

Regulation 10(4)(e) – Internal Communications

A small amount of information has been withheld under Regulation 10(4)(e) (internal communications). This exception is subject to the ‘public interest test’. Therefore, taking account of all the circumstances of this case, we have considered if the public interest in disclosing the information outweighs the public interest in applying the exception. We have found that, on balance, the public interest lies in favour of upholding the exception. We recognise that there is some public interest in releasing the information as part of an open, transparent and accountable government. However, this is outweighed by the greater public interest in allowing Scottish Ministers and Scottish Government officials a private space to allow free and frank discussions to share views and information relevant to their work.

Regulation 11(2) – Personal Data

A small amount of information has been withheld from the documents provided under Regulation 11 – Personal Data as it contains personal information and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulations (GDPR) and in Section 34(1) of the Data Protection Act 2018. This exception is not subject to the ‘public interest test’.

ANNEX B

What	Meeting with Salmon Scotland Chief Executive and Head of Technical to discuss progress on the regulatory review and the salmon farming sector's priorities
Where	Room T3.07, Scottish Parliament
When	Wednesday 17 April 2024, 16:00-16:45
Key Message(s)	<ul style="list-style-type: none"> • Alongside the on-going aquaculture consenting pilots, Scottish Government is exploring opportunities to improve other aspects of the consenting process. • I am keen to continue to work collaboratively with Salmon Scotland to progress the aquaculture regulatory review through the Consenting Task Group and the Scottish Aquaculture Council. • Useful to understand how the sector will help to deliver the Vision in the coming year.
Who	<ul style="list-style-type: none"> • Tavish Scott - Chief Executive, Salmon Scotland • Iain Berrill - Head of Technical, Salmon Scotland
Why	<p>An opportunity to set out progress made so far on the aquaculture regulatory review and understand what areas Salmon Scotland wish to see prioritised.</p> <p>The meeting has been organised following a letter from Tavish Scott to the former Cabinet Secretary for Wellbeing Economy, Fair Work and Energy, seeking a meeting to discuss progress on the aquaculture regulatory review. A response was issued by you as Cabinet Secretary with portfolio responsibility for aquaculture [REDACTED: REGULATION 10(4)(e)]</p>
Supporting officials	<ul style="list-style-type: none"> • Malcolm Pentland, Deputy Director Marine Economy and Communities, Marine Directorate [REDACTED: REGULATION 11(2)] • [REDACTED: REGULATION 11(2)], Marine Directorate
Briefing contents	<p>Annex A: Summary page</p> <p>Annex B: Attendees</p> <p>Annex C: Briefing</p> <p>Annex D: Correspondence between Tavish Scott and Scottish Ministers</p> <p>Annex E: Note from meeting between Salmon Scotland and SG Officials on 20 February 2024</p> <p>Annex F: Correspondence from Salmon Scotland to the Scottish Environment Protection Agency on the Sea Lice Framework</p>

Summary page

1. Overview

This meeting has been arranged following a letter from Tavish Scott, Salmon Scotland's Chief Executive, to Neil Gray MSP, who at the time was Cabinet Secretary for Wellbeing Economy, Fair Work and Energy. The letter outlined Salmon Scotland's view that there has been a lack of progress in implementing the recommendations of Professor Russel Griggs review into aquaculture regulation, which Ministers accepted in principle.

As aquaculture falls under your portfolio, you replied to Tavish Scott's letter, inviting him to meet with you to discuss progress of the regulatory review and understand more about the sector's priorities. A copy of the correspondence between Tavish Scott and you is provided in **Annex D**.

Since the correspondence between Salmon Scotland and Scottish Ministers, senior government officials have met with Tavish Scott and Iain Berrill to discuss progress on the regulatory review and a number of other topics related to aquaculture policy. A note from that meeting is provided in **Annex E**.

Salmon Scotland highlighted further progress on the consenting pilots, on science, fish health and exploration of innovation sites as their priorities.

