

Orkney Islands Council (OIC) welcomes this consultation on SEPA's proposals for a new spatially based risk assessment framework for regulating the interaction between sea lice from marine finfish farm developments and wild Atlantic salmon. We also welcome that the proposed framework will be applied through the Water Environment (Controlled Activities) (Scotland) Regulations 2011.

We understand that it is expected to take around 12 months to implement the proposed new regulatory framework. In the meantime, local planning authorities will remain the lead bodies for considering the risk posed to wild salmonids from marine finfish farm developments when determining planning applications. Marine Scotland and SEPA will need to liaise closely with local authorities to ensure a smooth transition and to ensure that local authorities receive the advice they need on wild salmonid interactions until responsibility is transferred to SEPA.

We are concerned that the current proposals do not address the assessment of risks to wild sea trout. The consultation paper states that there is insufficient knowledge available to bring forward proposals for an appropriate and proportionate risk-based regulatory framework for sea trout at this time. It is therefore proposed that interactions with sea trout will continue to be a consideration in local planning decisions. SEPA, supported by advice from Marine Scotland, would be significantly better equipped than local authorities to regulate risks associated with marine finfish farming and sea trout via the CAR licensing system. OIC considers that, as with wild Atlantic salmon, sea trout interactions should be transferred to SEPA under the CAR licence as part of the proposed new regulatory framework within 12 months. The current lack of knowledge regarding sea trout does not necessitate Atlantic salmon and sea trout interactions being addressed under two separate regulatory regimes. Fish farming interactions with both species should be addressed by SEPA as they have the appropriate expertise, technical capabilities, and monitoring provisions.

OIC agrees that there is limited information on the status of sea trout populations in Scotland and that this data gap needs to be addressed as a priority. This data gap needs to be addressed in Orkney particularly. It should therefore be a priority for Marine Scotland and other partners to take forward research to improve knowledge on the distribution and abundance of sea trout in coastal waters. Addressing this data gap is identified as a priority in the Orkney Local Biodiversity Action Plan (OLBAP). SEPA and Marine Scotland will need to provide technical support, and hopefully funding, to help deliver the OLBAP actions for sea trout.

In the absence of better data on the status of sea trout populations, screening models should still be used to estimate infective-sea lice densities around sea trout rivers in order to assess risks using the current best available scientific evidence, and in accordance with the precautionary principle. This risk assessment process should be adaptive to additional evidence as it emerges, and should be taken forward by SEPA under the proposed new system under CAR.

To implement the proposed framework effectively, new working arrangements will be required to ensure that roles and responsibilities are established, and efficient processes are delivered within the regulatory framework. This will require close collaboration with local authorities to establish these future working arrangements.

Monitoring and compliance are an important part of any regulatory regime. OIC has highlighted in response to the recent Professor Griggs review that local authorities do not have the capacity to monitor and enforce compliance with sea lice related planning conditions. It is therefore considered appropriate that these aspects should be regulated under the CAR licence for Atlantic salmon and sea trout as part of the future system. It is very important to ensure transparency and trust in monitoring and reporting processes e.g. assessing compliance, such as auditing gravid sea lice counts on farmed fish. It is hoped that the ability to charge for these measures under CAR will enable SEPA and the industry to deliver best practice. It is important that local community trust in the accuracy and transparency of these data can be ensured.