

# Minutes of Meeting

## **MBL - Wild Seaweed Harvesting**

**Date:** 12 June 2018

**Time:** 14:00

**Venue:** Room E37 - Marine Scotland, 375 Victoria Road, Aberdeen

### *Attendees:*

- [REDACTED] (MS LOT)
- [REDACTED] (MS LOT)
- [REDACTED] (MS Planning & Policy)
- [REDACTED] (MS Planning & Policy)
- [REDACTED] (ABP Mer)
- [REDACTED] (MS Inshore & Seaweed)
- [REDACTED] (SSIA)
- [REDACTED] (MBL)
- [REDACTED] (MBL)
- [REDACTED] (MBL & SSIA)
- [REDACTED] (MSS)
- [REDACTED] (MSS)

### *Apologies:*

- No apologies

### *Welcome, introductions*

#### **TO DISCUSS LICENCE APPLICATION FOR WILD SEAWEED HARVESTING**

- MBL provided context to the proposal. It wants to establish a sustainable natural products Scottish business - using innovative technology to convert wet kelp into high value products for pharmaceutical and other markets.
- It is committed to demonstrating high standards of environmental stewardship and sustainable harvesting methods – which will be a key marketing point for the products.
- MBL needs to obtain access to a sustainable supply of *L. hyperborea* to establish the business.
- MS welcomed MBL's decision to appoint an environmental consultant and the opportunity to meet and discuss their proposal.
- MS spoke of the positives in going through a scoping process and that the submitted draft was a good place to start this process. However, due to the very recent submission, MS had not been able to gather many comments in advance of the meeting.
- MBL is looking for one licence to harvest kelp commercially and would like it to be issued in October 2018.
- Biomass of 1.2 million tonnes needed to extract supply of 30,000 tonnes in line with draft scoping doc, based on Burrows.
- This covers a large area consisting of 204 'cluster areas'.
- Discussing Sound of Barra as having biggest kelp fields but high constraints.
- Strip harvesting proposed with strips to be 4m wide x 200m long.

- Areas with density of >5kg/m<sup>2</sup> are required.
- Welcomed by MS as preferable to Norwegian model of whole Block harvesting.
- Discussing possible constraints such as areas with density of <5kg, small pockets of resource, MPA's for kelp feature, sensitive PMFs, infrastructure cables, physical coastline etc.
- Norway have discovered the smoother topography it is the easier it is to harvest.
- MBL consider that it is not practical to license 204 single areas.
- MBL suggest one licence subject to conditions:-
  - Prior resource and ecological report/survey
  - Ecological and human constraints
  - Robust environmental monitoring programmes
  - Submission of annual harvesting plans
  - Advice from environmental steering group
- General proposal put forward by ABPMer/MBL is based on the UK licensing regime for aggregates. The annual harvest plan would include agreed monitoring and assessment, advised by an environmental steering group (to be established) and follow an adaptive management process.
- MS advised that wild seaweed harvesting is a very different scenario to aggregate harvesting and far less established in consenting and assessment terms and therefore care must be taken when drawing parallels.
- Discussions regarding the public consultation process and noting that the Pre-application process in the marine licensing (PAC) Regulations 2013 is a good model to follow. Engagement with fishing interests and local community groups will be important.
- MBL considering that pre-harvest surveys could be carried out before proceeding with harvesting. Drop down video camera to be used to look at age etc.
- MBL advised that they have visual evidence of regeneration of kelp post-harvest in Norway which they could include in a licence application.
- Long term monitoring requirements would need to cover sufficient potential receptors and be representative of the various habitats.
- Discussion relating to up scaling from ~1000 tonnes p.a to 33000 tonnes p.a over 6 years.

## **MS ADVICE**

- The headline aspect of the draft scoping report is the size of the red line area in the proposed 'marine licence area'. MS advised that this was too large for any meaningful assessment to be possible and that this will decrease the likelihood of such an application being competent or fit for purpose.
- MS advised that there needs to be an MPA/HRA report that covers all the potentially affected sites and that, to do this, the locations of activity need to be known. MS also advised MBL to reconsider the exclusions in 2.5 as initial consideration of the proposed list is that it might not provide for areas where indirect effects might be important.
- MS advised that indirect effects and the number of potential receptors made the redline boundary proposed unworkable and that the indirect effects meant that the potential to scope issues out was greatly reduced.
- MS advised that the areas of high kelp densities in the map of locations (once constraints had been considered) showed clear areas within the redline map and that perhaps consideration should be given to these areas being applied for individually and in phased approach. This would enable learning from each

application to be transferred to other applications and offer more possibility of being able to assess the case specific environmental effects.

