

# **THIRD DRAFT**

## **SUBMISSION**

**To: Kevin Farquharson, Crown Estate Strategy Unit, Scottish Government**  
**From: Scottish Anglers National Association (SANA)**

### **CONSULTATION ON CROWN ESTATE LONG TERM MANAGEMENT IN SCOTLAND**

#### **Introduction**

1. SANA is the recognised governing body for game angling in Scotland. This submission has been prepared by SANA's Migratory and Non Migratory Fish Committees on behalf of the SANA Board.
2. This proposal involves three spheres of interest to game anglers, viz. financing of future fishery management in Scotland; angling access to publicly owned fisheries; and conservation of stocks of wild fish with respect to both the Crown Estate's role as landlord of finfish farming installations and its ownership of netting rights for salmon and sea trout. Aspects of these topics were discussed in SANA's response to the previous consultation on interim management arrangements and are included in this submission.
3. The consultation also involves management of Crown Estate assets that are not directly relevant to angling interests. Insofar as those other aspects of the "business" might impact financially on management of angling-related assets, we have commented. Otherwise, we have declined to answer many of the set questions.

Our intention in this submission is to provide the context for our responses to the set questions.

#### **Summary**

- The management body should be charged with a duty to comply with a statement of management objectives, drawn up from time to time by Ministers.
- Those objectives should make provision for the following aspects of public interest in the management of the Crown Estate's assets:
  - contributions to the funding of District Salmon Fishery Boards and/or Fishery Trusts in compensation for the past deleterious impacts of the Crown Estate's aquaculture leases on wild fish;

- relocation of salmon fish farms to less sensitive areas with respect to impact on wild salmon and especially sea trout and in the long term support for the costs of moving to closed containment systems (as opposed to open sea net enclosures);
  - improved angling access arrangements on Crown Estate waters for both migratory and non-migratory species, e.g. through leases to angling clubs, and where necessary, creation of clubs where these do not presently exist; and
  - commitment to retention of ownership of salmon and sea trout netting rights and no new leases to third parties for as long as any populations in river systems in Scotland are judged to be failing to achieve conservation limits.
- As regards whether there should be further devolution of ownership of the Crown Estate properties in Scotland to local bodies, SANA believes that its members' interests would be jeopardised by such a move. While opposing such devolution of ownership, devolution of management is another matter.

### **“Vision”**

4. At page 18 of chapter one of the current consultation, it says: “More fundamentally, there is a basic question about whether the estate should continue being managed on a primarily commercial basis, or whether there is a case for a wider set of considerations to be taken into account”.

SANA supports the case for wider consideration of the public interest to be taken into account in how Crown Estate assets are managed. We regret that such objectives have not been applied in the past. As illustration, the story of aquaculture's impact on Scotland's natural environment leaves much to be desired (see below) and the Crown Estate's management, especially in respect of the location of leases to minimise damage to wild fish stocks, has been deplorable. It may be that this was a natural consequence of the “overriding duty placed on the Commissioners to maintain and enhance the value and the return obtained from The Crown Estate”. Now is the time to make things better.

5. SANA agrees with the proposal that the management body should be a body corporate and a separate body from Scottish Ministers' direct management. However, it should not be run on the basis of “business as usual”. Nor do we find the notion of managers having “discretionary power” attractive in this context. Specific directions should be given as to management purposes - and SANA requests that our subjects of concern be addressed, perhaps using ministerial power to direct, via a statement. (Again, page 18 of the consultation refers.)
6. A specific management direction is required in respect of sale of assets. (Page 21) The Crown Estate is probably the largest owner of unused netting rights in Scotland. This has substantial conservation advantages. Were managers allowed to sell netting rights for salmon and sea trout, parlous stocks would be put under even more extreme pressure. SANA accepts that in the future, stocks may recover and conservation

limits could be met. In the meantime, managers should be directed not to offer any new leases of netting rights, nor to sell them.

Similar considerations apply to the seabed in respect of fish farm leases.

