



FINFISH AQUACULTURE SECTOR PLAN

Outcome of consultation held in
November and December 2018

September 2019

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Introduction

During November and December 2018, we consulted on our proposed finfish aquaculture sector plan¹. This document summarises what people told us and how we have responded.

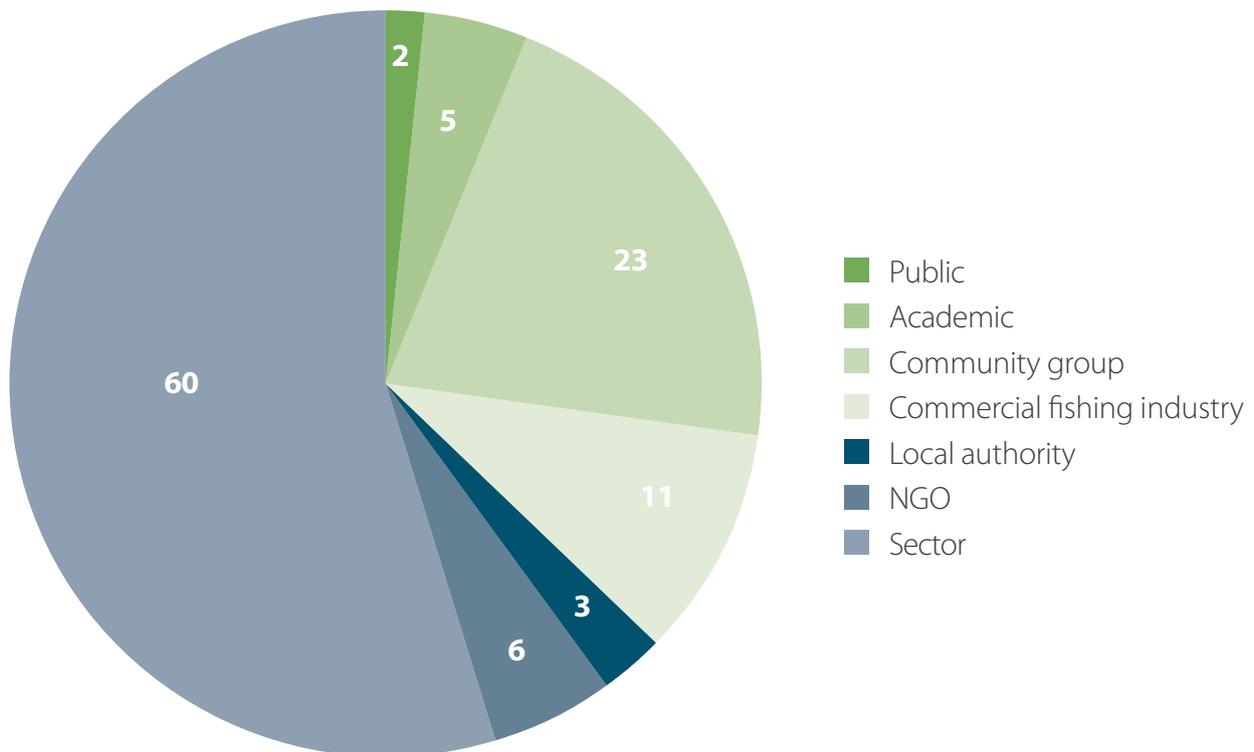
Getting our sector plan for finfish aquaculture right is important to us. The consultation provided an opportunity to hear different views and to test our ideas. We have listened carefully and we think our finalised sector plan² is all the better for doing so.

The consultation lasted for seven weeks, between 7th November and 24th December. During that

period, we held a series of 9 community drop in events. These gave people a chance to speak to us and find out more about our proposals. The events were held on Arran, Skye, Harris, Shetland, Orkney and Mull as well as in Lochgilphead, Fort William and Ullapool. Over 250 people attended the events. We also met separately with other public bodies, environmental NGOs and with representatives of fish farming companies.

By the end of the consultation, we had received 117 written responses from a wide range of people and organisations (see Figure 1).

Figure 1: Who sent us written comments?



Notes to figure 1:

“Sector” includes salmon and trout producers, trade associations for salmon and trout producers and supply companies, such as feed suppliers.

“NGO” includes environmental non-government organisations and fishery organisations

Seven responses are not included in the figure as we do not have information with which to categorise the respondents. However, we have taken into account the views expressed.

