

The Town and Country Planning (Marine Fish Farming) (Scotland) Amendment Order 2025

Response from Scottish Environment Protection Agency

Thank you for your enquiry please see our response below.

Clarification about whether the Water Environment (Controlled Activities) (Scotland) Regulations 2011 – and application of the sea lice risk framework and regulatory framework on discharges from marine pen fish farms – would apply to proposals for aquaculture developments located from 3-12 nautical miles if the SSI is approved.

No, the SSI does not amend the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). As such, the provisions in CAR on the extent of SEPA's role remain the same. Coastal water is defined as water (other than groundwater) within the area extending landward from the 3 mile limit up to the limit of the highest tide or, where appropriate, the seaward limits of any bodies of transitional water, but does not include any water beyond the seaward limits of the territorial sea of the United Kingdom adjacent to Scotland.

Likewise, if the Environmental Authorisations (Scotland) Amendment Regulations 2025, when they replace the CAR regime, would apply to aquaculture developments located from 3-12 nautical miles

No see above, the definition of coastal waters remains the same in the Environmental Authorisations (Scotland) Amendment Regulations 2025.

Clarification about SEPA's current role if an aquaculture production business were to apply for planning permission to locate a development beyond 3 nautical miles (the Committee understands that the Scottish Ministers, through the Marine Directorate marine licensing team, would be responsible for planning approval but it's not clear how SEPA would apply necessary licences for waste discharge and sea lice framework).

SEPA would not currently have a role in regulating a potential marine fish farm development beyond 3nm.

Any other views or concerns that SEPA has regarding the SSI and wider implications for SEPA in regulating aquaculture developments beyond 3 nautical miles, for example around the consistency/coherence of controls, e.g. on sea lice and chemical use, for sites within and beyond 3 miles.

SEPA are in on-going discussions with Scottish Government regarding the regulation of potential marine fish farm developments beyond 3 nm seaward from the baseline from which the limit territorial waters is measured. There is no desire to duplicate skills and necessary experience to regulate fish farms with another regulatory body

and therefore discussions with Scottish Government centre around considering extending the scope of existing regulations.