

[The Coastal Communities Network](#) (CCN) is a collaboration of locally-focused Scottish coastal community groups, guided by the belief that coastal communities across Scotland are well placed to harness long-term solutions to ensure healthy, well-managed seas. The Network provides the means to build the community voice within marine conservation and management in Scotland and is currently comprised of 15 community groups spanning the Scottish coastline, alongside supporters and associated organisations who share and support the aims of the Network.

The CCN aquaculture sub-group is comprised of members who are active on issues related to salmon farming, with sub-group members meeting aquaculture officials from Marine Scotland, Local Planning Authority representatives, SEPA and other government agencies. We have presented large amounts of evidence to support our case for a temporary halt to expansion of the industry, until it can be shown to be sustainable.

The Network very much welcomes the Finfish Aquaculture Sector Plan consultation and related public engagement events and is pleased to have the opportunity to respond here and in person at many of the local events. CCN welcomes SEPA's desire to bring real change to the industry, to improve regulation and licensing and to tackle non-compliance. We fully support these aims, and we continue to call for a temporary halt to expansion of the industry, until such time as the many issues identified by SEPA, the Environment, Climate Change and Land Reform (ECCLR) Committee and the Rural Economy and Connectivity (REC) Committee are resolved and sustainable practice can be evidenced.

Please also note that some CCN member groups have also sent their own, area-specific, submissions to this SEPA Finfish Aquaculture Sector Plan consultation, including Friends of the Sound of Jura, Save Seil Sound and COAST.

1. Does the Finfish Aquaculture Sector Plan identify the right partners and influencers for SEPA to work with to achieve the vision?

Not Sure

Overall, CCN recognises the critical need for transparent and coordinated action between all stakeholders, including those who rely on a healthy marine environment in coastal communities around Scotland. However, while the consultation document makes reference to “partner agencies, academic institutions and industry” and “sector businesses, trade organisations, other regulators and international partners”, the only stakeholders specifically referred to are Marine Scotland and The Scottish Government Interactions Working Group. We therefore do not consider that there is sufficient evidence to adequately answer this question. We would appreciate the circulation of a list of the “partners and influencers” who have been identified to date.

We note that there is no capacity for coastal communities to be represented on the Wild Fish Interactions Working Group, as is likely to be the case with all of the partners and bodies that SEPA are currently working with. The CCN would be pleased to be approached as a community stakeholder, representing a number of coastal communities across Scotland, with a wealth of expertise related to the aquaculture industry and other topics.

A number of CCN members have raised the issue of communities not being notified of incoming licence applications, even when there is an active community group or community council with an interest in the information. It is also often reported that local groups feel that their opinions do not hold as much as weight as those of the industry – and often that their opinions are not considered at all when applicants are deciding where to site or expand farms, when SEPA is considering CAR licence and when Local Planning Authorities are considering planning permission. We call for strong

mechanisms to be put in place for full engagement with communities and better recognition of their importance as valued knowledgeable stakeholders.

Marine Scotland are mentioned throughout as the lead agency for many aspects of the industry. We are concerned that Marine Scotland has conflicts of interest, as both the industry's advocate inside Government and one of its environmental regulators, which can result in a pro-industry bias. This position is untenable and results in a de facto pro-industry bias working against MS's duty to provide clear guidance on the environmental risks associated with planning and licensing decisions. Going forward, CCN wants greater Governmental scrutiny of Marine Scotland's decisions and advice, a co-ordinated approach to environmental regulation and a structure and process established, which produces transparent, evidence-based decision making.

CCN has concerns about the gaps created by a lack of coordination between the regulating agencies, which allows issues such as sea lice and chemical pollution to slip past regulators, so we welcome the focus within both this consultation and the Rural Economy and Connectivity (REC) Committee's report, on a more coordinated and tighter approach to regulation.

2. Does the Finfish Aquaculture Sector Plan contain the right actions and priority actions to tackle non-compliance?

No

Compliance with environmental law at National and International level, as well as industry regulation, is a legal requirement. We agree with SEPA that non-compliance at any level is unacceptable. CCN calls for action to be taken now to end non-compliance and for farms which are unable to meet the requirements to be dealt with at the earliest possible point. Farm owners and managers who deliberately or negligently flout the regulations must be subject to the relevant fines and enforcement.