- MBL advised that this might not meet investor expectations.
- It was suggested by MS that a matrix of areas and timeframes for application could be drawn up that would allow smaller applications to progress, in the shorter term, with the learning available for future applications.
- All present agreed to take these points and consider the options.
- MS had been of the view that the assessment of the Gigha area in the Wildweed report would have been a good scale and location from which to start.
- MS raised that kelp removal by storms and by proposed harvest should be considered cumulatively.
- MBL advised that an SNH report is available which evidences kelp loss due to storm damage.
- MBL advised that kelp is host to many other flora and fauna which also need to be considered.
- To aid visualisation of the kelp areas, MBL/ABPMer suggested that the Map could be re-drawn into smaller scale areas.
- MS advised that monitoring requirements would be proportionate to level of predicted effect rather than activity.
- It was noted that Kelp is a PMF and is being reconsidered for the OSPAR list of vulnerable habitats.
- MS advised that harvest activity would require GPS tracking and compliance monitoring. The Anchor lab system was suggested by MS MBL advised that one or two boats would be used for the operations.
- The proposed assessments for the 'screened in' factors must be included in the final scoping report for consideration by MS and stakeholders to assess the acceptability of the proposed levels of assessment.
- MS advised that the strip harvesting and potential for the equipment to leave smaller kelp behind appeared to be suitable approaches but that this required to be evidenced in supporting documentation. Video footage of the environment left after harvest and subsequently of regeneration of those areas in other countries could benefit the visualisation of this.
- MS advised that MBL should clearly list or map the vulnerable coastal habitat where no harvesting would be carried out in the scoping report. This would enable stakeholders and advisers to consider the level of assessment and mitigation and would help in the scoping process.
- It was advised that anything pulled up as part of proposed activity and then disposed of at sea is a further licensable activity and that MS policy and legal may need to consider further -for example, holdfasts (and attached substrate) of the kelp but also other flora and fauna growing in the kelp. A BPEO would be required.
- MS advise there could be scope for agreeing a list of indicator species for monitoring purposes and that this could be considered in the scoping.
- Noting that without proper assessments, based on data, there is unlikely to be the required level of detail to grant a licence.
- Noting that MBL seek a licence in October. Whilst MS cannot give time considerations at this draft scoping stage, MS advised of the difficulties with the large scale application and continued to propose a matrix of smaller applications in a phased approach.
- MS also advised the importance of MBL engaging with stakeholders as early as possible.



Dear [name]

MBL is a Scottish company that wishes to establish a natural products business that processes sustainably harvested seaweed (specifically kelp) to supply specialist products for pharmaceutical and other markets. This enterprise would involve the low intensity sustainable harvesting of kelp off the west coast of Scotland and then processing of the kelp at a proposed new processing plant at Mallaig. Such harvesting has been successfully carried out in Norway and Iceland for many years without causing significant impacts in the marine environment.

This letter provides some initial information about the proposed initiative. We would welcome the opportunity to discuss our plans with you further.

Wild seaweed harvesting is a licensable activity and MBL will be applying to Marine Scotland for a marine licence. A separate planning application is being submitted for the processing plant at Mallaig.

When the processing plan is in full production, it will require an annual supply of around 30,000 tonnes wet weight of kelp (specifically *Laminaria hyperborea*). MBL intends to build up to this level of processing over a 5 year period. At full production the amount of kelp used would represent less than 0.5% of the estimated kelp resources in Scottish waters.

When in full production, the project is expected to create up to 32 full time equivalent jobs at the processing plant in Mallaig and around a further 10 full time equivalent jobs on the harvesting and transport vessels. There are also expected to be opportunities for local fishing vessels to be involved in the proposed monitoring programmes.

As part of the marine Licence application process, MBL is submitting a Scoping Report to Marine Scotland and is now looking to prepare an Environmental Report to support the Marine Licence application. The Environmental Report will fully explore all potential environmental impacts associated with the seaweed harvesting, as well as potential socio-economic impacts (positive or negative) to coastal communities.

