Regulation of fish and shellfish farm deposits - Consultation Analysis Report

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Scottish Government
Riaghaltas na h-Alba

Executive Summary

The Scottish Government published the consultation on the regulation of fish and shellfish farm deposits on the Scottish Government website on 24 September 2025. The consultation closed on 16 December 2025. There were five questions and 27 responses were received. Not all respondents answered all the questions. The 27 responses came from 3 individuals and 24 organisations.

Of the 27 respondents:

- 19 indicated their agreement with the proposals to identify the Scottish Environment Protection Agency (SEPA) as the responsible authority for the regulation of fish farm environmental discharges between 3-12 nautical miles and 8 indicated that they were not in agreement. Additional comments on the proposal were provided by 26 of the respondents.

- 17 respondents indicated their agreement with the proposal that the existing marine licence exemption for deposit of substance from fish farms, which is liable to cause pollution of the water environment, be extended to cover waters out to 12 nautical miles, 8 indicated that they were not in agreement and 2 respondents did not answer the question. 23 of the respondents who answered provided additional comments.

- 22 respondents agreed that the wording of The Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011 should be updated in regards to the deposit of equipment used in the course of the propagation or cultivation of fish and shellfish to provide businesses with clarity in determining whether the exemption may apply to a development, 3 indicated they were not in agreement and 2 did not answer the question. 22 of the respondents provided further comments.

- 22 respondents provided further comments on the proposals as a whole.

- 12 indicated their agreement with the approach taken for the impact assessments which accompanied the consultation, 12 indicated that they were not in agreement and 3 did not answer the question. 17 of the respondents provided further comments to the question.

Following analysis of all the responses received, Scottish Ministers have decided to bring forward two Scottish Statutory Instruments to:

- identify SEPA as the responsible authority for the regulation of fish farm environmental discharges between 3-12 nautical miles through the Environmental Authorisations (Scotland) Regulations 2018 (“EASR”); and

- to progress proposed amendments to the Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011 (“Exempted Activities Order)

The partial Business and Regulatory Impact Assessment (BRIA) and Island Communities Impact Assessment (ICIA) Screening have been updated and finalised based on responses received. The finalised impact assessments will be published on the Scottish Government website.

Background

The Scottish Government is committed to clarifying the consenting process for aquaculture between 3-12 nautical miles to ensure an effective approach to the regulation and consenting of aquaculture development and activity across Scotland’s inshore region (0-12 nautical miles).

Current regulation requires fish and shellfish farming development from 3 – 12 nautical miles to acquire a Crown Estate Scotland lease, planning permission, a marine licence for discharges and/or equipment (where applicable to the development type) and registration under an aquaculture production business authorisation.

This differs from arrangements from 0 – 3 nautical miles, where the Scottish Environment Protection Agency (SEPA) is the responsible authority for the regulation of fish farm environmental discharges, whereas Marine Directorate - Licensing Operations Team (MD-LOT), on behalf of Scottish Ministers, is the responsible authority for this activity between 3-12 nautical miles. This creates an inconsistent approach to the regulation of this activity between 0-12 nautical miles and may lead to duplicated effort, and a need to increase resourcing appropriate expertise within MD-LOT to fulfil this function.

In June 2025, Scottish Ministers introduced the Town and Country Planning (Marine Fish Farming) (Scotland) Amendment Order 2025 to ensure consistency in approach to aquaculture planning regulations across the 0-12 nautical mile zone, by identifying relevant local planning authorities as the responsible body for assessing and determining fish and shellfish farm planning applications out to 12 nautical miles.

This consultation sought views on Scottish Ministers proposals to amend the regulation of fish farm environmental discharges between 3-12 nautical miles by

making SEPA the responsible authority for this activity, and making amendments to exemptions for requirements for marine licences in respect to the deposit of substances and equipment from fish and shellfish farms, for the purpose of consistency and to reduce regulatory duplication.

These would be implemented via Scottish Statutory Instruments (SSIs).

Consultation

The consultation asked respondents to provide their views on the proposals to:

- identify of SEPA as the responsible authority for regulation of fish farm environmental discharges between 3-12 nautical miles
- amend the Exempted Activities Order to extend the existing exemption on requirements for marine licensing of deposit of “substance” from fish farms from 3 nautical out to 12 nautical miles.
- amend the Exempted Activities Order to clarify the scope of the existing exemption for the deposit of fish and shellfish farm equipment.

The consultation paper provided detail on the Scottish Government’s reasoning for bringing forward the proposals to inform stakeholder responses to the consultation questions. This included the position that identifying SEPA as the responsible authority for the regulation of fish farm environmental discharges between 3 and 12 nautical miles, recognised SEPAs expertise in regards to assessment, licensing and regulation of fish farm environmental discharges, and stakeholders familiarity with SEPA’s licensing and regulatory processes. It was also stated that the proposal would mitigate against public sector resource implications should the function remain with MD-LOT, and provide the opportunity for development from 3 – 12 nautical miles to benefit from work being undertaken by a Consenting Task Group which is developing and piloting efficient and effective consenting processes, which seek to coordinate and reduce duplication where it exists.

On the proposed amendments to exemptions for requirements for marine licences, the consultation paper outline the position that the proposals would ensure that fish farm environmental discharges would not be subject to requiring duplicated regulatory oversight for the same activity. It was also stated that amendments to clarify the application of an existing exemption on the deposit of fish and shellfish farm equipment would provide businesses with clarity in determining whether the exemption may be applied for a development, which if used would further streamline the broader consenting process.

Additionally it was noted that businesses may also benefit from a reduction in regulatory burden and administrative costs associated with unifying the 3 – 12 nautical mile consenting process with the 0 – 3 nautical mile consenting process.

Views were also sought on the following impact assessments or relevant screenings that were undertaken as part of the policy development, which were published alongside the consultation paper:

- Equalities Impact Assessment (EQIA)
- Child Rights and Wellbeing Impact Assessment (CRWIA)
- Fairer Scotland Duty (FSD)
- Islands Communities Impact Assessment (ICIA) – Partial
- Business Regulatory Impact Assessment (BRIA) – Partial
- Consumer Duty Impact Assessment (CDIA) – Within Partial BRIA
- Strategic Environmental Assessment (SEA)
- Data Protection Impact Assessment (DPIA)

Participants were invited to respond to the consultation using the Scottish Government's consultation hub, Citizen Space. Those unable to access or use Citizen Space were asked to respond via email or in writing to the addresses provided.

During the consultation period information sessions were held with; Salmon Scotland and salmon farming business representatives, Local Authorities, Regional Inshore Fisheries Groups and Crown Estate Scotland.

The consultation asked the following questions:

Question 1(a): Do you agree with the proposal to identify SEPA as the responsible authority for the regulation of fish farm environmental discharges between 3-12 nautical miles? (Agree/Disagree)

Question 1(b): Where applicable, please give reasons for your answer.

Question 2(a): Do you agree that the existing marine licence exemption for deposit of substance from fish farms which is liable to cause pollution of the water environment be extended to cover waters out to 12 nautical miles? (Agree/Disagree)

Question 2(b): Where applicable, please give reasons for your answer.

