



Salmon & Trout Conservation Response to the Griggs Review

Sustainable growth?

Griggs' basic but flawed assumption is that salmon farming provides sustainable economic benefit to Scotland and must be allowed and encouraged to expand.

At page 8, Griggs argues that "aquaculture now forms a significant and sustainable part of the Scottish economy". At page 31, Griggs claims his review has produced a "sensible set of recommendations that will allow sustainable aquaculture development in Scotland".

However, there is no evidence from Scotland, or indeed elsewhere, that salmon farming is, by any reasonable criteria, "sustainable".

Nowhere in the world has the goal of sustainable salmon farming actually been achieved.

The industry sources much of its feed, including wild fish and soy, from countries in South America and West Africa, transports it thousands of miles and subsequently often airfreights the finished product worldwide.

Salmon farming is responsible for the severe degradation of Scottish coastal ecosystems in the "aquaculture zone" where effluent from open cage farms is discharged and dumped untreated into the sea. The salmon farming industry routinely uses highly toxic chemicals to kill sea lice before discharging these chemicals into the marine environment, killing wild crustaceans in the vicinity of fish farms.

The industry takes tens of thousands of wrasse from the wild to use as cleaner fish, which are then discarded.

Everywhere in the world which has seen the growth of intensive salmon farming has also experienced a collapse of wild salmon runs. It is no coincidence that the only remaining abundant wild salmon runs are in Alaska, with no salmon farms, and Russia, with hardly any salmon farms.

However, despite all this, the Scottish Government has made it crystal clear that it intends to allow and encourage the industry to expand – this will be irrespective of the harm that will be caused to wild salmonids. Nor is there any real intention to force the industry to deal with the existing negative impacts of open-net salmon farming.

In the face of Scottish Government actions, S&TC has made it clear that open-net salmon farming in Scotland, as currently practised, must now end as soon as possible, with the industry moved into full closed containment, where a physical and biological separation is maintained between farmed and wild fish and the wider coastal environment. S&TC now sees that as the only practical way to protect wild salmon and sea trout in Scotland.

It is important to appreciate that Griggs has conducted his review in the context of the Scottish Government view that the industry must be allowed to expand even before it has dealt with the myriad environmental issues it creates. This is directly contrary to Recommendation 1 of the REC Committee that stated that “if the industry is to grow, the Committee considers it to be essential that it addresses and identifies solutions to the environmental and fish health challenges it faces as a priority”.

Centralising control?

Griggs, in his Summary, makes it clear that the framework for regulation of the fish-farming industry must be set by Scottish Government, and Scottish Government alone, and that it is only the implementation within that framework that should involve others.

At page 16, Griggs looks in detail at the various licensing and consenting regimes currently in play, but sets up a false argument. It is well-known that the Aquaculture Production Business licence required for aquaculture production, the licence from MS-LOT in respect of moorings and navigation and the lease required from the Crown Estate are little more than rubber-stamping exercises. It is only the application for planning permission and a Controlled Activities Regulations licence from SEPA, underpinned, quite properly by an Environmental Impact Assessment or a Habitats Regulations Assessment where appropriate, that are rigorous exercises for a fish-farm company seeking a new farm site, or to expand an existing farm – as indeed they should be.

Griggs recommends a single consenting document, to be managed and issued for Scottish Government centrally by Marine Scotland.

How this sits with SEPA’s statutory functions under the Water Environment and Water Services (Scotland) Act 2003 and the Controlled Activities Regulations, and the very recent sea-lice consultation, is not clear.

If what Griggs proposes goes ahead, the way would be open for Scottish Government to prioritise yet further its strongly pro-fish-farming policy over the proper regulation of the industry to protect the environment.

No right to object?

Interestingly Griggs refers to the single consenting document as something that should “mandate what all parties (the applicant, regulators, the community and other statutory consultees) involved in an application are subject to, derived from a pre-application consultation prior to submission”.

It is not clear how Griggs believes that such a single consenting document could mandate what a community in the aquaculture zone does, but this appears to reflect Griggs’ view that the community can only benefit from aquaculture and should be ‘won over’, by receiving payments from the industry for community benefit.

