

Paul Chandler is the Executive Director of the Community of Arran Seabed Trust

The Community of Arran Seabed Trust (COAST) is a community established and led, registered charity, reliant upon donations and grants. COAST have made a huge difference to the conservation and regeneration of the marine ecosystem of Arran and the Clyde Region over the last 25 years.

We stand for a diverse, abundant and beautiful marine environment for all and are committed advocates for the removal of all open cage salmon farms from marine protected areas, a halt to the expansion of the industry until it can prove itself sustainable, and transitioning open cage fish farms out of the sea and onto land.

Two local divers, Howard Wood and Don MacNeish, founded COAST in 1995 after witnessing the decline in fish stocks in the Clyde due to overfishing and the destruction of precious seabed habitats by bottom trawling and dredging. Their mission - to restore and protect the seas around Arran by establishing an area where no fishing of any sort is permitted- a **No Take Zone**. Thirteen years of hard campaigning followed before finally, in 2008, our community achieved protection with the **Lamlash Bay No Take Zone** a - designated permanent Community Marine Reserve. The only one in Scotland. In 2016, we achieved the **South Arran Marine Protected Area** - extending this area to c.280km² to exclude scallop dredging but allow for other, potentially more sustainable, fishing methods in various zones.

With the Lamlash Bay No Take Zone (NTZ) and, subsequently the South Arran Marine Protected Area (MPA) in place, **our next challenge is to ensure effective management of our protected areas** by government, regulatory bodies and all stakeholders as well as continue with our campaigning, education and scientific research.

We are founder members of the Salmon Aquaculture Reform Network Scotland (SARNS) <https://salmonaquaculturescotland.wordpress.com/> , we established the Coastal Communities Network (CCN) with Fauna and Flora International <https://www.communitiesforseas.scot/> and we are members of the Clyde Marine Planning Partnership (CMPP) <http://www.clydemarineplan.scot/> We are also signatories to the CCN response to this consultation as active members of the CCN aquaculture sub-group.

Our activities and projects are based out of our newly refurbished Marine Activities and Learning Centre (MALC); the Octopus Centre, which is Scotland's first MPA visitor centre and the UK's first community-led MPA visitor centre. This centre allows us to observe at first hand through our windows the pollution and the number of treatments and mortalities that occur regularly at the salmon farm which sits in our MPA. The owners of this farm have stated their intention to double the size of this farm and this is opposed by the majority of the Arran community.

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

No

COAST recognise the need for transparent and coordinated action between all stakeholders, including those who rely on a healthy marine environment in our coastal communities.

The only stakeholders specifically referred to in the consultation document 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 and the criteria and process for selection.

We note that there is no capacity for coastal communities to be represented on the Wild Fish Interactions Working Group. COAST as members of the CCN aquaculture sub-group like to see the CCN included as a community stakeholder, as it represents a number of coastal communities across Scotland, with a wealth of integrated expertise related to the aquaculture industry and other marine environmental topics. 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.

We have recognised for some time that there are gaps in shared knowledge and process approach created by a lack of coordination between the regulating agencies. This has allowed issues such as sea lice and chemical pollution to slip past regulators. One example of such a gap is the where local planning authorities will state that they do not have the expertise and do not get guidance from Marine Scotland on the individual and cumulative risks from a new or expanding fish farm site applications. On the other hand, Marine Scotland state that they cannot guide because their science does not allow them to give a % probability and significance to the risk from sea lice and pollution. It is in this vacuum of a downstream lack of responsibility and an upstream lack of downstream guidance in which poor planning decisions are being made and the precautionary principle is not being applied.

Marine Scotland (MS) are mentioned throughout the document 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. We see 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.

In this context, described above, we therefore 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.

We and the wider community through the CCN are very much engaged in the process of open cage aquaculture reform even though the fish farm issue is only one of many regarding the management of the South Aran MPA. At COAST we aim to influence and guide evidence-based aquaculture policy as active, and often, founding members of the aquaculture sub-group of the Coastal Communities Network <https://www.communitiesforseas.scot/>, the Salmon Aquaculture Reform Network Scotland <https://salmonaquaculturescotland.wordpress.com/>, the Clyde Marine Planning Partnership (CMPP) <http://www.clydemarineplan.scot/>, and the SIFT led national wrasse working group <http://www.sift-uk.org/PageProducer.aspx> which is in the process of being formed out of a science-based requirement first mooted at the Clyde 2020 sub-group of the CMPP.

