

INDEX OF ENCLOSURES

No.	Description	Date	Explanation of redactions	Regulation
01	Briefing: Cabinet Secretary for Rural Affairs, Land Reform and Islands, Cabinet Secretary for Net Zero and Just Transition - Scottish Aquaculture Council - 03	03/05/23	Personal data of a third party	11(2)
02	Briefing: Cabinet Secretary for Rural Affairs, Land Reform and Islands – Meeting with Salmon Scotland	03/05/23	Personal data of a third party Internal communications in relation to internal legal advice	11(2) 10(4)(e)
03	Briefing for Rural Affairs and Islands Committee Session on Salmon Farming in Scotland	10/05/23	Personal data of a third party Information is already publicly available	11(2) 6(1)(b)
04	Briefing: Cabinet Secretary for Rural Affairs, Land Reform and Islands – Meeting with MSPs	11/05/23	Personal data of a third party	11(2)
05	Briefing: Cabinet Secretary for Rural Affairs, Land Reform and Islands – Meeting with Salmon Scotland	30/05/23	Personal data of a third party Internal communications in relation to internal legal advice Information is already publicly available	11(2) 10(4)(e) 6(1)(b)
06	Briefing: Cabinet Secretary for Rural Affairs, Land Reform and Islands - conference opening of Sustainable Aquaculture Innovation	05/06/23	Personal data of a third party	11(2)

	Centre's Sustainable Aquaculture Summit			
07	Briefing: Minister for Green Skills, Circular Economy & Biodiversity – Meeting with Monica Lennon MSP and Stop Ecocide International	08/11/23	Personal data of the applicant (incidental only – requester name) Personal data of a third party	11(1) 11(2)
08	Briefing: Cabinet Secretary for Rural Affairs, Land Reform and Islands - Scottish Aquaculture Council - 04	16/11/23	Personal data of a third party	11(2)

Enclosure 01 - Briefing: Cabinet Secretary for Rural Affairs, Land Reform and Islands, Cabinet Secretary for Net Zero and Just Transition - Scottish Aquaculture Council - 03

<p><i>Where</i></p> <p><i>Date and Time of Engagement</i></p> <p><i>Background/Purpose</i></p> <p>Meeting Aims</p> <p>Main message to communicate</p>	<p>Victoria Quay, Conference Room 002</p> <p>1 member (Julie Fitzpatrick) will be dialling in through MS Teams or telephone conference facilities.</p> <p>Date(s): 03 May 2023 Time(s): 09:00 – 11:00</p> <p>The Scottish Aquaculture Council (SAC) provides a forum for key aquaculture stakeholders to discuss and advise Ministers on aquaculture.</p> <p>This is the third meeting of the SAC; a meeting in March was cancelled due to urgent and unavoidable Ministerial business.</p> <ul style="list-style-type: none">• To seek any last comments on the recorded minutes of the second SAC meeting (15 November);• To highlight a further opportunity for engagement with the SAC members on the draft Vision;• To verbally update members on the Consenting Task Group (CTG) piloting progress following the workshop held on 29 March in Stirling; and• To provide an opportunity for the Chair of the SSAC to present the SSAC science report and for the SAC to engage and comment on the conclusions, helping to inform the next steps. <ul style="list-style-type: none">• Vision – I would like to thank everyone who has contributed and seek any final comments on the draft Vision through written correspondence.• Consenting – We are keen to progress at pace. I am pleased at the level of collaboration of everyone involved in this work.• SSAC report - I would like to thank Professor Maggie Gill and the SSAC for the hard work and effort put into producing this report. I encourage members to contribute to discussions today to inform the next steps.• Committed to driving progress – consensus is challenging, compromise and collaborative working is required to ensure positive change for all.• We are committed to a twin track progress to streamline the consenting system and delivery of a new framework to manage the interactions of farmed
---	---

<ul style="list-style-type: none"> • Agenda • Chair's Steering Brief • Attendees • SSAC Key Issues & Lines • Additional Background Briefing <p>Communications</p> <p>Official Support</p>	<p>and wild fish - both of which are Programme for Government and BHA commitments.</p> <p>Page 3</p> <p>Pages 4 - 10</p> <p>Annex A, Page 11</p> <p>Annex B, Page 12 - 16</p> <p>Annex C, Page 17</p> <ul style="list-style-type: none"> • [Redacted – out of scope] • [Redacted – out of scope] • EQS for Emamectin Benzoate <p>No comms directly relating to this meeting of the SAC.</p> <p>Malcolm Pentland (mobile:[Redacted – under regulation 11(2)]) & SG SAC members</p> <p><i>Secretariat:</i> [Redacted – under regulation 11(2)] (mobile: [Redacted – under regulation 11(2)]) [Redacted – under regulation 11(2)] [Redacted – under regulation 11(2)]</p>
---	--

SCOTTISH AQUACULTURE COUNCIL

AGENDA

Note: We are expecting 20 attendees in person at the meeting. Two members have requested the opportunity to attend remotely, officials will provide technical support for this.

1.	Welcome, Apologies & House Keeping	Handling Brief	09:00 – 09:05
	<ul style="list-style-type: none"> Opening Statement House-keeping Apologies Statement on AOB 	Page 4	5 minutes
2.	Agreement of SAC meeting 2 minutes (15 November) <i>Supporting Paper SAC-03 (02)</i>		09:05 – 09:10
	<i>Mairi Gougeon will seek agreement of the recorded minutes from the previous SAC meeting and matters arising from those.</i>	Page 5	5 minutes
3.	Vision for Sustainable Aquaculture		09:10 – 09:25
	<i>Mairi Gougeon will introduce this section.</i>	Page 6	15 minutes
4.	Consenting Task Group (CTG)		09:25 – 09:40
	<i>Mairi Gougeon will invite Malcolm Pentland, to provide an update.</i>	Page 7	15 minutes
5.	Scottish Science Advisory Council <i>Supporting Paper SAC-03 (03)</i>		09:40 – 10:45
	<i>Mairi Gougeon will invite Professor Maggie Gill to summarise and present the key findings of the report. You will invite comments on the questions raised in the supporting paper or directly to Maggie Gill.</i>	Page 9	65 minutes
6.	AOB		10:45 – 11:00
	Dates of next meeting TBC	Page 10	15 minutes

ITEM 1. Welcome, Apologies and Housekeeping [09:00 – 09:05]

- Suggested opening comments:
 - I would like to thank you all for taking the time to be here today and for your ongoing commitment to the forum, providing valued advice on progress of aquaculture commitments and our ambitions for Scottish aquaculture.
 - I apologise that our last meeting was cancelled at short notice due to unavoidable business, however I hope that the update on work by the consenting task group was helpful.
 - I am pleased to welcome members back today at an opportune time following the publication of the Scottish Science Advisory Council's aquaculture science report.
 - I would like to welcome Professor Maggie Gill who is here to feedback on the SSAC's project and contribute to discussions. I am grateful to Maggie and the SSAC team for leading this important bit of work.
 - At today's meeting we will also provide a short update on the Vision for Sustainable Aquaculture and progress of the consenting task group following a recent workshop, which I am informed was highly collaborative and productive.
 - I trust that everyone has found engaging in our ongoing work to be informative and helpful and I am grateful for ongoing collaboration and leadership shown by members.
- A small number of housekeeping matters before we get started today;
 - I expect that Julie Fitzpatrick will be joining us by TEAMS today.

- [Redacted – under regulation 11(2)] [SG secretariat] – could you please provide safety information for today’s meeting and note any apologies.
 - I’d like to move us straight into agenda item number 2 now, as no other business has been raised with the secretariat in advance of the meeting.
-

ITEM 2
[09:05 – 09:10]

Agreement of SAC meeting 2 minutes (15 November)

- ***Paper SAC-03 (02)***
- **The aim of this item is to seek any last comments on the recorded minutes of the previous SAC meeting (15 November).**
- **Meeting minutes were shared in December, with comments received from Alan Wells.**

In introducing item 2, you may wish to make the following comments:

- I would like to agree the final meeting minutes from November which will be taken forward for publication.
- Meeting minutes were circulated in December and a small number of clarifications were made following comments by members.
- Early contributions are preferred, however I would be happy to take any final comments on the meeting minutes.
- Does anyone have any final comments to make?

- **CHAIRS NOTE**

END BY 09:10

- Meeting minutes were circulated in December for comment.
 - Alan Wells – raised 3 points asking for more clarity in the wording in the minutes in relation to the agreement of the ToR, the pace of the Sea Lice Risk Assessment Framework (including to point out that some members asked for increased pace) and the Scottish Science Advisory Council project timings and scope.
 - Final approval of the minutes will be made by Ministers upon agreement and published following the meeting.
-

ITEM 3. Vision for Sustainable Aquaculture [09:10 – 09:25]

- **The aim of this agenda item is to highlight to members a final opportunity to comment on the draft Vision and to emphasise that SG has acted upon previous feedback.**

In introducing item 3 you may wish to make the following statement:

- At our last meeting we had an in depth discussion on the developing Vision for Sustainable Aquaculture.
- A range of feedback was received and hearing your views was incredibly helpful.
- I have considered our previous discussion carefully and I am pleased to provide a draft Vision for your consideration, which has been circulated by email.
- I would like to thank everyone for their previous contributions and would encourage members to provide any further views by X date.
- I intend to consider any feedback received and take the Vision forward for publication thereafter.
- I do not intend to have a discussion on the draft today – but please do take the opportunity to submit your views by X date – hearing and understanding the views of SAC members is important and I look forward to receiving any final comments and suggestions.

- It is not always possible to action and agree to all suggestions made – but I can assure you that I have considered all of your views in developing the current draft and I will consider any further views fully before taking finalising and publishing the Vision.

CHAIRS NOTE

END BY 09:25

- The Vision for Sustainable Aquaculture is led by the Scottish Government and the recently circulated draft has incorporated feedback from various stakeholders, both within and out with the SAC.
- Feedback on the Vision at the previous SAC was varied with some stakeholders asking for a detailed Vision and SMART objectives and others asking for a short high-level Vision which is less prescriptive.
- Feedback from all stakeholders was considered and a decision to opt for a strategic, high level Vision made.

KEY MESSAGES

- I value the contribution and views of SAC members.
 - This is a Scottish Government led Vision – I, alongside other Ministers, will take a final decision following this latest request for feedback.
 - If asked on timing – I am aiming to publish the Vision by the end of May, this is a last opportunity to submit comments for my consideration.
-

ITEM 4. Consenting Task Group (CTG) [09:25 – 09:40]

- **The aim of this item is to provide SAC members with a verbal update on progress by the Consenting Task Group, tasked with developing and piloting new consenting processes.**
- You should invite **Malcolm Pentland** to introduce this section.
- Once concluded, you should invite members to ask any questions or provide feedback on the recent workshop (29 March), where their organisations contributed.

CHAIRS NOTE

END BY 09:40

- The CTG is focused on developing a coordinated consenting process and a single consenting document, informed by multilateral pre-application discussion recommended for exploration in the regulatory review report.
- Small and bilateral discussions were held with the project advisory group, scoping out the stages of the project, outcomes and reporting procedures. In addition options for desk case studies for the project were agreed in January.
- Professor Griggs was invited to the second CTG meeting in February as a guest to provide advice on the progressing of the pilot study following feedback from the SAC meeting in November.
- A Project Initiation Document has been developed for the project, following agreement of the project proposal.

- The first workshop for the CTG was held on 29 March and the final project is due to report back by summer 2023.
- An update on the CTG and project documents were circulated to members in March, in place of the cancelled SAC.
- There was a delay to the agreement of the Terms of Reference for the group due to ongoing discussions with Salmon Scotland on the content. This has caused a knock on effect to the beginning of the work and subsequently a challenge to pace, which has been a key point raised with Ministers in terms of delivery throughout this process.

KEY ISSUES

Pace

- Salmon Scotland has engaged in media activity criticising the pace of work on the regulatory review, in particular, following the one-year anniversary of the publication of the Independent report.
- The regulatory review report suggests that the Scottish Government should deliver new frameworks for finfish, shellfish and seaweed sectors within 12 months.
- However, Scottish Seafarms and industry representatives on the Consenting Task Group have asked that work is not rushed and that time and care is taken in developing pilot processes (Scottish Seafarms recently repeated these views in their monthly newsletter, praising the work of the CTG).

LINES TO TAKE

- It is important we maintain momentum and I hope that in progressing with the recommendations and allowing sensible time for due diligence, we are able to implement the best possible solutions for moving forward.
- I am pleased that all organisations have committed to exploring new processes and provided resource to the CTG.
- The CTG has made good progress in developing a new blueprint for managing aquaculture applications, with the support of SG improvement advisors and LEAN specialists.
- I would like to thank those who participated in the recent CTG workshop for their contributions.

Community representation

- Members of the SAC may query how communities can contribute to the work of the CTG and other SG initiatives, noting they are not represented on the SAC.
- The issue of local community representation on the SAC was raised at the SSAC roundtable event [14 February] by Alan Wells, who commented that it would be good to have the Coastal Communities Network represented on the SAC.
- This is not the first time this has been raised. [Redacted – under regulation 11 (2)] [Fidra] raised this issue at the first meeting of the SAC and again, via email, suggesting the Coastal Communities Network as an option. The Scottish Greens previously requested engagement with CCN.

LINES TO TAKE

- We have discussed before the challenge in defining communities and that community representation can be considered to be any third party that interacts with the fish farm consenting regime.

- We do already have engagement with a broader subset of stakeholders than the SAC and that will continue.
 - For example, a broad range of interests were invited to the SSAC's round table – there were over 60 representatives in attendance, including coastal communities network and community council representatives, for example.
 - We will consider how to engage with communities in the consenting work stream as it develops and we remain committed to engaging with members of the SAC and our broader stakeholder network.
 - We have also sought broad engagement on the developing Vision for sustainable aquaculture, including Coastal Communities Network and accreditation scheme representatives, for example, which are also not represented here.
-

ITEM 5. Scottish Science Advisory Council [09:40-10:45]

- **A paper with the report and a series of questions has been circulated: *Paper SAC-03 (03)*. The SSAC report was published on 26 April.**
- **The aim of this item is to provide SAC members with an update on the SSAC report and its key findings and to provide an opportunity for discussion with Professor Maggie Gill, Chair of the SSAC.**
- You should invite **Professor Maggie Gill** to give an overview of the SSAC's process and findings.
- Once concluded, you should invite members to ask questions of Professor Gill or for their views on the questions raised in the supporting paper (SAC – 03).
- If required, Diarmuid O'Neill will assist facilitating discussion and fielding questions

CHAIRS NOTE

END BY 10:45

- The SSAC was asked to consider the use and communication of science in aquaculture consenting, following the findings of the independent review.
- The SSAC held a diverse stakeholder workshop in February to discuss a variety of topics relating to uncertainty in models, data and communication relating to science and research used in aquaculture consenting.
- **Ministers are primarily in listening mode** – SG will not be expected to have concluded how they will take forward the report, given that the report has just been published.
- SAC members should be encouraged to take part in discussions and provide their views on the next steps.

KEY MESSAGES

- I would like to thank Professor Gill and the SSAC for their time and commitment to producing this complex piece of work.
- Following feedback here today, my officials and I will consider the next steps.
- I would like all member organisations to consider how the findings contribute to their work and how progress could be made.
- **SEE ANNEX B FOR ADDITIONAL HANDLING ADVICE, KEY ISSUES AND LINES TO TAKE**

6. AOB and Next Meeting [10:45 – 11:00]

In closing the meeting you will wish to inform the group that;

- A date for the next SAC meeting will be issued shortly. You expect this to take place following summer Parliamentary recess.
- Thank members for attending this meeting of the SAC and to their commitment to further progress.

ATTENDEES FOR MEETING, 03 MAY 2023

ANNEX A

Attending in Person

Mairi Gougeon – Cabinet Secretary for Rural Affairs, Land Reform and Islands - CHAIR	- Scottish Government
Tavish Scott, CEO	- Salmon Scotland
Iain Laister	- Salmon Scotland and Bakkafrost Scotland
Ben Hadfield, Mowi MD	- Salmon Scotland and Mowi Scotland
Oliver Robinson, Chair	- British Trout Association
Owen Stevens, Chair	- Scottish Seaweed Industry Association
Heather Jones, CEO	- Sustainable Aquaculture Innovation Centre
Alan Wells, CEO	- Fisheries Management Scotland
[Redacted – under regulation 11 (2)], Fidra, [Redacted – under regulation 11 (2)]	- Scottish Environment – LINK
[Redacted – under regulation 11 (2)] , Aquaculture [Redacted – under regulation 11 (2)]	- Marine Conservation Society
Professor Russel Griggs	- Independent Reviewer
Nicole Paterson, CEO	- Scottish Environment Protection Agency
[Redacted – under regulation 11(2)], Sustainable Coasts and Seas	- NatureScot
Ronan O’Hara, CEO	- Crown Estate Scotland
Annabel Turpie, Director, Marine Scotland	- Scottish Government
Malcolm Pentland, Deputy Director, MS, Seafood Trade, Aquaculture & Recreational Fisheries	- Scottish Government
Alice Hall, Deputy Director, Environmental Quality and Resilience	- Scottish Government
Fiona Simpson, Chief Planner	- Scottish Government

Additional Invitees

Diarmuid O’Neill, DD Science, Evidence & Data	- Scottish Government
Professor Maggie Gill	- Scottish Science Advisory Council
[Redacted – under regulation 11(2)] , Observer	- Scottish Government/ SSAC secretariat

Attending remotely

Julie Fitzpatrick, Chief Scientific Advisor	- Scottish Government
Nick Lake, Chair	- Association of Scottish Shellfish Growers

Secretariat

[Redacted – under regulation 11(2)]	- Scottish Government
[Redacted – under regulation 11(2)]	- Scottish Government
[Redacted – under regulation 11(2)]	- Scottish Government

Apologies

Màiri McAllan – Cabinet Secretary for Net Zero and Just Transition
[Redacted – under regulation 11(2)] Blue Economy Food and Drink; Highlands and Islands Enterprise
Sheila Voas, Chief Veterinary Officer; Scottish Government

[Redacted – out of scope]

[Redacted – out of scope]

KEY ISSUES

1. SEPA SEA LICE RISK ASSESSMENT FRAMEWORK

ISSUE

- Cabinet Secretaries are meeting with Salmon Scotland Managing Directors later today on the sea lice risk assessment framework.
- The sector may suggest the report provides evidence that a pause in development of the SEPA sea lice risk assessment framework is required.
- Salmon Scotland wrote to you on 25 April to ask for a delay to the SEPA consultation and that further development is governed by an MOU.

LINES TO TAKE

- I look forward to discussing the sea lice framework with the sector and Ms McAllan later today.
- We remain committed to delivery of a new framework to manage sea lice and the interactions between wild and farmed fish, led by SEPA.
- The SSAC report recognises the requirement for clear decision making framework, with mechanisms to re-evaluate decisions and the current challenges face by local authorities in reviewing complex modelling information.
- SEPA remain committed to a science and evidence led approach – the forthcoming consultation provides an opportunity to provide views on SEPAs more detailed proposals
- I am supportive of a longer time to implementation, should SEPA need more time to deliver the framework effectively or as a result of issues raised through the consultation process.

On MOUs if raised:

- I am keen that collaborative MOUs are explored alongside partnership working on modelling, science and monitoring.
- However, to be clear, the development of MOUs must respect SEPA's role as regulator and should not be a pre-requisite to stakeholders contributing their views to SEPAs more detailed proposals.
- MOUs will not be imposed on any party.

2. [Redacted – out of scope]

3. [Redacted – out of scope]

4. [Redacted – out of scope]

5. HOW THE SCOTTISH GOVERNMENT INTENDS TO RESPOND TO THE REPORT

SAC members may ask how the Scottish Government intends to respond to and take forward the recommendations of the report.

LINES TO TAKE

- I have listened carefully to your views and I am very grateful for your suggestions today.
- There is read across to many components of our work – from the consenting task group and engagement with communities on science used in the consenting process, the SEPA sea lice framework – to broader Scottish Government Strategy, such as the Wild Salmon Implementation Plan, the Farmed Fish Health Framework and the forthcoming Marine Science and Innovation Strategy.
- It is clear that there needs to be consideration of longer term science and evidence delivery mechanisms for Scottish aquaculture priorities.
- My officials and I will take some time to consider the next steps and to ensure that the actions we take set us up for the long term success of Scottish aquaculture.

ANNEX C

ADDITIONAL BACKGROUND BRIEFING

[Redacted – out of scope]

ENVIRONMENTAL QUALITY STANDARD FOR EMAMECTIN BENZONATE

“The reduction in available quantities of SLICE will likely make it harder for the industry to control sea lice, whilst the SEPA framework tightens requirements for sea lice on Scottish fish farms”

Top Lines

- I am grateful to the sector for raising the error included within the evidence considered by UKTAG. It is important that the sector contribute their views on the implementation of the new standard to the current Scottish Government consultation.
- The SEPA sea lice framework will be targeted at areas where environmental sensitivity is greatest and will not introduce a blanket requirement for all fish farms to control sea lice to lower levels.
- SEPA is also actively considering the interaction of the framework with fish health and how it might handle instances where treatment of fish to reduce sea lice is against veterinary advice.
- The Farmed Fish Health Framework Initiative is looking at improved access to medicines and SEPA is receptive to changing its regulatory approach on some medicines, pending information requested at the forum from fish vets and the sector.

Background

- In January 2023 Salmon Scotland contacted the UK Technical Advisory Group (UKTAG) to alert them to (what they believe to be) an error in the calculation to derive the EQS for emamectin benzoate.
- UKTAG notified the Scottish Government in March 2023 that the UKTAG Chemistry Task Team has further considered the advice received from Salmon Scotland with respect to the emamectin benzoate sediment EQS and UKTAG have officially signed off the emamectin benzoate report and recommendation. The new recalculated recommended EQS for marine sediment therefore changed from 131 ng/kg dry weight to 272 ng/kg dry weight.
- The new standard should give each consented fish farm roughly 2 times more emamectin benzoate than authorised under the July 2022 (131ng/kg) standard but about 3 ,5 times more

stringent than the original standard of 763 ng/kg of sediment that SEPA have used to regulate fish farms since 1999.

- In effect it means that treatments will probably still be quite limited to the earlier parts of a production cycle.
- This aligns with Salmon Scotland's initial view that whilst the change will not make emamectin benzoate usable in all circumstances, it will likely support treatment of fish in the early phases of seawater production at more fish farms than the previous recommendation, providing the opportunity for an early and preventative treatment for fish entering marine farms.
- In April 2023, Scottish Ministers have launched a 12 week public consultation on the implementation of a revised environmental quality standard for the use of emamectin benzoate in fish farming. By phasing in the new standard, we will enable consistency across the sector and achieve improved environmental quality. The consultation ends on 24 July.
- The UKTAG methodology used to make a recommendation is scientifically robust and includes obtaining independent scientific peer reviews of the evidence.
- To prevent operational disruption for the sector, Scottish Government and SEPA plan to consult on the implementation of the new standard. It is likely that implementation will be phased in based on production cycles.
- Marine finfish farms authorised to discharge emamectin benzoate on the previous interim standards may apply for a variation to alter the permitted maximum environmental quantity where they can demonstrate that the alteration will comply with the new environmental standard.
- SEPA will not initiate variation of the authorised maximum environmental quantity in permits to discharge emamectin benzoate authorised under the original standard of 763 ng/kg of sediment (wet weight) until instructed by Scottish Ministers.
- The change in EQS for EmBz will contribute to the Programme for Government 2022-2023 commitment to develop a Vision for Sustainable Aquaculture with enhanced emphasis on environment and community benefit and fulfils commitments made to the Scottish Parliament following the 2017/18 parliamentary inquiries.

Enclosure 02 - Briefing: Cabinet Secretary for Rural Affairs, Land Reform and Islands – Meeting with Salmon Scotland

What	Follow-up meeting with Salmon Scotland Chief Executive and Board members to discuss industry concerns about the development of the SEPA sea lice risk assessment framework and its potential economic impact. [Redacted – out of scope].
Where	Room TG.22, Scottish Parliament
When	Wednesday 3 May 2023, 15:00-15:45
Key Messages	<ul style="list-style-type: none"> Ministers are committed to delivery of the framework under SEPA and twin track progress to deliver improvements to consenting The purpose of the regime is to deliver a better decision-making framework, providing more certainty for developers, and to protect the environment. The Scottish Government is acting on sector concerns - the process (and ongoing consultation) supports a continued dialogue and SEPA is open to ideas.
Who	<ul style="list-style-type: none"> Tavish Scott, CEO of Salmon Scotland Jim Gallagher, Managing Director, Scottish Seafarms Colin Blair, Managing Director, Cooke Aquaculture Scotland
Why	<ul style="list-style-type: none"> A Ministerial meeting was held with Salmon Scotland’s Chief Executive and Board members [Tavish Scott, Ben Hadfield and Iain Laister] on 27 October 2022 on the sea lice risk assessment. framework. During this meeting it was agreed a follow-up Ministerial meeting would take place, once joint meetings by SEPA, Scottish Government and the sector had taken place. On 25 April, Tavish Scott wrote to you enclosing a draft Memorandum of Understanding between Scottish Government, SEPA, Salmon Scotland and the British Trout Association to support “the development of a spatial model to assist Local Authority planning departments”.
Supporting officials	<ul style="list-style-type: none"> Malcolm Pentland, Deputy Director Marine Economy and Communities, Marine Directorate [mobile: [Redacted – under regulation 11(2)]] Annabel Turpie, Director Marine Scotland Alice Hall, Deputy Director Environmental Quality and Resilience Division, Directorate for Environment and Forestry [Redacted – under regulation 11(2)] Aquaculture Development, Marine Directorate Diarmuid O’Neill, Deputy Director Science, Evidence and Data, Marine Directorate
Briefing contents	<p>Annex A: Agenda and attendees</p> <p>Annex B: Issues summary and handling</p> <p>Annex C: Additional background briefing</p> <ul style="list-style-type: none"> ○ Fish Health & New Environmental Quality Standards (EQS) ○ Science in Aquaculture Consenting – Scottish Science Advisory Council (SSAC) report ○ Vision for Sustainable Aquaculture ○ Consenting Task Group & Consenting Performance ○ [Redacted – out of scope] ○ [Redacted – out of scope] <p>Annex D: Copy correspondence from Salmon Scotland dated 25 April and draft Memorandum of Understanding</p>

Agenda

1. Welcome
2. Presentation from Salmon Scotland
3. Discussion on the next steps

Attendees

- Tavish Scott, CEO Salmon Scotland
- Jim Gallagher – Scottish Sea Farms Managing Director
- Colin Blair – Managing Director Cooke Aquaculture Scotland

Biographies

Tavish Scott - Chief Executive of Salmon Scotland



- Salmon Scotland is the trade association for companies that farm salmon in Scotland and recently broadened its membership to include companies active in the supply chain. The Salmon Scotland board is made up of managing directors of the producing companies.

Jim Gallagher - Managing Director of Scottish Sea Farms



- Scottish Seafarms is co-owned by two Norwegian firms, Leroy and Salmar.
- Jim first joined the sector in 1998 as Finance Director of Hydro Seafood Group and was part of the team responsible for selling the company to current owners Norksoth Havbruk.
- Jim has supported a number of Government initiatives, including the farmed fish health framework and the previous Aquaculture Industry Leadership Group.

Colin Blair – Managing Director of Cooke Aquaculture Scotland

[Redacted – under regulation 11(2)]

- Cooke Aquaculture Scotland is a salmon producer headquartered in Glasgow and with Atlantic salmon farming operations in Orkney, Shetland, mainland Scotland and the north of England.

MEETING OVERVIEW

- In October 2022, you met with Salmon Scotland representatives to discuss concerns about the potential impact of SEPA's sea lice risk assessment framework. The sector had relayed concerns that SEPA's approach would lead to a 50% reduction in production. Ministers committed to a follow-up meeting with the sector, once joint meetings with sector, Scottish Government and SEPA had taken place.
- On 25 April, Tavish Scott wrote to you enclosing a draft Memorandum of Understanding between Scottish Government, SEPA, Salmon Scotland and the British Trout Association. The MoU has been prepared by the sector without with a view to it helping support "the development of a spatial model to assist Local Authority planning departments". The sector is not looking for a response to the proposed MoU at the meeting.

KEY AIM: To achieve renewed sector engagement on the framework

MEETING HANDLING

We suggest that you:

- Thank Salmon Scotland for their latest correspondence and contributions to today's Scottish Aquaculture Council's meeting (note: different board members – Ben Hadfield and Ian Laister – attended SAC with Tavish Scott).
- Ask representatives to provide the industry's assessment of the framework and ask for direct feedback on the meetings between SG, SEPA and the sector that took place on 17 January and 28 February 2023.

We expect the sector to make a short presentation, concluding that:

- The framework is over-precautionary, is being delivered too quickly and is not based on science.
- The current approach will not deliver the principles of the Salmon Interactions Working Group recommendations and that SEPA has shown 'mission creep'.
- There should be a review of SEPA's modelling work prior to further consultation and that further development of the framework should be governed by a collaborative MOU, to be agreed by all parties.
- [Redacted – out of scope]

KEY MESSAGES

- Emphasise that we are committed to twin track progress - to deliver sustainable growth, we must make progress to deliver both a streamlined consenting regime for businesses and deliver on sea lice interactions, HOWEVER SG will also:
 - continue to support joint dialogue between SEPA and the sector
 - communicate directly to SEPA that SG is supportive of changes to the implementation timetable where SEPA considers this is required do its work effectively and to ensure SEPA has time to achieve meaningful engagement
 - agree to further exploration and development of MOUs and collaborative approaches
 - however emphasise that we would not seek to impose an MoU on either SEPA or the sector, and that we do not see agreement on a MoU as a prerequisite for further work on the framework.
- Press upon the need for continued engagement by the sector. You can remind the sector that SEPA has given a commitment to ongoing engagement and responded directly to sector concerns in its consultation response by:

- committing to ensuring that the new framework is not over-precautionary and following a risk-based and evidenced approach (there will be no blanket controls).
 - committing to provide an impact assessment of the framework as part of a further planned consultation in 2023.
- [Redacted – out of scope]

TOP LINES

“The framework is over-precautionary, is being delivered to quickly and is not based on science”

Top Lines

- SEPA committed to ensuring that the new framework is not over-precautionary and is transparent, reasonable, protects the environment, whilst supporting social and economic development.
- I understand that the joint meetings have allowed SEPA to demonstrate its risk based approach and SEPA has offered share a draft Impact Assessment in advance of the next consultation. When we last met, you suggested that the SEPA sea lice risk assessment framework would lead to a 50% reduction of production in Scotland – I am interested to know whether you still hold these views?
- SEPA has committed to following a science and evidence led approach. SEPA is happy to consider any additional available evidence from the sector and others to support development of the framework. The next SEPA consultation provides a further opportunity to input your views.
- The SEPA framework is to follow a phased approach to implementation – We are happy to communicate directly to SEPA support for changes to the implementation timetable where SEPA need it to develop the framework effectively and to ensure meaningful engagement.

“The current approach will not deliver the principles of the Salmon Interactions Working Group (SIWG) recommendations, the framework should be a tool for planners instead”

“SEPA has shown ‘mission creep’ in delivery of the framework”

Top Lines

- I strongly disagree with the assertion that SEPA’s approach is inconsistent with the SIWG report. The SIWG recommended that “Robust conditions, based on an adaptive management approach, to safeguard wild salmonids should be contained within a licence rather than through planning consent”.
- Having considered the SIWG report very carefully, SG agreed with the conclusions that wild salmonid interactions are best regulated through adaptive management approaches through a licencing regime, rather than planning.
- SEPA is Scotland’s independent regulator for the environment and their identification as lead consolidates SEPA’s role, following the transfer of wellboat licencing responsibility from SG Marine Directorate in 2021 and there are further plans for SEPA to become responsible for nutrient screening in place of local authorities, to further that consolidation.

