

Anne Peat
Clerk
Public Petitions Committee
Room T3.40
The Scottish Parliament
Edinburgh EH99 1SP

18 July 2014

Dear Ms Peat

Consideration of Petition PE1519

Calling on the Scottish Parliament to urge the Scottish Government to stop issuing licences permitting salmon farming, salmon netting and salmon angling interests to shoot and kill seals in Scottish waters and instead require that salmon farmers either move their farms into on-shore tank systems or legally require marine salmon farmers to install and maintain the high-strength, high-tension predator exclusion nets they require to meet their legal obligation under the Animal Health and Welfare Act (Scotland) 2006 to protect their stock from the attention of predators. We further ask that the Scottish Parliament ask the Scottish Government to legislate to close down all salmon netting stations in Scottish waters thus allowing tens of thousands of Atlantic salmon and sea trout to return to their native rivers to breed.

Thank you for your letter of the 20 June drawing our attention to the submissions and the Public Petition Committee's Official Report on its initial consideration of this petition. You asked for our views on 'what the petition was seeking' and we have set out here our responses to that specific request. We have also added some additional comments which we hope will help the Public Petitions Committee's broader understanding of points that are raised in the petition.

What is the Petition Seeking?

To our reading the petition is seeking, variously:

1. The abolition of the licensing system that was introduced as a part of the Marine (Scotland) Act 2010.
2. Scottish legislation to require salmon farmers to farm only in on-shore tank systems.
3. Scottish legislation to require marine salmon farmers to 'install and maintain high-strength, high-tension predator exclusion nets'.

4. Scottish legislation to close down all (wild) Atlantic salmon and sea trout netting stations in Scottish waters.

Our Responses

Abolition of the Licensing System

The question of control of seals was a major consideration at the committee and parliamentary stages of the Marine (Scotland) Act 2010. Thus, rather than repeat the points which were carefully considered at that time, we would refer the Public Petitions Committee back to the Official Reports of the Rural Affairs Committee and the Journal of the Scottish Parliament.

The licensing system introduced as a result of the Marine (Scotland) Act 2010 was a significant milestone in Scottish legislation; it was a carefully considered and proportionate measure to address a contentious aspect of marine wildlife management.

We would therefore be wholly opposed to the abolition of the present licensing system which we consider is generally working well.

With regard to the petitioner's point that the Scottish Government in 2014 has issued licences permitting the shooting of 1005 seals, the petitioner is essentially correct (the figures on the Scottish Government's website indicate 1004). However, the petitioner appears to misunderstand both the operation of the licensing system and the nature of seal attacks on farmed fish, where they occur. **The important point to note here is that the key statistic is the number of seals shot per annum not the number of licences issued.**

Whilst seals will attack wild salmon, and other fish species, as part of their natural predation habit, only a very small number of seals attack fish farms: most seals are either not attracted to farms or are dissuaded by the deterrent and exclusion measures farmers deploy to safeguard the welfare of their fish. Seal attacks on farmed fish are unpredictable in occurrence. It is only in the event of an individual seal persisting in its determination to attack their stock and the measures put in place to exclude seals failing to do so that fish farmers, in accordance with their legal obligations under the Animal Health and Welfare Act (2006), resort to humane despatch under the conditions provided by a seal licence.

Therefore the number of licences issued is not an indicator of the 'number of seals to be shot,' as implied by the petitioner, but rather the need to ensure that the powers available under the licence can be available in situations where all other reasonable measures have failed.

The reporting system introduced as part of the licensing scheme clearly shows that the number of seals shot (the key statistic) has been consistently substantially lower than the number of licences issued (Table 1).

Table 1. Numbers of seal licences granted, the total number of seals shot and number of seals shot by the fish farms. (Extracted from the Scottish Government Returns).

	2011	2012	2013	2014
Licences granted	1339	1167	1039	1004
Total seals shot	459	433	274	NA ^b
Seals shot by fish farms	234 ^a	198 ^a	107 ^a	NA
Seals shot by fish farms (%)	51.1	45.7	39.2	NA

Note: a) One licence relates to a consortium consisting of both fish farming and fisheries interests. For the purpose of this analysis these returns have been allocated equally between the farming and other activities. Seals shot under this licence were: 3 in 2011; 4 in 2012; and 5 in 2013.

b) NA- Not Available.

Also, the total number of seals shot has reduced year on year since the introduction of the licensing system. Moreover, the number of seals shot attacking farmed fish has reduced year on year, both in absolute terms and as a percentage of the total number of seals shot.

We judge that the licensing system is being effective in achieving its objectives. Our most significant concern is that the present Scottish Government policy of reducing the number of licences granted year-on-year, irrespective of the number of licences applied for, may ultimately serve to create a perverse incentive within the licensing system. We therefore believe that the number of licences should be maintained at about the present level, even though it is well in excess of the number of seals that will be shot.

Legislation for Only-on-shore Fish Farming

For the Committee’s information we should note that seals will potentially attack any species of farmed fish so that the petition would relate to all types of finfish farming not simply salmon farming.