Question 3(a): Do you agree that the wording of The Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011 is updated in regards to the deposit of equipment used in the course of the propagation or cultivation of fish and shellfish to provide businesses with clarity in determining whether the exemption may apply to a development? (Agree/Disagree)

Question 3(b): Where applicable, please give reasons for your answer.

Question 4: Do you have any other points you wish to raise regarding the proposals set out in this consultation paper? If so please provide details below.

Question 5(a): Do you agree with our approach and findings within the impact assessments for the proposals set out in this consultation? (Agree/Disagree)

Question 5(b): Where applicable, please give reasons for your answer.

The consultation was launched on Citizen Space on 24 September 2025 and closed on 16 December 2025.

The consultation was promoted via Scottish Government press release and social media posts. Key stakeholders with a known interest in the issue were also contacted by e-mail directly to alert them to the consultation. Details of those organisations directly notified are detailed in Annex A of this report.

We would like to thank all the participants for responding to this consultation and providing detailed information to inform our next steps. We have considered all the comments provided.

This report does not aim to reflect every viewpoint expressed in the consultation responses. It provides a summary of common themes submitted to this consultation and some key points raised. The full responses of all those organisations and individuals who gave permission to do so have been published on the Citizen Space website.

Responses

There were 27 responses received. 2 of the respondents refused permission to publish their responses and 1 did not indicate their preference to publish their response, which has been treated as “do not publish”. The remaining 24 respondents agreed to the publication of their responses, which can be found on the Citizen Space website.

Table 1. Consultation responses by interest group

Interest Group	Number of Responses
Aquaculture Sector	5
Community Groups	1
Environmental/Animal Welfare Groups	4
Fisheries Groups	4
Individuals	3
Local Authorities	3
Other Marine Organisations	2
Other Public Bodies	5

Analysis of responses

An analysis of the responses was conducted by the Aquaculture Policy Programme, within the Marine Directorate of Scottish Government. Throughout the report, "respondent" is used to refer to organisations, groups and individuals. Response results are outlined below.

Question 1: Do you agree with the proposal to identify SEPA as the responsible authority for the regulation of fish farm environmental discharges between 3-12 nautical miles? (Agree/Disagree)

19 respondents answered "agree"
8 respondents answered "disagree"

Respondents were given the opportunity to provide reasons for their answer, with 26 respondents providing additional comments.

Of the 19 respondents who agreed, 2 were individuals and the rest represented organisations including SEPA, NatureScot and other public bodies, Local Authorities, Fisheries groups, the Marine Conservation Society, and WildFish.

The most common reason for supporting the proposals in the consultation was to ensure consistency across the 0-12 nautical mile area and reduce duplication in the process. Most of the respondents agreed that SEPA is best placed to carry out this function, with one respondent noting "having a single authority overseeing and managing aquacultural discharges from surfline to 12 miles out makes complete sense; the only question is why this has taken so long". SEPA stated it's support for the proposal, commenting that, "this avoids regulatory duplication, keeping the process consistent and simple". NatureScot agreed that the proposals would "reduce duplication of regulatory activity and provides a consistent approach". Crown Estate Scotland commented that, "this provides clarity of approach for stakeholders and developers and enables SEPA's expertise with regards to regulating fish farm

discharges to be applied", and "provide confidence to stakeholders that the activity is operating within environmental limits".

The Local Authorities which responded were also supportive with Shetland Islands Council noting that it "makes sense as SEPA are the experts for discharge and also brings 3-12 NM into line with the 0-3 NM". Orkney Islands Council commented that the proposals "will improve the clarity and efficiency of the current regulatory regime for fish farming which will be beneficial." Orkney Islands Council also noted that the proposals "should support innovation in offshore aquaculture technologies, reduce adverse interactions in more environmentally sensitive inshore areas and help to reduce conflict with other marine users in busier inshore locations."

3 of the 4 fisheries groups supported the proposals citing consistency, reduction in duplication and SEPA as an expert in the area. Orkney Regional Inshore Fisheries Group stated that "Overall SEPA appeared to be the best choice for this work." Fisheries Management Scotland voiced it's support for "designating the Scottish Environment Protection Agency (SEPA) as the single responsible authority for environmental discharges from fish farms out to 12 nautical miles" and went on to say "A single regulator has the potential to reduce duplication and deliver more consistent, science-led decision-making". It should be noted that while some of the fisheries groups voiced their support for the proposals, they were clear that any support is caveated with the implementation of "strict monitoring protocols" and "accompanied by robust statutory safeguards and adequate resourcing".

Similar to the fisheries groups, 3 of the 4 Environmental/animal welfare groups which responded supported the proposal but with reservations. The Marine Conservation Society stated that it supported the aim to ensure that "fish farm developments between 3-12 nautical miles are appropriately assessed, licensed and regulated in respect to environmental discharges" and the "need for consistency in regulation". Marine and Coastal Conservation of Loch Linnhe and WildFish both agreed with the proposals but raised concerns regarding the capacity and effectiveness of SEPA to undertake the responsibilities in the 3 – 12 nautical mile zone. All 3 called for better resourcing for SEPA if the proposals go ahead.

The Norwegian salmon farming business SalMar ASA noted it's support for the proposal as it "may be appropriate to harmonise the regulatory process for fish farms between 0-3 and 3-12 NM". However it also stated that "further and complete harmonisation beyond 12 NM is not possible this way and other approaches may be just as appropriate and facilitate for a harmonisation of regulations including beyond 12 NM." It was also noted that "any regulatory mechanism used to control environmental discharges from fish farms should be place and technology specific, rather than a generic set control".

All 8 respondents who disagreed provided reasons for their responses. These respondents included fish farm businesses, the Scottish Fisherman's Federation, Animal Equality UK and Seafood Shetland.

A common concern raised by all the respondents who disagreed, was whether SEPA had sufficient resource to take on responsibility for regulating fish farm environmental discharges between 3-12 nautical miles. Seafood Shetland commented that SEPA "is failing to fulfil its statutory duties at present with regard to the shellfish aquaculture sector", in reference to SEPA's statutory responsibilities for Shellfish Water Protected Areas, and that these issues should be investigated further "before imposing additional responsibilities are considered". The Scottish Fisherman's Federation stated that "whoever is in charge must commit to making sufficient resources available in the short and long terms to ensure that farms adhere to strict environmental guidelines". Animal Equality UK provided its view that SEPA is "not resourced to enforce regulations of this type" and "have a track record of inadequate enforcement".

Responses from the Scottish salmon farming sector also noted their view that SEPA was not appropriately resourced to undertake this regulatory function. Salmon Scotland[1] raised a number of concerns in relation to SEPA being suitably resourced to carry out this type of regulatory activity. Salmon Scotland stated that "The consultation identifies a clear need to increase resourcing and expertise in MD-LOT to properly fulfil this regulatory function. SEPA has also confirmed it would need to hire significant additional staff to undertake the new function (i.e. Both SEPA and MD LOT will need extra resource.)" The Aligned Industry Position also commented that "the proposal fails to analyse the necessary allocation of resources to develop and apply a new framework". A number of Scottish salmon farming businesses that provided individual responses to the consultation, raised similar concerns regarding resource requirements.