- These developments should help to streamline the regulatory system for developers and help to deliver key components of the independent regulatory review of fish farm consenting. They should support early engagement and upfront comprehensive environmental risk screening advice at the pre application stage and join up in determining licence and planning permissions by SEPA and local authorities.
- I am confident that SEPA is considering and delivering the sea lice framework within the context of the salmon interactions working group recommendations.
- The changes which SEPA made following the first consultation responded directly to stakeholder feedback – extending the deadline for implementation to late 2023 and including the protection for sea trout from the beginning of the framework to ensure that no duplication of regulatory responsibility exists.
- You will appreciate that SEPA has to have some flexibility to respond to feedback from consultation and make improvements to the framework.

“There should be a review of SEPA’s modelling work prior to further consultation and that further development of the framework should be governed by a collaborative MOU, to be agreed by all parties”

Top Lines

- SEPA’s framework has been designed to use a simple risk screening tool to assess where more detailed modelling is required and to ensure that SEPA is not requesting more detailed modelling for all new fish farm developments – this is to support a targeted approach to risk management.
- I am interested in further collaborative approaches to detailed modelling development, building on the SPILLS project, and the timeframes involved to deliver more refined models.
- I support partnership and collaborative working. I understand that SEPA has already showed willingness to develop MOUs on data sharing and collaboration on modelling and that you have shared the draft MOU with SEPA.
- I am supportive of an MOU being explored further, but this must not be used as a pre-requisite for the sectors engagement on SEPA’s consultation and we will not seek to impose an MOU on any party.

[Redacted – out of scope]

CURRENT ISSUES

- A number of actions were agreed at the latest joint meeting on 28 February:
 - SEPA was to set out its phased implementation timetable for the framework before public consultation;
 - a Memorandum of Understanding (MOU) between SEPA and the sector covering data sharing arrangements and collaboration on modelling was to be considered: and
 - there was agreement to meet again in advance of the next SEPA consultation (expected in early May) and SEPA had agreed to ensure a ‘no surprises’ approach to the information contained in the next consultation.

- Following the announcement of Nicola Sturgeon’s resignation, Salmon Scotland wrote to (then FM candidate) Humza Yousaf on 14 March to ask that the regulatory review of aquaculture consenting recommendations are progressed quickly, that SG thoroughly consider the economic and social impacts of HPMA’s and they suggested that SEPA, as the identified lead on sea lice, “*continue to exceed their brief in this area, developing a highly complex, restrictive and scientifically questionable framework which may have a considerable impact on our sector*”.
- SEPA shared draft MOUs for consideration on 17 March, however the sector subsequently indicated their desire for an all-encompassing MOU and withdrew engagement following the announcement of the FM leadership contest and pending a further meeting with Ministers.
- We have been unable to arrange the next joint SEPA/Sector/SG officials’ meeting as agreed in the crucial run up to SEPA’s next consultation.
- Engagement with the sector on SEPA’s more detailed proposals, planned for consultation in May, is key to getting over current challenges and gaining and understanding of where the sector’s fundamental issues lie within the detail of the framework.

[Redacted – under regulation 10(4)(e) internal communications]

ANNEX C

Additional Background Briefing

2022/23 PfG Commitment: Develop a **Vision for Sustainable Aquaculture** with enhanced emphasis on environment and community benefit and continue to progress **the regulatory review of aquaculture** and measures to tackle environmental impacts associated with aquaculture, including **SEPA’s implementation of a new sea lice risk assessment framework** and support for local authorities to guide development to the right places through spatial planning.

1. Fish Health and New Environmental Quality Standards (EQS) recommendation

“The reduction in available quantities of SLICE will likely make it harder for the industry to control sea lice, whilst the SEPA framework tightens requirements for sea lice on Scottish fish farms”

Top Lines

- I am grateful to the sector for raising the error included within the evidence considered by UKTAG. It is important that the sector contribute their views on the implementation of the new standard to the current Scottish Government consultation.
- The SEPA sea lice framework will be targeted at areas where environmental sensitivity is greatest and will not introduce a blanket requirement for all fish farms to control sea lice to lower levels.
- SEPA is also actively considering the interaction of the framework with fish health and how it might handle instances where treatment of fish to reduce sea lice is against veterinary advice.
- The Farmed Fish Health Framework Initiative is looking at improved access to medicines and SEPA is receptive to changing its regulatory approach on some medicines, pending information requested at the forum from fish vets and the sector.

Background

- In January 2023 Salmon Scotland contacted the UK Technical Advisory Group (UKTAG) to alert them to (what they believe to be) an error in the calculation to derive the EQS for emamectin benzoate.

- UKTAG notified the Scottish Government in March 2023 that the UKTAG Chemistry Task Team has further considered the advice received from Salmon Scotland with respect to the emamectin benzoate sediment EQS and UKTAG have officially signed off the emamectin benzoate report and recommendation. The new recalculated recommended EQS for marine sediment therefore changed from 131 ng/kg dry weight to 272 ng/kg dry weight.
- The new standard should give each consented fish farm roughly 2 times more emamectin benzoate than authorised under the July 2022 (131ng/kg) standard but about 3,5 times more stringent than the original standard of 763 ng/kg of sediment that SEPA have used to regulate fish farms since 1999.
- In effect it means that treatments will probably still be quite limited to the earlier parts of a production cycle.
- This aligns with Salmon Scotland's initial view that whilst the change will not make emamectin benzoate usable in all circumstances, it will likely support treatment of fish in the early phases of seawater production at more fish farms than the previous recommendation, providing the opportunity for an early and preventative treatment for fish entering marine farms.
- In April 2023, Scottish Ministers have launched a 12 week public consultation on the implementation of a revised environmental quality standard for the use of emamectin benzoate in fish farming. By phasing in the new standard, we will enable consistency across the sector and achieve improved environmental quality. The consultation ends on 24 July.
- The UKTAG methodology used to make a recommendation is scientifically robust and includes obtaining independent scientific peer reviews of the evidence.
- To prevent operational disruption for the sector, Scottish Government and SEPA plan to consult on the implementation of the new standard. It is likely that implementation will be phased in based on production cycles.
- Marine finfish farms authorised to discharge emamectin benzoate on the previous interim standards may apply for a variation to alter the permitted maximum environmental quantity where they can demonstrate that the alteration will comply with the new environmental standard.
- SEPA will not initiate variation of the authorised maximum environmental quantity in permits to discharge emamectin benzoate authorised under the original standard of 763 ng/kg of sediment (wet weight) until instructed by Scottish Ministers.
- The change in EQS for EmBz will contribute to the Programme for Government 2022-2023 commitment to develop a Vision for Sustainable Aquaculture with enhanced emphasis on environment and community benefit and fulfils commitments made to the Scottish Parliament following the 2017/18 parliamentary inquiries.

2. SSAC report – science & aquaculture consenting

“Work on the SEPA sea lice framework should be paused until the recommendations of SSAC are considered”

Top Lines

- I was pleased to discuss the SSAC report at today's aquaculture council meeting.
- The SSAC report recognises the requirement for clear decision making framework, with mechanisms to re-evaluate decisions and the current challenges face by local authorities in reviewing complex modelling information.
- I expect all SAC members, including SEPA, to consider the SSAC's report and read across to their own work.
- Responding to the SSAC report will require consideration of long term science and evidence delivery mechanisms for Scotland and my officials and I will require some time to get that right.
- In the short term, I am interested to understand how collaborative working and partnership delivery of the science to support the SEPA sea lice risk assessment framework might be achieved.

Background

- As part of the second phase of the aquaculture regulatory review [announced in May 2022], Ms Gougeon asked the SSAC to consider the use and communication of science in aquaculture consenting.
- The SSAC report was published on 26 April and noted the use of models by different stakeholder groups to support development applications and noted that final decision making was being left to local authorities and councillors and being discussed at the end of the process.
- The SSAC report therefore supports the requirement for a clear decision making framework for sea lice and the use of models within the consenting system. The report also praises previous collaborative projects to develop detailed sea lice models such as the 'SPILLS' project. However the report is critical of current science communication and effective communication of uncertainty.
- It is also critical of the forums established to discuss, agree and prioritise science delivery. Mechanisms for collaboration to deliver a monitoring and research strategy will be essential to support delivery of the SEPA sea lice framework.

3. Vision for Sustainable Aquaculture

“The Vision as written is a regulatory wish list – we ask that you consider the Vision carefully and that we have an opportunity to comment on a revised draft”

Top Lines

- I am grateful to all the stakeholders who provided feedback at the meeting of the Scottish Aquaculture Council in November and during direct engagements in November and December.
- I listened carefully and asked my officials to make changes following the meeting in response to direct feedback.
- The revised draft Vision is shorter than the previous version and sets out our ambitions at a higher level with a smaller set of more focussed outcomes to support its realisation.
- An update draft Vision has recently been shared with a request for feedback and I look forward to hearing your views on the changes made.

4. Consenting Task Group (CTG) & Consenting Performance

“The Scottish Government is taking too long to deliver the regulatory review of aquaculture consenting and consenting performance is not good enough”

Top Lines

- I am committed to streamlining the consenting regime and I am grateful to the sector for providing resource to support the consenting task group.
- I understand that good progress is being made to inform a new process for managing fish farm applications and that the group is working towards a trial process which could be deployed later this year.
- The SEPA sea lice framework should help to make the fish farm consenting regime more efficient, providing a clear decision making framework to handle sea lice and farmed/ wild interactions for the first time and providing early advice to prospective developers.

Background

- A consenting task group (CTG) has been formed as part of the second phase of the aquaculture regulatory review. The work of the CTG was discussed this morning at the Scottish Aquaculture Council meeting on 3 May.
- The work of the CTG is important to deliver an effective and efficient consenting system for developers, regulators and communities alike.

- A key issue for us to balance is the pace of delivery of streamlined consenting, alongside delivery of the SEPA sea lice risk assessment framework.
- There is increasing anticipation regarding the delivery of the SEPA framework by communities that engage with fish farming consenting applications and decisions which are being taken on new fish farms prior to the SEPA sea lice framework coming into effect.

5. [Redacted – out of scope]

Correspondence from Salmon Scotland dated 25 April and draft Memorandum of Understanding (Note, letters were sent to both Cabinet Secretaries)

Dear Cabinet Secretary,

When we met with you last year, on 27 October to express our concerns over SEPAs approach to implementing a Sea Lice Risk Framework (SLRF), you kindly offered a further meeting given the seriousness of the proposed new regulation on our sector. We now understand that this meeting will take place on 3rd May and we look forward to that.

Earlier this year, senior representatives from our sector met with SEPA, Marine Scotland and Scottish Government officials, to consider the ongoing development of SEPA's SLRF (Stirling Court Hotel, 28th Feb. 2023). As an action from that meeting, our sector committed to draft a Memorandum of Understanding, which would form the basis of further engagement and collaboration, supporting the development of a properly constructed and validated approach that acknowledged the potential hazard posed by salmon farms to wild salmon populations in Scotland. Please find the draft MoU attached to this letter, for your consideration.

Our sector acknowledges that any potential hazard posed by sea lice derived from salmon farms must be appropriately considered within the farm consenting process. We are committed to working with relevant consenting bodies to establish a scientifically robust and validated approach that supports their decision-making process, where a suitable risk has been demonstrated with reliable empirical evidence. However, we are not supportive of the approach SEPA are currently taking in developing the SLRF, views that we articulated at the meeting referred to above. You will be aware that our sector has repeatedly raised significant concerns with the development of this new regulatory framework, noting serious issues with the underpinning principles and scientific justification for the framework, the science used to develop the core model, the absence of any appropriate baseline data or monitoring programme to assess the efficacy of the framework, and the lack of any socio-economic assessment of impacts on our sector and Scotland's rural communities. More significantly, SEPA have failed, in engagement sessions and from the outputs of the model they have developed, to demonstrate that sea lice are causing a significant adverse impact on wild salmon populations. As such we can see no case for the framework that is proposed and for implementation through Controlled Activities Regulations (CAR). The current approach by SEPA, therefore, seems in conflict with the principles of Better Regulation.

We acknowledge this remains a complex issue, both politically and scientifically, but believe strongly that any new regulatory framework relating to wild / farmed interactions must be scientifically robust, validated against field data collected over a suitable timeframe, and must not be developed in haste, in response to wider political pressures. We believe the most effective and constructive way forward is to take a collaborate approach, which aligns with the original commitment of the Salmon

Interactions Working Group, and which is governed by an MoU signed by our sector, SEPA and Marine Scotland.

It is important, however, to provide some context to the MoU and to the wider engagement our sector has had on this subject, in recent years:

In 2019, Marine Scotland policy officials established the Salmon Interactions Working Group (SIWG), with the goal of identifying a suite of recommendations, mutually agreed by both the salmon farming and wild fisheries sectors, that would help progress our understanding of wild / farmed interactions and that would support wild salmon conservation and management.

In total, 42 recommendations were established within the SIWG but most importantly, these recommendations were a collective suite of measures that, together, were needed to support wild salmon conservation and management: they were not individual recommendations that were to be selected from, in isolation.

Of the recommendations, SIWG stated that *“the consenting of new developments should be managed within an adaptive spatial planning model which is risk based, of suitable resolution, underpinned by best available scientific evidence, and takes into account the cumulative effect of management practices of existing developments and impacts on wild salmonid fish”*. It is this recommendation which has been used as justification for the development of the SLRF by SEPA, although it is noteworthy that SLRF was under development some time before the SIWG made its recommendations.

The recommendation and commitment made within the SIWG was, as written, focused on the development of a planning support model that would aid local authorities in their decision making around new farm developments and which would take into account existing farm management practices and the cumulative effects of other local pressures on wild fish. The SLRF that has been developed by SEPA does not meet that objective and goes far beyond what was jointly agreed by the farmed and wild fisheries sectors. We believe that SEPA have moved too quickly, to introduce an approach that is not supported by the necessary science and have produced a model which is not validated against the necessary field based, empirical evidence, and which does not align with the recommendations made by the SIWG. SEPA have continued to press on with the development of their proposed model and have not paused and reviewed the process or model development to date. A sensible, informed review of the initial model and outputs should be undertaken as a matter of urgency before any further consultation and use of public resource.

It is our firm belief that the development of the SLRF must refocus on the original intent of the SIWG and we are committed to working with SEPA and Marine Scotland to achieve that goal. We strongly support a collaborative approach to develop a planning support model, developed over the necessary timeframe, and which is thoroughly validated and tested prior to roll out. Implementation of the decision support model can only occur once all relevant stakeholders are confident the outputs are reliable and consistent.

Once concluded, the planning support model will complete a strong series of actions that the sector committed to through the SIWG. We are disappointed that activity against the SIWG recommendations has focused primarily on actions taken by, or relating to, the farmed salmon sector. There continues to be significantly less activity to address recommendations relating to wild fisheries, and in particular there is still no clear funding mechanism to support practical conservation and fisheries management. It is our view a suitable funding mechanism is urgently needed.

In closing, we wish to reiterate our commitment to collaborate on the development of an appropriately constructed and validated risk assessment model to support local authority decision making for farm developments. The attached draft MoU details our commitment, including around the provision of data and expertise, the necessary resources to address scientific gaps through field research, and to test and validate the final model.

We look forward to your consideration of our draft MoU.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Tavish Scott", written over a thin horizontal line.

Tavish Scott
CEO

DRAFT

Memorandum of Understanding

Between

The Scottish Environment Protection Agency, Marine Scotland, Salmon Scotland and the British Trout Association

1. Background

In Scotland there is a requirement to consider the potential hazard posed by sea lice from salmon farms during the consenting process for new farm developments. To date, this responsibility has rested with Local Authorities through Planning Permission determinations.

A lack of definitive evidence demonstrating and quantifying any impact from sea lice on wild Atlantic salmon has hindered local authority planners in assessing new salmon farm developments. To move this issue forward, in 2019 Marine Scotland established the Salmon Interactions Working Group (SIWG), an independently chaired working group tasked with establishing a package of mutually agreed recommendations in the area of farmed / wild interactions. Amongst its 42 recommendations, SIWG stated that *"the consenting of new developments should be managed within an adaptive spatial planning model which is risk based, of suitable resolution, underpinned by best available scientific evidence, and takes into account the cumulative effect of management practices of existing developments and impacts on wild salmonid fish"*. The delivery of this planning model will complete a strong series of actions from the farmed salmon sector, that collectively demonstrate the sectors commitment to responsible farming. Further actions relating to wild fisheries management are required to ensure the SIWG recommendations are delivered in full.

In October 2021, Scottish Government confirmed the Scottish Environment Protection Agency (SEPA) as the lead body responsible for managing the risk to wild salmonids from sea lice from fish farms. This responsibility does not remove the responsibility of local authorities to consider wild / farmed interactions during planning determinations.

2. Aims

The aims of this MoU centre on the delivery of the SIWG recommendation for the development of a spatial model to assist Local Authority planning departments.

The parties of this MoU commit to a collaborative programme of work to develop a properly validated, spatially adaptive model, which supports local authority planning departments in assessing the risk (or not) of aquaculture developments to wild salmon populations. The model will be risk based, of suitable resolution, underpinned by the best available (and only fit for purpose) scientific evidence, and takes into account the cumulative effect of management practices of existing developments and impacts on wild salmonid fish. Where necessary, research will be commissioned to support the provision of the necessary science to develop the model. The model will be validated against field data from wild Atlantic salmon smolts, tested over several farming production cycles. Testing will be sufficient to ensure the model is validated for all locations / scenarios where it will be applied, in a regulatory context. Implementation, as a model to support regulatory decision making by Local Authorities, will only occur once the model is fully developed, tested, validated and appropriately piloted in relevant, real-world contexts, applying a degree of confidence that all parties agree to.

3. Activities covered by this MoU

3.1 Shared expertise

The parties acknowledge one another's respective scientific and practical expertise in the areas of salmonid and sea lice biology, ecology, wild / farmed interactions, fish health management, modelling, and fisheries, and acknowledge the significant added value that can be gained by taking a collaborative approach to the programme of work covered by this MoU.

The parties commit to work collaboratively to deliver the aims of this MoU. The project steering group (Section 4) will establish a framework for collaboration, which ensures all parties are contributing expertise to the development of the model.

3.2 Data

It is acknowledged that the development of a planning support model requires high quality, reliable, and robust, science and data, including data relating to wild salmon fisheries and sea lice epidemiology. Some of the data required to deliver the programme of work will reside in the public domain, but other data will be privately held, within commercial enterprises.

The parties of this MoU commit to providing the data that is agreed to be necessary to develop the planning support model. Any data provided will only be used for the explicit task of developing the planning support model and will not be used for any purpose not agreed by the data owners. It is acknowledged that some data may be considered commercially sensitive or open to misrepresentation or misuse if released into the public domain. The provision of data to support the development of the model must be backed by sound justification, agreed by all parties. Any data that is not collected through existing statutory requirements (and thus which is already in the public domain) must be destroyed upon completion of the programme of work covered by this MoU.

3.3 Research

It is acknowledged that there are gaps in our scientific understanding of wild and farmed salmon interactions, which hinder the development of a robust planning support model. The model must be developed using the most appropriate, fit for purpose, science that is relevant for use in a Scottish context, and it is agreed that where that is lacking, poorer quality science should not be supplemented.

Where necessary to meet the aims of this MoU, the parties commit to a programme of research to better understand wild and farmed interactions in relation to sea lice. This commitment covers only the science and research that is considered necessary for the development of the planning support model. The parties must agree to the value of any work in delivering the objectives of this MoU, before it is commissioned.

Support for a programme of research might include direct and in-kind support.

The planning support model will take account of other pressures on wild salmon. Consequently, it is important that research and activity around other pressures, including that covered within the Scottish Government Wild Salmon Strategy, is integrated, where relevant, into the development of the model.

3.4 Testing and validation

It is agreed that any new model that is to be used in regulatory decision-making must be suitably validated, such that its outputs can be correctly interpreted and applied in all relevant scenarios.

The parties agree that, prior to its use in regulatory decision making, the planning decision model will be tested and validated, referenced against field data from wild Atlantic salmon smolts, from relevant Scottish loch systems and geographies, and assessed over a number of farming production cycles. Testing will be sufficient to ensure the model is validated for all locations / scenarios where it will be applied, in a regulatory context. The model will only be rolled out as a decision support model once it has been properly validated and piloted.

3.5 Links to other consenting activities and research

The recommendations of the SIWG and the aims of this MoU focus on the delivery of a model to support Local Authorities in their determination of planning applications, and as such Local Authorities are an important stakeholder and end user.

The parties commit to establishing a clear mechanism to engage with Local Authorities throughout the development and testing of this planning support model, to ensure the result meets their requirements, being practical and of benefit to the consent determination process.

It is acknowledged that the framework for consenting aquaculture development in Scotland is under review at the time of signing this MoU. The parties therefore commit to establishing a clear mechanism to engage with the ongoing consenting review, through Scotland's Aquaculture Council.

Work undertaken within Scottish Government's Wild Salmon Strategy is integral to the development of the planning support model, covering wider pressures on wild salmon. The parties commit to including relevant outputs and knowledge, from activities within the Wild Salmon Strategy and other relevant research and initiatives, into the development of the planning support model.

4. Oversight

The programme of work covered by this MoU is both scientifically and politically important. It is critical the project is administered with sufficient management oversight and by those who can make decisions and commitments on behalf of the businesses or statutory bodies they represent.

The programme of work will be overseen by a suitably constituted project steering group, chaired by [To be agreed], and comprising relevant senior officials from:

- SEPA
- Marine Scotland (Science and Policy)
- Local Authority / Planning
- NatureScot
- Salmon and Trout farming representatives

The steering group will report programme delivery progress into the Scottish Aquaculture Council who will act as a resolution route for any non-agreement matters which the Steering Group cannot address.

**Enclosure 03 – Cabinet Secretary for Rural Affairs, Land Reform and Islands
Briefing for Rural Affairs and Islands Committee Session on Salmon Farming in Scotland –
10 May 2023**

Key Message	<ul style="list-style-type: none"> • Aquaculture is a significant contributor to our rural economy, providing well paid jobs in some of Scotland's most fragile communities and will be an essential part of our green recovery and transition to net zero. • We value the role of aquaculture in producing world-renowned healthy and quality seafood, through sustainable food production and a clear commitment to protection of the environment. • Progress has been made across a number of key areas to drive sustainable and inclusive growth for the sector, within environmental limits. • I look forward to further progress through the delivery of the SEPA sea lice risk assessment framework, a Vision for sustainable aquaculture and progress to deliver the regulatory review of aquaculture consenting.
Who	Rural Affairs and Islands Committee
What	Committee appearance with short (~3 mins maximum) speech followed by questions.
Why	Opportunity to provide an update to Committee on Scottish Government's response to the Rural Economy and Connectivity report on "Salmon Farming in Scotland" (2019); and progress in implementing the recommendations of Professor Russel Griggs' review of the current regulatory framework for Scottish aquaculture.
Where	Scottish Parliament, Fairfax Somerville Room (Committee Room 2)
When	Wednesday 10 May 2023 09:30 – 11:00
Supporting Officials	Malcolm Pentland, Deputy Director Marine Economy and Communities, Marine Directorate [Redacted – under regulation 11(2)] [Redacted – under regulation 11(2)] Aquaculture Development, Marine Directorate [Redacted – under regulation 11(2)]
Attached documents	<p>Annex A: Introductory remarks Annex B: Background summary of previous evidence session & Committee correspondence Annex C: TOP LINES: Programme for Government 2022/23 & Parliamentary Inquiries Progress [Including <u>Salmon Interactions Working Group</u> and <u>SEPA sea lice framework</u>] Annex D: Fish Health and Welfare Annex E: Aquaculture Regulatory Review Recommendations Summary Annex F: Aquaculture Regulatory Review Briefing + Expected Q&A Annex G: Vision for Sustainable Aquaculture Annex H: [Redacted – out of scope] Annex I: [Redacted – out of scope] Annex J: Environment Quality Standard/ Emamectin Benzoate/ UKTAG</p> <p>ADDITIONAL BACKGROUND BRIEFING Annex K: National and Regional Marine Plans Annex L: Aquaculture: Moratoriums [Redacted – out of scope] Annex M: [Redacted – out of scope] Annex N: [Redacted – out of scope] Annex O: Seal Management at Fish Farms Annex P: [Redacted – out of scope] Annex Q: [Redacted – out of scope] Annex R: [Redacted – out of scope] Annex S: [Redacted – under regulation 6(1)(b) information already publicly available. Link to publication will be provided in the letter of response] Annex T: [Redacted – under regulation 6(1)(b) information already publicly available. Link to publication will be provided in the letter of response] Annex U: [Redacted – out of scope] Annex V: Letter from 4 MSPs on the regulatory review [Fergus Ewing, Donald Cameron, Rhoda Grant, Beatrice Wishart] [A copy of this letter has been provided to you as part of Enclosure 04 in Annex E]</p>

Introductory Remarks

ANNEX A

[Redacted – under regulation 6(1)(b) information already publicly available. Link to publication will be provided in the letter of response]

Professor Griggs attended Committee on 22 June 2022 to give evidence following publication of the independent regulatory review of aquaculture consenting in February 2022. The questions and answers in **ANNEX F** are informed by this evidence session.

You responded to a letter from the Committee on 3 May, which asked for an update on progress to address the 2017/18 Parliamentary inquiries and the regulatory review.

The Committee clerks have suggested that progress since the Parliamentary Inquiry and since the publication of the independent review will be the session's primary area of focus. In addition, there may be specific interest in fish health and welfare and Highly Protected Marine Areas. It is expected that this session will be used to provide a broad update on aquaculture and to inform the focus of future evidence sessions.

The letter to Committee;

- Enclosed a spreadsheet providing an update against all 65 recommendations;
- Alerted Committee members that a commitment made by the previous Cabinet Secretary to reduce sea lice monitoring and intervention levels from 2 and 6 sea lice per fish to 2 and 4 sea lice per fish 'unless there was compelling evidence to the contrary', would not take place at this time and be revisited at a later date. This decision was made for a variety of reasons, including potential impacts on fish health and welfare and whilst a new framework for managing interactions is under development, led by SEPA;
- Provided an update on the regulatory review of aquaculture, outlining the establishment of the Scottish Aquaculture Council, the Consenting Task Group – formed to streamline the consenting system – and the recent publication of the Scottish Science Advisory Council's science report;
- Committed to providing committee members with a copy of the Vision for sustainable aquaculture, upon publication;
- Highlighted the recent Scottish Government consultation on a new Environmental Quality Standard for Emamectin Benzoate – open until 24 July 2023; and
- [Redacted – out of scope]

This letter was copied to Edward Mountain MSP (substitute RAIC member) following a prior commitment to provide and update following a line of questioning on farmed fish mortality.

PfG 2022/23: Develop a Vision for Sustainable Aquaculture with enhanced emphasis on environment and community benefit and continue to progress the regulatory review of aquaculture and measures to tackle environmental impacts associated with aquaculture, including SEPA's implementation of a new sea lice risk assessment framework and support for local authorities to guide development to the right places through spatial planning.

Progress to address the 2017/ 18 Parliamentary Inquiries & Top Lines

2017-2018: The Rural Economy and Connectivity (REC) and Environment, Climate Change and Land Reform (ECCLR) committees held two inquiries into salmon farming in Scotland. The first was on the environmental impacts and the second looked at opportunities for the sector. The inquiries were comprehensive and covered topics from benthic impacts, acoustic deterrent devices (ADDs), marine mammal protection, fish health, welfare and fish mortality, animal by product disposal, escapes, sea lice regulation and wild salmonid interactions.

2019: The REC committee made 65 recommendations in December 2018 and Fergus Ewing, then Cabinet Secretary for Rural Economy, [responded to each of the 65 recommendations in January 2019.](#)

2023: [You provided an update to RAI Committee on each of the recommendations on 3 May.](#)

Aquaculture Top Lines

- Aquaculture is a significant contributor to our rural economy, providing well paid jobs in some of Scotland's most fragile communities and will be an essential part of our green recovery and transition to net zero.
- Aquaculture provides a lower-carbon source of protein which is efficiently produced, and which is incredibly good for health.
- As reflected in the Programme for Government and the Bute House Agreement, **we have a wide agenda on which we are trying to create momentum.**

Environment Top Lines

- **We are continuing to make progress on a number of the recommendations in the Rural Economy and Connectivity Committee report [2018] 'Salmon Farming in Scotland'.**
- To protect the environment, we are progressing the actions outlined in our response to the **Salmon Interactions Working Group** report.
- SEPA is continuing to develop a **new sea lice risk assessment framework** to manage the interaction between wild and farmed fish and is preparing to launch its second consultation, whilst continuing the **phased implementation of the revised marine fish farm framework** to protect the environment.
- A consultation on the implementation of a **new environmental quality standard for Emamectin Benzoate** is open until 24 July 2023, following a recommendation from the independent UK Technical Advisory Group.

Fish Health Top Lines

- We continue to work closely with the sector and others through the **Farmed Fish Health Framework** initiative to address fish health via collaboration with the sector, innovation centres, fish veterinarians and Marine Scotland expertise.
- **We have introduced sea lice reporting legislation** and continue to **publish fish health and mortality data** alongside the sector to support transparency.

- **We are working with our innovation delivery partner** – the Sustainable Aquaculture Innovation Centre – to ensure fish health and environment interactions are prioritised.
- **We are also supporting innovative and sustainable projects through the Marine Fund Scotland** – for example investment in closed recirculation systems to support Bakkafrost’s roll out of the large smolt strategy, aiming to reduce time spent at sea, improving fish health and reducing environmental interactions.

Vision Top Lines

- **We want to ensure the opportunities of aquaculture are fully realised in Scotland:** the development of a Vision for Sustainable Aquaculture is in its final stages and is expected to be published in late May/ June.
- The Vision will provide clarity on SG’s long-term ambitions for the sector and will set our support for the sustainable development, helping to **ensure the continued success of Scottish aquaculture at home and abroad.**

Regulatory Review Top Lines

- The regulatory review sits alongside ongoing work to strengthen environmental protection and community benefit and **will ensure the fish farm consenting framework is streamlined, effective and transparent:**
 - We have accepted the recommendations of the independent review, led by Professor Griggs, in principle, and we are working with our delivery partners at pace to make progress.
 - The **Scottish Aquaculture Council** is providing strategic advice on delivery to Ministers.
 - Last year, we announced an immediate change to the validity period of new marine licences for shellfish and finfish farms from 6 to 25 years, bringing it in line with the seabed lease renewal cycle.
 - A new Consenting Task Group (CTG) has been formed to take forward and pilot key recommendations from last year’s independent review of aquaculture consenting.
 - The CTG is focused on ensuring improvement and streamlining the administration of the finfish farming consenting process, while maintaining high environmental standards. This is not about deregulation – but a more efficient, transparent, and coordinated consenting regime.
 - We asked the **Scottish Science Advisory Council (SSAC)** to consider the use and communication of science in aquaculture consenting, in response to concerns raised in Professor Griggs’ report.
 - I am pleased to say that the SSAC published their report on 26 April 2023, and I recently met with the Scottish Aquaculture Council to discuss its findings.

Significant progress has been and continues to be made on the recommendations of the REC committee

- As committed at my last appearance before the RAI Committee, I recently provided an update to the Convener, along with members of this Committee, on progress made for each of the recommendations.

