

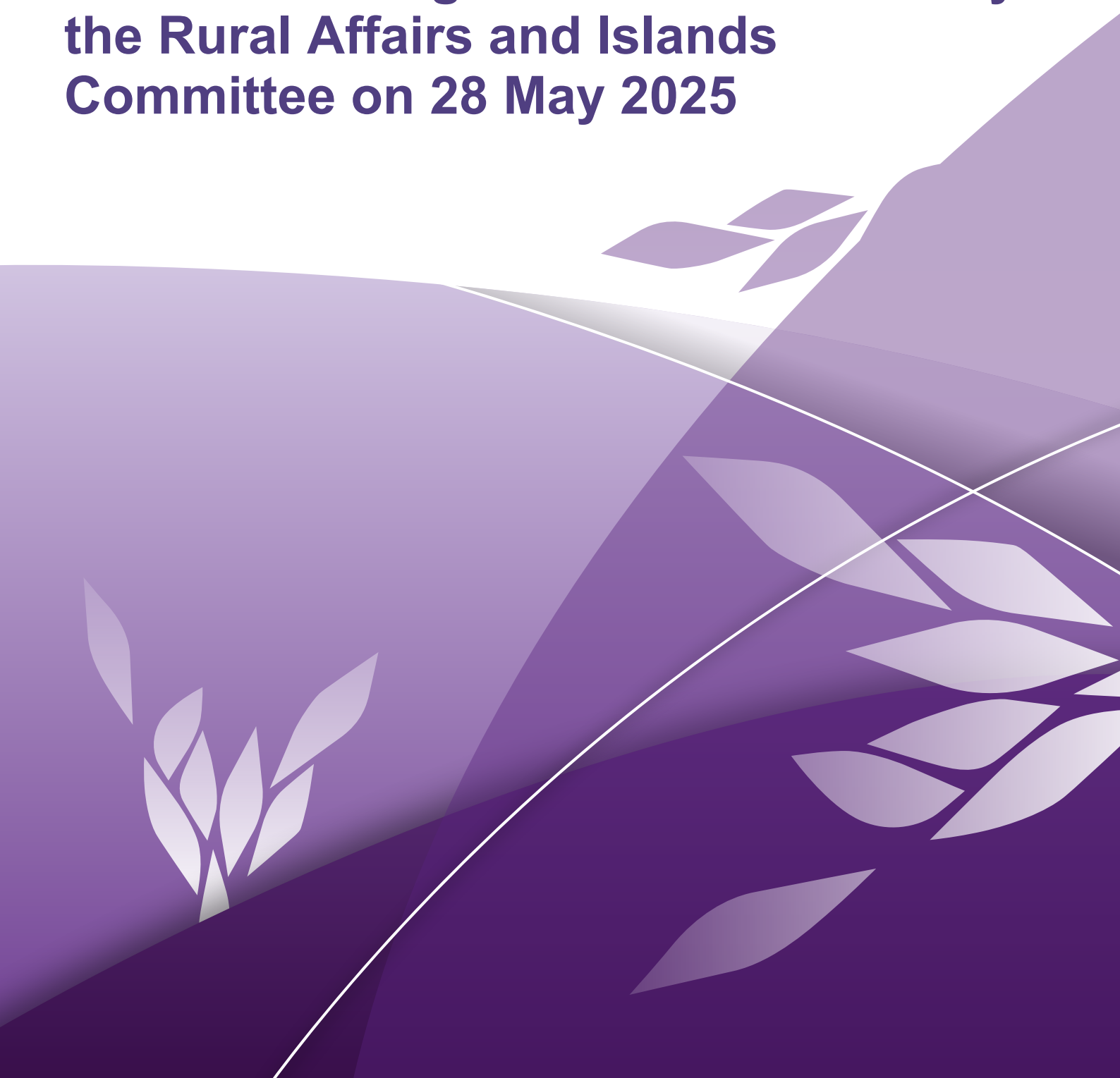


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Rural Affairs and Islands Committee

Subordinate legislation considered by the Rural Affairs and Islands Committee on 28 May 2025



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Contents

Executive summary	1
The draft Town and Country Planning (Marine Fish Farming) (Scotland) Amendment Order 2025	2
Consideration by the Delegated Powers and Law Reform Committee	3
Consideration by the Rural Affairs and Islands Committee	4
Offshore aquaculture expansion	5
Expertise and capacity of local authorities	5
Environmental and welfare considerations	5
Marine spatial planning and strategic oversight	6
Infrastructure and decommissioning	6
Decision	7

Rural Affairs and Islands Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands, with the exception of matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland, and Royal Botanic Garden.



