

[Redacted]

From: [Redacted]
Sent: 02 November 2016 15:50
To: [Redacted]
Cc: [Redacted]
Subject: RE: Farmed Finfish Summit 28 October 2016
Attachments: 311016 Mr Fergus Ewing MSP.pdf; 2030 Vision Strategic Plan for Aquaculture)ct 2016.pdf

Hi [Redacted]
Yes, probably best I give you an up-date by phone,
2 attachments are relevant,
Best regards,

[Redacted]

[Redacted]
SEPA Dingwall Office,
Graesser House, Fodderty Way, Dingwall, IV15 9XB

[Redacted]

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From: [Redacted]
Sent: 02 November 2016 14:53
To: [Redacted]
Subject: FW: Farmed Finfish Summit 28 October 2016

Hi gents,

I hear there were some challenges around both DZR and DEPOMOD at the recent finfish summit, and Marine Scotland has written to Ms Cunningham on these matters.

I presume you are communicating directly with [Redacted] on these matters, but I will need to be able to brief Ms Cunningham on SEPA's side of this story so it would be helpful if you could keep me in the loop.

Regards

Environmental Quality Division - Environment and Forestry Directorate - Scottish Government

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Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadaichte a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo le gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh, leig fios chun neach a sgaoil am post-d gun dàil.

Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Mr Fergus Ewing MSP
Cabinet Secretary for Rural Economy and Connectivity
The Scottish Parliament
Edinburgh
EH99 1SP

Our Ref: TA/MM
Your Ref:

By email: Fergus.Ewing.msp@parliament.scot

If telephoning ask for:
[REDACTED]

31 October 2016

Dear Mr Ewing

Farmed Fin-Fish Summit, 28th October 2016

I am sorry I was not able to attend the Fin-fish Summit in Ft William on Friday due to a previous commitment. I asked [REDACTED], [REDACTED], and [REDACTED], our [REDACTED] to attend as SEPA's representatives. Both [REDACTED] and [REDACTED] have extensive experience of the sector and will play critical roles in the ambitions I have to forge a stronger working relationship between SEPA and the sector.

[REDACTED] briefed me this morning on the proceedings, including the launch of the 2030 Vision Strategic Plan for aquaculture growth. I understand this presents an excellent opportunity to better align interested parties in promoting growth in the right areas where our marine environment has the capacity to cope. I will devote every effort in supporting that vision, doing so in a way that promotes and maintains the Scottish industry's reputation for responsible husbandry, support for remote rural local communities, and excellent environmental stewardship.

Since joining SEPA, I have spent more time meeting with chief executives in the aquaculture sector than any other sector. This is because I quickly understood the growth potential of the sector, the criticality of excellent environmental performance to the sector's commercial success and, finally, the need to strengthen the working relationship between SEPA and the sector. I know the relationship needs to be better and that this was emphasised at the summit.

I hope we are well-placed to make progress. SEPA is already well advanced in plans to refresh our regulatory approach and we are confident that the new Depositional Zone Regulation regime will address many of the anxieties expressed at the summit meeting. It will provide opportunities for companies to expand production to maximise use of the environment's capacity without causing damage, or impacting the interests of other Scottish marine-based sectors who have a common interest in maintaining a healthy and productive marine environment. A public consultation on the detail of the regime is imminent, and, given the issues raised at the summit, I will discuss industry views on the proposed approach before its launch in early 2017.

2.

There are many other aspects of the 2030 Vision Report which we have an interest in. We will assess the Report and respond to the challenges it contains.

I note that the first recommendation of the Strategic Plan is to form an Industry Leaders' Group and I look forward to playing my personal role in supporting this initiative.

Yours sincerely



Terry A'Hearn
Chief Executive Officer

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

[Redacted]

From: [Redacted]
Sent: 07 November 2016 11:19
To: [Redacted]
Subject: DZR brief
Attachments: Fishfarm DZR brief 7-11-16.docx

[Redacted]

Please let me know if you need anything more

[Redacted]

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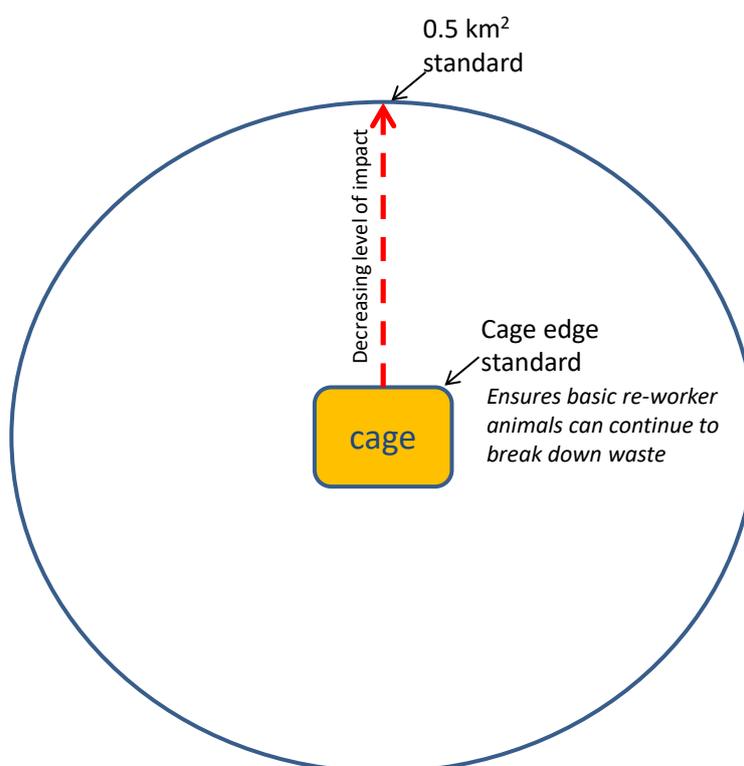
The proposed approach would apply two environmental standards to fish farms:

- (a) a cage-edge standard; and
- (b) a 0.5km² zone standard.