We find it difficult to understand the petitioner’s reasoning for this objective but, in the context of the title of the petition, we assume that his intention is to ban all marine finfish farming so that seals are physically unable to come into proximity with farmed fish. We could only regard this as perversely illogical: application of similar reasoning would argue that outdoor poultry and pig production should only be allowed on floating marine barges to preclude all contact with all land-based predators.

As the Public Petitions Committee will probably be aware, the conventional system of growing of Atlantic salmon involves a freshwater phase and a marine phase; and a significant proportion of freshwater production in Scotland already takes place in freshwater tank facilities. Therefore, salmon farmers have great expertise and experience in tank-based systems of production and are fully aware both of the potential and the limitations of such systems. Indeed, there were (and physically still are) several commercial salt water land-based tank systems in Scotland, but, for commercial/economic and environmental reasons, these have either stopped producing fish or have stopped growing salmon.

It is technically possible to grow medium-size market-size salmon in intensive wholly tank based freshwater systems; and internationally, there are a few enthusiasts promoting that concept. However, current mainstream industry assessments are that the technology is not sufficiently energy efficient, economically sustainable, or reliable in terms of consumer-quality to be commercially competitive with traditional high-quality extensive systems of production, incorporating an open-sea marine phase of growth. The European Protected Geographical Indicator (PGI) status for '*Scottish Farmed Salmon*' is for this type of extensive marine produced salmon. Also, for the Scottish industry, in which more than 70% of production is RSPCA Freedom Food accredited, the intensive nature of whole-lifetime tank production (in which the stocking densities are 5-6 times those used in conventional extensive systems) is a major concern.

Additionally, we should note that on the scale that would be required to meet current and future consumer demand, land-based production would be hugely land-demanding and it is incompatible with the available land resources and topography of Scotland. It would require a huge level of investment, beyond that which could reasonably be anticipated from the market.

Therefore, whilst SSPO retains an open mind about the eventual development of intensive tank-based production of market-size salmon in Scotland (and elsewhere), we do not currently envisage that it will be a major-form of production for the foreseeable future. Rather we consider Scottish production will concentrate on traditional extensive production of premium quality salmon, incorporating a freshwater phase and a marine phase of growth.

We would therefore be wholly opposed to the petition's proposals. If implemented they would lead to the demise of the present Scottish Farmed Salmon industry with a negative impact of £1.4 Billion on the Scottish economy and a loss of an estimated 8,000 jobs. It would also have a substantial knock-on effect on the Scottish fishing industry, whose processing sector is now strategically reliant on the business-continuity provided by farmed salmon processing.

Legislation to Require Predator Exclusion Nets

So far as we are able to determine the petitioner's concept is for some system based on 'double netting' of fish pens.

Whilst we are aware that some companies, particularly in other jurisdictions, may employ predator nets, our view is that double netting is unfeasible and impractical under Scottish conditions for a variety of reasons, including stock management operations, water-flow management and increased risk to wildlife. Double netted structures would pose a significant risk of trapping marine wild life, including diving birds and seals, between the layers of nets; and they are avoided by industry for that reason. They would also have foot-print implications (which would have planning development consequences) and would increase costs without benefits.

Some farms find it beneficial to adopt strategically positioned 'seal blinds' under the base of pens but multi-layered nets are not favoured by industry. Rather the approach is to adopt single high tension nets made of strong and highly-resistant materials such as high density polyethylene and to deploy acoustic seal deterrents. Technology in both these areas continues to develop and improve and uptake of new developments by the industry is very good. There is also a working group operating under the Ministerial Group on Sustainable Aquaculture, which is developing a Scottish Standard for the construction of fish farms and this takes account of the best available technology.

We would therefore be wholly opposed to the petitions proposals.

With regard to the Animal Health and Welfare Act (2006), we view the petitioner's interpretation as inconsistent with fact and without rational logic either in regard to fish farming or to other forms of livestock production in Scotland.

Legislation to Close All Atlantic salmon and Sea Trout Netting Stations

SSPO represents companies that farm salmon. We have no axis of representation with regard to the salmon net fishing, which is the province of the *Salmon Net Fishing Association of Scotland*.

However, for completeness we would point out that there are major flaws in the petitioner's case against net fisheries (which in fish welfare terms have some advantages over rod fisheries).

The main case against estuarine salmon netting is that it takes salmon from 'mixed fisheries', so that it is not possible to tell whether a given caught salmon is derived

from a river in which the levels of stock recruitment are below the conservation limit necessary to maintain a self-sustaining salmon population.

However, in practice, Scotland has yet to establish scientific conservation catch limits on its river systems. Thus, any fish caught by either a netsman or an angler within a river is taken at the potential risk that it may damage the stock (or local sub-stock) within the river because the fishery is being operated without reference to a conservation catch limit.

Thus until conservation catch limits are established for Scottish river systems there can be no legitimate basis for the interests of those engaged in net fishing to be penalised to the benefit of rod fishing.

If river fishery catches are in excess of the scientifically established conservation catch limits, we believe that fish catches of all types should be curtailed, preferably by adopting the Irish approach and temporarily closing the fishery.

We trust the Committee will find these comments helpful.

Yours sincerely



Phil Thomas

Chairman, SSPO