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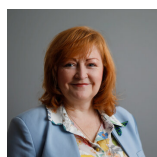
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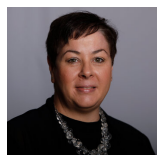
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Executive summary

1. This report details the draft [Town and Country Planning \(Marine Fish Farming\) \(Scotland\) Amendment Order 2025](#).
2. The Committee agreed to recommend to the Scottish Parliament that it approve the instrument.

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

3. The [policy note](#) states that this instrument would extend the current marine planning zones for fish and shellfish farms in Scottish waters from 3 nautical miles to 12 nautical miles, except in instances where a section of a marine planning zone meets the boundary of another marine planning zone or where a section of a marine planning zone meets the Scottish adjacent waters boundaries.
4. The marine planning zones set out the spatial limits for local authorities' responsibilities for planning controls, under the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"), of marine fish and shellfish farms in Scottish waters. This Order would align marine planning zones to the definition of 'development' for fish farming under the 1997 Act, allowing planning applications for development of fish farms located between 3 and 12 nautical miles to be submitted to a relevant planning authority.
5. The instrument would address the discrepancy between the requirement for fish and shellfish farms to have planning permission out to 12 nautical miles and the current limit of local authority responsibilities for planning controls at 3 nautical miles, thus facilitating the process of developing offshore fish and shellfish farms "under a planning process that is already well understood by businesses, regulators and other stakeholders".
6. It was previously considered unlikely that fish and shellfish farms would be sited beyond 3 nautical miles and there are currently no offshore fish and shellfish farms in Scottish waters. Due to technology innovations, however, the Scottish Government states offshore fish farms could now be located further offshore which would bring environmental benefits and improved fish welfare.
7. The policy note also refers to the [Scottish Government's consultation](#) on the instrument and its [analysis of the responses](#) received.

Consideration by the Delegated Powers and Law Reform Committee

8. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on [Tuesday 6 May 2025](#) and agreed not to draw it to the attention of the Parliament.

Consideration by the Rural Affairs and Islands Committee

9. In the [Committee's report on salmon farming](#), the Committee considered the support for a mechanism to facilitate the relocation of salmon farms further offshore and reported the Cabinet Secretary's comments that extending the existing marine planning zones from 3 to 12 nautical miles could provide additional scope for local authorities in developing offshore aquaculture.
10. On [Wednesday 14 May 2025](#), the Committee took evidence on the draft instrument from the following:
 - Crown Estate Scotlandⁱ
 - Royal Society for the Prevention of Cruelty to Animals (RSPCA)
 - Salmon Scotland
 - Scottish Association for Marine Science
 - Scottish Fishermen's Federation
11. In advance of the meeting, [Fisheries Management Scotland](#) and [RSPCA](#) wrote to the Committee with their concerns in relation to this instrument.
12. In addition to oral evidence, the Committee also wrote to four local authorities (Argyll and Bute Council, Highland Council, Orkney Islands Council and Shetland Islands Council), COSLA and SEPA to seek information on the impact of this instrument. The responses received are below:
 - [Argyll and Bute Council](#)
 - [Highland Council](#)
 - [Orkney Islands Council](#)
 - [Shetland Islands Council](#)
 - [SEPA](#)
13. On Wednesday 28 May 2025, the Committee took evidence from the Minister and a Scottish Government Official.
14. The Minister made some opening remarks, setting out the purpose and objective of the instrument.
15. The key issues raised during the evidence session are summarised below.