The cage-edge standard already applies under the current regime and is designed to ensure at least some re-worker animals are present beneath the cage to breakdown wastes.

The 0.5km² standard is new and designed to ensure that the seabed beyond 0.5km² from the cages remains healthy.

The zone of impact allowed by the 0.5km² standard is significantly larger than the equivalent zone under the current system. The latter is typically just over 0.1 km².



SEPA will monitor the environmental effects of the farms and provide early warning of developing risks to the achievement of the standards. In addition, SEPA will continue to advise farm managers to monitor their cages' impacts.

The early warnings provided by monitoring will enable farm managers to take appropriate action to avoid breaches.

Because of the warning system and the increased size of the allowed zone of impact, breaches of the 0.5km² standard are unlikely: About 70 sites (out of around 285 active sites) currently fail seabed standards. When the new system is implemented, SEPA estimates that only around 3 sites would be at risk of failing the standard.

If a breach of the 0.5km² standard does occur, SEPA would not allow re-stocking until the seabed had recovered sufficiently to be able to accommodate further waste.

The period of time for recovery of the seabed will vary, depending on a range of factors. In the extreme, for example where the breaches are very severe and the site is very sheltered, recovery might take 2 years or so. However, in most cases, SEPA expects recovery would occur within around 1 year.

SEPA VIEW ARTICLE MARCH 2017

In August last year, SEPA published our regulatory strategy: **One Planet Prosperity**. This sets out our ambitious aims to transform the way we regulate the environmental performance of Scottish businesses. It is a strategy firmly focused on the challenges and opportunities of the 21st century, and on SEPA's Statutory Purpose to protect and improve the environment; in ways which, as far as possible, also contribute to health and well-being benefits and sustainable economic growth.

Our aims are twofold. Firstly, we want to get every regulated business into compliance with Scottish environmental regulations. By global standards, we already have high rates of compliance. But high is not good enough. Compliance is non-negotiable. We have made it clear that we want and expect all businesses to comply.

But compliance is only the first step towards reaping the very real benefits of excellent environmental performance, which is the basis of our second aim. This is to help as many businesses as possible to improve their environmental performance beyond the compliance standards. This will further improve the Scottish environment. We hope it will also help create more lasting and inclusive economic and social outcomes for Scotland.

At the core of our new approach is the concept of Sector Plans. We will be developing a Sector Plan for each sector we regulate. These plans will guide our engagement with the sector, both in terms of driving compliance and going beyond compliance, making sure we use every means possible to achieve the twin aims of our strategy with each business sector.

As this is a completely new concept, in January we selected four sectors to start with: Landfills, Whisky, Fin-fish Aquaculture, and Oil and Gas Decommissioning. These sectors have different compliance records, and are different in structure and issues. This makes them an ideal mix to start with. Sector planning will drive our regulatory approach. So we want and need the widest possible range of input and review to make sure this new approach is as effective as possible. The experience from our first four Sector Plans will inform the development of plans for the remaining sectors SEPA regulates. That will take place over the next two years.

You can expect to hear a lot from us about our first Sector Plans over the coming months. To start this off, we want to talk about our initial work on the Fin-fish Aquaculture sector. Over the past five years the compliance rate in Scotland's aquaculture sector has varied between 82% and 88%. SEPA is determined to regulate this sector in a way that improves its environmental performance. We want to drive up compliance levels and help operators to go beyond compliance and ensure Scotland's world-class coastal environment is fully protected. In doing this, we will direct any industry growth to where the marine environment has the capacity to cope.

The two key environmental issues faced by fish-farms are the fish wastes that are deposited on the seabed and the control of sea lice, especially through the use of medicines.

The key to protecting the environment from fish wastes is minimising the amount of waste leaving a caged fish farm. There is currently no way to catch, and either re-use or process these wastes, so the main way of minimising their environmental impact is to limit the number of fish that can be kept in a fish farm. We currently do this through a condition in the licence issued to a site.

We will soon be consulting on proposals to change the way in which we license fish farms, particularly in relation to the zone impacted by each farm. We believe our proposal for Depositional Zone Regulation (DZR) would improve the regulatory framework for aquaculture, and ensure effective environmental protection. It will help the industry direct development of the sector towards those locations where the environment can accommodate it, while maintaining tight limits on fish numbers (biomass) to protect areas where the environment is more sensitive.

This sector has ambitious growth plans. DZR will ensure that growth only occurs where the combination of appropriate siting, and new techniques and processes, mean the environment can sustain it. It will be supported by Marine Scotland's recently-developed computer modelling software, which will provide more accurate assessment of environmental effects; and by increased environmental monitoring, carried out by SEPA, to ensure impacts remain within acceptable limits. Under these conditions, we believe some fish farms, particularly those in deeper waters where tidal flows more effectively disperse wastes, could grow incrementally, by about 10% per year, beyond the current biomass limit.