As part of this process, MBL recognise the importance of engaging with coastal communities adjacent to areas potentially suitable for harvesting kelp. As such, MBL will be setting up regional meetings to provide an opportunity for key community stakeholders and representatives to hear more about the proposal, ask questions and discuss any concerns they may have. It is anticipated that the opportunity to discuss these issues with community representatives will arise either through MBL attendance at Community Council meetings, or via arranging events in a number of areas across the west coast of Scotland. Through this process MBL aim to refine the selection of

[REDACTED]

harvesting 'blocks' to help avoidance of any areas which may be sensitive to any potential impacts and to help maximise social and economic benefits to adjacent communities.

As a [*delete as appropriate*: statutory consultee to the marine licensing process/consenting body (i.e. CES)/key national body] we would like to arrange a time to meet with you in person to further discuss this initiative and obtain pre-application advice prior to the Environmental Report and Marine Licence Application submission. As such, I would like to follow this letter up with a telephone call to see if we could arrange such a meeting at your earliest convenience.

*Kind regards/yours sincerely (etc – depending on contact medium)*

*Insert contact details*

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*[Redacted signature block]*

[Redacted]

**From:** [Redacted] <[Redacted]>  
**Sent:** 30 July 2018 12:26  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Samples for key investor

Hi [Redacted]  
I will bring our records up to date from the dives and share once compiled  
We did successfully make samples from each batch and these have produced high quality pharma grade product.  
These were independently verified by our formulator and proved to be higher value than the current market leader  
and bodes well for the Scottish resource.  
Kindest regards  
[Redacted]



[Redacted]

Executive Director  
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**From:** [Redacted] <[Redacted]>  
**Sent:** 30 July 2018 12:11  
**To:** [Redacted] <[Redacted]>  
**Cc:** [Redacted] <[Redacted]>  
**Subject:** RE: Samples for key investor

Morning [Redacted]  
  
At our meeting a couple of weeks back you mentioned having successfully obtained the seaweed samples referred to in the correspondence below, if I understood correctly?  
If that is indeed the case could you please supply the details agreed below. I'm not sure whether you have already done so but I couldn't find any record so in that event could you please re-send.  
Many thanks  
  
Kind regards

[REDACTED]  
[REDACTED]  
Aquaculture Operations Manager

Crown Estate Scotland (Interim Management)

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[REDACTED]  
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From: [REDACTED]  
Sent: 16 May 2017 16:39  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Samples for key investor



[REDACTED]  
Executive Director

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\*\*\*\*\*  
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Good afternoon [REDACTED]  
I am of course very pleased with your decision and will happily comply with the terms of the sampling process and produce a harvesting report at the end of the sample process.  
I will speak to our harvest team and prepare to deploy on the 22nd or 23rd of May dependant on diving team availability.

Will keep you informed on progress with our success with the sampling and sample preparation to our investor

Kindest regards



From: [REDACTED]  
Sent: 16 May 2017 14:49  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: Samples for key investor

Dear [REDACTED]

Further to you mail below and attached request to take seaweed samples for product testing.

Firstly on the 'Licence to Survey' matter. I have to admit I'm not quite sure what you're referring to – it may be a more general sampling consent regime associated with some of our marine renewable energy business proposals, or possibly infrastructure.

It is not something I recognise as applying to Crown Estate Scotland, but happy to check if you can point me to the reference webpage.

On the matter of the sampling request, I have discussed this with [REDACTED] at [REDACTED] and we agree to your proposal on the following basis;

1. The agreement is for capped volumes of 120kg on each of four recorded occasions
2. Location of removal to be recorded via GPS as WGS84 co-ordinates each time and made available to ourselves and SNH.
3. Weight and no of plants constituting each sampling to be recorded and made similarly available (including whether whole plant removal or just part).
4. Information to be submitted in the form of a harvest report at the end of the sampling exercise.
5. This agreement is made without prejudice to any other requested agreement for any further sampling or other harvesting rights at this or other locations

If you are content to proceed on this basis please confirm by return e-mail copying in Tracey Begg

Kind regards

[REDACTED]

[REDACTED]

Aquaculture Operations Manager

**Crown Estate Scotland (Interim Management)**

Please note that my email has recently changed and is now [REDACTED]

[REDACTED]  
[REDACTED]