2. Objectives of the meeting

- To highlight progress made on the aquaculture regulatory review.
- To further understand Salmon Scotland's priorities in order to inform how these might be prioritised by the Scottish Government in the decision-making process for the aquaculture regulatory review recommendations, whilst being clear that the Scottish Government must operate within its means and make careful prioritisation decisions.
- To provide reassurance that Scottish Government will continue to collaborate with the sector on policy development.
- To understand how the sector might take ownership of some elements of Vision delivery.

3. [REDACTED: REGULATION 10(4)(e)]

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4. [REDACTED: REGULATION 10(4)(e)]

[REDACTED: REGULATION 10(4)(e)]:

- [REDACTED: REGULATION 10(4)(e)]

Innovation Site Top Lines

- This Government is committed to supporting innovation – as clearly outlined in our Vision for sustainable aquaculture.
- I understand that the sector would like to see progress on an innovation site.
- My current priority is to ensure progress of the consenting pilots and support for innovation within that, in addition to ensuring continued aquaculture innovation support through SAIC. However I would be interested to understand your proposals for an innovation site further.

ANNEX B

Attendees

Tavish Scott - Chief Executive of Salmon Scotland

Tavish Scott is Chief Executive of Salmon Scotland, having begun his tenure in November 2020. Before taking up his post, he was head of external affairs at Scottish Rugby. From 1999 to 2019 he was the Scottish Liberal Democrat MSP for Shetland, frequently advocating for salmon farmer constituents. During his spell as MSP, he held a number of Ministerial posts and served as leader of the party between 2008 and 2011. Before his parliamentary career he was active in farming on Shetland and serviced as a councillor for Lerwick Harbour and Bressay while also acting as Chairman of Lerwick Harbour Trust. He was the director of Shetland Islands Tourism between 1997 and 1999.

Iain Berrill - Head of Technical, Salmon Scotland

Iain Berrill has worked for Salmon Scotland for 14 years, holding the post of Head of Technical since May 2019. Iain has also held the role of Director of the Scottish Aquaculture Research Forum and has also held research positions related to aquaculture at Stirling and Bangor Universities.

ANNEX C

Briefing

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

- I am committed to maintaining momentum on the regulatory review to support the sustainable development of Scottish aquaculture.
- As of January 2024 pilots for a new pre-application consenting process for fish farm developments are now underway in the Shetland and Highland local authority areas.
- The pilots are focused on ensuring improvement and streamlining the administration of the finfish farming consenting process. I also anticipate that through an iterative review process of the pilots, opportunities for making further improvements to the consenting process will be identified and taken forward.
- The roll out of these pilots is a result of the collaborative work between, Salmon Scotland, it's members' and regulators. A continuation of this collaborative approach will be key to ensure further progress is made.
- In addition to the roll out of the consenting pilots, I am aware that Salmon Scotland has been involved in a recent workshop to explore opportunities for the use of a marine licence exemption by salmon farming businesses, which may lead to further streamlining of the consenting process. I understand there were a number of actions identified during the workshop which are being taken forward by my officials and by Salmon Scotland and its members. I look forward to hearing more as this work progresses.
- While there is much more we would wish to progress with pace, we've been very clear about the requirement to operate within our means. That means recognising that we cannot necessarily progress everything at once and need to make careful prioritisation decisions about our work. I would welcome your views as to which areas specifically the salmon farming sector would wish to see prioritised.

[REDACTED: REGULATION 10(4)(E)]

[REDACTED: REGULATION 10(4)(e)]

- [REDACTED: REGULATION 10(4)(e)]

FISH HEALTH AND MORTALITY

BACKGROUND:

- Monthly mortality levels reported by the Samon Scotland for sea water production have been high and environmental challenges have been cited as key reasons. These mortality levels have attracted attention from anti-fish farming lobbyists and animal welfare organisations.

- In 2018 Scotland's 10 year Farmed Fish Health Framework (FFHF) was launched as a collaborative approach to addressing fish health and welfare issues and is currently chaired by Sheila Voas, Scottish Government's Chief Veterinary Officer. Salmon Scotland is a key member of the framework's steering group.
- [REDACTED: REGULATION 10(4)(e)]
- Salmon Scotland have informed officials that they plan to develop a 'Fish Health Recovery Plan' to help reduce mortality for the sector – this is in its infancy and we not have sight of content.
- Salmon Scotland wrote to the new Minister for Agriculture and Connectivity suggesting an introduction meeting to discuss fish health and other matters under the Minister's responsibility. Mr Fairlie has accepted this request.