Scottish salmon farm business respondents raised a number of further concerns. A consistent theme amongst all sector responses was that the proposal had been developed too quickly and with insufficient engagement. All sector respondents called for a pause to the development of the proposals, with the Aligned Industry Position response recommending that Scottish Ministers "work with the sector to

[1] Salmon Scotland provided three separate documents as part of its response to the consultation; Aligned Industry Position, Salmon Scotland Position and Industry Modelling Working Group Response. These full responses have been published and are available to view on Citizen Space. For the purposes of this consultation analysis report, general themes and issues raised in those documents are attributed to Salmon Scotland, but specific quotes are attributed to the specific report itself.

develop a bespoke, proportionate, and tailored regulatory framework for offshore aquaculture".

Related to this point was criticism that extending the existing regulatory framework out to 12 nautical miles maintained existing structural duplication. The Salmon Scotland position response stated that "the current proposal directly contradicts the Griggs review by choosing to mirror a system demonstrated to be overly complex, onerous, and lacking transparency". Cooke Scotland commented that "rather than delivering simplification, the current proposal entrenches duplication and inconsistency. It does not resolve the structural separation between planning, environmental regulation, and fish health oversight, nor does it align aquaculture regulation with the proportionate, risk-based approaches already applied elsewhere in the marine environment."

Scottish salmon farm business respondents also challenged the position made in the consultation that SEPA had the relevant experience in place, compared to MD-LOT, to best carry out regulation of fish farm discharges between 3-12 nautical miles. There was a consensus across Scottish salmon farm business respondents that there is no justification to overriding MD-LOT's established offshore regulatory control. The Salmon Scotland response provided the view that SEPA's experience in regulating fish farm activity between 0-3 nautical miles would not directly translate to an ability to carry out the same role between 3-12 nautical miles, noting the "fundamental differences between coastal and offshore marine environments", and that "it is not possible, nor appropriate, to extrapolate a regulatory framework developed for the nearshore (0-3 NM) zone, to the offshore (3-12 NM) zone". The Aligned Industry Position stated that "developments in this zone have traditionally been assessed by MD-LOT under the Marine Scotland Act, and thus they currently has the expertise, if not the "person power". SEPA does not appear have the experience and thus requires to be resourced in expertise and "person-power"".

The Salmon Scotland position also stated that, "MD-LOT, has ample experience in the complex challenges of risk assessing and consenting offshore developments". In particular it was referenced that MD-LOT's role in licensing marine dredge and dump activities, "shares a clear methodological comparison to the deposition of feed and faeces and the administration of medicines within a fish farm".

Scottish salmon farm business respondents shared the view that there was not any detail provided on how fish farm environmental discharges would be regulated between 3-12 nautical miles, with the consultation only focussed on who should be responsible. The Salmon Scotland position stated that "it is not possible to assess who should regulate, without a clear understanding of how they might regulate. This important information about how is lacking".

Concerns were shared across Scottish salmon farm business respondents that using the existing processes for regulating fish farm discharges would be too precautionary. The Salmon Scotland position commented “To date, we have had no evidence to demonstrate that SEPA will do anything but adopt the current (or very similar) approach in 3-12 NM, as in 0-3 NM” and this this would present a risk that, “the assessment methodology will make offshore developments economically unviable due to limitations on scale, higher operational costs, increased equipment demands, and logistic challenges.” Scottish Sea farms, in its individual response noted that “SEPAs lack of experience, without a bespoke framework, will result in an overly precautionary approach limiting the scale of developments, and coupled with higher operational costs and logistical challenges, will stifle sustainable development”.

On a related point Scottish salmon farm business respondents noted that they would be negatively impacted by SEPA requiring to resource development of a new framework to assess development between 3-12 nautical miles. The Salmon Scotland position commented that “there is a lack of demonstrated interest from Scottish producers in developing operations within the designated zone” and so “Scottish Government is allocating resources toward an initiative that does not directly benefit local stakeholders”. It was also stated that Scottish fish farm businesses “will bear the financial burden of framework development, while the advantages are realised by other businesses operating outside of the Scottish (and likely UK) economic area”.

Scottish salmon farm business respondents raised the issue of how the proposals related to existing legislation. It was commented that identifying SEPA as the regulator for fish farm discharges between 3-12 nautical miles would be in conflict with the scope of the Water Framework Directive. The Salmon Scotland position also stated that there was a lack of detail provided on how the proposal would “address the objectives of the Marine (Scotland) Act or, crucially, how it will integrate with the existing marine licensing and planning regimes already operating within the 3–12 nm zone”

Question 2: Do you agree that the existing marine licence exemption for deposit of substance from fish farms which is liable to cause pollution of the water environment be extended to cover waters out to 12 nautical miles? (Agree/Disagree)

17 respondents answered “agree”
8 answered “disagree”
2 did not answer

Respondents were given the opportunity to provide reasons for their answer, with 23 respondents providing additional comments.

The key points raised in support of the proposals were that the proposals would ensure consistency and that it would help to reduce duplication in the consenting process for fish farming between 3 and 12 nautical miles. Most of the respondents agreed that it would aid in streamlining the consenting system for fish farming. SEPA stated “we believe the proposed approach will help to simplify and streamline the consenting and regulatory framework and ensure clarity for operators and interested third parties.”

Further support was expressed by Crown Estate Scotland and NatureScot who agreed with the proposal, with both noting that the proposed amendment would reduce duplication of regulatory activity. Support was further reflected in the responses from all of the Local Authorities who all agreed with the proposal commenting that the approach would reduce regulatory duplication, with Orkney Islands Council additionally noting that it would “be beneficial to the sector and regulators.”

The Marine Conservation Society voiced it’s support for the proposal but noted that it would “like to understand further what steps the Marine Directorate would take to ensure self-declared exemptions as a navigational risk have been fully considered through the planning permission process, and what it’s remit would be in the case of resolving potential disputes”

Salmon Scotland stated in its response that it agreed with the proposed extension to the Marine Licence exempted activities out to 12 nautical miles, should SEPA be made regulator for fish farm discharges between 3-12 nautical miles, “as they are essential to achieving the goal of reducing duplication should the proposal be progressed”. However, Salmon Scotland were clear that support was dependant on the implementation of the proposals stating, “we do not support this change, should responsibility for assessment remain with Marine Directorate.” Scottish Sea Farms echoed the response from Salmon Scotland stating that, “should SEPA be identified as the responsible authority for the regulation of fish farm environmental discharges between 3-12 nautical miles, we agree, to avoid duplication in regulation”.

Of the respondents that disagreed, 4 referred to their reasons given under Question 1 of the consultation. These primarily related to the view that SEPA should not be made regulator for fish farm discharges between 3-12 nautical miles, due to concerns regarding SEPA’s resourcing.

Wild Fish commented that “Offshore environments are subject to greater uncertainty, and regulatory oversight is inherently more complex. In such circumstances, the precautionary principle should apply, and exemptions should be reassessed and potentially narrowed rather than automatically extended for the sake of administrative consistency.”

