

# **Proposals to Extend Marine Planning Zones - Consultation Analysis Report**

**April 2025**

## Executive Summary

The Scottish Government published the [consultation on extending marine planning zones](#) on the Scottish Government website on 18 September 2024 and the consultation closed on 11 December 2024.

There were four questions and 52 responses were received by the deadline. A further response was received following the deadline and was included in the analysis, bringing the total number of responses to 53. Not all respondents answered all the questions. The 53 responses came from 24 individuals and 29 organisations.

Of the 53 respondents:

- 40 indicated their agreement with the proposals to extend marine planning zones out to 12 nautical miles, 11 indicated that they were not in agreement and 2 respondents neither agreed or disagreed with the proposals. Additional comments on the proposal were provided by 39 respondents.
- 40 indicated their agreement with the proposed marine planning zones presented in the illustrative and interactive maps, 11 indicated that they were not in agreement and 2 respondents did not answer the question. Additional comments on the maps were provided by 28 respondents.
- 33 provided further comments on the proposals as a whole.
- 38 indicated their agreement with the approach taken for the impact assessments which accompanied the consultation, 11 indicated that they were not in agreement and 4 respondents did not answer the question. Additional comments on the impact assessments were provided by 25 respondents.

Following analysis of all the responses received, Scottish Ministers have decided to bring forward a Scottish Statutory Instrument to extend marine planning zones out to 12 nautical miles.

Based on the responses received there have been no updates made to the proposed boundaries for the extended marine planning zones.

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.

## Background

Marine planning zones set out the spatial limits for local authorities' responsibilities for planning controls of marine fish and shellfish farms in Scottish waters.

In 2007 the definition of “development” in the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”) was amended to include fish and shellfish farming out to 12 nautical miles. This means that any proposed marine fish or shellfish farm located between 0-12 nautical miles requires planning permission from the relevant planning authority.

However, the Town and Country Planning (Marine Fish Farming) (Scotland) Order 2007 (“the 2007 Order”) only designated Scotland’s marine planning zones out to 3 nautical miles, meaning that there is no designated planning authority to which a developer may submit an application for a farm located between 3-12 nautical miles.

The consultation sought views on Scottish Ministers proposals to extend existing marine planning zones out to 12 nautical miles, via a Scottish Statutory Instrument (SSI), to resolve this existing gap in aquaculture planning regulations.

## Consultation

The consultation asked respondents to provide their views on the proposals to extend marine planning zones out to 12 nautical miles and on illustrative and interactive maps which outlined the extended marine planning zones. Views were also sought on [impact assessments](#) undertaken as part of the policy development, which were published alongside the consultation paper.

Respondents 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.

The consultation asked the following questions:

**Question 1(a):** Do you agree with the proposal to extend marine planning zones out to 12 nautical miles? (Agree/Disagree)

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

**Question 2(a):** Do you agree with the proposed marine planning zones, extended out to 12 nautical miles, as presented in the illustrative and interactive maps? (Agree/Disagree)

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

**Question 3:** Do you have any other points you wish to raise regarding the proposal to extend marine planning zones out to 12 nautical miles?

**Question 4(a):** Do you agree with our approach to the impact assessments for the proposed extension to marine planning zones? (Agree/Disagree)

**Question 4(b):** Where applicable, please give reasons for your answer.

The consultation was launched on [Citizen Space](#) on 18 September 2024 and closed on 11 December 2024. The consultation was promoted via Scottish Government press release, social media posts and via the Scottish Government's Planning, Architecture and Regeneration Newsletter. Key stakeholders with a known interest in the issue were also contacted by e-mail directly to alert them to the consultation.

We would like to thank all our stakeholders 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 53 responses received. 6 of the respondents refused permission to publish their responses. The remaining 46 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
Academia	1
Aquaculture Sector	4
Energy	1
Environmental/Animal Welfare Groups	4
Fisheries Groups	9
Individuals	24
Local Authorities	4
Navigational Bodies	2
Other Marine Organisations	2
Other Public Bodies	2

## Analysis of responses

An analysis of the responses was conducted by the Aquaculture Policy Unit, 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 extend marine planning zones out to 12 nautical miles?**

- 40 respondents answered “agree”
- 11 answered “disagree”
- 2 did not answer the question but both respondents stated they neither agreed nor disagreed with the proposal in their additional comments.