¹ <https://consultation.sepa.org.uk/sector-plan/finfishaquaculture/>

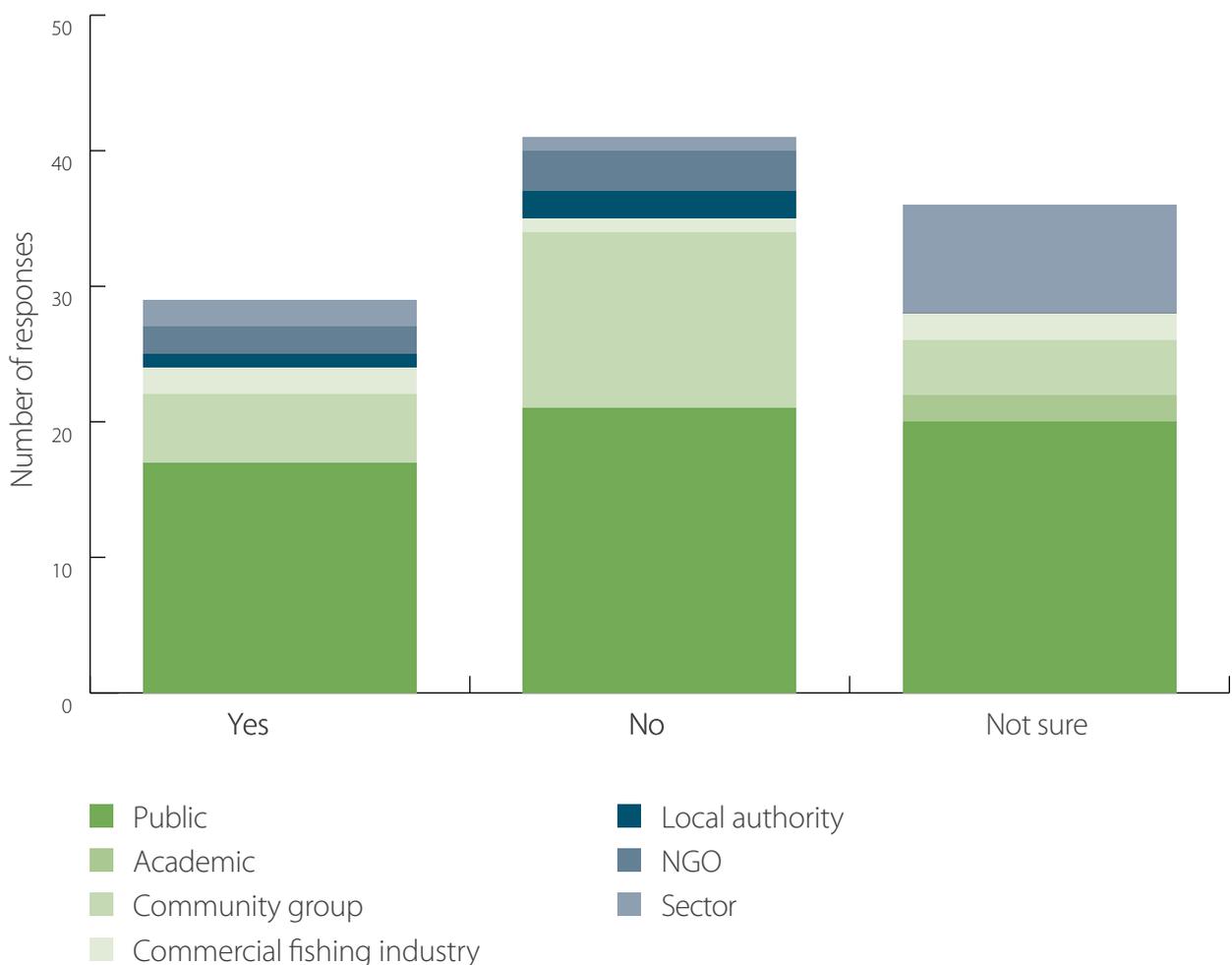
² <https://sectors.sepa.org.uk/finfish-aquaculture-sector-plan/>

What you told us

We asked a series of questions in our consultation. Your answers are summarised below³. As you can see, the responses were very mixed. There was no consensus that we had got our proposals right. We have made changes in response to what you told us. We also recognise we have more to do to build your confidence. We will continue to listen, engage, learn and improve going forward.

On almost all the questions we asked, a good number of you said that you were not sure whether our proposals were right or not. Many of you told us that the reason for this was that we had not provided sufficient detail for you to reach a conclusion.

Figure 2: Does the plan identify the right partners and influencers that SEPA should work with to achieve the vision for the sector?



³ Not all of you answered every question. Consequently, the number responses to some questions is smaller than to total number of responses we received to the consultation as a whole.

Figure 3: Does the plan contain the right actions to tackle non-compliance in the sector?