One respondent noted that while they understand the intention to reduce duplication, there can be more sensitive areas beyond 3 nautical miles and that “the Marine Licence is an important checkpoint” allowing “consideration of location, timing, cumulative impact with nearby sites, interaction with fisheries and with protected areas, and it allows the public to see and comment on what is proposed”. The respondent suggested that the exemption should only be applied when SEPA has already “authorised the discharge and when there is no likely interaction with marine protected areas”.

Question 3: Do you agree that the wording of The Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011 is updated in regards to the deposit of equipment used in the course of the propagation or cultivation of fish and shellfish to provide businesses with clarity in determining whether the exemption may apply to a development? (Agree/Disagree)

22 respondents answered “agree”
3 answered “disagree”
2 did not answer

Respondents were given the opportunity to provide reasons for their answer, with 22 respondents providing additional comments.

Most of the respondents were supportive of the proposals with the most common reason for support being that it would provide clarity to all involved and work towards streamlining the consenting process. Local authorities were supportive of the proposal with Shetland Islands Council stating it “allows companies to make use of what it was intended to be used for”, and The Highland Council noting that “Clear guidance on what constitutes exempt equipment will reduce inconsistent interpretation”. Orkney Island Council commented that “An amendment to the Exempted Activities Order to state that the exemption applies to all fish farm equipment, where the relevant conditions for the deposit of the equipment are met, should reduce duplication of regulation”.

Some of the respondents referenced the need for all equipment to be included and that the exemptions should in fact be more stringent to prevent equipment from becoming a pollution risk.

One respondent indicated that while they were supportive of the proposals for the purposes of clarity, a full marine licence should be applied if the business plans to place equipment near a sensitive location or there is any indication of environmental risk to ensure “navigation, fisheries and nature conservation interests can be consulted.”

A number of respondents who agreed provided recommendations on how clarity on the use of the exemption could be further improved. The Royal Yachting Association commented that “it is essential that breaking up and release of the fish farm structure and equipment, including ropes, is included as being a deposit of equipment.” Crown Estate Scotland noted that the need for mitigation to be in place to reduce navigational risk should be “clearly understood by all parties involved in the planning process to avoid a risk of misinterpretation.” Crown Estate Scotland also commented that operators must be able to demonstrate that “mitigation is in place and is monitored over time, insurance is in place and that the location has been registered with the Hydrographic Office to mitigate risks and manage liabilities in the marine environment.” Nature Scot recommended that use of the exemption should include a condition that a deposit “should not pose a significant risk to natural heritage features” and that guidance be provided on the definition of an artificial reef.

Of the respondents who agreed with the proposal, some provided reasons as to why use of the exemption may still be limited following any amendments being made. Seafood Shetland commented that use of the exemption would still be limited depending on whether insurers would be content with the exemption being used, and Crown Estate Scotland’s views on exemption use. Salmon Scotland’s position stated that placing the responsibility on the developer to determine if the exemption should apply was not appropriate and “greater engagement and guidance by MD-LOT would encourage understanding and uptake of these exemptions”.

Of the respondents that disagreed, one respondent stated that no offshore salmon farming should be licensed. Animal Equality UK noted its concerns “about scope and oversight of what equipment becomes exempt” and that “"all equipment used directly in propagation and cultivation" is too obscure”. Concerns were raised that certain equipment which may cause harm to marine life would become exempt, such as waste collection barges, acoustic deterrent devices and experimental technologies”. The Scottish Fisherman’s Federation also disagreed, stating that farm equipment “poses risks to navigation in the inshore region, however the presence of these deposits in the 3-12 NM region in terms of presenting safety risks to fishing vessels will be as bad if not worse” and raised concerns that “allowing farmers to make their own judgement on where exemptions apply may lead to a more relaxed approach to the deposit of certain equipment.”

Question 4: Do you have any other points you wish to raise regarding the proposals set out in this consultation paper? If so please provide details below.

22 respondents provided a response to this question. Some of the consistent points raised are detailed below.

A number of the respondents referenced the need for further transparency in the process. With one respondent suggesting a single platform for environmental monitoring data which is publicly available. The Royal Yachting Association also recommended that a one stop shop for reporting environmental and navigational risks should be considered.

A number of the respondents indicated they wanted to see more detail of the regulation and how it would work in the final version including the assessment of cumulative impacts across 0-12 nautical miles and tighter environmental controls for sites near sensitive areas. A number of respondents also queried where responsibilities would sit across different organisations for the regulation of aquaculture between 3-12 nautical miles. Crown Estate Scotland noted that there was a need to “ensure an appropriate level of co-ordination between all statutory agencies involved in consenting activities” in regard to the potential for future overlap between fish farm applications and other marine developments”. The Marine Conservation Society recommended that “there is a strong need for offshore aquaculture to be fully considered during the continued development of NMP2”.

Some of the respondents commented on the operational workings of SEPA. The respondents were particularly interested in the efficiency of monitoring and enforcement. One respondent noted that the operational costs of the current framework should be benchmarked and then reassessed to determine effectiveness, following implementation. Another respondent suggested that SEPA should publish an implementation plan on monitoring and enforcement. SEPA reiterated its agreement with the proposals outlined as a way to reduce duplication and incorporate consistency in the process. SEPA noted that EASR is a modern and adaptive framework which is appropriate for supporting the regulation of novel infrastructure approaches and that for development between 3-12 nautical miles it proposes to “apply the existing regulatory framework for Marine Pen Fish Farming, adapting where necessary”. SEPA also stated that becoming lead authority for environmental deposits would support its ability to recover costs, noting that “alternative approaches, such as acting solely as a consultee to the marine licence process, would not enable us to recover costs under our current charging schemes.

On resourcing SEPA stated that any additional resourcing “will be for the preparation work.”

The Salmon Scotland response included a representation from the Industry Modelling Working Group offering an open invitation for active collaboration from technical scientists and oceanographers within the Scottish finfish aquaculture industry. The purpose of this offer would be to address the industry’s concerns that the existing risk assessment protocol used by SEPA to assess fish farm environmental discharges protocol is inappropriate for exposed environments. It was also noted that “many of the same challenges occur within the three nautical mile limit. We therefore recommend framing the regulatory challenge around “more exposed, higher-energy, deeper sites on the continental shelf”, rather than a fixed 3 –12 NM band”. Scottish Sea Farms also noted its view that, “as aquaculture moves toward deeper, more exposed offshore locations, a robust risk assessment tool should explicitly incorporate relevant physical processes rather than relying on static thresholds. Standards should continue to evolve toward process-based modelling to ensure environmental protection while enabling sustainable expansion.”.

Question 5: Do you agree with our approach and findings within the impact assessments for the proposals set out in this consultation? (Agree/Disagree)

12 respondents answered “agree”
12 answered “disagree”
3 did not respond

Respondents were given the opportunity to provide reasons for their answer. 17 respondents provided additional comments which are grouped by impact assessment.

1. Business and Regulatory Impact Assessment (BRIA) – Partial

A number of respondents, including Scottish salmon farming businesses, Marine Conservation Society, Roal Yachting Association and community groups, noted that the BRIA should reflect a view held by some that SEPA may not be sufficiently resourced at present to carry out regulation of fish farms between 3-12 nautical miles.

Scottish salmon farming businesses also noted that the economic impact on businesses of a “highly conservative risk assessment leading to restricted development” was not considered within the BRIA. Both Salmon Scotland and Scottish Sea Farms also stated that “no resourcing and costings for the three options are provided in the partial BRIA”.