Respondents were given the opportunity to provide reasons for their answer, with 38 respondents providing additional comments.

#### Academia

The Scottish Association for Marine Science (SAMS) disagreed with the proposal to extend marine planning zones.

SAMS stated that “some local authorities lack sufficient resources adequately to deal either with operational planning (i.e. considering applications for planning permission at single sites) or strategic planning (e.g. allocating zones for aquaculture) in offshore waters.” They also noted that statutory consultees for licensing may not have the resources necessary to support offshore site licensing and monitoring.

SAMS also stated that “there is no mechanism attached to this extension to enable potential synergies between aquaculture and offshore renewable energy generation”.

#### Aquaculture sector

Of the 4 aquaculture organisations that responded to the consultation, 3 agreed with the proposal to extend marine planning zones and 1 did not answer the question, but noted they neither agreed nor disagreed with the proposal.

Salmon Scotland and Seafood Shetland noted that the proposals would close an existing regulatory gap. Salmon Scotland and Simply Blue Aquaculture both referred to developments in aquaculture technology allowing farms to be located further from the shore, in deeper more energetic waters.

Scottish Sea farms, who neither agreed nor disagreed with the proposal, stated that there was opportunity to consider different approaches to fish farm consenting processes, such as removing fish farming from the planning system, introducing sectoral planning for fish farming, having planning applications determined by Scottish Government and investigating the implementation of a new Aquaculture Act.

Salmon Scotland did note that the proposal may have a detrimental effect on the quality of determinations and consents made by local authorities, referencing inherent issues in the planning process.

#### Environmental and animal welfare groups

Of the 4 organisations that responded, 3 agreed with the proposal to extend marine planning zones and 1 disagreed.

Both Marine Conservation Society and Aquatic Life Institute noted that the proposals would close an existing regulatory gap.

Aquatic Life Institute recommended that animal welfare guidelines be integrated into the planning process.

Marine Conservation Society referenced the nature of new technologies being used would require more resource from regulators to make informed decisions and that resource to regulate such developments would also be higher. They also stated that “The current SEPA CAR licence process also only extends out to 3 NM. There needs to be consideration for what equivalencies would need to be put in place for any approved future sites located between 3 and 12 NM.”

Soil Association Scotland noted that they currently disagreed with the extension of marine planning zones, citing concerns that “that the regulatory framework that currently guides the process of licensing and maintaining those licenses is not appropriate for sites beyond three nautical miles.” They also highlighted risks of escapes and a lack of clarity on which authorities would be responsible for regulating environmental impacts.

#### Fisheries groups

Of the 9 fisheries groups that responded to the consultation, 6 agreed with the proposal, 2 disagreed and 1 did not answer the question, but noted they neither agreed nor disagreed with the proposal.

The 2 respondents that disagreed with the proposal, including the Scottish Fisherman's Federation, stated that the proposal would result in further spatial conflict between commercial fishing and aquaculture. References were also made to increased risk of entanglements from aquaculture equipment, increased pollution risks and the capacity and competency of local authorities to ensure the fishing industry is treated fairly in decision making processes related to aquaculture planning.

Respondents that agreed with the proposal included a number of Regional Inshore Fisheries Groups, Sustainable Inshore Fisheries Trust and Skye and Lochalsh Rivers Trust. It was noted by some that the proposals would allow developments to be appropriately assessed.

Fisheries Management Scotland neither agreed nor disagreed with the proposal, noting caution if it "enables further fish farming developments to occur that do not robustly account for the potential risk and impacts to wild salmonids." Fisheries Management Scotland noted they would not be supportive "if SEPA's regulatory boundary is not extended to 12 nautical miles also", referring to SEPA's role in managing the risk posed by sea lice to wild salmon and sea trout.

## Individuals

Of the 24 individuals that responded to the consultation, 17 agreed with the proposals and 7 disagreed.

