



Dear Convener,

Salmon Scotland, the trade body representing the Scottish salmon farming sector, welcomes the opportunity to share information with the committee in anticipation of our appearance on Tuesday, 12 December.

Overview

Our response to the Scottish Government's Biodiversity Framework consultation is a comprehensive representation of the views of the entire sector. We wish to highlight specific issues integral to our stance on the proposed strategy, including:

- **Simplification of the consultation format:** The format and rate at which recent consultations have been developed adds complexity and imposes an onerous workload on respondents. This is the wrong approach and should not be applied for future consultation development by the Scottish Government.
- **Proactive involvement of stakeholders:** Proactive involvement of the sector and wider industry stakeholders in the development of plans and strategies is essential. Collaboration during the earliest stages of policy development ensures coherence and minimises the number of unintended and potentially damaging consequences.
- **Demonstrating capable monitoring for biodiversity goals:** To achieve Scotland's aim to halt biodiversity loss, robust monitoring must be established. This requires the capability for monitoring that aligns with high-level outcomes.
- **Confidence and security in policy implementation:** We urge Scottish Government to create policies and strategies that provide long-term stability and security for the industry and instil confidence in how industry data will be used to meet national objectives.
- **Recognition of salmon farming as a solution:** Future delivery plans and priority actions should regard salmon farming as a solution and emphasise the inherent local biodiversity and food security benefits.

The draft Biodiversity Plan for Scotland, while comprehensive, raises questions about its practicality in addressing the biodiversity crisis. We have laid out some of our concerns in more detail below.

The strategy

Overall, the strategy underlines a recurring issue between the government's rhetoric and the practical realities, giving the appearance that the government may be introducing a strategy that echoes elements of its earlier proposal on HPMA. Persevering with initiatives that resemble the HPMA issue raises concerns around the potential, once again, for unintended consequences of legislation and regulation – particularly in relation to the negative impacts to coastal communities that represent an important element of the backbone of Scotland's economy.

The concerns we raised about significant limitations of the evidence base when deciding on HPMA legislation remain entirely relevant, as the same data and evidence appear to be used as rationale for some of the proposals outlined in this strategy.

Particularly, we do not believe current evidence reports like the Scottish Marine Assessment 2020 (SMA 2020) are sufficient in providing robust evidence to understand the current environmental baseline. The full SMA 2020 document is not easy to find or access online, which is crucial for sectors if they wish to inspect, scrutinise, and provide advice on conclusions from baseline data. SMA 2020 is based on data and trends from 2014 to 2018, and by 2025 some data will be more than 10 years old at the point this plan is implemented. SMA 2020 also identifies a vast number of significant data gaps which do not appear to have been addressed since its publication. Unsubstantiated assumptions from an incomplete or unexamined baseline will be met with unrealistic or impractical solutions.

A thorough assessment of potential risks therefore is essential to pre-empt similar issues with this legislation, alongside more robust data, and evidence-led proposals. A more nuanced evaluation is imperative, ensuring alignment with broader biodiversity goals while minimising unintended consequences for those businesses and communities most affected.

The consultation process

The consultation process has been too onerous, overly technical and lacking in clarity for a number of reasons.

The inclusion of a wide range of reforms stretching across a diverse collection of industries in a single strategy document without a compelling core narrative is needlessly complex and, in our view, will hinder any effective implementation. The design of the consultation process could

therefore call into question the validity of any responses, as by its nature it adds unnecessary risk to any interpretation of findings and overall evaluation of responses.

This is exacerbated by background and supportive reports not being readily available, and once found, remaining inaccessible to respondents due to their time-consuming and complex nature, which limits the extent of engagement with the consultation.

The approach taken makes it challenging for stakeholders, particularly in sectors like aquaculture, to provide meaningful and actionable responses and to provide their views effectively. The effect is that many of the questions asked as part of the consultation appear to us as vague and irrelevant because the wide-ranging nature of the legislation and the number of industries affected make nuanced questioning a challenge.

This leaves the impression – however unintended – that the consultation is an exercise in process rather than a genuine attempt to gather the views of those impacted by the introduction of this legislation. This unfortunately mirrors the recent proposed legislation on HPMA's which received widespread criticism for its consultation process and accompanying documentation, the consultation questions – which respondents found complex and difficult to understand – and the way that views had been sought on the proposals. We note that like the previous proposals on HPMA's, what is proposed in the current Biodiversity Strategy (National Park Act amendments, Natural Environment bill, 30 by 30 network etc.) are all features of the Bute House Agreement with deadlines of adoption in 2025.

Given the similarities in process and evidence base, we have significant concerns that the lessons of that process have not been learned.

Parliamentary accountability

The far-reaching nature of the proposed legislation necessitates clarity on oversight. Given the proposed bill spans several cabinet portfolios and the work of several parliamentary committees, determining the appropriate committee and Cabinet Secretary responsible for overseeing its parliamentary progression remains a critical consideration to ensure that businesses, the public and others affected by the proposed legislation have full transparency over who is accountable for its journey through the parliamentary process. New legislation would normally be accompanied by a financial memorandum and an impact assessment, which would cover the financial costs both for government and the relevant business sectors. The responsible Cabinet Secretary and the Accountable Officer can then be held to account through the process of legislative scrutiny. The proposed process of a complex suite of inter-related statutory instruments (SSIs) does not allow for this level of scrutiny, and it is likely that the costs and the impact will remain obscure until implementation. We strongly recommend that the government be urged to take a route which allows proper Parliamentary scrutiny of its proposals.

We also note with concern the increasing prevalence of government using secondary legislation and proposing 'framework' bills. As we have seen in the past with bills in other areas, such as the National Care Service or Circular Economy, this approach can mean that MSPs are prevented from properly scrutinising government proposals due to the limited oversight that secondary legislation provides. Not only are MSPs denied their role with this approach, but industry is also denied full opportunity to share our views on proposals, effectively giving the system of government sole responsibility for creating legislation.

What needs to be addressed?

In summary, beyond the strategy's current scope, several key matters require attention to ensure its effectiveness:

- A concerted effort to engage with all industries affected is vital for the coherent implementation of any legislation. The current broad-brush approach will mean that the views of our sector cannot be considered effectively as this legislation progresses.
- The consultation process needs to be improved to ensure clarity and relevance for different stakeholder groups. Clear identification and separation of diverse consultation topics are essential for stakeholders to provide targeted and relevant responses to ensure unintended consequences are avoided.
- For any proposals to achieve our shared aims, it is crucial to strengthen the evidence base for making decisions. Robust monitoring strategies, with a focus on data security and transparency between stakeholders and policymakers, must be actioned before any legislation is rushed through. The impact on our sector and the Scottish economy could be devastating if we find ourselves at the mercy of poorly thought through legislation, as we did with the proposed legislation on HPMAs.
- The positive role of the finfish aquaculture sector in biodiversity and food security requires greater recognition and support. Acknowledging this sector's positive contribution is pivotal for the holistic success of the strategy. We can help facilitate a meaningful process which seeks to mitigate the unintended impacts of any proposed legislation, but we would respectfully seek acknowledgement from the government that our sector has serious challenges which others affected by this legislation may not. A more nuanced and considered approach is necessary to ensure that this legislation achieves its laudable environmental aims without undermining one of Scotland's most significant and iconic exports, and severely impacting Scotland's coastal communities and workforce.