

From: [REDACTED]).
Sent: 07 January 2019 14:55:39
To: Public Engagement Unit
Cc: Cabinet Secretary for the Environment, Climate Change and Land Reform
Subject: FW: Letter from SSPO Chief Executive

Attachments: cab sec ecclr 7-1-19.pdf

AO - [REDACTED]

Hi,

One for MACCS please.

Kind Regards,

[REDACTED]

From: [REDACTED]
[REDACTED]@scottishsalmon.co.uk<mailto:[REDACTED]@scottishsalmon.co.uk>>
Sent: 07 January 2019 13:05
To: Cabinet Secretary for the Environment, Climate Change and Land Reform
<CabSecECCLR@gov.scot<mailto:CabSecECCLR@gov.scot>>
Cc: Cabinet Secretary for the Rural Economy
<CabSecRE@gov.scot<mailto:CabSecRE@gov.scot>>; [REDACTED]
<[REDACTED]@gov.scot<mailto:[REDACTED]@gov.scot>>; Terry A'Hearn
(terry.ahearn@sepa.org.uk<mailto:terry.ahearn@sepa.org.uk>)
<terry.ahearn@sepa.org.uk<mailto:terry.ahearn@sepa.org.uk>>;
ceo@nature.scot<mailto:ceo@nature.scot>; Director of Marine Scotland Mailbox
<Directormarinescotland@gov.scot<mailto:Directormarinescotland@gov.scot>>;
Julie Hesketh-Laird <jhesketh-laird@scottishsalmon.co.uk<mailto:jhesketh-
laird@scottishsalmon.co.uk>>
Subject: Letter from SSPO Chief Executive

Please find attached a letter from Julie Hesketh-Laird.

Kind regards.

[REDACTED]
Scottish Salmon Producers' Organisation
Durn - Isla Road - Perth PH2 7HG

[REDACTED]@scottishsalmon.co.uk<mailto:[REDACTED]s@scottishsalmon.co.uk>
www.scottishsalmon.co.uk<http://www.scottishsalmon.co.uk/>

[cid:image001.png@01D4A681.1D7E1060]

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Roseanna Cunningham MSP
Cabinet Secretary for Environment, Climate Change and Land Reform

By email to cabsecECCLR@gov.scot

7 January 2019

Dear Roseanna,

It was good to meet you last month and thank you for taking time in the busy run up to Christmas to meet me. We covered a lot of ground and I want to confirm our agreed areas for action.

[redacted - out of scope]

[redacted - out of scope]

[redacted - out of scope]

[redacted - out of scope]

[redacted - out of scope]

[redacted - out of scope]

[redacted - out of scope]

[redacted - out of scope]

[redacted - out of scope]

[redacted - out of scope]

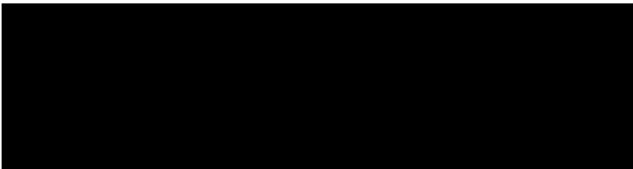
[redacted - out of scope]

US Marine Mammal Protection Act

Since 2009, the USA has been the top individual market for salmon exported from the UK, worth £193m in 2017 and so it is important to us that Scotland and the UK can meet the requirements of the US rules. Salmon farmers deploy a range of non-lethal measures to ensure that shooting is a last resort and are continuing to invest further in this area to reduce the number of seals shot to zero. Deployment of new innovative solutions for predator management will require close working with Marine Scotland, SNH and other stakeholders and we seek understanding and support from Scottish Government to enable the full use of non-lethal measures within Scottish coastal waters.

We will continue to work with Marine Scotland officials to support them on the required actions to demonstrate by 2021 that Scottish legislation and regulation of predator control around salmon farms meets the US rules now being enacted. Finally, we wish to better understand from your officials the Government's views and plans to monitor and manage seal populations around the coast of Scotland.