We plan to launch our consultation on the DZR approach later this month. Aquaculture is a sector which elicits a variety of strong and divergent views, and we welcome the widest and fullest possible response from all those involved in the debate. We need an informed solution which protects the environment and meets the needs of the fish farming industry, the other industries also based in our coastal waters, other coastal water users, and the communities in which fish farms operate.

The second major issue arises from the management of fish health, in particular the control of sea lice. These small marine parasites occur naturally on many species of fish, but can become a problem when large numbers of fish are concentrated in fish farms. The most common method for controlling sea lice on farmed fish is the use of a medicine authorised by the Veterinary Medicines Directorate (VMD), either in a bath or in feed. The use of in-feed medicines, and any associated release into the marine environment, is regulated by SEPA, under conditions included in a fish farm licence. SEPA ensures adequate monitoring of dose rates and levels, and any impacts of the medicine on the environment. Where robust evidence shows that current regulatory arrangements are not providing the expected and required level of environmental protection, SEPA takes action to reduce those environmental effects.

For example, in 2013 evidence convinced us that the ongoing use of the sea louse medicine Calicide (with the active ingredient teflubenzuron) was causing failures in environmental quality standards, despite licence conditions significantly restricting its use. Following discussions between SEPA and the company marketing the product, Calicide was removed from the market in Scotland.

More recently, SEPA proposed and part-funded a [Scottish Aquaculture Research Forum](#) (SARF) investigation into the environmental impacts of the sea louse medicine SLICE (with the active ingredient emamectin benzoate). This study, completed last August, confirmed a subtle but detectable, and unexpected, association between impacts on the marine environment and the use of SLICE, where very low concentrations of the medicine may have affected crustaceans in the seabed. Based on this new evidence, SEPA is reviewing all fish farm licences permitting the use of SLICE, tightening conditions for the medicine's use after discussions with VMD. We are beginning the issuing of these new licences this week, and this will be completed by the end of April. This restriction will remain in place while SEPA and the industry carry out further research to either confirm or confound the apparent link between SLICE use and possible environmental effects.

We are also now considering the findings of a review we commissioned of the environmental quality standards for SLICE to ensure they are up to date and provide adequate environmental protection. In this way, the impacts of sea louse medicines are monitored by SEPA on an ongoing basis, and corrective regulatory actions taken where necessary.

As part of our sector approach, we will continue to encourage and support efforts to develop and implement alternative sea louse treatments. For example, novel in-feed medicines are already in use, or undergoing trials, in other countries, but as yet have not been authorised for use in Scotland. Thermal treatment, cleaner-fish which feed on lice, ultrasound, and lasers which target individual lice, are other innovations being developed by the industry as alternatives to medicine-based solutions.

These are the foundations for the development of our Fin-fish Aquaculture Sector Plan; ensuring operators achieve full compliance, working together to resolve the environmental challenges facing the industry, and providing a regulatory framework which provides robust environmental protection, enabling growth only where the environment can sustain it. The basis of plans for other sectors will be similar, although the challenges and opportunities will differ. But we are convinced that through our Sector Plan approach we can establish the conditions for positive and constructive engagement with all of the key sectors we regulate. We will use our full range of tools, from enforcement to partnerships, to drive up compliance and help as many businesses as possible to go beyond compliance and realise the many economic and social benefits of excellent environmental performance. Together we can help make One Planet Prosperity a reality.

[Redacted]

From: Ask <Ask@sepa.org.uk>
Sent: 24 January 2017 15:55
To: [Redacted]
Subject: EXT05-A-F0187284 DZR
Attachments: OME F0187284.doc

Thank you for your email dated 19 January 2017 regarding the above. I enclose SEPA's response which was approved by [Redacted] Islands & North Highland ([Redacted]) The Lead Contributor was [Redacted] If you require further information regarding this response, please contact [Redacted] in the first instance.

If you wish to make further enquiries on behalf of a Minister, MSP, MP or MEP please e-mail SEPA at ASK@sepa.org.uk or call [Redacted]

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EXT05-A-F0187184

Depositional Zone Regulation (DZR)

Contribution:

The letter from [REDACTED] is primarily concerned with his understanding of what may be in a consultation to be issued by SEPA dealing with a change to the regulatory framework for marine cage fish farms, known as Depositional Zone Regulation (DZR).

SEPA has discussed the proposals for DZR with the fish farming sector on many occasions in the last year. During all of these discussions, SEPA has made clear that the framework is in development and even following the launch of the consultation will be potentially subject to change.

SEPA has discussed a cap on the area of a waterbody which may be utilised by fish farms as one possible means of controlling the degree to which a waterbody may be impacted and to help ensure compliance with the standards set to achieve the aims of the Water Framework Directive. While the application of a simple 5% limit on the area of a waterbody which might be impacted by fish farming is one possible means of ensuring waterbody protection it is unlikely to be the means that SEPA will finally adopt.

It should be noted however that of the eight waterbodies quoted by [REDACTED], seven are currently recognised as being unsuitable for expansion under the terms of the current arrangements used for determining limits on the capacity for fish farm development in enclosed waterbodies in Scotland.

This system known as [The Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters](#) (the Locational Guidelines) has been operated since 1999, first by the Fisheries Research Services and now Marine Scotland and is acknowledged in SEPA Policy in connection with the licensing of fish farms. The system categorises waterbodies as Category 1, 2 or 3 dependent on the scope for growth and existing utilisation of the waterbodies.