SEPA commented that “The impact upon SEPA’s resources is dependent upon the volume and complexity of applications within this new geographic area. At this stage, the scope and impact of this is not yet known. We are mindful of implications on how we monitor, audit and regulate and are in active discussions with Marine Directorate to explore how we can optimise our relative strengths and capabilities.” SEPA also stated that it, “will apply its existing expertise in assessment, licensing and regulation of fish farm environmental discharges to allow SEPA to regulate this activity between 0-12 nautical miles,” and that SEPA, “already determines applications for farms in a range of different locations, including exposed locations, under its current remit of regulating up to 3 nautical miles.”

2. Strategic Environmental Assessment (SEA)

One respondent provided further comment on the SEA. The respondent agreed with the approach taken to the impact assessments but noted that SEPA would have to be appropriately resourced to implement the proposals.

3. Island Communities Impact Assessment (ICIA) – Partial

One respondent referred to the ICIA and disagreed with the approach taken. The respondent pointed out that the effect in the ICIA was scored as neutral but noted that “communities often rely on the visibility of a licensing process to raise local navigation, fisheries and nature concerns,” and raised the concern that widening the exemptions would reduce this visibility.

4. Child Rights and Wellbeing Impact Assessment

Seafood Shetland sought clarity as to why there was requirement for an impact assessment in respect of Child Rights' and Wellbeing.

5. Comments on all impact assessments

One of the respondents noted that the impact assessment document was too long and would “lead to 'skim reading' and the possibility of vital information being overlooked”. Two of the respondents indicated that they disagreed with the impact assessments on the ground that a much more precautionary approach to the environmental impacts should be taken. One respondent noted the concern that the impact assessments “may be over-simplistic and favour profit over protection”.

Consideration of key points raised

Proposal to identify SEPA as the responsible authority for fish and shellfish farm discharges between 3 to 12 nautical miles

Benefits of the proposal

A number of respondents recognised the benefits that consistency in the inshore zone (0 – 12 nautical miles) would bring, including to reduce duplication, and the expertise which SEPA holds. Respondents that agreed included organisations that are either involved in either regulating aquaculture activities or providing advice to lead regulators through established consenting processes. Most recognised the potential for increased complexity should different arrangements exist from 3 – 12 nautical miles, compared to the framework for consenting between 0-3 nautical miles. For example, under this scenario SEPA would remain a statutory consultee to planning, but MD-LOT would lead for discharges, while having to also rely on SEPA's advice as consultee to marine licencing processes. SEPA themselves highlighted that acting solely as a consultee to the marine licence process, would not enable them to recover costs under their current charging schemes.

A number of respondents agreed with the position that unifying the regulation of fish farm discharges across the 0-12 NM area would avoid regulator inefficiencies, which would arise from both SEPA and MD-LOT being responsible for the same regulatory function but in different geographic areas. On this point it is the Scottish Government's view that in determining which authority is best placed to regulate this activity, the issue of regulatory experience within a given geographic area is not the primary consideration, but rather which has the relevant experience and resource in regards to the assessment and regulation of a particular activity, in this case fish farm environmental discharges. It is also the case that conditions found beyond 3 nautical miles may also be found in areas within 3 nautical miles. SEPA themselves have stated that they already determine applications for farms in a range of different locations, including exposed locations, under its current remit of regulating up to 3 nautical miles.

Regulator resourcing

A number of respondents, both those who agreed and those who disagreed with the proposal, included comments that suggested SEPA would need to be appropriately resourced to ensure effective monitoring and enforcement of environmental discharges for fish farms beyond 3 nautical miles. While some respondents simply stated that SEPA must be adequately resourced to effectively carry out the function,

others suggested SEPA would require a significant increase in resourcing to regulate the activity.

We agree that the regulator should be appropriately resourced and deliver effective environmental protection. In considering how fish farm environmental discharge activity between 3-12 nautical miles could be most effectively regulated, advice was sought from both MD-LOT and SEPA on their ability to carry out this function based on existing resource and expertise, and through any constraints in regulating the activity arising from the nature of the legislation under which both bodies operate.

Advice from MD-LOT was that at present it did not have the relevant expertise in place to directly carry out assessment and licensing of fish farm discharge activity. MD-LOT also advised that until sufficient expertise was in place it would need to rely on SEPA as a consultee to support the assessment and determination of any application. This would in effect require SEPA to carry out an assessment as it would if it were acting as regulator, and SEPA has indicated it would be unable to do so without a cost recovery mechanism. This raises the challenge of how to facilitate cost recovery for SEPA to enable them to carry out application assessment on behalf of MD-LOT, as there is currently not a clear mechanism to do this. Additionally as SEPA would also remain a statutory consultee to planning, their ability to effectively engage with both processes may be weakened. Also, as noted in the partial BRIA, there would be a need to amend existing marine licence regulations as it is considered that existing marine licensing charging rules do not suitably cover subsistence requirements or ongoing monitoring which would be needed for efficient ongoing regulation of fish farm discharges.

In its formal response to the consultation, SEPA has agreed that it should be designated as the responsible authority for regulating environmental discharges from fish farms located between 3 -12 nautical miles. On resourcing SEPA stated that, “the proposed expansion in geographic remit will increase the sea area within which SEPA has an obligation to carry out the assessment, licensing, and regulation of marine pen fish farming. SEPA will apply its existing expertise in assessment, licensing and regulation of fish farm environmental discharges to allow SEPA to regulate this activity between 0-12 nautical miles. The impact upon SEPA’s resources is dependent upon the volume and complexity of applications within this new geographic area. At this stage, the scope and impact of this is not yet known. We are mindful of implications on how we monitor, audit and regulate and are in active discussions with Marine Directorate to explore how we can optimise our relative strengths and capabilities.” It was also noted that “to build capacity to take up this duty SEPA anticipate that any additional resourcing will be for the preparation work.” SEPA also highlighted that, “alternative approaches, such as acting solely as

a consultee to the marine licence process, would not enable us to recover costs under our current charging schemes."

It is considered that SEPA would be best placed to carry out this function in respect to resource capacity as SEPA already has staff in place with experience of assessing and regulating marine fish farms. It is also anticipated that in the short to medium term a small number of proposals for development between 3 – 12 nautical miles are likely to come forward, and while some increase in resourcing may be required in future depending upon the volume and complexity of applications, impacts on SEPA's resourcing in the short term is likely to be limited, noting SEPA's statements that any initial additional resourcing will be for preparation work. It is also considered that SEPA's existing charging mechanisms, which allow for cost recovery through application fees and subsistence charging, are suitably adaptable to allow for cost recovery to be achieved in relation to licensing and regulation of fish farming activity between 3-12 nautical miles.

In contrast it is considered that MD-LOT would need to increase resource to ensure appropriate expertise is in place to undertake assessment of the activity. This may be considered as a duplicated effort in resourcing appropriate expertise across the public sector, as relevant expertise already sits within SEPA. As noted above, until appropriate resource is in place MD-LOT would require SEPA to provide extensive advice to aid in assessing and determining applications, raising challenges in enabling SEPA to achieve cost recovery for this work. Marine Licence charging mechanisms are also less adaptable than those used by SEPA, leading to challenges in seeking cost recovery for monitoring activity.

