Marine (Scotland) Act 2010

2010 asp 5

PART 4

MARINE LICENSING

Power by order to provide marine fish farming is not "development"

63 Power by order to provide marine fish farming is not "development"

(1) The Town and Country Planning (Scotland) Act 1997 (c.8) is amended as follows.

(2) In section 26(1) (meaning of "development"), after "section" where it first occurs insert " and to section 26AB ".

(3) After section 26AA, insert—

"**26AB Power by order to provide marine fish farming is not "development"**

(1) The Scottish Ministers may by order provide that—

(a) section 26(6) does not apply as respects the placing or assembly of equipment for the purpose of fish farming in waters identified in the order (the "relevant waters"),

(b) section 26(6AA) does not apply as respects any material change in the use of equipment so placed or assembled for that purpose, and

(c) the operation of a marine fish farm in the relevant waters in the circumstances specified in section 26AA is not "development" for the purposes of this Act.

(2) An order under subsection (1) may be made only with the agreement of the planning authority (or planning authorities) for the relevant waters; and in this subsection the "planning authority" means the planning authority specified in an order under section 26(6D).".

(4) In section 275 (regulations and orders)—

(a) in subsection (4), after "26(2)(f), (6A) and (6C)," insert " 26AB(1), ",

(b) in subsection (5A), after "26(6A) or (6C)" insert " or 26AB(1) ".

***Changes to legislation:** There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Cross Heading: Power by order to provide marine fish farming is not "development". (See end of Document for details)*

Commencement Information

I1 S. 63 in force at 6.4.2011 by S.S.I. 2011/58, **art. 3(a)**

Changes to legislation:
There are currently no known outstanding effects for the Marine (Scotland) Act 2010, Cross Heading: Power by order to provide marine fish farming is not “development”.