

Sir Edward Mountain MSP  
Convener Net Zero, Energy and Transport Committee  
The Scottish Parliament  
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10 December 2025

Dear Sir Edward,

### **His Majesty's Naval Base Clyde, at Faslane and Coulport**

Thank you for your enquiry on behalf of the Net Zero, Energy and Transport Committee regarding environmental regulation and monitoring in relation to His Majesty's Naval Base (HMNB) Clyde, at Faslane and Coulport.

You have raised a number of questions, including some following correspondence to the Committee from Bill Kidd MSP. I appreciate you seeking clarification from SEPA on these matters and I hope that it is helpful to respond to each question in turn. Your text is highlighted in bold.

**The Committee recognises that operations at Faslane and Coulport are a substantially reserved matter, as they relate to defence and national security, and also understands that the Environmental Authorisations (Scotland) Regulations 2018 are disapplied in the case of the Base. However, we note that the Ministry of Defence and SEPA have agreed a [Memorandum of Understanding](#) which, in effect, treats the 2018 Regulations as if they were applicable at the Base. It would also be our understanding that SEPA can use their usual powers to investigate alleged environmental breaches near the Base, whether or not there is reason to believe the Base might be the source of the alleged breach.**

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**Question 1 - It would be helpful if you could first confirm that what I have set out in the prior paragraph is correct, alongside any other information that might help the Committee understand how SEPA exercises a regulatory role in and around HMNB Clyde.**

Until 1<sup>st</sup> September 2018 activities involving the disposal of radioactive waste in Scotland were regulated under the Radioactive Substances Act 1993 (RSA93) (Reference 30). On 1<sup>st</sup> September 2018, RSA93 was largely replaced by the Environmental Authorisations (Scotland) Regulations 2018 (EASR).

The disapplication of EASR referred to in the letter only applies to radioactive substances activities carried on at premises occupied on behalf of the Crown for the purposes of defence. To address this, and as identified in the letter, there is a memorandum of understanding (MOU) in place between SEPA and the Ministry of Defence (MoD) that effectively applies EASR requirements to radioactive substances activities carried out at Defence Premises such as HMNB Clyde. The MOU also details the arrangements for SEPA to; access Defence Premises, carry out inspections, report on inspections and follow up on any issues identified. Where SEPA are required to exercise our regulatory role near to, but not on Defence Premises, SEPA would use its normal regulatory powers.

Please also note that from November 2025, water, waste management, and industrial activities are also regulated under Environmental Authorisation (Scotland) Regulations 2018 (EASR).

**Question 2 – It would be helpful also to have your view on whether SEPA consider that the current arrangements enable a robust inspection and regulatory process for the protection of the environment, health and public safety in the vicinity of the Base. The Memorandum states that that SEPA agrees to seek to apply “the same environmental protection principles as would be applied at equivalent civil sites” whilst the Defence Nuclear Safety Regulator agrees to work to “produce outcomes that are, so far as reasonably practicable, at least as good as those which have been required by legislation had there been no exemptions or derogations for MOD”. The Committee would welcome SEPA’s views on whether these aims are being consistently met.**

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The old MOU between MOD and SEPA was updated when EASR came into force for radioactive substances and replaced the Radioactive Substances Act 1993. At this time, all other aspects of the previous arrangements were reviewed and scrutinised by both MOD and SEPA to ensure greater clarity and that the arrangements that were fit for purpose.

The new MOU was agreed in 2022 and is reviewed at annual meetings between SEPA and Defence Nuclear Safety Regulator (DNSR). SEPA are content that the arrangements are robust and allow SEPA to carry out activities necessary to ensure that the environment and the public are and remain protected. SEPA conduct an environmental monitoring programme around the Base, the results of which are published annually in the [Radioactivity in Food and the Environment \(RIFE\) report](#). This programme and assessment of the impact of the Base provides empirical evidence that both the environment and the public are being protected.

SEPA's evidence base confirms that the impact of the site on the public is a fraction of the international dose limit, which is reflected in SEPA's regulatory activity. In 2024 doses were 0.5% of this dose limit. The [RIFE report](#) is produced each year and available on SEPA's website and the UK Gov website.