Through the Coastal Communities Network (CCN) we have met three times with Marine Scotland this year, and once with Roseanna Cunningham, and although it has been difficult, to nigh on impossible, to get any answers from officials to our specific questions we feel there has been progress. This progress only really started to develop at the third Oban meeting at which CCN members, Marine Scotland and most importantly the Argyll and Bute planners attended. By bringing the planners into

the conversation directly with Marine Scotland we saw a shift in the dynamic of the conversation about how to address the vacuum between planners expressing lack of knowledge on site specific and cumulative risk and lack of guidance on risk downward to planners from Marine Scotland. There is a long way to go but we see the clear value in getting all stakeholders at face to face meetings.

We aim to engage in positive and progressive dialogue with all stakeholders and are greatly encouraged by your statements within the draft sector plan regarding SEPA's awareness of the need for engagement with industry, community and government (national and local) stakeholders. We welcome and will be an active partner in any opportunities and initiatives which you put in place to bring stakeholders together to transform what we currently have to a process and plan which is joined-up and transparent.

We look forward to further dialogue and working with SEPA and other stakeholders to develop a plan which is fit for purpose and which puts the protection and restoration of the environment at its heart for the social and economic benefit of everyone.

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

No

We agree with SEPA that legal non-compliance at any level is unacceptable. COAST 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 immediately. We must not continue to tolerate farm owners and managers who deliberately or negligently flout the regulations and they must be subjected to effective fines and enforcement measures.

We acknowledge SEPA's 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 pesticide and 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 our coastal communities.

We support all of the actions within Figure 10 (page 21) of the sector plan but do not feel that these actions go far enough to reform an industry and regulatory system that two parliamentary committees have reported as functionally poor.

COAST wholly supports 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 is applied in every instance, that poor siting of fish farms – including all those within Marine Protected Areas (MPAs) - is tackled as a priority and that violations of the rules are quickly and openly dealt with.

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

No

COAST support the call for the industry to “move beyond compliance” and we commend SEPA’s push for this aim. Scotland must be able to be authentically proud of the health, sustainability and productivity of its seas and of its seafood and tourism businesses that depend on them. The aquaculture industry must be incentivised and regulated to embrace this culture. In this document we do not currently see enough detailed incentives here for business owners and managers to exceed minimal compliance.

It is generally observed that the salmon farming industry values creating cheaply produced, low employment potential, cram-stocked, faux-high-quality products rather than building authentic Scottish quality and reputation and valuing the stewardship of our marine environment. Hence, the continuing use of open cages, on cheap Crown Estate licenses, which allow pollution to be dumped in the sea, for free, rather than having to pay to clean it up responsibly. This culture gives us no confidence in the business owners to voluntarily prioritise the environment and thus there is no clear and adequate mechanism to ensure change. Further, 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 where we are and “moving beyond compliance” therefore seems still a long way off.

COAST reiterate and support 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.

The SEPA statement “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 in this way we can start to shift the industry culture. We also 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 as long as it is imposed and undertaken rapidly and with the animal welfare at its heart.

These gaps in the environmental science 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. The SEPA Shetland study shows that we are still discovering the results and potential cumulative impacts of the presence of these open cage farms and it is therefore likely that we will discover much more as further analysis is undertaken elsewhere in Scotland.

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 a Strategic Environmental Impact Assessment (SEIA) to be produced on a country-wide, regional and local scale to establish the cumulative environmental effect of 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 the cumulative effects in 2019.

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

COAST welcomes SEPA's intention 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 the industry proves itself to be sustainable.

Specific actions which we see as important to ensure protection are as follows:

- Halt further expansion of existing farm and the siting of new farms now and until the industry proves itself to be environmentally sustainable.
- Removal of all open cage fish farms from within MPAs and in the vicinity of any Priority Marine Features, which may be outside of MPAs. 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. 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. COAST and the CCN calls for no new farms near these features until the science is adequate to assess the risk to them.
- Include representative community bodies like COAST and CCN on panels, partnerships and working groups e.g. the Wild Fish Interactions Working Group as the development and implementation of the new regulatory regime moves forward. 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.
- Strong policing to ensure compliance with National and International environmental law. End non-compliance now by enforcing with all available power. Farm owners and managers who deliberately or negligently break the regulations must be subject to effective punitive enforcement.
- It is vital that the precautionary principle (a legal obligation) is applied in every instance, that poor siting of fish farms (low flushing lochs and bays, near river mouths etc.) – including within Marine Protected Areas (MPAs) - is tackled as a priority and that violations of the rules are quickly and openly dealt with.
- The planning and licensing system needs to be joined-up and completely transparent and involve all community and marine stakeholders at an early stage.
- Marine Scotland's conflicting roles as both industry advocate and regulator needs a root and branch review and overhaul with adequate science produced to inform decision making and if the science is unclear or absent then the clear application of the precautionary principle.