[Key REC recommendations – Impacts on wild fish: sea lice and escapes]

- The **Salmon Interactions Working Group (SIWG)** brought the fish farming industry and recreational fisheries sector together, to consider the RECC and ECCLR conclusions and make recommendations on a future interactions approach.
- In October 2021 Scottish Government published its response to the 40 recommendations of the SIWG report.
- Scottish Environment Protection Agency (SEPA) was identified as the lead body responsible for managing the risk to wild fish from sea lice from fish farms and is making progress on a **new sea**

lice risk assessment framework which will see advice and regulation of the interactions of sea lice being led by SEPA, within an adaptive management framework - a further consultation is expected on the framework this month.

- In 2021 we published a Code of Good Practice for prevention of escapes of fish from fish farms, and we will explore how to strengthen the escapes regulatory regime, including the introduction of penalties where fish farm escapes occur.
- We remain committed to working with the sector to reduce the risk that fish escape from fish farms, including revision and publication of the Scottish Technical Standard for the Containment of Finfish Aquaculture, which is well developed.
- [Redacted – out of scope]

SEPA Sea Lice Risk Assessment Framework Q&A

Q: Do you agree the SEPA sea lice framework will be over-precautionary, is not science based and will impact on communities?

- SEPA is committed to following an evidence led, risk-based and proportionate approach to regulation.
- SEPA has committed to consulting on an impact assessment with its next consultation.
- SEPA has undertaken modelling to assess the cumulative risk of development in different areas – there will be no blanket controls introduced.
- Regulation will be informed by risk category. Action will be targeted and SEPA will implement the framework in phases – prioritising new fish farm developments.
- SEPA's initial screening assessment suggests a small number out of over 120 areas may have limited capacity for additional sea lice contributions. Within these areas, this does not necessarily mean there are no suitable areas for development.
- The SEPA framework will be targeted in a three month window of the year, coinciding with migration of wild salmon (March to June).
- I would encourage everyone to contribute their views to SEPA's more detailed proposals, due for consultation in May.

Q: Explain how the SEPA framework will function in practice.

- SEPA's sea lice risk assessment framework uses a screening model and will be implemented under the Water Environment (Controlled Activities) (Scotland) Regulations 2011.
- The risk assessment will be integrated into SEPA's existing regulatory framework for marine finfish farms (for example, benthic impacts) and form part of a single, enhanced, and comprehensive risk assessment framework covering all pressures from marine finfish farms on the water environment.
- To prevent salmonids from experiencing a harmful level of lice SEPA is proposing an exposure threshold to apply in wild salmon protection zones (WSPZs) (narrow or constrained areas of sea, such as sea lochs).
- To evaluate how much the proposals for a new development or increased biomass will contribute to the exposure threshold of the WSPZ, a screening model will be used to categorise developments at the pre-application stage according to risk.
- Where "a risk" is identified, SEPA would require the developer to quantify the proposal's effects on sea lice concentrations in the protection zone using more refined modelling.
- The results of this modelling would be compared with the sea lice threshold to determine the suitability of the proposal for authorisation.

Q: What engagement has there been with the sector on the framework?

- SEPA has engaged with the aquaculture sector throughout development of the framework:
- In June 2022 SEPA held two workshops to the conclusions of its first consultation.
- In September 2022 SEPA held four workshops to promote discussions on further proposals for the development of the framework.

- On 12 and 14 October 2022 SEPA held face-to-face meetings to allow for technical discussion with industry experts.
- In December 2022 SEPA held two further workshops to update on progress and promote technical discussions.
- SEPA has also offered 1:1 engagement sessions which have taken place out with scheduled public sessions.
- SEPA will soon launch a consultation on more detailed proposals – collecting views from a wide variety of stakeholders interested in regulation of aquaculture.

Q: Is the SEPA framework being rushed?

- No – the sea lice framework is not being rushed. The SEPA framework was first developed by a Technical Regulators Working Group, formed in 2017, to work in parallel to the Salmon Interactions Working Group.
- The framework has been developed over a number of years and in October 2021, the Scottish Government identified SEPA as the lead regulator for sea lice and the interactions.
- SEPA first consulted on the high level principles of the framework in December 2022.
- Following detailed consideration, SEPA is due to consult on its more detailed proposals for the framework later this month.
- SEPA is aiming to implement the framework towards the end of this year, however SEPA will be guided by the issues raised within its consultation and will decide on the appropriate timescale for implementation.

Q: I thought this Government supported growth of aquaculture in Scotland – is this not another attempt to close Scotland’s aquaculture industry down, alongside HPMAs?

- The SEPA sea lice framework addresses a number of recommendations made during the prior parliamentary inquiries – to guide aquaculture away from wild salmon migratory routes, apply a stricter interpretation of the precautionary principle, more in line with Norway, and take action using best available evidence.
- The framework also addresses key recommendations made by the Salmon Interactions Working Group.
- The SEPA sea lice framework will not close aquaculture down in Scotland - it is a targeted, risk based framework which, for the first time, will provide a clear framework to aid decision making in Scotland relating to sea lice and interactions.
- Members may be aware of the complicated nature of sea lice and interactions with wild fish and the uncertainty this can cause local planners when considering development proposals. This in turn can cause investor uncertainty.
- The framework will introduce an evidence based assessment of the risk to wild salmonids and, whilst tighter controls may be required in some areas, SEPA’s initial assessment shows that only a small number of areas out of 120 may be near their capacity.
- [Redacted – out of scope]
- [Redacted – out of scope]

Q: When is the second consultation on the framework launching?

- SEPA is planning to launch their second consultation on the framework on Monday 29 May.

[Key REC recommendations – Overarching SEPA Finfish Environment Framework]

Background: SEPA launched its new marine fish farm framework following the conclusion of the inquiries. You may be asked on SEPA’s progress to implement the framework.

- SEPA began the phased implementation of its new marine fish farm framework in June 2019. The framework tightens seabed protection standards for fish farms, uses more accurate

computer modelling to assess development proposals and requires increased monitoring by operators of their effects on the environment.

- The Marine Licensing (Exempted Activities) (Scottish Inshore Region) Amendment Order 2020 transferred responsibility for the authorisation of discharges of medicine residues from well-boats from Marine Scotland to SEPA. This is part of an ongoing effort to consolidate SEPA as the environmental regulator for fish farms and means that SEPA can now regulate discharges holistically.
- SEPA is in phase 2 of the development and implementation of the finfish regulatory framework: SEPA plans to further develop its framework over the next 12 – 18 months to enhance nutrient discharge screening.
- SEPA will also undertake a review of its regulatory approach to bath medicines. This will include checking that the environmental standards for bath medicines, which underpin risk assessments reflect the latest scientific understanding, and exploring whether patterns of use in some constrained locations require a review of how cumulative risk is assessed.

[Key REC recommendations – spatial planning]

Salmon Farming in Scotland' recommendation 51: Scottish Government should initiate a **spatial planning** exercise with a view to developing strategic guidance specifying those areas across Scotland that are suitable or unsuitable for siting of salmon farms – Arianne Burgess has asked about progress at a number of meetings and through the PQ system.

- We are committed to the ongoing improvement to spatial planning tools which are utilised a national, regional and local scales. This includes through the development of a new National Marine Plan, Regional Marine Plans, and, in the case of shellfish and finfish, the National Planning Framework 4 and individual site assessments complete by SEPA and planning authorities.
- National Planning Framework 4 (NPF4) was adopted by Scottish Ministers on 13 February 2023. NPF4 sets out a long-term spatial plan including regional priorities and 18 national developments, as well as a full suite of 33 national planning policies with the nature crisis, together with the global climate emergency, underpinning the spatial strategy as a whole.
- As a priority, we are making progress to deliver a new spatial framework for sea lice. SEPA will provide a risk-based decision-making framework, in line with the precautionary approach, to assess risk to wild salmonids from sea lice from fish farms. The framework will work on an area basis and consider cumulative risks and will allow SEPA to provide upfront environmental capacity advice to prospective developers.
- [Redacted – out of scope]
- We will consider further improvements to the aquaculture spatial planning framework as we make progress to deliver the regulatory review and in the forthcoming Vision for sustainable aquaculture.

[Key REC recommendations – farmed fish health and reporting]

- Mortality - Although mortality is a component of all farming systems, we are clear in our expectation of producers to manage mortality to the lowest possible levels. Mortality is often a result of complex factors and improving our understanding of these is key.
- Salmon Scotland is publishing monthly mortality data, by percentage and cause, and work is ongoing to identify if further alignment of published mortality data is possible. This reflects an openness and transparency which is leading amongst farming sectors.
- On sea lice - In March 2021 legislation was introduced which requires aquaculture production businesses in Scotland that farm fish to report the average number of adult female sea lice counted per fish per site in the reporting week, one week in arrears. Data is published to promote

transparency and has shown that most fish farms in Scotland keep sea lice levels well below the required minimum threshold.

Fish Health and Welfare (mortality, sealice, Fish Health Framework) ANNEX D

ISSUE: Mortality figures published by the salmon farming sector indicate a recent rise in mortality. Despite claims that mortality figures have doubled on the previous year, mortality figures have remained relatively constant since 2002 (with approx 25% mortality of fish grown in a production cycle).

Equality UK wrote an open letter to Ms Gougeon on 24 February 2023, co-signed by 8 MSP's (Green, Labour) and 2 MP (Green Conservative), citing high mortality and calling for a moratorium on the expansion of the Scottish salmon farming until fish health challenges are addressed.

Welfare – Animal rights organisations have sought action with regards to claims of potential breaches of welfare law filmed during an undercover investigations of fish slaughter practices on Scottish salmon and trout slaughter boats.

TOP LINES

- We remain committed to maintaining high standards of fish health and welfare -we are clear in our expectations of producers to drive mortality to the lowest possible levels.
- The increase in mortality should be considered in the context of the trend seen since 2002, which indicates stable average mortality levels with peaks and troughs in different years.
- Reasons for mortality are complex and solutions can take a long time to develop and implement
- We will continue to work collaboratively with the sector, regulators and fish vets to better understand causes of mortality and the impacts of climate change

Q: Do you agree that current levels of mortality (approx 15m fish last year) are unacceptable?

- We expect producers to reduce levels of mortality to the lowest possible levels and will continue to work with them, and others, to support them.
- Reports that mortality has doubled, or tripled, in the past year in production are misleading as they take into account mortality which does not reflect on husbandry, for example sub optimal ova.
- But I do acknowledge the recent rise in mortality numbers reported by the sector – a result of gill damage from an unusual bloom of a micro jellyfish out with its normal range. It is too soon to say if it is a trend.
- Numbers of dead fish alone do not allow for direct comparisons between years as the number of fish being grown per year varies. Survival to harvest of a year class (fish grown to harvest within a production cycle) provides a better comparison, and is the one we publish in our production statistics.
- The recent increase should be considered in the context of trend which indicates relatively stable average mortality between 2002 and 2019 levels with peaks and troughs in different years, and a slight decrease (3%) in the past 5 years.
- While the number of fish in production varies, approximately 100 million salmon can be in production at a given point, approximately 75% survive to harvest.
- We continue to work collaboratively with the sector and others to address mortality – issues are complex and some solutions will be long term.

Q: Is the sector adequately prepared to handle a changing environment?

- The sector is highly innovative and is seeking to address the key environmental challenges it faces.
- We work collaboratively with regulators, fish vets and the sector to better understand impacts of climate change on the sector and develop adaptation.
- We funded an initial study into Harmful Algal Blooms monitoring with a view to assisting the sector develop predicative monitoring and possible adaptation.
- This work is being taken forward by the Sustainable Aquaculture Innovation Centre, on behalf of the Farmed Fish Health Framework – it focuses on training and standardising operating procedures on HABS reporting as the next step towards adaption.
- We have also worked with SAIC to explore the current capacity for measuring dissolved oxygen with the aim of understanding what monitoring is currently carried out and where gaps in the data exist.

Q: Do you support a moratorium until fish health issues are resolved?

- We do not support a moratorium on expansion.
- As set out in the Bute House Agreement, we agree that Scotland should have an aquaculture industry which is sustainable, operating within environmental limits and with social licence.

Q: What work is being achieved through the Farmed Fish Health Framework?

- The approach to delivering the FFHF was revised in 2020 to streamline governance and refocus on priorities i.e. improving understanding of mortality, improving access to medicines, and considering adaptation to climate change. Scotland's Chief Veterinary Officer, Dr. Sheila Voas, was appointed as chair.
- On mortality analysis - The sector is now standardising mortality recording across farms and Salmon Scotland is publishing monthly mortality data, by percentage and cause, in the interest of openness and transparency which is leading amongst farming sectors.
- On medicines - There are discussions underway on how we can use some medicines differently and more effectively without lowering environmental protection and we are working to identify the key barriers restricting vaccine development in the area of fish health.
- On climate change - The Sustainable Aquaculture Innovation Centre is delivering work to provide training to producers on harmful algae and also standardising reporting as a first step towards longer term work on adaptation.
- We have also worked with SAIC to explore the current capacity for measuring dissolved oxygen with the aim of understanding what monitoring is currently carried out and where gaps in the data exist.
- The FFHF has wider benefits in that it influences organisations such as the Sustainable Aquaculture Innovation Centre to focus on how innovation can address fish health, which is one of its areas of focus.
- I would be pleased to offer a report to the committee on work delivered under the FFHF.

Q: There have been reports of Scottish Government paving the way for imidacloprid use in the marine environment – is this true?

- 'Cleantreat' is a water purification technology for removing medicine from treatment water prior to discharge – it is not to be confused with a new imidacloprid based sea lice medicine which has been developed by the same company.
- CleanTreat technology is an important advance in reducing the environmental footprint of aquaculture and could allow for a different approach to chemical use.
- The Sustainable Aquaculture Innovation Centre has supported trials to determine the efficacy of CleanTreat technology in conjunction with a veterinary product, Salmosan, which is already authorised for use by the Veterinary Medicine Directorate and SEPA. No imidacloprid based treatment were used in the trials.

- All veterinary medicines require market authorisation in the UK from the Veterinary Medicines Directorate following robust and rigorous assessment.
- In addition, the discharge of imidacloprid into the marine environment would require authorisation from SEPA as an independent regulator, which would only be granted if SEPA were satisfied that environmental standards would not be breached. There are no exceptions.
- At this time, we are not aware of any application for authorisation by VMD for use of imidacloprid sea lice treatment in aquaculture in the UK, or that SEPA has received an application to use it.

Q: What has SG done in response to ongoing complaints of poor welfare standards on Scottish fin fish farms and during slaughter practices.

- We expect high standards of fish welfare. Any breaches under the Animal Health and Welfare (Scotland) Act 2006 should be the exception rather than the norm.
- The Animal and Plant Health Agency are responsible for investigating welfare complaints concerning farmed animals, including farmed fish.
- We refer any reports of potential breaches of animal welfare law referred to us to APHA.
- UK Animal Welfare Committee has been investigating the welfare of farmed fish at killing and we expect a report to be published in the near future. We will carefully consider any recommendations for further legal protections for farmed fish.
- On slaughter- Although currently there are no specific legal requirements for how farmed fish should be killed, it is standard practice for farmed salmon to be humanely stunned as part of the process. It is an offence under the Animal Health and Welfare (Scotland) Act 2006 to cause unnecessary suffering to a protected animal, which includes farmed fish.

Q: Why did you not implement the commitment made to parliament by the former Cabinet Secretary to reduce the levels of sea lice at which the Fish Health inspectorate takes monitoring and enforcement action?

- My decision to postpone consideration of tighter controls of on-farm sea lice took into account
 - a) that analysis of data indicated that the majority of businesses manage sea lice to much lower levels than those required by current policy, and that very few additional enforcement notices would be issued by FHI if levels were reduced to a lower level.
 - b) The SEPA Sea Lice Risk Assessment seeks to manage sea lice as an environmental issue and is likely to influence the average sea lice levels which farms are expected to maintain in specific locations.
- I believe it is best to delay considering the need to lower fish sea lice levels until the SEPA framework is delivered, instead of making changes during development.
- We have introduced legislation which makes reporting of sea lice levels mandatory. In March 2021 The Fish Farming Businesses (Reporting) (Scotland) Order 2020 came into force.
- It requires marine aquaculture production businesses in Scotland to report the average number of adult female sea lice counted per fish per site in the reporting week to the Scottish Ministers one week in arrears.
- Data is published to promote transparency and has shown that most fish farms in Scotland keep sea lice levels well below the required minimum threshold.

Q: What will you take into consideration when revisiting sea lice intervention thresholds for farmed fish? What information would allow you to support lowering the thresholds?

- I am committed to revisiting the Scottish Government monitoring and enforcement regime, however I do not believe it is the appropriate time to consider making changes whilst a framework is under development which will have direct implication on permitted sea lice levels at different farms.
- Once consideration of the SEPA sea lice framework has concluded and the implications for sea lice levels at individual fish farms fully understood, I will revisit the decision and make my considerations clear to Committee.

Q: What is the Scottish Government doing to investigate farmed fish mortality and to audit sea lice reports?

- Under statute, all fish farms must record fish farm mortalities and report suspicion or presence of listed disease.
- All fish farms are subject to a risk based inspection regime and mortality records are assessed during inspections by the fish health inspectorate.
- Additionally, the Code of Good Practice introduced voluntary mortality reporting thresholds.
- There is good compliance with reporting requirements and fish farm operators publish their own monthly mortality statistics.
- Reports are submitted to the Fish Health Inspectorate. All mortality reports are considered fully, with follow up inspections completed as necessary.
- Sea lice records and counting methodology is audited as part of the fish health inspectorate risk based surveillance programme.
- SEPA is considering what additional independent audits it may complete as part of its development of the SEPA sea lice risk assessment framework.

Q: What is your response to the British Veterinary Association's focus on fish health within its new policy position on sustainable finfish aquaculture?

- I very much welcome the BVA's recognition of fish health as a key component of sustainability - the veterinary perspective is vital to help address key challenges in this area.
- I also welcome its call for more vets to become involved in the aquaculture sector and for students to receive better training in this area – this is highly relevant to developing new solutions, but also to the development of skilled jobs in the rural economy.
- The report recognises the breadth of the challenge facing fish health and makes a number of recommendations on how these could be addressed.
- I am pleased to say that many of the recommendations align very well with work which we, or others, are already taking forward or have identified as important – I will continue to reflect on the points made in the wider report.

RECOMMENDATION	Workstream
1. A short term project board is established which oversees, drives, and guides all the varying parts, where possible, within a 12 month period.	Scottish Aquaculture Council
2. A new single consenting document for aquaculture should be created, that mandates what all parties involved in an application are subject to, derived from a pre-application consultation prior to submission.	Consenting Task Group
3. The new consenting document contains a 'social contract' that recognises the community and its needs.	Consenting Task Group
4. I recommend that once the Scottish Government has produced its Vision for Aquaculture it should work with all parties through a Project Board to produce, within 12 months, a 10 year framework for each part of the aquaculture sector (finfish, shellfish, and seaweed) within which all must operate.	Vision for Sustainable Aquaculture, National Planning Frameworks and SEPA frameworks
5. There should be different regulatory solutions for finfish, shellfish, and seaweed with each based on a framework specifically designed for that part of the sector and in which the consenting and all other regulatory processes will sit and be driven by.	Vision for Sustainable Aquaculture, National Planning Frameworks and SEPA frameworks
6. Once that framework is in place all existing sites should be examined to ensure that they can operate within the framework.	Vision for Sustainable Aquaculture & SEPA frameworks.
7. All sites where it is unlikely, after evaluation against the new framework and remedial action that further finfish production will occur, give up all licences held on that site by the current owner.	Vision for Sustainable Aquaculture & SEPA frameworks.
8. A new single licencing payment is introduced based on tonnage output of each site, which covers the costs of all bodies involved in the process and addresses community benefit as well. A separate charge on established sites that are to continue post review to be examined.	Consenting Task Group
9. The funding/ licence process the process should encourage innovation and development	Consenting Task Group
10. There should be a single website and body where anyone with any questions around starting up an aquaculture business or who have questions on more general issues / aquaculture regulation can go to find out all that they need to know.	Consenting Task Group
11. The science and other evidence that is currently being used by all parties involved in the sector is reviewed independently to ensure it is the best and most up to date available.	Scottish Science Advisory Council
12. The creation of a central science and evidence base should be put in place jointly run and managed by industry and the Scottish Government which gathers, collates and examines scientific and other evidence relating to this sector so decisions within the framework can be made in the most effective way.	Scottish Science Advisory Council

ISSUE: The Bute House Agreement includes commitments to reform the regulatory and planning framework for aquaculture, which began with an independent review to consider the effectiveness and efficiency of the current regime.

TOP LINES

- I was pleased to accept the comprehensive and wide ranging recommendations of the regulatory review in principle, delivered by Professor Russel Griggs in February 2022.
- **We are committed to making improvements to the fish farming consenting regime**, providing a streamlined, efficient and transparent service which enhances communication and engagement between regulator, developers and communities.
- **We will make twin track progress** to deliver on consenting, alongside the implementation of a new framework to manage interactions under SEPA.
- To ensure progress, I have established the **Scottish Aquaculture Council** and a supporting **Consenting Task Group**. I have also commissioned the **Scottish Science Advisory Council** to consider the issues being raised of science in Professor Griggs report.

Scottish Aquaculture Council

- The Scottish Aquaculture Council provides strategic advice on the delivery of our commitments. I have been encouraged by the commitment of members and I am grateful for their contributions.
- The Council includes representation from the aquaculture sector alongside key organisations with interests in the industry and its environmental and community impacts.
- Establishing the Council is an important opportunity to hit reset - **building trust, collaboration and communication between key parties**.
- I recognise that there are many others with an interest in the Council or who wish to contribute their views - in support of transparency, all minutes are being published on a dedicated Scottish Government website and my officials and I maintain a regular dialogue with a broader network of stakeholders.

Consenting

- To immediately simplify the consenting framework, we announced a change to the validity period of new marine licences for shellfish and finfish farms from 6 to 25 years, bringing it in line with the seabed lease renewal cycle.
- A new Consenting Task Group has been formed to pilot and implement key recommendations from the regulatory review, focused on streamlining and improving efficiency and co-ordination of the finfish farming consenting process, while maintaining high environmental standards.
- A workshop was held on 29 March 2023 to progress the development of a new blueprint model for aquaculture consenting so that it is streamlined and delivers enhanced engagement between regulators, developers and communities.
- The group is working to commence a trial later this year and I look forward to keeping members updated with the outcome.
- Importantly, this work is focussed on enhanced multi-lateral pre application processes, where all interested parties discuss applications jointly. This should not only streamline the process and improve coordination between regulators – but it should significantly enhance engagement with communities, improve understanding of the consenting process and the specific risks and opportunities involved within individual fish farm developments.
- Normally applications for fish farm consents are applied for consecutively and there is limited information sharing between regulators, and so the consenting task group is looking at how each of these components can be coordinated to achieve a joined up approach and to reduce the time to consent.

- The new process is expected to build upon the new service introduced by SEPA in 2019, which provides an upfront and initial assessment on the environmental risks and suitability of different locations which SEPA requests is taken forward for consultation with communities.
- In time, regulation of sea lice by SEPA will expand and enhance the pre-application risk screening service, addressing a key area of dispute in the fish farming consenting process and introducing a clear framework to assist with decision making on sea lice and interactions for the first time in Scotland.

Science

- Professor Griggs report raised concerns about the use of science in the consenting process and the potential for inconsistent decision making, commenting on the differences of opinion of stakeholder groups regarding the appropriate application of the precautionary principle.
- Two recommendations were made on the independent review of science and the creation of a central science and evidence base.
- In recognition of the scale and breadth of relevant science and the importance of these issues, I asked the Scottish Science Advisory Council (SSAC) to consider the use and communication of science in aquaculture consenting, Scotland's highest independent advisory science council.
- I am pleased to update members that the SSAC recently published their report, which I discussed extensively with Scottish Aquaculture Council members last week.
- The SSAC broadly recommend establishing a new annual science and communication forum, give consideration to the potential role of a new Chief Scientific Advisor Marine, call on Government to enshrine transparent practices in science delivery and to address the fragmented research landscape in aquaculture to be addressed.
- Following discussion with Scottish Aquaculture Council members I will take some time to consider the key findings and our response, however I am clear that Government and regulators need to improve communication and prioritisation of research to address key evidence gaps which support policy and regulatory frameworks – and to further enhance trust in those processes.

Q: The regulatory review suggested a delivery timescale of 12 months – why is it taking so long to deliver?

- It is important we maintain momentum and I hope that in progressing with the recommendations and allowing sensible time for due diligence, we are able to implement the best possible solutions for moving forward.
- The financial and delivery options need to be carefully assessed and developed. The regulatory report recognises this and therefore it was not credible for us to agree that this could all be delivered within 12 months.
- However I am committed to meeting the challenge to pace – in 12 months I have established and chair the Scottish Aquaculture Council to ensure progress on all our aquaculture commitments, not only the regulatory review.
- The Consenting Task Group, is actively exploring new ways of administering the consenting system and is aiming to being trials later this summer.
- The Scottish Science Advisory Council has just completed a project looking at the use and communication of science in aquaculture consenting and I look forward to further progress – including the publication of the forthcoming Vision for sustainable aquaculture.

[Redacted – out of scope]

Consenting and Funding

Q: How are Ministers working to rebuild trust in consenting decision making processes?

- I chose to Chair the Scottish Aquaculture Council myself in recognition of the importance of talking to leaders directly and bringing people together to discuss challenging issues in order to make progress.
- There appear to be a number of issues leading to distrust of the consenting framework:
 - one is a lack of understanding or the disjointed nature of the consenting framework, which can make it difficult for third parties to understand where to direct and discuss their concerns – work by the consenting task group should start to address this, creating a single place for discussion on issues raised under the SEPA and planning processes.
 - another is clear distrust of the use of science and the potential for inconsistent decision making – I am pleased that the SSAC report and the regulatory review supported the requirement for clear decision making frameworks – that is the purpose of the SEPA sea lice risk assessment framework, addressing a long standing and contentious issue, providing a clear decision making framework for sea lice and the interactions between wild and farmed fish in Scotland for the first time.
 - a third is the fragmented nature of research to address key policy and regulatory evidence gaps and communication with impact on the science and change which we do deliver – I asked the Scottish Science Advisory Council as an authoritative and independent advisory council to take a look at these issues and I will consider how we move forward to set up the long term science delivery and governance arrangements to support the continued success of Scottish aquaculture.

Q: How are you working to improve the relationship between the industry and communities and to ensure communities have a voice in the process?

- The consenting task group is about trialling a new consenting process which brings everyone together at the start of the consenting process for a joint pre application discussion – developers, regulators and communities.
- This approach should help to deliver meaningful engagement communities, improve relationships and communities understanding of the consenting process and risks and opportunities involved with individual fish farm applications.
- Communities will continue to have the opportunity to input their views to the fish farming consenting process – I am committed to protecting and enhancing that engagement.
- [Redacted – out of scope]

Q: How is the Scottish Government going to fund the additional costs involved to deliver the new consenting system?

- **We will work to ensure the new process has a cost benefit for all parties**, reducing duplication between regulators for example, and **we will assess the additional costs through the trial** which will take place later this summer, in turn informing the costs involved of establishing a new streamlined regime and our options to do so.

If pressed on exploring Crown Estate Scotland funding mechanisms

- [The regulatory review suggested that there should be a single payment to cover all costs of the consenting process, which might cover all costs in the consenting process and could usefully be collected by Crown Estate Scotland.
- Unfortunately, it's not quite as simple as that – those with statutory responsibilities must only raise fees on the basis of cost recovery, to do otherwise would be contrary to law.
- Crown Estate Scotland has been set up for a very specific purpose – enhancing the value of Scotland's assets and responsibly leasing the seabed – so it is not quite as easy as asking them to increase the fees they are collecting.

- We moved away some time ago from the Crown Estate Scotland having any responsibility for administering other consents, whilst leasing the seabed and raising lease fees, as it was seen as a conflict of interest.]

Q: What lessons can the Scottish Government learn from funding mechanism in Norway? Will the Scottish Government consider a tax on salmon following announcements in Faroes and Norway?

- I know Professor Griggs was here to talk to you in June 2022 and he provided the committee with an overview of the Norwegian regime, which is a coordinated process, rather than a single regulator.
- It's quite clear that Norway has a number of additional tax levers to raise money from fish farming and to redistribute this to support science and consenting frameworks. The scale of the industry in Norway also makes a big difference.
- [Redacted – out of scope]
- However, we need to take a closer look at how we are funding the science to support consenting decisions and the costs of the new consenting process under development.
- The SSAC recently provided a report, making recommendations on how the fragmented nature of aquaculture science could be addressed through prioritisation and communication, attracting greater funding. I met with the Scottish Aquaculture Council last week to discuss how we make progress on this.
- An important component of the consenting system is that it should work on a cost recovery basis. Last year, Ministers approved new licensing fees for the SEPA CAR licence to support SEPAs implementation of their marine fish farm framework. These costs were delayed to help support businesses through covid, however they should now help to make improvements to management of the consenting process.
- We will need to consider carefully the costs of the new process being trialled and where the blockers are to achieve the new process.
- I'm optimistic that by working together, ultimately there should be a reduction in duplication between regulators and majority cost benefit for all parties.

Q: How will the single consenting document work in practice and who should take overall responsibility?

- Professor Russel Griggs has suggested that Scottish Government – Marine Directorate might take an active role in managing the consenting process as a project manager.
- The consenting task group is currently considering a trial - there may be a number of learnings from the trial and different options to achieve our same aims – that is that everyone is agreed the process should be streamlined, there should be joint discussions between regulators, developers and prospective communities and it should be managed.

Q: What are you doing to address delays by regulators in the consenting process and failure to meet statutory deadlines?

- The statistics that I have show that SEPA is processing the vast majority of its licences on time. Performance by local authority varies – and outliers can have a big effect on average performance statistics where only a limited number of applications are handled each year.
- There have been a small number of complaints relating to Marine Scotland licensing decisions and process – I am working with MS LOT to understand where the issue lies to reach a suitable resolution as quickly as possible.
- However overall, the consenting task group is seeking to put in new joint processes, which allow processes to run in parallel instead of consecutively – this should help to improve the process for the vast majority of applications and ensure a joined up approach.

Q: How will the new consenting process address sea lice, disease, wild salmon introgression? This will take some time to develop – what will be done in the interim?

- We are currently finalising a new Vision for sustainable aquaculture – I look forward to sharing it with Committee shortly.
- I understand that Professor Griggs described a situation whereby we introduce a new consenting process and, once that's in place, we can start to understand which bits aren't working within the consenting process or need improvement.
- I think that's right – however I would also like to recognise that the consenting framework does not operate in isolation of broader regulatory frameworks – it implements them.
- So we are pressing ahead for example, with implementing a new sea lice risk assessment framework under SEPA as we know this needs to be addressed.
- National Planning Framework 4 has been adopted and we are considering the HPMA and National Marine Plan Programmes. All of these sorts of elements make up the consenting framework as a whole.

[Redacted – out of scope]

Science Questions and Answers

Q: How is the Scottish Government working to address polarised arguments – are there plans to put in place a central science and evidence base and peer reviewed processes?

- One of the biggest areas of polarised debates relates to sea lice and their potential impact on wild salmonids.
- Importantly, SEPA is making progress on a clear framework to assist with decision making, informed by the best available evidence and which uses models to predict possible outcomes so that communities and regulators can understand the risks and opportunities of development, but also levels of certainty associated with the models.
- Sea lice is just one area – there are others which might be considered to be polarised. I asked the Scottish Science Advisory Council to consider how we can improve the commissioning, use and communication of science in aquaculture consenting.
- I met with the Scottish Aquaculture Council last week to discuss the Scottish Science Advisory Council's report and the mechanisms we require to support aquaculture science. I was encouraged by that discussion which focussed on joint and collaborative working to prioritise and address key evidence gaps. That is something which I am strongly supportive of and would like to see built on in this area.

Q: How is the precautionary principle being considered and how relevant is it to decision making about the environmental harm caused by salmon farming?

