

# EXTENSION OF PERMITTED DEVELOPMENT RIGHTS AND USE CLASSES TO FINFISH AND SHELLFISH DEVELOPMENTS



## RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

Organisation Name

UK Environmental Law Association (UKELA)

Title Mr  Ms  Mrs  Miss  Dr  *Please tick as appropriate*

Surname

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### 3. Permissions - I am responding as...

Individual

Group/Organisation

*Please tick as appropriate*

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate*  Yes  No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

*Please tick as appropriate*  Yes  No

(d) 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?

*Please tick as appropriate*  Yes  No

## CONSULTATION QUESTIONS

**Question 1: Do you support fish farmers being granted a PDR to replace or change their cage type and sizes as described and what increase in biomass should be allowed? If not, why not?**

Yes  No

Allowing this PDR to be exercised repeatedly (paragraph 3.12, 3<sup>rd</sup> bullet) undermines the purpose of setting of a limit on each increase. Any repetition should only be allowed after a specific period of time has elapsed, say 1 year.

In the interests of joined-up regulation, the only increase in biomass allowed should be such as SEPA has authorised.

**Question 2: Do you agree that a PDR should be available to allow farmers to add extra cages with no increase in biomass? If not, why not?**

Yes  No

No comment

**Question 3: Do you support fish farmers being granted a PDR to change their feed barges as described and to move elsewhere within the consented area? If not, why not?**

Yes  No

No comment

**Question 4: Do you agree that fish farmers should be able to change the size, colour, design and location of a feed barge subject to prior notification/prior approval? If not, why not?**

Yes  No

No comment

**Question 5: Do you support fish farmers being granted a PDR to change their top netting and top netting support structures as described? If not, why not?**

Yes  No

No comment

**Question 6: Do you agree that farmers should be able to change the size, colour and design of top nets and their support structures subject to prior notification/prior approval? If not, why not?**

Yes  No

No comment

**Question 7: Do you support fish farmers being granted a PDR to install a temporary harvesting cage? If not, why not?**

Yes  No

This would remove the incentive to plan properly, encouraging poor practice and over-production, and could create enforcement problems.

**Question 8: Do you support finfish farmers being granted a PDR to install a temporary production cage? If not, why not?**

Yes  No

This would remove the incentive to plan properly, encouraging poor practice and over-production, and could create enforcement problems.

**Question 9: Do you support fish farmers being granted a PDR to install other temporary equipment? If not, why not?**

Yes  No

This is too broad in scope. It would be acceptable either with some limitation on the type and/or purpose of the temporary equipment, or alternatively with the requirement for prior notification / prior approval.

**Question 10: Do you support fish farmers being granted a PDR to switch production within the same species and between species? If not, why not?**

Yes  No

Subject to general comment no. 1 below in relation to native species.

**Question 11: Do you support a change of use from finfish farming to shellfish farming and back to finfish farming? If not, why not?**

Yes  No

No comment

**Question 12: Do you support a PDR to install, or change the size and number of longlines on a farm? If not, why not?**

Yes  No

If it is intended that this PDR can be exercised repeatedly (like Class 21A), that would undermine the purpose of setting of a limit on each increase. Any repetition should only be allowed after a specific period of time has elapsed, say 1 year.

## General

UKELA is the UK's foremost membership organisation working to improve understanding and awareness of environmental law, and to make the law work for a better environment. This response has been prepared by the Scottish Law working party of UKELA, in consultation with its water law sub-group.

We wish to make two general points.

1. At a time of growing concern about the unintended consequences of introducing non-native species into Scotland's environment, UKELA considers that the proposed PDR for species changes should be restricted to native fish species only.

2. Just as the exercise of PDRs should be subject to a negative screening opinion under the EIA Regulations (paragraphs 3.6 to 3.8), any permitted change should also be subject, in relevant cases, to an opinion by the planning authority that it would not be likely to have a significant effect on a Natura site, and would not therefore require appropriate assessment under the Habitats Directive.

On the specific question of wrasse, anything that reduces reliance on chemical therapeutants is to be welcomed, provided the risks of unintended consequences have been fully evaluated.