

ADDITIONAL BRIEFING

Maximisation of community benefit. Good practice principles.

Q: You suggested that community benefit might be enhanced and that this issue would be considered beyond publication of the Vision – what progress has been made?

- Communities which host aquaculture are engaged in the sector's development, share in its success and are supported through a range of lasting benefits including the provision of employment opportunities – that's what we've committed to in our vision.
- We are currently piloting ways to enhance community engagement through the consenting pilots.
- We've delivered increased community benefit through increased aquaculture rents which have been set out to 2026.
- Our Vision also commits to exploring good practice principles for community benefit.

Q: CES says that there may be opportunity to support changes to visibility to funds and how CES delivers community benefit – do you agree? When will the good practice principles be delivered?

- I'm aware that Crown Estate Scotland raised the prospect of looking at options for enhanced community benefit delivered from fish farm rents in future.
- I look forward to discussing those possibilities with CES and others and how those could fit within planned reviews (the outcomes of the prior review have set out the direction to 2026).
- Maximising community benefit is a collective aim for all of us - our Vision for sustainable aquaculture makes that clear.

Should mortality reporting be mandatory?

- There are already legislative requirements on farms to keep mortality records and make those available for inspection.
- We also have reporting thresholds agreed through the code of good practice (above certain thresholds).
- The sector is also publishing its own site by site mortality reporting and the farmed fish health framework is considering mortality reporting in the rounds.
- We have data on annual fish farm survival gathered and presented through our production surveys.
- [Redacted – Regulation 10(4)(e)]
- Better regulation principles would require us to consider why we need the information and whether it can be achieved through other means, such as voluntary means.
- We believe that the reporting system works and is adhered to – it delivers its purpose as an additional tool to monitor fish health.

- Other regulators collect this information for other means or by proxy – for example SEPA keeps a running record of biomass reports which are required for regulatory purposes.
- We will explore how to increase awareness and understanding of the different data sets which are collected.

Timescales for seabed survey analysis and regulatory compliance

Q: SEPA told us that it can take up to a year to process seabed surveys – do you think that is acceptable?

- I believe that SEPA set out the reasons why processing can take up to a year. This is a manual processes of sifting and categorising samples and the expertise that is required to do this.
- Work is ongoing to come up with innovative solutions. There is a collaborative research project between SEPA, the sector and the R&D community, which has received support from the Sustainable Aquaculture Innovation Centre and funding from Marine Fund Scotland (up to £30,000), to deliver eDNA monitoring techniques which could make this process faster, but also significantly reduce the costs associated with monitoring delivery.

Q: Are you happy with environmental compliance under SEPA's regime? How are interested parties expected to keep up to date with the latest results on monitoring?

- SEPA has outlined that environmental compliance has improved since 2017.
- This is being enabled by their new framework which has enhanced predictive modelling – meaning environmental impacts are being more accurately predicted in advance of development – and that monitoring of the environment has significantly increased.
- I recognise that the loss of the Compliance Assessment Scheme as a result of the cyber-attack is disappointing – SEPA is working on a new scheme, for all sectors, which should be up and running next year. In the interim, SEPA continues to publish data relating to seabed surveys and results on its website.

SEPA unannounced inspections and REC Committee recommendation 63. Powers for unannounced inspections.

Q: We recommended that there should be a move away from self-assessment culture and advocated that unannounced inspections should increase. SEPA says they only did 3 unannounced inspections in 2023 and plan to do 3 this year – is that enough? Q: Will you set increased levels required for unannounced inspections?

- The new SEPA framework does introduce significantly enhanced monitoring requirements – both being taken by the sector and SEPA.
- SEPA shared information with the committee noting that most of their inspections are announced.
- This is to ensure that they can gain access to shore bases that are not permanently manned; access farm locations when needing to use operator boats

to do so; meet fish farm staff who have responsibility for the farms; or witness the carrying out of a particular operating procedure.

- SEPA will also carry out unannounced inspections using their own boats.
- SEPA has centralised the management of its survey vessels with Marine Directorate, creating a larger fleet operated by Marine Directorate's specialist fleet management team.
- This partnership will allow SEPA to programme a larger number of unannounced inspections of farms in due course.

On unannounced inspections more generally:

- All of our monitoring and compliance regimes are designed to be risk based and proportionate. They are designed to set rules around who should be visited and when.
- Unannounced visits are a useful tool, however monitoring and compliance regimes should remain designed about the risks and what our evidence base and inspection history tell us.
- We also always consider and respond to issues raised with regulators by members of the public and whether any further action is required.

How are the principles of the vision for aquaculture measured and monitored

Q: How are the principles of the vision for aquaculture measured and monitored?

- The guiding principles set out in the Vision set out that through development of policies and management of aquaculture we will consider the 5 guiding principles of the national marine plan, blue economy outcomes on the economy, environment and social, in addition to the guiding principles on the environment which places new duties on Ministers and public authorities to have due regard to the five principles (integrate environment into policy making, the precautionary principle, environmental damage should be rectified at source, preventative action should be taken to avert damage, principle that the polluter should pay).
- Our National Marine Plan must be considered by all relevant decision makers and we are working on a new National Marine Plan for Scotland that meets our future needs. We will consider monitoring and evaluation as part of NMP2 development, this is an area that has been fed back for consideration through the review and also stakeholder engagements.
- We published guidance in August 2023 to promote a common understanding and interpretation of the environmental guiding principles and how they should be considered and applied when developing future policy and legislation. This includes, for example, how to incorporate consideration into Strategic Environmental Assessment completed as part of the policy making process.

Q: How will you monitor delivery and/ or effectiveness of the Vision?

- We've set out our immediate priorities for delivery in the Vision – on consenting, science, interactions and fish health, for example, where we have commitments to fulfil.
- However this Vision sets out the course to 2045 and, following progress of our more immediate priorities, I have discussed with Scottish Aquaculture Council members and others a review the Vision to determine our priorities in the forward work plan.
- We're also considering whether there may be opportunities to deliver on our outcomes through the development of the National Marine Plan.

EMPs: Conferences around observance and enforcement

Q: Will you commit to a conference on compliance and enforcement of EMPs?

- Enforcement of EMPs are a matter for local authorities and issues should be raised with the relevant authority in the first instance.
- We understand that there have been different views on the effectiveness of EMP's relating to sea lice. This specific issue – which is complex and has been challenging for a number of reasons - is being dealt with through the SEPA sea lice risk assessment framework. It is our intention that sea lice will no longer be considered and managed by EMPs.

Q: We've been told there is an EMP that is not being forced with respect to escapes in the Shin – what will you do about it?

- EMP's are a matter for local authorities – these are planning conditions agreed with the local authority as part of the development process.
- In the case of the specific example being referenced, I believe that monitoring discussions are underway.

If pressed

- We're working with regulators and statutory consultees to update our working arrangements guidance which sets out roles and responsibilities. If there are issues relating to EMPs which Local authorities or others seek advice on, we are happy to discuss those.

Further offshore siting of fish farms, planning decisions

Q: Is it appropriate that local authorities determine applications for farms beyond 3 nautical miles?

- We've previously consulted on whether local authorities should be responsible for fish farm development to 12nm.
- In response to that consultation we made our intention clear that we would identify the relevant planning authorities to 12nm, however this was not progressed at the time as the sector was not looking to develop into this space.
- Our consultation, which is open, explores progressing that commitment.

- The 12nm limit seems to work well with local development plans and regional marine plan. We've discussed the changes with COLSA, local authorities and others.