Written submission from the British Trout Association (BTA)

The BTA thank the Rural Affairs, Climate Change and Environment Committee for this opportunity to submit written evidence concerning the Aquaculture and Fisheries (Scotland) Bill.

Background

The BTA are the representative trade association for the UK trout farming industry with a membership accounting for approximately 90% of all domestic trout production. Brown trout and, predominantly, rainbow trout are farmed in Scotland for both the table market (direct human consumption) and the restocking market (trout farmed for live stocking either into enclosed Stillwater fisheries or certain open waters for the purposes of recreational angling).

- Scotland currently accounts for slightly less than 50% of UK farmed freshwater trout production and 100% of large trout production, that is, rainbow trout farmed in brackish or salt water.
- Approximately 60% of table trout farmed in the UK is currently processed in Scotland.
- For several years, production of farmed trout in Scotland has been in decline. Whilst recent falling tonnage figures may be attributed to a variety of factors, BTA remain extremely concerned at any unnecessary regulatory burden that may further limit or adversely affect production, or place the Scottish production industry at a further competitive disadvantage.
- Of the 23 registered trout aquaculture production businesses in Scotland, all are privately owned, with 22 being classed SME producers, and at that micro to small production businesses.
- 2 trout farming businesses operating in Scotland farm sites in both fresh and saltwater.

General Comments

Most of the aspects of this Bill that relate to aquaculture, along with the justification for and preparatory work leading up to the publication of this Bill, appear designed to address issues, either perceived or actual, relating to salmon farming. Scottish aquaculture is not exclusively salmon farming, and it is important that in the passage of this Bill the ramifications for non-salmon aquaculture production are taken into account. Not only does this include shellfish, but also those sites which produce trout, charr (farmed either in freshwater or marine waters) and halibut (marine). The potential for the future development of these, and possibly other, species should also be considered in the development of any legislation.

Whilst it is understandable that most attention is paid to the largest industry sector, or to those issues which have attracted most publicity and correspondence, the wider ramifications of proposed legislation must not be overlooked. During the

2 For further information on production tonnage figures and the size, structure and employment provided by trout farming in Scotland see: http://www.scotland.gov.uk/Topics/marine/science/Publications/stats/FishFarmProductionSurveys
passage of this legislation, and any secondary or subordinate legislation, it must be made clear where regulation is intended to relate to all aquaculture, and where it is to be restricted to specific sectors or species.

Committee visits and the SPICE briefing note on the Bill have not considered trout farming and we would welcome the opportunity to provide any further information that might be helpful to the Committee on our sector.

With relation to the Bill we have specific concerns at the application of aspects of Part I and Part 5 to our sector in terms of appropriateness and disproportionate cost burden:

**Part 1**

Part 1, Chapter 1, 1 (5) of the Bill contains inaccuracies relating to the management and operation of the Code of Good Practice for Scottish Finfish Aquaculture (as does the supporting BRIA). However, we would note that officials from Marine Scotland have acknowledged this point and advise that appropriate action will be taken to rectify this during the passage of the Bill through Parliament.

We draw the attention of the Committee to the fact that any fish farm management agreements must remain sufficiently flexible so as to allow for changes of operators and operations within any given area, and not to lead to a situation where various management areas become de facto closed shops, with no scope for new, particularly small scale operators, to become established. To be of any use, farm management agreements will also need to remain flexible, dynamic management tools and should not be thought of as inflexible or overly prescriptive operating protocols.

We remain unclear of the intention regarding proposals contained in section 2, in terms of application to farmed trout. We note that there are discrepancies in the text between the Bill, BRIA and Policy Memorandum, it being unclear if these proposals apply exclusively to farmed salmon or for all farmed fish. More generally, we remain unconvinced of how practical the proposals contained in section 2 are, and whilst there could be situations where such provisions might be useful and lead to conclusive results this is unlikely always to be the case yet might still prove a significant use of resources.

**Part 5**

We appreciate the trend towards cost recovery and the transfer of cost from the public sector to the private sector. However, much of Part 5, 50 of this Bill is of concern to us. Whilst this legislation will only grant the legal basis for certain charging to be introduced at a future point, the Committee will appreciate our concern at the lack of detail provided during consultation on what future charging might look like. We are in no way reassured from the language used in supporting

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3 See page 8 – Sectors and Groups affected, “escapes and taking samples from fish farms – Marine finfish farming sector”

4 We note reference in the Policy Memorandum (Section 55, p.11) that “Marine Scotland Science is developing a methodology on the use of forensic tracing of escaped farm salmon in Scotland”. The remainder of this section and section 56 following appear to consider Atlantic salmon only.
documentation (e.g. the BRIA) that charging will be “proportionate”. What is proportionate in the operation of a large scale multi-national company or affluent fishery is often not “proportionate” to a small scale or micro-business, already operating on tight margins in a highly challenging market. We have experience of the disproportionate costs to our members of other chargeable activity – for example certain SEPA licences – and are extremely concerned that the instigation of further charges applied wholesale to an industry with such disparity as the aquaculture industry will, if not carefully considered, render the smallest operators unviable.

At the point of any future charging scheme or cost recovery exercise being introduced we expect due consideration to be given to SME businesses. We would also expect any chargeable activity to be made available to open competition, and for any cost recovery mechanism to be fully transparent and open to appeal. Current charging schemes that cover other aspects of aquaculture production (e.g. SEPA) are considered to be inflexible with a disproportionate cost impact upon small scale aquaculture businesses.

This situation is further compounded for a Scottish trout farming industry that is in direct competition with businesses farming in England, Wales and Northern Ireland, where the regulatory landscape is significantly different to Scotland. Similar proposals as those outlined in this Bill are not under consideration elsewhere in the UK, nor indeed are we advised that they are likely to be. The Committee will appreciate the concern of Scottish farmers that they are to operate under a potentially higher cost burden that their competitors. It would also be detrimental to the Scottish industry were business development and expansion to take place at sites and locations elsewhere in the UK, to avoid the higher cost of production incurred in farming in Scotland. There is already significant cross border movement of trout, both in the table and restocking markets, and Scottish Government must consider the ramifications of any actions which make farming in Scotland a less desirable option to farming elsewhere in the UK.

Concluding Remarks

Although not relating to the actual text of the Bill, we retain concerns that the passage of this legislation will do little to address many of the criticisms which are directed at Scottish aquaculture. As important as any legislation is the need for Scottish Ministers to engage in an ongoing consultative process with all those interested parties involved in the aquatic environment, and for Scottish Government to develop a better understanding of the issues and motivations relating to aquaculture and fisheries interests. An informed and inclusive discussion process, that is semi-formalised, well resourced and established with the intention of enduring into the future, will better manage conflicts of interest, especially where there is no clear cut single option as to how best to proceed and where many issues at stake are those which cannot easily be resolved through either primary or secondary legislation.