Under this system, for waterbodies classed as “Category 1”:

“.....there should be a presumption against granting consent for new sites or for holding increased biomass, expansion will only be acceptable in exceptional circumstances”

And for those classed as “Category 2”:

“.....prospects for new development are likely to be limited, and the establishment of new sites or the expansion of existing sites should be balanced by the achievement of environmental benefits within the same water body, for example linked to the closure of other licensed sites in less-favoured locations through negotiation with operators.”

Thus for all but one of the waterbodies mentioned in the letter there is currently limited or no scope for further growth of fish farm production.

The element of the DZR framework dealing with waterbody capacity is currently being discussed and finalised but it is not intended that the new framework will heavily penalise existing fish farming operations nor lead to the “enforced closure” of sites across Scotland, nor that remote communities would be “decimated” as a result of its introduction. The intention is quite the opposite, that in accordance with SEPA’s statutory purpose, the new framework will support sustainable economic growth by allowing the growth and development of the industry in sites that are demonstrably able to cope with such growth.

Annex

Table of waterbodies supplied by Cooke Aquaculture Scotland Ltd with Locational Guidelines Categorisations appended.

| Waterbody Name | Waterbody Area (km2) | Number of CAS Sites within waterbody | Total area of Existing CAS sites under DZR (km2) | Existing CAS sites DZR % impact on waterbody | Locational Guide-lines Category |
|------------------------------|----------------------|--------------------------------------|--|--|---------------------------------|
| Baltasound | 4.13 | 3 | 1.5 | 36.3 | 2 |
| Bluemull Sound & West Fetlar | 80.69 | 15 | 7.5 | 9.29 | Not Categorised |
| Bastavoe | 4.74 | 3 | 1.5 | 31.64 | 2 |
| Yell Sound | 171.32 | 1 | 0.5 | 0.29 | 2 |
| Swarbacks Minn | 20.33 | 1 | 0.5 | 2.45 | 2 |
| Aith Voe | 4.02 | 3 | 1.5 | 37.31 | 2 |
| Vaila Sound | 3.92 | 2 | 1 | 25.5 | 1 |
| Gruting Voe | 7.50 | 3 | 1.5 | 20 | 1 |

SEPA
24 January 2017

)

From: [REDACTED]
Sent: 14 February 2017 14:42
To: [REDACTED]
Subject: DZR consultation - Key highlights

[REDACTED]

Please find details below of the key aspects of the DZR consultation, hopefully this addresses the points queried sufficiently for you to use!

I am in meetings this afternoon but will check emails should you wish to follow-up on this

[REDACTED] – will call you later today or tomorrow to progress details for meetings next week

[REDACTED]

KEY HIGHLIGHTS BELOW:-

SEPA is developing a new licensing framework for marine cage fish farms known as Depositional Zone Regulation or DZR.

The DZR system is an agenda for the sustainable growth of the sector in Scotland, particularly for farms in less enclosed, more exposed locations which are often constrained by idiosyncrasies of the current regulatory and modelling systems;

- The growth will be more demonstrably sustainable with improved robust evidence being collected on individual site performance helping fish farms create additional more secure environmental, social and economic success.

Current arrangements

- All fish farms currently have a seabed impact zone (known as an AZE) where the environment can be affected but environmental standards are imposed to make sure the impacts do not get too severe or extend beyond this AZE;
- The size and shape of the AZE is determined using a computer modelling package known as DEPOMOD which also estimates the size of fish farm that the location can sustain – which SEPA imposes as a “biomass limit” in the environmental licence for the farm;
- The current version of the model limits the size of farms to a maximum of 2500 tonnes (due to concerns over its capability above this level)
- current model produces counter-intuitive results in some instances such that large farms in exposed locations are often allocated small AZE’s and small farms in enclosed waters get large AZEs. This can make it hard for large farms in open waters to comply with environmental standards and these are the type of farms that are seen as essential to the future growth of the sector.
- The DZR system is designed to rectify these anomalies.

The DZR proposal

- The system is voluntary for existing sites, operators will make applications to SEPA to take their sites into the new system. • New fish farms will be licensed using DZR
- The system is designed to make best use of a revised version of the DEPOMOD modelling package (now available)
- The 2500 tonne limit will no longer be imposed as an upper limit on farm size;

- All farms will be given the same size of impact zone 0.5km² which is almost 8 times larger than the current average AZE for fish farm sites in use in the last 3 years in Scotland;
- The standards for seabed quality will be higher under the new system but even allowing for that, SEPA estimates that the new system will give scope for growth at almost all farms sites in Scotland. Predictions indicate that less than 5 existing sites are likely to be constrained or fail compliance tests due to local impacts being in excess of seabed standards;
- This is a step change from the current circumstances where typically 40-50 farms in any given year are classed as failing to meet standards;
- Under the DZR system, it is intended that where a farm is shown to be compliant with seabed standards, the operator can increase production in a stepwise fashion without reverting to SEPA for a variation to the site licence;
- Where the impact of a farm exceeds seabed standards beyond the allotted patch of seabed a break in production will be required until conditions improve.
- For the majority of sites (>95%) the system will allow ongoing sustainable growth and increases in output over a number of cycles of production, without a need to revert to SEPA for variations to their licences;
- SEPA will continue to use the existing system of cumulative impact assessment operated by Marine Scotland (the Locational Guidelines) with a number of heavily utilised enclosed water bodies facing limitations on expansion to limit the overall scale of production in each waterbody. This will not represent a constraint in more open water environments.



