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## RSPB Scotland Consultation Response

### Draft Seaweed Policy Statement

#### About RSPB Scotland

RSPB Scotland is part of the RSPB, which speaks out for birds and wildlife, tackles the problems that threaten our environment and promotes the conservation of wild birds and their habitats. We are a charity supported by nearly 90,000 members in Scotland, based in coastal and rural areas as well as towns and cities, and 2,358 volunteers who contributed 131,904 hours in 2011/12. Some 80% of our income, and thus our spend, is raised from the private sector and our membership, with the remainder coming from public funds, grants, trust funds and foundations.

RSPB Scotland's work covers a wide range of issues including planning, climate change, agriculture and marine issues. We work with all marine-based industries including fisheries and aquaculture, with the aim of developing sustainable businesses supporting coastal communities for the long term. We have practical experience of managing land and coast for conservation, farming, forestry and other enterprises. Our professional planning staff comment on several hundred individual project proposals in Scotland each year.

#### Summary of key points

Species like common guillemots, razorbills and puffins are struggling to cope with increasing threats including a lack of food and the effects of climate change. Unlike the majority of Scotland's other seabird species, Black guillemots are not currently experiencing a population decline<sup>1</sup> purportedly because their inshore habitat has largely remained intact. Black guillemot have been found to forage where the seabed is rocky and vegetated with stands of kelp<sup>2</sup>, and with good abundance of prey species (blennies, gadoids and crustaceans) that also rely on this habitat. Black guillemot juveniles rarely move further than about 50km from their natal colony<sup>3</sup> and so more remote colonies may be slow to recover if damaged. European shags and great cormorants are also known to forage in seaweed habitat, especially on the west coast where their reliance on sandeels is less.

**RSPB Scotland is concerned that the policies proposed by this policy statement may have a detrimental impact on this habitat either through direct harvesting of wild seaweed or development of seaweed farms.**

Given the close association between black guillemot and kelp beds (and other habitats rich in algae), **RSPB Scotland suggests that there is a presumption against the commercial harvest of wild seaweed from the six MPAs proposed to protect black guillemots.**

<sup>1</sup> <http://www.snh.gov.uk/docs/B424907.pdf>

<sup>2</sup> Ewins, P.J. 1990. The diet of black Guillemots *Cephus grylle* in Shetland. *Holarctic Ecol.* 13: 90-97.

<sup>3</sup> Okill, D. 2002. Black Guillemot. In Wernham, C.V., Toms, M.P., Marchant, J.H., Clark, J.A. Siriwardena, G.M. & Baillie, S.R. (eds) *The Migration Atlas: Movements of the Birds of Britain and Ireland*: 405-406. T. & A.D. Poyser, London.

## DRAFT SEAWEED POLICY STATEMENT 2013

### 1. Do you agree with policies 1-6?

RSPB Scotland welcomes this consultation and the purpose of the policy document as it follows and supports best practice planning. However, **we are concerned that the policies proposed by this policy statement may have a detrimental impact on the habitat of marine birds - including black guillemot which is a protected feature in Scotland's emerging network of MPAs - either through direct harvesting of wild seaweed or development of seaweed farms.**

Given the close association between black guillemot and kelp beds (and other habitats rich in algae), **RSPB Scotland suggests that there is a presumption against the commercial harvest of wild seaweed from the six MPAs proposed to protect black guillemots.**

Unlike the majority of Scotland's other seabird species, black guillemots are not currently experiencing a population decline, purportedly because their inshore habitat has largely remained intact. Black guillemot have been found to forage where the seabed is rocky and vegetated with stands of kelp, and with good abundance of prey species (blennies, gadoids and crustaceans) that also rely on this habitat. Black guillemot juveniles rarely move further than about 50km from their natal colony and so more remote colonies may be slow to recover if damaged. European shags and great cormorants are also known to forage in seaweed habitat, especially on the west coast where their reliance on sandeels is less.

Policy 5 should clarify that 'other marine users' to be considered include environmental and wider community stakeholders, not only traditional industry interests.