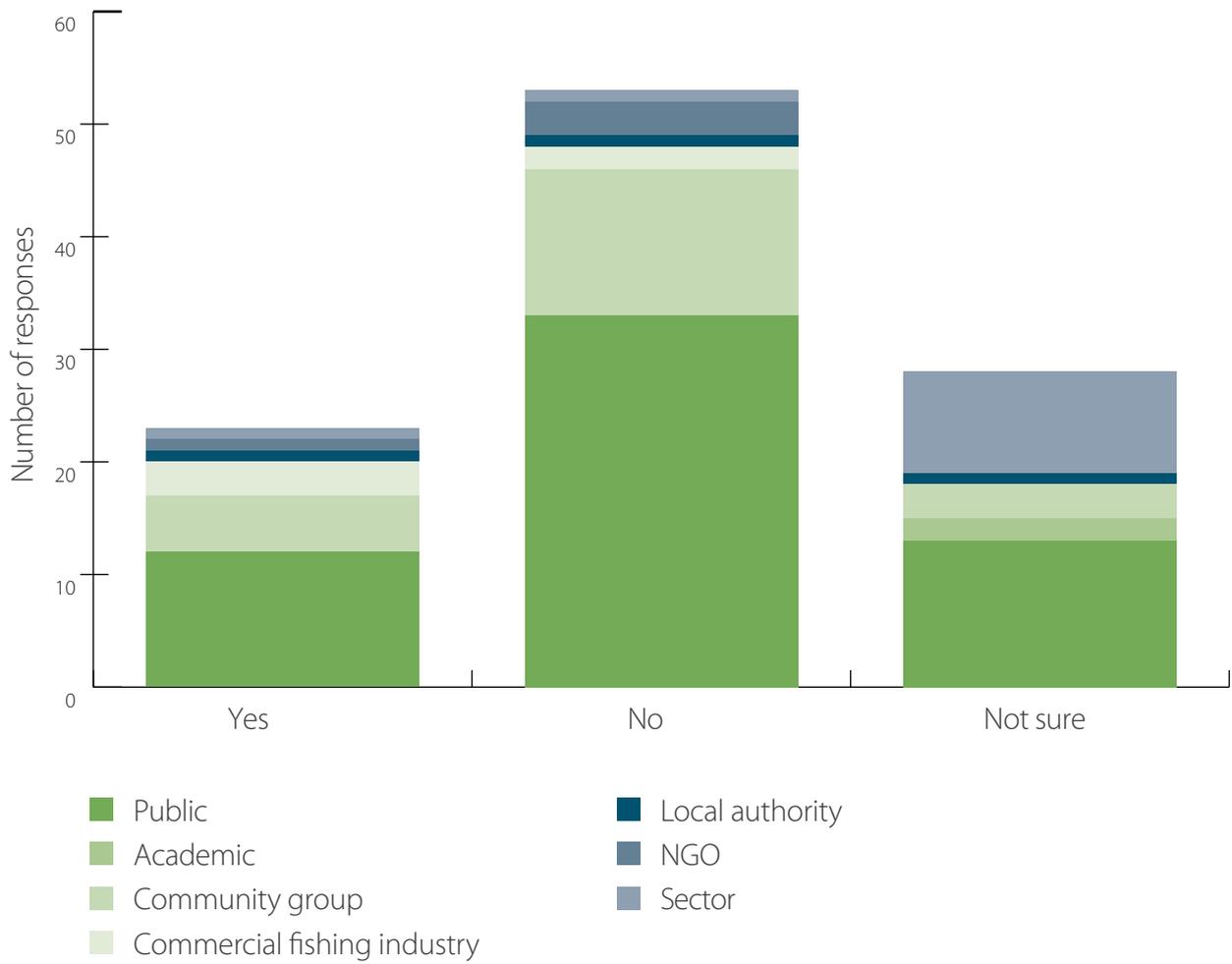


Figure 4: Does the plan contain the right actions to help businesses in the sector move beyond compliance?