TOP LINES

- We are clear in our expectation for the sector to improve fish health and drive down mortality to the lowest possible levels. These are key outcomes we expect from the Vision on Sustainable Aquaculture. **I am interested to understand more about your plans for improving fish health.**
- I am grateful for Salmon Scotland's ongoing contribution and commitment to the Farmed Fish Health Framework. We are open to feedback on how collaboration in this area can be improved and officials will soon be leading further discussion about how to do this as effectively as possible.
- The next Farmed Fish Health Framework Steering group meeting will take place on 1 May 2024. Improving collaboration through the FFHF will be a focus and we welcome input from all members of the Steering Group as we develop the agenda.
- We recognise that fish health is a key challenge for the sector and that use of innovation going forward will be essential. Together with the Scottish Funding Council, we have provided £1.5 in funding for the Sustainable Aquaculture Innovation Centre (SAIC) to primarily focus on fish health innovation during its transition period to 2026.

[REDACTED: REGULATION 10(4)(e)]

[REDACTED: REGULATION 10(4)(e)]

- [REDACTED: REGULATION 10(4)(e)].

SEPA Sealice framework

- I understand concerns have been raised on potential fish health impacts of SEPA's sea lice framework; mainly, that it could drive increased use of medicine or physical treatments which increase handling and risk mortality.
- SEPA will not be prescriptive in how sea lice levels should be managed at the sites where sea lice conditions are applied, so there is flexibility to adopt other strategies.
- Veterinary advice will remain key to decision making by producers and will be taken into account by SEPA in relation to compliance considerations and enforcement.

Emamectin Benzoate

- Environmental Quality Standards are key tools in assessing compliance and protecting the water environment.
- While we recognise the importance of SLICE as an infeed sea lice medicine, we also recognise the environmental persistence of EmBz and the need to address this.
- Providing an appropriate implementation period to allow the sector to plan for a reduction on EmBz use is an appropriate compromise.
- The Scottish Government consultation seeking views on implementation of the new Environmental Quality Standard (EQS) for emamectin benzoate closed in July 2023. Ministers are considering the Scottish Government's consultation report.

AQUACULTURE INNOVATION

BACKGROUND: The Sustainable Aquaculture Innovation Centre (SAIC) is one of seven innovation centres introduced by the Scottish Funding Council (SFC) and supports applied aquaculture R&D in Scotland.

Following an evaluation of all innovation centres, the SFC announced in September that it would not invest in SAIC as long-term innovation infrastructure beyond July 2024.

You have committed £500,000 in funding from Marine Fund Scotland to support a transition for SAIC up to March 2026, with £1m transitional funding from SFC. This will ensure there is no hiatus in innovation support for the aquaculture sector while longer term options are considered.

Long term arrangements will be developed during the transitional period (2024 – 2026) and SAIC will adopt a tight focus on projects delivering finfish health and welfare outcomes.

While the large aquaculture businesses did offer a contribution of £400k to SAIC's project budget, in addition to the 'in kind' support they have historically offered, this

was conditional on a further £1m being committed from Crown Estate Scotland. This was not practically possible at this stage, however we have indicated an intention to discuss with CES what they could contribute to aquaculture innovation post transition. Similarly, we have indicated to Salmon Scotland that we will approach the sector as part of a collaborative consideration of the future of aquaculture innovation during the SAIC transition period.

TOP LINES

- Innovation is key to the sustainable development of Scotland's aquaculture sector and to addressing many of the key challenge it faces, as set out in our recently published Vision for Sustainable Aquaculture.
- I was pleased to commit £500,000 from Marine Fund Scotland in 2024-25 to support SAIC through a transitional period to March 2026 with priorityFocus on fish health.
- Work will begin shortly to consider new long-term arrangements and the sector's input to this will be critical. I am keen to ensure that this work is broad and open in its scope, to implement the best solution for aquaculture innovation support arrangements to meet Scotland's current and future needs.
- A £1m commitment from CES was not practical given the timetable available for decision making and failed to recognise that Government had already made significant new money available to aquaculture support from the Marine Fund Scotland.
- We are keen to hear from the sector on its assessment of long-term needs, and what commitments it could make to future arrangements for aquaculture innovation support.

