

PE2159/D: Halt the production of hydrogen from freshwater

Cabinet Secretary for Climate Action and Energy written submission, 30 October 2025

Thank you for your enquiry regarding the use of water in the production of hydrogen. As stated in the response to the original petition PE215 which called on a moratorium on hydrogen production, regulations are already in place for any activity which may affect Scotland's water environment. This includes the use of water for hydrogen developments which will require authorisation [\[P1\]](#) from SEPA under the terms of the [Water Environment \(Controlled Activities\) \(Scotland\) Regulations 2011](#) (CAR). The CAR Regulations exist for the protection of the water environment, and the type of authorisation required will depend on the volume and location of the abstraction.

SEPA must consult relevant public authorities about any CAR authorisations under consideration for activities likely to have a significant adverse effect on the water environment - and make the responses of those authorities publicly available during the period in which such authorisation applications are advertised.

The development of hydrogen production projects will also require planning permission from the relevant planning authority. Scotland's planning system includes provisions for communities to contribute views about proposals which may affect them. In line with this, planning authorities front load consultation processes and take into account any comments on a case ahead of a decision being made.

It will fall to the relevant planning authority, in the first instance, to consider whether a proposed development requires an Environmental Impact Assessment (EIA) to be undertaken. Planning authorities already have a well-established general responsibility to consider the environmental implications of developments which are subject to planning control, however, an EIA can provide a more systematic method of assessing the environmental implications of developments that are likely to have significant effects.

Should an EIA be deemed necessary, the EIA regulations require the relevant planning authority to make details of any EIA development public - and provide details of where the EIA report is available for inspection free of charge or how copies may be obtained.

It will be for the relevant authority to interpret and implement relevant planning legislation and guidance as it deems appropriate given the circumstances in each case and to ensure that the provisions of the planning system are applied properly. Planning legislation requires that planning applications are determined in accordance with the development plan for the area unless material considerations indicate otherwise, each proposal being considered on its own merits.

Our [National Planning Framework 4](#) (NPF4) sets out our strategy for working towards a net zero Scotland by 2045 and directly influences all planning decisions. It signals the key priorities for 'where' and 'what' development should take place at a national level and is combined with national planning policy on 'how' development

planning should manage change. NPF4 makes clear our support for all forms of renewable, low-carbon and zero emission technologies, including renewable and low-carbon hydrogen projects. Potential impacts on communities, nature and cultural heritage, including the cumulative effects of developments, are important considerations in the decision-making process.

It may also be helpful to highlight work undertaken by the Scottish Government on the future management of Scotland's water resources. This involved a consultation on the principles and considerations for water, waste water and drainage in developing policy for the future of the water industry in Scotland in response to the climate emergency. A analysis of the consultation feedback can be found on our website: [Water, wastewater and drainage: consultation analysis - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/water-wastewater-and-drainage-consultation-analysis/pages/2.aspx)

More information about this and the regulation of the water environment can be found on SEPA's website: [Water | Scottish Environment Protection Agency \(SEPA\)](https://www.sepa.org.uk/water)

Yours sincerely,

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