We commend SEPA for their desire for farms to "move beyond compliance" towards real sustainability. However, it is clear that this aim is still a long way off and much work is needed to reach this goal. Currently, fish farms pollute Scotland's seas more than any other industry - releasing organic material and medical/chemical discharges as well as billions of parasitic sea lice larvae - which harm wild fish and crustaceans. This affects water quality, damages the seabed, impairs the recovery of our ecosystems and therefore impacts sustainable jobs in the communities CCN represents.

While we support all of the actions within Figure 10 (page 21) of the sector plan, "delivering compliance and beyond" – a strengthened regulatory framework, coordinated working for the benefit of protection of wild fish and immediate action on non-compliant businesses – we do not feel that these actions go far enough to reform a system which two parliamentary committees have reported as functionally poor. CCN welcomes the REC committee report's recommendation that "urgent and meaningful action needs to be taken...before the industry can expand." It is vital that the precautionary principle (a legal obligation) is applied in every instance, that poor siting of fish farms – including within Marine Protected Areas (MPAs) - is tackled as a priority and that violations of the rules are quickly and openly dealt with.

Many CCN members have had experience of bringing non-compliance to the attention of the regulators. As a whole they do not feel that this has been taken seriously or that any significant action has subsequently been taken. This would seem to be borne out by Anne Anderson's statement to CCN members Friends of the Sound of Jura and CROMACH that there have been no prosecutions for breaches of licence terms in the recent past (which we understand is about ten years). As a result, many members feel that the regulators have been far too tolerant of these breaches and have not prioritised the environment, as well as the concerns of local communities, over their relationships with

businesses. We feel that the current system of shared regulation between the Crown Estate Scotland, local authorities, Marine Scotland, SNH and SEPA is messy and difficult to manage – creating gaps which allows issues to slip past. The creation of one overall regulator might go some way to rectifying this but we would be wary of Marine Scotland being that regulator, given its conflict of interest.

3. Does the Finfish Aquaculture Sector Plan contain the right actions and priority actions to help businesses go beyond compliance?

No

Again, we fully support the call for the industry to “move beyond compliance” and we commend SEPA’s push for this aim. Scotland should be proud of the health its seas and of its seafood and tourism businesses that depend on them. The aquaculture industry should also operate within this thinking. However, we do not feel that there is enough incentive here for businesses to go the extra mile.

It is generally observed by the CCN that the salmon farm industry prizes creating cram-stocked, low-cost, faux-high-quality products rather than building authentic Scottish quality and reputation. Despite its protestations, Scottish farmed salmon is produced more like mass-produced mince, rather than superior steak, with an emphasis on using the cheapest possible methods. The main consequence of this is the continuing use of open nets, which allow pollution to be dumped in the sea, for free, rather than having to pay to clean it up responsibly. Therefore, relying on businesses to voluntarily prioritise the environment is not an adequate mechanism to ensure change. In fact, the evidence demonstrates that many sites are unable to currently show that they can even maintain compliance and operate within the legal regulations – this is the point that we are starting from and “moving beyond compliance” therefore seems still a long way off.

CCN welcomed the REC committee report’s recommendation that “urgent and meaningful action needs to be taken...before the industry can expand.” There must be wholesale reform and change throughout the industry, and within the multiple regulating bodies, to enable the salmon farming industry within Scotland to operate sustainably.

We do, however, fully support the following statement as a starting point: “We will help responsible compliant businesses to operate by making it significantly harder and more expensive for those who persistently fail to comply with environmental regulation to operate. We will achieve this by increasing scrutiny, prescription, fees and the use of enforcement and monetary penalties for those who fail to comply.” (Page 21). This should already be the case, with penalties being strictly applied to those who fail to meet the regulations. We appreciate that sometimes, reducing the biomass in a farm delivers a stiffer financial penalty than a fine, and is more likely to achieve a quick environmental gain.