**Question 3 - If you have any comments or information you can share about the events, or reported events mentioned in Mr Kidd's letter, and reflections on how SEPA or others have been able to handle these, I would welcome you sharing these with the Committee.**

We have considered the points set out in Mr Kidd's letter dated 17<sup>th</sup> September 2025 and hope that the information set out below is helpful for your consideration.

Nuclear safety is not within SEPA's remit and is a matter for the Defence Nuclear Safety Regulator (DNSR). Further information on the remit of the DNSR is available online: [Defence Nuclear Safety Regulator \(DNSR\) - GOV.UK](#).

Like all operational sites, emissions and discharges from the base fluctuate according to operational requirements. Discharges and emissions remain well within agreed limits and are regularly monitored.

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SEPA have carried out dose assessments at the agreed limits and is content that even if emissions and discharges were made at these limits, there would be no discernible impact on the environment or the public. Our calculated dose assessments which measure the impact are supported by empirical evidence from our environmental monitoring programme.

SEPA consider the condition of facilities which relate to the discharge and management of radioactive substances during inspections. Whilst there are some challenges with some infrastructure on the base, it should be noted that the MoD are nearing completion of a new facility, the Nuclear Support Hub, which will handle all radioactive waste at Faslane.

SEPA believe that we have robust arrangements in place for oversight. In addition, SEPA work closely with Office of Nuclear Regulation and DNSR in carrying out joint initiatives and inspections as appropriate. As above, radioactive discharges from the base are reported annually in RIFE along with all the environmental monitoring data.

SEPA are not responsible for the emergency response plans; this is a role for the local authority and MOD. However, as a Category 1 responder under the Civil Contingencies Act 2004, SEPA have a role to play in the emergency plans, and as such we regularly participate in exercises to test these plans.

SEPA cannot comment on the financial implications for local authorities.

**Question 4 - Finally, I would be grateful for SEPA's response to Mr Kidd's comment that SEPA "withheld key documents until compelled to release them, with the justification that disclosure would threaten reputations rather than national security". (Your [publicly stated legal position of 3 September](#) on disclosure of information pertaining to inspections carried out under the Memorandum has been noted.)**

It is incorrect to state that SEPA withheld key documents on the grounds of reputational damage. Full details of the application, consideration and decision of the Scottish Information Commissioner is available from the Office of the Scottish Information Commissioner. [Decision 147/2025](#) and [Decision 148/2025](#).

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SEPA are committed to transparency and accountability in the way we process information requests, including those relating to environmental regulation at HMNB Clyde. Our approach is governed by the relevant legislation, including the Environmental Information (Scotland) Regulations 2004 (EIR) and the Freedom of Information (Scotland) Act 2002 (FOISA), as well as our internal policies and procedures.

SEPA consider each information request on its merits, balancing the public interest in disclosure against any exemptions permitted by law. Where information relates to national security, defence, or other sensitive matters, we may apply the relevant exemptions strictly in accordance with statutory guidance.

Our publicly stated legal position, as referenced in our communication of 3<sup>rd</sup> September 2025, is that SEPA will only withhold documents where there is a clear and lawful justification - such as the protection of national security, ongoing investigations, or personal data. We do not withhold information to protect reputations; our decisions are based solely on legal and regulatory requirements.

SEPA consult third parties, such as the MoD, when a request under FOISA or EIR involves information supplied by that third party. This is not a statutory requirement but an appropriate step to gather views before disclosure. The consultation is intended to allow the third party to explain if disclosure would cause harm or prejudice, but SEPA retain sole responsibility for the final decision.

SEPA regularly review our procedures to ensure ongoing compliance with decision notices and best practice.

I trust the above information is helpful to the Committee. I would also take the opportunity to refer you to our [decision document regarding HMNB Clyde](#) which is available on our website and includes responses from our engagement with both other regulatory bodies and the public. Should you have any further questions, please do not hesitate to contact me.

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I trust the above information is helpful, but should you wish to discuss the above matter further, please do not hesitate to contact [ask@sepa.org.uk](mailto:ask@sepa.org.uk).

Yours sincerely

Nicole Paterson  
Chief Executive