

SCOTTISH ENVIRONMENT PROTECTION AGENCY

Minutes of
SEPA Finfish Aquaculture Advisory Panel

30 January 2020
Stirling

Attendees:

Coastal communities (Coast/Coastal Communities Network); **CoSLA** (The Highland Council); **Crown Estate Scotland**; **Environmental NGO** (Scottish Environment LINK - Marine Conservation Society); **finfish buyer** (Aquascot – agenda item 1 only); **finfish producers** (British Trout Association, MOWI, Scottish Salmon Company, Scottish Salmon Producers Organisation); **Marine Scotland**; **Scottish Natural Heritage**; **Scottish Environment Protection Agency (SEPA)**; **Wild fisheries** (Fisheries Management Scotland)

Apologies:

Friends of the Sound of Jura
Inshore fisheries

1. Welcome and introductions	The Chair welcomed attendees and reiterated the purpose of the Panel as agreed at the last meeting: There are a number of people with an interest in the aquaculture sector and a range of divergent views. This forum gives stakeholders an opportunity to discuss issues affecting the sector and seek to reach a common understanding or approach.
2. Actions from previous meeting	<p>i. <u>Invite a second representative of a buyer to join the Advisory Panel:</u> On-going: SEPA is in discussion with another buyer about joining the Panel.</p> <p>ii. <u>Invite representatives of the Scottish Creel Fishermen’s Federation and a relevant Regional Inshore Fisheries Group (RIFG) to join the Advisory Panel:</u> Closed: Invites extended and accepted.</p> <p>iii. <u>SEPA to seek advice on whether the plan to double the sector by 2030 is a Government or industry target:</u> Closed: SEPA reported that the ownership of the Aquaculture Strategy is set out in the “Aquaculture Growth to 2030” document available online at https://aquaculture.scot/. Its sustainable delivery is being led by the Aquaculture Industry Leadership Group, which comprises industry representatives, supported by observers from the public sector.</p> <p>Representatives of coastal communities said that it was less important if the growth target came from the Scottish Government or the sector than whether it was sustainable. They suggested that SEPA should request that the target be subject to a strategic environmental assessment.</p> <p><i>Note: The Environmental Assessment (Scotland) Act requires public bodies and organisations preparing plans and programmes of a public character (eg utility companies) to undertake strategic environmental assessments to enable them to consider and address any likely significant environmental effects.</i></p>

	<p>ACTION: SEPA to check with Scottish Government regarding policies relating to the growth of the sector and any associated strategic environmental assessments.</p>
<p>3.</p>	<p>Biomass or feed consultation</p> <p>SEPA reported that its consultation on the use of feed or biomass to control releases of organic solids from marine finfish farms closed on 17 January 2020, having been extended to provide additional time for consultees to respond.</p> <p>The option of using feed rather than biomass to control organic solid releases was suggested in SEPA's consultation on its sector plan for finfish aquaculture in November 2018. Responses to that consultation and feedback at subsequent workshops with the sector indicated that further analysis of options was needed. The recent consultation was to inform this analysis.</p> <p>During the consultation period, SEPA met with finfish producers; feed suppliers; coastal community groups; and environmental NGOs to discuss the consultation and answer questions. SEPA received 29 responses (12 from the sector and 17 from others, including individual members of the public, coastal community groups; and environmental NGOs). SEPA is in the process of analysing the responses and hopes to reach a conclusion in the next 2 to 3 months.</p> <p>Representatives of finfish producers expressed strong views to the Panel against the use of feed to control organic solid releases. They told the Panel that switching from biomass to feed would result in the use of less sustainable ingredients in feed production; and have adverse impacts on fish welfare. They asked for assurances that SEPA would assess the wider effects on the environment, business and fish welfare that a switch to feed would have before making a decision. They also asked SEPA to clarify what assessments of the impacts of a switch to feed it is required by law to undertake before making its decision.</p> <p>SEPA told the Panel that:</p> <ul style="list-style-type: none"> • its executive team will not make a decision on whether to use feed or biomass without understanding the full range of impacts on environment and business; • it will engage again with consultees where it requires clarifications or additional information to properly assess impacts: and • it will specifically engage with experts in fish health <p>ACTION: SEPA to advise the Panel on what assessments it is obliged to undertake before making a decision on the use of biomass or feed to control discharges of organic solids.</p>
<p>4.</p>	<p>Changes from January for marine fish farm applications</p> <p>SEPA outlined changes to its new regulatory framework that came into effect on 1st January. Between 1st June 2019 and 31st December 2019, transitional arrangements were in place with respect to elements of the pre-application process and the information requirements of the new framework. The transitional arrangements were put in place because pre-application discussions; modelling work and baseline surveys to support applications received in, or prior to, the transitional period had mostly been completed before the new framework was launched at the start of June. For example, during the transition period, SEPA accepted applications prepared by fish producers using the old deposition model and then re-modelled the proposals itself as part of the determination process using the latest deposition model.</p> <p>Full details of the pre-application process and information requirements applying from 1st January are available on SEPA's website. https://www.sepa.org.uk/regulations/water/aquaculture/pre-application/</p>

Representatives of finfish producers asked SEPA whether the new, pre-application process was mandatory; and whether SEPA would commit to responding to pre-application requests within clear timeframes.