Policy 6 should be strengthened to set out environmental assessment obligations, and particularly including potential cumulative effects. There must be consideration of environmental impacts, including indirect impacts to species, including marine birds, and their habitats.

### 2. Should policy 2 require local provenance, i.e., stock must originate from the water body the seaweed is to be grown in? **YES**

We support Policy 2 and agree that this should require local provenance. There should be clarification on what constitutes 'local', and there must be an invasive species risk management plan.

**3. Do you agree with policy 7?**

We support a policy to ensure that adverse environmental impacts are prevented. However, this should require environmental assessment (and any mitigation) reporting (EIA Regulations, under the Marine Works (EIA) Regulations 2007, as amended) and must include consideration of cumulative impacts. Issues of disturbance and deterrence of seabirds must be coherently addressed.

**4. Do you agree with policies 8 and 9?**

IMTA scale cultivation should also be supported by the revised Policy 6 and/or 7, in addition to those proposed in this section, to require environmental assessment including consideration of cumulative effects.

Policy 9 should be assessed appropriately to ensure environmental implications have been considered, including but not limited to disturbance and deterrence of marine birds.

**5. Do you think that the size scales (shellfish (small), medium, and extensive), are appropriate?**

These scales may be appropriate in themselves, but they are irrelevant unless cumulative impacts of different sites can be assessed and appropriately managed. The draft policy statement must clearly lay out how cumulative effects on the marine environment will be addressed.

**6. Which consenting option would be most appropriate for seaweed cultivation?**

RSPB Scotland supports Option 1: No change. We believe that all marine developments should be considered by the marine licensing regime. In the Aquaculture and Fisheries Bill consultation we called for seaweed harvesting and cultivation to be brought into the marine licensing regime, and for all seaweed farms to fall under this regulatory framework regardless of scale or links to aquaculture. This will help to ensure environmental interactions are fairly and appropriately managed and that we can better consider cumulative impacts with other similar and wider activities.

The links between terrestrial and marine planning must help ensure consistency across the planning regimes and consistency in decision making so that together the two systems achieve the sustainable management of the marine environment. For example, it is vital that the cumulative effects of developments in one geographical area but under separate regimes do not have negative impacts on seabirds.

**7. Should guidance be developed for the harvesting of wild seaweed?  
If not, what (if any) alternative arrangements would you suggest?**

Yes, RSPB Scotland believes that guidance must be developed for the harvesting of wild seaweed for commercial purposes. Such guidance must be developed in consultation with communities which currently harvest wild seaweed for commercial purposes, and also in consultation with environmental groups. In addition, Marine Scotland must consider how to assess and address environmental impacts of wild harvesting, including cumulative impacts.

RSPB Scotland believes there should be a presumption against the commercial harvest of wild seaweed from the six MPAs proposed to protect black guillemots.

**8. Should the 1997 Act should be amended to provide the flexibility to farm other species or specifically named species? YES/NO**

We believe that all marine developments should be considered by the marine licensing regime. This will help to ensure environmental interactions and cumulative impacts from various marine developments can be fairly and appropriately assessed and addressed.

**9. Do you have any comments to make on the BRIA content?**

No comments

**Additional comment: Strategic Environmental Assessment**

The SEA baseline fails to consider the future designation of candidate SPAs and marine SPAs, which will help in spatial planning.

'Potential environmental effects' figs 7.3 & 7.4 are inadequate. There is no mention of displacement effects, sensitive moulting/ aggregation areas, loss of habitat or disturbance to seabirds, or other marine species. This section also lacks any discussion of the potential impacts. Throughout the document, there is inadequate consideration of indirect effects to marine ecosystems.

The mitigation section needs to refer to requirements under EIA regs as mentioned above.

These issues must be rectified in order for the SEA to be complete and for decision making to apply an ecosystem-based approach to the management of Scotland's marine resources. Failure to do so will lead to actions or decisions which contravene duties under the Marine (Scotland) Act and Marine Strategy Framework Directive, the EU Birds and Habitats Directives, the Climate Change (Scotland) Act 2009, and commitments in the UK Framework for Sustainable Development.