



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Mr Don Staniford, Director
Global Alliance Against Industrial Aquaculture

By email: salmonfarmingkills@gmail.com

Our Ref: SIR149352/A2585671

20 April 2018

Dear Mr Staniford

Information Request – ADDs, Predator Control and Salmon Farms During 2017

Thank you for your information request, which we received on 12 February. We have considered your request under the Environmental Information (Scotland) Regulations 2004 ('the EIRs'). We would also like to again apologise to you for the delay in sending this response, and for any inconvenience this has caused you.

You asked us for information on ADDs (Acoustic Deterrent Devices), predator control and salmon farms during 2017. You asked us to include:

1. any correspondence with the Scottish Government, local authorities (e.g. Highland Council and Argyll & Bute Council), salmon farming companies, ADD manufacturers, SMRU, St. Andrews University, RSPCA, RSPCA Assured, Freedom Food, supermarkets and any other persons in relation to the use of ADDs on Scottish salmon farms during 2017; and
2. any updated versions of the attached Excel spreadsheet (supplied by the Scottish Government via FOI/17/01044 on 2 June 2017) or any other data collated via Excel spreadsheets or other sources.

We have carried out a detailed search of the information we hold, and we have identified a number of documents that meet the terms of your request. Copies of the documents are attached along with this letter.

We have marked out (redacted) some personal data in the documents. We have also withheld some documents because they are personal data. Releasing this personal data into the public domain in response to an access to information request would breach the Data Protection Act 1998. We are therefore withholding the information under EIRs Regulations 11(1) and 11(2) (Personal data).

We have also withheld some information because it is commercially confidential. The information was provided to SNH in confidence, and this duty of confidence relates to 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.

We hold a draft copy of a research report, SARF 112. "Influences Of Lower-Frequency Acoustic Deterrent Devices (ADDs) On Cetaceans In Scottish Coastal Waters", which is being delivered by the Scottish Association for Marine Science (SAMS). However, this report has not been published yet and is currently going through a formal peer review process prior to publication. Until the review is completed we are not able to release this research report. Scientific journals only publish papers after completion of the peer review process.

We are therefore withholding the draft report under EIRS Regulation 10(4)(d) (Material which is still in the course of completion, unfinished documents or incomplete data). In this case we have concluded that it is not in the public interest to release a draft research report that is still undergoing peer review, and could be subject to change during that process.

We anticipate that the research will be published in June this year, and will then be made publicly available on the SARF website, <http://www.sarf.org.uk/>.

We have identified that some of the relevant correspondence we hold 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.

Highland Council https://www.highland.gov.uk/info/180/planning_-_applications_warrants_and_certificates/143/planning_permission/6
Portree Outer fish farm - 16/03352/FUL
Sconser Quarry - 17/02707/FUL
Isle of Scalpay - Screening / Scoping - 17/02163/SCOP
Culnacnoc - 17/04749/FUL
Invertote - 17/04735/FUL
Balmaqueen - screening / scoping - 17/02313/SCOP
Flodigarry - screening / scoping - 17/02314/SCOP
Pooltiel fish farm planning appeal - no planning reference - DEPA
Ru Chorachan - 14/01595/FUL
Relocation of Gob Na Hoe Fish Farm - 17/05347/FUL
Leinish relocation of fish farm - 17/05689/FUL
SE of Tanera Mor - screening / scoping - 17/04761/SCOP
Horse Island - screening / scoping - 17/04759/SCOP
Rum Fish Farm 17/03660/FUL
MacLean's Nose 17/04664/SCOP
Comhairle nan Eilean Siar https://www.cne-siar.gov.uk/planning-and-building/planning-service/planning-applications/
Mol na Ceanamhoir Fish Farm - 17/00536/FFPA

Argyll and Bute Council https://www.argyll-bute.gov.uk/planning-and-environment/find-and-comment-planning-applications
BDNC - 18/00005/MFF
Poll na Gille - 18/00004/MFF
Dounie - screening / scoping - 17/00040/SCRSCO
Port na Croe - 16/03407/MFF
Loch Tuath - 17/00216/SCRSCO

The version we have of the spreadsheet you attached along with your request email is the version we sent to you in April 2017. We do not have a more recent version that we can provide in response to this request. I therefore need to explain that this means 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. We will carry out a review of our response and contact you with our 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

Rhoda Davidson
Information Officer
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