- The independent regulatory review highlighted the potential for inconsistent decision making in the consenting framework. It raised the issue that different people will have a different interpretation of the precautionary principle and how that should be applied.
- Importantly, we recognise that one of the biggest areas in which this is an issue is the management of sea lice on fish farms, which is why SEPA is working to deliver a clear framework to assist with decision making, which is risk based and based on adaptive management – key components of the precautionary principle.
- The Scottish Science Advisory Council looked at the use of communication of science in the aquaculture consenting framework and described the precautionary principle as having three aspects – risk governance, the science-policy interface and the link between precaution and innovation.

- I met with the Scottish Aquaculture Council last week where we discussed the broader application of adaptive management approaches in aquaculture. I look forward to considering the next steps and how that interacts with work by the CTG.

Potential Additional Questions informed by prior session and stakeholder views

Q: Open cage fish farming is not sustainable – why are you promoting further growth?

- We believe that open cage fish farming is and can be sustainable. It is essential that the regulatory framework supports responsible development and is adaptive to changing environmental conditions – these are key components of SEPA's regulatory framework.
- I am also pleased to see the scale of innovation taking place from within the sector – for example benchmarks CLEAN TREAT solution which captures and treats medicinal wastes, or the investment in on land recirculation hatcheries, reducing time spent at sea, improving fish health and welfare and reducing interaction with the marine environment.

Q: What is the Government doing to promote quicker adoption of innovative technologies?

- We support innovation through **Scottish Funding Council contributions (worth £18.6 million to date) to the Sustainable Aquaculture Innovation Centre** and our **Marine Fund Scotland**, which has contributed **£7 million grant to aquaculture projects since 2021** (including £5.9 million for innovation and research and development).
- Regulators are working to consider how to support adoption of innovation – for example, SEPA recently introduced its fee structure to give a 50% reduction in CAR licence fees for waste capture technologies.
- Innovation and Regulation will be essential underpinning principles of our upcoming Vision.

Q: How are cumulative impacts considered in the planning system?

- Careful management is needed to enhance blue and green infrastructure and to ensure use of land and sea is in the long-term public interest.
- National Planning Framework 4 (NPF4) was adopted by Scottish Ministers on 13 February 2023.
- Our Aquaculture Planning Policy is set out to ensure clarity of message but is also sufficiently flexible to work across Scotland. It makes clear the need to minimise adverse effects on the environment, including cumulative impacts.
- NPF4 sets out a long-term spatial plan including regional priorities and 18 national developments, as well as a full suite of 33 national planning policies with the nature crisis, together with the global climate emergency, underpinning the spatial strategy as a whole.
- We will consider further improvements to spatial planning through the regulatory review of aquaculture consenting and the forthcoming Vision for sustainable aquaculture.
- SEPA implemented its new regulatory framework for marine pen fish farms and adopted its finfish aquaculture sector plan in 2019.
- The Marine Licensing Amendment Order 2020 transferred responsibility for the authorisation of discharges of medicine residues from well-boats from Marine Scotland to SEPA. This means that SEPA can now regulate such discharges holistically.
- SEPA is in phase 2 of the development and implementation of the finfish regulatory framework for marine pen fish farms which will take place over the next 12 – 18 months.
- SEPA plans to develop its regulatory framework to include nutrient discharges in its screening modelling, rather than risk assessments for nutrients being undertaken by local authorities. Nutrient risks and cumulative impacts would instead be assessed by SEPA as part of the screening process.
- This is expected to further consolidate SEPA as the environmental regulator of fish farms.
- We are working closely with SEPA on phase 2 development.

- SEPA will also undertake a review of its regulatory approach to bath medicines. This will include checking that the environmental standards for bath medicines, which underpin risk assessments reflect the latest scientific understanding, and exploring whether patterns of use in some constrained locations require a review of how cumulative risk is assessed.

[Redacted – out of scope]

Vision for Sustainable Aquaculture

ANNEX G

ISSUE: The BHA and Programme for Government commits to producing a Vision for Sustainable Aquaculture, which places an enhanced emphasis on environmental protection and community benefits. The Vision will also explore how producers can contribute more to support inspection services, reduce their environmental impact, provide real community benefit, and support innovation. Committee was expecting the Vision to be published by the end of 2022.

Top Lines

- I want to ensure the opportunities of aquaculture are fully realised, increase our consumption of safe, healthy seafood and see more jobs supported in our fragile rural and coastal communities.
- The sector can only be a truly sustainable success story if economic growth goes hand in hand with positive outcomes for Scotland's communities and Scotland's natural environment.
- A sector committed to growing within environmental limits, that trades on strong regulation in Scotland and is committed to sharing in its success with its host communities will cement Scottish aquaculture's reputation for quality at home and abroad.
- These are key concepts within the Vision for Sustainable Aquaculture which is in its final stages of development.
- I recently shared the draft Vision with the Scottish Green Party, honouring our commitment under the Bute House Agreement and in recognition of our shared ambition that Scotland has a sustainable, diverse, competitive and economically viable aquaculture industry, which operates within environmental limits and with social licence to ensure there is a thriving marine ecosystem for future generations.
- I look forward to updating members on the publication of the Vision, expected in late May/ June.

[If pressed to give a summary of the emerging contents of the Vision]

The Scottish Government's vision for aquaculture in Scotland in 2045 is one where:

- *the sector is flourishing, attracting investment and delivering significant economic benefit to Scotland through domestic and international trade and through its supply chain*
- *our communities, within which aquaculture operates, are supported through the provision of highly skilled employment opportunities and other lasting benefits;*
- *its environmental impact is within acceptable limits, with continual efforts to minimise that impact through innovation, research and development;*
- *our protected species and habitats are safeguarded, with the aquaculture sector collaborating with other stakeholders to protect and restore biodiversity in the freshwater and marine environment;*
- *high standards for farmed animal health and welfare are a priority, maintaining Scotland's high health status and declared freedom from listed fish and shellfish diseases;*
- *development happens in the right places, underpinned by an effective and efficient regulatory framework informed by the best available science and evidence;*

- *the sector is leading the way in reaching net zero and adapting to the challenges arising from climate change;*
- *continual innovation facilitates opportunities for a highly resource efficient and productive industry to responsibly maximise value from the production process;*
- *its produce makes a significant contribution to Scotland's global reputation for premium food and drink. People, at home and around the world, choose our aquaculture products because they are high quality, safe and healthy foods, farmed under strong environmental stewardship.*

Q: What is the status of the Vision and why has it not been published?

- The Vision is currently in a final draft form and we are taking the opportunity to allow our key stakeholders, including members of the Scottish Aquaculture Council, a final opportunity to comment on it. It will be published as soon as possible following this process.
- It is important to us to take our stakeholders along with us and acknowledging the advisory role the Scottish Aquaculture Council plays in developing the Vision.
- The Vision has already had an extensive stakeholder engagement. Reconciling all of the feedback received has been a time-intensive process.

Q: What will the Vision do - how will the Vision protect the environment and deliver community benefit?

- The Vision will describe the Scottish Government's ambition as to how the aquaculture sector will be recognised by 2045 and detail key outcomes which must be met in order to achieve this ambition
- These actions will accelerate action on improvements to environmental protection, community benefit, health and welfare and productivity.
- The Vision will describe how the innovation and regulatory landscapes for aquaculture must evolve to support the sustainable development of the sector.
- The Scottish Government will work with all stakeholders to achieve the Vision.

[Redacted – out of scope]

ANNEX H

[Redacted – out of scope]

[Redacted – out of scope]

ANNEX I

[Redacted – out of scope]

- The programme of work to develop a “National Marine Plan 2” will integrate these elements and seek to address the increasing competition for marine space, exploring opportunities for a clearer prioritisation and decision-making framework to guide different interests and sustainable use of Scotland’s marine space.
- A new prioritisation framework will ultimately be met with some challenges across the sectors, however NMP2 will seek to address such challenges through establishing a framework that seeks to give greater clarity to marine users around issues such as coexistence, compensatory measures and opportunities for safeguarding specific activities.

[Redacted – out of scope]

24 Apr: Scottish Ministers have launched a 12 week public consultation on the implementation of a revised environmental quality standard (EQS) for the use of emamectin benzoate (EmBz) in fish farming. The consultation ends on 24 July.

22 March: The UK Technical Advisory Group (UKTAG) notified the Scottish Government that its Chemistry Task Team considered information received from Salmon Scotland and has revised the EQS level previously published in 2022.

30 Jan: Salmon Scotland contacted UKTAG to alert them to a possible error in the calculation to derive the EQS for EmBz.

13 Jul: A revised EQS for EmBz was published on the UKTAG website on 13 July 2022.

TOP LINES

We have launched a 12 week public consultation on the implementation of a revised environmental quality standard (EQS) for the use of emamectin benzoate (EmBz) in fish farming.

- The revised EQS for EmBz has been calculated to protect the environment using the best available scientific evidence. It was published on the UKTAG website in March 2023.
- The UKTAG methodology used to make a recommendation is scientifically robust, and includes obtaining independent scientific peer reviews of the evidence.
- To prevent operational disruption for the sector, Scottish Government are consulting on the implementation of the new standard. It is likely that implementation will be phased in based on production cycles.
- Fish farms authorised to discharge EmBz on the previous interim standards may apply for a variation to alter the permitted maximum environmental quantity where they can demonstrate that the alteration will comply with the new standard.
- SEPA will not initiate variation of the authorised maximum environmental quantity in permits to discharge EmBz authorised under the original standard of 763 ng/kg of sediment (wet weight) until instructed by Scottish Ministers.
- The change in EQS for EmBz will contribute to the Programme for Government 2022-2023 commitment to develop a Vision for Sustainable Aquaculture with enhanced emphasis on environment and community benefit and fulfils commitments made to the Scottish Parliament following the 2017/18 parliamentary inquiries.
- The revised EQS for marine sediment is now 272 ng/kg dry weight.
- The revised EQS should give each consented fish farm roughly double the amount of EmBz than originally authorised under the July 2022 standard (131ng/kg).
- This change means that EmBz will likely support treatment of fish in the early phases of seawater production at more fish farms than the previous recommendation, providing the opportunity for an early and preventative treatment for fish entering marine farms
- SEPA has updated its existing interim position on emamectin benzoate and accordingly will apply the recommended standard to all new applications, including those currently under determination.

SETTING AN EQS

UKTAG is a working group of experts from the UK's environment and conservation agencies including SEPA and was set up jointly by the UK government and devolved administrations to provide scientific advice on EQS and other matters relating to the protection of the water environment.

- EmBz is widely used in the aquaculture sector to control sea lice in marine finfish farming. SEPA derived the first EQS for EmBz in 1999. The standard was 763 ng/kg sediment (wet weight).
- The setting of an EQS is focussed on establishing a safe level of use of a pollutant such that there is no adverse impacts on the environment. Any change to an EQS for reasons beyond that of the scientific evidence has the potential to undermine environmental protection more widely, and as such it is a very rarely considered option.
- EmBz is used in an in-feed sea lice treatment in finfish farms (known as SLICE). The veterinary benefits of an in-feed treatment over other treatments are that it does not require fish to be crowded, handled or manipulated, and so does not lead to physical damage, stress or increased mortality in comparison to bath or physical treatments.
- Availability and improving access to medicines for a range of fish health issues is currently a focus of the Farmed Fish Health Framework (FFHF), a Ministerial supported collaborative approach between the sector, regulators, innovation bodies, veterinary experts, scientists and Scottish Government, and chaired by Scotland's Chief Veterinary Officer.

SENSITIVITIES

Industry, through the Farmed Fish Health Framework (FFHF) group, has raised concerns that any change in the EQS has the potential to have a significant impact for industry.

- Fish farmers use a range of tools to control sea lice, however EmBz is seen by industry as the preferred substance to control sea lice for the reason that is administered in feed and does not require fish to be crowded or , therefore avoiding physical damage, stress or increased mortality in comparison to bath or physical treatments.
- The sector is calling for change on the permitted pattern of use EmBz via the FFHF, in order to achieve better control earlier in the production phase and avoid insectidal resistance.
- Coastal communities, fisheries interests and NGOs were supportive of the proposed changes at the time of the UKTAG consultation and were satisfied that UKTAG had followed the appropriate EU guidance when making proposals to review the EmBz EQS. Some NGO's may push for faster implementation options but it is likely they will welcome the change.

COSTS OF APPLYING THE NEW STANDARD

No direct SG funding – UKTAG has an underpinning cost (mainly website and coordinator post). Funded by contributions across members of UKTAG.

- Licensing, compliance and monitoring of CAR/L holders is undertaken by SEPA – this is SEPA's operational cost and is covered by SEPA's licensing charging scheme.
- To apply the new EQS, SEPA will vary the relevant conditions of existing licenses. The variation is initiated by SEPA and operators are not charged.
- When seeking environmental improvements from any regulated businesses, SEPA works with the operators to enable it to identify a timetable for making the improvements that is reasonable and proportionate. Among other things, this includes enabling operators to plan any necessary investments needed to make the improvements or mitigate the effects on their operations of doing so.

ROBUSTNESS OF THE APPROACH TO DEVELOPING THE EQS

Q. How robust is the EQS process?

- In deriving the new Environmental Quality Standard (EQS) recommendation for EmBz, all available, reliable and relevant data were considered. This included both laboratory and field data, from academic studies, SEPA and the industry.
- Specifically, a peer reviewed EQS report commissioned by the Scottish Environment Protection Agency in 2017; three field studies reported in 2018 and 2019 (and a statistical reanalysis of two

of these); results of both older and more recent ecotoxicity testing conducted by industry and the results of a literature search to update the database of relevant toxicity data for EmBz.

- The Chemistry Task Team (CTT) of the UK's Technical Advisory Group (UKTAG) produced a draft EQS report for EmBz in 2019 which was publicly consulted on. Following the consultation responses and the availability of new reliable and relevant laboratory ecotoxicity and field monitoring data, the report was revised and peer reviewed.
- UKTAG notified the Scottish Government on 22 March that has further considered the advice received from Salmon Scotland and signed off the report and latest recommendation.
- This final report therefore reflects new data available since the consultation, comments received during the consultation, comments arising from the peer review and subsequent comments made in January 2023, when Salmon Scotland contacted UKTAG, to alert them to a possible error in the calculation for the EQS for EmBz, published in 2022.

Q. Did UKTAG follow EU process?

- In their letter of 05 September to Scottish Government, UKTAG confirmed that they followed the current EU technical guidance on EQS derivation to calculate the recommended EQS for EmBz, stating that a new consultation process and a further review of the recommended EQS is unwarranted.
- UKTAG further considered the advice received from Salmon Scotland in January 2023 and notified the Scottish Government on 22 March that has further considered and signed off the report and latest revised recommendation.

Q. Can the EQS be reviewed if new data come to light?

- Should new data that is both relevant and significant become available in the future, the existing EQS threshold can be revised.
- This approach is consistent with SEPA's approach to review the EQS for active substances to check that the environmental standards for medicines, which underpin risk assessments, reflect the latest scientific understanding.

Q. Why is it right to include the impact on freshwater species when considering activities in the marine environment ?

- According to the EU guidance, derivation of an EQS for the saltwater environment is based on consideration of both freshwater and saltwater data, where available, if no systematic or significant differences are apparent. This was considered to be the case for EmBz.
- The Water Framework Directive (WFD) and the technical guidance for EQS derivation both indicate that the protection goal for the marine environment is "protective of all types of surface waters and communities". This indicates environments not routinely surveyed for the regulation of a fish farm are in the scope of a marine EQS.
- An EQS for saltwater is derived to be protective of the whole saltwater environment. This includes the intertidal zones as well as subtidal areas. EQSs are not derived for specific areas of the saltwater environment or in relation to specific industries. Also because data are not available for all species, these species data act as an indicator of impact across the water environment.
- Given the persistence of EmBz in marine sediments and its toxicity (relevant for other species besides insects, as demonstrated in the literature cited in the UKTAG report), we believe it is proportionate to follow the EU technical guidance and take a precautionary approach to ensure adequate protection of the water environment.

Impact on farmed fish health and welfare

Q. Will a reduction in the amount of EmBz which can be used have a negative impact on farmed fish health and welfare?

- There are several factors that contribute to increased mortality during a production cycle. The majority of mortalities are driven by compromised health, and other gill pressures such as algal blooms, climate change (water temperature, salinity, acidity) and disease.
- Reductions in the use of the only available in-feed medicine is likely to result in use of other available treatments which involve handling, such as bath treatments which involves crowding of fish, or physical de-licing treatments. Increased handling increases stress levels which can lead to a negative impact on fish health and welfare or increased mortality.
- The Farmed Fish Health Framework (FFHF), attended by regulators (including SEPA and the Veterinary Medicines Framework), SG officials, the salmon and trout sector, fish vets and the Sustainable Aquaculture Innovation Centre (SAIC), is the formal SG forum in which fish health and welfare issues are discussed.

Q. What controls are currently in place for the use of Emamectin Benzoate and what are the next steps?

- SEPA through the Water Environment (Controlled Activities) (Scotland) Regulations 2011 – more commonly known as the Controlled Activity Regulations (CAR) apply regulatory controls over activities which may affect Scotland's water environment.
 - The Scottish Environmental Protection Agency (SEPA) uses Environmental Quality Standards (EQS) to protect the marine environment from discharges of medicines from fish farms. By controlling the quantities of medicines that can be administered, medicine discharges are limited to levels calculated not to breach environmental standards so that the environment is protected.
 - SEPA regulate the following to protect the water environment (including protected species and habitats dependent on the water environment) and the interests of other users of the water environment:
 - Fish biomass (discharge of organic solids & nutrients)
 - Discharges of in-feed and bath medicines (including from wellboats)
 - Discharges of other chemicals (e.g. anaesthetics, disinfectants, etc.)
 - Discharge locations (i.e. pen locations, sizes and layouts)
 - Water abstractions (e.g. into a wellboat – and associated risk of non-native invasive species spread)
 - Authorisation and regulation of discharge treatment solutions from wellboats is also a regulatory function which is regulated by SEPA.
 - The medicines and products used on fish farms are approved and regulated through chemicals legislation (e.g. Biocidal Products Regulations) or veterinary medicines regulations (VMR) by the Health and Safety Executive (HSE) and Veterinary Medicines Directorate (VMD) respectively.
 - In advance of establishing a new EQS for EmBz, SEPA issued an interim position statement in October 2017. Under that interim position, and subsequent updates SEPA applies tighter EQSs to all new fish farm applications, or applications to increase discharges at existing fish farms operating under SEPA's interim position.
 - Marine finfish farms authorised to discharge emamectin benzoate on the previous interim standards may apply for a variation to alter the permitted maximum environmental quantity where they can demonstrate that the alteration will comply with the new environmental standard.
 - SEPA will not initiate variation of the authorised maximum environmental quantity in permits to discharge emamectin benzoate authorised under the original standard of 763 ng/kg of sediment (wet weight) until instructed by Scottish Ministers.
-

ADDITIONAL BACKGROUND BRIEFING

ISSUE: Our use of the shared marine space has become ever more congested across a range of activities which has made the marine environment a dynamic and highly contested area. Scotland's first National Marine Plan (NMP) (adopted in 2015) provides the guiding framework for sustainable management of marine activities and resources, setting out a series of policies to inform decision making and effectively deliver on our NetZero, biodiversity, energy security, food security, and thriving communities outcomes.

TOP LINES

- Findings from statutory reviews in 2018 and 2021, as well as stakeholder feedback, identified challenges to the implementation of the existing NMP and highlighted the need to update it to better reflect emerging 'relevant matters', including Scotland's net zero ambitions.
- In Programme for Government 2022-23, Scottish Ministers announced their intention to start the process of developing a new NMP, to "address the global climate and nature crises by carefully managing increased competition for space and resources in the marine environment".
- Alongside this announcement, on 27 October we published our Statement of Public Participation and Stakeholder Engagement Strategy, to guide our engagement with stakeholders during the national marine planning process. In March 2023 we sent out first NMP2 stakeholder update which outlines the current phase of development and plans for future engagement with stakeholders, including a webinar in April 2023 and plans for the new National Marine Forum with the first event to take place in June 2023 in Edinburgh.
- NMP2 Steering Group met in April and is reviewing the SEA scoping report which is planned to be published for consultation this summer. The group will continue to provide input into our statutory assessments (SEA, SEIA and HRA) as well as the Sustainability Appraisal, advising on methodologies, scope of assessments and data used.
- The sustainability appraisal invitation to tender is currently being considered by procurement colleagues and we expect to award contract later this summer.
- The NMP2 development is currently in early stages with objective setting and assessments underway.
- There are clear synergies between the six outcomes of Scotland's Blue Economy Vision and the existing NMP objectives, making it a key delivery mechanism for Scotland's Blue Economy.
- The programme of work to develop a "National Marine Plan 2" will integrate these outcomes and seek to address the increasing competition for marine space, exploring opportunities for a clearer prioritisation and decision-making framework to guide different interests and sustainable use of Scotland's marine space. A new prioritisation framework will ultimately be met with some challenges across the sectors, however NMP2 will seek to address such challenges through establishing a framework that seeks to give greater clarity to marine users around issues such as coexistence, compensatory measures and opportunities for safeguarding specific activities.

Regional Marine Planning

ISSUE: National marine planning sets the wider context for marine planning in Scotland where regional marine planning creates more locally tailored plans for more local ownership, detail and decision making. Regional Marine Plans must align and be consistent with other policy including the National Marine Plan and UK-wide Policy statement. Where there is no regional plan in place, the National Marine Plan and Marine Policy Statement will apply in that area of sea.

TOP LINES

The national and Regional marine planning system in Scotland has progressed on a number of fronts over the past decade. No Regional Marine Plan (RMP) has yet been adopted but when in place, RMPs will allow for national planning policy to be adapted to reflect local circumstances and issues.

- In comparison to the terrestrial system it is still very new, lessons are learnt as we go and there is lots of work to be done to reach a settled situation in each of the regions.
- Currently three (out of eleven) Marine Planning Partnerships (MPPs) have been established in Shetland (March 2016), Clyde (March 2017) and Orkney (November 2020). There are no statutory RMPs in existence at this time
- MPPs are delegated functions to undertake regional marine planning through Ministerial Direction as per the Marine (Scotland) Act 2010. MPPs are made up of marine stakeholders who reflect marine interests in their region. MPPs can vary in size and composition depending on the area, issues to be dealt with and existing groups.
- When their RMPs are adopted, the role of MPPs will continue as they must oversee the implementation of their Plans, monitor their regions and the effects of their plans' policies, review objectives and policies and amend their Plans if required or requested by Scottish Ministers.
- Work is being taken forward at local level, supported by Marine Scotland, towards establishing an MPP for the Outer Hebrides.
- Local Coastal Partnerships (LCPs) were set up in the early 1990s to encourage an integrated but non-statutory approach to economic, environmental and social development in coastal areas.
- We continue to fund five LCPs to deliver valuable outputs. Updating the evidence base is usually the first step in regional marine planning.
- There is no LCP (or current MPP) covering the North Coast, Outer Hebrides, West Highlands and Argyll Marine Regions.
- We welcomed the ECCLR inquiry report into Regional Marine Planning in December 2020. An internal review has taken place and I expect to respond to the ECCLR committee shortly.

ISSUE

There have been recent calls from different groups for a moratorium to be placed on all fish farm applications and ongoing developments of this type in Scotland.

- The 'Halt the East Mockett Fish Farm on Papa Westray' campaign group wrote to Ms McAllan on 3 November 2022 via Liam McArthur MSP to request an immediate moratorium on all fish farm applications and ongoing developments in Scotland.
- Animal Equality UK wrote an open letter to Ms Gougeon on 24 February 2023, co-signed by 8 MSP's and 2 MPs, calling for a moratorium on the expansion of the Scottish salmon farming.
- On 1 March, the Ferret published an article "Scottish Government under fire for overruling council decisions to reject new fish farms". In addition, there has been interest in a planning appeal submitted for Scotland's first semi-enclosed containment fish farm application – Loch Long Salmon.

[Redacted – out of scope]

We do not support a moratorium on fish farming expansion

- The Bute House Agreement defines the shared position that we believe that Scotland should have an aquaculture industry which is sustainable, diverse, competitive, and economically viable.
- However, we are clear that it must operate within environmental limits and with social licence to ensure there is a thriving marine ecosystem for future generations.
- We are committed to this position and will soon publish a Scottish Government led Vision for Sustainable Aquaculture.
- The Vision will place an enhanced emphasis on environmental protection, community benefits and improving farmed fish health.
- The 2017/18 Parliamentary Inquiries found there was insufficient evidence to support a moratorium and we have made significant progress since then – I was please to provide a written update to Committee members on our activities.

[Redacted – out of scope]

[Redacted – out of scope]

ANNEX M

[Redacted – out of scope]

[Redacted – out of scope]

ANNEX N

[Redacted – out of scope]

Seal interactions with fish farms can cause mortality to farmed fish, both directly via attack and indirectly through stress from predator presence. Acoustic Deterrent Devices (ADDs) are one of a number of non-lethal methods that have been used to reduce these interactions, although scientific evidence shows that they have potential to disturb cetaceans (European Protected Species).

The Scottish Government commissioned a [report to the Scottish Parliament](#) on the use of ADDs by the Scottish aquaculture sector which was published in 2021.

In September 2021 the Scottish Government published a [Code of Practice](#) in relation to marine mammal interactions at fish farms. The Code includes guidance together with mandatory standards with which Aquaculture Production Businesses (APB) must comply. Mandatory standards include the reporting of incidence of killing or injury of marine mammals (bycatch) and standards in relation to the use of ADDs. Specifically, where a fish farms plans to deploy an ADD they must consult Marine Directorate and obtain any relevant consents or demonstrate that the planned use will not harm marine mammals. However, advice is that an EPS licence will be required for all currently available ADDs unless it can be demonstrated that a device will not disturb cetaceans. To assist operators in working through the EPS process, Marine Directorate published revised guidance in October 2021. No EPS licences have been granted for the use of ADDs.

Changes to the Marine (Scotland) Act 2010 came into force on 1 February 2021 removing two grounds for which Scottish Ministers can grant licences to take or kill seals. These are for the purpose of protecting the health and welfare of farmed fish and for preventing serious damage to fisheries and fish farms. These changes mean that fish farms will no longer be able to apply for licences to take or kill seals for these purposes. Instead, alternative management measures are required to manage the risks associated with seal interactions at fish farms. These changes also align with the US Marine Mammal Protection Act which require that export nations prohibit the intentional mortality and serious injury of marine mammals in commercial fisheries.

Top Lines:

- A Code of Practice on interactions with marine mammals was published in 2021 which sets out mandatory standards with which aquaculture production businesses are required to comply.
- This requires that where a fish farm plans to deploy an ADD they must consult Marine Scotland and obtain the relevant consents or demonstrate to Marine Scotland that their planned use will not harm marine mammals.
- We have published guidance on the European Protected Species licensing process in relation to the use of acoustic deterrent devices at fish farms.
- The changes to the seal licensing system improve the conservation and welfare of seals. These changes also align with requirements of the US Marine Mammal Protection Act, helping to protect an important export market for farmed salmon.
- We recognise there are issues relating to seal interactions at fish farms, and encourage the development of non-lethal solutions to this problem.
- The UK is awaiting publication of the US's findings later this year in relation to compliance with the Marine Mammal Protection Act

- We are aware of the recently published report by the Scottish Animal Welfare Commission on the use of ADDs in salmon farming to control predation by seals. We are considering its conclusions and recommendations.

A Code of Practice on interactions with marine mammals was published in 2021 which sets out mandatory standards in relation to the use of ADDs.

- We 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.
- The Code of Practice sets out guidance and mandatory standards that aquaculture production businesses are required to comply with.
- Where a fish farm plans to deploy an ADD they must consult Marine Directorate and obtain the relevant consents or demonstrate to Marine Directorate that their planned use will not harm marine mammals.

Marine Directorate has written to the aquaculture sector on a number of occasions setting out what actions they should take to ensure that their use of ADDs is compliant with the Code of Practice and the Habitat Regulations.

We have published guidance on the European Protected Species licensing process in relation to the use of acoustic deterrent devices at fish farms.

- It is for fish farm operators to determine whether use of an ADD at their site will require a licence to disturb EPS.
- However, an EPS licence will be required for all currently available active ADDs unless it can be demonstrated that a device will not disturb cetaceans.
- All European Protected Species licence applications are considered on their own merits and take account of all relevant factors.
- Guidance makes clear that an increase in cost or inconvenience is not a satisfactory reason for not considering alternative measures.
- It would be inappropriate to pre-determine any part of this process.

Marine Directorate Compliance will be undertaking checks to ensure compliance with the Habitats Regulations and Code of Practice in relation to the use of ADDs

- Marine Directorate Compliance vessels have been inspecting fish farms in order to check on any use of ADDs without the relevant consents or permission from Marine Directorate.
- Inspections are based on risk which is determined by intelligence received from a variety of sources and evidence of previous use of ADDs.
- We encourage fish farms to comply with the Habitats Regulations and Code of Practice in relation to the use of ADDs.

The Scottish Government is committed to the sustainable development of the aquaculture industry while protecting our iconic marine wildlife

- We recognise the challenges that the sector face in terms of their ability to ensure the health and welfare of their farmed fish following changes to the Marine (Scotland) Act.
- It is important that a suite of measures are available to the industry to deal with predators, including ADDs, given that no single measure fits all scenarios.
- We continue to encourage the sector to find sustainable and innovative ways to ensure that the sector can protect fish from predators.
- We recognise the need to ensure the welfare of farmed fish, which are sentient animals protected by the Animal Health and Welfare (Scotland) Act 2006.

The UK is awaiting publication of the US's findings in relation to the Marine Mammal Protection Act

- The UK submitted its comparability finding in November 2021 on how it meets the requirements of the Marine Mammal Protection Act in relation to the serious injury and mortality of marine mammals in commercial fisheries.
- The US will publish their findings no later than 30 November 2022, with the provisions coming into force from 1 January 2023.

Q: What is the Scottish Government's current position on ADD use?

- A Code of Practice on interactions with marine mammals was published in 2021 which sets out mandatory standards with which APBs must comply.
- The Code requires that where a fish farm plans to deploy an ADD they must consult Marine Directorate and obtain the relevant consents or demonstrate that their planned use will not harm marine mammals.
- Marine Directorate has written to the aquaculture sector on a number of occasions setting out what actions they should take to ensure that their use of ADDs is compliant with the Code of Practice and the Habitat Regulations.
- Guidance has also been published on the EPS licensing process in relation to the use of acoustic deterrent devices at fish farms.
- It would be inappropriate to predetermine any part of the licensing process.

Q: Is Marine Directorate Compliance still monitoring for ADD use?

- Marine Directorate Compliance continue to inspect fish farms to ensure compliance with the Habitats Regulations and Code of Practice in relation to the use of ADDs
- Inspections are based on risk which is determined by intelligence received from a variety of sources and evidence of previous use of ADDs.
- Compliance have received no intelligence reports this year which indicated the use of ADDs at fish farms.

Q: What is the Scottish Government's position on the Scottish Animal Welfare Commission report on the use of acoustic deterrent devices in salmon farming which was published earlier this year?

- We are aware of the recently published report by the Scottish Animal Welfare Commission on the use of ADDs in salmon farming to control predation by seals. It considers the welfare of both seals and farmed fish, which is helpful. We are currently considering its conclusions and recommendations.

Q: Has SG received annual reports on containment measures, including deterrents as required under the Code of Practice?

- Yes - we have received returns on containment measures from all Aquaculture Production Businesses for 2022 as required under the Code of Practice.

Q: What is the Scottish Government's position on the British Veterinary Association's policy position on sustainable aquaculture which was published in April of this year?

