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Mr Don Staniford
Director, Global Alliance Against Industrial Aquaculture (GAAIA)

By email: salmonfarmingkills@gmail.com

Our Ref: SIR144895/A2241868

25 April 2017

Dear Mr Staniford

Information Request – Acoustic Deterrent Devices, Predator Control and Salmon Farms

Thank you for your information request, which we received on 27 February. We have considered your request under the Environmental Information (Scotland) Regulations 2004 ('the EIRs').

You asked us for information on acoustic deterrent devices, predator control and salmon farms since 1 January 2016.

1. A date of mid-February 2017 was provided for the next meeting (SNH and SSPO Industry Workshop on ADDs). Please provide notes and information surrounding that meeting and any others since 1 January 2016 - including any other information relating to the ADD Workshop on 13 December 2016.

We have carried out a detailed search of the information we hold, and copies of the relevant documents are attached along with this letter.

Please note that we have marked out (redacted) some personal data in the documents. Releasing this personal data into the public domain in response to an information request would breach the Data Protection Act 1998. We are therefore withholding the information under EIRs Regulation 11(2) (Personal data).

2. Please include in the FOI reply correspondence any information on the issue of ADDs and salmon farms - in particular in relation to SACs, the harbour porpoise and noise.

Please refer to the attached documents.

Some of the correspondence we hold that falls within the scope of this part of your request relates to planning applications made through the public planning system, and there is too much information for us to be able to provide it all to you. It would take an excessive amount of staff time to deal with this part of your request and the scale of the task is too big for us to be able to deal with. It would not be in the public interest for SNH to divert such a significant amount of our staff time to this work as it would impede our ability to carry out our other statutory duties.

The planning applications and our planning responses are already in the public domain. We have therefore compiled a list of the relevant planning cases – please can you review the publicly available information and then let us know if there is a specific case, or cases, you would like to ask for any additional information on.

Local Authority	Planning ID	Planning Portal Link
Argyll and Bute Council	16/03407/MFF	http://publicaccess.argyll-bute.gov.uk/online-applications/search.do?action=simple&searchType=Application
Argyll and Bute Council	17/00040/SCRSCO	
Highland Council	11/04228/FUL	http://wam.highland.gov.uk/wam/
Highland Council	15/03667/FUL	
Highland Council	16/00077/SCOP	
Highland Council	16/02032/SCRE & 16/02185/SCOP	
Highland Council	16/02079/FUL	
Highland Council	16/03352/FUL	
Highland Council	16_00077_SCOP	
Highland Council	16_02709_SCOP	
Highland Council	1601926SCOP	
Highland Council	1603600SCOP	
Highland Council	1603601SCRE	
Highland Council	17/00040/SCRSCO	

3. Please provide copies of the "Seal Licensing Questionnaire" referred to above in Suzanne Henderson's email along with copies of all replies and any data analysis, summaries or follow-ups.

A copy of the current 'Seal Licencing Questionnaire' is attached, along with the relevant copies of associated versions of the data. The documents are:

- Copy of Survey Results - Fish Farms - New sites March 2016
- Copy of Predator control survey for 2017 seal licences
- Copy of Filter of ADD use by fish farm company (data for 2016 licences)

Please note that we have marked out (redacted) some personal data in the documents. Releasing this personal data into the public domain in response to an information request would breach the Data Protection Act 1998. We are therefore withholding the information under EIRs Regulation 11(2) (Personal data).

We have also redacted some financial information as it is commercially confidential and relates to a number of legitimate economic interests. Disclosing the information into the public domain in response to an access to information request would be likely to cause substantial harm to those legitimate economic interests. We are therefore withholding the information under EIRs Regulation 10(5)(e) (Confidentiality of commercial or industrial information).

We have concluded that, in this case, it is not in the public interest for SNH to release information that would harm legitimate economic interests.