At page 12, Griggs concludes that communities where aquaculture is economically active, are generally supportive, but there is no evidence provided to support such a claim, which we know to be incorrect.

There is no question, throughout the review, that a community should be able to refuse to host a fish-farm site, or could oppose the expansion of an existing site.

On local planning, Griggs' intention is clear, at page 23, that he wishes to see the removal of the ability of planning authorities to refuse permission for new fish-farms or existing fish-farm expansion.

Councils will be relegated to the status of mere statutory consultees.

Together with the clear intention that local community opposition to aquaculture will be bought off by some sort of mandated social contract within the single consent (see Summary and pages 23, 25, 29 and 30), again, Griggs seems to think that communities should have no option to say 'no' and cannot object to aquaculture developments.

Science so long as it's 'our' science?

Griggs says (in the Summary) that the central science body, that will collect and provide the scientific background for the single consenting process, should be run by industry and government jointly.

"The creation of a central science and evidence base should be put in place jointly run and managed by industry and the Scottish Government which gathers, collates and examines scientific and other evidence relating to this sector so decisions within the framework can be made in the most effective Way."

There appears to be no eNGO or wildlife/conservation involvement at all. Experience with earlier such initiatives such as the Scottish Aquaculture Research Forum (SARF) shows this to be open to abuse.

An open and honest industry?

Griggs reports that the fish-farming industry has accused regulators of supplying NGOs with information - "the level of mistrust in the finfish sector is such that there are those in the industry who believe officials within some Regulators and Government bodies have on occasion been actively briefing and supplying information against the industry to those that would seek to close it down completely".

It is certainly true that the fish-farmers have much they might wish to hide from public view, but the right to information, pursuant to the Environmental Information (Scotland) Regulations 2004, is a public legal right. Providing information upon requests is therefore not something that the regulators can refuse to do.

Abandoning the precautionary principle?

Astonishingly, at page 5, Griggs attempts to undermine the precautionary principle and seeks to disapply it to the fish-farming industry.

“Two other things that good regulation has to do is to be enabling and not impede or prevent innovation. The latter can be impacted by harsh application of the precautionary principle or a regulators lack of knowledge of a sector or issue that makes them ultra-cautious”.

Griggs calls for “allowance....special practices or derogations” for the fish-farmers.

However much he may wish to, Griggs is not able to rewrite law, including international law and convention, upon which basis a precautionary approach is required for fish-farming as with any other industry which may damage or harm the environment.

That is not to say that regulation of fish-farming in Scotland has, to date, followed the precautionary principle. Griggs talks about the “harsh application of the precautionary principle” or regulators being “ultra-cautious”, but provides no evidence in support.

This also ignores Recommendation 40 of the REC Committee Report that “although there is a lack of definitive scientific evidence of the various factors that are contributing to the decline of wild salmon stocks, the Committee is nevertheless of the view that a precautionary approach should be taken which will seek to minimise the potential risk to wild salmon stocks wherever possible”, Recommendation 46 that “the Committee is of the view that a similar precautionary approach must be taken in Scotland to assist in mitigating any potential impact of sea lice infestation on wild salmon” and Recommendation 48 that “the Scottish Government should provide strong and clear leadership in ensuring that the precautionary principle is applied, producing appropriate policy and guidance documents as necessary”.

Response prepared by
Salmon and Trout Conservation Scotland

Date of response
February 2022



Notes

1) The Griggs Review (February 2022) of the aquaculture regulatory process is available here - <https://www.gov.scot/publications/review-aquaculture-regulatory-process-scotland/>

2) Griggs' remit was set by Scottish Government thus:

To:

- review the existing evidence base and engage with key stakeholders in order to identify the issues impacting on the efficient and effective operation of the regulatory framework for aquaculture from the perspective of industry, users of the shared marine environment (tourism, wild fisheries), communities and regulators; and
- make recommendations for further work in relation to improved efficiency and more fundamental institutional reform.