

# **Regulation of fish and shellfish farm deposits**

## **Island Communities Impact Assessment (ICIA)**

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**NOTE: Relevant sections of this partial island communities impact assessment have been updated following a public consultation on the proposals which ran from 24 September 2025 until 16 December 2025. The partial ICIA screening undertaken ahead for the public consultation was [published on 24 September 2025](#).**

## **Name of Policy, Strategy or Service:**

Proposals to identify the Scottish Environment Protection Agency as the responsible authority for the regulation of fish farm environmental discharges between 3-12 nautical miles and amendments to exemptions to requirements for marine licences for fish and shellfish farms

## **Step one – develop a clear understanding of your objectives**

### **What are the objectives of the policy, strategy or service?**

The objective of the proposal is to clarify the consenting process between 3-12 nautical miles and reduce duplication of regulation in line with the programme for government.

Under the current framework, responsibility for the regulation of fish farm environmental discharges differs between 0-3 nautical miles and 3-12 nautical miles.

Between 0-3 nautical miles, responsibility lies with the Scottish Environment Protection Agency (SEPA). SEPA previously regulated this area under [The Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011](#). From November 2025 SEPA's regulatory powers, out to 3 nautical miles come from the new framework provided in [The Environmental Authorisations \(Scotland\) Regulations 2018](#) ("EASR") as amended by [The Environmental Authorisations \(Scotland\) Amendment Regulations 2025](#).

Between 3–12 nautical miles the regulation of fish farm environmental discharges currently falls under the marine licensing regime, administered by Marine Directorate - Licensing Operations Team (MD-LOT) on behalf of Scottish Ministers, as set out under [The Marine \(Scotland\) Act 2010](#).

The objective of the amendments to [The Marine Licensing \(Exempted Activities\) \(Scottish Inshore Region\) Order 2011](#) (The Exempted Activities Order) is to avoid duplication of regulation in relation to environmental discharges from fish farms and clarify the application of the existing exemption for the deposit of fish and shellfish farm equipment.

### **What are the intended impacts/ outcomes and how do these potentially differ across the islands?**

It is considered there will be no differing impacts across islands or between island and the mainland, as the proposal is simply an administrative change of

responsibility for the regulation, it does not alter the regulation that is already in place.

## **Step two – gather your data and identify your stakeholders**

### **What data is available about the current situation in the islands?**

The number of fish farms operating from each island is available through National Marine Plan Interactive. Data on finfish production and direct employment is available on a regional level (including Orkney, Shetland and Comhairle nan Eilean Siar) but not at the individual island level (e.g. Skye and small Isles would fall under Highland Region). At present there are no fish farms operating beyond 3 nautical miles.

### **Who are your key Stakeholders?**

Aquaculture area communities, aquaculture businesses, regulators statutory consultees and NGOs

### **How does any existing data differ between islands?**

Shetland has the highest numbers of aquaculture sites. Orkney, Lewis/Harris, the Uists, Skye and Mull have fewer farms but are still relatively well developed. A range of other islands have a small numbers of farms (1-3) such as Barra, Gigha, Rum, Muck, Colonsay, Arran, Eigg and Islay.

## **Step three – Consultation**

### **Is there information already gathered through previous engagements?**

In 2024 both the Scottish Government and SEPA carried out public consultations on proposed amendments to The Environmental Authorisations (Scotland) Regulations 2018. Responses to the consultation informed the development of the amendments and guidance on their application.

Consultees included groups associated with island communities such as; fishery management groups, aquaculture groups and environmental groups.

This proposal does not result in direct environmental impacts. The purpose is to make SEPA the responsible authority for the regulation of fish farm environmental discharges, which currently sits with MD-LOT under the marine licensing regime as set out under The Marine (Scotland) Act 2010. These amendments would be an administrative task of moving that responsibility to SEPA.

The proposals to amend the Exempted Activities Order are for the purpose of clarifying the application of the existing exemptions and reducing regulatory duplication, and as such do not result in any direct environmental impacts.

### **How will you carry out your consultation and in what timescales? Public meetings/Local Authorities/key Stakeholders**

The proposals were presented for input from relevant stakeholder groups via a public consultation, which was open for 12 weeks. between 24 September 2025 and 16 December 2025.