4. Please include discussions with the salmon farming industry (e.g. SSPO, Marine Harvest, Scottish Sea Farms, Loch Duart), Freedom Foods/RSPCA Assured, the EU/EC, the Scottish Government, the UK Government, ADD manufacturers and any other parties since 1 January 2016.

We have attached correspondence relating to the Salmon Aquaculture and Seal Working Group (SASWG), <http://www.saswg.org.uk/index.html>.

Please note that we have again marked out (redacted) some personal data in the documents. Releasing this personal data into the public domain in response to an information request would breach the Data Protection Act 1998. We are therefore withholding the information under EIRs Regulation 11(2) (Personal data).

We have redacted some information in the documents, and we have not provided some of the information we hold. We have not provided a copy of a presentation made to a meeting of the Salmon Aquaculture and Seal Working Group (SASWG) and references to it, or copies of correspondence relating to a proposed device trial/application for a European Protected Species (EPS) licence.

The information noted above is commercially confidential. It was provided to SNH in confidence, and this duty of confidence relates to a number of legitimate economic interests. Disclosing the information into the public domain in response to an access to information request would be likely to cause substantial harm to those legitimate economic interests. We are therefore withholding the information under EIRs Regulation 10(5)(e) (Confidentiality of commercial or industrial information).

We have concluded that, in this case, it is not in the public interest for SNH to release information that would harm legitimate economic interests; it is in the public interest for us to maintain the confidentiality in which the information was provided to us.

5. Please provide copies of any drafts reports, brochures, briefing notes, PowerPoint presentations, photos and any other documents relating to this FOI request since 1 January 2016.

This part of your request is too broad for us to be able to carry out meaningful information searches. Please can you review our responses to the other parts of your request; could you then let us know if you are interested in further, specific, information?

6. Please also include information on the killing and shooting of seals by salmon farms - including any information relating to a possible US ban on farmed salmon imports and on killing in SACs.

Please refer to the attached documents.

Some of the information we hold relates to seal licence applications made through the licencing system introduced by the Marine (Scotland) Act 2010, and there is too much information for us to be able to provide it all to you. It would take an excessive amount of staff time to deal with this part of your request and the scale of the task is too big for us to be able to deal with. It would not be in the public interest for SNH to divert such a significant amount of our staff time to this work as it would impede our ability to carry out our other statutory duties.

There is some information about seal licences in the spreadsheets attached along with this letter. Please can you review that information, and then let us know if you are interested in more specific information about a particular licence.

We do not hold any information relating to a possible US ban on farmed salmon imports and on killing in SACs. I therefore need to advise that EIRs Regulation 10(4)(a) (Information not held) applies to this part of your request.

How We Handled Your Request

We believe you have asked for environmental information as defined in the Environmental Information (Scotland) Regulations 2004 ('the EIRs'), so we are dealing with your request under those regulations. To be able to use the EIRs, we must apply an exemption under section 39(2) of the Freedom of Information (Scotland) Act 2002 ('FOISA'). The Scottish Information Commissioner's guidance recommends that public authorities apply this exemption to environmental information and handle requests under the EIRs.

If you would like to find out more about the access to information legislation there is a guidance booklet available on the Scottish Information Commissioner's website:

<http://www.itspublicknowledge.info/nmsruntime/saveasdialog.aspx?IID=5487&sID=5024>.

Review and Appeal

I hope this information meets your requirements but if you are dissatisfied with how we have responded to your information request, please write to us within 40 working days explaining your concerns. You can contact us at Battleby, Redgorton, Perth, PH1 3EW or email us at foi@snh.gov.uk. Our Director of Policy and Advice, Andrew Bachell, or his nominated delegate, will carry out a review of our response and contact you with their findings within 20 working days.

If you are not satisfied following this, you can make an appeal to the Scottish Information Commissioner. The Scottish Information Commissioner can be contacted at:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Online appeal service: www.itspublicknowledge.info/Appeal

Website: <http://www.itspublicknowledge.info/>

Telephone: 01334 464610

Yours sincerely

Rhoda Davidson

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