

Response ID ANON-2RAP-379R-A

Submitted to **Consultation on Amendments to Permitted Development Rights for Fin Fish and Shellfish Developments**

Submitted on **2017-07-28 15:23:05**

Questions

1 Do you agree that the cage size and area restrictions which prevent PDR use for replacement or relocation of an existing cage should be removed?

Don't know

Please explain your response.:

General Comments on the Consultation

We note the role of the Capacity Working Group as set out in Section 2 of the consultation document, and that the Scottish Government have consulted with industry, statutory planning consultees and local authorities through the CWG, accessing their experience during the process. However, we would emphasise that District Salmon Fishery Boards are statutory consultees, and that the Capacity Working Group does not have any input from wild fish interests. We do not consider that the current membership of the CWG is appropriate for informing this consultation, or indeed work to take forward the Independent Consenting Review.

We are of the view that the current PDR regime has the potential to impact upon wild fish interests, particularly in relation to Class 21F of the PDR regulations, which allows a change of use to a different species. Further details of our concerns are included below, but we consider that it is deeply regrettable that we were not provided with an opportunity to air these concerns prior to formal consultation.

Response to Q1

We have no difficulty with the proposed changes as there is no associated increase in biomass with this PDR. However, we remain concerned about the existing PDR due to the current lacuna in the aquaculture consenting system which means that the CAR licensing process is limited to 'discharges' such as fish waste and chemo-therapeutants and these are not currently interpreted as including sea lice. Until that lacuna is closed, we would be concerned if PDR was used a means of increasing capacity of a site, as a precursor to approaching SEPA for an increase in biomass, as the planning process is the only point in the process where the potential impacts of sea lice on wild fish are considered. This is an issue that needs to be appropriately resolved as the work of the Independent Consenting Review is taken forward.

2 Do you agree that prior notification should not be required for fin fish pens replaced, in the same location, with a finfish pen of the same size, colour and design?

Not Answered

Please explain your response.:

3 Do you agree that prior notification should not be required for the purpose of replacing an existing top net or support with a top net or support of the same size, colour and design?

Not Answered

Please explain your response.:

4 Do you agree that the limit for use of PDR of 2.5 metres for equipment to support the top net should be removed from this class of PDR?

Not Answered

Please explain your response.:

5 Do you agree that shellfish farms should be able to replace existing long lines, in the same or a different location, with a long line of the same size, colour and design as those already on site?

Not Answered

Please explain your response.:

6 Do you agree that replacement of long lines which are 'like for like' and placed in the same location should be permitted without prior notification?

Not Answered

Please explain your response.:

7 Do you agree with the change from the current area limits described below to a scaled line approach which uses lines of equal length to those currently on site?

Not Answered

Please explain your response.:

8 Do you agree with the chosen scaled approach to addition of long lines [less than or equal to 6 lines = 1 additional long line, 7 or more = up to 2 additional long lines]?

Not Answered

Please explain your response.:

9 Do you agree that shellfish farms should be able to change the species farmed under PDR as described below, with the caveat that no change in equipment is permitted under this class?

No

Please explain your response.:

We have no difficulty with the proposed changes in relation to shellfish farming.

However, we do not think that the current PDRs under Class 21F (1)(b) and (1)(c) are appropriate and should be reconsidered as part of this process. It is unfortunate that wild fish interests were not consulted at an earlier stage in this process, as we consider that this is an important issue that needs to be addressed as part of the current review. Our concern is primarily in relation to freshwater production. We consider that the potential impact and associated planning considerations are entirely different depending on the species in question and must be considered appropriately by the planning system. For example, there are a number of trout farms in the Tay system. The River Tay is an SAC for Atlantic salmon and therefore we do not consider that it would be appropriate to farm Atlantic salmon smolts, without formal consideration of the risks of doing so to the integrity of the SAC. That said, our concerns are not limited to protected sites - we believe that any proposal to farm Atlantic salmon should require full planning consent, and should not be considered under Permitted Development Rights.

10 Do you agree that fish farms should be able to replace a mooring or anchor with a mooring or anchor of the same size and design, in the same location, without prior notification (European sites and ncMPA will require prior notification)?

Yes

Please explain your response.:

11 Do you agree that farms should be able to replace a mooring or anchor with a mooring or anchor of a different design in the same location, and that farms should be permitted to relocate a mooring or anchor within its boundary, with the condition of prior notification?

Yes

Please explain your response.:

12 Do you agree that replacement of cage net with a cage net of the same size, colour and design, should be permitted by PDR without prior notification?

Yes

Please explain your response.:

13 Do you agree that secondary net structures should be permitted by PDR with the requirement of prior notification to the local authority?

Yes

Please explain your response.:

14 Do you agree that trestle sites should be permitted to replace trestles with trestles of the same design without prior notification?

Not Answered

Please explain your response.:

15 Do you agree that relocation of a trestle within an existing farm boundary should be permitted with the condition that the local authority receives prior notification?

Not Answered

Please explain your response.:

16 Do you agree with the additional trestle limits set by this class of PDR and the requirement for prior notification?

Not Answered

Please explain your response.:

17 Do you agree with the approach below?

Not Answered

Please explain your response.:

18 Do you have any comments on the considerations below that you would like noted?

Yes

Please explain your response.:

We agree that the issues outlined should not be taken forward.

About You

What is your name?

Name:

Alan Wells

What is your email address?

Email:

alan@fms.scot

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

Fisheries Management Scotland

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Neither satisfied nor dissatisfied

Please enter comments here.:

It is important that respondents are able to input general or overarching comments through this process. It used to be possible to upload a document as part of the consultation process, but this option did not appear. We have included general, overarching comments as part of our response to Q1, but this is not ideal.

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Slightly satisfied

Please enter comments here.:

See comment above