

# **Aquaculture Code of Practice**

**Consultation on an Aquaculture Code of Practice: Containment of and Prevention of Escape of Fish on Fish Farms in relation to Marine Mammal Interactions**

**June 2021**



**Scottish Government**  
Riaghaltas na h-Alba  
gov.scot

# **Consultation on an Aquaculture Code of Practice: Containment of and Prevention of Escape of Fish on Fish Farms in relation to Marine Mammal Interactions**

## Executive Summary

This consultation seeks views on an Aquaculture Code of Practice: Containment of and Prevention of Escape of Fish on Fish Farms in relation to Marine Mammal Interactions.

We are seeking views on the following questions:

1. Do you support the introduction of the Code?
2. Do you have any comments on the content of the Code including the enforceable measures?
3. Do you have any comments on the associated forms for reporting mitigation measures, including acoustic deterrent devices, and reporting of any incidental bycatch of marine mammals?
4. Do you have any information in relation to the questions contained in the partial BRIA on the potential socio-economic and environmental impacts that may be incurred from implementing the Code?

## How to respond

We are inviting responses to this supplementary consultation by 03 August 2021, please ensure you submit your response by then. Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/marine-scotland/fish-farm-containment-code-of-practice>. You can save and return to your responses while the consultation is still open.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form (as shown in Appendix B) to:

Marine Conservation  
Scottish Government  
Area 1A South  
Victoria Quay  
Edinburgh  
EH6 6QQ

## Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

### Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email. Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

### Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at [marine\\_conservation@gov.scot](mailto:marine_conservation@gov.scot)

### Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work. You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

## Introduction to the Code of Practice

Section 7 of the Aquaculture and Fisheries (Scotland) Act 2007 empowers the Scottish Ministers to approve a code of practice, in whole or in part, in order to give practical guidance to fish farmers, promoting desirable practices with respect to the containment of fish on fish farms and the prevention of escapes by farmed fish. Once approved, such a code of practice is subject to the monitoring and enforcement powers as provided in the 2007 Act.

The aim of this Aquaculture Code of Practice is to address the impact of marine mammal interactions upon containment and escape of fish at fish farms. The practical measures identified within this Code are focussed upon addressing the risks concerning containment and escape of farmed fish arising from marine mammal interactions, particularly those involving seals. The potential impact of marine mammals upon fish farms should be mitigated through the adoption of appropriate containment measures, while ensuring that these measures are not harmful to marine mammals (i.e., appropriate non-lethal measures).

## Background to the Code of Practice

The aquaculture sector is an essential component of the Scottish economy, contributing to sustainable economic growth in rural and coastal communities. In 2018, Scottish aquaculture and its wider supply chain contributed £880 million GVA to the Scottish economy and supported over 11,700 jobs.<sup>1</sup>

In addition, the seas around Scotland are internationally important as a source of marine biodiversity, supporting a wealth of wildlife including twenty-two species of marine mammals, comprising cetaceans (whales, dolphins and porpoises) and two species of pinnipeds (grey seals and harbour seals).

Due to the prevalence of marine mammals within Scottish waters, a certain degree of interaction between marine mammals and aquaculture equipment is inevitable. Both grey seals and harbour seals are commonly found in Scottish waters. Grey seals and harbour seals, in particular, may be attracted to fish farms, especially in circumstances where they learn to associate the farmed fish as a potential source of food. This can result in damage to nets and other aquaculture equipment which can in turn jeopardise the containment of farmed fish and risk their escape. Seals may also cause stress and welfare issues to farmed fish.

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<sup>1</sup> Estimation of the Wider Economic Impacts of the Aquaculture Sector in Scotland – A report to Marine Scotland prepared by Biggar Economics (June 2020) available at <https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2020/09/estimation-wider-economic-impacts-aquaculture-sector-scotland/documents/estimation-wider-economic-impacts-aquaculture-sector-scotland/estimation-wider-economic-impacts-aquaculture-sector-scotland/govscot%3Adocument/estimation-wider-economic-impacts-aquaculture-sector-scotland.pdf>

## Why do we need this Code of Practice?

Marine mammals in the Scottish marine area are provided with protection through measures specific to the species, site-based measures and wider seas measures under a series of regulatory and legislative provisions including the Habitats Regulations and the Marine (Scotland) Act 2010. The Code is necessary to meet international standards, and will enable continued trade and access to international markets. For example following the Code will help ensure Scotland's standards are comparable with the United States Marine Mammal Protection Act (1972).

## The consultation questions

This consultation seeks views on the draft Code of Practice through the following questions:

1. Do you support the introduction of the Code?
2. Do you have any comments on the content of the Code including the enforceable measures?
3. Do you have any comments on the associated forms for reporting mitigation measures, including acoustic deterrent devices, and reporting of any incidental bycatch of marine mammals?
4. Do you have any information in relation to the questions contained in the partial BRIA on the potential socio-economic and environmental impacts that may be incurred from implementing the Code?



**SEA of proposed special protection areas for Scottish marine birds:  
supplementary consultation**

**RESPONDENT INFORMATION FORM**

**Please Note** this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- Individual
- Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
- Publish response only (without name)
- Do not publish response

**Information for organisations:**

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No



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