SEPA

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From: [REDACTED]
To: [REDACTED]
Subject: FW: SSPO Open Letter enquiry - SEPA response
Date: 15 March 2019 17:46:57

From: [REDACTED]
Sent: 15 March 2019 17:23
To: [REDACTED]
[REDACTED]
[REDACTED]
Subject: SSPO Open Letter enquiry - SEPA response

Hi [REDACTED]

For awareness, we've issued the following statement to a journalist writing for Salmon Business, who had picked up on the SSPO Open letter to Mr Ewing regarding tighter regulation of sea lice, published .

As part of the letter the SSPO states that "We would urge that SEPA moves swiftly to bring forward its proposed regulatory changes trailed in its recent consultations to end the considerable operational uncertainty and regulatory constraints currently hampering progress." The journalist requested a statement in response to this.

A link to the full letter - <http://scottishsalmon.co.uk/wp-content/uploads/2019/03/Fergus-Ewing-letter-130319.pdf>

STATEMENT

A spokesperson from the Scottish Environment Protection Agency (SEPA), said:

"SEPA works every day to protect and enhance Scotland's environment. As one of a number of organisations regulating finfish aquaculture, our focus is firmly fixed on developing and delivering a new regulatory framework which will protect the marine environment for the people of Scotland.

"Consequently, across the last eighteen months we've done more science, more analysis and more listening than ever before. Our Scotland-wide, public consultation has provided an invaluable opportunity to engage and interact with local communities on the key issues which matter most to them and hear directly from a diverse range of interests, including NGOs, marine and freshwater fishery groups and representatives of the industry.

"We are firmly committed to getting our proposals right, and will be providing further details on the implementation of the new regulatory regime over the coming months."

CONSULTATION INFO

- Approximately 275 people attended across the nine community drop-in events.
- A total of 28 one to one meetings were facilitated between SEPA specialists and stakeholder groups including, community groups, local fisheries, NGOs and industry representatives.
- Specific round table discussions were also arranged for NGOs, fish farming environmental managers and partner public agencies in addition to the nine community events.
- Approximately 120 responses to the consultation have been received.

Kind regards,

[REDACTED]

[REDACTED]

Scottish Environment Protection Agency | Strathallan House | Castle Business Park | Stirling FK9 4TZ

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Date: 15 March 2019 at 06:26:24 GMT
To: [REDACTED]
Subject: RE: Feed barge

Hey [REDACTED]

Hope you are well -

I've just seen the open letter by the SSPO - https://webmail.absnet.no/owa/redirect.aspx?C=pXHsKB_O7hFpKQOpd2YHNG7dmSb3dl5slpE8Oft7-TofB5ivDKnWCA..&URL=http%3a%2f%2fscottishsalmon.co.uk%2fsspo-calls-tighter-enforcement-levels-sea-lice%2f

"We would urge that SEPA moves swiftly to bring forward its proposed regulatory changes trailed in its recent consultations to end the considerable operational uncertainty and regulatory constraints currently hampering progress. "

Do you have any thoughts or comment on this please - do you agree with the SSPO?

Best and thanks

[REDACTED]

[REDACTED]

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From: Ask
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Finfish Aquaculture Sector Plan MACCS: 2019/0012382
Date: 13 May 2019 08:41:32
Attachments: [REDACTED]

Here's the email with letter attached [REDACTED]

Best wishes,
[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: 13 May 2019 08:38
To: Ask <Ask@sepa.org.uk>
Cc: [REDACTED]
Subject: RE: Finfish Aquaculture Sector Plan MACCS: 2019/0012382

Morning [REDACTED]

Does the letter that Terry A'Hearn sent to [REDACTED] contain the same information that was sent to me by you?

Is it possible to see a copy of the letter?

Thanks
[REDACTED]

[REDACTED]
[REDACTED], Environmental Quality & Circular Economy Division Environment & Forestry Directorate
[REDACTED]

-----Original Message-----

From: Ask <Ask@sepa.org.uk>
Sent: 13 May 2019 08:34
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Finfish Aquaculture Sector Plan MACCS: 2019/0012382

Morning [REDACTED] yes, Terry A'Hearn wrote to [REDACTED] and a letter was emailed to him on Thursday 9th May

Best wishes,
[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: 10 May 2019 15:36
To: Ask <Ask@sepa.org.uk>
Cc: [REDACTED]
Subject: RE: Finfish Aquaculture Sector Plan MACCS: 2019/0012382

Hi [REDACTED]

Please can you confirm that SEPA has responded in writing to the enquirer and when the letter was sent

Thanks
[REDACTED]

-----Original Message-----

From: Ask <Ask@sepa.org.uk>
Sent: 10 May 2019 09:17
To: [REDACTED]
Cc: [REDACTED] Ask <Ask@sepa.org.uk>
Subject: RE: Finfish Aquaculture Sector Plan MACCS: 2019/0012382

Morning [REDACTED] please find attached SEPA's response regarding the Finfish Aquaculture sector plan This was prepared by [REDACTED], [REDACTED] and approved by Terry A'Hearn, CEO

If we can be of further assistance, please do get in touch

Best wishes,
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
Scottish Environment Protection Agency
Strathallan House
Castle Business Park
Stirling
FK9 4TZ

Ask@sepa.org.uk – MPs, MSPs, MEPs, Government Ministers, and staff from the Scottish or UK Parliaments www.sepa.org.uk

Hello [REDACTED] just emailing to say that a response is with our CEO for final approval. I'll send it on as soon as possible, hopefully this afternoon, if not first thing tomorrow.