- We are aware of the recently published policy position of the British Veterinary Association which included two recommendations pertaining to seal management
- These were:
 - that methods to control seals must carefully balance fish welfare and the welfare of predators, emphasising that measures should be taken to deter and prevent access, before any control measures are taken

- that research should be conducted to fully understand the impacts the presence of predators has on fish health and welfare, and how this can be mitigated
- We welcome the British Veterinary Association's position on seal management and will consider its recommendations

[Redacted – out of scope]

ANNEX P

[Redacted – out of scope]

[Redacted – out of scope]

ANNEX Q

[Redacted – out of scope]

[Redacted – out of scope]

ANNEX R

[Redacted – out of scope]

Enclosure 04 – Briefing for Cabinet Secretary for Rural Affairs, Land Reform and Islands – Meeting with MSPs

What	Meeting with MSPs to discuss the progress of the aquaculture regulatory review.
Where	Parliament, Room T3.07
When	Thursday 11 May, 10:30-11:15
Key Message(s)	<ul style="list-style-type: none"> • The aquaculture industry is a significant contributor to our rural economies and communities and I am committed to delivering a regulatory regime which is both efficient and effective to ensure its future. • The Scottish Government is working to ensure stakeholders are involved in key developments to ensure the delivery of a sustainable public policy. • I am keen to continue to work collaboratively with aquaculture stakeholders and at pace to progress the aquaculture regulatory review through the Consenting Task Group and the Scottish Aquaculture Council. • We are committed to twin track progress of the regulatory review consenting recommendations, alongside implementation of SEPA’s sea lice risk assessment framework.
Who	<ul style="list-style-type: none"> • Fergus Ewing – Scottish National Party MSP • Beatrice Wishart – Liberal Democrat MSP • Rhoda Grant – Scottish Labour MSP for Highlands and Islands (Region) • Donald Cameron – Scottish Conservative and Unionist MSP for Highlands and Islands (Region)
Why	<ul style="list-style-type: none"> • The 4 MSPs wrote to the Cabinet Secretary to discuss the progress made on the regulatory review, asking for reassurance that the recommendations will be implemented quickly in recognition of the social and economic contribution of the industry.
Supporting officials	<ul style="list-style-type: none"> • [Redacted – under regulation 11(2) Aquaculture Development, Marine Directorate [mobile – [Redacted – under regulation 11(2)]] • [Redacted – under regulation 11(2)] Aquaculture Consenting, Marine Directorate [mobile: [Redacted – under regulation 11(2)]]
Briefing contents	<p>Annex A: Summary Page</p> <p>Annex B: Attendees</p> <p>Annex C: Main Briefing</p> <ul style="list-style-type: none"> • Aquaculture Regulatory Review • Sea Lice Risk Assessment Framework • [Redacted – out of scope] • [Redacted – out of scope] • [Redacted – out of scope] <p>Annex D: Additional background on topical issues</p> <ul style="list-style-type: none"> • [Redacted – out of scope] • Mortalities in salmon farming and calls for a moratorium • British Veterinary Association • SNP Manifesto Commitments • NPF4 – Policy 32 Aquaculture <p>Annex E: Letter from 4 MSPs</p>

1. Overview

This meeting was requested by a cross party group of MSPs. The MSPs have an interest in the regulatory review due to the location of their constituencies, primarily highlands and Islands, where the aquaculture sector (producing and supply chain) is a significant contributor to local economies.

The letter from the MSPs highlights [31 Jan 2023]:

- The salmon sector provides positive economic contributions to both rural areas and Scotland as a whole.
- The sector supports local communities both privately and through rents while also providing well-paying jobs in rural locations.
- The salmon sector is consistent with the Scottish Government's net zero objectives, economic strategies and Blue Economy strategy.
- The MSPs indicated support for the independent review led by Professor Griggs and request "timely implementation" of the recommendations.

2. Sensitivities

Fergus Ewing was Cabinet Secretary for Rural Economy and Connectivity from 2016 to 2021. [Redacted – out of scope]. It is likely that Mr Ewing will challenge pace of delivery of the regulatory review, in addition to potentially raising concerns about the economic impact of the SEPA sea lice risk assessment framework on the sectors behalf.

[Redacted – out of scope]

3. Objectives of the meeting

- To highlight progress made on the aquaculture regulatory review.
- To provide reassurance that progress in being made collaboratively with the industry on future consenting policy development.
- To highlight that SEPA and Local Authorities are working with the Scottish Government to make progress through the Consenting Task Group and on the Sea Lice Risk Assessment Framework.
- To emphasise the risk based and evidenced approach that SEPA is taking towards development of the sea lice risk assessment framework and the commitment to an impact assessment within their next consultation.

4. Suggested Handling

We suggest that you thank MSPs for their correspondence and outline that your views are aligned on the social and economic contribution of aquaculture in Scotland and the role the sector can play in Scotland's net zero transition.

We suggest that you offer a broad update on progress of the regulatory review of aquaculture [Annex C], before inviting MSPs to contribute and ask questions.

Fergus Ewing – SNP MSP, Inverness and Nairn

- Fergus Ewing is a member of the Citizen Participation and Public Petitions Committee. He is an active supporter of the aquaculture industry and recognises the importance of Scottish farmed salmon to the rural economy of Scotland and its significance as the UK's main food export.
- [Redacted – out of scope]

Beatrice Wishart – Liberal Democrat MSP, Shetland Islands

- Beatrice Wishart is the Deputy Convener for the Rural Affairs and Islands (RAI) Committee and is the deputy convener of the Cross-Party Group on Islands and a member on the Cross-Party Groups on Skills and Nature and Climate. She has a particular interest in promoting skills in the marine sector for rural communities and this is complemented by her role as Party Spokesperson on Rural Affairs.
- [Redacted – out of scope]
Ms. Wishart will have already heard your update on the Aquaculture Regulatory review to the RAI Committee on 10 May 2023. Ms. Wishart has recently asked questions of the Scottish Government regarding support for apprenticeships and training schemes for careers in the marine sector, including the aquaculture sector.

Rhoda Grant – Scottish Labour MSP, Highlands and Islands

- Rhoda Grant is a member of the Rural Affairs and Islands Committee and substitute member for the Delegated Powers and Law Reform Committee in addition to being a member of the Cross-Party Group for Islands and co-convener on the Cross-Party Group on Food.
- Rhoda Grant will have heard your update to Parliament on 10 May. Ms Grant is likely to focus her interest on the impact of aquaculture on the local economy in her capacity as Party Spokesperson on Islands, Land reform and Rural Affairs. Ms Grant has supported rural communities in Parliament; supportive of, population retention, citing a lack of available and affordable housing, and skills shortages. [Redacted – out of scope]

Donald Cameron – Scottish conservative and Unionist MSP, Highlands and Islands

- Donald Cameron is a member of the Scottish Conservative and Unionist Party and has been an MSP for Highlands and Islands (Region) since 2016. He is a member of the Cross-Party Group on Islands, and was a member of the Environment, Climate Change and Land Reform (ECCLR) committee at the time of the salmon farming inquiries (June 2017 to 6 September 2018).
- [Redacted – out of scope]

AQUACULTURE REGULATORY REVIEW

BACKGROUND: The Programme for Government commits to continuing to progress the regulatory review of aquaculture. Additionally, the Bute House Agreement includes commitments to reform the regulatory and planning framework for aquaculture, which began with an independent review of the aquaculture regulatory framework to consider the effectiveness and efficiency of the current regime.

TOP LINES: **Progress to Address the Regulatory Review**

- The regulatory review sits alongside ongoing work to strengthen environmental protection and community benefit and will ensure the fish farm consenting framework is streamlined, effective and transparent:
 - We have accepted the recommendations of the independent review, led by Professor Griggs, in principle, and we are working with our delivery partners at pace to make progress.
 - The Scottish **Aquaculture** Council is providing strategic advice on delivery to Ministers.
 - Last year, we announced an immediate change to the validity period of new marine licences for shellfish and finfish farms from 6 to 25 years, bringing it in line with the seabed lease renewal cycle.
 - A new **Consenting Task Group** has been formed to take forward and pilot key recommendations from last year's independent review of aquaculture consenting.
 - The CTG is focused on ensuring improvement and streamlining the administration of the finfish farming consenting process, while maintaining high environmental standards. This is not about deregulation – but a more efficient, transparent, and coordinated consenting regime.
 - The CTG **will trial a new consenting process later this summer**, agreed between regulators and developers.
 - We asked the Scottish Science Advisory Council (SSAC) to consider the use and communication of science in aquaculture consenting, in response to concerns raised in Professor Griggs' report.
 - I am pleased to say that the SSAC published their report on 26 April 2023, and I recently met with the Scottish Aquaculture Council to discuss its findings.

Scottish Aquaculture Council

- The Scottish Aquaculture Council provides strategic advice on the delivery of our commitments. I have been encouraged by the commitment of members and I am grateful for their contributions.
- The Council includes representation from the aquaculture sector alongside key organisations with interests in the industry and its environmental and community impacts.
- Establishing the Council is an important opportunity to hit reset - building trust, collaboration and communication between key parties.

Consenting

- To immediately simplify the consenting framework, we announced a change to the validity period of new marine licences for shellfish and finfish farms from 6 to 25 years, bringing it in line with the seabed lease renewal cycle.
- A new Consenting Task Group has been formed to pilot and implement key recommendations from the regulatory review, focused on streamlining and improving efficiency and co-ordination of the finfish farming consenting process, while maintaining high environmental standards.
- A workshop was held on 29 March 2023 to progress the development of a new blueprint model for aquaculture consenting so that it is streamlined and delivers enhanced engagement between regulators, developers and communities.
- The group is working to commence a trial later this summer, working collaboratively with the fish farming sector to plan and agree the operation of the trial.
- Importantly, this work is focussed on enhanced multi-lateral pre application processes, where all interested parties discuss applications jointly. This should not only streamline the process and improve coordination between regulators – but it should significantly enhance engagement with communities, improve understanding of the consenting process and the specific risks and opportunities involved within individual fish farm developments.
- Normally applications for fish farm consents are applied for consecutively and there is limited information sharing between regulators, and so the consenting task group is looking at how each of these components can be coordinated to achieve a joined up approach and to reduce the time to consent.
- The new process is expected to build upon the new service introduced by SEPA in 2019, which provides an upfront and initial assessment on the environmental risks and suitability of different locations which SEPA requests is taken forward for consultation with communities.
- In time, regulation of sea lice by SEPA will expand and enhance the pre-application risk screening service, addressing a key area of dispute in the fish farming consenting process and introducing a clear framework to assist with decision making on sea lice and interactions for the first time in Scotland.

Science

- Professor Griggs report raised concerns about the use of science in the consenting process and the potential for inconsistent decision making, commenting on the differences of opinion of stakeholder groups regarding the appropriate application of the precautionary principle.
- Two recommendations were made on the independent review of science and the creation of a central science and evidence base.
- In recognition of the scale and breadth of relevant science and the importance of these issues, I asked the Scottish Science Advisory Council (SSAC) to consider the use and communication of science in aquaculture consenting, Scotland's highest independent advisory science council.
- I am pleased that the SSAC recently published their report, which I discussed extensively with Scottish Aquaculture Council members last week.
- The SSAC broadly recommend establishing a new annual science and communication forum, give consideration to the potential role of a new Chief Scientific Advisor Marine, call on Government to enshrine transparent practices in

science delivery and to address the fragmented research landscape in aquaculture to be addressed.

- Following discussion with Scottish Aquaculture Council members I will take some time to consider the key findings and our response, however I am clear that Government and regulators should work together to improve communication and prioritisation of research to address key evidence gaps which support policy and regulatory frameworks – and to further enhance trust in those processes.

Questions and Answers

Q: The regulatory review suggested a delivery timescale of 12 months – why is it taking so long to deliver?

- It is important we maintain momentum and I hope that in progressing with the recommendations and allowing sensible time for due diligence, we are able to implement the best possible solutions for moving forward.
- The financial and delivery options need to be carefully assessed and developed. The regulatory report recognises this and therefore it was not credible for us to agree that this could all be delivered within 12 months.
- However I am committed to meeting the challenge to pace – in 12 months I have established and chair the Scottish Aquaculture Council to ensure progress on all our aquaculture commitments, not only the regulatory review.
- The Consenting Task Group, is actively exploring new ways of administering the consenting system and is aiming to begin trials later this summer.
- The Scottish Science Advisory Council has just completed a project looking at the use and communication of science in aquaculture consenting and I look forward to further progress – including the publication of the forthcoming Vision for sustainable aquaculture.

Q: How will the single consenting document work in practice and who should take overall responsibility?

- The consenting task group is currently considering which is being developed jointly by regulators and industry.
- I would be very happy to keep you updated with the development of the trail process and its supporting management framework.

Q: What are you doing to address delays by regulators in the consenting process and failure to meet statutory deadlines?

- The statistics that I have show that SEPA is processing the vast majority of its licences on time. Performance by local authority varies – and outliers can have a big effect on average performance statistics where only a limited number of applications are handled each year.
- There have been a small number of complaints relating to Marine Scotland licensing decisions and process – I am working with MS LOT to understand where the issue lies to reach a suitable resolution as quickly as possible.
- However overall, the consenting task group is seeking to put in new joint processes, which allow processes to run in parallel instead of consecutively – **this should help to improve the process for the vast majority of applications and ensure a joined up approach.**

Q: How are you working to improve the relationship between the industry and communities and to ensure communities have a voice in the process?

- The consenting task group is about trialling a new consenting process which brings everyone together at the start of the consenting process for a joint pre application discussion – developers, regulators and communities.
- This approach should help to deliver meaningful engagement communities, improve relationships and communities understanding of the consenting process and risks and opportunities involved with individual fish farm applications.
- Communities will continue to have the opportunity to input their views to the fish farming consenting process – I am committed to protecting and enhancing that engagement.
- I also look forward to progress by Salmon Scotland to develop a new community engagement charter.

Q: How is the Scottish Government going to fund the additional costs involved to deliver the new consenting system?

- **We will work to ensure the new process has a cost benefit for all parties**, reducing duplication between regulators for example, and **we will assess the additional costs through the trial** which will take place later this summer, in turn informing the costs involved of establishing a new streamlined regime and our options to do so.

[Redacted – out of scope]

Q: How will the new consenting process address sea lice, disease, wild salmon introgression? This will take some time to develop – what will be done in the interim?

- We are working to introduce a new consenting process and, once that's in place, we can start to understand where further improvements to the consenting process can be made.
- The consenting framework does not operate in isolation of broader regulatory frameworks – it implements them.
- So we are pressing ahead for example, with implementing a new sea lice risk assessment framework under SEPA as we know this needs to be addressed.
- National Planning Framework 4 has been adopted and we are considering the HPMA and National Marine Plan Programmes. All of these elements make up the consenting framework as a whole.
- We are also working on a new Vision for sustainable aquaculture – I look forward to sharing it with you shortly.

[Redacted – out of scope]

Regulatory Review Recommendations Summary

RECOMMENDATION	Workstream
1. A short term project board is established which oversees, drives, and guides all the varying parts, where possible, within a 12 month period.	Scottish Aquaculture Council

2. A new single consenting document for aquaculture should be created, that mandates what all parties involved in an application are subject to, derived from a pre-application consultation prior to submission.	Consenting Task Group
3. The new consenting document contains a 'social contract' that recognises the community and its needs.	Consenting Task Group
4. I recommend that once the Scottish Government has produced its Vision for Aquaculture it should work with all parties through a Project Board to produce, within 12 months, a 10 year framework for each part of the aquaculture sector (finfish, shellfish, and seaweed) within which all must operate.	Vision for Sustainable Aquaculture, National Planning Frameworks and SEPA frameworks
5. There should be different regulatory solutions for finfish, shellfish, and seaweed with each based on a framework specifically designed for that part of the sector and in which the consenting and all other regulatory processes will sit and be driven by.	Vision for Sustainable Aquaculture, National Planning Frameworks and SEPA frameworks
6. Once that framework is in place all existing sites should be examined to ensure that they can operate within the framework.	Vision for Sustainable Aquaculture & SEPA frameworks.
7. All sites where it is unlikely, after evaluation against the new framework and remedial action that further finfish production will occur, give up all licences held on that site by the current owner.	Vision for Sustainable Aquaculture & SEPA frameworks.
8. A new single licencing payment is introduced based on tonnage output of each site, which covers the costs of all bodies involved in the process and addresses community benefit as well. A separate charge on established sites that are to continue post review to be examined.	Consenting Task Group
9. The funding/ licence process the process should encourage innovation and development	Consenting Task Group
10. There should be a single website and body where anyone with any questions around starting up an aquaculture business or who have questions on more general issues / aquaculture regulation can go to find out all that they need to know.	Consenting Task Group
11. The science and other evidence that is currently being used by all parties involved in the sector is reviewed independently to ensure it is the best and most up to date available.	Scottish Science Advisory Council
12. The creation of a central science and evidence base should be put in place jointly run and managed by industry and the Scottish Government which gathers, collates and examines scientific and other evidence relating to this sector so decisions within the framework can be made in the most effective way.	Scottish Science Advisory Council

SEA LICE RISK ASSESSMENT FRAMEWORK

5 October 2021: Scottish Government published its response to the Salmon Interactions Working Group (SIWG) Report (May 2020) which contains 40 recommendations on measures to address the interactions between wild and farmed salmon in Scotland. The response identified that SEPA would take forward a consultation on a new framework to manage sea lice and the interactions between wild and farmed fish. Progress to deliver the SEPA sea lice framework is a BHA, PfG and FM Policy Prospectus commitment.

TOP LINES

SEPA is making progress on the development of the sea lice risk assessment framework – the framework will be risk based, proportionate and evidence led.

- SEPA has committed to consulting on an impact assessment with its next consultation.
- SEPA has undertaken modelling to assess the cumulative risk of development in different areas – there will be no blanket controls introduced.
- Regulation will be informed by risk category. Action will be targeted and SEPA will implement the framework in phases – prioritising new fish farm developments.
- SEPA's initial screening assessment suggests a small number out of 120 areas may have limited capacity for additional sea lice contributions.
- Within these areas, this does not necessarily mean there are no suitable areas for development. There may be suitable locations where the prevailing conditions mean that little additional risk is posed by further development.
- The SEPA framework will be targeted in a three month window of the year, coinciding with migration of wild salmon (March to June).

Q: What engagement has there been with the sector on the framework?

- SEPA has engaged with the aquaculture sector throughout development of the framework:
- In June 2022 SEPA held two workshops to the conclusions of its first consultation.
- In September 2022 SEPA held four workshops to promote discussions on further proposals for the development of the framework.
- On 12 and 14 October 2022 SEPA held face-to-face meetings to allow for technical discussion with industry experts.
- In December 2022 SEPA held two further workshops to update on progress and promote technical discussions.
- SEPA has also offered 1:1 engagement sessions which have taken place out with scheduled public sessions.
- SEPA will soon launch a consultation on more detailed proposals – collecting views from a wide variety of stakeholders interested in regulation of aquaculture.

Q: Is the SEPA framework being rushed?

- No – the sea lice framework is not being rushed.
- The SEPA framework was first developed by a Technical Regulators Working Group, formed in 2017, to work in parallel to the Salmon Interactions Working Group.

- The framework has been developed over a number of years and in October 2021, the Scottish Government identified SEPA as the lead regulator for sea lice and the interactions.
- SEPA first consulted on the high level principles of the framework in December 2022.
- Following detailed consideration, SEPA is due to consult on its more detailed proposals for the framework later this month.
- SEPA is aiming to implement the framework towards the end of this year, however SEPA will be guided by the issues raised within its consultation and will decide on the appropriate timescale for implementation.

Q: I thought this Government supported growth of aquaculture in Scotland – is this not another attempt to close Scotland’s aquaculture industry down, alongside HPMAs?

- The SEPA sea lice framework addresses a number of recommendations made during the prior parliamentary inquiries – to guide aquaculture away from wild salmon migratory routes, apply a stricter interpretation of the precautionary principle, more in line with Norway, and take action using best available evidence.
- The framework also addresses key recommendations made by the Salmon Interactions Working Group.
- The SEPA sea lice framework will not close aquaculture down in Scotland – far from it. It will be a targeted, risk based framework which, for the first time, will provide a clear framework to aid decision making in Scotland relating to sea lice and interactions.
- Members may be aware of the complicated nature of sea lice and interactions with wild fish and the uncertainty this can cause local planners when considering development proposals. This in turn can cause investor uncertainty.
- This framework will introduce an evidence based assessment of the risk to wild salmonids and, whilst tighter controls may be required in some areas, SEPA’s initial assessment shows that only a small number of areas of our 120 may be near their capacity.
- No decision on the location of Highly Protected Marine Areas has been made – we’ve consulted broadly on a set of site selection criteria and I will fully consider the socio and economic impacts of HPMAs.
- Locations of HPMAs will be considered in consultation with local communities and businesses and they will not be imposed in communities which do not support them.

Q: Explain how the SEPA framework will function in practice

- SEPA’s sea lice risk assessment framework uses a screening model and will be implemented under the Water Environment (Controlled Activities) (Scotland) Regulations 2011.
- The risk assessment will be integrated into SEPA’s existing regulatory framework for marine finfish farms (for example, benthic impacts) and form part of a single, enhanced, and comprehensive risk assessment framework covering all pressures from marine finfish farms on the water environment.
- To prevent salmonids from experiencing a harmful level of lice SEPA are proposing an exposure threshold to apply in wild salmon protection zones (narrow or constrained areas of sea, such as sea lochs).

- To evaluate how much the proposals for a new development or increased biomass will contribute to the exposure threshold of the WSPZ, the screening model incorporates the findings of three models: underlying hydrodynamics, lice concentration, and virtual smolt modelling.
- Based on the combined output of these models, SEPA expects to categorise developments at the pre-application stage in terms of risk.
- Where “a risk” is identified, SEPA would require the developer to quantify the proposal’s effects on sea lice concentrations in the protection zone using more refined modelling.
- The results of this modelling would be compared with the sea lice threshold to determine the suitability of the proposal for authorisation.

Q: When is the second consultation on the framework launching?

- SEPA is planning to launch their second consultation on the framework on Monday 29 May.

[Redacted – out of scope]

- The programme of work to develop a “National Marine Plan 2” will integrate these elements and seek to address the increasing competition for marine space, exploring opportunities for a clearer prioritisation and decision-making framework to guide different interests and sustainable use of Scotland’s marine space.
- A new prioritisation framework will ultimately be met with some challenges across the sectors, however NMP2 will seek to address such challenges through establishing a framework that seeks to give greater clarity to marine users around issues such as coexistence, compensatory measures and opportunities for safeguarding specific activities.

[Redacted – out of scope]

MORTALITIES IN SALMON FARMING AND CALLS FOR A MORATORIUM

A recent increase in reported mortality by the salmon sector has renewed media and lobby focus on farmed fish health and mortality and calls for a moratorium on the expansion of the sector. The MSPs may query whether this is something being considered by the Scottish Government.

TOP LINES

- We are not complacent about the levels of mortality being reported and we expect it to be driven to the lowest possible level.
- We remain committed to high standards of fish health and welfare, and will continue to work with the sector, regulators, fish vets and others to address key challenges and promote a reduction in mortality.
- We do not support a moratorium on fish farming expansion. As set out in the Bute House Agreement we agree that Scotland should have a sustainable sector. But it must operate within environmental limits and with social license.

BACKGROUND

- Fish surviving to harvest has remained relatively constant from 2009 at 75%, with fluctuations from year to year. Small decreases of approx 3% have been in the past 5 years.
- There have been recent calls from different groups for a moratorium to be placed on all fish farm applications and ongoing developments of this type in Scotland.
 - The 'Halt the East Mockett Fish Farm on Papa Westray campaign group wrote to Ms McAllan in Nov 2022 (via Liam McArthur MSP) to request an immediate moratorium on all fish farm applications and ongoing developments in Scotland
 - Animal Equality UK wrote an open letter to Ms Gougeon on 24 February 2023, co-signed by 8 MSP's and 2 MPs, calling for a moratorium on the expansion of salmon farming.

BRITISH VETERINARY ASSOCIATION

Issue-

BVA calls for better understanding of fish welfare and impact of aquaculture on the environment along with a more focused role for vets in aquaculture, encouraging universities to promote fish welfare in fish being farmed.

Background

- The BVA is the largest membership community for the veterinary profession in the UK and recently launched a new policy position on UK sustainable finfish aquaculture. It calls for more research into the welfare needs of fish and the impact of aquaculture on the environment, as well as urging vets to consider roles in the sector as part of their careers.
- This new policy sets out the association's vision for sustainable development of the finfish farming sector and the need to fully consider respect fish welfare.
- They argue that aquaculture should be undertaken in a way that is environmentally, ethically, and economically sustainable. To achieve this, aquaculture systems should work towards positive animal welfare for the fish being farmed.
- BVA believes vets should play a key and active role in aquaculture and is encouraging more visibility of related roles within the veterinary industry, particularly at universities, to encourage more students to consider working with fish as part of their career paths.
- BVA is championing the vital role the veterinary profession plays in sea-based agriculture in the same way that it has previously done with land-based agriculture

What is your response to the British Veterinary Association's focus on veterinary requirements within its new policy position on sustainable finfish aquaculture?

- I very much welcome the BVA's recognition of fish health as a key component of sustainability - the veterinary perspective is vital to help address key challenges in this area, not only in production but also in applied innovation etc.

- I also welcome its call for more vets to become involved in the aquaculture sector and for students to receive better training in this area – this is highly relevant to developing new solutions, but also to the development of skilled jobs in the rural economy.
- The report recognises the breadth of the challenge facing fish health and makes a number of recommendations on how these could be addressed.
- I am pleased to say that many of the recommendations align very well with work which we, or others, are already taking forward or have identified as important – I will continue to reflect on the points made in the wider report.

SNP MANIFESTO COMMITMENTS ON AQUACULTURE

Background

The SNP produced 2 manifesto commitments relating to aquaculture consenting, namely;

- To reform and streamline the aquaculture regulatory processes so that development is more responsive, transparent and efficient. A new, single determining authority for aquaculture consents, will be developed modelled on the regulatory regime in Norway. This will bring greater clarity, transparency and speed to the process.
- As part of the process to reform and streamline the aquaculture regulatory system, there is a commitment to explore how a Norwegian-style auction system for new farm developments might generate significant income to support inspection and welfare services, provide real community benefit on islands and in remote rural areas and support innovation and enterprise.

In order to fast track these commitments the Government gave a **100 day commitment** to: appoint an external reviewer of the current regulatory processes involved in fish farming, to identify how best to reform and streamline the system.

This led to the appointment of Professor Russel Griggs to review the current aquaculture consenting regime, and report his findings. Griggs' report was published in February 2022; Ministers agreed to accept all the recommendations in principal and Ministers have now agreed to a number of work packages to deliver on some of the key recommendations from that review.

[Redacted – out of scope]

Lines to take

- We accepted the Griggs recommendations in principal and we are committed to the work being progressed by the consenting task force to refine the consenting process.
- Griggs recommendations were welcomed by the fish farming sector and we are working collaboratively with them and other stakeholders within the consenting task force to develop a blue print to streamline and improve efficiency and co-ordination of the finfish farming consenting process, while maintaining high environmental standards..
- Importantly, this work is focussed on enhanced multi-lateral pre application processes, where all interested parties discuss applications jointly. This should not only streamline the process and improve coordination between regulators – but it should significantly enhance engagement with communities, improve understanding of the consenting process and the specific risks and opportunities involved within individual fish farm developments.
- Professor Griggs has been advising the consenting task group as we move through this process and I'm pleased to add that the group is working to commence a trial later this

[Redacted – out of scope]

NATIONAL PLANNING FRAMEWORK 4 (NPF4) – POLICY 32 AQUACULTURE

ISSUE

- NPF4 was adopted and published by the Scottish Ministers on 13 February 2023.

TOP LINES

- We recognise that Aquaculture is an increasingly important industry for Scotland, helping to sustain economic success in the rural and coastal communities of the north and west.
- NPF4 reflects significant opportunities for investment to support the blue and wellbeing economies, which capitalises on natural assets and strengthens the ties between people, land and sea.
- NPF4 Policy 32 on Aquaculture is generally supportive of new aquaculture developments where they comply with relevant plans and where specific impacts have been assessed and mitigated, though further salmon and trout open pen fish farm developments on the north and east coasts of mainland Scotland are not supported.
- Policy 32 recognises the important role Aquaculture can play within rural communities, and as such have ensured Local Development Plans play a key role, in line with relevant marine plans, in guiding development to locations that are appropriate for the area, and minimise adverse environmental impacts while meeting industry needs.
- **The Scottish Government believes that Scotland should have a sustainable, diverse, competitive and economically viable aquaculture industry. However, we are clear that it must operate within environmental limits and with social licence and ensure there is a thriving marine ecosystem for future generations.**



31st January 2023

Mairi Gougeon MSP
Cabinet Secretary for Rural Affairs & Islands
Scottish Government
St Andrews House
Edinburgh

Dear Cabinet Secretary

Scotland's Aquaculture sector – regulatory reform

We write collectively in support of the 12,000 people who work both directly and indirectly across Scotland in the salmon farming sector. We welcome the independent report produced by Professor Russel Griggs OBE that you commissioned into regulatory reform and recognise that the salmon sector, far from calling for less regulation, has asked that their businesses are subject to efficient, fair and effective government regulation.

We note that you welcomed Professor Griggs recommendations and accepted them in principle on 11th February 2022 and later last year established the Scottish Aquaculture Council charged with offering ministers' advice on the practical implementation of these recommendations.

In addition to the employment the sector brings (to every constituency and region across Scotland), salmon is the country's biggest food export by volume, valued at over half a billion pounds every year. The sector creates over £760 million in gross output for the economy annually, has generated in excess of £115 million in valuable taxation revenue since the start of COVID and supports local communities both privately and via rents. There is a domestic supply chain of more than 3,600 businesses which span the length and breadth of the country. The sector has an average salary of £34,000 providing a highly positive impact in areas of rural and coastal Scotland. The Salmon sector's sustainability charter is consistent with your government's objective of net zero in green house gas emissions by 2045 and we note the importance of salmon to both the Government's overall economic objectives and last year's Blue Economy strategy.

We believe that the timely implementation of the Griggs recommendations in delivering a cohesive regulatory environment that balances economic, environmental and community interests is in both the country and government's interests. To that end we would welcome a meeting with you and the chief executives of Marine Scotland, SEPA and the Scottish Government's Head of Planning to discuss progress towards these positive objectives.

We look forward to your reply.