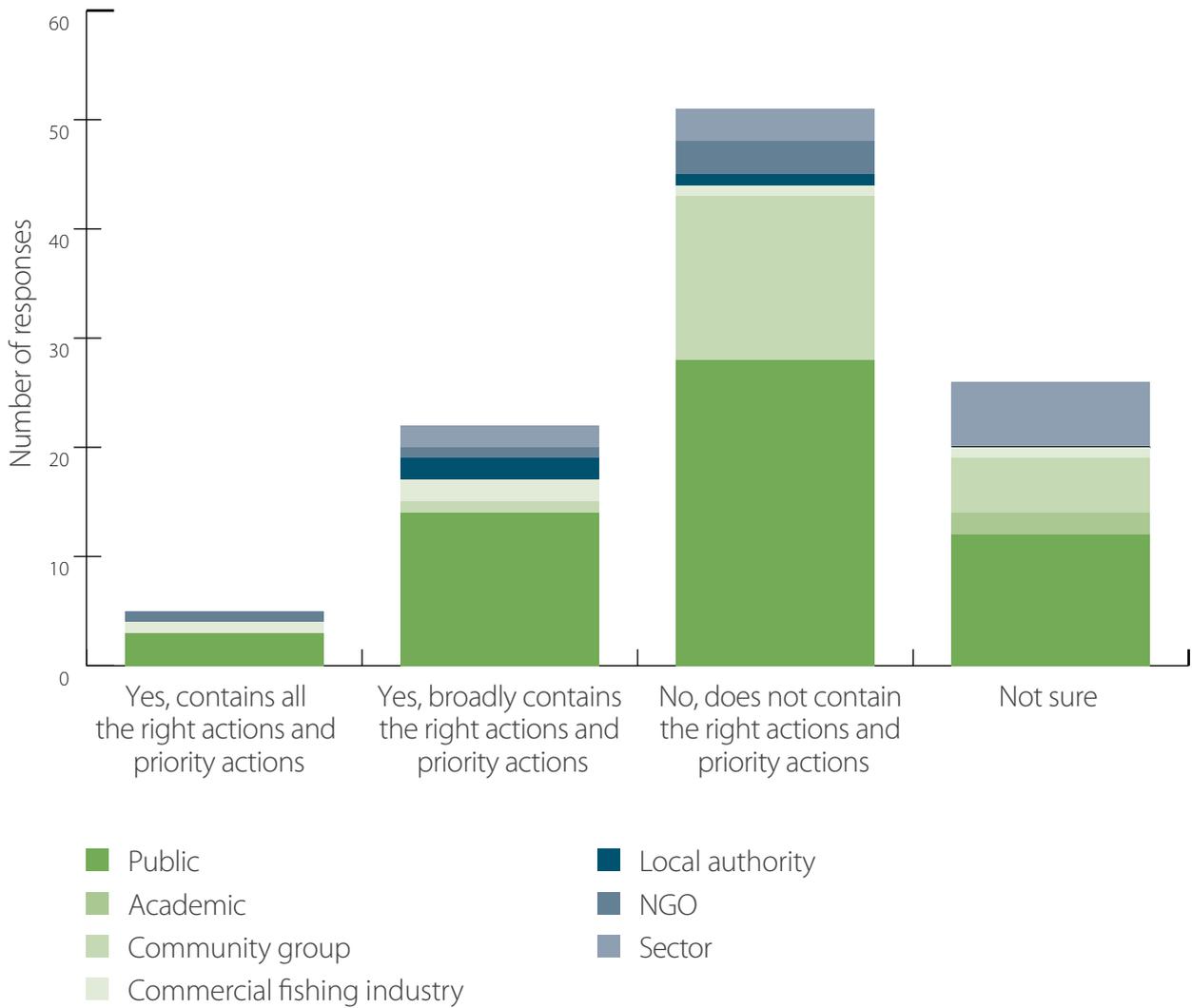


Figure 5: What actions do you think are the most important to ensure protection of the environment?



Figure 6: Do you agree with our proposals for a new, strengthened regulatory framework for marine finfish farms?