[www.crownestatescotland.com](http://www.crownestatescotland.com)  
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From: [REDACTED] [mailto:\[REDACTED\]](mailto:[REDACTED]) ]  
Sent: Friday, May 12, 2017 1:22 PM  
To: [REDACTED] >



Cc: [REDACTED]  
Subject: Samples for key investor

Good afternoon [REDACTED]  
Having spoken to [REDACTED] I am sending you a request to be allowed to harvest sufficient quantity of seaweed to allow continuance of sampling a potential serious investor.  
I look forward to your support on this matter and happy to provide further information

Kindest regards  
[REDACTED]



[REDACTED]  
Executive Director

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marine scotland



Scottish Government  
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[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
Dear [REDACTED]

Thank you for the submission of the document titled 'Discussion Draft for 2nd August meeting about Seaweed Harvesting' submitted to Marine Scotland on 26 July 2016.

The removal of algae from the seabed using a vehicle or vessel is considered to be a licensable marine activity under Section 21 (1) 6 of the Marine (Scotland) Act 2010. As such, a licence from Marine Scotland – Licensing Operations Team (MS-LOT) is needed prior to carrying on such removal activity.

The 'discussion draft' outlined your plans to harvest kelp from a number of areas in the 'Scottish marine area' and was the matter of discussion at a meeting between you and Marine Scotland on 2 August 2016. To avoid duplication, I append the minutes of that meeting to this letter, the two should be read in conjunction. I have also appended an updated draft process document.

You requested that comments be sought from key advisers on the discussion draft. Whilst the 'discussion draft' did not contain sufficient information to constitute a full 'scoping report', it was the intention of the meeting, and using the comments below, to provide sufficient information on the expectations of key advisers, to enable a targeted and valuable 'scoping' process.

The next steps in the process are for you to consider the scale of the proposed licensable marine activity. The scale of the activity should determine how to apply the following advice to your proposals and the need for submission of a scoping report based on the advice below, the draft Strategic Environmental Assessment and correspondence to date with MS-LOT. You will note that advisers consider the scale of the proposal in the 'discussion draft' to require a comprehensive environmental assessment. Comments to help you do this are provided.

Thank you for consulting with us on this matter and if you require further assistance or advice on marine licensing matters please contact MS-LOT at [MS.MarineLicensing@gov.scot](mailto:MS.MarineLicensing@gov.scot)

Yours sincerely,  
[REDACTED]

Section Head – Marine Licensing Section - MS-LOT

The comments from key advisers are summarised below.

### Marine Scotland Science

- Kelp stands form critical habitat for numerous marine species and as such, these habitats are listed as Priority Marine Features for Scottish waters. We also know they form critical nursery habitat for juvenile gadoid species on the West coast of Scotland. Species of significant commercial interest to fishermen. Kelp forests were proposed and nearly designated this year as "threatened / declining species or habitats" under OSPAR for the NE Atlantic.
- Environmental assessment is therefore required to ensure the sustainability of the habitat, the communities it supports and the commercial interests in sharing the "ecosystem services" kelp stands provide.
- the applicant should provide evidence of pre-application consultation with other local marine users, particularly commercial fishers, and a scoping report justifying whether a full environmental assessment will be required for the proposed activity.
- Dependant on scale the applicant could:
  - 1) Demonstrate that the scale (area) of kelp to be harvested is small and/or isolated (thereby having insignificant impact and/or allowing rapid recolonisation / recovery of both kelps and communities) OR
  - 2) Conduct a proper assessment of the impacts associated with the POTENTIAL maximum scale of operations in the areas identified. Taking into account recovery of kelp stands themselves, recovery times of the associated communities, the spatial and temporal extent of impact (not just extraction activity) and develop a programme of monitoring to demonstrate that impact and recovery predicted in the assessment is correct.

Given the severity of the potential impacts an assessment should cover:

- A baseline assessment of the kelp stands in these areas
  - A proper description of the planned or maximum extent of harvesting operations in these areas
  - An assessment of the impact on the kelp stocks themselves including recovery rates
  - An assessment of the impact on the habitat / communities supported and nursery habitat for commercial fish species (cumulative impact of all harvesting areas)
  - An assessment of the potential impact on protected features in nearby designated sites
  - An estimate of what proportion of the kelp forests in the areas is included in the proposal
  - An assessment of the indirect impact of harvesting methodology on the seabed (eg discarding of parts of the harvested fronds/stipes during collection)
  - Monitoring plans to validate the assessment
- A phased approach with good /evidence estimates of in situ recovery times would be more appropriate than harvesting in all of the areas in the discussion draft (which are in fact relatively close together) in the manner described from the outset.
  - In view of the importance of the habitat to a range of biota, and the links to organisms further up the chain many of which support commercial important species - it will be much more complex to monitor effects on non-target species, than is suggested.