### **What questions will you ask when considering how to address island realities?**

The public consultation set out the proposals with the associated rationale. Stakeholder groups and individuals with links to island communities were able to provide feedback and raise any additional points should they disagree with the proposal.

### **Separate consultation events for Island communities/Local Authorities?**

There were no intended separate consultation events for island communities and Local Authorities. It was considered that the public consultation provided the opportunity for island voices to be considered.

### **Public Consultation Results**

There were a total of 27 responses to the consultation comprising of 24 organisations and 3 individuals.

Of the 27 respondents, 19 indicated their agreement with the proposals to identify 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.

One respondent referred specifically to the ICIA. Merman Conservation Expeditions Ltd disagreed with the assertion that the change in responsibility from MD-LOT to SEPA was neutral stating "In practice communities often rely on the visibility of a

licensing process to raise local navigation, fisheries and nature concerns. If exemptions are widened too far this visibility will be reduced.”

This response has been carefully considered, and it has been deemed that there is sufficient opportunity to engage through the aquaculture consenting process, including local authority planning and SEPA, for circumstances where a marine licence exemption is applied by an aquaculture developer. In addition, the Consenting Task Group have piloted a new pre-application process to align SEPA and planning pre-application activity. This aligned approach also enhances early engagement opportunities for developers, fisheries groups and other local and community interests. Individuals and organisations will remain able to comment formally on SEPA licence applications, and planning applications.

## **Step four – assessment**

### **Does your assessment identify any unique impacts on island communities?**

There are no anticipated unique impacts on island communities arising from the proposed Order.

### **Does your assessment identify any potential barriers or wider impacts?**

Merman Conservation Expeditions Ltd disagreed with the assertion that the change in responsibility from MD-LOT to SEPA was neutral stating “In practice communities often rely on the visibility of a licensing process to raise local navigation, fisheries and nature concerns. If exemptions are widened too far this visibility will be reduced.”

### **Are there mitigations already in place for these impacts raised?**

The planning application stage is deemed the most appropriate point in the consenting system for anyone to voice their concerns as there is sufficient opportunity to engage through the planning process, which encompasses these considerations.

Through the work of the Consenting Task Group pre-application pilots, opportunities for early engagement between developers, fisheries groups and other local interests are being enhanced.

### **Is a full Island Communities Impact Assessment required?**

You should now determine whether, in your opinion, your policy, strategy or service is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). To form your opinion, the following questions should be considered:

1. Are there mitigations in place for the impacts identified and noted above from stakeholders and community consultations?

Yes – Existing processes as part of planning and SEPA licence applications provide opportunity for island communities to comment on proposed aquaculture development. These processes will apply to all Scottish waters between 0-12 nautical miles

2. Does the evidence show different circumstances or different expectations or needs, or different experiences or outcomes (such as levels of satisfaction, or different rates of participation)?

The implementation of the SSI's would not amount to disadvantage for an Island community compared to the mainland as there is sufficient opportunity to engage in the aquaculture consenting process through the planning application, which is the same across all areas of Scotland.

3. Are these different effects likely?

No

4. Are these effects significantly different?

No

5. Could the effect amount to a disadvantage for an island community compared to the mainland or between island groups?

No

### **A full Islands Community Impact Assessment is NOT required**

In preparing the ICIA, I have formed an opinion that our policy, strategy or service is NOT likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). The reason for this is detailed below.

#### **Reason for not completing a full Islands Communities Impact Assessment:**

The implementation of the SSI's would not amount to disadvantage for an Island community compared to the mainland as there is sufficient opportunity to engage in the aquaculture consenting process through the planning application, which is the same across all areas of Scotland.

Existing processes as part of planning and SEPA licence applications provide opportunity for island communities to comment on proposed aquaculture development. These processes will apply to all Scottish waters between 0-12 nautical miles.

Screening ICIA completed by (name) – Joe Triscott

Position – Aquaculture Policy Manager

Signature and date - J Triscott – 24/12/2025

ICIA authorised by – Malcolm Pentland

Position – Deputy Director, Marine Economy and Communities



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