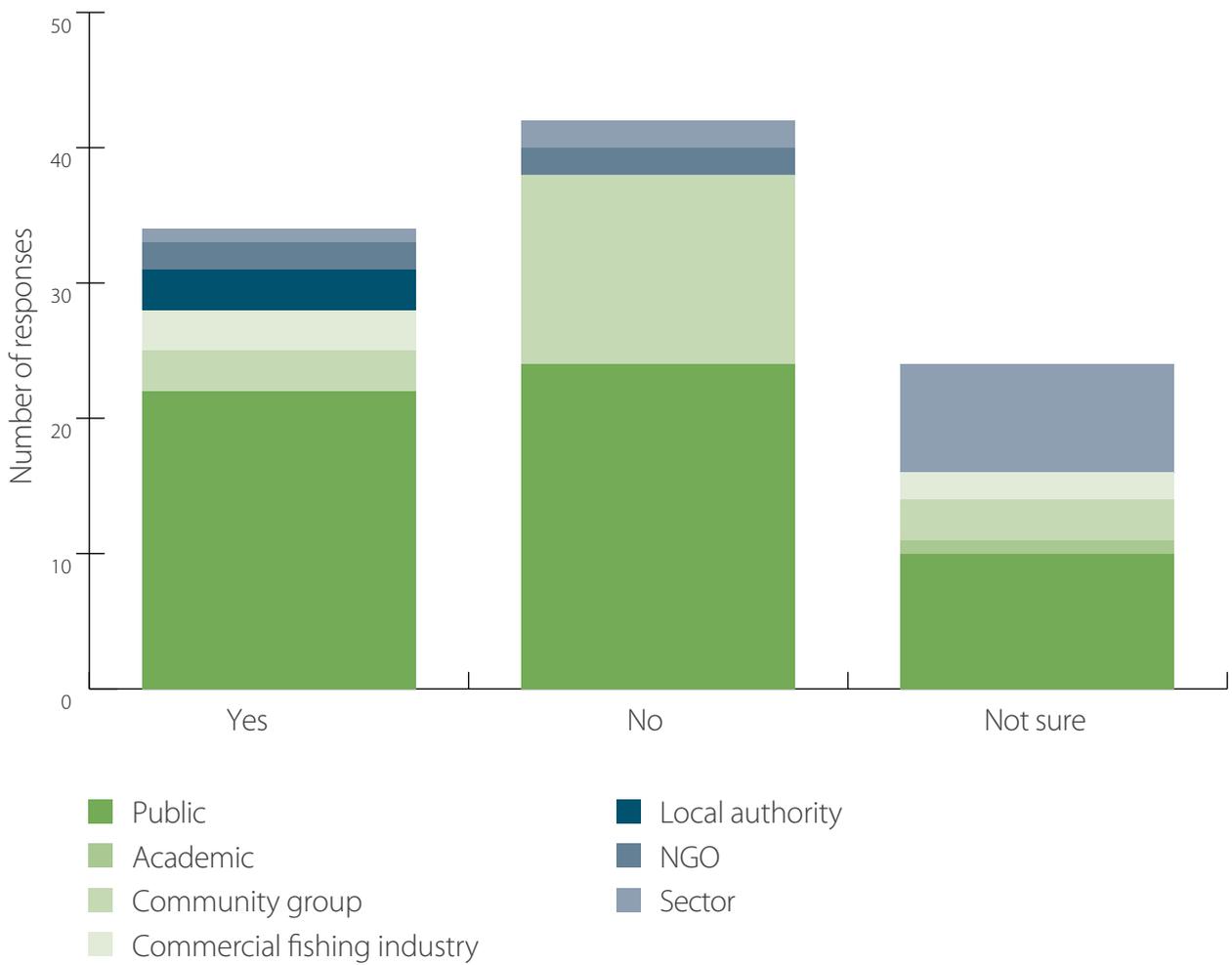
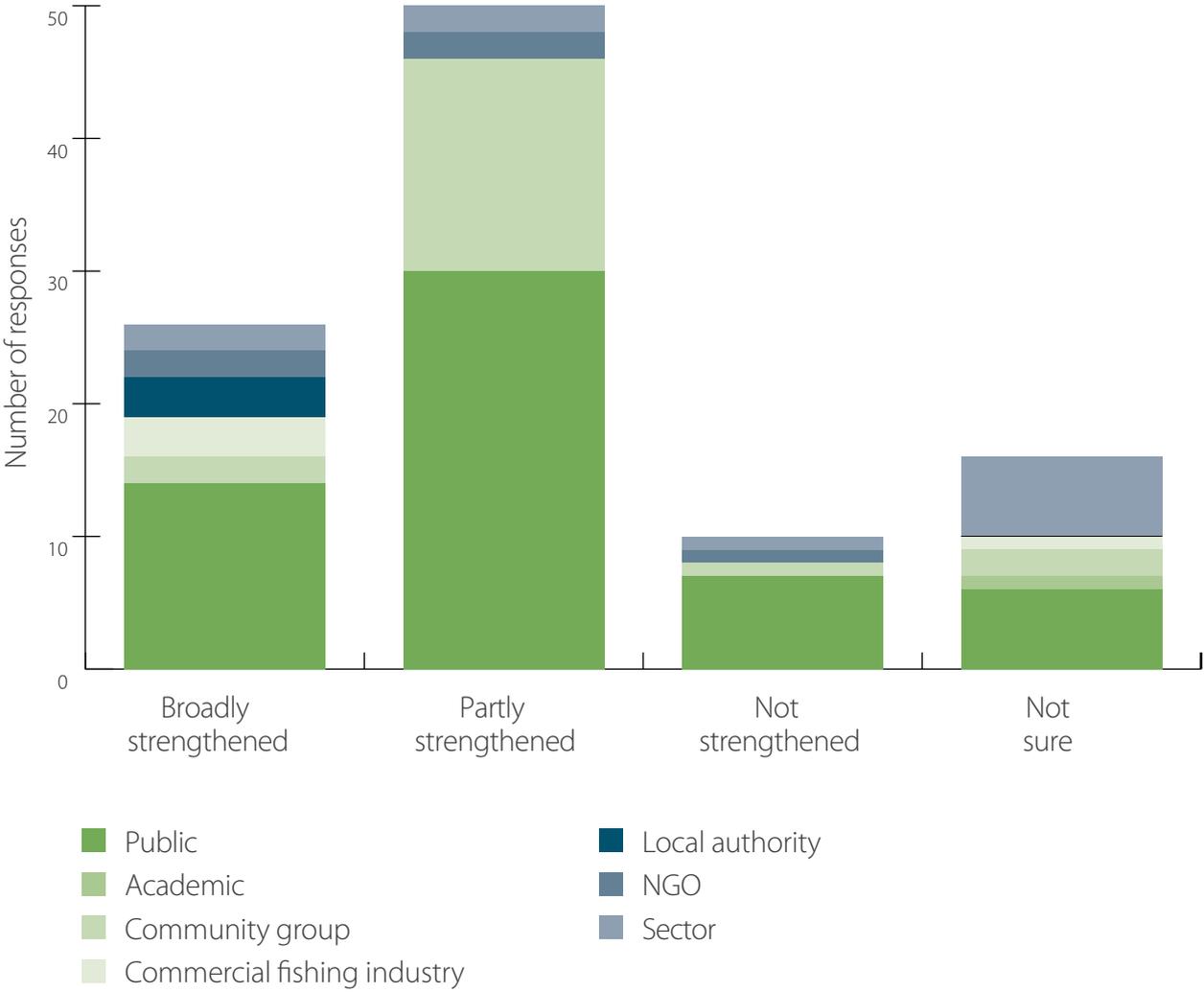


Figure 7: Do you think the proposed new, regulatory framework will deliver appropriately strengthened protection of the environment and contribute to achieving our vision for the sector?



How we responded to your suggestions and concerns

Many of you made detailed comments and suggestions on our proposals. We have summarised the main areas on which you commented in the sections below and described how we have responded. Our proposals for a new regulatory framework for marine fish farms attracted by far the largest number of comments and suggestions.