A number of respondents that disagreed with the proposals suggested there should be no further expansion of salmon farming due to negative environmental impacts.

One respondent noted how the proposals would not introduce any new safeguards or strengthen existing ones for fish farm consents and that issues with local authority capacity and modelling accuracy led to weakness in the regulatory framework for aquaculture.

One respondent stated that the proposals would lead to increased regulation which would be detrimental to the industry.

A number of the respondents that agreed with the proposals noted that they would close an existing regulatory gap.

One respondent stated that the proposal would give a greater area of development for fish farms, particularly in deeper water where new farming technology can be used.

One respondent suggested dedicated research zones should be established to support innovation.

#### Local authorities

All 4 local authorities that responded to the consultation agreed with the proposal to extend marine planning zones. Additional comments noted that this would close an existing regulatory gap.

Orkney Islands Council also stated that “current technical innovation in the sector will enable finfish farm development in locations further offshore. These innovations have the potential to reduce future development pressure in more sensitive near-shore locations.”

Shetland Islands Council also stated that “extension to 12 nautical miles would reflect the Scottish Marine Regions created under the Marine (Scotland ) Act 2010. These are to be supported by Regional Marine Plans, and in our case the Shetland Islands Regional Marine Plan is currently with Scottish Ministers for adoption.”

#### Navigational bodies

Both the Northern Lighthouse Board and the Maritime and Coastguard Agency agreed with the proposal to extend marine planning zones.

The Maritime and Coastguard Agency noted that requirements for the assessment of the impact on shipping, safe navigation and emergency response should continue, and a proportionate Navigation Risk Assessment would be required for developments in this area.

#### Other marine organisations

The Clyde Marine Planning Partnership and Royal Yachting Association Scotland both agreed with the proposal to extend marine planning zones. Additional comments noted that this would close an existing regulatory gap.

#### Other public bodies

Crown Estate Scotland and Historic Environment Scotland both agreed with the proposal to extend marine planning zones.

Crown Estate Scotland noted that this would close an existing regulatory gap.



**Question 2: Do you agree with the proposed marine planning zones, extended out to 12 nautical miles, as presented in the illustrative and interactive maps?**

- 40 respondents answered “agree”
- 11 answered “disagree”
- 2 did not provide a response to the question

Respondents were given the opportunity to provide reasons for their answer, with 28 respondents providing additional comments.

Of the respondents that disagreed, 6 referred directly to their reasons given under Question 1 of the consultation.

One respondent included comments related to the content of the Islands Communities Impact Assessment, which has been considered along with other points made in relation to impact assessments under Question 4 of the consultation.

Four respondents raised potential inaccuracies with the proposed marine planning zones.

One respondent stated that “the designation of Argyll Southwest of the Mull of Kintyre appears not to follow the median line suggesting prospective overlap with potential extension of the jurisdiction of Antrim to the median line where this distance is less than 12 nautical miles.”

One respondent stated: “I believe it should be all along the coast to Durness”. The respondent was contacted to seek clarity on whether this comment related to a specific marine area and any other reasons why any of the proposed boundaries may be inaccurate, but no further clarity on this matter was provided.

Orkney Islands Council stated the marine planning zone for the Orkney Islands “should be the same as the boundaries for the Orkney Islands Scottish Marine Region”. It was noted that there may be a minor mismatch in the Pentland Firth between the boundary of the proposed extended marine planning zones and the Orkney Islands Scottish Marine Region.

Crown Estate Scotland noted that there may be discrepancies in the placement of the boundaries in Clackmannanshire and North Rona. Further information on the potential discrepancies was subsequently provided by Crown Estate Scotland.

Simply Blue Aquaculture referred to the current presumption against fish farm development in the North and East coasts and suggested these should be reconsidered for the 3-12 nautical mile zone.

The Scottish Association for Marine Science stated that “existing, and proposed extended, marine planning zones are purely administrative divisions, unrelated to processes in the marine environment that can carry water, wastes and organisms between zones” and referenced hydrographic connections between a number of marine planning zones which should not be subdivided. It was then stated that “strategic planning - allocation of areas prioritised for aquaculture - should bring together all relevant authorities and take account of cumulative effects from multiple farms and other sea-uses”.