[REDACTED: REGULATION 10(4)(e)]

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- [REDACTED: REGULATION 10(4)(e)].

SCIENCE DELIVERY

BACKGROUND: The Scottish Science Advisory Council (SSAC) were asked by Scottish Ministers to consider the use and communication of science in aquaculture consenting in response to concerns raised in Professor Griggs' independent review into aquaculture regulation. The SSAC published their report on 26 April 2023. Scottish Ministers will take time to consider the key findings of the report and the views of Scottish Aquaculture Council members before moving into the next stage of work.

TOP LINES

- I am pleased to say that the SSAC published their report in April, and I recently met with the Scottish Aquaculture Council to discuss its findings and will now take some time to consider the feedback.

SEPA SEA LICE FRAMEWORK

BACKGROUND: SEPA has developed and consulted on a new sea lice risk assessment framework for managing the interaction between sea lice from marine finfish farms and wild salmonids. The framework has begun to be implemented in phases from 1 February 2024.

On 20 March 2024 Tavish Scott wrote to Lin Buntin, Chief Compliance Officer, SEPA, copied to Ms McAllan, to communicate Salmon Scotland's dissatisfaction with the implementation timeframe and process, including the monitoring and assessment proposals and under the framework. A copy of the letter is attached separately at **Annex F**.

Salmon Scotland also expressed concern about the planned timeframe for implementation of a sea lice framework from 2025 which is their view is 'hugely ambitious'. SEPA recently met with local authority planners, NatureScot and SG officials, and there is agreement in principle on the proposed timeframe and transitional arrangements. The sector are seeking a meeting on the transitional arrangements as the lead regulatory role for sea trout moves from local authorities to SEPA. We expect that SEPA will schedule a meeting with the sector and local authority planners and NatureScot for end April / early May.

In December 2023 SEPA notified the sector of its intention to serve notice requiring the submission of sea lice information. Sea lice information was first requested in early 2023 and had not been voluntarily provided. It is crucial to support SEPA's rolling assessment of risk moving forward. We understand the sector has since recommenced discussions with SEPA on submission of the information and SEPA will move to issue a notice only where absolutely necessary. SEPA is in the process of considering how they might respond to failures of operators to provide some of the information required by notice.

Timeframe for implementation of the sea lice framework

SEPA previously laid out the phases of introduction of the framework as follows:

- applicable for all new or expanding salmon farms from 1 February 2024
- adaptive management approach for sea trout from 1 February 2025
- introduce monitoring strategy in high relative risk areas to collect evidence for up to 5 years on existing sites

TOP LINES

- I welcome the introduction of the SEPA sea lice risk assessment framework and recognise the importance of proportionate and evidence-led regulation.
- SEPA has undertaken modelling to assess the cumulative risk of development in different areas – there will be no blanket controls introduced. The outcomes

of SEPA's risk screening (19 of 206 farms) have been assessed as highest relative risk 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.
- It is recognised that the effectiveness of the framework will need to be assessed. A national salmon monitoring programme will initiate in 2024, under SEPA, and a national sea trout monitoring programme will initiate in 2025.

[REDACTED: REGULATION 10(4)(E)]

[REDACTED: REGULATION 10(4)(e)]

[REDACTED: REGULATION 10(4)(e)]

ANNEX D

Correspondence between Tavish Scott and Scottish Ministers

Letter from Tavish Scott to Neil Gray - 18 January 2024

Dear Neil,

Further to your invitation from today's session hosted by Prosper I provide the details of Professor Russel Griggs review into aquaculture regulation. This review followed the SNP's welcome manifesto commitment to that effect from the previous Scottish Parliamentary elections.

