Written submission from The Crown Estate

Introduction

The Crown Estate welcomes the opportunity to contribute to the Rural Affairs, Climate Change and Environment Committee’s consultation on the Aquaculture and Fisheries (Scotland) Bill.

The Crown Estate is a public body and in Scotland has ownership rights to and manages approximately 50% of the foreshore and beds of tidal rivers together with virtually the entire territorial seabed out to 12 nautical miles, with renewable energy and (non-hydrocarbon) mineral rights out to 200 nautical miles.

The Crown Estate has played a central role in the development of Scottish aquaculture over the past 30 years, and is proud of this long association with an industry of national socio-economic importance, currently administering leases for over 850 aquaculture sites. We continue to invest in and recognise the importance of the continued prosperity and sustainability of this industry and its value to communities in Scotland.

Similarly The Crown Estate manages salmon fishing rights across Scotland which remain with the Crown as part of the hereditary possessions of the sovereign. There are 140 tenancies for rod and line fishing granted by the Crown Estate, a third of which are let to local angling associations providing public access to salmon fishing at reasonable cost for local anglers. The Crown Estate’s rural estates also include salmon and freshwater fishing rights on rivers such as the Spey and the Annan and these are let to a combination of local angling associations and managed syndicates. We have a relationship with the Fishery Board in each district where we have salmon fishing rights either being directly represented or through our tenants as our local mandates. The Crown Estate supports the work of the Boards and Trusts to create the environment in which sustainable fisheries for salmon and sea trout can be enjoyed.

The Crown Estate also has 48 remaining coastal netting stations, all retained in hand and non-operational as a matter of policy.

Response

Overview

The Crown Estate has no role or remit in sea fisheries matters and therefore our response deals solely with the aquaculture and salmon fisheries aspects of the Aquaculture & Fisheries (Scotland) Bill.

We see the Bill as essentially providing a legislative safety net for the aquaculture industry particularly, and this could be said to extend to the wild fisheries sector too. Much of what is being legislated for will already be practiced by most already, to acknowledged standards. Given the shared nature of the marine environment and the associated overlap of interests in question however, poor practice at any scale is to be avoided. We see this Bill as a means of achieving this. What we find encouraging in respect of aquaculture and salmon fisheries is that the Bill’s
intentions appear about ensuring the rudiments of productive relationships and management within and between these sectors and their stakeholders, through co-operation, best practice and transparency.

The inshore areas largely constitute a single space with respect to the overlapping extent of different interests. The measures proposed in the Bill appear broadly supportive of means whereby these are accommodated.

Part 1: Aquaculture

The scope of proposals in the Bill for the aquaculture industry, primarily the finfish sector, is broadly apposite in our view. While it has been stated that the Bill seeks chiefly through these to address interactions between producers of farmed salmon and wild salmon and sea trout interests, we think they can and do equally address those interactions between producers within the farmed sector itself. We see this latter aspect as key to the industry’s ability to achieve and demonstrate greater sustainability, both environmental and economic, and in seeking to ensure standards reflected in the industry’s Code of Practice, the Bill we feel will support this ambition. It has long been held that, on the whole, control of sea–lice and successful risk management of other bio-security matters has been more fruitfully realised for the farmed salmon sector in circumstances where site operators are coordinating their activities strategically along the lines of Farm or (Tripartite Working Group) Area Management Agreement aims. It is in the spirit of such aims that responsible practices with respect to well-boat operation, stock containment and measures to address commercially damaging species might also be reasonably expected to be undertaken. Their inclusion as separate elements within this part of the Bill presumably reflects their wider potential significance across management area boundaries. In our opinion these all serve as the constituent parts of a responsible and collaborative farming whole, the absence of which in even small part, temporally or spatially, potentially puts wider industry and stakeholder interests at risk, notwithstanding responsible practices on their part. Having statutory powers available to avoid such instances would seem sensible, particularly where any potential new entrants are not necessarily signed up the industry’s Code of Practice or members of the Producers Organisation. We have seen spells of increased profitability in the finfish sector attracting somewhat speculative interest in development, not all of which will necessarily prove unsuccessful.

We consider that a mandatory requirement for Farm Management Agreements and Statements will assist and encourage industry to define appropriate management areas to further both the protection afforded existing farm developments and thereby, wild fishery stakeholder interests in turn. Co-operative relationships arising would, we hope, help to identify additional opportunities for development too.

We would however urge that implementation of these proposals, within the framework outlined in the Bill and the industry’s Code of Practice, should not be overly prescriptive and allow sufficient flexibility for agreements and statements to address local circumstances with appropriate terms. The strength offered by such agreements is their ability to address local problems with local solutions, and any inhibition of this will only serve to diminish their potential.
Apart from the requirement for Farm Management Agreements and Statements in Chapter 1, we have no further substantive comments on the proposals for equipment requirements, well-boat operation and controls for commercially damaging species other than as already mentioned that, with the obvious exception of legislative control measures listed, these could well conform with principles and practices that may be expected of signatories to a Farm Management Agreement anyway.

*Part 2 Salmon Fisheries, etc*

Governance and management proposals contained in the Bill would appear to have similar ambitions, namely ensuring best practice and accountability for the stewardship of these fisheries.

Powers to ensure that freshwater salmon fisheries are well managed in the long term and national interest are appropriate in our opinion. These measures complement proposals to address the protection of wild salmon stocks in the marine environment, and improved transparency on their governance should promote a wider understanding, and appreciation, of the efforts associated with it.

We endorse the intended measures for carcass tagging and fish sampling which we feel will benefit and strengthen conservation and management ambitions for this sector. On the whole the Bill’s proposals for management of salmon fisheries can be said to provide the appropriate legislative framework to ensure all fisheries are managed to an acknowledged standard.

*Part 4: Shellfish* 

The Crown Estate agrees entirely with the introduction of provisions to protect shellfish growing waters, to address their continued protection when the Shellfish Waters Directive is repealed in 2013. This is essential support required by Scotland’s shellfish industry.