Best wishes,
[REDACTED]

-----Original Message-----

From: Ask <Ask@sepa.org.uk>

Sent: 24 April 2019 13:37

To: [REDACTED]

Cc: [REDACTED] Ask <Ask@sepa.org.uk>

Subject: RE: Finfish Aquaculture Sector Plan MACCS: 2019/0012382

Afternoon [REDACTED], yes, I will pass this on to my Aquaculture colleagues and will respond as soon as we can.

Best wishes,
[REDACTED]

-----Original Message-----

From: [REDACTED]

Sent: 24 April 2019 13:15

To: Ask <Ask@sepa.org.uk>

Cc: [REDACTED]

Subject: Finfish Aquaculture Sector Plan MACCS: 2019/0012382

Dear Ask

Please can you provide a response to the attached letter regarding the launch of SEPA's FinFish Aquaculture Sector Plan.

The enquirer states that they have also written to Terry A'Hearn to express their concern.

Regards
[REDACTED]

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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From: [REDACTED]
To: [REDACTED]
Subject: SEPA's regulatory approach to aquaculture
Date: 09 May 2019 16:43:24
Attachments: [190509 - TAH response \[REDACTED\] -aquaculture.pdf](#)

Mr [REDACTED]

Please find attached reply from Terry A'Hearn, CEO, to your letter dated 23 April regarding the above subject.

Kind Regards

[REDACTED]

[REDACTED]

[REDACTED]

Scottish Environment Protection Agency | Strathallan House | Castle Business Park | Stirling FK9 4TZ

[REDACTED]

[REDACTED]

w: www.sepa.org.uk

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

9 May 2019

By email: [REDACTED]

Dear [REDACTED]

Thank you for your letter of 23 April.

SEPA shares your concerns about the status of the atlantic salmon. As you know, we put considerable effort into directly and indirectly improving rivers for salmon. For example, our fish barrier removal work, mostly funded by the Water Environment Fund, has released over 1000km of river to fish migration. I'm also aware that SEPA is currently working with you and your members on the issue of smolt migration and hydro schemes, and I know you're aware of our innovative diffuse pollution work, and the contribution we have made to improving water quality impacts from the water industry, and other industry.

We know the regulation of the finfish aquaculture sector needs to be strengthened and that is why we have been putting considerable effort into our sector plan and the new regulatory framework which we launched for consultation in November. We have been working closely with our regulatory partners, and we initiated an Aquaculture Regulators Liaison Group in February.

On the issue of sea lice and wild fish, we are playing an active and constructive role on the Technical Working Group which is made of all of the relevant regulators (SNH, SEPA, Marine Scotland and Local Authorities). This group is tasked with developing proposals for consultation on (a) a new risk assessment framework; and (b) new regulatory roles with respect to sea lice and wild fish interactions. We are actively exploring the extent to which our broad regulatory powers can assist in protecting wild fish. Marine Scotland has committed to developing proposals for consultation by end of June. We expect that any regulatory changes that arise from that process to be implemented at the end of 2019. In the meantime, wild fish will continue to be considered through planning system.

I understand your concerns about timing of the launch of the regulatory framework. However, we are keen to implement as soon as practicably possible to ensure the environment is protected as the sector expands. From 1st June, we will apply new, tighter environmental standards to control of organic waste discharges from farms in line with our consultation proposals. We will continue to apply the interim position standards for emamectin benzoate whilst UKTAG review is being concluded.

2.

We are not anticipating new applications > 2500 tonnes for several months after the launch of the new framework because of the need for applicants to undertake enhanced modelling and baseline surveys before submitting. Therefore, it will be towards the end of 2019 before we receive CAR applications new larger farms. As such, the timing of the first applications under the new framework should coincide with the implementation of any wild fish requirements. In any case we will be working hard to ensure that we are ready to incorporate wild fish considerations into the framework.

I trust this clarifies SEPA's position, but please do not hesitate to contact me should you wish to discuss this matter further.

Yours sincerely



Terry A'Hearn
Chief Executive Officer

From: [REDACTED]
To: [Cabinet Secretary for the Environment, Climate Change and Land Reform](#)
Cc: [REDACTED]
Subject: Letter from SEPA's CEO
Date: 17 May 2019 13:28:56
Attachments: [REDACTED]

Good afternoon

Please find attached letter from SEPA's CEO, Terry A'Hearn.

Kind regards,

[REDACTED]

[REDACTED]

Scottish Environment Protection Agency, Strathallan House, Castle Business Park, Stirling FK9 4TZ

[REDACTED]

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Roseanna Cunningham MSP
Cabinet Secretary for Environment, Climate Change and Land Reform
Scottish Government
St. Andrew's House
Regent Road
Edinburgh
EH1 3DG

17 May 2019

Dear Ms Cunningham

NEXT STEPS FOR SEPA's FINFISH AQUACULTURE REVISED REGULATORY REGIME & SECTOR PLAN

As you are aware, on 7th November 2018 SEPA announced firm, evidence-based proposals for a revised regulatory regime for the finfish aquaculture sector. In addition, we announced a Scotland-wide public consultation across November and December.

