

Freedom of Information request disclosure log sheet

Case No: Original 66 and Review 66R
Date Received: Original December 3rd 2018 and Review January 17th 2019
Topic: Salmon Farming Revenue
Request
<p>I wish to understand what revenues the Crown Estate Scotland receives from salmon farming.</p> <p>1A. Please outline all the various levies, rents, license payments that can be received from the salmon farming industry in Scotland?</p> <p>1B. Please provide details on how these levies, licenses, sea floor rents are applied and at what rates and how they are calculated? For example, the levy applied to gutted weight of fish.</p> <p>1C. Please provide actual amounts of revenues received from the salmon farming sector in 2017. Please break this down into constituent elements, for example sea floor rents, levies, licenses.</p> <p>2. Please provide details of all of the revenues paid by each of the following companies for the period 2017/2018</p>
Response
<p>1A. We receive a rent based on harvested production, namely a tariff of £27.50 per harvested gutted weight tonne of fish, discounted by 10% for production from leases in Shetland, Orkney and Western Isles. Where there is no production from a lease in any calendar year (farmed salmon production cycles mean sites harvest every second year), a 'vacant rent' is charged.</p> <p>1B. Rent is charged annually, based on the harvested production of the immediately preceding calendar year which must be reported by the tenant to Crown Estate Scotland by January 31st. Rents are arrived at through independent 5 yearly reviews that are published on our website. The rent is the levy; the only charges we apply to salmon farming tenants is rent, as described.</p> <p>1C. The following link will direct you to our Annual Report and Account 17/18. Here on page 38 you will find details of revenue generated. This may not be broken down as requested - all revenue generated is by means of rent. https://www.crownestatescotland.com/maps-and-publications/download/221</p> <p>2. We consider this information commercially sensitive. For this reason, we have chosen to apply exemption 33(1)(b) of the Freedom of Information (Scotland) Act 2002 (FOISA). Disclosure would (or would be likely to) prejudice substantially the commercial interests of any person or organisation.</p>
Request for Review
<p>To whom it may concern,</p> <p>With reference to your Department's response to my Freedom of Information request (attached), I wish to request an internal review.</p>



I refer to your application of section 33(1)(b) to withhold information covered by my request of 03 Dec 2018.

For that exception to apply, the information to be withheld has to be likely to cause substantial prejudice.

The link has to be genuine and it cannot simply be a remote or hypothetical possibility and there has to be a causal link between any disclosure and prejudice.

Significantly, I do not think that the disclosure is likely to cause substantial prejudice over and above any prejudice that may or may not already have occurred as a result of the wide range of information relating revenues paid to the Crown Estate Scotland by salmon farming companies or the details known about salmon farming operations. Many of these companies state the annual revenues paid to the Crown Estate in their annual accounts. Further it is possible to calculate this information with reasonable accuracy using publicly available harvest figures and Crown Estate tariffs. The payment of funds in itself is not commercially sensitive nor would knowing the sums paid result in substantial prejudice. The Crown Estate has not offered any explanation as to how supplying the information requested would likely result in substantial prejudice of the various salmon farming companies I requested information on.

The public interest here lies in ensuring that public authorities, in this case Crown Estate Scotland are shown to conduct regulatory and statutory functions appropriately and subject to public scrutiny.

Therefore, I request that you undertake a review of your application of section 33(1)(b) to my request.

I draw your attention to my initial request:

"2. Please provide details of all of the revenues paid by each of the following companies for the period 2017/2018".

- Scottish Sea Farms
- Marine Harvest Scotland
- Cooke Aquaculture
- Greig Seafoods
- Loch Duart
- The Scottish Salmon Company"

I place emphasis on the word "details". Please ensure that where sums can be broken down into constituent elements, they are.

I look forward to receiving the outcome of your review as soon as possible.

Response to Review

I refer to your email of 17 January 2019 requesting that we review our decision to apply the exemption set out in s33(1)(b) of the Freedom of Information (Scotland) Act 2002 to part of your information request of 3 December 2018.

I have reviewed the process which we applied in making the decision communicated to you on 19 December 2018 and have concluded that we did not correctly apply the exemption.

We have therefore looked again at the part of your request of 3 December 2018 to which we applied an exemption.

The part of your request which we originally applied an exemption to was:

“Please provide details of all of the revenues paid by each of the following companies for the period 2017/18.

- Scottish Sea Farms
- Marine Harvest Scotland
- Cooke Aquaculture
- Greig Seafoods
- Loch Duart
- The Scottish Salmon Company”

Our response is as follows:

Crown Estate Scotland (Interim Management) leases for salmon farming provide for an annual (calendar year) rent based on the reported production from the subjects of lease in the immediately preceding calendar year. The figures below are therefore the annual rent levied for each company in 2018 arising from the production reported for 2017:

- Scottish Sea Farms - £1,006,829
- Marine Harvest Scotland - £1,574,678
- Cooke Aquaculture - £657,257
- Greig Seafoods - £334,676
- Loch Duart - £144,723
- The Scottish Salmon Company - £773,412.

If you are dissatisfied with the outcome of this review, you have the right to apply to the Scottish Information Commissioner for a decision.

Document Ref	Document Title	Document Type	Exceptions/Exemptions

If you require any of the listed documents enclosed in a request for information, please contact:

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Please quote the Case Number, item number(s) and document name(s).