

PE1715/B

Salmon & Trout Conservation Scotland submission of 5 August 2019

S&TCS thanks the Petitions Committee for the opportunity to submit written evidence.

It was S&TCS' earlier Petition PE01598, lodged in February 2016, that led directly to the 2018 ECCLR and REC Committee inquiries and the two reports.

S&TCS concerns concentrate on the proven negative effects of salmon and rainbow trout farming at sea on wild salmonids - both Atlantic salmon and sea trout. These concerns have been set out in great detail in written and oral evidence to the both ECCLR and REC Committees.

S&TCS supports fully the inter-governmental North Atlantic Salmon Conservation Organisation (NASCO) – to which Scotland is a party. NASCO has long concluded that there are significant adverse impacts from salmon farming. S&TCS would emphasise to MSPs the importance of NASCO's internationally agreed *'Guidance on Best Management Practices to Address Impacts of Sea Lice and Escaped Farmed Salmon on Wild Salmon Stocks'* which established goals for NASCO jurisdictions relating to containment and sea lice management.

For sea lice, NASCO best practice is for ***“100% of farms to have effective sea lice management such that there is no increase in sea lice loads or lice-induced mortality of wild salmonids attributable to the farms”***.

For escapes, NASCO best practice is to ensure that ***“100% of farmed fish are retained in both freshwater and marine production facilities”***.

It has been clear for many years that Scotland's performance, particularly on sea lice, falls very far short of the internationally agreed NASCO goals. A very recent escape of no fewer than 33,000 farmed fish into Loch Etive this month shows that the escapes issue is also not solved.

The Petitions Committee seeks views on the action called for in Petition 1715 and to establish how things have moved forward on this issue since the publication of the SAMS Report and the recent joint inquiry by the REC and ECCLR committees.

Closed containment

Since the publication of the REC Committee report in November 2018 there has been very rapid global progress with developing closed containment and numerous extremely large-scale projects have been announced which, when built, will produce tonnages of closed containment-produced salmon in excess of the open cage production of the industry in Scotland.

As the ECCLR and REC Committees examined, there are numerous benefits of closed containment, in terms of reduced pollution of the wider environment, re-use of wastes and near elimination of disease and parasite transfers between wild and farmed fish.

It is S&TCS' view that the industry will be forced in any event to move into full closed containment within a relatively short period of time, by virtue of the impact it has on wild fish and the wider marine environment becoming increasingly unacceptable to consumers and further, by the persistently high mortality rates and novel disease challenges in marine open-cage farms which mean that the industry will be unable to control mortalities and diseases of farmed fish sufficiently in open-cages in a way that such farming remains an economically viable activity as compared to closed containment production.

In that vein, S&TCS notes Recommendation 56 of the REC Committee report in which the Committee endorsed the ECCLR Committee's recommendations for urgent research on the subject and the consideration of ways to incentivise the industry to explore further use of the technology.

The Scottish Government's response to the REC Committee report of 29th January 2019 referred to some small-scale research, but the degree of urgency required by the two committees remains elusive. Sadly, the Cabinet Secretary's progress report to the Scottish Parliament on 5th June 2019 failed to make any mention at all of closed containment.

As S&TCS and others have warned previously, the danger is that the Scottish industry is left behind in the development of closed containment, its production based on open-cage production will become increasingly unacceptable to consumers and it will be overtaken by competitors.

Progress since the REC and ECCLR Committee reports

Turning now to how things have moved on since the publication of the various reports, regrettably, progress has been very slow. S&TCS fears that the Scottish Government is allowing many of the recommendations of the ECCLR and REC Committees to gather dust.

Other than closed containment, dealt with above, S&TCS' priorities are:

- **the clear identification of a Scottish public authority charged with the statutory function to protect wild fish from the negative interactions of fish farming;**

Both ECCLR and REC Committees agreed with S&TCS that there is a glaring regulatory gap and that it is not clear which Scottish public body has the responsibility to protect wild fish from the negative interactions of fish farming and that, as a result, wild fish have been and remain insufficiently protected from the negative impacts of fish farming, such as sea lice, disease and escapes of farmed fish.