Yours sincerely,



Julie Hesketh-Laird
Chief Executive

Copy to:
Fergus Ewing, Cabinet Secretary for the Rural Economy
Graham Black, Marine Scotland
[redacted] Marine Scotland
Terry A'Hearn, SEPA
Francesca Osowska, SNH



T: 0300 244 4000

E: scottish.ministers@gov.scot

Ms Julie Hesketh-Laird
Scottish Salmon Producers Organisation
Durn
Isla Road
Perth
PH2 7HG

Our ref: 2019/0000541
30 January 2019

Dear Julie,

Thank you for your letter of 7 January 2019. Like you I found our meeting prior to the festive break extremely informative and positive, and it was helpful to walk through some of the key areas of current focus.

[redacted - out of scope]

[redacted - out of scope]

On the United States Marine Mammal Protection Act the planned discussion by Marine Scotland and the Scottish Salmon Producers Association with representatives of the US Administration should finally iron out any misconceptions and misunderstandings around the challenges that the Regulations present to the sector. My officials will continue to work with you to ensure that we will continue to trade with the United States once the Regulations come into force.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot



I would welcome an opportunity to meet again once the Parliamentary debate has taken place and there has been tangible progress of the areas you have identified. My Private Office will get in touch to identify an opportunity.

Yours



Roseanna Cunningham

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



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From: [REDACTED]
Sent: 20 May 2020 17:43
To: jhesketh-laird@scottishsalmon.co.uk
Subject: Marine Scotland letter

Dear Julie,

Please find attached a letter from Mike Palmer, Deputy Director for Marine Planning and Policy regarding amendments to seal licensing.

Kind regards,

[REDACTED]

[REDACTED] | Marine Planning and Policy | Marine Scotland
Scottish Government | Area 1B North | Victoria Quay | Edinburgh | EH6 6QQ

Julie Hesketh-Laird
Chief Executive
Scottish Salmon Producers Organisation
83 Princes Street
Edinburgh EH2 2ER

E: jhesketh-laird@scottishsalmon.co.uk

20.5.2020

Dear Julie,

**ANIMALS AND WILDLIFE BILL:
INCLUSION OF NEW AMENDMENTS IN RELATION TO SEAL LICENSING**

I am writing to inform you of the intention of the Scottish Government to lay amendments in relation to seal licensing at Stage 3 of the Animals and Wildlife Bill.

The proposed amendments are to:

- Amend the Marine (Scotland) Act 2010 to remove specific grounds for which Scottish Ministers are able to grant licences to kill, injure or take seals.
- Increase the penalties associated with the offence of killing, injuring or taking a live seal (intentionally or recklessly) in line with the most serious wildlife offences as laid out in the Animals and Wildlife Bill.

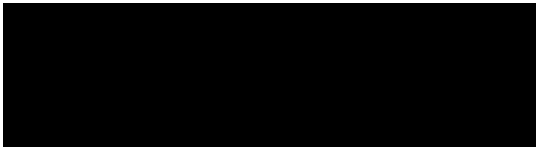
The amendments aim to improve the conservation prospects of seals in Scotland by prohibiting their intentional mortality in specific circumstances and increasing the penalties associated with such offences. The amendments are consistent with Scotland's high environmental and welfare standards and contribute to a globally competitive and sustainable economy, thereby ensuring continued access to the international food and drink market where such standards are expected.

These amendments will align with conservation measures taken by other countries, such as the USA, and will ensure compliance with new provisions in the US Marine Mammal Protection Act (MMPA). This requires that nations exporting commercial fish and fish products to the USA are held to the same standards as USA commercial fisheries, where the taking of marine mammals is prohibited. On that basis, it is our understanding that if we do

not implement the proposed amendments to the seal licensing system by 1 March 2021, when nations have to demonstrate equivalency with the MMPA, Scotland will not be able to export farmed Atlantic salmon to the US from 1 January 2022, a market which as you know is vital to the Scottish economy. It is therefore likely that seal licensing will cease at the end of the current round at the end of January 2021. We continue to engage with the USA to determine if there can be flexibility regarding the 1 March date.

I will continue to keep you informed of progress on this important matter.

