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Scottish Parliament

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3 November 2026

Dear Mark,

I intend to write to the Committee in the coming weeks with a broader update on progress across the Government's aquaculture work programme and planned activity for the period ahead. In the meantime, I wanted to draw the Committee's attention to two significant developments: a decision published on Friday 30 October concerning the Scottish Environment Protection Agency's sea lice regulatory framework and an announcement yesterday by Crown Estate Scotland relating to its aquaculture pilot leasing programme.

On 30 October, reporters acting on behalf of Scottish Ministers in the Scottish Government Planning and Environmental Appeals Division published their decision on appeals lodged by the operators of 259 fish farms against SEPA's variation of licences issued under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (now the Environmental Authorisations (Scotland) Regulations). The licence variations introduced a new controlled activity "operation of a marine pen fish farm". They also established requirements for the monitoring and reporting of sea lice numbers, reporting of fish numbers, and in some cases imposed maximum sea lice limits.

The reporters considered only the legal issues raised, as agreed by the relevant parties.

The reporters allowed the appeals in respect of all 259 fish farms and quashed the notices of variation issued by SEPA. Consequently, the licence variations will not come into force. Information about the decision can be viewed here:
http://www.dpea.scotland.gov.uk/Document.aspx?id=1242583

We are considering the implications of the appeal decision in full with our key stakeholders. However, I would like to reassure the Committee that the Scottish Government remains committed to delivering an effective sea lice regulatory framework that supports the protection of wild salmonids.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

While corresponding with the Committee, I would also like to draw members' attention to Crown Estate Scotland's announcement of its aquaculture pilot leasing programme on 2 November. The programme is intended to explore opportunities for aquaculture development between 3 and 12 nautical miles from shore. Information on the pilot can be found here: Leasing | Crown Estate Scotland

I hope this interim update is helpful.

Yours sincerely,

JIM FAIRLIE

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