Having considered all options, S&TCS supports the application by SEPA of a licensing process, analogous in many ways to the existing Controlled Activities Regulations that SEPA applies in respect of chemical and organic pollution from fish farms, but based on the precautionary approach that REC and ECCLR Committees advocate, overlaid with rigorous adaptive management conditions in the licences to control impacts upon wild salmonids. This would need to be underpinned by strict enforcement and policing, including frequent unannounced inspections, by SEPA (which must be properly resourced), which the ECCLR and REC Committees have concluded is currently lacking, but which SEPA's recent Sector Plan indicates that SEPA accepts it must now adopt.

Most importantly, this system must not be built on self-monitoring and self-reporting by the industry.

On dealing with interactions, the Cabinet Secretary promised in his response to the REC Committee report in January 2019 that the Salmon Interactions Working Group would deliver rapidly and "*is developing a wild salmon action plan*".

Despite its pivotal role in bringing the matter in front of the Petitions Committee and giving very detailed and constructive written and oral evidence to the ECCLR and REC Committees' work on salmon farming over the last two years, S&TCS was not invited to take part in the Salmon Interactions Working Group.

The SIWG's stated objectives are to:

- Look at the conclusions and any emerging recommendations from the Parliamentary Inquiries into farmed salmon in Scotland
- Evaluate current Scottish Government policy and advice governing wild/farmed salmon sea lice interactions, and review the existing and planned projects around the interactions
- Make recommendations, including a delivery plan of agreed actions and timescales, for a future interactions approach.

but, to date, it has failed to deliver any public proposals.

The Cabinet Secretary also stated in his response to the REC Committee report that;

*"We acknowledge that there is currently a lack of clarity with regard to the regulatory arrangements that apply to the impact of salmon farms on wild salmon stocks and where the responsibility should lie in regulating this impact. This is a key reason for establishing the Technical Working Group to work in parallel with the Salmon Interactions Working Group...**the Technical Working Group is aiming to prepare its proposals by the end of June for subsequent public consultation**".*

That June deadline has slipped by with no public announcements on the work of the Technical Group.

S&TCS has seen draft SIWG recommendations from July 2019. These have been drawn up by Marine Scotland on the basis of short agreed sentences arrived at over the five meetings of the SIWG held since November 2018. They do not encourage us yet to believe that the SIWG can achieve anything substantial, beyond what the failed Tripartite Working Group (2000-2009), the failed ACAS-mediated roundtable (2012), and the failed Ministerial Group on Sustainable Aquaculture Interactions Working Group (2013-2015) chaired by Andrew Thin, SNH managed.

Worryingly, despite the ECCLR Committee concluding that *“an agency should be charged with the health and welfare of wild salmon and trout”* and the REC Committee noting - per Recommendation 42 - *“concerns expressed in evidence that none of the existing regulatory bodies currently has responsibility for the impact of salmon farms on wild salmon stocks”* and *“believ(ing) that clarity must be provided by the Scottish Government as to how this apparent regulatory gap will be filled and which agency will assume responsibility for its management”*, the SIWG has already agreed at its January 2019 meeting, that *“the view of the SIWG is that identifying who will assume responsibility for management of impacts on wild salmonids is less important than ensuring that the body in question has appropriate powers , resources and sanctions available to properly discharge this function”*.

S&TCS fears the SIWG is in danger of becoming the latest in the already long line of such Government-established working groups that fails to address the wild fish interactions issue.

We believe that this is largely to the insistence in Scottish Government that there be consensus between salmon farmers and wild fish and conservation interests at all stages before anything is agreed and actioned.

However, it is obvious that this cannot work where the actions of one party – the salmon farming industry – causes harm to the other’s interests, but not vice-versa.

Rather than demanding consensus, which in effect gives the industry a ‘veto’ on progress, and in the light of the overwhelming evidence of numerous failed working group initiatives, Scottish Government must act decisively to tighten regulation of the fish farms to protect wild fish, **even if this has to be done in the face of industry opposition.**

In short, the Scottish Government must stop playing the role of mere mediator or facilitator of discussions on the interactions issue and actually govern to protect Scotland’s wild Atlantic salmon and trout.