Manner of regulation and existing regulator expertise

A number of respondents requested that further detail was required on how the regulation would be carried out. There was also a range of views on the level of environmental regulation that should be applied to fish farming.

Some respondents indicated that stricter environmental regulations should be included with full cost recovery and transparency of environmental monitoring data. The Scottish fish farming sector stated its view that SEPA's existing method of assessing fish farm discharge activity would not be appropriate for farms beyond 3 nautical miles, noting the differences in environmental conditions between "inshore" and "offshore" locations, and SEPA's existing assessment methodology not being suitable to model impacts in more exposed locations. It was also stated that MD-LOT would be best placed to regulate beyond 3 nautical miles due to its experience in licensing other activities in this area, including marine dredge and dumping.

In terms of likely methods of assessment, as noted above MD-LOT has advised that until resources were in place, it would need to rely on SEPA as a consultee to support the assessment and determination of any application for fish farm discharges. In regards to MD-LOT's existing expertise in licensing other forms of marine activity, including marine dredging, MD-LOT has advised that it follows a more simple process of assessment against established action levels for determining such applications. Assessment of the effects of aquaculture discharges would require specific technical knowledge and expertise, beyond what MD-LOT currently requires for assessing dredging and deposit licence applications.

In its response to the consultation SEPA has stated that it proposes to apply the existing regulatory framework for Marine Pen Fish Farming, adapting where necessary, noting that EASR is designed to be flexible, with SEPA's frameworks focusing on the environmental outcome allowing them to assess novel or offshore infrastructure and setting appropriate conditions to control any potential impacts. It was also highlighted that SEPA already determines applications for farms in a range of different locations, including exposed locations, under its current remit of regulating up to 3 nautical miles.

It is therefore considered that SEPA is best placed to carry out assessment, licensing and on-going regulation of fish farm environmental discharge activity between 3-12 nautical miles. We agree that there should be no one size fits all approach and that environmental assessment may need to adapt. The adaptable nature of the regulations under which SEPA operate, will allow assessment processes to be varied as required to ensure fish farming development is permitted while ensuring farms operate within environmental limits. SEPA has also noted it would be happy to discuss assessment methods further with industry representatives and interested third parties.

Duplication in aquaculture consenting

A majority of respondents, including SEPA, Local Authorities, Nature Scot, Crown Estate Scotland and Fisheries Management Scotland, agreed with the proposals, noting that they would create a consistent approach to aquaculture consenting within the 0-12 nautical mile region. The Scottish salmon farming sector stated that extending the existing regulatory framework out to 12 nautical miles would maintain existing structural duplication in the fish farm consenting process, and that consenting arrangements from 3-12 nautical miles provided a potential opportunity to pilot an alternative consenting framework. Scottish producers propose MD-LOT should remain lead regulator for fish farm environmental discharges from 3 – 12 nautical miles, instead of SEPA. One of the key potential benefits raised is streamlined environmental assessment activity.

The Scottish Government has been working to consolidate SEPA as the independent environmental regulator of fish farms, including transfer or wellboat discharges from MD-LOT to SEPA in November 2020, and by appointing SEPA as lead regulator to manage the risk that sea lice from fish farms impact upon wild fish in October 2021. While it is possible for Scottish Ministers to remain lead regulator for discharges from 3 – 12 nautical miles, divergence of controls in the inshore zone is expected to result in a number of challenges (discussed in this consultation response), while identifying SEPA as lead also provides scope to explore streamlined environmental assessment activity.

To ensure consenting processes are efficient and effective, Scottish Ministers are continuing working to address the recommendations of the 2022 independent review of aquaculture regulation. Businesses are a key partner alongside regulators and other public bodies in taking forward work to streamline these consenting activities, with a Consenting Task Group working to identify, pilot and review new measures to achieve an improved, multilateral consenting process framework.

Pilots of a new, coordinated, pre-application process are ongoing in Shetland and Highland local authority areas. We have seen benefits in the aligned pre-application approach and intend to improve that process and to broaden out testing to additional local authority areas for the benefit for all. Work is also underway to align the formal application process and review Environmental Impact Assessment and Habitat Regulators Appraisal processes to seek opportunities to reduce regulatory duplication. A consistent framework for aquaculture consenting in Scotland's inshore zone provides the opportunity for the adoption of processes developed by the Consenting Task Group Scotland-wide, which is transparent to all stakeholders.

Views have also been sought through this consultation on proposals to clarify the intent of the existing marine licence exemption on deposit of farm equipment, to enable businesses to consider its application as a means to reduce regulatory duplication further.

Impact on businesses

Scottish salmon farming businesses stated that SEPA's approach to assessing applications would be too precautionary and therefore limit development and impact business growth, and that existing operators would be negatively impacted by SEPA requiring to resource development of a new framework to assess development between 3-12 nautical miles, noting interest to date is from other businesses that currently operate outside of the Scottish and UK economic area.

Based on the advice received from SEPA, it is considered that SEPA's frameworks, which are adaptable, will allow for sustainable levels of farm biomass to be permitted, ensuring the environment is protected while allowing for increased levels of production where conditions allow. As noted above on the section on regulator resourcing, the levels of additional resource required by SEPA is likely to be limited, noting SEPA's statements that any additional initial resourcing will be for preparation work. It is also considered that SEPA's existing charging mechanisms, which allow for cost recovery through application fees and subsistence charging, are also suitably adaptable to ensure that any fees are appropriate to the scale of development and regulatory requirements.

While it is noted that there is a suggested lack of interest from existing operators in Scotland to develop operations beyond 3 nautical miles at present, it is hoped that clarifying consenting processes between 3-12 nautical miles will encourage developers to consider opportunities in this emerging sector in future. The Scottish Government believes in supporting a diverse and innovative sector, and also recognises the value that inward investment brings to Scotland's economy, both in terms of the direct benefits that accrue from job creation, but also the wider economic benefits through stimulating supply chain activity associated with an individual project. By clarifying consenting processes for aquaculture between 3-12 nautical miles we hope to signal to businesses at home and abroad that Scotland is open to innovative aquaculture development, including those which have the potential to support fish health and welfare and reduce environmental interactions.

Applicability of proposals within existing legislation

Scottish salmon farm business respondents raised the issue of how the proposals related to existing legislation, in particular the Water Framework Directive and The Marine (Scotland) Act 2010. A number of respondents also queried how SEPA's role would align with other regulators between 0-12 nautical miles.

As noted in the consultation, SEPA would be identified as regulator for fish farming discharges between 3-12 nautical miles, via amendments to the Environmental Authorisations (Scotland) Regulations 2018 ("EASR"). EASR is the regulatory mechanism by which SEPA's Integrated Authorisation Framework operates. EASR was enacted using powers under the Regulatory Reform (Scotland) Act 2014 and those powers would also be used for this amendment. The framework under EASR aims to integrate, as far as possible, the authorisation, procedural and enforcement arrangements relating to water, waste management, radioactive substances and pollution prevention and control. SEPA would take on responsibility for fish farm environmental discharge activity between 3-12 nautical miles by including this as a regulated water activity within EASR. This would not fall within the scope of the water

framework directive, but amendments to EASR would ensure such activity is licensed to ensure any impacts to the environment between 3-12 nautical miles are appropriately controlled. As is referenced in schedule 10 of EASR, requirements from section 15(1) of the Marine (Scotland) Act 2010 to take authorisation and enforcement decisions in accordance in accordance with relevant marine plans would apply to SEPA granting permits under EASR.