1. The sector plan

What you said?	How we responded?
<p><i>Beyond compliance</i> A number of you told us that we had not clearly explained the difference between “compliance” and “moving beyond compliance”; and that illustrative examples might help.</p> <p>Many of you also wanted to ensure we remained focused on improving compliance before concentrating on moving beyond compliance.</p>	<p>We have added a clearer explanation of the difference between compliance and moving beyond compliance in our finalised sector plan. We have also included examples of the latter.</p> <p>We are very clear that compliance with environmental law is non-negotiable. Our priority is to ensure all operators in the sector comply. Our new regulatory framework will help us do this. It includes requirements for much more and better monitoring of the environmental performance of farms; more unannounced inspections; and appropriate use of our extended range of enforcement tools where farms are not complying.</p>

⁴ <https://www.sepa.org.uk/regulations/water/aquaculture/>

What you said?	How we responded?
<p>Plan detail Some of you thought there should be more detail in the sector plan on the work we are going to do.</p>	<p>We understand this suggestion. However, we want to keep the sector plan at a strategic level. It sets out our vision for the sector and the ways we are going work to help achieve that vision. It also sets out the key actions we plan to take.</p> <p>In the sector plan consultation, we described the principles on which we were proposing to base our new regulatory framework for marine finfish farming. At the end of May 2019, we launched the new regulatory framework⁴. Comprehensive details of the framework are available on our website. Those details incorporate the principles on which we consulted and take account of the comments and suggestions received.</p>
<p>Communication Some of you felt that we should do more to improve communication and collaborative working.</p>	<p>We agree that communication and collaboration are important and we need to do more. We are taking a number of steps to address this comment:</p> <p>We will shortly establish a finfish aquaculture advisory panel. The panel will advise on the implementation of the sector plan, including on all aspects of communication and information sharing. The panel will include representatives from the industry; community groups and environmental NGOs.</p> <p>For our new regulatory framework for marine finfish farming, we have introduced a much more structured pre-application process, including strengthened community engagement.</p> <p>We are also engaging with other regulators to identify opportunities to better coordinate how we work and how we make information more accessible to the public.</p>

What you said?	How we responded?
<p>Learning from others A number of you suggested that we should look at how other countries regulate their finfish farming sectors so that we are able to incorporate best practices.</p>	<p>We agree. We did identify regulators from other countries as important influencers in our draft sector plan. We will work to strengthen our links with them.</p> <p>This will include continuing to participate in an international group set up to share knowledge between regulators from the world's largest salmon producing nations</p>
<p>Resourcing our approach Some of you questioned whether we will be able to deliver on the sector plan, given the resources available to us.</p>	<p>We are committed to making sure we drive up compliance across the sector. We also want to encourage as many businesses in the sector as possible to go beyond their compliance obligations.</p> <p>The purpose of sector planning is to ensure we do this in an effective and structured way. By taking a strategic and planned approach, we will be able to do much more with the resources we have.</p> <p>We are also reorganising how we work so we can be as effective and efficient as possible. We are creating dedicated, specialist teams for permitting work; for checking performance; and for dealing with enforcement. These teams will include people with specialist expertise in fish farm regulation.</p>

What you said?	How we responded?
<p><i>Wild salmon and sea trout</i> We had a lot of comments from members of the public and fishery organisations about effects of finfish farming on wild salmon and sea trout. In particular, you wanted more action to protect wild salmon and sea trout from sea lice. Some of you also expressed concern that expansion of farms in more dispersive areas of the sea might result in sea lice being spread more widely.</p>	<p>In the draft sector plan, we committed to work closely with Scottish Government, including Marine Scotland; Scottish Natural Heritage; and representatives of local authorities to help develop proposals for a new and risk-based framework for assessing and managing interactions between marine fish farming; sea lice numbers; and wild salmon and sea trout.</p> <p>In the final sector plan, we have reaffirmed this commitment. Over the first 6 months of 2019, we have been working hard with Scottish Government and the other regulators to develop proposals for a new framework for controlling risks to wild salmon and sea trout from sea lice released from marine fish farms.</p> <p>The group is planning to discuss its ideas with experts from the different stakeholders within the next few months with the aim of holding a full public consultation before end of the year.</p>

2. Our new regulatory framework for marine fish farms

What you said?	How we responded?
<p>Better engagement We had a lot of responses from local communities, fisheries groups and individuals. Many of you said that communication and engagement on permit applications needs to be much better than it has been to date. You want to make sure we hear, and take account of, your views.</p>	<p>At the end of May, we launched our new regulatory framework for marine fish farms. The framework includes a new, structured pre-application process. The process includes strengthened engagement with local communities.</p> <p>We expect those wanting to develop marine fish farms to organise meetings with local communities early on in the development of their proposals. Our staff will also attend such meetings. A key purpose of the meetings will be to hear about potential local environmental sensitivities. After the meetings, we expect developers to collect appropriate information to help us assess the risks; and submit that information alongside their permit applications.</p> <p>When we subsequently consult on applications, we will make sure the information relating to the sensitivities highlighted at the pre-application meetings is available for all to see. Anyone responding to the consultation will be able to use this information to inform their response.</p>
<p>Quicker decisions Those running marine fish farms and a number of others had concerns about the existing permitting process. You told us that it took too long to get a decision and the process was unstructured.</p>	<p>Under the new regulatory framework, we have introduced a new, structured pre-application process. This will help those wishing to develop fish farms better understand what they need to do to prepare permit applications.</p> <p>For example, marine fish farm permit applications have to be supported by detailed environmental modelling and environmental survey information. We have organised the pre-application process so that the required modelling and survey work is identified and agreed with us early in the process.</p> <p>Getting the right modelling and survey work done first time will avoid the delays that can otherwise result from having to redo work that did not provide all the information we need. If all the right information is submitted with an application, we will be able to determine the application with the minimum of delay.</p>