Approximately 275 people attended across the nine community drop-in events. A total of 28 one to one meetings were facilitated between SEPA specialists and stakeholder groups including, community groups, local fisheries, NGOs and industry representatives. In addition, specific round table discussions were also arranged for NGOs, fish farming environmental managers and partner public agencies in addition to the nine community events. Consequently approximately 120 responses to the consultation were received.

Industry and trade associations – Scottish Salmon Producers Association, Marine Harvest, SSMO & Shetland Fish Producers Organisation, Cooke Aquaculture, Grieg Seafood, British Trout Association, etc.

Regulators - Crown Estate Scotland, Scottish Enterprise, Scottish Natural Heritage, Scottish Government, Disease Prevention at Scottish Government, Marine Scotland and Veterinary Medicines Directorate, Argyll and Bute Council, Comhairle nan Eilean, Orkney Islands Council, Shetland Islands Council etc.

NGOs - Scottish Environment LINK, Marine Conservation Society, Fisheries Management Scotland, Communities Inshore Fishing Alliance and Salmon & Trout Association, South Skye Seas Initiative and Skye Communities, Sea Change Wester Ross etc.

Key messages given by SEPA were:

- Scottish salmon farm medicine significantly impact local marine environments
- SEPA announces firm, evidence-based proposals for a revised regime that will strengthen the regulation of the sector.

- New, tighter standard for the organic waste deposited by fish farms.
- More powerful modelling using the best available science, replacing 15 year old framework.
- New approach could allow for larger farms than traditionally approved, provided they are appropriately sited in sustainable locations.

With the consultation concluded, but with engagement continuing, I want to update you on our overhaul of SEPA's regulation of the finfish aquaculture sector and next steps. In doing so, I want to emphasise that I believe that we have an opportunity to create a clearer and more transparent regulatory framework for everyone with an interest - the regulated businesses, community and environment groups, other related sectors, wild fisheries groups and all others with an interest. I am determined that we will grab this opportunity and we will do so by working closely with all stakeholders.

The design of any regulatory framework is based on law, policy and evidence. This is not best done by SEPA officers sitting behind closed doors in our offices writing and implementing new approaches. Instead, in this current process, we have undertaken more scientific and other review work than ever before and spoken with a wide range of stakeholders outlined above to explain and test our thinking before we finalise our approach. I know this approach has taken time, but it is essential to both helping us make good judgements and to building more mutual understanding and trust between everyone with a role or interest in the sector. It is necessary to creating increased certainty, transparency and clarity.

SO, WHERE TO NOW?

My executive colleagues and I have allocated significant resources to the work that SEPA needs to do to finalise the Sector Plan and implement the new regulatory framework. We have made this our top regulatory priority for 2019-20 and set a deadline of early June for the completion of this work. Some of the key components we have been working on are:

- Assessing the consultation responses on the draft Sector Plan.
- Finalising the Sector Plan.
- Preparing the new regulatory framework which includes guidance for the use of modelling and assessment, monitoring and licence application determinations.
- Working through existing applications to ensure these are appropriately determined under the current regulatory framework.
- We have established a Regulators Liaison Group to improve communication and the co-ordinated of work of all regulators, including the way we work with regulated businesses.

As I stated earlier, SEPA wants to work with all stakeholders to maximise the effectiveness of our new framework and I am writing to all parties about next steps, which include:

(1) NEW NATIONAL AQUACULTURE STAKEHOLDER ADVISORY PANEL

I am seeking nominations from a broad range of stakeholders to participate in a SEPA National Aquaculture Stakeholder Advisory Panel. This panel will involve a variety of stakeholders. It will have no decision-making remit. Instead, it will advise SEPA on the implementation of our new framework. We know there are strongly held and divergent views about the sector's environmental impact. We are

not naive in thinking this Panel will be a panacea that will smoothly and fully resolve all differences of opinion. Our hope is, however, that it will at least create a better forum for early and general discussion of issues and lead to a better chance of debating and discussing these issues in a respectful and productive way.

(2) 3-5 YEAR INDICATIVE FORWARD PLANS

Up until now, the sector has largely had to work with SEPA and others on a site-by-site basis. It has been very difficult to hold meaningful whole-of-business discussions with us. This is typical of environment protection regimes around the world and it is one of the aspects that SEPA is aiming to change under our One Planet Prosperity strategy. We hope these new discussions will make it easier to explore options for how regulated business can meet their commercial aims in ways that drive environmental improvement. It will also set a more informed basis for discussions and consultation with other stakeholders.

These discussions offer an indicative 3-5 year forward look is not part of any statutory process. It is, instead, a new informal mechanism to facilitate more productive discussions between business and SEPA. In turn, it should also facilitate more open and productive discussions with other stakeholders.

Finally, I reiterate that we have put a huge effort into creating a better regulatory framework for finfish aquaculture and we are now determined to shift into the implementation phase. We will do so with a continued focus on engagement, transparency and accountability.

I will, of course, update you further at our forthcoming meeting and through officials over the time ahead. Meantime, should you require further information please don't hesitate to contact either myself directly or through existing ask@sepa.org.uk channels.

Yours sincerely

A solid black rectangular box redacting the signature of Terry A'Hearn.