**Question 3: Do you have any other points you wish to raise regarding the proposal to extend marine planning zones out to 12 nautical miles?**

- 33 respondents provided a response to this question

A number of respondents reiterated points raised in answers given to previous questions in the consultation.

A number of respondents queried whether the marine planning zones would be involved in managing fishing and renewable energy activity.

A number of respondents referenced the need for guidance on aquaculture development beyond 3 nautical miles to be included in the National Marine Plan 2.

A number of respondents provided comments on the theme of ensuring applications are suitably assessed, giving consideration to impacts on the environment, communities and other marine sectors.

A number of respondents commented on the need to ensure that other aquaculture consenting processes were aligned with the extension of planning powers out to 12 nautical miles.

One respondent stated that Government should focus on river pollution and that fish farms should be moved onshore.

The Scottish Fisherman’s Federation stated the proposals could lead to the spread of disease and invasive non-native species.

Seafood Shetland noted the proposals could lead to new applications for new Classified Shellfish Harvesting Areas which may pressure Food Standards Scotland resources.

The Scottish Association for Marine Science (SAMS) stated that a joint Regional Marine Planning Partnership should be established for the waters of the West Coast

and Western Isles of Scotland to define zoning plans for aquaculture, with the RMPP including a role for local authorities, key stakeholders and potentially local academic researchers. SAMS also suggested funding the extra work of local authorities could be achieved through drawing on Crown Estate Scotland's lease income or through a production tax on farms.

Crown Estate Scotland referred to the need for engagement with Marine Directorate Licensing Operation team to avoid conflict with other types of marine development.

Salmon Scotland noted the opportunity to develop a more streamlined system between 3 and 12 nautical miles, reducing the number of separate regulatory bodies involved in aquaculture consenting. Salmon Scotland also stated local authority marine planners are under resourced, and noted the role an aquaculture planning hub could have in improving capacity in this area. They also recommended consideration of a new Environmental Impact Assessment (EIA) strategy for fish farms beyond 3 nautical miles, with work to be taken forward by the Scottish Government's Consenting Task Group.

Soil Association Scotland suggested production beyond 3 nautical miles may not comply with existing organic standards, thereby placing organic producers at a disadvantage compared to non-organic producers in respect to the available space to develop new farms.

**Question 4: Do you agree with our approach to the impact assessments for the proposed extension to marine planning zones?**

- 38 respondents answered "agree"
- 11 answered "disagree"
- 4 did not provide a response to the question

Respondents were given the opportunity to provide reasons for their answer. 25 respondents provided additional comments which are grouped by impact assessment. A miscellaneous category has been used to capture views outwith the scope of the impact assessments carried out for this consultation.

**Business and Regulatory Impact Assessment (BRIA) – Partial**

All respondents who referenced the BRIA directly disagreed with the approach to the impact assessments.

The aquaculture sector raised a variety of concerns relating to the BRIA including a lack of pre-consultation engagement, Salmon Scotland stated that despite aquaculture business being "identified by the assessment as a relevant group for

pre-consultation discussions, no such process took place before release of this public consultation”. Other concerns raised by Salmon Scotland include:

- the lack of resourcing and funding for local authorities and other regulators to effectively carry out their duties in the current system “or its effects on meeting consenting and determination timelines for applications as a cost on businesses”
- “the BRIA does not currently recognise recent initiatives from Scottish Government and sectoral working groups aiming to simplify finfish regulatory and licensing processes”.
- the options considered and the detail at which they were considered. This concern was shared by another respondent from the aquaculture sector who said: “The BRIA only considers two options and does not do so in appropriate level of detail or in a balanced way”.

The lack of resourcing and funding was echoed by Orkney Island Council, who stated: “Fish farm applications are complex and are frequently EIA developments, therefore they are very resource intensive to process. 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.”

A respondent from the Fisheries Group noted that the partial BRIA “does not consider the impact of the proposals on the commercial fishing sector and this is an omission, as the proposals are likely to have an impact on our sector”.