SEPA confirmed that the pre-application process is not mandatory. Its purposes are to help operators (a) get an early understanding of what they are likely to need to do to tailor their proposals to match environmental capacity; and (b) prepare applications that include all the information SEPA needs to determine them. Lack of the correct information is the principal cause of delays in determining applications and of applications being returned. Delays can be long where applicants have to re-do modelling or baseline surveys.

SEPA confirmed that it would be developing and setting out indicative levels of service for applicants in terms of times for it to provide pre-application advice.

5. Transfer of existing sites into new framework

SEPA is planning to transfer existing marine finfish farms onto the new regulatory framework's simplified permit template during 2020, with a significant proportion of sites being transferred by July. The transfer arrangements will provide time for operators to develop new site monitoring plans and then commission the necessary surveys. SEPA is also proposing that, if environmental monitoring results from a site's first production cycle under the new framework show environmental standards are not met, the operator will be given notice to reduce biomass for the 3rd production cycle unless monitoring results from the 2nd demonstrate environmental standards are being met.

Representatives of finfish producers advised that they did not believe there would be sufficient availability of scientists able to analyse the 4-fold increase in samples per site in time to meet SEPA's timeframes for reporting monitoring results. They told the Panel that it would take years for the necessary scientists to come through the academic system. They proposed that operators should not be marked down as non-compliant where capacity constraints prevented compliance with the new regulatory framework's monitoring requirements.

SEPA told the Panel that:

- for the first production cycle under the new regulatory framework, the majority of existing sites (excepting high risk sites) will be given an extended period to report monitoring results.
- it has held discussions with the SSPO about how it can help the sector support the development of a trainee programme to increase capacity to undertake sample analysis. Trainees did not have to be graduates or go through an academic system for training. SEPA had shared information with the SSPO on how it develops staff to be competent in sample analysis. It will continue to offer advice and support to initiatives by SSPO and finfish producers to promote the development of capacity in Scotland.
- It has advised operators to speak to their providers about the increased analytical work that they will be asking for in order to enable the providers to plan and invest in additional capacity.

Representatives of the sector asked SEPA to provide information on the phasing of existing sites onto the new monitoring framework to help with analytical capacity planning.

ACTION: SEPA to provide advice to finfish producing companies on the phasing of existing sites onto the new monitoring requirements.

Representatives from finfish producers asked about timescales for SEPA evaluating monitoring results submitted by operators under the previous regulatory framework.

SEPA told the Panel that:

- it has evaluated all the monitoring results submitted in 2018; and

	<ul style="list-style-type: none"> • it is currently behind on its evaluation of monitoring results submitted in 2019. <p>ACTION: SEPA to check and ensure that all 2018 evaluations have been uploaded onto Scotland's Aquaculture Website.</p>
<p>6. Charging Scheme and improved regulatory service</p>	<p>SEPA advised the Panel that it is in the process of reviewing its charging scheme for marine finfish farms. The purpose of the charging scheme is to recover the costs of carrying out its regulatory functions. Any change made to the charging scheme will be subject to public consultation.</p> <p>SEPA is focusing increased effort on improving its regulatory services relating to the finfish aquaculture sector. The purpose of reviewing the charging scheme is to ensure SEPA has the resources it needs to deliver its regulatory services for marine finfish farms as efficiently and effectively as possible, including its determinations of permit applications.</p> <p>SEPA intends to issue a public consultation on a new charging scheme later this year (likely to be during the summer).</p> <p>The Panel supported the review of charges in principle. Representatives of finfish producers indicated that they:</p> <ul style="list-style-type: none"> • would be willing to accept increased charges to enable SEPA to deliver a better and quicker service and provide overall better value; • will want the ability to scrutinise SEPA's charging proposals. <p>ACTION: SEPA will discuss its review of the charging scheme with the Panel at the Panel's next meeting.</p> <p>Representatives of finfish producers asked how SEPA decided which sectors to focus on; and whether a focus meant heavier regulation and dialling-up the degree of precaution in regulation.</p> <p>SEPA told the Panel that it may focus increased efforts on sectors for a range of reasons, including when:</p> <ul style="list-style-type: none"> • major changes are being introduced to a regulatory framework for a sector; • there are significant opportunities to work with a sector on beyond compliance initiatives; or • there is a pattern of poor environmental performance across a sector. <p>The aim of introducing the new regulatory framework is to help SEPA deliver more effective, streamlined and risk-proportionate regulation. For example, the introduction of much simpler and shorter permits is intended to make it easier for operators to understand what is required of them and, hence, to comply.</p> <p>Representatives of finfish producers suggested that SEPA should balance its focus to include the big environmental challenges, such as climate change, rather than focus on local water quality protection.</p> <p>SEPA told the Panel that it has a responsibility and duty to implement the laws and policies on environmental protection, including those for the protection of the marine environment. However, working to help address the major challenges caused by overuse of the earth's resources, including climate change, feature heavily in SEPA's strategy, including in its sector plans.</p>
<p>7. Salmon farming Blueprint – Update from Scottish Salmon Producers Organisation (SSPO)</p>	<p>SSPO advised the Panel that it developed a new organisational strategy last year. This structures SSPO's work around sustainability and engagement, with the aims of helping the sector unlock growth and enabling effective and efficient working.</p>