### **Crown Estate's Earnings from Aquaculture**

7. SANA has participated in the development of proposals for reform of freshwater fisheries management in Scotland – usually referred to as “Wild Fisheries Reform” (WFR). We are now at the stage of discovering how much more it will cost to revise the structure of management and extend its reach to all species.
8. One of the possible ways of bridging the likely gap would be to charge anglers a “conservation and development” levy. SANA has said that it is prepared to consider that option, provided certain criteria are met. The most important is that such a levy is small, lest it have the opposite effect to that intended by discouraging people from going fishing. A contribution from the Crown Estate which charges fish farmers for their use/abuse of the natural environment would be one way of minimising the need to charge anglers.
9. The Crown Estate's considerable earnings from finfish aquaculture have come at a heavy price for the natural environment. The principal negative impact of fish farming is effects on the water environment, both in fresh water, where juvenile fish are produced, and sea water, where fish are grown on to marketable size. The potential pollution burden at production sites is twofold, through water quality (chemical pollution and decay of surplus food and faeces) and through providing an artificial habitat for parasites (e.g. eyefluke, tapeworm and lice) whose population explosions impact on wild fish (salmon, sea trout and trout), particularly on juveniles. The concentration of farmed fish also presents an opportunity for disease hotspots, as with other intensive farming.
10. Both freshwater and saltwater impacts could be avoided through use of closed production systems, i.e. fish farms separated from natural fresh water and sea water. By abstracting water and treating effluent, these problems would not exist.
11. The saltwater parasite element could be mitigated by rearing fish further offshore, beyond the region in which sea lice concentrations are most likely to be in the routes for migrating smolts and returning adults. Such a move would also aid dispersal of effluent and seems likely to reduce the cost of sea lice treatments. Again, such a solution is unlikely to represent a lowest cost production process.
12. A second negative effect of current practices arises from escapes of both juvenile fish and adults. There has been widespread reporting of large scale escapement, especially from sea cages. However, small scale seepage is also a problem, especially with freshwater cage production. The common factor in these escapes is damage of nets. A variety of causes have been cited but the bottom line is that cheap containment systems are not impervious to accidents.
13. The result of mass escapes is that farmed fish, which are poorly adapted for long term survival in freshwater and marine environments, can out-compete wild fish in fresh

water in the short term through sheer force of numbers. Also, they can reduce fitness of the remaining population through interbreeding, causing wild populations to decline and naturally selected genetic traits to be extinguished. Genetic sterilisation of farmed fish through triploidy would eliminate interbreeding with wild fish, should escapes occur. Even better, closed containment systems would avoid all of these problems. In the meantime, remedial action following reports of escapes should be compulsory.

14. While some game angling is dependent on stocking of waters with fish reared by the aquaculture industry, most game angling in Scotland has quarry species that are wild fish, principally salmon, sea trout and brown trout. Angling interests are also involved, both directly and indirectly, with aquaculture as operators of non-commercial hatcheries that produce salmon fry to augment natural populations. For example, one of the biggest is at Contin, run by the Cromarty Firth Fishery Board, supported financially by SSE and producing over half a million fry every year.
15. While sea trout are migratory fish, it should be noted that brown trout and sea trout have not been shown to be genetically distinct. Sea trout are the progeny of trout which may, or may not, have been to sea. Therefore, the issues involved in safeguarding populations of migratory (sea) trout are liable to be also relevant to brown trout, and vice versa.
16. Tension between angling and finfish farm aquaculture arises from their distinct interests. Anglers want abundant stocks of wild fish, as quarry species from which they can take a harvest or exploit for recreational purposes, as “catch and release”, or both. Owners and employees of freshwater fisheries depend on sustainable fisheries for their livelihoods. Additionally, there is a multiplier effect in other sectors, e.g hotels and shops, whose output is purchased by anglers, especially those visiting an area who are normally resident elsewhere.
17. Fish farmers want to make profits. This is achieved by maximising the value of sales and minimising costs. Consequently, they have to operate at lowest cost albeit within the constraint of not doing anything which would compromise sales.
18. From an angling perspective, lowest cost farm production of salmon imposes unacceptable burdens on the natural environment which severely damage wild stocks of salmon and sea trout. Because farmers are not charged for their use of the environment and their impact on wild stocks, their perspective must be quite different. There is an industry that competes in world markets against other production sites, which are also not charged for environmental impact. Salmon farms generate employment in rural areas and through their purchases and through processing of the end product contribute to value added in other sectors of the economy as well as their own. Therefore, there is a clear public interest in the continued development of environmentally sustainable aquaculture in Scotland which is as valid as the public interest in sustaining wild fish populations.
19. The balance of these interests could be addressed by having the Crown Estate pay for at least some part of the public expense of fishery management in Scotland.