## Scottish Natural Heritage (SNH)

The following advice assumes that licence application(s) will require some form of EIA. SNH strongly support this process, given the complexity and significance of potential impacts on the natural heritage, many of which don't involve Natura sites and so would not be considered by HRA.

### General / strategic issues

The discussion around the SEA process has regularly mentioned baseline characterisation and monitoring (the 'before' and 'after') but not how to determine a detailed framework for impact assessment. EIA scoping for MBL's harvesting proposal will inform how impact assessments develop and as such, will be a key stage for developing further thinking about requirements for impact assessment.

Close liaison is likely to be needed with SEPA not only as EIA consultees but also in relation to SEPA's duty (s.19 of Flood Risk Management Act) to identify natural features the removal of which could significantly increase flood risk.

### Proposal – general comments

The documents states that harvesting mimics storm damage, however, whether harvesting really mimics storm damage is far less important than the fact that impacts of harvesting are likely to be additional to removal by storms. The statement that six 'start-up' locations "avoid exposed sandy shorelines" is contradicted, not only by the Oronsay location but also by South Kintyre.

## Process

- the outcomes of the draft SEA should inform the applicant's aspirations for large-scale harvesting.
- As discussed at SEA PAG meetings, SNH support the idea of an 'EIA-type' process for potentially large-scale seaweed harvesting proposals such as this, but note the proposal is not explicitly covered in the EIA annexes.
- There is no information in the document to indicate where processing will take place at this stage.

## Proposal

- The detail provided does not go much beyond previous correspondence. As such, there is insufficient information at this stage to fully inform SNH's advice for any marine licence application and several issues require considerably more detailed information before we would be able to advise fully.
- It would be beneficial for the applicant to provide more detail regarding appropriate harvesting and monitoring methods. If there are some details that the applicant is unable to confirm in advance of licence provision then the works would have to be subject to some kind of project envelope to allow SNH to comment on the worst case scenario, but the fundamental detail of what the applicant proposes is still required.
- SNH broadly agree with the feedback MSS has provided, and highlight /expand on key natural heritage considerations below.
- The maps shown in the 'discussion draft' extend across a number of protected sites, notably the new suite of pSPAs. SNH's general advice with regards to the principle of

harvesting in designated sites is that we recommend that best practice is to avoid designated sites, where possible. However, designated sites are not intended to prohibit activities such as sustainable seaweed harvesting but are intended to protect species and habitats. Activities that directly or indirectly affect the protected features, such as seaweed harvesting, may need to be managed to achieve the conservation objectives of sites. As such, SNH advises that a **HRA would be required** to accompany the proposals in order to fully assess the impacts on relevant European protected sites (including in-combination impacts).

- It is unclear if the 2 maps shown (section 2: Harvest locations) are all areas to be covered in the 5 year licence application (in the first map in purple) or if the licence will cover only the areas in yellow (termed initial areas). From page 5 of the report '*To reduce the risk of misunderstanding, it must be understood these six locations are not likely to alone support MBL's first five year requirements. Access to other locations will be required.*' The applicant will need to be more explicit about the locations where they plan to harvest under licence – when and where.
- There are no details of the harvesting vessel/s to be used, harvesting methods, vessel routes, frequency of transits and landing locations.
- Monitoring (and reporting) methods need further consideration, the basic framework for which MSS has covered. Baseline information will be required, methods outlined and agreed in advance of licensing and harvesting commencing. This is the kind of information SNH would reasonably expect from other sectors where licences are required.
- Baseline and additional information should be used to inform impacts assessments (there is no mention of impacts assessments). The applicant should identify impact pathways (direct and indirect) and the potential magnitude of the impacts. It may be of benefit to the applicant to employ the expertise of a consultant / academia to assist in developing appropriate protocols / assessments.
- The biomass estimates in table at the bottom of page 6 needs to be evidenced by a baseline stock biomass assessment, and a sustainable harvesting methods and reporting strategy developed from that.
- Harvest method – this basic framework suggested needs further detail in terms of method to be applied and monitoring to determine its viability as a sustainable harvesting method, incorporating the use of fallows. Supporting evidence from earlier studies and reasoning/validation for this protocol should be provided with the harvest methodology.
- Harvesting and monitoring protocols – this section is particularly vague. There is discussion in this section regarding potential use of video cameras and echosounders, but it is currently unclear how / where these would be deployed and how they may fit into a monitoring and reporting framework.
- Mitigation needs further consideration in conjunction with impacts assessments (SNH notes all year round harvesting is proposed). A more detailed cumulative / in-combination assessment is required.