Yours sincerely,



Mike Palmer



From: MS Marine Licensing
Sent: 21 May 2020 17:40
Subject: Seal Licensing Amendments - 21 May 2020

Recipient organisations:

Bell Ingram
Cooke Aquaculture
Dawnfresh
Grieg Seafood
Kames
Loch Duart
Mowi
Scottish Sea Farms
The Scottish Salmon Company

Please find attached a letter from Mike Palmer, Deputy Director for Marine Planning and Policy regarding amendments to seal licensing.

Kind regards
Marine Scotland Seal Licensing Team

Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

COVID-19: Marine Scotland - Licensing Operations Team (LOT) is working from home and unable to respond to phone enquiries. Please communicate with LOT via email at seal.licensing@gov.scot

General Email: seal.licensing@gov.scot
Website: <http://www.gov.scot/Topics/marine/Licensing/marine>



Mike Palmer
Deputy Director for Marine Planning and Policy
E: mike.palmer@gov.scot

20.5.2020

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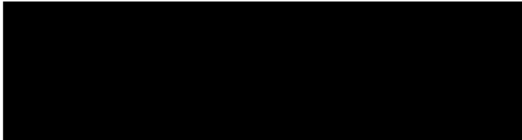
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I will continue to keep you informed of progress on this important matter.

Yours sincerely,



Mike Palmer



From: MS Marine Licensing
Sent: 22 May 2020 09:22
Subject: Seal Licensing Amendments - 21 May 2020

Recipient organisations:

Mowi
Scottish Sea Farms

Please find attached a letter from Mike Palmer, Deputy Director for Marine Planning and Policy regarding amendments to seal licensing.

Kind regards
Marine Scotland Seal Licensing Team

Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

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General Email: seal.licensing@gov.scot
Website: <http://www.gov.scot/Topics/marine/Licensing/marine>



Mike Palmer
Deputy Director for Marine Planning and Policy
E: mike.palmer@gov.scot

20.5.2020

ANIMALS AND WILDLIFE BILL: INCLUSION OF NEW AMENDMENTS IN RELATION TO SEAL LICENSING

I am writing to inform you of the intention of the Scottish Government to lay amendments in relation to seal licensing at Stage 3 of the Animals and Wildlife Bill.

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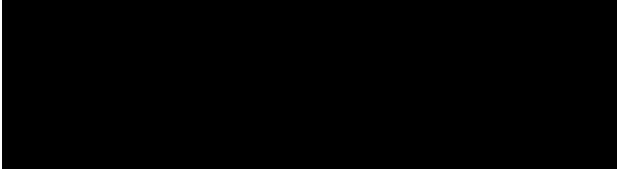
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I will continue to keep you informed of progress on this important matter.

Yours sincerely,



Mike Palmer



From: [redacted]
Sent: 28 May 2020 11:40
To: Julie Hesketh- Laird (jhesketh-laird@scottishsalmon.co.uk) <jhesketh-laird@scottishsalmon.co.uk>; Director of Marine Scotland Mailbox <Directormarinescotland@gov.scot>; [redacted]@scottishsalmon.co.uk; [redacted]@scottishsalmon.co.uk; [redacted]@scottishsalmon.co.uk; [redacted]@scottishsalmon.co.uk; [redacted]@scottishsalmon.co.uk; [redacted]@gov.scot>
Cc: [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>; [redacted]@gov.scot>
Subject: SSPO MEETING WITH DIRECTOR OF MARINE SCOTLAND- 27 May 2020

Please find attached a note of yesterday's meeting.

Thanks

[redacted]

[redacted] | Marine Scotland | Scottish Government | 1B North |
Victoria Quay | Edinburgh | EH6 6QQ
Tel: [redacted] | Mobile [redacted] | email:
[redacted]@gov.scot [redacted]@scotland.gsi.gov.uk [redacted]@scot.cg.gov.uk



SSPO MEETING WITH DIRECTOR OF MARINE SCOTLAND – 27 MAY 2020
Note of key discussion points

Graham Black, Director Marine Scotland and Scottish Government (SG) officials met SSPO by tele-conference to discuss a number of key issues. Main discussion and actions points are noted below.