### Strategic Environmental Assessment (SEA)

Three respondents provided further comment on the SEA, 1 of which agreed with the approach taken to the impact assessments while the other 2 disagreed.

Historic Environment Scotland noted that they were content with the SEA following participation in a screening request.

A respondent from the fisheries group stated “We also don’t agree that a Strategic Environmental Assessment is not required. Whilst assessments will be carried out of the environmental effects of specific applications out to 12 nm, this was an opportunity to carry out a cumulative assessment, rather than a site-specific assessment.”

An individual noted that although the SEA is included it “focuses on ensuring compliance with existing environmental laws rather than introducing new protective measures.”

## Island Communities Impact Assessment (ICIA) – Partial

The Scottish Association for Marine Science (SAMS) referred to the ICIA and disagreed with the approach taken. SAMS expressed their concern around funding and resourcing for local authorities to adequately respond to the current marine planning zone limit and noted that ports in the Hebrides would require upgrading to support “servicing of large offshore aquaculture structures”.

SAMS stated, “It appears therefore that these island communities could be disadvantaged by the planning zone extension, unless there is more support for marine planning and port development.”

One respondent disagreed with the assumption that there are no anticipated unique impacts on Island Communities arising from the proposal.

Another respondent questioned the effectiveness of the impact assessments noting, “We do not want to see a process similar to ICIA which does not deal with issues”

## Child Rights and Wellbeing Impact Assessment

Seafood Shetland responded and agreed with the approach taken in the impact assessments, however they noted that the “Child Rights' and Wellbeing Impact Assessment appears rather out of context in this particular instance.”

## Comments on all impact assessments

Four of the respondents who agreed with the approach taken for the impact assessments provided general comments in support. However it should be noted that one responded who agreed stated that they “didn't properly understand the question”.

## Miscellaneous

Some of the respondents provided further comment on impact assessments that did not refer to those carried out for this consultation including some wider comments. Four of these respondents agreed with the approach to the impact assessments and 4 did not. Of those who indicated their agreement:

Crown Estate Scotland noted that they “partially agree” and that a Habitats Regulation Appraisal (HRA) was missing from the Strategic Environmental Assessment (SEA) stating, “A HRA is a statutory requirement under the Habitat

Regulations to protect European designated sites and should be included in the list of assessments/ screening to be undertaken”.

The Aquatic Life Institute noted that species specific welfare impacts should have been considered for potential impacts on both farmed and wild species interactions, which would “enhance the robustness of the impact assessments, ensuring that the extended zones support both economic and welfare outcomes.”

A respondent from the Fisheries group indicated that they would like to see “extensive pre-development surveys delivered and substantial baseline data collected as part of the environmental impact assessment”

One respondent suggested that there should be “dedicated ‘research zones’ to support innovation and development in the marine environment” which would create “more value for Scotland”.

Four individuals disagreed with the approach to the impact assessments and provided comment on a wider narrative.

Two of the 4 individuals noted their disagreement with the expansion of aquaculture with one respondent highlighting concerns over the impact of “unregulated fish waste, fish food and antiparasitic treatments” on the environment and the impact offshore structures may have on large marine creatures, citing Cetaceans, and a “distinct potential for obstruction and entanglement of these species as well as increased disturbance of such larger cetaceans habits”. The respondent also raised concerns that this would run contrary to the Scottish Government’s Vision for Sustainable Aquaculture principle of “ensuring “nature protected and activities managed using an ecosystem-based approach to ensure negative impacts on marine ecosystems are minimised and, where possible, reversed.””

This was echoed by a third individual who commented on the lack of wildlife studies on the topic.

Contrary to the previous comments a fourth respondent noted that there are “more than enough regulations already.”

## Issues raised and Scottish Government response

### **Proposal to extend marine planning zones out to 12 nautical miles**

Of the 53 respondents, 40 agreed with proposals to extend marine planning zones. This included 23 out of 29 organisations and 17 out of 24 individuals. A number of respondents who agreed with the proposals commented that they would close a

regulatory gap, ensure developments were appropriately assessed under existing regulations and allow farms to be located further from the shore in line with developments in aquaculture equipment technology.