SNH has considered designated sites (and a few other notable assets) that could be affected through the pathway of reduced wave attenuation for the six 'start-up' locations. However, we have yet to consider all relevant protected sites and interests in detail. This may involve local staff who could raise particular issues for the sites, as well as specialist advisers e.g. for benthic effects or birds. As such, the advice provided is without prejudice to any future advice, i.e. it is likely possible that SNH may identify additional site or receptor-specific impacts at scoping.

### Potential impacts - the six 'start-up' locations

#### 1. North Kintyre

- Water depth mostly <12m but with 30m-deep channel forms at west edge of area.
- Potential increase in wave energy (cumulative with location 2) on north facing shore of Glenacardoch Point SSSI. However, further consideration may determine that no components of the Quaternary of Scotland notified feature could be adversely affected.
- Potential increase in wave energy (cumulative with location 2) on shores of Rhunahaorine Point SSSI. Could potentially adversely affect shingle feature (and dependent little tern feature).

#### 2. South Cara

- Water depth mostly 18-25m but 50m-deep channel forms (continuation of those in 1) at east edge.
- See 1 for potential effects.

#### 3. South Kintyre

- Water depth mostly <20m but up to 25m.
- Potential increase in wave energy to sand dune feature of Machrihanish Dunes SSSI (& golf course). Dominant land forming waves here often come from the west (or even north of west), the location will directly intercept these.

#### 4. South Port Ellen

- Water depth generally 10-15m.
- Potential to increase wave energy into The Oa SSSI / SPA, therefore impacts on interests of these sites (breeding chough) would require initial consideration.
- Definite potential to increase wave energy of dominant south westerlies into the bay of Port Ellen which could affect assets and infrastructure.

#### 5. Oronsay

- Water depth ca.6 – 20m.
- Location lies directly between shoreline and dominant wave and wind direction.
- Potential increase in wave energy could encourage erosion of Oronsay SAC machair interest and of Oronsay and South Colonsay SSSI machair and dune features (including Traigh nam Barc on Colonsay). This could also introduce knock-on instability to the machair surface. Breeding chough and corncrake Oronsay and South Colonsay SPA interests would require consideration.
- The burden of proof required for HRA suggests prior monitoring may be needed in order to establish a baseline. e.g. a year of metocean recording both to seaward and nearshore, coupled with observations of varying seaweed extent and density. Baseline monitoring will require further consideration by relevant specialist staff within SNH.

#### 6. South Scalasaig

- Water depths ca. 5 – 20m.
- Site described as an alternative to the Oronsay location but considered here separately as one of the 6 locations (i.e. worst-case possibility of cumulative impacts with the Oronsay location).
- Potential increase in wave energy could affect dunes feature (and possibly machair feature) of SSSI on east coast of Oronsay and south east coast of Colonsay. Lower risk of impacting SAC machair interest, which only occupies southern half of Oronsay.

Potential impacts - full set of '5 year time horizon' locations

Kintyre west coast

Potentially greater effects on the sites discussed at 1 – 3 above. Kilberry Coast SSSI (Knapdale) might well need scoped in for its coastal habitat features but potential effects considered unlikely.

Islay and Jura south east and east coasts

Potential direct and indirect impacts on harbour seal interests of South-East Islay Skerries SAC would require consideration.

Islay – Laggan Bay and Loch Indaal

Potential effects on sand dune feature of Laggan Peninsula and Bay SSSI, and on intertidal habitat features of Bridgend Flats SSSI (and potentially its SPA birds in turn).

Islay – Rinns peninsula

Potential effects on coastal geomorphology feature of Rinns of Islay SSSI could be adverse in terms of disrupting natural coastal functioning.