ⁱ [Follow up response from Crown Estate Scotland to the Committee's evidence session on Wednesday 14 May 2025](#)

Offshore aquaculture expansion

16. There was support in moving towards offshore aquaculture for better farming conditions, but that this transition should be gradual, ensuring that farms are established in suitable locations. There were concerns that there should be more research before expansion, especially on current speeds, wave heights, and husbandry practices offshore, to ensure fish health and welfare. The RSPCA told the Committee that they:
 - ” want to see either a commitment from the Government, industry and other research bodies to focus research on farmed fish welfare or more work in other countries on that front.
17. The Scottish Government official stated that the evidence base supporting offshore fish and shellfish farms is evolving, with developers required to provide robust data on environmental conditions (e.g. currents, wave heights, wind directions) to secure regulatory approval. He further explained that offshore farming is already happening in exposed locations (e.g. one nautical mile from the coast), and that any potential risks needed careful assessment.

Expertise and capacity of local authorities

18. Some stakeholders raised concerns around the potential resource issues and expertise challenges that local authorities, as well as statutory consultees, could face as assessments become more complex with offshore expansions.
19. Some local authorities emphasised that fish farm planning applications are not processed on a full cost recovery basis. In its letter to the Committee, Orkney Islands Council stated that:
 - ” Planning application fees for fish farms should be increased to address this issue, and further resources made available for planning authorities to discharge their wider functions for strategic planning and management of the fish farming sector.
20. The Scottish Government official stated that local authorities rely on expertise from a number of statutory consultees and that fish farm planning applications will be a gradual and slow start.
21. The official stated that the Scottish Government is aiming to ensure that planning application fees are adjusted to reflect inflation and the actual costs of processing these applications. He stated that this approach is part of a broader effort to achieve cost recovery, ensuring that the fees collected are sufficient to cover the expenses involved in the planning process.

Environmental and welfare considerations

22. There was discussion about the impact of offshore, or higher energy sites, on fish welfare and that there is a lack of cross-collaborative research on the environmental

impacts of moving fish farming further offshore. There were concerns around the potential safety risks associated with large offshore structures, and that better understanding on the environmental impacts of multiple offshore farms is needed.

23. The Scottish Government official stated that there is already ongoing technological and academic research on the best practices for offshore fish farming. This includes the development of equipment that can withstand exposed locations and the establishment of best practices for fish welfare. He further stated that the Scottish Government would not commission extra research if existing work is already addressing these challenges.

Marine spatial planning and strategic oversight

24. Stakeholders raised concerns about the impact of spatial constraints and competition on the fishing industry, due to offshore activities. It was strongly emphasised that there was a lack of direct consultation and early engagement with fishers to address the challenges faced by the fishing industry, due to increasing offshore activities. The Scottish Fishermen's Federation said that:

” It was disappointing that the Scottish Government did not draw its consultation directly to our attention. Fortunately, we spotted it ourselves, but it was disappointing that we were not on the list of organisations that the Government contacted directly.

25. The Scottish Government official stated that spatial conflicts has a significant impact on various stakeholders, including local fishers. Planning authorities typically consider these impacts carefully and often consult with local fishing organisations to understand their concerns. He further stated that that the Scottish Government encourage early engagement between developers and fishers, and provide as much evidence to stakeholders as possible.

Infrastructure and decommissioning

26. Stakeholders highlighted that the safe decommissioning of offshore structures should be taken into consideration, especially given their size and nature. Crown Estate Scotland stated that:

” As the landlord of the sea bed, we very much take the view that it will be a condition of lease that decommissioning is taken into account, and we are investigating with our legal advisers how to implement that most effectively in this environment to ensure that we commission responsibly and adopt the policy, as we do with the oil and gas industry, of leaving no trace wherever possible.

27. The Scottish Government official stated that planning permissions often include conditions for decommissioning and maintaining equipment, ensuring issues like drifting equipment are resolved promptly.

Decision

28. Following the oral evidence, the Minister moved motion S6M-17363—

That the Rural Affairs and Islands Committee recommends that the draft Town and Country Planning (Marine Fish Farming) (Scotland) Amendment Order 2025 be approved.

29. The motion was agreed to by division (For 7, Against 1, Abstentions 0).

30. Accordingly, the Committee recommends to the Parliament that the draft Town and Country Planning (Marine Fish Farming) (Scotland) Amendment Order 2025 be approved.