[redacted - out of scope]

[redacted - out of scope]

[redacted - out of scope]

[redacted - out of scope]

[redacted - out of scope]

[redacted - out of scope]

Seals

- MS provided an update on the progress of the Animal and Wildlife Bill noting that it had now progressed through stage 2 and that the amendment to ban seal shooting would be made at Stage 3, which will be tabled on 9 June.
- SSPO noted this was a significant issue for the industry and were keen to have as much clarity on this as possible going forward.

[redacted - out of scope]

From: MS Marine Licensing
Sent: 08 October 2020 15:13
Subject: Seal Licensing Amendments - 08 October 2020

Recipient Organisations:

Bell Ingram
Cooke Aquaculture
Dawnfresh
Grieg Seafood
Kames
Loch Duart
Mowi
Scottish Sea Farms
The Scottish Salmon Company

Please find attached a letter from Mike Palmer, Deputy Director for Marine Planning and Policy regarding amendments to seal licensing.

Kind regards
Marine Scotland Seal Licensing Team

Marine Scotland - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

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General Email: MS.marinelicensing@gov.scot
Website: <http://www.gov.scot/Topics/marine/Licensing/marine>



Mike Palmer
Deputy Director for Marine Planning and Policy
E: mike.palmer@gov.scot

07.10.2020

SEAL LICENSING UPDATE

I wrote to you in May 2020 regarding the intention of the Scottish Government to lay amendments in relation to seal licensing in the Animals and Wildlife Bill. The Bill was passed by Parliament and became an Act on 21 July 2020.

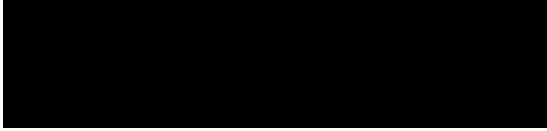
The Animals and Wildlife (Penalties, Protections and Powers)(Scotland) Act 2020 contains new provisions to amend the Marine (Scotland) Act 2010 to remove two grounds for which Scottish Ministers can grant licenses authorising the taking or killing of seals. The grounds which have been removed are for (1) the purpose of preventing serious damage to fisheries or fish farms, and (2) to protect the health and welfare of farmed fish.

Scottish Ministers have now confirmed that the commencement date for the introduction of these amendments will be 1 February 2021. As a result, Scottish Ministers will no longer be able to issue licences for these purposes once the current licensing round ends on 31 January 2021.

These changes will ensure continued access to the international food and drink market where such standards are expected and ensure compliance with new provisions in the US Marine Mammal Protection Act (MMPA). They are also consistent with Scotland's high environmental and welfare standards which contribute to the maintenance of a globally competitive and sustainable economy.

In the meantime, the Scottish Government recognises the need for practical and effective non-lethal solutions to address the risk of damage to farmed fish by seals and continues to support research aimed at investigating the problem and working with the sector to identify and apply mitigation measures. We welcome the ongoing engagement of the sector in this work.

Yours sincerely,



Mike Palmer



From: [REDACTED]@scottishsalmon.co.uk>

Sent: 19 October 2020 08:33

To: Director of Marine Scotland Mailbox <Directormarinescotland@gov.scot>; [REDACTED]

[REDACTED]@gov.scot>

Subject: Letter from SSPO CEO to Ms A Turpie

Attached letter from Tavish Scott

[REDACTED]
Executive Assistant

Scottish Salmon Producers' Organisation

Mobile : [REDACTED]

Upcoming planned leave: Mon 12th – Thur 15th Oct (incl)

ssmith@scottishsalmon.co.uk

www.scottishsalmon.co.uk

19 October 2020

Annabel Turpie
Director
Marine Scotland

Dear Ms Turpie,

Seal management – Scottish Salmon

As you are aware, Scottish Salmon's members have a legal duty to protect the welfare of their fish. However, because of a series of measures introduced by the Scottish Government, Scottish fish farms face a potential crisis which may make it impossible for them to fulfil this statutory duty.