In considering impacts across 'start-up' and '5 year time horizon' locations, consideration will also need to be given to potential impacts on protected sites that are currently at the consultation stage and therefore have policy protection, namely Sound of Gigha and Coll and Tiree pSPAs for winter bird interests. Inner Hebrides and the Minches pSAC for harbour porpoise will also require consideration (the consultation for this pSAC has now closed).

Impact assessment considerations

Taking into account the uncertainty over the extent, frequency and pattern of harvesting and taking into consideration established practice for assessing impacts of other sectors e.g. marine renewables, it's likely that assessing the impact of at least some of the proposed locations will require hydrodynamic modelling.

Where the sensitivity of coastal receptors is sufficiently low (e.g. where they are resilient to increased wave attack) and / or harvesting is minor relative to the existing resource, simple desk-based calculations are likely to suffice instead, or even expert reasoning for the lowest-magnitude impacts.

Factoring in seaweed recovery time (including decay in the effect of reduced wave attenuation) could be complex not only ecologically, but also in relation to determining model run period. Although a year will be the base unit for modelling, it will be very important to model 'medium large' storm events with a return period of, for example, up to 20 years. Such storms create waves large enough to cause significant coastal erosion but small enough to still be hindered by kelp beds.

In line with EIA of marine renewables, we anticipate that impacts from increased wave energy will need assessed not just for designated sites but also non-designated coasts, both soft and hard. For each location or combination of locations, a generous 'zone of potential effects' would need to be set as a minimum domain for hydrodynamic modelling, plus an area at least as large for the impact assessment. For example, the Oronsay location might, depending on its exact specification, have potential to affect the southeast-facing coast within the SAC by reducing energy of westerly waves refracted around the island.

The key elements of hydrodynamic modelling are likely to be:

- Establishing a representative wave climate for the seaward side(s) of the harvesting location(s). A familiar process for marine renewables developers.
- Establishing current wave climate at the shore – difficult decisions around whether/when this would require monitoring or could perhaps be done by extrapolating wave transformations from kelp sites studied elsewhere.
- Taking the proposed degree of harvesting (see above) and deriving the effect on waves, taking account of relationships between vertical extent of kelp and wave closure depth.
- Modelling the predicted wave climate at the shore after harvesting over the relevant time period (either until harvesting is repeated or until pre-harvest seaweed extent is predicted to re-establish).

The above advice only discusses the most obvious physical processes effect: increased wave energy increasing the potential for erosion. If offshore harvesting would reduce the net volume and frequency of beach-cast seaweed, the contribution of such material to beach stability and coastal vegetation growth (noted in various studies and reviews) could be reduced. As this indirect effect would largely exacerbate the effect of increased wave energy, this has yet to be investigated further. However, it ought to somehow be factored into impact assessment, to avoid under-estimating the potential for offshore harvesting to encourage coastal erosion.

#### Scottish Environment Protection Agency (SEPA)

- Any application for an activity in the water environment must take into account the good status and/or no deterioration requirements of Water Framework Directive (WFD) and Marine Strategy Framework Directive (MSFD). Where activities are permitted then the appropriate mitigation must be used to ensure that the overarching status objectives are met.
- Environmental monitoring requirements – to ensure consistency with similar regimes. The aquaculture industry are required to provide suitable environmental monitoring of the sea-bed prior to the establishment of any cages, this provides a baseline for all future surveys as to the health of the local environment.
- The Scotland River Basin District (Standards) Directions 2014 sch 4 details the application of spatial standards to transitional and coastal waters. As the majority of Scotland's coastal waters are high status the spatial standards test for ecological status or ecological potential would only allow 0.5km<sup>2</sup> or 5% cumulative.



## Appendix 1

Meeting Minutes			
Marine Scotland Licensing Operations Team:	Marine Biopolymers Ltd (MBL)	Date:	02 August 2016
[REDACTED]	[REDACTED]	Venue:	C203, Marine Laboratory, Aberdeen
[REDACTED]	[REDACTED]	Time:	10:00 am
[REDACTED]	[REDACTED]		

### 1 – Welcome and Introductions

#### 2 - The Act

MB confirming that, as per the recent legal advice Marine Scotland had received, it has been determined that the definition of a “*substance or object*” as referred to in Section 21(1)6 of The Marine (Scotland) Act 2010 (“The Act”) includes kelp or seaweed. As such, MB advised that the proposed activity of MBL falls under the marine licensing regime as detailed in Part 4 of The Act. WS querying if The Act has been amended or if the interpretation had just changed. MB confirming that the Act had not been amended however we had now received legal advice clarifying the interpretation of “*substance or object*”. MB providing an overview of the marine licensing process, including the standard timeframe of 14 weeks for processing and determining applications.