Donald Cameron MSP

Rhoda Grant MSP

Fergus Ewing MSP

Beatrice Wishart MSP

Enclosure 05 – Briefing for Cabinet Secretary for Rural Affairs, Land Reform and Islands – Meeting with Salmon Scotland

What	Follow-up meeting with Salmon Scotland Chief Executive and Board members to discuss industry concerns about the development of the SEPA sea lice risk assessment framework; and [Redacted – out of scope] programme and potential economic impact.
Where	Conference Room A&B, St Andrew’s House
When	Tuesday 30 May 2023, 13:45-14:30
Key Messages	<ul style="list-style-type: none"> • Ministers are committed to delivery of the framework under SEPA and twin track progress to deliver improvements to consenting. • The purpose of the regime is to deliver a better decision-making framework, providing more certainty for developers, and to protect the environment. • The Scottish Government is acting on sector concerns - the process (and ongoing consultation) supports a continued dialogue and SEPA is open to ideas. • [Redacted – out of scope]
Who	<ul style="list-style-type: none"> • Tavish Scott, CEO of Salmon Scotland • Jim Gallagher, Managing Director, Scottish Seafarms • Colin Blair, Managing Director, Cooke Aquaculture Scotland
Why	<ul style="list-style-type: none"> • A Ministerial meeting was held with Salmon Scotland’s Chief Executive and Board members on 27 October 2022 on the sea lice risk assessment framework. During this meeting it was agreed a follow-up Ministerial meeting would take place, once joint meetings by SEPA, Scottish Government and the sector had taken place. • On 25 April, Tavish Scott wrote to you enclosing a draft Memorandum of Understanding between Scottish Government, SEPA, Salmon Scotland and the British Trout Association to support “the development of a spatial model to assist Local Authority planning departments”. • SEPA is preparing to launch its second consultation on more detailed proposals for the new sea lice risk assessment framework <u>on Wednesday 31 May</u>.
Supporting officials	<ul style="list-style-type: none"> • Annabel Turpie, Director Marine Directorate • Malcolm Pentland, Deputy Director Marine Economy and Communities, Marine Directorate [mobile: [Redacted – under regulation 11(2)]] • Diarmuid O’Neill, Deputy Director, Marine Science, Evidence, Digital & Data • Alice Hall, Deputy Director Environmental Quality and Resilience Division, Directorate for Environment and Forestry • [Redacted – under regulation 11(2)] , Marine Scotland [TBC]
Briefing contents	<ul style="list-style-type: none"> • Annex A: Attendees • Annex B: Meeting Overview • Annex C: Opening Remarks • Annex D: Key Messages and Top Lines • Annex E: SEPA’s assessment of sea lice risk assessment framework implications • Annex F: [Redacted – out of scope] • Annex G: [Redacted – under regulation 6(1)(b) information already publicly available. Link to publication will be provided in the letter of response]

- | | |
|--|---|
| | <ul style="list-style-type: none">• Annex H: Additional background briefing<ul style="list-style-type: none">○ Fish Health & New Environmental Quality Standards (EQS)○ Scottish Science Advisory Council (SSAC) report○ Vision for Sustainable Aquaculture○ Consenting Task Group & Consenting Performance○ [Redacted – out of scope]○ [Redacted – out of scope]• Annex I: Copy correspondence from Salmon Scotland dated 25 April and draft Memorandum of Understanding |
|--|---|

MEETING ATTENDEES

ANNEX A

- Tavish Scott, CEO Salmon Scotland
- Jim Gallagher – Scottish Sea Farms Managing Director
- Colin Blair – Managing Director Cooke Aquaculture Scotland

Biographies

Tavish Scott - Chief Executive of Salmon Scotland



- Salmon Scotland is the trade association for companies that farm salmon in Scotland and recently broadened its membership to include companies active in the supply chain. The Salmon Scotland board is made up of managing directors of the producing companies.

Jim Gallagher - Managing Director of Scottish Sea Farms



- Scottish Seafarms is co-owned by two Norwegian firms, Leroy and Salmar.
- Jim first joined the sector in 1998 as Finance Director of Hydro Seafood Group and was part of the team responsible for selling the company to current owners Norksott Havbruk.
- Jim has supported a number of Government initiatives, including the farmed fish health framework and the previous Aquaculture Industry Leadership Group.

Colin Blair – Managing Director of Cooke Aquaculture Scotland

[Redacted – under reg 11(2)]

- Cooke Aquaculture Scotland is a salmon producer headquartered in Glasgow and with Atlantic salmon farming operations in Orkney, Shetland, mainland Scotland and the north of England.

MEETING OVERVIEW

ANNEX B

- You met with Salmon Scotland representatives to discuss concerns about the potential impact of SEPA's sea lice risk assessment framework in October. The sector had relayed concerns that SEPA's approach could lead to a 50% reduction in production. You committed to a follow-up meeting (this meeting) with the sector, once joint meetings with sector, Scottish Government and SEPA had taken place.
- In advance of this meeting, Salmon Scotland CEO, Tavish Scott wrote to you enclosing their **proposed draft Memorandum of Understanding** between Scottish Government, SEPA, Salmon Scotland and the British Trout Association **[Annex I]**. The sector is not expecting a response from Ministers on the proposed MOU at the meeting but are likely to seek initial views. An acknowledgment, thanking Tavish Scott for the draft MOU, issued from Ms Gougeon on 22 May.
- Officials met with Nicole Paterson, **CEO of SEPA** on Ministers' behalf on Tuesday 23 May to i) emphasise SG commitment to delivery of the framework by SEPA; ii) understand SEPA's perspective on the sea lice framework delivery process; and iii) to seek SEPA's views on the MOU shared with SEPA and SG. On the MoU proposal, SEPA are amenable to exploring elements of it (such as data sharing and modelling) but view it as going too far – it is critical that SEPA's role as independent regulator is protected.
- This meeting comes just ahead of SEPA launching its second public consultation on the framework with more detailed proposals [SEPA planning to launch on Wednesday 31 May, in line with what they have said publicly]. Due to the technical nature of the consultation, and its timing over the summer, it is anticipated that the consultation will run for 14 weeks, instead of 12. SEPA has planned a schedule of engagements during the consultation period.
- [Redacted – out of scope]

OPENING REMARKS

ANNEX C

We suggest that you consider make some opening remarks along the following lines:

- Thank you for meeting today. We are here to discuss SEPA's development of its Sea Lice Risk Assessment Framework, although I understand you may wish to share a proposal from the sector's perspective in relation to [Redacted – out of scope].
- We last met to discuss the Framework at the end of October [apologies that this follow up meeting has had to be moved on a few occasions].

- We want to start this afternoon by reiterating that we are committed to supporting the sustainable growth of your sector, through streamlining the consenting regime *and* through delivering in relation to sea lice interactions
- On the latter, SEPA, as the independent regulator, is responsible for managing the risk from sea lice from fish farms and we are confident it is developing its framework in line with the recommendations of the Salmon Interactions Working Group.
- When we last met you raised concerns over the developing Framework and its potential impact on your production levels and we discussed the very different results that your and SEPA's early analysis were producing.
- We agreed that officials would convene a meeting with senior representatives from the sector and from SEPA to support open dialogue and help ensure a shared understanding of the framework's development.
- We understand you have met twice, looking at the detail emerging from SEPA's modelling work and their proposals in relation to implementation in terms of new and existing developments. As you know, we have encouraged that collaboration and we welcome it. We would be keen to hear your assessment on the usefulness of those sessions.
- And in relation to collaboration, we have noted your proposals for a draft MOU.
- We are supportive of measures that promote effective engagement and collaboration and are encouraged that ways of working between yourselves and SEPA in areas like data sharing and working together on modelling are being explored. That said, we would want to remain assured that SEPA's regulatory independence was preserved at all times. **If want to go further on this point:** *Our view is that this is a matter for SEPA and the sector to work through and it would not be appropriate for Government to be signatory of such an MoU*.
 - While these discussions are happening with SEPA we would hope you can confirm that you do not see this as a prerequisite for engaging in SEPA's next consultation which is being launched imminently and that you will participate in that so there is the opportunity for SEPA to consider and respond directly to concerns raised.

Key Messages

- Emphasise that we are committed to twin track progress - to deliver sustainable growth, we must make progress to deliver both a streamlined consenting regime for businesses and deliver commitments to on sea lice interactions.

Encourage joint dialogue between SEPA and the sector as part of the ongoing process. There has been substantial engagement throughout the process.

[Redacted – out of scope]

- Stress the need for continued engagement by the sector. You can remind the sector that SEPA has committed to listening the sector's views (a point repeatedly made its CEO at the Sector/SEPA/SG officials' meetings and at the Aquaculture Council) and has given a commitment to ongoing engagement.
- SEPA has responded directly to sector concerns in its first consultation response by:
 - committing to ensuring that the new framework is not over-precautionary and following a risk-based and evidenced approach (there will be no blanket controls).
 - extending the deadline for implementation of the framework to late 2023 and including the protection for sea trout from the beginning of the framework to ensure that no duplication of regulatory responsibility exists.
 - committing to provide an impact assessment of the framework as part of the planned consultation in 2023.
- As part of the consultation process, SEPA is planning engagement sessions to help consultees to better understand the detail of the proposals. You may wish to propose that a further joint SEPA/ SG/ Salmon Scotland meeting takes place during the consultation period.
- Welcome consideration of community benefit and the engagement between Salmon Scotland and CES on this to date and ask Salmon Scotland to keep officials updated on discussions and any developing proposals.
- ***If pressed on implementation timelines:*** The PfG commits to implementation of the framework by the end of the year. You have indicated you would be willing to support a slight delay if there were good grounds for doing so but this has not been communicated to the sector/publicly. If required, the key message is:
 - Any alteration to the timeline for SEPA's implantation of the new framework (planned for the end of this year) would have to be guided by the issues raised within its consultation and decisions would be evidence-based to ensure effective delivery of the framework.

[Redacted – under regulation 10(4)(e) internal communications]

Top Lines

CRITICISM/COMPLAINT: *“The framework is over-precautionary, is being delivered to quickly and is not based on science”.*

- SEPA is committed to ensuring that the new framework is not over-precautionary and is transparent, reasonable, protects the environment, whilst supporting social and economic development.
- SEPA has committed to following a science and evidence led approach. SEPA is happy to consider any additional available evidence from the sector and others to support development of the framework. The forthcoming SEPA consultation provides a further opportunity to input your views.
- The SEPA framework is to follow a phased approach to implementation. *If minded to:* We are prepared to communicate directly to SEPA support for changes to the implementation timetable where SEPA to need it in order to develop the framework effectively and to help achieve meaningful engagement.

CRITICISM/COMPLAINT: *“The current approach will not deliver the principles of the Salmon Interactions Working Group (SIWG) recommendations, the framework should be a tool for planners instead... SEPA has shown ‘mission creep’ in delivery of the framework”.*

- We strongly disagree with the assertion that SEPA’s approach is inconsistent with the SIWG report. The SIWG recommended that “Robust conditions, based on an adaptive management approach, to safeguard wild salmonids should be contained within a licence rather than through planning consent”.
- Having considered the SIWG report very carefully, SG agreed with the conclusions that wild salmonid interactions are best regulated through adaptive management approaches through a licencing regime, rather than planning.
- SEPA is Scotland’s independent regulator for the environment and they are the lead body responsible for managing the risk to wild salmonoid from sea lice from fish farms. This consolidates SEPA’s role in this area following the transfer of wellboat licencing responsibility from SG Marine Directorate in 2021, and there are further plans for SEPA to become responsible for nutrient screening in place of local authorities, to further that consolidation.
- These developments should help to streamline the regulatory system for developers and help to deliver key components of the independent regulatory review of fish farm consenting. They should support early engagement and upfront comprehensive environmental risk screening advice at the pre application stage and join up in determining licence and planning permissions by SEPA and local authorities.
- I am confident that SEPA is considering and delivering the sea lice framework within the context of the salmon interactions working group recommendations.
- The changes which SEPA made following the first consultation responded directly to stakeholder feedback – extending the deadline for implementation to late 2023 and including the protection for sea trout from the beginning of the framework to ensure that no duplication of regulatory responsibility exists.
- You will appreciate that SEPA has to have some flexibility to respond to feedback from consultation and make improvements to the framework.

CRITICISM/COMPLAINT: *“There needs to be a ‘reset’ and further development of the framework should be governed by a collaborative MOU, to be agreed by all parties”.*

- SEPA’s framework has been designed to use a simple risk screening tool to assess where more detailed modelling is required and to ensure that SEPA is not requesting more detailed modelling for all new fish farm developments – this is to support a targeted approach to risk management.

- I am interested in further collaborative approaches to detailed modelling development, building on the SPILLS project, and the timeframes involved to deliver more refined models.
- I support partnership and collaborative working. I understand that SEPA has already showed willingness to develop MOUs on data sharing and collaboration on modelling and that you have shared the draft MOU with SEPA.
- I am supportive of an MOU being explored further, but this must not be used as a pre-requisite for the sector's engagement on SEPA's consultation and we will not seek to impose an MOU on any party.

SEPA's initial screening work is showing that that the implications of the Sea Lice Risk Assessment for new developments and, over the longer term, existing fish farms is limited.

- **NEW DEVELOPMENTS / FUTURE EXPANSION**

- There are over 210 Wild Salmon Protection Zones (WSPZs).
- The initial screening indicates that of these only the 3 largest WSPZs and 5 smaller zones *may* have limited capacity to accommodate increased infestation pressure (i.e. higher concentrations of sea lice)
- Even where environmental capacity is limited, conventional open-net pen farm developments can be accommodated if salmon producers choose the right locations or operating to appropriately timed production cycles (ie under 12 months).
- Developments using the latest innovations in pen design that minimise sea lice transfers between the farm and the sea can be accommodated at any location.

- **EXISTING FISH FARMS**

- SEPA need to undertake further assessments of the risk to wild salmon from sea lice for those WSPZs that screening suggests may have limited or no environmental capacity (8 WSPZs). The further assessments are expected to take several production cycles to complete.
- Action to reduce infestation pressure will only be taken where SEPA has determined that sea lice are at concentrations that impact wild salmon populations.
- SEPA's screening work has identified only a small proportion of farms (21 out of 164 modelled) as contributing substantially to sea lice pressure in the 8 WSPZs.
- If further assessments conclude that a reduction in infestation pressure is required in any WSPZ, the action will be targeted at farms contributing most to infestation pressure.
- Screening models indicate that a sufficient reduction in infestation pressure is unlikely to require a reduction in fish biomass at these farms: complying with the on-farm lice limits required in Norway (i.e., 0.2 adult female sea lice per fish) is likely to be more than sufficient.

[Redacted – out of scope]

ANNEX F

[Redacted out of scope]

ANNEX G

[Redacted – under regulation 6(1)(b) information already publicly available. Link to publication will be provided in the letter of response]

Additional Background Briefing

2022/23 PfG Commitment: Develop a **Vision for Sustainable Aquaculture** with enhanced emphasis on environment and community benefit and continue to progress **the regulatory review of aquaculture** and measures to tackle environmental impacts associated with aquaculture, including **SEPA's implementation of a new sea lice risk assessment framework** and support for local authorities to guide development to the right places through spatial planning.

1. Fish Health and New Environmental Quality Standards (EQS) recommendation

"The reduction in available quantities of SLICE will likely make it harder for the industry to control sea lice, whilst the SEPA framework tightens requirements for sea lice on Scottish fish farms".

Top Lines

- I am grateful to the sector for raising the error included within the evidence considered by UKTAG. It is important that the sector contribute their views on the implementation of the new standard to the current Scottish Government consultation.
- The SEPA sea lice framework will be targeted at areas where environmental sensitivity is greatest and will not introduce a blanket requirement for all fish farms to control sea lice to lower levels.
- SEPA is also actively considering the interaction of the framework with fish health and how it might handle instances where treatment of fish to reduce sea lice is against veterinary advice.
- The Farmed Fish Health Framework Initiative is looking at improved access to medicines and SEPA is receptive to changing its regulatory approach on some medicines, pending information requested at the forum from fish vets and the sector.

Background

- In January 2023 Salmon Scotland contacted the UK Technical Advisory Group (UKTAG) to alert them to (what they believe to be) an error in the calculation to derive the EQS for emamectin benzoate.
- UKTAG notified the Scottish Government in March 2023 that the UKTAG Chemistry Task Team has further considered the advice received from Salmon Scotland with respect to the emamectin benzoate sediment EQS and UKTAG have officially signed off the emamectin benzoate report and recommendation. The new recalculated recommended EQS for marine sediment therefore changed from 131 ng/kg dry weight to 272 ng/kg dry weight.
- The new standard should give each consented fish farm roughly 2 times more emamectin benzoate than authorised under the July 2022 (131ng/kg) standard but about 3,5 times more stringent than the original standard of 763 ng/kg of sediment that SEPA have used to regulate fish farms since 1999.
- In effect it means that treatments will probably still be quite limited to the earlier parts of a production cycle.
- This aligns with Salmon Scotland's initial view that whilst the change will not make emamectin benzoate usable in all circumstances, it will likely support treatment of fish in the early phases of seawater production at more fish farms than the previous recommendation, providing the opportunity for an early and preventative treatment for fish entering marine farms.
- In April 2023, Scottish Ministers have launched a 12-week public consultation on the implementation of a revised environmental quality standard for the use of emamectin benzoate

in fish farming. By phasing in the new standard, we will enable consistency across the sector and achieve improved environmental quality. The consultation ends on 24 July.

- The UKTAG methodology used to make a recommendation is scientifically robust and includes obtaining independent scientific peer reviews of the evidence.
- To prevent operational disruption for the sector, Scottish Government and SEPA plan to consult on the implementation of the new standard. It is likely that implementation will be phased in based on production cycles.
- Marine finfish farms authorised to discharge emamectin benzoate on the previous interim standards may apply for a variation to alter the permitted maximum environmental quantity where they can demonstrate that the alteration will comply with the new environmental standard.
- SEPA will not initiate variation of the authorised maximum environmental quantity in permits to discharge emamectin benzoate authorised under the original standard of 763 ng/kg of sediment (wet weight) until instructed by Scottish Ministers.
- The change in EQS for EmBz will contribute to the Programme for Government 2022-2023 commitment to develop a Vision for Sustainable Aquaculture with enhanced emphasis on environment and community benefit and fulfils commitments made to the Scottish Parliament following the 2017/18 parliamentary inquiries.

2. Scottish Science Advisory Council (SSAC) report – science & aquaculture consenting

“Work on the SEPA sea lice framework should be paused until the recommendations of SSAC are considered”.

Top Lines

- I was pleased to discuss the SSAC report earlier this month at the aquaculture council meeting on 3 May.
- The SSAC report recognises the requirement for a clear decision-making framework, with mechanisms to re-evaluate decisions and the current challenges faced by local authorities in reviewing complex modelling information.
- I expect all SAC members, including SEPA, to consider the SSAC’s report and read across to their own work.
- Responding to the SSAC report will require consideration of long-term science and evidence delivery mechanisms for Scotland and my officials and I will require some time to get that right.
- In the short term, I am interested to understand how collaborative working and partnership delivery of the science to support the SEPA sea lice risk assessment framework might be achieved.

Background

- As part of the second phase of the aquaculture regulatory review [announced in May 2022], Ms Gougeon asked the SSAC to consider the use and communication of science in aquaculture consenting.
- The SSAC report was published on 26 April and noted the use of models by different stakeholder groups to support development applications and noted that final decision making was being left to local authorities and councillors and being discussed at the end of the process.
- The SSAC report therefore supports the requirement for a clear decision-making framework for sea lice and the use of models within the consenting system. The report also praises previous collaborative projects to develop detailed sea lice models such as the ‘SPILLS’ project. However, the report is critical of current science communication and effective communication of uncertainty.

- It is also critical of the forums established to discuss, agree and prioritise science delivery. Mechanisms for collaboration to deliver a monitoring and research strategy will be essential to support delivery of the SEPA sea lice framework.

3. Vision for Sustainable Aquaculture

“The Vision as written is a regulatory wish list – we ask that you consider the Vision carefully and that we have an opportunity to comment on a revised draft”.

Top Lines

- I am grateful to all the stakeholders who provided feedback at the meeting of the Scottish Aquaculture Council in November and during direct engagements in November and December.
- I listened carefully and asked my officials to make changes following the meeting in response to direct feedback.
- The revised draft Vision is shorter than the previous version and sets out our ambitions at a higher level with a smaller set of more focussed outcomes to support its realisation.
- An updated draft Vision was recently shared for feedback, and I am grateful to Salmon Scotland for taking the time to provide comments.

Feedback from Salmon Scotland on the draft Vision:

- Salmon Scotland provided feedback on the latest draft of the Vision for Sustainable aquaculture on 18 May.
- The feedback reemphasised previous comments from Salmon Scotland that the Vision was overly focussed on environmental outcomes and was too prescriptive, advocating for a shortened Vision that presents the high-level Vision statement without any of the contributing outcomes.
- Salmon Scotland have also commented that the Vision should give more credit to the sector’s contribution to Scotland’s economy and its role as a producer of high quality, low carbon foods. [Note: Salmon Scotland received a copy of the draft without a Ministerial foreword, which will recognise the sector’s contribution to Scotland].

4. Consenting Task Group (CTG) & Consenting Performance

“The Scottish Government is taking too long to deliver the regulatory review of aquaculture consenting and consenting performance is not good enough”.

Top Lines

- I am committed to streamlining the consenting regime and I am grateful to the sector for providing resource to support the Consenting Task Group.
- I understand that good progress is being made to inform a new process for managing fish farm applications and that the group is working towards a trial process which should be deployed this summer.
- The SEPA sea lice framework should help to make the fish farm consenting regime more efficient, providing a clear decision-making framework to handle sea lice and farmed/ wild interactions for the first time and providing early advice to prospective developers.

Background

- A Consenting Task Group (CTG) has been formed as part of the second phase of the aquaculture regulatory review. The work of the CTG was discussed earlier this month at the Scottish Aquaculture Council meeting on 3 May.
- The work of the CTG is important to deliver an effective and efficient consenting system for developers, regulators and communities alike, and with due regard for the environment.
- A key issue for us to balance is the pace of delivery of streamlined consenting, alongside delivery of the SEPA sea lice risk assessment framework.
- There is increasing anticipation regarding the delivery of the SEPA framework by communities that engage with fish farming consenting applications and decisions which are being taken on new fish farms prior to the SEPA sea lice framework coming into effect.

5. [Redacted – out of scope]

Correspondence from Salmon Scotland dated 25 April and draft Memorandum of Understanding (Note: letters were sent to both Cabinet Secretaries)

Dear Cabinet Secretary,

When we met with you last year, on 27 October to express our concerns over SEPA's approach to implementing a Sea Lice Risk Framework (SLRF), you kindly offered a further meeting given the seriousness of the proposed new regulation on our sector. We now understand that this meeting will take place on 3rd May and we look forward to that.

Earlier this year, senior representatives from our sector met with SEPA, Marine Scotland and Scottish Government officials, to consider the ongoing development of SEPA's SLRF (Stirling Court Hotel, 28th Feb. 2023). As an action from that meeting, our sector committed to draft a Memorandum of Understanding, which would form the basis of further engagement and collaboration, supporting the development of a properly constructed and validated approach that acknowledged the potential hazard posed by salmon farms to wild salmon populations in Scotland. Please find the draft MoU attached to this letter, for your consideration.

Our sector acknowledges that any potential hazard posed by sea lice derived from salmon farms must be appropriately considered within the farm consenting process. We are committed to working with relevant consenting bodies to establish a scientifically robust and validated approach that supports their decision-making process, where a suitable risk has been demonstrated with reliable empirical evidence. However, we are not supportive of the approach SEPA are currently taking in developing the SLRF, views that we articulated at the meeting referred to above. You will be aware that our sector has repeatedly raised significant concerns with the development of this new regulatory framework, noting serious issues with the underpinning principles and scientific justification for the framework, the science used to develop the core model, the absence of any appropriate baseline data or monitoring programme to assess the efficacy of the framework, and the lack of any socio-economic assessment of impacts on our sector and Scotland's rural communities. More significantly, SEPA have failed, in engagement sessions and from the outputs of the model they have developed, to demonstrate that sea lice are causing a significant adverse impact on wild salmon populations. As such we can see no case for the framework that is proposed and for implementation through Controlled Activities Regulations (CAR). The current approach by SEPA, therefore, seems in conflict with the principles of Better Regulation.

We acknowledge this remains a complex issue, both politically and scientifically, but believe strongly that any new regulatory framework relating to wild / farmed interactions must be scientifically robust, validated against field data collected over a suitable timeframe, and must not be developed in haste, in response to wider political pressures. We believe the most effective and constructive way forward is to take a collaborate approach, which aligns with the original commitment of the Salmon

Interactions Working Group, and which is governed by an MoU signed by our sector, SEPA and Marine Scotland.

It is important, however, to provide some context to the MoU and to the wider engagement our sector has had on this subject, in recent years:

In 2019, Marine Scotland policy officials established the Salmon Interactions Working Group (SIWG), with the goal of identifying a suite of recommendations, mutually agreed by both the salmon farming and wild fisheries sectors, that would help progress our understanding of wild / farmed interactions and that would support wild salmon conservation and management.

In total, 42 recommendations were established within the SIWG but most importantly, these recommendations were a collective suite of measures that, together, were needed to support wild salmon conservation and management: they were not individual recommendations that were to be selected from, in isolation.

Of the recommendations, SIWG stated that *"the consenting of new developments should be managed within an adaptive spatial planning model which is risk based, of suitable resolution, underpinned by best available scientific evidence, and takes into account the cumulative effect of management practices of existing developments and impacts on wild salmonid fish"*. It is this recommendation which has been used as justification for the development of the SLRF by SEPA, although it is noteworthy that SLRF was under development some time before the SIWG made its recommendations.

The recommendation and commitment made within the SIWG was, as written, focused on the development of a planning support model that would aid local authorities in their decision making around new farm developments and which would take into account existing farm management practices and the cumulative effects of other local pressures on wild fish. The SLRF that has been developed by SEPA does not meet that objective and goes far beyond what was jointly agreed by the farmed and wild fisheries sectors. We believe that SEPA have moved too quickly, to introduce an approach that is not supported by the necessary science and have produced a model which is not validated against the necessary field based, empirical evidence, and which does not align with the recommendations made by the SIWG. SEPA have continued to press on with the development of their proposed model and have not paused and reviewed the process or model development to date. A sensible, informed review of the initial model and outputs should be undertaken as a matter of urgency before any further consultation and use of public resource.

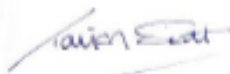
It is our firm belief that the development of the SLRF must refocus on the original intent of the SIWG and we are committed to working with SEPA and Marine Scotland to achieve that goal. We strongly support a collaborative approach to develop a planning support model, developed over the necessary timeframe, and which is thoroughly validated and tested prior to roll out. Implementation of the decision support model can only occur once all relevant stakeholders are confident the outputs are reliable and consistent.

Once concluded, the planning support model will complete a strong series of actions that the sector committed to through the SIWG. We are disappointed that activity against the SIWG recommendations has focused primarily on actions taken by, or relating to, the farmed salmon sector. There continues to be significantly less activity to address recommendations relating to wild fisheries, and in particular there is still no clear funding mechanism to support practical conservation and fisheries management. It is our view a suitable funding mechanism is urgently needed.

In closing, we wish to reiterate our commitment to collaborate on the development of an appropriately constructed and validated risk assessment model to support local authority decision making for farm developments. The attached draft MoU details our commitment, including around the provision of data and expertise, the necessary resources to address scientific gaps through field research, and to test and validate the final model.

We look forward to your consideration of our draft MoU.

Yours sincerely,



Tavish Scott
CEO

DRAFT

Memorandum of Understanding

Between

**The Scottish Environment Protection Agency, Marine Scotland, Salmon
Scotland and the British Trout Association**

1. Background

In Scotland there is a requirement to consider the potential hazard posed by sea lice from salmon farms during the consenting process for new farm developments. To date, this responsibility has rested with Local Authorities through Planning Permission determinations.

A lack of definitive evidence demonstrating and quantifying any impact from sea lice on wild Atlantic salmon has hindered local authority planners in assessing new salmon farm developments. To move this issue forward, in 2019 Marine Scotland established the Salmon Interactions Working Group (SIWG), an independently chaired working group tasked with establishing a package of mutually agreed recommendations in the area of farmed / wild interactions. Amongst its 42 recommendations, SIWG stated that *“the consenting of new developments should be managed within an adaptive spatial planning model which is risk based, of suitable resolution, underpinned by best available scientific evidence, and takes into account the cumulative effect of management practices of existing developments and impacts on wild salmonid fish”*. The delivery of this planning model will complete a strong series of actions from the farmed salmon sector, that collectively demonstrate the sectors commitment to responsible farming. Further actions relating to wild fisheries management are required to ensure the SIWG recommendations are delivered in full.

In October 2021, Scottish Government confirmed the Scottish Environment Protection Agency (SEPA) as the lead body responsible for managing the risk to wild salmonids from sea lice from fish farms. This responsibility does not remove the responsibility of local authorities to consider wild / farmed interactions during planning determinations.

2. Aims

The aims of this MoU centre on the delivery of the SIWG recommendation for the development of a spatial model to assist Local Authority planning departments.

The parties of this MoU commit to a collaborative programme of work to develop a properly validated, spatially adaptive model, which supports local authority planning departments in assessing the risk (or not) of aquaculture developments to wild salmon populations. The model will be risk based, of suitable resolution, underpinned by the best available (and only fit for purpose) scientific evidence, and takes into account the cumulative effect of management practices of existing developments and impacts on wild salmonid fish. Where necessary, research will be commissioned to support the provision of the necessary science to develop the model. The model will be validated against field data from wild Atlantic salmon smolts, tested over several farming production cycles. Testing will be sufficient to ensure the model is validated for all locations / scenarios where it will be applied, in a regulatory context. Implementation, as a model to support regulatory decision making by Local Authorities, will only occur once the model is fully developed, tested, validated and appropriately piloted in relevant, real-world contexts, applying a degree of confidence that all parties agree to.

3. Activities covered by this MoU

3.1 Shared expertise

The parties acknowledge one another's respective scientific and practical expertise in the areas of salmonid and sea lice biology, ecology, wild / farmed interactions, fish health management, modelling, and fisheries, and acknowledge the significant added value that can be gained by taking a collaborative approach to the programme of work covered by this MoU.

The parties commit to work collaboratively to deliver the aims of this MoU. The project steering group (Section 4) will establish a framework for collaboration, which ensures all parties are contributing expertise to the development of the model.

3.2 Data

It is acknowledged that the development of a planning support model requires high quality, reliable, and robust, science and data, including data relating to wild salmon fisheries and sea lice epidemiology. Some of the data required to deliver the programme of work will reside in the public domain, but other data will be privately held, within commercial enterprises.

The parties of this MoU commit to providing the data that is agreed to be necessary to develop the planning support model. Any data provided will only be used for the explicit task of developing the planning support model and will not be used for any purpose not agreed by the data owners. It is acknowledged that some data may be considered commercially sensitive or open to misrepresentation or misuse if released into the public domain. The provision of data to support the development of the model must be backed by sound justification, agreed by all parties. Any data that is not collected through existing statutory requirements (and thus which is already in the public domain) must be destroyed upon completion of the programme of work covered by this MoU.

3.3 Research

It is acknowledged that there are gaps in our scientific understanding of wild and farmed salmon interactions, which hinder the development of a robust planning support model. The model must be developed using the most appropriate, fit for purpose, science that is relevant for use in a Scottish context, and it is agreed that where that is lacking, poorer quality science should not be supplemented.

Where necessary to meet the aims of this MoU, the parties commit to a programme of research to better understand wild and farmed interactions in relation to sea lice. This commitment covers only the science and research that is considered necessary for the development of the planning support model. The parties must agree to the value of any work in delivering the objectives of this MoU, before it is commissioned.

Support for a programme of research might include direct and in-kind support.

The planning support model will take account of other pressures on wild salmon. Consequently, it is important that research and activity around other pressures, including that covered within the Scottish Government Wild Salmon Strategy, is integrated, where relevant, into the development of the model.

3.4 Testing and validation

It is agreed that any new model that is to be used in regulatory decision-making must be suitably validated, such that its outputs can be correctly interpreted and applied in all relevant scenarios.

The parties agree that, prior to its use in regulatory decision making, the planning decision model will be tested and validated, referenced against field data from wild Atlantic salmon smolts, from relevant Scottish loch systems and geographies, and assessed over a number of farming production cycles. Testing will be sufficient to ensure the model is validated for all locations / scenarios where it will be applied, in a regulatory context. The model will only be rolled out as a decision support model once it has been properly validated and piloted.

3.5 Links to other consenting activities and research

The recommendations of the SIWG and the aims of this MoU focus on the delivery of a model to support Local Authorities in their determination of planning applications, and as such Local Authorities are an important stakeholder and end user.

