

SCOPING AGREEMENT BETWEEN THE SCOTTISH GOVERNMENT AND THE SCOTTISH SCIENCE ADVISORY COUNCIL

Project Title: Use of science and evidence in aquaculture consenting and the sustainable development of Scottish aquaculture

Background

The Scottish Science Advisory Council (SSAC) is invited to conduct this project in response to an independent regulatory review of the aquaculture framework, led by Professor Griggs¹, published in February 2022.

The following issues on the use of science and evidence in the consenting process were raised, namely;

- that the reviewer was led to believe that some decisions within the consenting framework are not based on credible evidence;
- that the reviewer was led to believe there is inconsistency in the decision making process and an ability for everyone to use their own evidence or sources in making decisions or judgements which may conflict with views elsewhere; and
- that there are differences in opinion from stakeholder groups regarding the appropriate application of the precautionary principle (ranging from too strict an application to failure to apply the principle at all).

As a result, two recommendations on science and evidence are provided;

1. The science and other evidence that is currently being used by all parties involved in the sector is reviewed independently to ensure it is the best and most up to date available.
2. 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.

This project will explore the reasons for the above findings in order to ensure that science evidence is accessible and assessed appropriately during the consenting process and its use communicated clearly.

Project Overview

The SSAC is asked to consider how the body of science and evidence required to inform the fish farm consenting process is commissioned, used and communicated in order to ensure development is sustainable and to provide Scottish Ministers with advice on how to achieve an ongoing effective, transparent and trusted process which makes best use of science and which keeps pace with innovation.

¹ [Aquaculture Regulatory Process: A Review](#), Professor Russel Griggs, February 2022.

Project Aims

This project should examine current use and communication of science and scientific evidence in aquaculture consenting against the following principles taken from the International Science Council's Principles and Structures of science advice: an outline²:

- Independence,
- Legitimacy,
- Relevance and access,
- Diversity,
- Reducing uncertainty.

The SSAC and its members will conduct this work in line with its remit³.

Project Outputs:

- (a)** An analysis of how science and evidence is accessed, used, quality controlled and communicated in aquaculture consenting in Scotland
- (b)** A view on the current mechanisms for the commission and provision of science in aquaculture consenting

In light of **(a)** and **(b)**

- (c)** Advice and practical solutions to ensure good practice is in place, including highlighting any best practice examples, where relevant.

Supporting Information

In order for the SSAC to inform and complete its work, the SSAC will require information on;

- The information and data requested from the applicant in the consenting process;
- The different stages of the consenting process, including how applicant information is processed, information on models used in the consenting process and in development of the consenting process, information on uncertainty quantification as part of these processes; and
- Information, if held, on international practice; and
- Relevant policy context, including information on planned changes to the consenting process

This information will be provided by the Scottish Government. The SSAC may request further information from the Scottish Government to support its work throughout the duration of the project.

² [Principles and Structures of Science Advice: An outline - International Science Council](#)

³ [About us | The Scottish Science Advisory Council](#)

Methodology

Project methodology will be considered by the SSAC upon completion of the scoping agreement and receipt of the requested materials from Scottish Government.

The SSAC will complete its work with autonomy and will organise the project in the best way to meet the requested outputs, informed by the SSAC's experience.

The following information is provided to the SSAC for consideration.

Collaboration and representation:

Ministers have expressed a preference for collaborative and representative workshops and engagement, bringing in perspectives from science, regulators, policy, industry, community and environment, particularly during the early scoping phase, where possible.

To maintain independence, the analysis, report and conclusions will be produced and owned by SSAC alone. However, the SSAC may include summaries of inputs by stakeholders or the Scottish Government as Annexes, where required.

The report should be informed, not generated by, collaboration.

Specificity:

The independent review report was informed by a significant amount of engagement with interested stakeholders, regulators and other end users of the consenting system.

It is our experience that some matters relating to aquaculture can be divisive in nature and the independent reviewer's own findings reflect this to an extent.

The SSAC will take steps to disentangle matters of potential vested interest, by all parties, from matters of poor practice or practice that can be improved, in line with the standards of the Code of Practice for Scientific Advisory Committees and Councils in the access and assessment of science in the consenting process.

Independence and neutrality:

Building trust between stakeholders is a key goal for this work. This is why Ministers ask the SSAC, as an independent and neutral party, separate from government and regulators, to consider the issues of science in aquaculture consenting.

Transparency:

In the interests of building trust in processes we will publish this scoping agreement, the final report, and any supplementary information annexes.

Scope

The following elements should be considered within the scope and remit of the project:

- All existing consenting processes: The project should limit itself to reporting on the aquaculture consenting process in Scotland, and should mainly focus on fish farming (though lessons learned may be applicable to other aquaculture types). The consents required for a fish farm, and associated regulators, are:
 - Planning Permission (Planning Authorities)
 - CAR Licence (Scottish Environment Protection Agency)
 - Marine Licence (Scottish Ministers, through MS-LOT)
 - Aquaculture Production Business authorisation (Fish Health Inspectorate, Marine Scotland Science)
 - Seabed Lease (Crown Estate Scotland)
- **Changes to the consenting frameworks in progress:** We ask the SSAC to note that we are in the process of significant change to the management of the interactions between wild and farmed fish in Scotland, through the introduction of a new risk-based framework for managing the interaction between sea lice from marine fish farms and wild Atlantic salmon and sea trout. Information on the development of this framework will be provided as part of the background information pack. Given its importance to future consenting processes, SEPA's use of science in developing a new sea lice risk-assessment framework is within scope of SSAC's work. SEPA's work to implement the framework will continue in parallel; a Ministerial commitment.
- Whilst the SSAC might wish to consider how individual consenting decisions have been arrived at and communicated in conducting its work, the SSAC should not comment on or include in its report any information relating to individual licence or other decisions.

Out of scope:

- This will not be a technical review of the literature around aquaculture. Nor will the project review the quality of individual scientific reports, consents or assessments.
- Importantly, this project will not attempt to take the place of, or question, long-established and globally accepted principles of science, peer-review and associated protocols. Rather it will assess processes in aquaculture consenting against the principles taken from the International Science Council's Principles and Structures of Science Advice³ as detailed above.

Timeframe and Format

The project should conclude within 6 months following agreement of this scoping document.

Ministers seek an update on progress and key issues or findings every two months.