
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 285

The Town and Country Planning (General Permitted Development) (Fish Farming) (Scotland) Amendment (No. 2) Order 2012

Amendment of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992

2.—(1) The Town and Country Planning (General Permitted Development) (Scotland) Order 1992(1) is amended in accordance with paragraph (2).

(2) In Part 6A (fish farming) of Schedule 1 (classes of permitted development)—

(a) in Class 21A—

(i) for paragraph (3)(a) substitute—

“(a) the surface area of the waters covered by the equipment comprising the fish farm is, or would as a result of the replacement or installation of finfish pens be, greater than 15,000 square metres;”;

(ii) after paragraph (4)(a) insert—

“(aa) in the event of the equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, such works (including lighting, buoying, raising, repairing, moving or destroying the whole or any part of that equipment) as may be needed to remove the obstruction or danger to navigation must be carried out;”;

(b) in Class 21B—

(i) omit “and” following paragraph (2)(d)(ii); and

(ii) at the end of paragraph (2)(e) insert—

“; and

(f) in the event of the equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, such works (including lighting, buoying, raising, repairing, moving or destroying the whole or any part of that equipment) as may be needed to remove the obstruction or danger to navigation must be carried out.”;

(c) in Class 21C, after paragraph (2)(a) insert—

“(aa) in the event of the equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, such works

(1) [S.I. 1992/223](#). Part 6A of Schedule 1 was introduced by [S.S.I. 2012/131](#). There are other amendments which are not relevant to this Order.

(including lighting, buoying, raising, repairing, moving or destroying the whole or any part of that equipment) as may be needed to remove the obstruction or danger to navigation must be carried out.”;

(d) in Class 21D, after paragraph (3)(b) insert—

“(bb) in the event of the equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, such works (including lighting, buoying, raising, repairing, moving or destroying the whole or any part of that equipment) as may be needed to remove the obstruction or danger to navigation must be carried out.”;

(e) in Class 21E, in paragraph (3)—

(i) renumber the third, fourth and fifth sub-paragraphs respectively as sub-paragraphs (c), (d) and (e);

(ii) omit “and” following the fourth sub-paragraph; and

(iii) at the end of the fifth sub-paragraph insert—

“; and

(f) in the event of the equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, such works (including lighting, buoying, raising, repairing, moving or destroying the whole or any part of that equipment) as may be needed to remove the obstruction or danger to navigation must be carried out”; and

(f) in the interpretation section of Part 6A, in paragraph (2) omit “or of equipment of a fish farm,” and “or equipment”.