The sector is now developing its salmon farming blueprint or vision for the sector. This will set out what the industry wants to look like in the future in respect to the environment; fish health and welfare; and the type of employers fish farm businesses aspire to be. The blueprint work is also considering how the industry is regulated now and what sort of regulation would incentivise good and best farming practices and make it easier for companies to do the right thing. Workshops have been held with a variety of stakeholders, including employees, regulators, suppliers, wild fisheries interests and environmental NGOs. The SSPO will continue to engage with stakeholders as the blueprint is finalised. SSPO told the panel it would welcome feedback from Panel members, noting some have already attended stakeholder events.

The Chair invited SSPO to present the outcomes of its blueprint work at a future panel meeting.

8. Spatial Planning

The Panel discussed the potential to develop spatial planning guidance for marine finfish farms.

The overall conclusions of the discussion were that:

- There is wide support for the development of spatial planning guidance for marine finfish farms
- Such guidance should provide spatially-based information on the key environmental considerations for developments in different locations. It should not define “go” or “no-go” areas but should help inform decisions on the types of development (scale; management; innovation, etc) likely to be suitable in different locations.
- It is essential for it to be of real value that spatial planning guidance integrates the key environmental considerations, including those not regulated by SEPA.
- There was consensus that a key environmental consideration is interactions with wild salmonid fish, in particular, via sea lice.
- Fish health and welfare considerations should be taken into account.
- To ensure an integrated approach, the regulators should work together to prepare the guidance
- Mapping should have the appropriate granularity. Overly-broad brush approaches to differentiating areas should be avoided
- There should be clarity on how any spatial guidance developed for marine finfish farms would relate to national and regional marine plans.

Key considerations for spatial planning

Representatives of coastal communities told the Panel that a strategic assessment of environmental risks associated with marine finfish farming had been undertaken in Norway. This had concluded that interactions with wild salmon as a result of (1) escapes; and (2) sea lice releases had been identified as the 2 most significant environmental concerns. A representative of finfish producers also told the Panel that there is a recognition among producers that the release of sea lice from farms could pose a hazard to wild fish. Representatives of coastal communities told the Panel that they believed a similar assessment to that undertaken in Norway should be undertaken for Scotland.

Escapes

Pointing to 2 recently reported incidents of escapes, one representative of coastal communities questioned whether, by enabling development in more dynamic locations, SEPA’s new regulatory framework was already resulting in an increase in infrastructure failures and consequent escapes of fish from farms. A representative of finfish producers told the Panel that the recent escapes were regrettable and the result of design/construction issues and not related to the farms’ locations.

Farm consolidation

A representative of finfish producers told the Panel that some finfish producers would be open to moving, or reducing biomass at, “poorly” located farms if the regulatory process would facilitate consolidation of production elsewhere. They also told the Panel that farms performing well in difficult areas to farm should not be penalised for being in such an area.

ACTION: SEPA to advise on regulatory options available to it that could facilitate proposals from finfish producers to re-locate some or part of their production and consolidate production elsewhere.

Supporting initiatives to deliver environmental improvements

Representatives of fish producers told the Panel that they would like to engage in strategic discussions with regulators about where to put sites; possible new technologies; and the potential to fast-track issuing of permits for innovative developments. The example of Norway's green licences was discussed. A representative of finfish producers told the Panel that getting the right regulatory system was a priority for the sustainable development of the sector. The Panel agreed to explore options for enabling and supporting action by producers using real or hypothetical examples at its next meeting.

ACTION: Representatives of finfish producers to identify real or hypothetical examples of innovative approaches they would like to explore.

ACTION: SEPA to prepare a draft scope for strategic discussion session at the Panel and circulate for agreement (by correspondence)

Innovation – regulatory clarity on treatment of medicine residues

A representative of finfish producers asked if SEPA would set out in writing its regulatory position with respect to authorising increased usage of medicines if operators were to invest in effluent treatment systems for medicine residues. SEPA told the Panel that it would be happy to work with any operator wanting to develop and implement systems to capture and treat medicine residues. It also agreed to set out its position on increased medicine usage where effluent treatment systems are installed.

ACTION: SEPA to provide written advice on its position with respect to increased medicine usage where effluent treatment systems have been installed.

9 Next meeting

Invites for the next meeting of the Panel have been issued. Panel members asked if the date proposed could be reviewed to avoid school holidays.

ACTION: Next meeting is planned for 7th April