However a number of issues were raised both by respondents who disagreed with the proposals and those who agreed. The points raised were wide ranging, but some key themes emerged which are detailed below.

### Regulator capacity

A number of respondents included comments that suggested the capacity and resource available to local authorities, consultees and other regulators may not be sufficient to be able to deal with an increase in applications, which may be more complex, arising from proposed developments between 3 -12 nautical miles. It was also noted that planning fees may need to increase to enable cost recovery in relation to proposed aquaculture sites between 3 -12 nautical miles. All local authorities that responded to the consultation agreed with the proposal.

In September 2024 we confirmed the [next steps](#) for implementing the majority of proposals from our [Investing in planning - resourcing Scotland's planning system: consultation - gov.scot \(www.gov.scot\)](#), including the introduction of an annual inflation linked increase to planning fees.

The view of Scottish Ministers is that in the short to medium term it is anticipated that a small number of proposals for development between 3 – 12 nautical miles are likely to come forward, with those developments being located within local authority areas in which aquaculture farms already operate. As such it is not anticipated that there would be a significant increased burden on aquaculture regulators.

The extension of marine planning zones is not considered to have a significant impact on planning authority costs. An applicant is required to submit a fee on submission of a planning application to the relevant planning authority. The Town and Country Planning (Fees for Applications) Scotland Regulations 2022 as amended sets out how the fee should be calculated. The purpose of the planning application fee is cover the cost of the determination of planning applications by the planning authority. Fish and shellfish farms beyond 3 nautical miles will be subject to similar assessment procedures, including EIA and HRA, and therefore we expect costs of processing application to remain largely the same. If this is found not to be the case, a separate fee structure could be considered for fish and shellfish farms from 3 – 12 nautical miles in future.

## Assessment of proposed developments beyond 3 nautical miles

A number of respondents commented that proposed developments would need to be suitably assessed, particularly in relation to impacts on the environment, wildlife, communities and other marine users. Some respondents commented that the underlying regulations were not sufficient to appropriately assess the impact of aquaculture developments.

Scottish Ministers consider that aquaculture is strictly regulated to ensure that the environment upon which the aquaculture sector and others rely is protected for future generations.

In regards to planning, proposed developments between 3 - 12 nautical miles would undergo the same rigorous assessments as for farms located between 0 – 3 nautical miles. Planners must consider applications in relation to policies set out in National Planning Framework 4, together with relevant Local Development Plans, Regional Marine Plans and the National Marine Plan. Statutory Consultees to the planning process will continue to provide expert advice and applications will be open to representations from non-statutory consultees and the wider public, which must be considered by planners. Applications for fish and shellfish farms between 3 – 12 nautical miles will also be subject to Environmental Impact Assessment and Habitats Regulations Assessment where a development falls within the scope of those regulations.

As well as requiring planning permission fish and shellfish farms must be authorised as an aquaculture production business and have a marine licence for deposit of equipment (unless the development meets the terms of exemption). Fish farms must also be licenced to discharge waste into the water environment. When all relevant consents are in place developers may seek a sea bed lease from Crown Estate Scotland. Only once a lease is in place will a farm be permitted to operate.

## Alignment with other aquaculture consenting processes

A number of respondents commented that other aquaculture consenting processes should be in place for the 3 -12 nautical mile area. Specific reference was made by some respondents to the extent of SEPA's powers under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 only extending out to 3 nautical miles.

Powers related to Scottish Ministers ability to authorise aquaculture production businesses and grant marine licences cover the 3 – 12 nautical mile zone.



Work is underway to consider how best to implement assessment and regulation of fish farm discharges between 3 - 12 nautical miles while maintaining the high standards associated with fish farm regulations in the 0 – 3 nautical mile zone. As noted above farms will not be permitted to operate without all relevant consents in place, including consent for fish farms to discharge waste into the water environment

#### Impact on fisheries sector

A number of fisheries groups commented that the proposals would result in further spatial conflict between commercial fishing and aquaculture, while other fisheries groups noted that the proposals would allow developments to be appropriately assessed including in relation to impact on fisheries.