Terry A'Hearn
Chief Executive

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Aquaculture - Brief for SG
Date: 20 May 2019 08:29:10
Attachments: [REDACTED]

[REDACTED]

As you're aware we issued a letter to Ms Cunningham on Friday. Below and attached by way of briefing to you.

SEPA is working hard on implementing its new regulatory framework for finfish aquaculture. This framework will improve the evidence base for the sustainable siting and operation of fish farms. It clarifies the pre-application requirements for operators and speeds up the application process after submission. It will simplify and clarify licences and brings the environmental standards in line with those required for other marine discharges. Because the evidence base for decision making is strengthened, the new framework means that the current cap of 2500 tonnes per farm site will be removed.

SEPA intends to launch the new framework on 1 June 2019.

An important point in our implementation timetable was our hosting of a stakeholder workshop on 2 May. This presented the detail of our regulatory framework, and was very well received. Further detail on this workshop and other engagement is presented below.

- This new framework has taken into account the 120 responses to the Sector Plan (and associated framework) consultation. It follows an extensive engagement exercise in November where SEPA held drop-in event at 9 locations in the west and north of the country. Over 300 people attended these events and they were well received. SEPA intends to publish the sector plan along with the launch of the framework on 1 June. We will also publish a report on the responses received.
- We presented the new regulatory framework at a stakeholder workshop on 2 May. 50 stakeholder representatives attended including sector representatives, other regulators, NGOs and community groups. We provided presentations on the detail required for new aquaculture applications as outlined above. The meeting was successful and we received positive feedback. All stakeholders welcomed seeing the detail and the evidence based approach. Some concerns were raised about the practicalities of some of our new licence conditions, including the use of feed as a surrogate for discharge size, and reporting requirements for medicine use. A specific meeting with approximately 20 industry representatives was held on 15 May to discuss these in more detail. Again, this meeting was constructive, and there was good progress on these issues. Liaison will continue up to, and beyond, launch date.
- SEPA met 4 representatives of the coastal community groups in [REDACTED] on 25 April. While some concerns remain from that perspective the meeting was constructive.
- Other related work areas underway include consideration of regulating Hydrogen Peroxide, consideration of the regulation of bath treatments and well boats, and consideration of proposals for the use of new medicines.
- SEPA's sector and relevant company leads will be meeting each company's management representatives in June to review current status, and discuss innovations and future strategy and development, within the context of the sector plan and framework.
- SEPA initiated a Regulators Liaison Group to improve communication and the co-ordinated of work of all regulators. This group first met in February and the second meeting was held on 7 May. These meetings have been welcomed by all parties and have been very useful. They are now administered by Marine Scotland, by request.
- SEPA is proposing to establish a SEPA National Aquaculture Stakeholder Advisory Panel. The panel will involve a variety of stakeholders. It will have no decision-making remit, but it will advise SEPA on the implementation of our new framework. We are finalising the remit, and the CEO's letters (see below) will ask for nominations.

Information on the current status of applications is attached. Also attached is a more detailed brief at company level, arising from discussion between company representatives and Mr Ewing. There has been frequent and ongoing liaison between SEPA staff and operators throughout and this will continue.

Letters which we will be issuing in the near future, from SEPA's CEO to company managing directors and Environment Link, are attached for information. There is a similar letter for SSPO,

Kind regards [REDACTED]

From: [REDACTED] >
Sent: 15 May 2019 17:20
To: [REDACTED]
Cc: [REDACTED]
Subject: Aquaculture

[REDACTED]

Thanks for the chat this morning. The key things that were previously agreed with [REDACTED] and which we're keen to see progress on are:

- a) an assessment of the overall position regarding the outstanding CAR applications that can form the basis of a briefing to Ministers. [REDACTED] has provided some numbers and responses to some specific questions posed by operators to Mr Ewing, but we are missing an overall narrative that gives a sense of SEPA working to move things forward that the [REDACTED] stuff can slot into.
- b) the letter to industry MDs setting out the way forward on the sector plan, or at least more information on your latest thinking re timing/choreography
- c) a parallel letter to Ms Cunningham to outline the way forward and set out possibilities for innovation, and how SEPA might support

Let me know if it would help to have a further chat. [REDACTED] is back on Monday and left me pretty strong instructions to make sure this was moved forward while she is away.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Marine cage applications – status update, 7 May 2019

There are 28 marine cage CAR applications in progress

10 have draft licences ready, of these:

- 2 will be issued next week.
- 4 are with applicants and we are waiting for them to get back to us.
- 2 will be presented at next Regulatory Review Team for decision (this is our regulatory decision making governance group)
- 2 are tied up with the Environmental Liability Regulations investigation by SNH.

- 4 are awaiting ecology advice.
- 1 is awaiting advertisement by applicant.

- 10 are delayed due to inability to determine as lack of framework or information .

- 4 are delayed due to use of New Depomod.
- 6 have current Reg 14 notices requiring further information e.g. hydrodynamic modelling, benthic survey

- The remaining 3 are at pre-validation stage.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

SEPA: [REDACTED] have 4 applications for variations with SEPA. These are supported by new depomod and are awaiting the launch of the new regulatory framework at the end of May before they can be progressed. 3 of these are above the current 2500 tonnes limit and are also awaiting the new framework for that reason.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I can add that in June and July [REDACTED] and SEPA's relevant company lead will be meeting each company's management reps to review current status, and start a discussion about future strategy and development, within the context of the sector plan and new framework.