- **no expansion of the industry while wild fish interactions remain uncontrolled;**

The REC Committee report's Recommendation 2 *“strongly agrees with the view of the Environment, Climate Change and Land Reform Committee (ECCLR) Committee that if the industry is to grow, the “status quo” in terms of regulation and enforcement is not acceptable. It is of the view that urgent and meaningful action needs to be taken to address regulatory deficiencies as well as fish health and environmental issues before the industry can expand”*.

In the interim, while a new regulatory framework is introduced that properly protects wild fish, S&TCS urges MSPs to support a moratorium, such that no new farms are built and there is no expansion of existing farms, in line with Recommendations 1 and 2 of the REC Committee Report, until the industry's problems and failures are properly addressed.

There is a long list of organisations that have called expressly for a moratorium on fish farm expansion:

Angling Trust, Argyll District Salmon Fishery Board, Argyll Fisheries Trust, Atlantic Salmon Trust, Community of Arran Seabed Trust, Fauna & Flora International, Fish Legal, Friends of Loch Etive, Friends of the Sound of Jura, Lochaber District Salmon Fishery Board, Lochaber Fisheries Trust, National Trust for Scotland, Orkney Trout Fishing Association, Outer Hebrides Fisheries Trust, Salmon and Trout Conservation Scotland, Scottish Anglers National Association, Salmon Aquaculture Reform Network Scotland, Save Seil Sound, Scottish Creel Fishermen's Federation, Scottish Sea Angling Conservation Network, Sustainable Inshore Fisheries Trust, Scottish Salmon Think-Tank, Skye District Salmon Fishery Board, Skye & Lochalsh Environment Forum, Skye & Wester Ross Fisheries Trust, Wester Ross Area Salmon Fishery Board and Whale and Dolphin Conservation.

Scottish Environment Link, with 35 member bodies representing a broad spectrum of environmental interests, holds the position is that “there must be no new marine fish farms using current ‘open cage’ practices or any expansion of existing fish farm sites, including any increases in farmed fish biomass at existing sites until the current failings in the regulation of the salmon farming industry and the environmental problems the industry causes, as both identified by ECCLR Committee, are understood and resolved”. In effect, a call for a temporary halt to expansion.

The Coastal Communities Network (CCN), representing many west coast community groups, also believes that “there should be a temporary halt to expanding fish farms and sanctioning new sites”:

While S&TCS notes that Recommendation 3 did not support a moratorium, using that word, in effect both REC and ECCLR Committees called strongly for a pause in expansion while the many issues are addressed – in effect, a moratorium.

Sadly, the Scottish Government has rejected these calls.

Since the ECCLR Committee reported in March 2018 there has been a rash of fish farm expansion plans submitted and approved.

Annex A to this evidence shows just those submitted and approved in the Argyll and Bute Council planning area. A similar picture is seen in Highland, the Western Isles, Orkney and Shetland.

S&TCS maintains that the Scottish Government should, even now, announce a moratorium on further expansion. The delay in acting upon the REC Committee recommendations makes that more important than ever.

- **relocation of existing sensitive sites**

S&TCS wishes to see the relocation of farms in sensitive locations, in line with REC Committee Recommendations 41, 45, 46 and 53.

S&TCS notes the REC Committee Recommendation that there be immediate dialogue with the industry over this issue and urges MSPs to ensure that dialogue not only begins at once, but that it leads to early relocation of the most sensitive farms, unlike the Scottish Executive's 2006-2008 fish-farm relocation programme, which was allowed to run into the sand without any progress being made.

The context is important here. We have been here before. In 2009, the Tripartite Working Group, chaired by Marine Scotland reported that *"discussion took place on relocation of fish farms. The industry would have no objection in principle to looking at relocation although there must be room for expansion along with consideration of new sites, cost and operational implications generally. SSPO confirmed that they would be happy to consider and respond to a list of possible relocation sites identified by ASFB. It was advised that issues would be resolved at the strategic level through the SFSA sub-theme work on licensing"*. Ten years of inaction followed, with no relocations.