There are also clearly many gaps within the available science, which limits our ability to quantify the environmental risks posed by the industry and the regulators to make sound decisions in terms of licensing. These gaps must be filled as a matter of urgency and, until such time as we have a full understanding of the risks, the precautionary principle must be applied to new and expanded farms. Applying the precautionary principle is a legal obligation and a vital safeguard to protect the environment and those whose sustainable jobs depend on it, when there is a likelihood of harm but in the absence of certainty. It is the application of common sense, when the risk of long-term harm is high.

We also call for any processes of self-reporting to be replaced by external regulatory reporting, for cumulative impact data to be produced and made publicly available and for an Environmental Impact

Assessment (EIA) to be produced on a country-scale cumulative level, for the Scottish industry as a whole. Reporting and assessment is currently focused on an individual farm level and there is no mechanism for viewing the impacts of the industry on a country-wide level. This is clearly a very worrying gap in the evidence base and we are glad to know that SEPA intends to address this next.

4. What actions do you think are the most important to ensure protection of the environment, and why?

CCN welcomes SEPA's desire to bring real change to the industry, to improve regulation and licensing and to tackle non-compliance. We fully support these aims, and we continue to call for a temporary halt to expansion of the industry, until such time as the many issues identified by SEPA, the Environment, Climate Change and Land Reform (ECCLR) Committee and the Rural Economy and Connectivity (REC) Committee are resolved and sustainable practice can be evidenced.

We note that there is no current intention for coastal communities to be represented on the Wild Fish Interactions Working Group. Is this likely to be the case with all of the partners and bodies that SEPA are currently working with and intend to work closely with? The CCN would be pleased to be approached as a community stakeholder, representing a number of engaged coastal communities across Scotland, many with a wealth of expertise related to the aquaculture industry. We call for strong mechanisms to be put in place for effective engagement with communities and full recognition of their importance and voices as valued stakeholders.

Compliance with environmental law at National and International level, as well as industry regulation, is a legal requirement. We agree with SEPA that non-compliance at any level is unacceptable. CCN calls for action to be taken now to end non-compliance and for farms which are unable to meet the requirements to be dealt with at the earliest possible point. Farm owners who deliberately or negligently flout the regulations must be subject to the relevant fines and enforcement.

It is vital that the precautionary principle (a legal obligation) is applied in every instance, that poor siting of fish farms – including within Marine Protected Areas (MPAs) - is tackled as a priority and that violations of the rules are quickly and openly dealt with.

We feel that the current system of shared regulation between the Crown Estate Scotland, local authorities, Marine Scotland, SNH and SEPA is messy and difficult to manage – creating gaps which allows issues to slip past. The creation of one overall regulator might go some way to rectifying this but we would be wary of Marine Scotland being that regulator, given its conflict of interest.

CCN supports significantly tighter restrictions on the use of Emamectin benzoate (EmBz) and SEPA's recognition of the evidence that EmBz is an important environmental factor and that impacts from discharging this chemical extend beyond the vicinity of aquaculture operations. We do not agree that simply continuing to release chemicals, pesticides and medicines into the marine environment - expecting them to be fully dispersed and therefore not to accumulate and to impact on marine ecology, is an appropriate way forward. This is a 'sticking plaster' approach rather than tackling the issue itself and ensuring that farms operate in a way that does not require high levels of chemicals, pesticides and medicines to be used and ensures that no levels are released into the marine environment. As we see from the SEPA Shetland study, we still have much to learn about the short, medium and long term effects on ecosystem and human health of the use of these pesticides, which evidence shows are released from open cage salmon farms; and we call for an immediate ban on their use.

A number of CCN members are concerned that the SEPA sector review has no firm plans to encourage or direct the industry to innovate by looking into closed-containment systems. Instead these proposals are aimed at encouraging the use of more exposed, but still inshore sites, where larger farms will be permitted to release more pollution from open nets, and where there is a significant risk that sea lice will harm wild salmonids. We therefore call for a full assessment of the socioeconomic costs of innovating with new systems, in comparison to the wholesale costs of using open nets, including impacts upon the environment and other sea-users and industries.

There are also clearly many gaps within the available science, which limits our ability to quantify the environmental risks posed by the industry and the regulators to make sound decisions in terms of licensing. These gaps must be filled as a matter of urgency and, until such time as we have a full understanding of the risks, the precautionary principle must be applied to new and expanded farms. Applying the precautionary principle is a legal obligation and a vital safeguard to protect the environment and those whose sustainable jobs depend on it, when there is a likelihood of harm but in the absence of certainty. It is the application of common sense, when the risk of long-term harm is high.