However, the view of Scottish ministers is that the extension of planning authorities boundaries out to 12 nautical miles will ensure fisheries interests can engage with the planning process for proposed fish and shellfish farm developments between 3 - 12 nautical miles. 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. Representations will be able to be submitted during the formal application stage as is the case for proposed developments in the 0 - 3 nautical mile zone.

#### Alternatives for consenting aquaculture between 3 – 12 nautical miles

A number of respondents suggested alternatives for how aquaculture consenting could be managed. This included exploring the removal of planning requirements between 3-12 nautical miles, maintaining planning requirements but having decisions made by Scottish Government, and managing the consenting process through larger regional marine planning partnerships based on connectivity of waters, rather than local authority marine planning zones.

Scottish Ministers view is that the extension of marine planning zones and maintaining the role of local authorities is the most effective solution to closing the existing regulatory gap within the context of the existing regulatory framework, and in line with the Verity House Agreement whilst ensuring a consenting system that will maintain high regulatory standards.

Scottish Ministers do not rule out considering alternative options further in the future.

## **Proposed boundaries for extended marine planning zones**

Coordinates from the extended marine planning zone boundaries will be used to define each marine planning zone in the amended legislation.

A number of respondents noted potential inaccuracies which the proposed boundaries for marine planning zones:

One respondent stated that the designation of Argyll Southwest of the Mull of Kintyre appears not to follow the median line suggesting prospective overlap with potential extension of the jurisdiction of Antrim to the median line where this distance is less than 12 nautical miles.

Having reviewed this point it is considered that the Argyll and Bute marine planning zone boundary is correct. The outer boundaries for the marine planning zones aligns with the Scottish Adjacent Waters Boundaries, which defines the co-ordinates of the boundaries on the east coast (between Scotland and England near Berwick) and the west coast (between Scotland and England in the Solway firth and Scotland and Northern Ireland in the North Channel). Marine Planning Zones for Dumfries and Galloway and Argyll and Bute extend out to the limits of the Scottish Adjacent Waters Boundaries and so do not extend out to 12 nautical miles but to the boundary line for Northern Ireland waters. It is noted that this should have been made more clear in the consultation paper.

Orkney Islands Council stated the marine planning zone for the Orkney Islands should be the same as the boundaries for the Orkney Islands Scottish Marine Region. It was noted that there may be a minor mismatch in the Pentland Firth between the boundary of the proposed extended marine planning zones and the Orkney Islands Scottish Marine Region.

It is noted that there is variation between the marine planning zone for Orkney Islands Council and the Scottish Marine Region for Orkney. This is also the case for a number of other extended marine planning zones across Scotland and is the case for many of the existing marine planning zone boundaries (0-3 nautical miles).

This is due to the differences between marine planning zones and Scottish marine regions, with the 23 marine planning zones based on the jurisdiction of an individual local authority and the 11 Scottish marine regions based on the physical characteristics of the Scottish marine area. Scottish marine regions set out the boundaries for regional marine plans under the Marine Scotland (Act) 2010, whereas marine planning zones define boundaries specifically for local authorities

responsibilities for planning controls of marine fish and shellfish farms under the Town and Country Planning (Scotland) Act 1997.

The proposed extensions to marine planning zones involved the extension of the existing boundaries out to 12 nautical miles (except where boundaries met another marine planning zone or Scottish Adjacent Waters Boundaries) while maintaining the existing delineations between local authorities. This means there would be no loss of existing area for each local authority which would be the case if seeking to align exactly with Scottish Marine Region boundaries.

Following further discussions, Orkney Islands Council set out their preference for alignment between the Marine Planning Zone and Scottish Marine Region but noted it would not be considered a 'showstopper' if the two zones did not align.

Crown Estate Scotland noted that there may be discrepancies in the placement of the boundaries in Clackmannanshire and North Rona. Further information on the potential discrepancies was subsequently provided by Crown Estate Scotland.

Discussions between Marine Directorate and Crown Estate Scotland confirmed that no amendments to marine planning zones for Clackmannanshire and around North Rona were required.