In August 2021, Professor Russel Griggs was tasked by the Scottish Government to deliver a review into the regulation of aquaculture. Professor Griggs reported on 10th February 2022 and the Scottish Government accepted all Professor Griggs's recommendations in principle. Indeed Cab Sec Gougeon accepted his recommendations on 11th February including delivery of reform within 12 months.

Professor Griggs report with recommendations is as follows;

<https://www.gov.scot/publications/review-aquaculture-regulatory-process-scotland/pages/2/>

Professor Griggs concluded;

My final recommendation is that a short term project board is established which oversees, drives, and guides all the varying parts, so that all the above can be put in place, where possible, within a 12 month period.

I would respectfully ask that Government carefully consider what has actually been achieved in terms of reform 23 months on from Professor Griggs report. All that my sector can point to is that a pilot approach to a new management process for pre-application activities within the existing fish farm consenting process will start this month. That is welcome but hardly constitutes the root and branch streamlining reform that Prof Griggs recommended. Nor does this one step forward

constitute the majority, never mind all of the recommendations that Ministers have endorsed.

The salmon sector as you know employs 12,000 people across the country and in the most far flung parts of coastal Scotland, is the nations' No 1 food export by volume and is committed to the Scottish Government's net zero target by 2045. Given all this and our desire to sustainably grow to the benefit of the Scottish economy, we are disappointed and puzzled as to why such a clear Ministerial endorsement of an independent regulatory assessment has proved so difficult to implement or even make substantive progress.

On that we need your assistance.

Best wishes
Tavish

Response to Tavish Scott from Ms Gougeon – 31 January 2024

Dear Tavish,

Thank you for your letter to the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy regarding the Independent Aquaculture Regulatory Review. Your letter has been shared with me as the Cabinet Secretary responsible for aquaculture.

Whilst recognising there is more to do, I am pleased with the progress made to date through the collaborative work that is taking place to ensure we implement the best solutions in response to the ambitious and wide-ranging recommendations in Professor Griggs' review.

As noted in your letter, pilots for a new pre-application process are now underway and I would like to thank Salmon Scotland and its members for their contribution to this work. The Consenting Task Group has worked together well in the co-design of the pilots and to ensure their successful launch.

The Consenting Task Group will continue to meet to share key learnings and make improvements on the process as part of an iterative review process and I look forward to further progress.

Scottish Government officials are also exploring opportunities to improve other aspects of the consenting process, and will be in contact with Salmon Scotland and other relevant stakeholders in due course to progress with work in this area.

Last July we delivered a new Vision for Sustainable Aquaculture which recognises the benefits which aquaculture delivers currently, and sets out our ambitions for it in the future. I was pleased to provide additional time for consultation, recognising the importance of the Vision in framing and delivering our aspirations for Scottish Aquaculture to 2045.

I set out Scottish Government's priorities for the coming year at last November's Scottish Aquaculture Council meeting and I invited members to consider their own

role in delivering the Vision. This included planning for the next stages of the consenting pilots and consideration of the Scottish Science Advisory Council's report on aquaculture science. As a Government we've been clear about the requirement to operate within our means. That means recognising that we cannot necessarily progress everything at once and need to make careful prioritisation decisions about our work.

I remain committed to maintaining momentum on the regulatory review. It would be useful to meet with you to build on our discussion in November and understand more about the sector's priorities. I would be grateful if you could get in touch with my private office to arrange a convenient date.

Yours sincerely

Mairi Gougeon

ANNEX E

Note from recent meeting between Salmon Scotland and SG Officials

20 February 2024

Attendees

- Tavish Scott – Chief Executive, Salmon Scotland
- Iain Berrill – Head of Technical, Salmon Scotland
- Malcolm Pentland – Deputy Director, Marine Economy and Communities, Marine Directorate
- [REDACTED: REGULATION 11(2)] - [REDACTED: REGULATION 11(2)], Farmed Fish Health and Innovation, Marine Economy and Communities, Marine Directorate
- [REDACTED: REGULATION 11(2)] – [REDACTED: REGULATION 11(2)], Marine Economy and Communities, Marine Directorate

Agenda

- Intros
- Marine Directorate Structure
- Reg Review progress and priorities
- Innovation Support
- Science / SSAC report
- AOB

Key Points

- Significant frustrations expressed by Salmon Scotland that SEPA has not yet arranged a meeting to discuss transitional arrangements, such as EMPs, with the sector and local authorities.
- Salmon Scotland expressed frustration that there is no clear narrative on modelling and monitoring. The sector wants to understand the forward plan

and what they can contribute. Specifically, who would lead on sentinel cage work was raised.