Government measures on seal predation would appear to have not considered the implications of the Animal Welfare Act and the responsibilities which farmers have to protect livestock from both a moral and legal standpoint.

As things stand, the farmers' ability to dispatch rogue seals endangering livestock will come to an end in early 2021 and, soon after that, it is likely that many of the acoustic deterrent devices used to keep seals away from their farms will also be prohibited by the Scottish Government.

Scottish salmon farmers already lose more than 500,000 fish every year to seal attacks – despite spending millions of pounds each year on new generation, anti-predator nets, advanced tension systems and other measures. Not only will the direct mortality numbers climb alarmingly when these new restrictions come into place, but there is a real danger that the welfare of hundreds of thousands of other fish will also be compromised, leading to indirect mortality events from the root cause of stressed and weakened fish from predator presence.

Put simply: we have a legal duty to protect our fish but two of the key mechanisms we use to do that are being removed.

There is now a clear body of evidence that rogue seals in Scottish coastal waters are becoming increasingly aggressive, not just in the way they attack our farms but in the way they respond to humans. They carry a clear injury threat to our staff, there is the obvious danger they pose to our fish but they also put themselves in danger too, particularly if they become entangled in nets.

The fish farm sector is particularly concerned that the increased aggression observed from rogue seals will continue to build with the fear that this learned behaviour becomes wider spread within the seal population.

We note that our sector is not alone in the concerns associated with predation species within the marine environment. Fisheries which are recognised as under threat, and which operate under protection measures put in place to support recovery of inshore fisheries are also being adversely impacted by the prevalence of certain seal populations.

Additionally, whilst the salmon sector invests substantially in managing sea lice to minimise harm to wild salmonids, the pressures posed by seal colonies at mouths of iconic wild salmon rivers is well known, documented and uncontrolled. Solutions seem to have been found for others, notably the angling sector. What we are seeking is a holistic solution to this issue for all.

We need to know what we can do – and what we cannot do – to manage seal predation and protect our livestock and people after the new restrictions come into force. This is particularly pressing because the ban on seal shooting was introduced without any Government guidance being issued as to what should replace it.

We therefore ask Marine Scotland to review the timetable for the ban on shooting. Fish farms need to have the ability to adjust and modify the farm infrastructure quickly and flexibly, adapting to the threat of attack and protecting our fish. But we cannot do that under the current, slow and cumbersome regulatory framework. We would ask that Marine Scotland extend the existing licences (which are due to run out at the end of January 2021) for as long as necessary, until the regulatory system is given the flexibility to allow us to change our farm infrastructure to mitigate the worst effects of predator attacks.

Our members understand the need to conform with the strictures of the US Marine Mammals Protection Act but we believe the legal advice which the Scottish Government has relied on to inform its decision to end all licences in January 2021, has been based on too precautionary an approach.

Throughout the whole of 2019 and through the first part of this year, all discussions between the salmon sector and the Scottish Government over the ending of seal-shooting licences started from the premise that licences would be in place until the end of 2021 and would cease in time for the implementation of the terms of MMPA, at the start of 2022.

In May this year, we were informed for the first time that the Scottish Government was considering bringing forward the end of the licence arrangements to the beginning of March 2021. At that time, the SSPO asked the Scottish Government to revert to the National Oceanic and Atmospheric Administration (NOAA) and clarify whether it was necessary to bring forward the end of licence system from the end of the year.

We have had no Scottish Government response to this request and as we cannot communicate with NOAA as they only deal with governments. Scottish Salmon needs to know what answer the American authorities gave to this crucial question.

This is critical to this issue. If the US authorities are relaxed about allowing seal-shooting licences to continue until the end of 2021 and will allow Scotland to continue to export salmon to the US as long as those licences come to an end before the MMPA comes into force, then why is the Scottish Government rushing through change to the licensing regime?

Then, only this week, we were told the timetable would be changed yet again and the end of all seal-shooting licences would be at the end of January 2021, a full 11 months earlier than was envisaged just a year ago.

