farms. These Regulations therefore extend the prescribed date to 31 March 2014.

Consultation

8. These proposals have been discussed with industry and statutory consultees to the process through the Improved Systems for Licensing Aquaculture Developments Working Group. This Working Group comprises Scottish Salmon Producers' Organisation, the Association of Scottish Shellfish Growers, British Trout Association, Association of Salmon Fishery Boards, all relevant planning authorities, Scottish Environment Protection Agency, Scottish Natural Heritage, Crown Estate, and Marine Scotland, In view of the purpose of these Regulations, no public consultation has been considered necessary.

Impact Assessments

9. The Order makes a minor change to a process that has been underway since 2007. As the effect is only to extend the date by when planning permission is needed for the operation of a fish farm, it does not give rise to any equality issues and therefore no equality assessment has been undertaken.

Financial implications

10. No BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business.

Aquaculture Planning Unit
Marine Scotland
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