- Salmon Scotland recently met with SEPA and the Salmon Scotland Board will meet next week.
- Discussion on Sal Scot's criticism of pace around regulatory review. SG queried what else the sector would ask of us. We discussed SG's business planning process and the requirement to phase work. As part of our considerations, we have to have a clear understanding of the stakeholder priorities.
- On consenting – Salmon Scotland asked that the consenting pilots to move as quickly as possible. They envisaged that they should consider the onward application process (not just pre app, also marine licensing). Suggested that a quick win would be introducing a cut off for objections/ comments on fish farms.
- Thereafter Salmon Scotland's priorities are **fish health, innovation sites** and **science delivery**.
- Ongoing discussions regarding SAIC. Salmon Scotland is discussing future science and innovation needs at its Board.
- Short discussion on the SSAC report and how to make progress.
- AquaSur – Sal Scot will consider whether there are any strategic engagements which Ms Gougeon should undertake. They suggested potentially Mowi and Biomar, both with links between Chile and Scotland.
- The seafood expo was raised. Ms Gougeon is to be invited to a meeting with the international salmon farming MDs.
- We discussed that Salmon Scotland has invited the Perm Sec to a meeting with its board. Salmon Scotland is not tied to a board meeting, but would find it useful to find time to engage with Perm Sec.
- Agreement it was useful to meet in person every so often.

ANNEX F

Correspondence from Salmon Scotland to the Scottish Environment Protection Agency on the Sea Lice Framework

[Attached separately]

Meeting with Salmon Scotland

Scottish Parliament: Wednesday 17 April 2024 16:00 - 16:45

Attendees

Mairi Gougeon MSP – Cabinet Secretary for Rural Affairs, Land Reform and Islands

Tavish Scott – Chief Executive, Salmon Scotland

Iain Berrill – Head of Technical, Salmon Scotland

Kate Higgins – Special Advisor

[REDACTED: REGULATION 11(2)], [REDACTED: REGULATION 11(2)] Aquaculture Development, Scottish Government

[REDACTED: REGULATION 11(2)], [REDACTED: REGULATION 11(2)], Fish Health and Innovation, Scottish Government

Actions

- Salmon Scotland to share information on innovation site proposals and consenting delays.
- Officials to provide an update to Ministers on SEPA and planning consenting performance.

Key Points

- Horizon scanning for the next few months, Salmon Scotland provided the Cabinet Secretary with some background information to support planning for upcoming events. This included updates on business agreements which could contribute to the messaging around Aquaculture UK and logistics for the upcoming Seafood Expo in Barcelona.
- Iain Berrill explained the sector's plans to produce a document setting out the activity being undertaken in the sector to enable fish health recovery and crystallising their asks of the Scottish Government and other bodies to support its delivery. The sector is also committed to updating the Code of Good Practice and is considering issues of governance and timescales.
- Salmon Scotland expressed a desire to move at pace to develop an innovation farm site, to facilitate the testing of new technologies to improve fish farming in various ways including health and welfare and sustainability. The Cabinet Secretary expressed interest and asked for further details; Salmon Scotland agreed to follow up with a brief outline of proposals.
- Salmon Scotland set out the challenges they face responding to a significant number of consultations. [REDACTED: REGULATION 11(2)] appreciated the challenges and set out some adjustments which have been made to facilitate organisations to respond to consultations, including where practical lengthening the consultation period and offering discussions to help organisations focus their response on key questions relevant to them.
- Salmon Scotland set out their continuing concerns around delays in consenting timelines, with statutory targets being missed on occasion. [REDACTED: REGULATION 11(2)] requested further details and Salmon Scotland agreed follow up to help identify any learnings applicable to the ongoing consenting pilots.

[REDACTED: REGULATION 10(4)(e)]