Interestingly and frustratingly, the Scottish Government's response to the REC Committee report avoided the recommendation and failed to use the word 'relocation'.

This issue remains largely unaddressed.

The very recent announcement by Mowi (ex-Marine Harvest) of *possible* relocation of the Loch Ewe farm follows no fewer than 8 consecutive unsatisfactory benthic pollution reports covering 2006 to 2018. This farm should have been closed ages ago by SEPA and to try to tie this to some sort of relocation package is disingenuous of Mowi.

- **full transparency and publication of sea lice, escapes, mortalities and disease information.**

S&TCS agreed with both REC and ECCLR Committees that there needs to be complete transparency in relation to the impact of fish farming on wild fish including sea lice, sea lice treatment, other diseases, escapes and genetics and any other interactions.

The ECCLR Committee concluded that the current national collection of data on fish health and related matters is inadequate and that there needs to be real-time publication of farm by farm sea lice numbers, all disease issues, treatments (both chemical and other) and mortalities. At present, data collection is almost entirely reliant on a system of self-monitoring and reporting by the farmers themselves.

This needs to be replaced with a statutory system of inspection, augmented by extensive unannounced independent inspections and monitoring, followed by full production of all data, both self-reported and that produced by regulators.

The ECCLR Committee "*believe(d) the efforts of the industry have proven to be largely insufficient to address lice issues*" and that "*the industry should also be required to publish consistent and comparable weekly historic data sets on sea lice figures on a farm by farm basis from the time records are available. There should be no delay in the industry publishing this information so this should initially be published on a voluntary basis by the end of April 2018*".

That did not happen.

Recommendation 11 of the REC Committee Report, dealing with mortalities, adopts the same tone as the ECCLR Committee considering it "*essential that this work delivers high levels of transparency that will provide confidence to all stakeholders*". REC Committee report recommendations 19 to 25 also address sea lice and other data and the mandatory reporting of such data in as close to real time as possible.

S&TCS agreed with both the ECCLR and REC Committees that this needed to be secured by regulation. The voluntary approach has failed to produce the real-time detailed data that the ECCLR Committee requested. S&TCS' preferred method of securing transparency, by way of full freedom of information and proactive publication, is by amending The Fish Farming Businesses (Record Keeping) (Scotland) Order 2008, itself drawn under section 1 of the Aquaculture and Fisheries (Scotland) Act 2007, requiring proactive publication of all relevant records which are already required to be kept by fish farmers (though not published) under the existing 2008 Order.

Currently the SSPO publishes average monthly data, two months in arrears, although for some unexplained reasons, data for two companies - The Scottish Salmon Company and Scottish Sea Farms – is being published late, beyond that two-month window. No data is published at all for marine rainbow trout farmers, such as Dawnfresh.

Conclusions

S&TCS is far from convinced that Scottish Government is taking implementation of the REC Committee report seriously enough.

In short, there is a very real need for an injection of urgency and political will to get this right this time - and to do so quickly - else the current Scottish Government will be guilty of, at best, presiding over the managed decline of wild salmon and sea trout of Scotland or, at worst, of wilfully employing classic delaying tactics to give the salmon farming industry space and time to expand rapidly, irrespective of the damage being caused to iconic Scottish wild salmon and sea trout.

Annex A

Argyll and Bute Council

Planning decisions and applications made since the ECCLR report was published in March 2018

Approved:

17/02596/MFF | Variation to condition 2 relative to planning permission reference 15/00243/MFF (Increase in size of rope/chain grid matrix in which existing cages (10 No. 100m circumference) are held from 60 metre square to 70 metre square grid cells with increase in extent of overall mooring area (retrospective) - Increase of biomass from 1408 to 1767 tonnes | Strondoire Bay Fish Farm Stronachullin Ardrishaig Loch Fyne Argyll And Bute