- An immediate ban of the use of any pesticides in open cage salmon farm feeds. We cannot 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. 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 and that is why we call for an immediate ban on their use.
- Implement firm plans to direct the industry to innovate and invest in closed-containment systems. We therefore call for a full assessment of the socio-economic costs of innovating with new closed-containment systems, in comparison to the wholesale costs of using open cages, including the cost of the impacts upon the environment and other sea-users and industries.
- Replace all environmental self-reporting by the industry and replace it with external regulatory analysis and reporting; independently audited and paid for by the industry. This must include the collection of cumulative impact data to be produced and to be made publicly available and included in a Strategic Environmental Impact Assessment (SEIA) to be produced on a country, regional and local scale.

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

No

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 not an effective approach to environmental regulation and protection. We see that simply moving the problem further offshore is hiding the issue, rather than solving it. The sector plan states that “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). COAST do not consider that this is a revolutionary new framework considering the major issues with the release of nutrients, salmon sewage, pesticides and chemical wastes that 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 developed for all habitats 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.

COAST 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 call for an immediate ban on the use of all pesticides.

Replace all environmental self-reporting by the industry and replace it with external regulatory analysis and reporting; independently audited and paid for by the industry. This must include the collection of cumulative impact data to be produced and to be made publicly available and included in a Strategic Environmental Impact Assessment (SEIA) to be produced on a country, regional and local scale.

COAST want to see the implementation of firm plans to direct the industry to innovate and invest in closed-containment systems rather than encourage them further offshore where their cumulative impacts may disperse over larger and larger areas. We therefore call for a full assessment of the socio-economic costs of innovating with new closed-containment systems, in comparison to the wholesale costs of using open cages, including the cost of the impacts upon the environment and other sea-users and industries.

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

COAST call for the following actions:

- immediately ensure effective enforcement of the existing regulations for all farms, and apply the precautionary principle.
- hold the industry to account to prove that it has transformed and operates sustainably. Until such time, we call for a halt to expanding existing open cage fish farms and creating new ones.
- immediately remove all open cage salmon farms from MPAs, near PMFs and in the vicinity of any river mouth. Removal of all open cage fish farms from within MPAs and in the vicinity of any Priority Marine Features, which may be outside of MPAs. 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. 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. COAST and the CCN calls for no new farms near these features until the science is adequate to assess the risk to them.

It is clear that 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.

COAST are 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 a legal obligation. It commonly seems that the local authorities either do not understand the principle or refuse to apply it.

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?

Yes **Not sure** No

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).

We are very concerned that 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 adequate resources need to be assigned to ensure these farms are externally monitored and brought up to the new regulatory level as quickly as possible. If this is not undertaken, then the framework would apply from 2019 but many existing 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.

COAST continue to call for a 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 the industry is proven to be environmentally sustainable. 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 and we found that the drop-in consultation event on Arran was conducted in a spirit of openness and honesty, and this experience is helping to restore some trust in SEPA when it has at times been considered too close to the industry that it regulates. The proof of this will be in SEPA's subsequent actions and we hope that COAST and the CCN will be regarded as valued stakeholders throughout the process and into the future.

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impossible, to get any answers from MS officials to our specific questions we feel there has been progress. This progress only really started to develop at the third Oban meeting at which CCN members, Marine Scotland and most importantly the Argyll and Bute planners attended. By bringing the planners into the conversation directly with Marine Scotland there was a shift in the dynamic of the conversation about how to address the vacuum between planners expressing lack of knowledge on site specific and cumulative risk and lack of guidance on risk downward to planners from Marine Scotland. There is a long way to go but we see the clear value in getting all stakeholders at face to face meetings.

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We look forward to further dialogue and working through SEPA's initiative with all stakeholders to develop a plan which is fit for purpose and which puts the protection and restoration of the environment at its heart for the social and economic benefit of everyone.