The parties commit to establishing a clear mechanism to engage with Local Authorities throughout the development and testing of this planning support model, to ensure the result meets their requirements, being practical and of benefit to the consent determination process.

It is acknowledged that the framework for consenting aquaculture development in Scotland is under review at the time of signing this MoU. The parties therefore commit to establishing a clear mechanism to engage with the ongoing consenting review, through Scotland's Aquaculture Council.

Work undertaken within Scottish Government's Wild Salmon Strategy is integral to the development of the planning support model, covering wider pressures on wild salmon. The parties commit to including relevant outputs and knowledge, from activities within the Wild Salmon Strategy and other relevant research and initiatives, into the development of the planning support model.

4. Oversight

The programme of work covered by this MoU is both scientifically and politically important. It is critical the project is administered with sufficient management oversight and by those who can make decisions and commitments on behalf of the businesses or statutory bodies they represent.

The programme of work will be overseen by a suitably constituted project steering group, chaired by [To be agreed], and comprising relevant senior officials from:

- SEPA
- Marine Scotland (Science and Policy)
- Local Authority / Planning
- NatureScot
- Salmon and Trout farming representatives

The steering group will report programme delivery progress into the Scottish Aquaculture Council who will act as a resolution route for any non-agreement matters which the Steering Group cannot address.

5. Delivery / Timeframe

The delivery of the programme of work covered by this MoU requires parties to be committed over a timeframe that is mutually agreed and appropriate. The planning support model must be scientifically robust and validated against appropriate data as detailed in Section 3.4. It is expected that a substantial programme of field-based research and monitoring will be required. Such work is integral to the successful completion of the programme of work, and it must be afforded the necessary time to conclude.

Roll out of the final, validated model, should follow the agreement established with the SIWG, which focuses on new farming developments. The model should therefore only be applied after robust evidence demonstrates a new development has the potential to have a significant adverse impact on populations of wild salmon. Implementation will first focus on new farms, and thereafter, following a period of scientific review, the model may be applied to farm expansions.

6. Disclaimer

[Space included for any disclaimers that are required].

7. Signatories

SEPA

Marine Scotland

Salmon Scotland (on behalf of its members)

British Trout Association (on behalf of its members) [Noting that the BTA have not been involved in the drafting of this MoU]

Enclosure 06 – Briefing for Cabinet Secretary for Rural Affairs, Land Reform and Islands - conference opening of Sustainable Aquaculture Innovation Centre’s Sustainable Aquaculture Summit

What	<p>The two-day Collaborative Sustainable Growth in the Aquaculture Sector conference, organised by Innovation Norway and the Norwegian Aquatech Business Cluster in cooperation with Salmon Scotland, brings the Scottish and Norwegian aquaculture sectors together to discuss how collaboration between the two countries can support sustainable growth of the sector.</p> <p>You will open with summit with a 10 minute speech. There will not be Q&A following.</p>
Where	<p>Radisson Blu Hotel 80 High Street Royal Mile Edinburgh EH1 1TH</p>
When	<p>Monday 5 June 13:15-15:20 (2 hr 5 mins):</p> <ul style="list-style-type: none"> • 13:15h - Arrive at venue (welcome from organisers, refreshments etc.) • 13:30- Openings speeches (you will be speaking second following an opening speech from [Redacted – under regulation 11(2)] of the NCE Aquatech Cluster) • 14:50-15:20h – Meeting with Kristina Hansen, Norwegian State Secretary for Trade, Industry and Fisheries
Key Message(s)	<ul style="list-style-type: none"> • SG recognises aquaculture is a vital component of the Scottish economy and a significant provider of highly skilled jobs in some of our most remote and fragile communities. • The sustainable development of the sector will be supported by innovation and collaboration with partners in Norway.
Who	<p>[Redacted – under regulation 11(2)], NCE Aquatech Cluster Kristina Hansen, Norwegian State Secretary for Trade, Industry and Fisheries Tavish Scott, CEO of Salmon Scotland;</p>
Why	<p>An opportunity to signal Scottish Government’s support for the sustainable development of the aquaculture industry, and highlight the forthcoming Aquaculture Vision and progress on the regulatory review</p> <p>Invitation to event: [Redacted – under regulation 11(2)]</p>
Supporting official	<p>Malcolm Pentland, Deputy Director, Lead for Marine Economy and Communities: [Redacted – under regulation 11(2)]</p>

	<p>[Redacted - under regulation 11(2)] Aquaculture Vision: [Redacted – under regulation 11(2)]</p> <p>[Redacted – under regulation 11(2)] , Aquaculture Vision [Redacted – under regulation 11(2)]: [Redacted – under regulation 11(2)]</p>
<i>Briefing contents</i>	<p>Annex A: Summary Page Annex B: Meeting with Kristina Hansen Annex C Top Brief Annex D: [Redacted – out of scope] Annex E: Event programme Annex F: Guest List/Attendees Annex G: Speaking Note</p>
<i>Greeting Party and specific meeting point on arrival (if event is at a non SE Building)</i>	<p>Supporting officials will meet Ms Gougeon at the Raddisson Blu Hotel entrance lobby.</p>

Summary Page

Overview

The two-day Collaborative Sustainable Growth in the Aquaculture Sector conference, organised by Innovation Norway and the Norwegian Aquatech Business Cluster in cooperation with Salmon Scotland, brings businesses from the Scottish and Norwegian aquaculture sectors together to discuss how collaboration between the two countries can support sustainable growth of the sector.

You have been invited to open the event with a speech on Aquaculture in Scotland. Speeches will also be delivered by Kristina Hansen, Norwegian State Secretary for Trade, Industry and Fisheries and Tavish Scott, CEO Salmon Scotland.

During the conference there will be a range of presentations, including one from Professor Russel Griggs on the independent regulatory review of Scottish aquaculture and the role of regulation in achieving sustainable growth of the aquaculture sector. The full conference programme is provided in Annex C.

Norwegian aquaculture

- The Norwegian salmon farming sector is the largest in the world, harvesting 1,532,100 tonnes of Atlantic salmon in 2021. In addition to salmon the sector also farms trout, cod, cleanerfish, shellfish and seaweed.
- The Norwegian salmon farming sector is less consolidated compared to Scotland with over 40 separate production businesses.
- Fish farming licences in Norway are issued by means of an auction which takes place every two years. The Norwegian government sets out the available additional biomass for each of Norway's 13 fish farming regions which is then open to bidding from fish farming businesses.
- As well as standard production licenses, Norwegian fish farming businesses can apply for a range of special licenses, such as for advancing new technologies, the provision of demonstration sites for investors, and for education. One key special license is a development license, granted to develop and operate finfish farms where the farm design, technology and approach is significantly innovative in such a way to increase production and enhance environmental sustainability. A key objective of this policy tool was to stimulate innovation in the aquaculture sector towards key government priorities in production method, location, and enhanced environmental protection.
- Determination of the permitted biomass in a farming region is managed by a "traffic light system", which was introduced in 2020. Assessment of the pressure on wild salmonids from sea lice determines whether a region is green (permitted biomass may increase), amber (permitted biomass remains static) or red (permitted biomass reduced). During 2021 and 2022, a group of 25 salmon farmers which owned farms that fell within red farming regions took the Norwegian Government to court to challenge the loss of permitted biomass. The challenge was eventually taken to the Norwegian Supreme Court where the biomass reductions were upheld.

- The Norwegian government are set to introduce a new resource rent tax which will apply an additional 25% tax on the production of farmed fish based on the market value of the fish at time of harvest. The initial proposal was 45%, which was later reduced to 35%, following negotiations between the Norwegian government and opposition parties the revised 25% rate was agreed. A standard deduction on the tax of NOK 70 million (£5.5 million) will be applied to ensure only companies with significant profits will be captured by the new tax. Monies raised from the tax are to be disbursed to local municipalities in which the tax is raised.
- Reaction from the salmon farming sector to the initial proposal of a 45% tax was negative, with many businesses stating they would halt investment in Norway. This included a number of the larger farming businesses not bidding for biomass permits at the most recent auction in 2022 and suspending projects. The revised 25% tax proposal has brought mixed reactions from the industry, but some see it as a considerable improvement. As an example, Grieg Seafood is now reviewing the investment plans the company had suspended pending the outcome. Based on the Government's proposed rate, current salmon prices and low exchange rate, the industry would have paid NOK 8bn (£57 million) in resources taxes in 2023. The compromise agreement means this is now reduced to NOK 5.7bn (£41 million).
- Innovate Norway is a state-owned organisation that supports and finances Norwegian innovation and leads on trade. Norwegian enterprises have access to a broad business support system as well as financial investment through grants and loans. Innovation Norway also provides advisory services, promotional services and network services.
- Norwegian Aquatech Business Cluster is a business cluster for suppliers to the aquaculture industry and has more than 100 companies and organizations as members. The main goals of the cluster are to:
 - Cooperate on the development of technology and solutions that enable sustainable growth in aquaculture;
 - Stimulate increased international demand;
 - Stimulate the cluster's entrepreneurship and capital environment.

Salmon Scotland Issues / Sensitivities

You met with Salmon Scotland's CEO and representatives of its board on Tuesday 30 May.

- **SEPA Sea Lice Framework** - Salmon Scotland have consistently set out their concerns surrounding the development of the SEPA sea lice risk assessment framework, stating that the framework is over-precautionary, is being delivered too quickly and is not based on science. Top lines on the sea lice risk assessment framework are provided in Annex C, Section 8
- [Redacted – out of scope]

Meeting with Kristina Hansen, Norwegian State Secretary for Trade, Industry and Fisheries

1. Overview

This meeting has been arranged following an invitation from the Norwegian Embassy, in order to discuss continued collaboration and knowledge exchange between the Scottish and Norwegian governments, particularly in relation to marine management

2. Objectives of the meeting

- Discuss how both Norwegian and Scottish Governments can learn from each other's approach to marine management and stakeholder engagement
- Seek information on the Norwegian governments approach to the development of their aquaculture sector

3. Question and answer

Q: Ms Hansen has indicated an interest in learning about the Scottish experiences with spatial squeeze and stakeholder involvement.

NMP2

- The Scottish Government has begun development of our second National Marine Plan.
- There will continue to be space for fishing to operate in a sustainable and responsible way in the future. We are committed to working with all sectors through our marine planning process to manage the increased competition for our shared marine space, balancing our commitments to net zero, protection of the marine environment, energy security, food security, and thriving communities.
- Our first National Marine Plan, was introduced in 2015 and provides the guiding framework for the management of marine activities and resources, setting out a series of policies to inform decision-making.
- We published our Statement of Public Participation and Stakeholder Engagement Strategy last October which sets out how we will continue to engage with stakeholders on the development of the second national marine plan. I would be happy to share a copy of the engagement strategy with you and your officials

[Redacted – out of scope]

Questions for Ms Hansen

The Cabinet secretary may wish may wish to raise the following points for discussion:

- The Norwegian aquaculture resource rental tax that is currently being implemented – challenges the Norwegian government is facing and likely end point
- The Norwegian governments approach to managing marine spatial squeeze
- Government support for innovation in Norway, in particular whether the introduction of development licences for the fish farming sector have aided in the commercialising of innovative aquaculture technology

TOP BRIEFING LINES**1. Aquaculture**

- Aquaculture is a significant contributor to our rural economy, providing well-paid jobs in some of Scotland's most fragile communities and will be an essential part of our green recovery and transition to net zero. The latest Marine Economic statistics report shows that aquaculture production generated £362 million Gross Value Added in 2020 and directly employed 2391 people, during a year heavily impacted by the Coronavirus pandemic.
- The Scottish Government & Scottish Green Party believe that aquaculture should be sustainable, diverse, competitive and economically viable. It must operate within environmental limits with social license, and ensure there is a thriving marine ecosystem for future generations.
- Scottish and Norwegian governments have a Memorandum Of Understanding on Aquaculture Cooperation, which was signed in 2009. The MOU recognises Scotland and Norway's shared interest in enabling sustainable aquaculture development; in improving public confidence in the fish and shellfish farming industries and governments' regulation of the sector; and that these industries have a long term future
- The Scottish Government are members of the aquaculture quadrilateral forum. The forum provides a platform for policy officials from the major salmon farming nations (Scotland, Norway, Chile, Canada and Faroe Islands) to come together to collaborate and share best practice.

2. [Redacted – out of scope]

3. Aquaculture Vision

- The Vision for Sustainable Aquaculture is in its final stages of being prepared for publication and will be published soon.
- The Vision will provide clarity on Scottish Government's long-term ambitions for the sustainable development of the finfish, shellfish and seaweed sectors. This includes marine and linked freshwater locations.
- Following publication of the Vision, we will review the need for more detailed subsequent work.
- The Vision will stress how innovation and collaboration between stakeholders, is crucial in realising sustainable economic development.
- Scientific research ensures that increasing production is enabled by improving our understanding of the environmental limits within which aquaculture should thrive.

4. Aquaculture Regulatory Review progress and Scottish Aquaculture Council

- This regulatory review sits alongside ongoing work to strengthen environmental protection and community benefit as committed to in the Bute House Agreement:
- We accepted the recommendations of last year's independent review of aquaculture consenting in principle, and we are working with our delivery partners at pace to ensure improvement and streamlining of the administration of the finfish farming consenting process, while maintaining high environmental standards.
- The regulatory review called for an ambitious 12-month timescale for implementation. I welcome that call to pace, but as the Parliamentary committee noted, it will take some time for full exploration and implementation of the wide-ranging recommendations.
- The Scottish Aquaculture Council (SAC), which I chair, is providing strategic advice on delivery of our commitments and includes representation from the aquaculture sector alongside key organisations with interests in the industry and its environmental and community impacts.
- It has now met three times since its inception, most recently on 3 May, and I am grateful to those members for their continued contributions to this important process.

5. **Consenting Task Group**

- I am committed to moving beyond the status quo to ensure Scotland's aquaculture industry is supported to grow sustainably and continue to provide opportunities for remote and coastal communities.
- A new Consenting Task Group has been formed to take forward and pilot key recommendations from last year's independent review of aquaculture consenting. The group is focused on ensuring improvement and streamlining the administration of the finfish farming consenting process, while maintaining high environmental standards.
- Good progress is being made to inform a new process for managing fish farm applications and that the group is working towards a trial process which will be deployed later this year.

6. **Scottish Science Advisory Council**

- Last year, I asked the Scottish Science Advisory Council (SSAC) to consider the use and communication of science in aquaculture consenting, in response to concerns raised in the independent review of aquaculture consenting. .
- I am pleased to say that the SSAC have now published that report [26 April] which was discussed extensively at the previous SAC meeting, in early May.
- I am grateful to Professor Maggie Gill and her team for producing this detailed piece of work.

- Following discussions with the Scottish Aquaculture Council, I will now take some time to consider the key findings of the report and the views of the SAC members before moving into the next stage of work.

7. **National Marine Plan 2**

- Scotland's first National Marine Plan (adopted in 2015) provides the guiding framework for sustainable management of marine activities and resources in our seas
- Findings from statutory reviews in 2018 and 2021, as well as stakeholder feedback, has highlighted the need to update the National Marine Plan to help tackle the twin climate and biodiversity crises and support our net zero ambition.
- We are committed to working with all sectors through our marine planning process to manage the increased competition for our shared marine space, balancing our commitments to net zero, protection of the marine environment, energy security, food security, and thriving communities.
- National Marine Plan 2 is a key delivery mechanism for Scotland's Blue Economy Vision and will explore opportunities for a decision-making framework to guide priority interests and coexistence of activities
- The statutory process for the development of a National Marine Plan requires detailed assessments and stakeholder engagement, estimated to take approximately 3 years, with completion by late 2025.
- Our Statement of Public Participation and Stakeholder Engagement Strategy, sets out how we will continue to engage with stakeholders across all NMP2 development work streams and activities to ensure transparency and buy-in to the process.

8. **SEPA Sea lice framework**

- We are committed to an ongoing programme of work to better protect wildlife and the environment.
- We have delivered the Scottish Government's response to the recommendations of the Salmon Interactions Working Group which was established to examine the identified pressures facing wild salmon, including fish farming.
- Our response identified the Scottish Environment Protection Agency (SEPA) as the lead body responsible for managing the risk to wild fish from sea lice from fish farms. SEPA is making progress on a new sea lice risk assessment framework which will see advice and regulation of the interactions of sea lice being led by SEPA, within an adaptive framework, rather than through the planning system.
- SEPA is considering as part of this new framework the conditions which will apply to new and existing farms where greater evidence of risk is available.
- A second consultation on more detailed proposals for the new sea lice framework launched on 31 May, and we are encouraging all stakeholders to engage in that consultation.

9. [Redacted – out of scope]

10. **Finfish mortality levels and calls for a moratorium on sector expansion**

- We do not support a moratorium on expansion – we believe in supporting sustainable growth with a focus on environmental protection, social licence and improved fish health
- Mortality in Scotland has remained relatively stable (at approx. 25% of year class production) with fluctuations in different years.

We expect producers to reduce levels of mortality to the lowest possible levels and will continue to work with them, fish vets, innovation centres, and regulators and other stakeholders, to support them.

- There is an increasing focus on climate change impacts on fish health, not only on disease but also from harmful algal blooms and zooplankton. We are supporting work through our innovation centre to consider novel possible adaptation and mitigation approaches.

11. [Redacted – out of scope]

ANNEX D

[Redacted – out of scope]

ANNEX E

Event Programme

Full event two-day event programme is attached separately. Your own contribution will be as follows:

Monday 5 June

- **13:15** - Arrive at venue (welcome from organisers, refreshments etc.)
- **13:30-14:50** - Openings speeches (you will be speaking second following an opening speech from [Redacted – under regulation 11(2)] NCE Aquatech Cluster)
- **14:50–15:20** Meeting with Kristina Sigurdottir, Norwegian State Secretary for Trade, Industry and Fisheries

Attendees

Kristina Hansen - Norwegian State Secretary for Trade, Industry and Fisheries



Kristina serves the incumbent Labour- Centre coalition Government in Norway, having held this post since 2021. She is a State Secretary working under the Minister of Fisheries and Ocean Policy Bjørnar Selnes Skjæran, within the Ministry of Trade, Industry and Fisheries.

The Minister of Fisheries and Ocean Policy, Bjørnar Selnes Skjæran, is responsible for the policy on shipping, waterways, maritime and marine research and innovation, coastal and port development, fisheries, seafood and aquaculture. Kristina, as a State Secretary, supports the Minister in these responsibilities. A full organogram can be found [here](#).

Kristina has also previously been elected as a public servant at a local level, including Mayor of the Nordkapp municipal council from 2007 to 2019, and county councilor for transport in Troms and Finnmark municipality from 2019 to 2021. She is from a fishing family in the Faroe Islands, and before her political career worked in human resources with the Norwegian Coastal Administration.

Note

In Norway, a state secretary is a partisan political position within the executive branch of government. Contrary to the position secretary of state in many other countries, a Norwegian state secretary does not head their ministry, rather, they are second in rank to a minister.

[Redacted – under reg 11(2)] NCE Aquatech Cluster

[Redacted – under reg 11(2)]

Tavish Scott - Chief Executive of Salmon Scotland.

Salmon Scotland is the trade association for companies that farm salmon in Scotland and recently broadened its membership to include companies active in the supply chain. The Salmon Scotland board is made up of managing directors of the producing companies.

Professor Russel Griggs OBE – Chair, South Scotland Enterprise and Chair of the Scottish Government’s independent Regulatory Review Group

Professor Griggs is honorary professor at the University of Glasgow. He conducted the Review of the Aquaculture Regulatory Process in Scotland, published in February 2022

Ian Lasiter – Managing Director of Bakkafrost Scotland

Bakkafrost Scotland are Scotland's third largest salmon farmer. Bakkafrost are a Faroe Islands business that purchased The Scottish Salmon Company in 2019, renaming the organisation as Bakkafrost Scotland in June 2022

Keith Drynan – Managing Director of Aquagen Scotland

Aquagen Scotland are a salmon egg producer based in Dumfries and Galloway, who began their operations in Scotland in June 2019. The business focusses on production of eggs with genetic traits suited to the Scottish aquaculture environment

[Redacted – under reg 11(2)] Mowi Scotland

Mowi are Scotland's largest Salmon farmer. [Redacted – under reg 11(2)] have oversight of multiple salmon farms which operate within a farming area

Speaking note

Introduction

Good afternoon, I am delighted to be here today at this conference on Collaborative Sustainable Growth in the Aquaculture Sector.

I would like to thank The Norwegian Embassy, Innovation Norway, the Norwegian Aquatech Business Cluster and Salmon Scotland for bringing Scottish and Norwegian aquaculture businesses together for the next two days to discuss the future of aquaculture in both countries, and the important role that collaboration and innovation will play in the sector's sustainable development.

Scottish – Norwegian Collaboration

I am greatly encouraged that Scotland and Norway continue to have an excellent relationship and enjoy close co-operation. Through the MoU between our Governments we can continue to benefit from continued collaboration and sharing of best practice on aquaculture.

Scotland and Norway share a strong maritime culture, having relied on the seas for generations for our food and supporting our coastal communities, and this remains the case today, with our marine sectors, including aquaculture, continuing to provide high quality food and high-quality jobs.

We also face very similar challenges, in large part brought about by the climate crisis, where a changing environment is impacting on how our marine sectors operate and how we manage our seas to support the prosperity of our people and communities, whilst living within the marine environment's sustainable limits.

Continued effective collaboration and knowledge exchange between businesses, researchers and governments from Scotland and Norway will be evermore important as we adapt to these challenges.

And so I am delighted to see that continued collaboration taking place over the next two days and later this year in August at the Aqua Nor 2023 conference in Trondheim, which I am also pleased to be attending.

Value of Scottish aquaculture

Like everybody here today, the Scottish Government recognises and values the contribution that aquaculture makes to our economy and to our communities.

We have a diverse sector that works together to produce the highest quality farmed fish, shellfish and seaweed and will be crucial in ensuring we meet our commitment to Scotland being a Good Food Nation, promoting sustainable production of healthy food in an environmentally sound manner that people in Scotland and around the world choose to eat.

We also recognise that finfish, shellfish and seaweed farming, as producers of low carbon food, have a key role to play in contributing to our ambition for Scotland to achieve net zero emissions by 2045 and transitioning to a zero waste and circular economy.

The sector supports a wide range of highly skilled and well-paid jobs across farming operations, supply chain businesses, research institutes and new innovative enterprises.

Many of these jobs are located in some of Scotland's most fragile rural and island communities, helping to support economic development in these regions.

But through the growth of Scottish aquaculture and the development of the wider supply chain that serves it, the sector is now represented in every part of Scotland.

This has resulted in Scottish aquaculture becoming one of the pillars of our Blue Economy and the Scottish Economy as a whole, with Scottish farmed salmon the UK's number one food export.

Blue Economy Vision

Last year I launched the Blue Economy Vision for Scotland. This Vision sets out our ambition for shared stewardship of our marine environment to support ecosystem health, improved livelihoods, economic prosperity, social inclusion and wellbeing.

The Blue Economy Vision demonstrates how much we value our marine environment and our maritime cultural heritage, and their significance to both people and planet.

At its core, our vision recognises that our economy and society are embedded within nature and not external to it.

This is captured through the six Blue Economy outcomes that we set out alongside the Vision.

The outcomes span environmental, social, and economic goals and have been identified to respond to the major environmental challenges of our time, as well as the impacts of Covid-19 and EU withdrawal on marine communities.

Two of these outcomes describe our aspirations for businesses that operate within the Blue Economy, with a focus on innovation, investment in Scottish supply chains, sustainability and international trade.

Our overarching vision sets a bold new framing for management of Scotland's marine environment to 2045. It represents the first time that the Scottish Government has taken a long term, outcomes based approach to managing our seas.

We have taken a strong international leadership role by prioritising the Blue Economy, and in setting out an ambitious vision for Scotland's Blue Economy.

We advocate for an approach for marine policy development and management that seeks to progress the economic, environmental and social interests of our marine environment together.

In November last year, we published our 'Delivering Scotland's Blue Economy Approach' document. It outlines our next steps, and commits to mainstreaming a Blue Economy approach across government and wider, working with partners and communities to build a sense of collective ownership, and empower key stakeholders to support delivery and mobilise resources.

It is within this Blue Economy approach to policy development that the Scottish Government is working to support aquaculture development.

Forthcoming Sustainable Aquaculture Vision

The focus of this conference is on the future of sustainable aquaculture and mapping the route there. The Scottish Government has also considered the future of Scottish Aquaculture and I will soon be publishing our Vision for Sustainable Aquaculture.

This Vision will provide clarity on the Scottish Government's long-term ambitions for the sustainable development of the sector.

As well as being a key part of our Blue Economy Delivery plan, our Vision for Sustainable Aquaculture will align with our overarching Net Zero and Biodiversity strategies, with a view to realising our vision by 2045.

In developing our Vision, we have listened carefully to stakeholders' different views.

The Scottish Government will reiterate our support for the sustainable development of aquaculture. Our Vision will be a positive one, where the sector is flourishing, attracting investment, and delivering significant economic benefit to Scotland.

The maintenance and enhancement of Scotland's natural capital in a changing climate is a fundamental guiding principle of the Vision as we recognise the importance of a healthy marine environment in supporting the prosperity of our people and communities.

Upon publication of our Vision, we look forward to working with all who have a stake in the future of the aquaculture sector, and the environment and communities in which it operates, to achieve it.

Scottish Science Advisory Council Report and Consenting Task Group

As well as the publication of our Vision for Sustainable Aquaculture, there are several pieces of on-going work that the Scottish Government is taking forward in support of the development of the sector.

The Scottish Science Advisory Council published their report into the use and communication of science in aquaculture at the end of April.

I requested this review in response to issues raised around science by Professor Griggs and I am glad Professor Griggs is participating in this conference.

The Cabinet Secretary for Net Zero and Just Transition, Mairi McAllan, and I are considering the report findings and the feedback on them from the Scottish Aquaculture Council in deciding the next steps.

As some of you will already be aware, a new Consenting Task Group has been formed to take forward and pilot key recommendations from last year's independent review of aquaculture consenting.

The group is focused on ensuring improvement and streamlining the administration of the finfish farming consenting process, while maintaining high environmental standards.

The group contains members from industry, regulators, local authority planners, heads of planning, other key stakeholders involved in the finfish farming consenting process, Professor Griggs, and my officials.

I am pleased to report that good progress is being made to inform a new process for managing fish farm applications through the consenting process and that the group is working towards a trial process which will be deployed later this year.

Aquaculture Innovation

Turning to innovation, I am delighted to see that many of the presentations taking place over the next two days will be discussing the role of innovation in supporting the sustainable development of aquaculture. Innovation represents a key aspect of enabling progress towards our Blue Economy Vision.

Scottish aquaculture is already highly innovative and has seen significant developments over a wide range of disciplines, such as animal health and welfare, engineering, biotechnology and more besides.

Several decades' focus on applied research and development on the sector's production challenges has established a strong expert-base in both Scotland and Norway that is internationally renowned.

Research and development continue to play a significant role in supporting development of aquaculture, and it will play a major role in the future sustainability of the sector.

It is vital that we continue to support innovation, and I am pleased that we recently opened the 2023 Marine Fund Scotland for applications which will support and enable industry to deliver our Blue Economy objectives of sustainable seafood production.

The Marine Fund Scotland is focused on supporting projects that deliver outcomes relating to Scotland's Blue Economy Vision: achieving an innovative and economically sustainable marine economy; delivering real benefits for Scotland's communities that rely on our seas; and reducing carbon emissions and protecting the marine environment.

Since we launched the Marine Fund Scotland in 2021, close to £7 million has been granted to aquaculture related projects, with funding supporting a range of projects including investment in recirculating aquaculture systems and improvements to fish, shellfish and seaweed processing operations.

Scotland's National Innovation Strategy and National Strategy for Economic Transformation

With a focus on innovation and the benefits it brings to multiple Scottish sectors, the Scottish Government will shortly publish a National Innovation Strategy. This will set out our 10-year vision for Scotland to become one of the most innovative small nations in the world.

The Strategy will set out a number of actions to improve our innovation performance, grow our economy, create jobs and bring in investment.

I have no doubt that innovation in aquaculture will realise our ambitions for an increasingly sustainable and flourishing sector.

Concluding remarks

Indeed, I am confident that Scottish and Norwegian aquaculture has a bright future. And that it will play a vital role in helping the marine environment support ecosystem health, improved livelihoods, economic prosperity and wellbeing in both of our countries

The key to this is recognising our responsibilities to work together to tackle shared challenges and grasp opportunities.

I know over the next two days that the interchange and exchange of information and expertise – on both very specific research topics but also wider sharing of ideas and initiatives – will deliver real impact.

I wish you every success with this conference, and I look forward to hearing about the outcomes of the discussions held here in support of sustainable growth in the aquaculture sector.

Thank you.

END

Word count [1741] = approx. 10 minutes

Enclosure 07 – Briefing for Minister for Green Skills, Circular Economy and Biodiversity – Meeting with Monica Lennon MSP and Stop Ecocide International

Date and Time of Engagement	Wednesday 8 November 15:00 to 15.45
Where	Scottish Parliament TG.45
Who will Chair the meeting	Minister for Green Skills, Circular Economy & Biodiversity
Key Message	Scottish Government is committed to strong protection of nature, including through effective legal measures.
Who	Monica Lennon MSP Jojo Mehta Stop Ecocide International (SEI) Possible additional SEI attendees
Why	Monica Lennon proposed this meeting while Jojo Mehta was visiting Scotland, and ahead of Ms Lennon’s planned consultation on a draft Bill to introduce a domestic offence of ecocide.
Official Support Required	[Redacted – under regulation 11(2)] Environment Strategy and Governance Unit [Redacted – under regulation 11(2)]
Media Handling	N/A
Briefing contents	Annex A – Summary of issues Annex B – Speaking notes for discussion Annex C – Biographical information on Jojo Mehta Annex D – File note of meeting with Michael Matheson

ANNEX A Summary of issues

- The development of thinking on ecocide initially focused on a potential gap in international law with the aim of addition it to the Rome Statute (Rome Statute of the International Criminal Court, 1998).
- The Stop Ecocide International (SEI) definition of ecocide is “unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.”
- More recently, campaigners’ attention has turned to seeking ecocide added to national criminal codes, with a similar wording for the offence being promoted at national level.
- Campaigners argue that recognizing ecocide as a crime in domestic law, including through EU Directives would:
 - support and strengthen existing environmental laws.
 - create a much-needed “outer boundary” guardrail for economic activity.
 - empower strategic positive change and innovation in policy and industry.
- The European Parliament has expressed support for the inclusion of ecocide in the revised EU environmental crime Directive, which is yet to be agreed in final form.
- We understand that Monica Lennon intends to consult on a Bill to introduce an offence of ecocide into Scottish law.
- There are concerns about the clarity of any ecocide offence, in particular as to what conduct would constitute an offence. In addition, there are concerns about designing an offence so that there is a feasible route to prosecuting an allegation.
- It is not clear that there is a clear gap to be filled given the considerable law in place in Scotland to prevent pollution of the environment, and to protect wildlife and other elements of the natural environment.

Introductory Comments

- Happy to meet JoJo Mehra and to add my welcome to the Scottish Parliament.
- The Scottish Government is strongly committed to the protection of the environment in Scotland, and to making our full contribution to the international effort to counter the twin global crises in climate and nature.
- I will be interested to hear more about the work of Stop Ecocide International and the progress towards including ecocide in the Rome Statute.
- I will also be interested in discussing further the idea of including ecocide in domestic law, where the Scottish Government has some significant concerns about the effectiveness of any measure.

Invite JoJo Mehra to give an update on the campaign to have ecocide included in the Rome Statute

- Clearly, this is ultimately a reserved matter at present, so the Scottish Government can only offer limited practical support for this position.
- How much progress has been made with the currently UK Government, and indeed with potential future UK Governments?