17/02597/MFF | Variation to condition 2 relative to planning permission reference 15/00239/MFF (Increase in size of rope/chain grid matrix in which existing cages (12 No. 80m circumference) are held from 40 metre square to 60 metre square grid cells with increase in extent of overall mooring area (retrospective) Increase of biomass from 900 to 1345 tonnes | Meall Mhor Fish Farm Loch Fyne Tarbert Argyll And Bute

18/00005/MFF | Enlargement of marine fin fish (Atlantic salmon) farm from 10 x 120 metre circumference cages to 12 x 120 metre circumference cages and replacement of feed barge, including increase in biomass from 2500 to 3500 tonnes | BDNC Fish Farm Loch Shuna Ardfern Argyll And Bute

18/00004/MFF | Modification of fin fish farm (Atlantic Salmon) from 16 x 100m circumference cages to 12 x 120m circumference cages, including increasing biomass from 2262 to 2500 tonnes and retention of feed barge | Poll Na Gille Salmon Farm Shuna Island Argyll And Bute

18/01124/MFF | Replacement of 10 x 80m circumference cages with 12 x 80m circumference cages of an alternative design, installation of hopper feed system and biomass increase from 966 tonnes to 1545 tonnes | Airds Bay (Etive 4) Loch Etive Argyll And Bute

18/01561/MFF | Relocation and enlargement of existing marine fish farm (currently comprising; 12 No. 80 metre circumference cages and feed barge) by re-equipment with 12 No. 120 metre circumference cages and feed barge. Increase in biomass from 600 tonnes to 2500 tonnes | East Tarbert Bay Isle Of Gigha Argyll And Bute

18/01814/MFF | Variation to planning condition 2 relative to planning permission 17/00425/MFF (Modification of existing fin fish farm site to include; increase of grid size (cage spacing) from 60 metres to 70 metres, additional 4 no cages to north end of site and increase in extent of mooring area) Proposed deletion of biomass limit of 1696 tonnes in favour of obligation to

operate in accordance with an approved Environmental Management Plan | Ardgaddan Barr Fish Farm Kilfinan Argyll And Bute

18/01815/MFF | Variation to planning condition 2 relative to planning permission 17/00429/MFF (Increase to grid size (cage spacing) from 40 metres to 60 metres) Proposed deletion of biomass limit of 1568 tonnes in favour of obligation to operate in accordance with an approved Environmental Management Plan | Fish Farm Camas Na Ban-Tighearna Pier Road Tarbert Argyll And Bute

18/01813/MFF | Variation to planning condition 2 relative to planning permission 17/00427/MFF (Modification of existing fin fish farm site to include 1 additional cage and increase in extent of mooring area) Proposed deletion of biomass limit of 1372 tonnes in favour of obligation to operate in accordance with an approved Environmental Management Plan | Ardcastle Fish Farm Lochgair Argyll And Bute

18/01816/MFF | Variation to planning condition 2 relative to planning permission 17/00428/MFF Increase in grid size from 60 metres to 70 metres, additional cage increasing number from 9 to 10 and retrospective permission for (raft to support feed pipes (no increase in biomass) Proposed deletion of biomass limit of 1061 tonnes in favour of obligation to operate in accordance with an approved Environmental Management Plan | Quarry Point Fish Farm Crarae Argyll And Bute PA32 8YA

Awaiting decision:

18/02530/MFF | Re-equipment and enlargement of Spelve B fishfarm to comprise 12 No. 90m circumference cages and feed barge (increase of biomass from 700T to 1577T) with relinquishment of Spelve A fishfarm | Spelve B Fishfarm Loch Spelve Isle Of Mull Argyll And Bute

18/02657/MFF | Modification to equipment and biomass by increasing the number of pens from 12 to 14, increase the biomass from 2500t to a maximum biomass of 3500t and extension of mooring grid to accommodate the additional pens | Colonsay Fish Farm Rubha Garbh Uragaig Isle Of Colonsay Argyll And Bute

19/01293/MFF | Modification of salmon farm comprising the addition of two x 100 metre circumference cages and increase of biomass from 2091 tonnes to 2500 tonnes | Fish Farm Site Geasgill Loch Na Keal Isle Of Mull Argyll And Bute