What you said?	How we responded?
<p>Better assessment of impacts Many individuals, community groups and environmental NGOs told us greater assurance was needed that impacts, including cumulative impacts, would be properly assessed and managed. Some of you also thought that better spatial planning for fish farm development was important.</p> <p>Representatives of inshore fisheries and local communities also told us they had concerns about the risk posed, particularly by medicine use, to commercial shellfish species and to protected species and habitats. Others told us that they wanted more consideration of impacts on seal populations and of plastics lost from farms.</p>	<p>The new regulatory framework marks a real step change in how we assess the risks posed by marine fish farms.</p> <p>Improved identification of risks Those wishing to apply for permits will be required to model potential local and wider-scale effects on the marine environment. This will include assessing potential effects on species and habitats that require special protection because of their conservation importance; and effects on other people’s uses of the marine environment. Prior to applying for a permit, those wishing to develop marine finfish farms will also be required to undertake detailed pre-development environmental surveys. Among other things, these surveys will be used to identify any priority marine species that could be affected should the development be permitted.</p> <p>In response to the feedback from the consultation, we have introduced the use of screening models early in the pre-application process. Local communities and others will be able to use the outputs of the screening models to highlight risks that they are concerned about and would like investigated through detailed modelling and surveys before a permit application is finalised.</p> <p>Spatial planning We also agree that spatial planning is a really valuable tool that would be of benefit to developers and communities. We are committed to progressively developing spatial planning approaches in discussion with other public bodies. The screening models referred to above are our first step towards developing such approaches.</p> <p>Cumulative impacts We recognise we can still do more to improve how we assess the cumulative effects from marine fish farms in combination with other pressures. We have committed in the sector plan to consulting on proposals for doing so in due course. In the meantime, we have re-focused our marine survey programme to help us evaluate potential cumulative effects and to test new methods that we may use for future assessments.</p>

What you said?	How we responded?
	<p>Medicines & commercial species As part of the new regulatory framework, we are strengthening the controls on medicine discharges and introducing requirement for increased monitoring to check compliance. As part of our own marine survey programme, we plan to conduct targeted assessments of the risk to species, such as large crustaceans, that will help us understand the risk to commercially-exploited species.</p> <p>Other impacts Our regulatory framework does not cover some of the potential effects of fish farms raised. Some, such as the interaction with seal populations, are the responsibility of other regulators. For others, such as the loss of plastics from fish farms, we plan to explore with other regulators and the sector how we can help improve understanding and management of the issue.</p>
<p>Monitoring by fish farm operators Many individuals, community groups and environmental NGOs expressed concern about reliance on information provided by fish farm operators to assess environmental performance.</p> <p>You wanted us to do more to check compliance, including carrying out unannounced inspections. We also had responses from fish farm businesses and consultancies on the new monitoring requirements. You told us that delivering the increased monitoring would be challenging because of a lack of suitably skilled consultants to do the work.</p>	<p>Ensuring we understand environmental performance It is important that those operating fish farms understand the effects of their activities on the environment. Under our new regulatory framework, marine fish farm operators will be required to do more monitoring than ever before.</p> <p>In the consultation on the sector plan, we said we would introduce a quality assurance scheme to make sure that operators carry out environmental sampling and analysis to the standards we need and expect. We introduced the first phase of that scheme when we launched the new framework at the end of May 2019. The first phase covered monitoring design. We prioritised this, as, under the new regulatory framework, applicants have to submit their monitoring designs when applying for a permit. We will expand the scheme to cover all aspects of operator monitoring during the summer of 2019, well in advance of the first sites authorised under the new framework carrying out monitoring. We will progressively strengthen the scheme thereafter.</p>

What you said?	How we responded?
	<p>In response to the feedback received, we are also:</p> <ul style="list-style-type: none"> a) introducing, new powerful statistical analytical tools to spot any unusual features in the information submitted by operators, which we will then follow up; b) undertaking unannounced inspections of fish farms. These include the use of our survey vessels to take our own environmental samples for checking compliance; and c) carrying out wider scale environmental surveys to check for cumulative impacts. <p><i>Collecting and analysing more environmental samples</i></p> <p>Our new regulatory framework requires marine fish farms to carry out much more monitoring of their environmental performance than was required by our previous regulatory framework. The additional and better monitoring will give us and the farm businesses confidence that environmental risks are being effectively managed.</p> <p>We recognise that the new framework requires the collection and analysis of many more environmental samples than did the previous framework. We think it is reasonable to build additional time into our monitoring and reporting timetables to allow for this. In response to the feedback, we will:</p> <ul style="list-style-type: none"> a) increase the period within the growth cycle during which samples must be collected from 56 days to 70 days; and b) for farms not at high risk of failing environmental standards, extend the time allowed for reporting monitoring results to us. <p>For existing sites, our first step will be to require farm operators to prepare and submit plans on how they are going to monitor the environmental performance of their farms in accordance with the new regulatory framework's monitoring requirements. Once we have agreed the plans, we will require them to be implemented. We are aiming for agreed monitoring plans to be in place for all existing farms by the end of 2020. In the meantime, the sector will have time to build the sampling and analytical capacity it needs to undertake the enhanced monitoring required.</p>

