

PE1519/C

marine scotland



Public Petitions Clerks  
Room T3.40  
The Scottish Parliament  
Edinburgh  
EH99 1SP

In 2014 Scotland Welcomes the World



Your ref: PE1519  
Our ref:

18 July 2014

Dear Ms Peat

## CONSIDERATION OF PETITION PE1519

*Calling on the Scottish Parliament to urge the Scottish Government to stop issuing licences permitting salmon farming, salmon netting and salmon angling interests to shoot and kill seals in Scottish waters and instead require that salmon farmers either move their farms into on-shore tank systems or legally require marine salmon farmers to install and maintain the high-strength, high tension predator exclusion nets they require to meet their legal obligation under the Animal Health & Welfare (Scotland) Act 2006 to protect their stock from the attention of predators. We further ask that the Scottish Parliament ask the Scottish Government to legislate to close down all salmon netting stations in Scottish waters thus allowing tens of thousands of Atlantic Salmon and sea trout to return to their native rivers to breed.*

Thank you for your letter of 20 June 2014 concerning the above petition, considered by the Scottish Parliament's Public Petitions Committee at its meeting on 17 June, and seeking the views of the Scottish Government.

The petitioner is "*calling on the Scottish Parliament to urge the Scottish Government to stop issuing licences ....to shoot and kill seals...*". The Committee should be aware that The Marine (Scotland) Act 2010 (the Marine Act), Part 6 Conservation of Seals replaced The Conservation of Seals Act 1970 (the 1970 Act) only in January 2011. This Marine Act introduced increased protection for seals by making it an offence to kill or take any seal at any time, except under specific licence or for animal welfare reasons. This was widely recognised as a significant improvement in seal protection with shooting now strictly limited and monitored under a seal management licensing system. In contrast, the 1970 Act permitted unrestricted shooting of seals at any time and for any reason during most of the year with no monitoring.



In the first three full years since the implementation of the new seal licensing system in January 2011, there has been a consistent reduction in the numbers of seals permitted to be shot under licence from 1,339 in 2011, to 1,167 in 2012 to 1,039 in 2013. It should be noted that these permitted figures represent a maximum and that shooting is a last resort. In practice, therefore, the maximum is never reached and the key figures are seals actually shot under licence.

There has been a consistent reduction in the numbers of seals actually shot under licence in Scotland from 459 in 2011, to 433 in 2012 to 274 in 2013. The figures for 2013 are 40% lower than those for 2011. In addition, 43% of licensees in 2013 shot no seals at all. The equivalent figures for seals actually shot by fish farms only are 242 in 2011, 197 in 2012 and 106 in 2013.

This is confirmed by the latest research which indicates that most predation at fisheries and fish farms is caused by “specialist seals” that have learned to exploit these opportunities rather than the wider seal population. The licence system is designed to focus seal management on these “specialist seals” and includes specific restrictions in individual licences to this end. More information can be found at:-

<http://www.scotland.gov.uk/Topics/marine/Licensing/SealLicensing/2011>

The petitioner suggests that there are no restrictions on the former close seasons under the Marine Act but, in fact, a number of individual licences include such restrictions. The petitioner also suggests that there is no monitoring of the seal licence system beyond the standard returns but a number of organisations are actively monitoring the system around Scotland and are ready to report any suspected infringements. There is no evidence that the system is not operating as it should at this point in time. The petitioner claims that only a single post-mortem of a shot seal has been performed when, in fact, a significant number have been performed under the Scottish Marine Animals Stranding Scheme.

The implementation of the Marine Act is now being completed with the introduction of The Protection of Seals (Designation of Seal Haul-outs) (Scotland) Order 2014, which designates 194 seal haul-out sites, where seals rest, breed, have pups or moult and where they will now be protected from harassment. More information can be found at:-

<http://www.scotland.gov.uk/Topics/marine/marine-environment/species/19887/20814/haulouts>

The Scottish Government is currently engaged in research with key stakeholders across a number of sectors involving a number of non-lethal measures. This research shows promise but has yet to be completed. This includes research being undertaken by Usan Fisheries Ltd supervised by scientists from the Sea Mammal Research Unit.

In summary, the seal licensing system under the Marine Act has provided substantially increased protection for seals since 2011 and there are no current plans to change it.

The petitioner is also “*calling on the Scottish Parliament to urge the Scottish Government to .....require that salmon farmers either move their farms into on-shore tank systems or legally require marine salmon farmers to install and maintain the high-strength, high tension predator exclusion nets they require to meet their legal obligation under the Animal Health & Welfare (Scotland) Act 2006 to protect their stock from the attention of predators.*”

The Committee may be aware that this issue was raised during the passage of the Aquaculture and Fisheries (Scotland) Act 2013 through Scottish Parliament. The Act commenced in September 2013 and includes specific powers to prescribe technical requirements for all fish farm equipment to ensure installation and deployment of equipment that is well maintained and appropriate for the site conditions; and to impose a duty for adequate training to use prescribed equipment. This further strengthens the regulatory framework for aquaculture so it is appropriate and strikes the right balance between growing the aquaculture sector sustainably and protecting the marine environment.

The Ministerial Group for Sustainable Aquaculture (MGSA) - chaired by The Minister for Environment and Climate Change and including representation from industry, wild fish interests, environment NGOs and regulatory bodies was established in 2013. It builds upon the Act by facilitating industry to achieve their 2020 sustainable growth targets with due regard to the marine environment through seven focused working groups. Through the MGSA, a Containment Working Group is developing a Scottish Technical Standard which will set standards for design, construction, materials, manufacture, installation, maintenance and size of equipment; and take account of site specific environmental conditions. The standard is being informed by a number of research projects underway through the Scottish Aquaculture Research Forum (SARF), including one (SARF097) specifically on Predator attacks on fish farms which is due to complete later this year. The project specification is available at: <http://www.sarf.org.uk/projects/sarf097.php>

There are no plans to replace open pen production in Scotland with on-shore tank systems. We are aware of a facility being developed in Tayinloan for production of full grown salmon in freshwater - the first of its kind in the UK. The Scottish Government welcomes any innovative and technological solutions to grow Scotland’s aquaculture sector sustainably, through the development of more efficient farming methods which minimise potential environmental impacts. This technology is still relatively new and we will watch with interest how it develops both practically and economically. However, we see on-land salmon production as a potential supplement to existing Scottish open pen production not a replacement.

In respect to the suggestion that “*the Scottish Government to legislate to close down all salmon netting stations*”, the Committee will be aware that the independent review of wild fisheries management in Scotland is underway under the Chair of Andrew Thin. As part of its consideration, the review will look at how the sustainable management of salmon netting activity could be taken forward in the future

When invited to provide evidence to the Rural Affairs, Climate Change and Environment Committee on 21 May 2014, Mr Thin indicated that the review was ‘doing serious thinking about the possibility of legislative change, including the use of quotas and licensing, to ensure that fishing is sustainable and at the same time delivers greater public benefit’ – see link below:-

<http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9197&mode=pdf>

It is envisaged that it will take six months to complete the review with a final report delivered to the Minister for Environment and Climate Change. The Minister will then consider any recommendations made and will consult on any subsequent proposals to implement a new management regime.

I hope that this information is helpful.

Yours sincerely

IAN WALKER  
Marine Environment