## **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.

In regards to the Strategic Environmental Assessment (SEA), one respondent disagreed that a full SEA was not required. Whilst another individual noted that

although the SEA is included it “focuses on ensuring compliance with existing environmental laws rather than introducing new protective measures.

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.

Crown Estate Scotland commented that a Habitats Regulations Assessment (HRA) is a statutory requirement under the Habitat Regulations to protect European designated sites and should be included in the list of assessments/ screening to be undertaken.

A HRA was not considered to be required as the proposal to extend marine planning zones does not constitute a ‘plan or project’. HRAs are undertaken by Local Authorities when developing Local Development Plans and are also required for proposed developments (projects) that are likely to have an adverse effect on a protected 'European Site'. The requirement for an HRA to be undertaken was considered as part of the Strategic Environment Assessment screening that was carried out when developing the policy.

A number of respondents commented that impact assessments should be carried out for proposed developments between 3 – 12 nautical miles in relation to impacts on the wider environment and wildlife.

Such impacts would be considered as part of Environmental Impact Assessments which are required to be carried out for proposed marine fish farms that fall within the scope of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, as is the case for proposed farms located between 0-3 nautical miles.

## Next steps

Following analysis of all the responses received, Scottish Ministers have decided to enact the proposals to extend marine planning zones out to 12 nautical miles.

This will allow fish and shellfish farming businesses to consider opportunities to develop farms further from the coast in deeper and more energetic waters, which have potential to reduce environmental interactions and to support fish health and welfare in line with the aims of our Vision for Sustainable Aquaculture.

The extension to marine planning zones will also ensure consistency in planning requirements for fish farm developments within the 0-12 nautical mile zone across Scotland, continuing local authorities role in the consenting process and enabling input into the planning process from a wide range of stakeholders.

Scottish Ministers will bring forward an affirmative Scottish Statutory Instrument (SSI) to amend The Town and Country Planning (Marine Fish Farming) (Scotland) Order 2007 this year.

The amended Order will identify each marine planning zone by describing the position of the relevant boundaries including by identifying coordinates where relevant.

Each identified marine planning zone will extend out from the coastline of each local authority to the seaward boundary of the Scottish marine area (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.

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.

## Annex A - List of Organisations Alerted to the Consultation

Argyll and Bute Council  
Association of Scottish Shellfish Growers  
British Trout Association  
Coastal Communities Network  
Comhairle nan Eilean Siar  
Convention of Scottish Local Authorities  
Crown Estate Scotland  
Fisheries Management Scotland  
Food Standards Scotland  
Highlands and Islands Enterprise  
The Highland Council  
Historic Environment Scotland  
Marine Conservation Society  
Marine Directorate – Fish Health Inspectorate  
Marine Directorate – Licensing Operations Team  
Maritime and Coastguard Agency  
NatureScot  
Northern Lighthouse Board  
Orkney Islands Council  
Regional Inshore Fisheries Groups  
Salmon Scotland  
Scottish Enterprise  
Scottish Environment Protection Agency  
Seafood Shetland  
Shetland Islands Council  
Soil Association Scotland

## Annex B: Organisations who responded to the Consultation

Aquatic Life Institute  
Argyll and Bute Council  
Clyde Fishermen's Association  
Clyde Marine Planning Partnership  
Crown Estate Scotland  
Fisheries Management Scotland  
Historic Environment Scotland  
Mallaig and North West Fishermen's Association  
Marine Conservation Society  
Northern Lighthouse Board  
NW Regional Inshore Fisheries Group  
Orkney Islands Council  
Orkney Regional Inshore Fisheries Group  
Royal Yachting Association Scotland  
Salmon Scotland  
Scottish Association for Marine Science  
Scottish Fishermen's Federation  
Scottish Sea Farms  
Seafood Shetland  
Shetland Islands Council  
Shetland Regional Inshore Fisheries Group  
Simply Blue Aquaculture  
Skye and Lochalsh Rivers Trust  
Soil Association Scotland  
SSEN Transmission  
Sustainable Inshore Fisheries Trust (SIFT)  
The Highland Council  
The Maritime and Coastguard Agency  
Tina Marshall Consultancy Ltd.



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