What you said?	How we responded?
<p>Addressing non-compliance A number of local community groups and individual members of the public told us that stronger action to identify and address non-compliance was critical to building confidence in the new framework.</p>	<p>In our sector plan, we emphasise that compliance is non-negotiable.</p> <p>We have designed our new regulatory framework to help us drive up compliance in the sector. We have introduced, simple, easy to understand permits to ensure that farm operators can see, and be in no doubt about, what they have to do to comply. We will also be getting much more and better evidence on the environmental performance of farms than under the previous framework. Farm operators will have to do much more monitoring and we will increase the amount of audit monitoring and unannounced inspections that we carry out. In combination, this will make it much easier to identify any non-compliances and enable us to take swift, evidence-based action where necessary.</p>
<p>Feed control to limit waste discharge We had a number of responses from salmon producers, feed suppliers and representatives of trout producers on our proposal to control the scale of waste discharges by means of a control on the maximum input of feed. All of you had questions about how such a control would work. Some of you recommended further discussion with experts. Others expressed the view that feed would not be a good control of waste emissions. You also emphasised that, if introducing such a control, the timescale over which the limit applied would need careful consideration.</p> <p>A small number of individuals, wild fishery groups and others also commented on the proposal to use a feed control. You all expressed support for the proposal.</p>	<p>As the regulator, we need a regulatory control that we can audit and use to ensure the quantity of organic wastes released from farms stays within limits.</p> <p>It is important we make the right decision about the control to use for this purpose. Many from the sector suggested that we consult with experts before introducing a feed-based control. We agree that a specific consultation will help ensure we get the decision right.</p> <p>Over the next few months, we will have an open consultation on detailed options for controlling organic waste discharges. In the interim, we will continue to require operators to keep to the maximum weight of fish specified in their farms' permits.</p>

What you said?	How we responded?
<p>Access to information</p> <p>We had many comments from environmental NGOs, fishery organisations, individual members of the public and others on access to information about marine fish farms. You wanted greater public access to a greater range of information.</p>	<p>We agree it is right and of benefit to all concerned to ensure information about the environmental performance of the sector is easily accessible.</p> <p>Among other things, we committed in our sector plan to working with other public bodies to enhance and improve Scotland’s Aquaculture Website. We have now started work with Marine Scotland and others to do so.</p> <p>Because this work will take time, in response to your feedback we are going to publish any relevant information that we hold that is not currently available via Scotland’s Aquaculture Website.</p> <p>We want to make sure information is as easily accessible to you as possible. We are setting up an advisory panel on fin fish aquaculture. One of the things we will be asking its advice on is how we can improve the way information is presented and shared. We will also be asking people who access the information where they think we are getting it right; and what they think we could improve.</p>
<p>Closed containment</p> <p>We had many comments from individual members of the public, local community groups and others about innovation in farming practices. You wanted to see marine fish farms switch from open-net pens to “closed containment”. The latter would reduce the risks to the environment by capturing wastes for removal and treatment. You also suggested that closed containment could reduce risks to wild fish health and farmed fish health by minimising the potential for the transmission of infections.</p>	<p>We would like to see the sector piloting waste capture technologies in Scotland.</p> <p>Open-net pen systems are not suitable for large scale farming in areas where the sea lacks the capacity to disperse and assimilate large quantities of waste. A significant expansion of farming in such locations would require wastes to be captured and then treated or removed. Even outside such areas, waste capture systems might enable the sector to recover value from its wastes.</p> <p>In the sector plan, one of the actions we will be working with others to deliver is a spatial planning framework for marine fish farming. This will include information about where any significant development would require the use of farming systems able to capture wastes.</p> <p>In the meantime, as part of our new regulatory framework’s pre-application process we are providing screening advice to companies thinking about developing fish farms. This ensures that the companies have very early, upfront advice on the likely suitability of the location they are considering for development as far as waste dispersion and assimilation is concerned. Where locations are less than optimum, this early advice will enable the developers to decide whether to look at other locations or at waste containment systems.</p>

Conclusions and next steps

We would like to thank everyone who provided feedback through the consultation process, including those who attended the stakeholder meetings. We know that providing comments on wide ranging and sometimes quite technical proposals like these is very time consuming and we really appreciate the efforts you have gone to.

We have considered all your comments. We took as many on board as possible prior to publishing our new regulatory framework on the 31st May and our finalised finfish aquaculture sector plan on the 26 August.

We know from the responses that many of you are not confident that we have got our plan and new regulatory framework right. We have made changes in response to this feedback in finalising our plans. We will continue to listen, engage, learn and improve going forward.

We already know there are some specific areas on which we need to do more work to develop and improve our new regulatory framework. We will consult again as we progress with these. They include:

- the question of if and how to use a feed-based control to regulate the scale of organic waste discharges farms;
- strengthening how we take account of cumulative impacts
- spatial planning for marine fish farms
- regulation of bath treatment discharges

We will also be shortly establishing an advisory panel to provide advice on the implementation of our sector plan. This is one of the means we will use to keep listening and engaging.