We also call for any processes of self-reporting to be replaced by external regulatory reporting, for cumulative impact data to be produced and made publicly available and for an Environmental Impact Assessment (EIA) to be produced on a country-scale cumulative level for the Scottish industry as a whole. Reporting and assessment is currently focused on an individual farm level and there is no mechanism for viewing the impacts of the industry on a country-level. This is clearly a very worrying gap in the evidence base and we are glad to know that SEPA intends to address this next.

We consider that the presence of polluting open cage salmon farms in Marine Protected Areas (MPAs) is wholly unsuitable in these areas where ecosystem recovery is being scientifically monitored and call for their removal from within and near protected areas. Within the MPA network and beyond there are Priority Marine Feature (PMF) species, recognised by the Scottish Government for their vulnerability and rarity, which are highly sensitive to fish farm waste or chemicals. These species and the habitats they support are vital to the recovery of Scotland's fisheries and ecosystem. The science on these impacts is inadequate to make good decisions. CCN therefore calls for no new farms near these features until the science is adequate to assess the damage being done.

5. Do you agree with our proposals for a new, strengthened regulatory framework for marine cage fish farms (see annex to sector plan)?

No

We do not feel that simply continuing to release high levels of organic and inorganic materials into the sea and expecting that they will be dispersed, based on computer modelling, is an effective approach. Simply moving the problem further offshore is hiding the issue, rather than solving it. The sector plan states "Most existing farms are likely to be able to comply with the new regulatory framework's requirements for organic waste without having to make any substantial changes to the way they operate currently" (page 32). This doesn't seem like a revolutionary new framework considering that major issues with the release of nutrient and chemical wastes have been identified.

The sector plan states that seabed biological communities will be monitored and assessed using the environmental standards developed by the UKTAG, but then also states "Environmental standards have not yet been developed for all seabed habitats. For such habitats, which include rocky seabed, we will use the best available science to assess whether or not the condition of the seabed's biological communities meets the agreed definition of good status." (Page 32).

There is clearly a gap here and these environmental standards must be completed before moving forward. In the case of many vulnerable priority marine features (PMFs), once they have become degraded it is already too late to protect or restore them, and we therefore take issue with the following statement of the plan “We will require that... the status of seabed communities does not drop below good status as a result of in-feed medicine usage.” (Page 34). By the time this drop in status has been detected, the damage has already been done.

CCN supports significantly tighter restrictions on the use of Emamectin benzoate (EmBz) and SEPA’s recognition of the evidence that EmBz is an important environmental factor and that impacts from discharging this chemical extend beyond the vicinity of aquaculture operations. We support the statement “... in the light of the increased and now substantial weight of evidence that the existing standards do not adequately protect marine life.” (Page 35).

We do not agree that simply continuing to release chemicals, pesticides and medicines into the marine environment - expecting them to be fully dispersed and therefore not to accumulate and to impact on marine ecology, is an appropriate way forward. This is a ‘sticking plaster’ approach rather than tackling the issue itself and ensuring that farms operate in a way that does not require high levels of chemicals, pesticides and medicines to be used. As we see from the SEPA Shetland study, we still have much to learn about the short, medium and long term effects on ecosystem and human health of the use of these pesticides, which evidence shows are released from open cage salmon farms; and we call for an immediate ban on their use.

A number of CCN members are concerned that the SEPA sector review has no firm plans to encourage or direct the industry to innovate by looking into closed-containment systems. Instead these proposals are aimed at encouraging the use of more exposed, but still inshore sites, where larger farms will be permitted to release more pollution from open nets, and where there is a significant risk that sea lice will harm wild salmonids. We therefore call for a full assessment of the socioeconomic costs of innovation with new systems, in comparison to the wholesale costs of using open nets, including impacts upon the environment and other sea-users and industries.

