Local Government and Communities Committee

Planning (Scotland) Bill

Submission from the British Trout Association

The British Trout Association (BTA), the national representative body for the trout farmers of the UK, is pleased to have the opportunity to submit views to the Committee on the ‘Planning (Scotland) Bill’ as introduced on 4 December 2017 by the Cabinet Secretary for Communities, Social Security and Equalities.

Our main concern is that the Bill has no references to the aquaculture industry in Scotland, although that activity is covered by the marine planning requirements of the Town & Country Planning Act, as amended.

The introduction of the Planning (Scotland) Bill offers an opportunity to resolve the unfortunate and unintended impact of the extension of the Town & Country Planning Act to marine aquaculture, namely that some normal operational activities lead to the technical requirement for a re-application for planning permission, with all the attendant cost and uncertainty. These issues could be resolved through a revision of the ‘definition of development’ (Section 26(6) of the Town and Country Planning (Scotland) Act 1997 (as amended)) to include activities such as removal and eventual re-instatement or replacement of nets, pens, moorings, etc., operations which are central to the normal on-going farming activity.

In the words of Cleland Sneddon, Chief Executive, Argyll & Bute Council (letter to Mr Fergus Ewing, Cabinet Secretary for the Rural Economy & Connectivity, 17 August 2017):

“The implications for aquaculture firms would be that they need to renew their planning approval every time that any equipment is removed, replaced or upgraded which cannot have been the legislative intent of the Act. This creates in our opinion a significant issue for the industry and regulators which can be resolved via clarification of the legislation. I therefore recommend to Scottish Ministers to use their power under section 26(6A) of the 1997 Act to make an order with such modifications as they consider necessary or expedient to the definitions of "equipment" and "fish farming".

It is the view of officers within Argyll and Bute council that it considers that such an order could be made in tandem with the amendments planned for permitted development rights to ensure consistency.”

In our view, without such a clarification the future development – indeed, the current scale of operation – of the salmon and trout marine farming industry could be dangerously affected.

While the proposed changes to Permitted Development Rights (PDR) are a step in the right direction, an amendment included in the Planning Bill would be more robust, particularly if accompanied by formal Guidance to Local Authorities from Scottish Government Planning.
Marine aquaculture is a significant economic activity in the more remote rural areas of Scotland, and to constrain the development of the industry in this manner, through an inappropriate implementation of the planning process, should be remedied at the earliest possible opportunity, which in our view is the current proposed Planning (Scotland) Bill.

Yours faithfully,

Oliver Robinson
Chairman
British Trout Association