The proposed amendments would result in regulatory responsibilities for fish and shellfish farming across Scotland's inshore region (0-12 nautical miles) being consistent as detailed in the table below:

Licence	Regulator	Legislation
Planning permission	Local Planning Authority	The Town and Country Planning (Scotland) Act 1997
Environmental Licence	SEPA	The Environmental Authorisations (Scotland) Regulations 2018
Aquatic Animal Health Authorisation	Marine Directorate - Fish Health Inspectorate (on behalf of Scottish Ministers)	The Aquatic Animal Health (Scotland) Regulations 2009
Marine Licence for deposit of objects (unless exemption applied)	Marine Directorate – Licensing Operations Team (on behalf of Scottish Ministers)	Marine (Scotland) Act 2010

Table 1: Responsible regulators for fish farming (0-12 nautical miles) should SEPA be identified as responsible regulator for fish farming discharges between 3-12 nautical miles.

Amendments to the Marine Licence Exempted Activities Order to extend the existing exemption on requirements for marine licensing of deposit of "substance" from fish farms from 3 nautical miles to 12 nautical miles.

Benefits of the proposal

The majority of respondents were in agreement that the proposal would reduce regulatory duplication and streamline the consenting process. The Scottish Government is committed to removing regulatory duplication in consenting processes where it exists, extending the existing exemption on marine licence requirements for the deposit of substance from fish farms, will recognise SEPA's role as regulator for this activity and reduce regulatory burden for businesses.

Loss of regulatory oversight and transparency

Some of the respondents noted concerns of fish farms moving further offshore and potentially into more sensitive areas. One respondent who disagreed with the proposal noted that the Marine Licence is an important checkpoint for considering location and impacts of the development and that removing the Marine Licence would reduce transparency for anyone to comment on the project.

The Scottish Government is committed to ensuring that the fish farming sector is both efficiently and effectively regulated and that local communities and wider stakeholders have the opportunity to comment on development proposals. The intention of the amendments described in the proposal are to ensure the same activity is not regulated twice by different bodies. The proposed extension of the exemption on substances, recognises SEPA as the regulator for assessing and licensing fish farm discharge activity, as is the case currently for fish farms located out to 3 nautical miles. Individuals and organisations, are able to comment on SEPA licence applications, further detail on this can be found on SEPA's website. Formal representations on proposed developments are also able to be made through the planning process.

Amendment to the Marine Licence Exempted Activities Order to clarify the scope of the existing exemption for the deposit of fish and shellfish farm equipment.

Benefits of the proposal

The vast majority of respondents were in agreement with the proposal, noting that improving the wording of the exemption to confirm that it applies to all equipment used in the course of fish and shellfish farming, will make its application clear to businesses and support streamlining of the consenting process.

Clarifying the application of the exemption may provide confidence to businesses to use the exemption where relevant conditions are met. When applied, as well as reducing regulatory burden, the exemption would also mean no fees would need to be paid for a marine licence which may be of significant benefit to smaller businesses, particularly shellfish farmers.

Clarification on scope of the exemption

A number of respondents provided suggestions and recommendations as to how the scope of the exemption could be clarified further, including to updates to the

corresponding guidance on use of the exemption. Some responses also highlighted some issues which may continue to limit use of the exemption by businesses, such as whether insurers would be content with the exemptions use.

The amendments to Exempted Activities Order will replace the current description of equipment subject to the exemption from “deposit of any trestle, raft, cage, pole, rope or line in the course of the propagation or cultivation of fish” to “deposit of any equipment in the course of the propagation or cultivation of fish”. In addition a new condition on the use of the exemption will be included which will require that any equipment to which an exemption is to be applied must have planning permission in place. This will ensure that the deposit of all forms of equipment in the marine environment used in relation to fish and shellfish farming, including indirectly, will require either planning permission or a marine licence. As both planning and marine licence application processes are subject to Environmental Impact Assessment and Habitats Regulations Appraisals, where an application falls within the scope of those regulations, it will be the case that placement of fish and shellfish farm equipment will always be appropriately assessed.

Ensuring navigational risk of fish farms are addressed

A number of respondents highlighted concerns that updated wording of the exemption, may lead to fish farms not being appropriately assessed or licensed on the basis of navigational risk.

The assessment of navigational risk is a key aspect of aquaculture consenting, and the Scottish Government is clear that navigational safety must be fully considered before a farm is able to operate.

The deposit of fish and shellfish farm equipment may be considered as an activity where there is duplication of regulation due to overlap between matters considered in relation to applications for marine licences and planning permission in respect of equipment being deposited in the sea for the purposes of fish and shellfish farming. In practice we find that both planning authorities and Marine Directorate Licensing Operations Team consult with navigation authorities and include duplicated conditions in the planning consent and marine licence, based on navigation authorities advice.

The proposed amendments to the existing amendments are intended to identify that all equipment used directly in the course of the propagation or cultivation of fish and shellfish, may apply the exemption where the relevant conditions for the deposit of the equipment are met. The existing condition that the exemption will not apply if the deposit “causes or likely to cause obstruction or danger to navigation” will remain. A developer seeking to use the exemption must satisfy themselves that the condition

has been met. Current guidance advises that advice is sought from navigation bodies and any mitigation they advise is included in the development. Improved engagement with navigation bodies is being implemented through the Consenting Task Groups pre-application pilot programme. As part of the aligned pre-application process for fish fam consenting, key consultees, including navigation bodies, are engaged with at the early stages of development process, allowing developers to receive early advice on potential constraints and recommended mitigation measures for fish farm proposals. Work is on-going to further improve the aligned pre-application process and broaden out the process to relevant local authority areas across Scotland.

Impact Assessments

The Scottish Government is required to consider the impacts of proposed policies, plans or strategic decisions in relation to equalities, various societal groups and sectors, data protection and the environment, under a range of legislation and commitments. Impact assessment and impact assessment screening documents were published alongside the consultation paper. A number of respondents provided comments in relation to these impact assessments.

These included a range of views in relation to the partial Businesses and Regulatory Impact Assessment (BRIA) and the partial Island Communities Impact Assessment (ICIA). Both these impact assessments were published in a partially completed form to allow comments provided in the consultation to be incorporated into final versions of these impact assessments. These responses will be included and considered in the final versions of these impact assessments which will be published on the Scottish Government Website

In regards to the Strategic Environmental Assessment (SEA), one respondent agreed with the findings of the SEA but noted that SEPA would need to be well resourced for it to be implemented. Having consulted with NatureScot, Scottish Environment Protection Agency and Historic Environment Scotland, as required by the Environmental Assessment (Scotland) Act 2005, Scottish Ministers determined that a full SEA was not required.