There are also clearly many gaps within the available science, which limits our ability to quantify the environmental risks posed by the industry and the regulators to make sound decisions to protect the environment. These gaps must be filled as a matter of priority and, until such time as we have a full understanding of the risks, the precautionary principle must be applied. Applying the precautionary principle is a legal obligation and a vital safeguard to protect the environment and those whose sustainable jobs depend on it, when there is a likelihood of harm but in the absence of certainty. It is the application of common sense, when the risk of long-term harm is high.

We also call for any processes of self-reporting to be replaced by external regulatory reporting, for cumulative impact data to be produced and made publicly available and for an Environmental Impact Assessment (EIA) to be produced on a country-wide cumulative level for the Scottish industry as a whole.

6. Does the appendix to the sector plan deliver an appropriately strengthened regulatory framework to protect the environment and contribute to the vision of the Finfish Aquaculture Sector Plan?

Not appropriate enough

CCN members call for two-fold action: 1. to immediately ensure effective enforcement of the existing regulations for all farms, including putting into action the precautionary principle, and 2. to raise the industry to the level where it can operate sustainably. Until such time, we call for a temporary halt to expanding existing open cage fish farms and creating new ones.

Many CCN community groups are working hard towards effective management and protection within their local Marine Protected Areas (MPAs) and concerns are widespread over the impact of salmon farms within MPAs. Within the MPA network and beyond there are Priority Marine Feature (PMF) species, recognised by the Scottish Government for their vulnerability and rarity, which are highly sensitive to fish farm waste or chemicals. These species and the habitats they support are vital to the recovery of Scotland's fisheries and ecosystems. The science on these impacts is not robust enough to make good decisions. CCN therefore calls for no expansion of existing farms and no new farms to be placed within MPAs, or near to PMFs until the science is adequate to assess the damage being done.

Clearly, there is a critical need for more resources to be provided for increased scientific research to be carried out by Marine Scotland Science, and for SEPA to be given sufficient resources to do its job as regulator. Academia have a role to play, but some of our members are concerned that bringing "partners" aboard from academia and industry to carry out research, and potentially to work out ways to maximise production, runs counter to the principle of effective regulation.

CCN members are extremely concerned that, not only is the precautionary principle not being applied, but that there seems to be little understanding of the need for the principle and the fact that it is legally enshrined. In many areas it seems that the local authorities either don't understand the principle or refuse to apply it. CCN member Ewan Kennedy reports that Argyll & Bute planners are on record with statements suggesting that absolute certainty, rather than uncertainty, is required to invoke it. There are examples of the principle being effectively applied in other countries, such as Norway and Iceland, and we must now ensure that it is correctly followed in Scotland in any instance where necessary.

While we fully support SEPA's vision for an industry that values protection of the environment, seeks to do so at all times and does so alongside other marine users and communities, we do not feel that the actions within this plan alone will produce this vision. There is still some way to go towards realising a truly sustainable aquaculture industry.

7. Do you agree with the timetables proposed for introducing the new regulatory framework to new and existing sites?

Not Sure

The sector plan states that "Once the consultation has concluded, we will aim to finalise the framework as soon as possible and then apply it immediately to discharges of organic wastes from proposed new farms and those from farms that are proposing to expand." (Page 32). Existing farms are to be given flexibility over the time in which they are required to meet the new regulatory requirements. This part of the industry represents a very large number of sites and these farms should be brought up to the new regulatory level as quickly as possible. While the framework would apply from 2019, many farms will not be submitting monitoring data until 2021 and could therefore be operating well below the standards required by the regulations for the next three years.

We continue to call for a temporary halt to expansion of the industry, until such time as the many issues identified by SEPA, the Environment, Climate Change and Land Reform (ECCLR) Committee and

the Rural Economy and Connectivity (REC) Committee are resolved and sustainable practice can be evidenced. During this time, effective and focused action can be taken to raise the existing farms to both meet and exceed the regulatory framework standards required.

8. If you have any additional questions or comments on the Finfish Aquaculture Sector Plan and the strengthened regulatory framework, please add them here.

We welcome SEPA's willingness to listen to communities. Many CCN members found the drop-in consultation events were conducted in a spirit of openness and honesty, and this experience is helping to restore some trust that SEPA is not too close to the industry it regulates. The proof of this will be in SEPA's subsequent actions and we hope that communities will be regarded as valued stakeholders throughout the process and into the future.