So, in summary, we urge Marine Scotland to implement the following:

- The issuing of clear guidance for fish farmers, detailing what they can (and cannot) do to protect the welfare of their livestock from seals attacking the fish when the new restrictions come into force.
- The inclusion of an emergency provision, which will allow the responsible alleviation of suffering of a seal. This incidental exception to be adopted in situations where the principles and obligations under Animal Welfare legislation apply to the seal.
- An immediate extension to the current licences to the end of February 2021, as had been expected and discussed with Marine Scotland.
- A change to the regulatory regime to allow farm infrastructure to be adapted and changed quickly to respond to potential threats and to protect our stock.
- The creation of a cross-sector working group, bringing together representatives from all marine sectors.
- Urgent talks with NOAA to clarify the timetable and what is acceptable to the American authorities, and following those talks, an extension of the licence system to the end of 2021, as originally envisaged.

I would very much like to talk through these issues with you. [REDACTED] (copied in) looks after my diary and would be happy to find a suitable date for us both.

Yours sincerely

[REDACTED]

Tavish Scott
CEO Designate
Scottish Salmon

From: [REDACTED]@gov.scot>
Sent: 20 November 2020 17:31
To: [REDACTED]@scottishsalmon.co.uk>
Cc: Director of Marine Scotland Mailbox <Directormarinescotland@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>
Subject: RE: Letter from SSPO CEO to Ms A Turpie

Evening [REDACTED]

Further to below, please see attached response from Annabel Turpie, Director of Marine Scotland.

Annabel is due to speak with Tavish at 11.00 on Monday 23 November and grateful if this reply can be brought to his attention in advance.

Kind regards

[REDACTED]

[REDACTED]@gov.scot | Business Manager to Director Marine Scotland | [REDACTED]

From: [REDACTED]@scottishsalmon.co.uk>
Sent: 19 October 2020 08:33
To: Director of Marine Scotland Mailbox <Directormarinescotland@gov.scot>; [REDACTED]
[REDACTED]@gov.scot>
Subject: Letter from SSPO CEO to Ms A Turpie

Attached letter from Tavish Scott

[REDACTED]
Executive Assistant
Scottish Salmon Producers' Organisation
[REDACTED]

Upcoming planned leave: Mon 12th – Thur 15th Oct (incl)

ssmith@scottishsalmon.co.uk
www.scottishsalmon.co.uk



This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

██████████ F: 0131-244 7163
E: DirectorMarineScotland@gov.scot

Tavish Scott
CEO Designate
Scottish Salmon Producers Organisation

20 November 2020

Dear Tavish

Seal Management – Scottish Salmon

Thank you for your letter 19 October 2020 regarding seal management.

Marine Scotland fully appreciates the additional challenges that changes to the seal licensing regime and the current review of Acoustic Deterrent Devices (ADDs) pose to the aquaculture sector in terms of their ability to manage seal predation and to ensure the protection of the health and welfare of their fish. As a regulator we continually strive to ensure that our approach to regulation is proportionate and not unduly burdensome; we are clear that it should help create an enabling environment for the sustainable growth of marine industry sectors.

As you know, these measures have been implemented to ensure that Scotland continues to meet its domestic, European and international obligations in relation to the protection and conservation of marine mammals in Scotland, while also ensuring that the aquaculture sector can continue to export farmed fish to the United States when provisions in the US Marine Mammal Protection Act 1972 (MMPA) come into force on the recently revised date of 1 January 2023. Throughout the process, we have sought to maintain close and constructive engagement with SSPO and will continue to do so.

In terms of the specific points you refer to in your letter, we offer the following responses.