## **Access to Angling**

20. Crown Estate ownerships of angling and netting rights for migratory fish have been identified in the consultation document and the inference elsewhere in the text is that local communities should have opportunities to influence how these are used. We raise this subject of access to fishing rights in fresh water, primarily in the context of non-migratory fish.
21. Please note there is an omission at page 35 of the consultation. The Crown Estate must also own fishing rights for non-migratory fish (game and coarse) by virtue of land holdings which abut rivers and lochs. In the context of angling access to publicly owned waters, these should be identified and direction given as to angling access.
22. In this context, the passages of the consultation dealing with community interest raise the question of how angling access might be best promoted. SANA's view is that may be best mobilised by allocating leases to angling clubs and in places where there is no existing club that might be charged with local management, their formation should be assisted.

## **Devolution Within Scotland**

23. A significant portion of the Crown Estate's non-netting fishing rights in Scotland are leased to angling clubs, i.e. are accessible by the general public. There may be the potential for more if/when the non-migratory fishing rights are properly recognised and managed for public benefit.
24. If ownership of that component of its properties were divided amongst local bodies, it may be theoretically possible for Ministerial directions to be given as to their use. However, in the final analysis, for example in times of financial hardship, those bodies or their liquidators, would be free to dispose of the properties. Because such a scenario could result in angling clubs losing their leases or having conditions/costs imposed that make them unviable, we oppose further devolution of ownership.
25. As noted above, the Crown Estate owns netting rights for migratory fish but many of these are not used at the moment. If ownership of hitherto unused netting rights were allocated to local bodies we believe that circumstances would arise where realisation of their commercial value would be sought – either through leasing or sale. Again, SANA opposes further devolution of ownership for the reasons outlined above.
26. The Crown Estate in Scotland provides leases of the seabed for aquacultural use. Shellfish farming is benign because it requires pristine water quality and, to the best of our knowledge, does not act as a host environment for organisms that are detrimental to wild fish. Finfish aquaculture is quite different, as explained above. Therefore, were local bodies to have seabed property allocated to them, we would have a situation of competitive allocation of leases. This would be bound to drive down revenue from a sector which is already not charged at prices which reflect its environmental impact. Therefore, SANA opposes further devolution of ownership.

27. The wider aspects of this issue are:
- (i) whether or not it is desirable to have a broadly based, i.e. diversified, portfolio of properties owned as a whole; and
  - (ii) whether or not there may be advantages from local management of centrally owned assets.
28. Taking a parochial view of the first point, we have said that SANA supports continuation of the interim body model, viz. centralised ownership. The wider perspective must be that angling interests benefit to some extent from the security of an organisation whose scale and variety of assets mean that from time to time it will be able to meet costs or forego income in the short term to meet unforeseeable situations - or to provide the public benefits which Ministers determine. Therefore, we are inclined to a general view against local ownership, not only those subjects of direct relevance to angling.
29. The above argument does not deny the possibilities for more local management of assets. We suggest that the matter should be examined on a case by case basis. For game angling, leases to angling clubs already constitute local management. We are not aware of any other case for local administration of angling-related assets.

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