One respondent sought clarity as to why there was requirement for an impact assessment in respect of Child Rights' and Wellbeing. A Child Rights and Wellbeing Impact Assessment (CRWIA) is a process which is used to identify, research, analyse and record the anticipated impact of legislation and strategic decisions. These requirements are set out in the UNCRC (Incorporation) (Scotland) Act 2024 (UNCRC Act).

Further points raised

Transparency

A number of the respondents referenced the need for further transparency in the process, including suggestions for a single platform for environmental monitoring data which is publicly available.

On 21 August 2025 SEPA launched an updated version of the Scotland's Aquaculture Website. The update will ensure that the website has secure infrastructure and that it is more intuitive and accessible for users. As well as a more user-friendly design and improved access to interactive maps and datasets, the refreshed site makes aquaculture data generated from regulators and the sector more accessible and meaningful, reflecting an ongoing commitment to transparency and environmental protection.

SEPA has secured funding from the Scottish Government Public Sector Reform Invest to Save Fund to undertake scoping work for the design and delivery of a digital platform to support efficient, effective and transparent marine fish farm regulation, including the roll out of streamlined and integrated consenting and modernised access to comprehensive multi-agency information about aquaculture in Scotland. This project will particularly focus on the touch points between regulators and the publication of the outputs of the consenting process.

Building on SEPA's recent website upgrade and with Scotland's Aquaculture Website partners, we will continue to identify updates to the website content that improves signposting and explanations in relation to a number of aquaculture datasets, enhancing useability and transparency. We will prioritise improvements on the range of publicly available farmed fish mortality datasets.

Cumulative impacts

A number of the respondents sought further detail on how assessment of cumulative impacts across 0-12 nautical miles would be managed, including consideration of the potential for future overlap between fish farm applications and other marine developments.

The Scottish Government is committed to working with stakeholders to develop a new national marine plan for Scotland which will deliver an updated planning framework to address the increased competition for marine space, whilst balancing the need for protection and enhancement of the marine environment, and sustainable development of existing and emerging sectors. We will explore, through the development of National Marine Plan 2, how to bring the range of management

measures and spatial constraints data for salmon farming into one place beyond the expected adoption of the plan in 2027, in addition to continued progress of our Regional Marine Plan programme.

Development of SEPA's assessment protocols

The Scottish Salmon Farming Industry Modelling Working Group offered to collaborate with SEPA to address the industry's concerns that the existing risk assessment protocol used by SEPA to assess fish farm environmental discharges protocol is inappropriate for exposed environments, including those within 3 nautical miles.

SEPA has stated it would be happy to discuss modelling methods further with industry representatives and interested third parties, noting the regulatory framework is adaptive, allowing processes to be updated in response to the best available science and evidence.

Next steps

Following careful consideration of all the responses received, Scottish Ministers have decided to enact the proposals to identify SEPA as the responsible regulator for fish farm environmental discharges between 3-12 nautical miles, and making amendments to exemptions for requirements for marine licences in respect to the deposit of substances and equipment from fish and shellfish farms.

Identifying SEPA as the single lead body for the regulation of fish farm environmental discharges from 0 – 12 nautical miles is considered to be the most effective way of regulating this activity and supporting the sustainable development of the sector. It will allow best use of existing expertise, alongside established monitoring and reporting regimes (including requirements for ongoing inspection, sample processing and environmental reporting) which will make the most effective use of existing public resources and avoid duplication of resource between MD-LOT and SEPA. It is also considered that SEPA's existing charging mechanisms are suitable to ensure that cost recovery for regulatory activity can be achieved.

It has been noted that novel fish farm technologies, including farms located further from the coast, may require changes in how such developments are assessed. It is considered that SEPA are best placed to consider how such assessments are carried out, based on its existing expertise in assessing and regulating fish farm environmental discharges and having the ability to adapt assessment processes as required based on the best available science and evidence.

Amending the Exempted Activities Order will support the reduction in regulatory duplication by extending the existing exemption on fish farm substances, recognising SEPA's role as regulator of fish farm environmental discharge activity. Amendments to clarify use of the existing exemption on the deposit of fish farm equipment may also support further streamlining of consenting processes.

These amendments will result in a fully consistent approach to fish and shellfish farm consenting within Scotland's inshore waters (0-12 nautical miles), with a single regulator responsible for each of the consents required to develop and operate a farm within that region. It will allow for a consistent and transparent approach to regulation from 0 – 12 nautical miles, which will benefit from the multilateral consenting framework developed and currently being piloted by the Consenting Task Group. This also means that for areas where Regional Marine Plans are in place, aquaculture regulation is consistent within those zones.

Scottish Ministers will bring forward two Scottish Statutory Instruments (SSI) to amend The Environmental Authorisation (Scotland) Regulations 2018 and the Marine Licensing (Exempted Activities) Order 2011, this year.

The partial Business and Regulatory Impact Assessment and Island Communities Impact Assessment have been updated and finalised based on responses received. The finalised impact assessments will be published on the Scottish Government website and on Legislation.gov.uk

Annex A - List of Organisations Alerted to the Consultation

Aquatic Life Institute
Argyll and Bute Council
Association of Scottish Shellfish Growers
Bakkafrost Scotland
British Trout Association
Clyde Marine Planning Partnership
Coastal Communities Network
Comhairle nan Eilean Siar
Cooke Aquaculture Scotland
Crown Estate Scotland
East Coast Regional Inshore Fisheries Group
Fisheries Management Scotland
Gael Force Group
Highlands and Islands Enterprise
Historic Environment Scotland
Kames
Loch Duart
Loch Lomond and Trossachs National Park Planning Authority
Loch Long Salmon
Marine Conservation Society
Maritime and Coastguard Agency
Mowi Scotland
NatureScot
North Ayrshire Council
Northern Lighthouse Board
NW Regional Inshore Fisheries Group
Orkney Islands Council
Orkney Regional Inshore Fisheries Group
Outer Hebrides Regional Inshore Fisheries Group
Royal Yachting Association Scotland
SalMar Ocean
Salmon Scotland
Scottish Association for Marine Science
Scottish Environment Protection Agency
Scottish Fisherman’s Federation
Scottish Sea Farms
Seafood Shetland
Shetland Regional Inshore Fisheries Group
Shetlands Islands Council
Soil Association Scotland

Sustainable Inshore Fisheries Trust (SIFT)
SW Regional Inshore Fisheries Group
The Highland Council

Annex B: Organisations who responded to the Consultation

Animal Equality UK
Bakkafrost Scotland Ltd
Cooke Scotland
Crown Estate Scotland
Duror and Kentallen Community Council
Fisheries Management Scotland
MaCCOLL (Marine and Coastal Conservation of Loch Linnhe)
Marine Conservation Society
Maritime and Coastguard Agency
Merman Conservation Expeditions Ltd
NatureScot
Orkney Islands Council
Orkney Regional Inshore Fisheries Group
Royal Yachting Association Scotland
SalMar ASA
Salmon Scotland
Scottish Environment Protection Agency (SEPA)
Scottish Fishermen's Federation
Scottish Sea Farms
Seafood Shetland
Shetland Islands Council
Shetland Regional Inshore Fisheries Group
The Highland Council
WildFish

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