Request for an immediate extension to current seal licences to the end of February 2021 and for talks with NOAA to clarify whether the existing licence system can continue until the end of 2021

As you know, amendments to our seal licensing system were included in the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 in order to enhance the conservation and welfare of seals in Scotland, as well as to comply with our obligations under the US Marine Mammal Protection Act. Scottish Ministers subsequently committed to commencing the provisions on 1 February 2021, after the end of the current licensing year,

and ahead of exporting nations having to demonstrate compliance with the MMPA, in order to ensure optimum protection for seals. Subsequent to this, the US authorities recently announced an extension to the time allowed for reaching compliance with the MMPA to allow nations additional time to gather the required information to support their comparability finding which may have otherwise been impacted due to the COVID-19 pandemic. I fully appreciate that your members would wish to be allowed to have the option to continue to shoot seals (where required) until the new comparability deadline of 30 November 2021. However, in light of the fact that the amendments to the Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Act 2020 were agreed on the basis of enhancing seal welfare and conservation, Scottish Ministers have determined that it is reasonable to maintain 1 February 2021 as the date on which the new provisions should commence, rather than prolong the shooting of seals on these grounds beyond that date.

Request for a change to the regulatory regime to allow fish farm infrastructure to be adapted and changed quickly to respond to potential threats and to protect farmed fish stocks

Marine Scotland appreciate that having the ability to shoot seals for a longer period of time would have allowed the sector additional time to replace their existing infrastructure with larger cages (within the current planning boundary and with no change in biomass) to mitigate seal predation. However, given the compressed timescales involved, Marine Scotland has worked at pace to explore opportunities to enable the consenting of these replacement cages to be conducted quickly and effectively with the minimum regulatory burden. Marine Scotland is seeking actively to achieve this via the amendment of Permitted Development Rights legislation.

Marine Scotland, together with key stakeholders, is assessing the potential to amend this legislation to allow for a farm to replace an existing fish farm pen with an alternative pen of a greater dimension; up to a maximum circumference of up to 200m, (rather than the 100m as currently permitted), providing it is within the area of the current fish farm, and that certain restrictions and conditions are met. There is a possibility that these amendments may be able to be enacted as part of an amending order to the Town and Country (General Permitted Development Order) (Scotland) Act 1992, which incorporates a range of amendments made across various disciplines within Scottish Government. This amending order is due to be laid in the Scottish Parliament on 18 December 2020. Following recent discussions with SSPO, concerns were expressed about the current restriction which limits the increase in the surface area of the waters covered by the equipment to 1000m². We are consequently investigating, as a matter of urgency, whether any potential options may be available to increase that restriction or to find a solution which remains within the spirit of Permitted Development generally. Depending on the outcome of this work, it may be possible to include these amendments within this order, and we will keep the SSPO updated on the outcome of this process.

In addition to changes to infrastructure, Marine Scotland recognises that there is a need for practical and cost effective non-lethal measures that have minimal environmental impact. To that end, Marine Scotland has supported research projects to investigate alternative non-lethal measures to address the risk of seal predation, and to improve understanding on the use and efficacy of ADDs used at fish farms. These work streams, which will report by the end of 2020, are in addition to the significant investment that the sector itself has already made, and is continuing to make, into alternative seal deterrent systems.

Request for clear guidance for fish farmers, detailing what they can (and cannot) do to protect the welfare of their livestock from seals attacking the fish when the new restrictions come into force, and the inclusion of an emergency provision, which will allow the responsible alleviation of suffering of a seal

In the absence of any immediate solutions, we appreciate that part of the sector may face the risk of increased seal predation and welfare concerns for retained fish, and that there is a need for guidance on how these risks can be managed in the short term. Marine Scotland has therefore made a commitment to work closely with SSPO to develop guidance on seal related issues that will arise from the changes to the seal licensing system, ahead of these changes being implemented. This will be in addition to guidance that Marine Scotland is already developing concerning the seal licensing regime that will operate under the remaining seal licensing provisions within the Marine (Scotland) Act 2010.

Request for creation of a cross-sector working group, bringing together representatives from all marine sectors

Cross-sector working groups such as the Scottish Seals Forum have previously been established to bring together a wide range of stakeholders with an interest in seals to exchange information relevant to the management of seal populations. While this group was dissolved following the introduction of the Marine (Scotland) Act 2010, Marine Scotland is happy to discuss with the SSPO the potential aims of such a working group, and whether this could be considered within the remit of current sectoral working groups.

I hope that you find this information helpful and I look forward to discussing this in more detail as you wish when we next meet.

Yours sincerely



Annabel Turpie
Director of Marine Scotland