

Salmon farming in Scotland

Letter from Sustainable Inshore Fisheries Trust, 9 December 2024

Dear RAI Committee,

I write with information relevant to your aquaculture inquiry. I am aware that the Committee is nearing the conclusion of the inquiry, and so the information provided may be too late for detailed consideration, but nonetheless hope that it will be of value.

First, I note that the Cabinet Secretary's [letter of 27 November 2024](#) states with regard to cleaner fish that the Scottish Government received the report "*Assessing implications of wrasse fishing for marine sites and features*" in 2024, and not in 2020 as SIFT has stated. SIFT understood that the report had been received by Scottish Government in 2020, because that is the date it was received by NatureScot which is a non-departmental public body of the Scottish Government. We apologise for any confusion this caused but would note that information of the importance contained in the report, when held by an NDPB, should surely be made available to and utilised by Marine Directorate when making relevant policy and licensing decisions.

Furthermore, we draw your attention to [PQ S6W-12866](#) from Rachael Hamilton MSP, answered by the Cabinet Secretary in 2022. The question asked the Scottish Government (emphasis mine): *To ask the Scottish Government, in the light of recently released evidence from NatureScot showing that wrasse is a typical species of rocky reef habitats, which are a Habitats Directive Annex I habitat, and kelp beds, which are categorised as a Priority Marine Feature, what additional wrasse fishery management measures it has reviewed and refined in accordance with its statement in December 2020 regarding Marine Scotland Controls for Wild Wrasse Fisheries that "measures will be kept under review and we will look to refine them as more evidence, data and technology becomes available"*. The evidence referred to in this PQ is the report that the Minister stated that she did not receive until 2024. The Ministerial answer to the PQ is not substantive, but SIFT holds that it is not plausible for Ministers to answer a question referring to a specific piece of evidence and subsequently claim they did not know of the evidence or the implications of its findings.

The importance of the report can be seen by the fact that upon its eventual receipt in 2024 - and because of its findings - the Scottish Government committed to conducting Habitats Regulations Assessments (HRA) for the wrasse fishery within Special Areas of Conservation (SACs). This raises serious questions about why NatureScot, as the Scottish Government's statutory adviser, did not inform Marine Directorate in 2020 that such HRAs were required. That represents four years where the Scottish Government as a whole was in breach of the statutory requirement to conduct these assessments, and to conduct them properly.

The information I referred to in paragraph one above, which SIFT only received on 6th December 2024, is the equivalent HRA assessment, as conducted by the Devon and Severn Inshore Fisheries and Conservation Authority, which shows what good

practice looks like. I attach a copy for the Committee's information, which I believe may be relevant to your inquiry and potentially to future scrutiny of the ecologically consequential yet poorly managed Scottish wrasse fishery.

In the Devon assessment, all sites where fishing took place were assessed, and, crucially, so too were the wider impacts of the fishery. This is important: the HRAs to be completed prior to the 2025 Scottish wrasse fishing season **must be undertaken in each SAC where the wrasse fishery is permitted** and where the associated features are present (this includes SACs where rocky reefs are protected features and SACs where rocky reefs are a qualifying feature but not a primary reason for the designation).

With regard to the importance of an HRA covering all impacts of an activity on an SAC: the **purpose of an appropriate assessment is to consider the likely impacts of an activity on the 'integrity' of the protected features, which can be understood as including any associated species**. This is made clear in [UK Government guidance](#), which says '*an appropriate assessment must identify and examine the implications of the proposed plan or project for the designated features present on that site, including for the typical species of designated habitats as well as the implications for habitat types and species present outside the boundaries of that site and functionally linked; insofar as those implications are liable to affect the conservation objectives of the site.*' This is in line with broader EU guidance which has been in place for years, including when this country was an EU member state.

SIFT's concerns regarding the adequacy of the proposed HRAs in Scottish SACs stem from recent responses to Parliamentary Questions: In answer to PQ [S6W-25557](#) from Ariane Burgess MSP, the Cabinet Secretary said: "*There is an association between wrasse and rocky reef, however an appropriate assessment would only be required if evidence showed pots had a significant impact on the reefs.*" While pots themselves may have significant impacts on reefs, the Ministerial answer falls far short of the requirement that assessments assess and examine the implications of an activity on the protected features and the typical species and habitat types and species outside the site etc as set out in the guidance (above). One vital issue is whether the removal of the wrasse themselves from the SAC habitat has implications for the habitat and conservation objectives of the site.

A follow-up question, [S6W-31777](#), sought to clarify whether the planned HRA process would "*assess the consequences of wrasse removal from special areas of conservation and the wider effects of the wrasse fishery*", and that part of the question was simply not answered.

It is notable that in table 5.1 of the Devon & Severn IFCA document attached, question 4 asks: "*What are the potential effects/impacts of the pressure(s) on the feature, taking into account the exposure level?*" The answer given includes the following: "*Effects of wrasse removal on the rock features with which they are associated is unclear as their ecological importance has not been quantified. D&S IFCA is taking a precautionary approach to managing the wrasse fishery, by acknowledging that maintaining wrasse stocks within the SAC could be important to the ecological function of the rocky reef ecosystem, despite the current lack of an evidence base to confirm*

that this is the case.“ In other words, the Devon HRA looked at wrasse removal and the wider ecological functioning of the ecosystem.

An HRA looking at wrasse which does not assess the consequences of wrasse removal is, in short, not an HRA. What's more, the 2020 paper from Bailey et al fills, for Scottish waters, part of the knowledge gap which the Devon and Severn HRA acknowledges for their area of responsibility.

It is worthy of note that the legal threshold for carrying out an appropriate assessment is quite low. The European Court of Justice, phrased it thus: an appropriate assessment is required *'if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site'* (Case C-127/02 [2004] ECR I-7405, para 45) and they emphasised the importance of taking a precautionary approach. This is explained by the same UK government guidance quoted above as follows: *'A significant effect should be considered likely if it cannot be excluded on the basis of objective information and it might undermine a site's conservation objectives. A risk or a possibility of such an effect is enough to warrant the need for an appropriate assessment.'*

The crucial issues are therefore whether Ministers will require the Scottish HRAs to be both comprehensive and appropriate – in essence: all relevant SAC sites, and the wider impacts of the fishery.

The findings of the forthcoming Scottish HRAs must be published before a decision is made as to whether the fishery should reopen in each relevant SAC. We strongly hope that any such decision would be the subject of the most rigorous Parliamentary scrutiny.

Yours sincerely

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