Invite JoJo Mehra to give her perspective on proposals to include ecocide in domestic law

- Is there any experience of domestic ecocide laws in practice?
- Do you have any insight on the likely final form of the revised EU environmental crime directive?
- I am currently leading on a number of measures to strengthen the legal protection of nature in Scotland. The forthcoming Natural Environment Bill will strengthen our legal commitments to restoring nature in Scotland.
- Scotland has very ambitious climate change targets and has taken a lead on Loss and Damage. We have led the Edinburgh Process to coordinate and grow regional efforts to stop international biodiversity loss. As part of our developing Environment Strategy we are considering our impact on the environment in other countries, including through research from the Global Footprint Network.

Invite Monica Lennon to give information on her plans

- The Scottish Government will make a full assessment of any proposals that come forward.
- I am unclear about the extent to which a law on ecocide would apply to activities that were being carried out otherwise legally, with the correct permits and permissions.
- I do share to some extent concerns about low penalties given out by the Courts for environmental offences. [Note: this was highlighted in the note provided by SEI after the meeting with Mr Matheson] There are a number of ways to address this – and am not clear why the creation of an additional offence would have a significant impact.
- The state of knowledge of the person committing a potential offence of ecocide is important in the definition – I am not clear how would this would be established.
- In the situation of Scotland, as things stand any law introduced by the Scottish Parliament would only affect devolved law. In particular, if permits and permissions are issued by the UK authorities, it is at that level that we need a change of position.

Lines to take cleared by Ms McAllan

- The Scottish Government is supportive of a revision to the Rome Statute of the International Criminal Court to include ecocide, but this is a reserved matter.
- The Scottish Government will consider Monica Lennon's proposals with respect to changes to Scots law on environmental crime once these are published.
- The Scottish Government will consider the final revised EU environmental crime directive, once it is agreed, against our policy to maintain alignment where appropriate with EU law, taking account of our existing actions to strengthen the legal protection of nature.

Annex C

Biographical information on Jojo Mehra

From SEI website:

Jojo Mehta co-founded Stop Ecocide in 2017, alongside barrister and legal pioneer the late Polly Higgins, to support the establishment of ecocide as a crime at the International Criminal Court.

As Co-Founder, CEO and key spokesperson of Stop Ecocide International, Jojo has overseen the remarkable growth of the movement while coordinating between legal developments, diplomatic traction and public narrative.

She is Chair of the charitable Stop Ecocide Foundation and convenor of the Independent Expert Panel for the Legal Definition of Ecocide chaired by Philippe Sands QC and Dior Fall Sow.

The core work to make ecocide an international crime at the international criminal court, is supported and progressed by a large network of over 45 teams and associate groups globally. There are over 50 thousand endorsing signatories across civil society and faith groups, and a growing number of endorsing businesses and organisations.

Jojo has a natural ability to connect and inspire, coupled with an unshakeable faith in the human imagination and capacity for positive change. She has contributed to law conferences, diplomatic events, environmental summits and climate rallies as well as podcasts, interviews and articles for publications and broadcasters ranging from TIME Magazine to the New York Times and from The Guardian to the BBC.

This rapidly growing conversation means that recognition of ecocide as a crime is now emerging as a key potential solution to address the climate and ecological crisis. Known for her clear and engaging communication, Jojo has contributed to law conferences, diplomatic events, environmental summits and climate rallies as well as podcasts, interviews and articles for publications and broadcasters ranging from TIME Magazine to the New York Times and from The Guardian to the BBC.

She was a keynote speaker at the official side event “Investigating and prosecuting ecocide: the current and future role of the ICC” in December 2019, hosted by the Republic of Vanuatu as part of the 18th Assembly of State Parties to the Rome Statute of the International Criminal Court in The Hague. This Assembly saw Vanuatu call for member states to consider amending the ICC’s Rome Statute to include a crime of ecocide.

Jojo is a graduate of Oxford and London universities and has a background in communications, entrepreneurship and on-the-ground environmental campaigning.

Annex C
File note of meeting with Michael Matheson

9 November 2022, remotely held over Teams

In attendance:

Michael Matheson, Cabinet Secretary for Net Zero, Energy and Transport

Monica Lennon, MSP

Jojo Mehta, Executive Director, Stop Ecocide International

Anna Maddrick, Legal Researcher, Stop Ecocide International

[Redacted – under regulation 11(1)], advisor to Ms Lennon

In support: [Redacted – under regulation 11(2)] , EnFor

Jojo Mehta described that she was at CoP27 and had been speaking to many delegates at the Ecocide International stand.

The Cabinet Secretary welcomed everyone to the meeting, and said that it was good to have a discussion. He thought that knowledge of ecocide as a concept was growing. He drew attention to the FM's leadership on Loss and Damage.

Jojo Mehta said that she thought that Scotland could have a role and a voice in the international discussion about ecocide. The Stop Ecocide International (SEI) position is that criminalising ecocide provides a “guardrail for the planet.” The campaign thinks that there are two ways countries can contribute: by supporting the campaign for a change to the Rome Statute, and by making changes to national laws. A recent change to Belgian law was cited as an example. By creating an offence for the most serious behaviour, this would provide a top level offence, shoring up other environmental law. Ecocide is a level of damage that is so wrong it really should not happen – an outer boundary of law. The campaign believes that in the absence of such an offence there is a gap in a nation's law, and even an acknowledgement of a gap would be useful and support the international campaign.

Anna Maddrick outlined the research she had done into some recent Scottish environmental legislation, and the gaps that she had highlighted in to the lack of strong sanctions for environmental damage. This reinforced other findings of low penalties for environmental crime.

The Cabinet Secretary asked for the research to be shared. He thought that further consideration of the issues could take place as a part of the development of the Natural Environment Bill. He said that this was unlikely to be in the form of a specific offence of ecocide, rather that consideration of ecocide could form part of the argument for specific measures to further protection of the natural environment.

The Cabinet Secretary thanked Ms Lennon for arranging the discussion, and invited her to follow up with Lorna Slater on the consideration of ecocide in the development of the Natural Environment Bill.

Enclosure 08 – Briefing: Cabinet Secretary for Rural Affairs, Land Reform and Islands - Scottish Aquaculture Council – 04

<p>Where</p> <p>Date and Time of Engagement</p> <p>Background/Purpose</p> <p>Meeting Aims</p> <p>Roles and Responsibilities</p> <p>Main message to communicate</p> <ul style="list-style-type: none">• Agenda• Chair's Steering Brief and Speaking Notes• Attendees• SSAC Key Issues & Lines	<p>St. Andrew's House, Room 4ER</p> <p>Date(s): 16 November 2023 Time(s): 09:00 – 11:00</p> <p>The Scottish Aquaculture Council (SAC) provides a forum for key aquaculture stakeholders to discuss and advise Ministers on aquaculture.</p> <p>This is the fourth meeting of the SAC</p> <ul style="list-style-type: none">• To seek any final comments on the recorded minutes of the third SAC meeting (3 May 2023);• To provide members with an update on the work of the Consenting Task Group, providing opportunity for input• To set out Ministers' priorities and make a call to action on the Vision, asking members to reflect on their own priorities in the coming year and how they can contribute. <ul style="list-style-type: none">• Ms Gougeon will Chair the meeting.• The consenting item will be led by Professor Dickon Howell.• Ms Gougeon will say a few words to introduce the Vision paper, before inviting contributions. <ul style="list-style-type: none">• Consenting – We are keen to progress with the pilot phase of the new consenting process. I am pleased at the level of collaboration of everyone involved in this work.• Vision for Sustainable Aquaculture – Thank members for contributions during development. The Vision sets out long-term goals which will require collaboration, openness and strategic action to be taken by all stakeholders. <p>Page 3</p> <p>Pages 4 - 10</p> <p>Annex A, Page 11</p> <p>Annex B, Pages 12 - 16</p>
---	--

- **Additional Background Briefing**

- [Redacted – out of scope]

Communications

Official Support

Annex C, Page 17

- [Redacted – out of scope]
- [Redacted – out of scope]
- **EQS for Emamectin Benzoate**

No comms directly relating to this meeting of the SAC.

However communications colleagues may attend part of the meeting to take pictures for future use. [Redacted – under regulation 11(2)] will alert stakeholders whilst covering housekeeping matters at the start of the meeting.

Malcolm Pentland (mobile: [Redacted – under regulation 11(2)]) & SG SAC members

Secretariat:

[Redacted – under regulation 11(2)] (mobile: [Redacted - under regulation 11(2)])

[Redacted – under regulation 11(2)]

[Redacted – under regulation 11(2)]

SCOTTISH AQUACULTURE COUNCIL

AGENDA

Note: We are expecting 21 attendees in person at the meeting. Two members have requested the opportunity to attend remotely, officials will provide technical support for this.

	Agenda Item	Handling Brief	Duration
1.	Welcome, Apologies & House Keeping	Pages 4-5	09:00 – 09:05
	<ul style="list-style-type: none"> • Opening Statement • House-keeping • Apologies • Statement on AOB 		5 minutes
2.	Agreement of SAC meeting 3 minutes (3 May) Supporting Paper SAC-04 (02)	Pages 6-7	09:05 – 09:10
	<i>Mairi Gougeon will seek agreement of the recorded minutes from the previous SAC meeting and matters arising from those</i>		5 minutes
3.	Consenting Task Group <i>Supporting Paper SAC-04 (03)</i>	Pages 8-10	9:10 – 10:00
	<i>Mairi Gougeon will invite Prof Dickon Howell, to lead this section.</i>		50 minutes
4.	Vision for Sustainable Aquaculture & Forward Look <i>Supporting Paper SAC-04 (04)</i>	Pages 11-17	10:00 – 10:45
	<i>Mairi Gougeon will introduce and Chair this item.</i>		45 minutes
5	AOB	Page 17	10:45 – 11:00
	Dates of next meeting TBC		15 minutes

ITEM 1 **Welcome, Apologies and Housekeeping**
09:05]

[09:00 –

MS GOUGEON OPENING REMARKS

Suggested opening comments:

- I would like to thank you all for taking the time to be here today and for your ongoing commitment to the SAC.
- I know much work has progressed since we last met at the start of May and many of us have had a busy summer and autumn. I am looking forward to hearing about the breadth of work taking place later today.
- I should like to add at the outset that Mairi McAllan will not be joining us today and sends her apologies. Mairi and I remain committed to working together across our shared interests to ensure delivery of our commitments and that our aspirations for Scottish aquaculture are realised.
- The first item on our agenda is an update on the work of the Consenting Task Group. I would like to welcome Professor Dickon Howell. Dickon was appointed as Chair of the Consenting Task Group and I am grateful to him and all those involved in the work of the group and the recent consenting workshops, which are helping to progress this important piece of work. Dickon will lead our discussion on this.
- After that, we will also provide an update on the Scottish Government's immediate priorities to begin delivery of the Vision for Sustainable Aquaculture, published in July.
- I look forward to hearing from members about their own priorities and how they can contribute to the Vision.
- There are a small number of housekeeping matters before we get started today;
 - I would like to welcome Lin Buntin from SEPA in place of Nicole today. Lin is SEPA's Acting Chief Officer for Compliance and Beyond and will already be known to some of you.

- I would also like to welcome James Deverill, CEO of Organic Sea Harvest, who is attending the SAC for the first time today.
- I'm pleased to also welcome David Signorini who is attending today in his capacity as Acting Director of Marine Directorate.

[Redacted – under regulation 11(2)]

- Lastly, I expect Nick Lake and [Redacted – under regulation 11(2)] to be joining us remotely today.
 - [Redacted – under regulation 11(2)] [SG secretariat] – could you please provide safety information for today's meeting and note any additional apologies.
- I'd like to move us straight into agenda item number 2 now, as no other business has been raised with the secretariat in advance of the meeting.

ITEM 2
May

Agreement of SAC meeting 3 minutes (3
09:05 – 09:10]

CHAIR: MS GOUGEON

- *Paper SAC-04 (03)*
- **The aim of this item is to seek any last comments on the recorded minutes of the previous SAC meeting (3 May 2023).**
- **Meeting minutes were shared in June, with comments received from members.**

In introducing item 2, **Ms Gougeon** may wish to make the following comments:

- I would like to agree the final meeting minutes from our May meeting, which we intend to take forward for publication.
- Meeting minutes were circulated in June and a small number of changes and clarifications were made following comments by members.
- Early contributions are encouraged, however I would be happy to take any final comments on the meeting minutes today.
- Does anyone have any final comments to make?

• **CHAIRS NOTE**

END BY 09:10

[Redacted – out of scope]

- Final approval of the minutes will be made by Ministers upon agreement and published following the meeting.

[Redacted – out of scope]

ITEM 3. Consenting Task Group update [09:10 – 10:00]

CHAIR: MS GOUGEON

- **The aim of this item is to update and seek feedback from SAC members on the work of the Consenting Task Group (CTG), tasked by the SAC to develop and pilot a new consenting process.**
- **Ms Gougeon** should invite **Professor Dickon Howell** to introduce this section.
- Once concluded, you should invite members to ask any questions or provide feedback on the proposals.

CHAIRS NOTE

END BY 10:00

- The Consenting Task Group (CTG) was created following the first meeting of the Scottish Aquaculture Council (SAC) on 27 June 2022, and the CTG Terms of Reference were brought to the second meeting of the SAC for agreement on 15 November 2022. The project scope and outline of the work has previously been shared and discussed with SAC members.
- The key objective of CTG is to identify an efficient and effective aquaculture consenting process, which enables appropriately informed regulatory decisions to be made as quickly as possible, and to further consider the consenting recommendations of the regulatory review report.
- Dickon Howell may answer the majority of questions under this section, however some may be directed at Scottish Government. Malcolm Pentland, [Redacted – under regulation 11(2)] and [Redacted – under regulation 11(2)] can/ will assist.

KEY ISSUES

PACE

- Salmon Scotland has engaged in media activity criticising the pace of work on the regulatory review, in particular, following the one-year anniversary of the publication of the independent report.
- However, industry representatives on the Consenting Task Group have also asked that the work is not rushed and that time and care is taken in developing the pilot framework.
- The sector CTG representatives asked for an additional workshop over the summer to allow their technical specialists to further engage with the proposals. We were happy to meet this request.
- Our approach to this work also aims to rebuild and foster productive working relationships amongst all parties. We have been working to collaborate and co-design the pilot with all those that will be involved in there delivery.

LINES TO TAKE

- I agree that it is important that we maintain momentum and, whilst the group is slightly further behind than intended, I think it has been important that due care has been taken and that work has been progressed through collaborative means.
- It is important that the pilots are agreeable by all parties upon which we will rely for delivery. I would like to thank all those involved for their contributions, which have ultimately led to the development of the draft framework presented today.

SG REGULATORY REVIEW GROUP

- Professor Russel Griggs is the Chair of the recently re-established Regulatory Review Group (RRG).
- The RRG was set up in December 2004 to promote and develop an environment where both business and Government work together to promote better regulation and sustainable economic growth.
- At the latest meeting of the CTG, Professor Griggs suggested aquaculture stakeholders should approach the RRG should they be unhappy with the timescales regulators sign up to through the pilot process.
- There is a sharp focus by fish farming operators on seeking agreement from regulators to stick to the agreed timescales set out in the pilots.
- At the same time, it is likely that the very initial pilots take longer than expected as a result of all parties getting used to new processes and trying new things.

LINES TO TAKE

- Thank you for your offer Russel. There are of course strong connections between the work of the CTG, the regulatory review report and the regulatory review group which you Chair. It is incredibly useful to have you input whilst wearing both hats.
- Obviously, the pilots will need some time to deliver and it's clear that the group does not expect to get it right first time - there will be improvements and learnings to implement the more pilot processes are repeated.
- I agree however that it's important that we maintain a focus on timescales, delivery and blockers to achieving those. The review and evaluation overseen by the CTG will help to inform this.

COMMUNITY REPRESENTATION

- Members of the SAC may query how communities can contribute to the work of the CTG and better engage in the fish farm pre-application process.
- Some members have previously called for engagement with the Coastal Communities Network.
- The CTG and its advisory group was established as a small group in an effort to deliver pace. This means a number of stakeholders were disappointed not to be included, such as Nature Scot, FMS and CCN.
- We have brought a broader stakeholder network together where possible and we intend to engage with local interests who will see practices change.
- Officials have also met with the Coastal Communities Network 1:1 to discuss the CTG.

LINES TO TAKE

- I understand that not all stakeholders with an interest in aquaculture have been able to contribute to this work fully yet.
- However, I would like to assure you that the third party and community voice will absolutely be considered in the pilots.
- As part of our evaluation exercise we will be seeking contributions from all parties interacting with the fish farm consenting process on how they found the pilot process and how it could be further improved.
- Now that the draft pilot process is ready, it will also be possible to take forward smaller local discussions in Shetland and Highland.

SEPA SEA LICE FRAMEWORK

- SAC members may ask how the consenting pilots will interact with the SEPA sea lice framework.
- Fisheries Management Scotland may request that pilots make sure to include a test site where there are District Salmon Fishery Board interests.

LINES TO TAKE

- SEPA has outlined in its latest consultation they will begin to complete risk assessments as part of its pre application process for new (and expanding) fish farm developments. I therefore expect SEPA to trial this process as part of the pilots, but perhaps Lin or officials can say something further.

On pilots and DSFBs

- The initial pilots will be guided by the forthcoming applications, but I absolutely recognise the requirement to ensure that a pilot site in a DSFB area is completed.

“SIGNIFICANT ADVERSE IMPACTS”

- Tavish may query whether the consenting task group will, as part of its remit, consider SEPA’s definition and application of significant adverse impacts in its consenting decisions.
- During a meeting with sector representatives in Norway (August 2023), Scottish Seafarms raised their desire to look at SEPA’s policy on ‘significant adverse impacts’.
- Scottish Government outlined that the consenting task group is looking at issues of process – not policy or regulatory decisions – however we agreed to follow up with the sector on this point.
- SG has since met with Scottish Seafarms, and subsequently a meeting with SEPA has also taken place. A further discussion is to be arranged.

LINES TO TAKE

- The consenting task group is currently focussed on delivering pilots which explore new ways to coordinate and administer the fish farm consenting process.
- Regulatory decision making is not part of the groups remit – however I understand that my officials are exploring the issue raised with the sector.

ITEM 4 Vision for Sustainable Aquaculture and Forward Look [10:00 – 10:45]

CHAIR MS GOUGEON

- **The aim of this item is to inform SAC members of SG's immediate priorities to begin realisation of the Vision for Sustainable Aquaculture. It is also a call to action, asking SAC members to outline their priorities over the next 12 – 24 months.**
- **Ms Gougeon** will introduce the item, before opening the floor for contributions.
- In introducing item 4 **MS GOUGEON** may wish to make the following statement:
- Our Vision for Sustainable Aquaculture was published in July, setting out the Scottish Government's Vision for the development of the sector. Developing the Vision was an extensive piece of work and I would like to thank all members for the contributions to its development.
- The Vision sets out long-term goals which will require collaboration, openness and strategic action to be taken by all stakeholders, including members of this council.
- I'd like to explore with you today how you can help drive immediate progress on our path to 2045 and hear about your priorities for the next 12 – 24 months.
- The supporting paper circulated to members in advance of today's meeting set out the Scottish Government's own priorities in relation to aquaculture. This includes, for example, the work of the Consenting Task Group which we have just discussed, as well as delivering on our commitments to the Salmon Interactions Working Group and the continuation of our collaboration with the sector to support farmed fish health and welfare.

[Redacted – out of scope]

- We will continue to work closely with SEPA on the developing sea lice risk assessment framework and I expect that Lin might provide an update on this later today.
- We are also progressing plans for National Marine Plan 2, improving spatial planning and responding to the climate and biodiversity crises, which are of course priorities for all of us in this room.
- Ms McAllan and officials are currently considering the responses to the recent consultation on the implementation of a new Environmental Quality Standard for Emamectin Benzoate.
- [Redacted – out of scope]
- We will continue to work closely with coastal communities and industries to develop proposals for enhanced marine protection which protect Scotland’s seas fairly and for the benefit of all.
- Lastly, I would like to ensure members are aware of the consultation on Scotland’s Strategic Framework for Biodiversity which closes on 14 December.
- [Redacted – out of scope]
- I look forward to learning about the priorities of members as part of this discussion. I’d like to open the floor to hear about your organisations top three priorities in the next 12 – 24 months and your views on contributions to deliver the Vision.

CHAIRS NOTE

END BY 10:45

- Issues most likely to be raised are included in the Chairs Note. Additional background briefing is contained within **Annex B**.

[Redacted – out of scope]

- I am confident that progress on consenting and escapes into the New Year will allow officials to make further progress to address aquaculture long term science and evidence needs.

[Redacted – out of scope]

PARLIAMENTARY INQUIRES AND FISH FARM ESCAPES [RALRI and TNZJT]

[Redacted – out of scope]

On SIWG

- We remain committed to the Salmon Interactions Working Group Initiative and we have committed to progress on the SEPA sea lice framework and the technical standard for escapes as a priority.

PILOTS AND THE SEA LICE RISK ASSESSMENT FRAMEWORK [RALRI and TNZJT]

- Following the emphasis on collaborative approaches, Salmon Scotland may query if Government is supportive of delivering pilots to support the SEPA sea lice framework.
- Salmon Scotland's response to SEPA's consultation calls for a delay in the implementation of the framework until pilots are delivered.

LINES TO TAKE

- The delivery of a new sea lice framework is a priority. I would encourage all members to consider how they can contribute to its delivery and work collaboratively. Perhaps Lin might wish to respond on SEPA's behalf.

EMAMECTIN BENZOATE EQS [TNZJT]

- A consultation on the implementation of a new Environmental Quality Standard for Emamectin Benzoate closed in July.
- Salmon Scotland may raise their recent offer to meet with Cabinet Secretary TNZJT, alongside fish vets, to discuss the potential fish health and welfare impact of the new Environmental Quality Standard for Emamectin Benzoate.

LINES TO TAKE

- I am aware of the request to meet with Ms McAllan. I expect a response will issue to your offer soon.

[Redacted – out of scope]

ITEM 5 AOB and Next Meeting

[10:45 – 11:00]

In closing the meeting **Ms Gougeon** will may wish to say:

- I am grateful to everyone for their contributions today and for identifying their priorities.
- We are making progress on various workstreams, some of which will require some time to deliver – like the consenting work – and some of which are very technical and perhaps not best brought to the attention of SAC.
- I'd like to keep this forum in the strategic and advisory space as it should be. I will take a short while to think about delivery of our priorities and who and how we best engage with stakeholders on those.
- My secretariat will reach out to members in the New Year.

ATTENDEES FOR MEETING, 16 NOVEMBER 2023

ANNEX A

Attending in Person

Mairi Gougeon – Cabinet Secretary for Rural Affairs, Land Reform and Islands - CHAIR	- Scottish Government
Tavish Scott, CEO	- Salmon Scotland
Ian Laister, CEO	- Salmon Scotland and Bakkafrost Scotland
James Deverill, CEO	- Salmon Scotland and Organic Sea Harvest
Oliver Robinson, Chair	- British Trout Association
Alan Wells, CEO	- Fisheries Management Scotland
[Redacted – under regulation 11(2)], Fidra, [Redacted – under regulation 11(2)]	- Scottish Environment – LINK
[Redacted – under regulation 11(2)] Aquaculture Programme [Redacted – under regulation 11(2)]	- Marine Conservation Society
Professor Russel Griggs	- Independent Reviewer
Lin Bunten, Acting Chief officer of Compliance	- Scottish Environment Protection Agency
Heather Jones, CEO	- Sustainable Aquaculture Innovation Centre
[Redacted – under regulation 11(2)] Sustainable Coasts and Seas	- NatureScot
Alex Adrian, Aquaculture Operations Manager	- Crown Estate Scotland
Annabel Turpie, Director, Marine Directorate	- Scottish Government
Malcolm Pentland, Deputy Director, MD, Marine Economy and Communities	- Scottish Government
Anne Aitken, Deputy Director, Environmental Quality and Resilience	- Scottish Government
David Signorini, Acting Director, Marine Directorate	- Scottish Government
Fiona Simpson, Chief Planner	- Scottish Government

Additional Invitees

Dickon Howell, Managing Director	- Howell Marine Consulting
----------------------------------	----------------------------

Attending remotely

Nick Lake, Chair	- Association of Scottish Shellfish Growers
[Redacted –under regulation 11(2)] Blue Economy Food and Drink	- Highlands and Islands Enterprise

Secretariat

[Redacted – under regulation 11(2)]	- Scottish Government
[Redacted – under regulation 11(2)]	- Scottish Government
[Redacted – under regulation 11(2)]	- Scottish Government

Apologies

Màiri McAllan – Cabinet Secretary for Transport, Net Zero and Just Transition, Scottish Government
Nicole Paterson, CEO, Scottish Environment Protection Agency
Owen Stevens, Chair Scottish Seaweed Industry Association
Sheila Voas, Chief Veterinary Officer; Scottish Government
Julie Fitzpatrick, Chief Scientific Advisor; Scottish Government

Diarmuid O'Neill, Deputy Director, MD – Science, Evidence, Data and Digital - Scottish Government
[Redacted – under regulation 11(2)] Regulatory Review, MD, Marine Economy and Communities - Scottish Government

[Redacted – out of scope]

ANNEX B

[Redacted – out of scope]

SEPA SEA LICE RISK ASSESSMENT FRAMEWORK

ISSUE

The Scottish Environment Protection Agency (SEPA) intends to publish its response to feedback received through its consultation on detailed proposals for the sea lice risk assessment framework by the end of November 2023.

BACKGROUND

- In response to the recommendations of the Salmon Interactions Working Group report (October 2021), the Scottish Government identified that SEPA would become the lead regulator responsible for managing sea lice and the interactions between wild and farmed fish.
- SEPA is developing a new sea lice risk assessment framework which will see advice and regulation of the interactions of sea lice being led by SEPA, within an adaptive framework.
- A detailed second consultation on proposals for the framework closed in September. SEPA is developing their consultation response and holding 1:1 sector feedback sessions on Friday 17 November to 'warm up' stakeholders in advance of publishing their report later in the month.
- SEPA is working towards initial implementation of the framework from 1 February 2024.
- SEPA is considering extending the planned timeframe for conditions for existing fish farm sites – to be potentially replaced by pilot schemes in particular areas or voluntary agreements (rather than mandatory) for data sharing with the sector – but only where SEPA considers such a change would support its effective delivery of the framework and/or help achieve meaningful engagement with key stakeholders.

LINES TO TAKE

If raised:

- We remain committed to a programme of work to better protect wildlife and the environment, including strengthened controls on sea lice.

- SEPA's second consultation on detailed proposals for the new sea lice risk assessment framework closed in September – they are carefully considering all views received and will outline the next steps in a consultation response before finalising and introducing the new framework in phases.
- I will invite SEPA [Lin Bunton] to provide a short update today and I understand that stakeholder sessions have been scheduled for tomorrow (Friday 17 November) to explain the key conclusions from the recent consultation before formally publishing those by the end of this month.

ENVIRONMENTAL QUALITY STANDARD FOR EMAMECTIN BENZOATE (SLICE)

ISSUE

- A new Environmental Quality Standard (EQS) for emamectin benzoate (SLICE) calculated by UK Technical Advisory Group (UKTAG) has resulted in a lower level of this medicine available to finfish farmers to treat sea lice.

BACKGROUND

- On the basis of accumulated scientific evidence, SEPA requested that the UK Technical Advisory Group (UKTAG) develop recommendations on a new EQS for Emamectin Benzoate (SLICE).
- In January 2023 Salmon Scotland contacted the UK Technical Advisory Group (UKTAG) to alert them to (what they believe to be) an error in the calculation to derive the EQS for emamectin benzoate.
- UKTAG notified the Scottish Government in March 2023 that the UKTAG Chemistry Task Team has further considered the advice received from Salmon Scotland with respect to the emamectin benzoate sediment EQS and UKTAG have officially signed off the emamectin benzoate report and recommendation. The new recalculated recommended EQS for marine sediment therefore changed from 131 ng/kg dry weight to 272 ng/kg dry weight.
- The new standard should give each consented fish farm roughly 2 times more emamectin benzoate than authorised under the July 2022 (131ng/kg) standard but about 3.5 times more stringent than the original standard of 763 ng/kg of sediment that SEPA have used to regulate fish farms since 1999.
- In effect it means that treatments will probably still be quite limited to the earlier parts of a production cycle.
- Scottish Ministers agreed to the new Environmental Quality Standard (EQS) for emamectin benzoate calculated by UKTAG and also agreed to run a public consultation to gather views on the preferred implementation period of the new EQS to reduce risks to farmed fish health whilst also considering business impact.
- In April 2023, the Scottish Government launched a consultation on the new Environmental Quality Standard for emamectin benzoate. To prevent operational disruption for the sector, Scottish Government consulted on the implementation of the new standard.
- In July 2023, the Scottish Government consultation of the new Environmental Quality Standard for emamectin benzoate closed and officials are considering the responses.

LINES TO TAKE

“The reduction in available quantities of SLICE will likely make it harder for the industry to control sea lice, whilst the SEPA framework tightens requirements for sea lice on Scottish fish farms”.

- I am grateful to the sector for raising the error included within the evidence considered by UKTAG. It is important that the sector contribute their views on the implementation of the new standard to the current Scottish Government consultation.
- The SEPA sea lice framework will be targeted at areas where environmental sensitivity is greatest and will not introduce a blanket requirement for all fish farms to control sea lice to lower levels.
- SEPA is also actively considering the interaction of the framework with fish health and how it might handle instances where treatment of fish to reduce sea lice is against veterinary advice.
- The Farmed Fish Health Framework Initiative is looking at improved access to medicines and SEPA is receptive to changing its regulatory approach on some medicines, pending information requested at the forum from fish vets and the sector.
- My officials are currently analysing the responses to the consultation on the preferred implementation period of the new EQS.

FARMED FISH MORTALITY

ISSUE

- The salmon sector has experienced high levels of mortality in the last year across all stages of production. This has largely been attributed to failed eggs, predation, complex health issues including gill disease and environmental events such as algal or jellyfish blooms associated with climate change.

BACKGROUND

- The FFHF provides a collaborative approach to improving fish health to promote sustainability and also productivity. It brings together salmon and trout trade bodies and sector representatives, fish vets, regulators (SEPA and Veterinary Medicines Directorate), innovation centre representatives and Marine Directorate policy, science and Fish Health Inspectorate.
- The last meeting of the steering group took place on 26 October 2023. The group’s focus remains on understanding climate change, adaptation and mitigation; medicines and treatments.
- Concerns were raised from industry about the potential lack of funding fish health R&D and Innovation as a result of the Scottish Funding Council’s (SFCs) decision not to invest in SAIC as long term innovation infrastructure

LINES TO TAKE

- We recognise the increasing challenges faced by the sector with regards to fish health and mortality.
- We maintain that mortality must be managed to the lowest possible levels - the FFHF provides the most appropriate forum to consider what collaborative effort is required to achieve this.
- It is also well placed to deliver fish health aspects of the Vision for Sustainable Aquaculture.
- I am aware that the FFHF steering group has considered changes to its working practice and has asked for more strategic level influence and thinking to achieve greater impact. The secretariat is looking at how this can be best achieved with the input of both the MD Deputy Director and Sheila Voas as Chair.
- However, I encourage the steering group to continually review that it is focused on delivery of aspects of fish health where true collaboration is required to achieve greater impact.
- There is much benefit in pooling expertise and resources, and we must continually ask that the FFHF focuses most on where collaboration can provide the best value added to what are very complex issues to address.

[Redacted – out of scope]

[Redacted – out of scope]

ANNEX C

[Redacted – out of scope]