WS querying the consultation process and enquiring if only statutory consultees would be included. MB explaining that, in the first instance MBL is advised to publish a public notice regarding the proposed works, following the procedure in the Marine Licensing (Pre-Application Consultation) Scotland Regulations (2013), and thereafter consultation, either scoping or on an application, would take place. MB advising that only a very limited number of applications are restricted to consultation with the statutory consultees only and these would be related to small scale projects with minimal impact. This would not apply to removal of seaweed on the proposed scale.

MB advising that some projects are also classified as falling under The Marine Works (Environmental Impact Assessment) Regulations 2007 (EIA). MB explaining that MBL’s project was not classed as an EIA project, however the EIA model of screening and scoping would be the recommended approach for the proposed project. MB providing further information on the screening and scoping process. WS querying what stage in this process their project would currently fall under. MB explaining the draft discussion paper would require further information including the types of assessments proposed before it would constitute a scoping report.

### 3 – Discussion of Comments

MB explaining that due to the short notice he had not been able to obtain full comments regarding the draft discussion paper from MSS and SNH. Confirming once these were received he would collate the comments and forward them to MBL. **Action 1.**

#### a) Scottish Natural Heritage (SNH) comments

MB advising that the comments received so far from SNH indicate that they are supportive of the EIA process being followed for this proposal and recommend that the draft Strategic Environmental Assessment (SEA) should be used to inform the assessments used by MBL. WS advising he has not been able to obtain an updated copy of the SEA. KM noting there was useful information contained in the update and it would be beneficial to MBL. MB advising that the updated SEA details a suite of pathways and receptors which would require consideration in MBL's scoping report. MB explaining these terms. MB advising that the scoping report would require to include evidence to support any conclusions that any of the pathways or receptors are not to be negatively affected by the proposed activity. WS querying how this should be dealt with if the activity has not been carried out before. MB advising that if scientific evidence is available then it must be used, failing which it would be for MBL to make a case within their scoping report justifying their position. MB emphasising that information is key and if an applicant has made 'leaps of faith' then the regulator would have to apply the 'precautionary principle' when determining an application. **Action 2.**

KM explaining that MBL require to consider and address the receptors on a site specific basis as the receptors may differ for each site. Separate applications should be made for each of the areas proposed. MB explaining the Habitats Regulations Appraisal (HRA) process and noting that based on the draft discussion paper SNH have confirmed this will be required. KM explaining that the MBL would need to consider candidate and draft designated sites as well as already designated sites. WS querying if the candidate and draft sites are published. KM confirming she would look into this. **Action 3.**

WS querying who determines what is 'small scale' and 'significant impact'. KM advising that if MBL considered their project to be 'small scale' then they would require to demonstrate this within their scoping report and thereafter MS-LOT would consult on this matter. WS enquiring as to whether MS-LOT were bound by the statutory consultee responses and KM confirming that MS-LOT would require strong justification to depart from these. MB noting that the footprint of the project was bigger than some renewable projects which are required to follow EIA. RS advising however that the proposal follows what the impact of a storm would be however on a smaller scale.

MB explaining that this information should be detailed in MBL's scoping report but should include evidence to support this view. MS-LOT would then consult SNH etc and thereafter review the responses. MB emphasising that 'significant' is a crucial term and there has been a lot of case law regarding its interpretation. KM suggested that MBL review some of the information provided relative to wind projects and MB directing MBL to the MS-LOT website in this regard.

#### *b) Marine Scotland Science comments (MSS)*

Reviewing MSS comments. RS advising that following discussions with SNH he did not think that the proposal would affect any Priority Marine Features (PMF). WS confirming that they would include in their scoping report details and evidence as to why PMFs were not affected.

RS voiced concerns regarding the requirement of baseline surveys and querying the rationale for this, commenting it would impact investment. WS advising of the difficulty in surveying something which is not static and depending on the type of survey the results could be worthless. MB querying the type of surveys MBL's draft discussion paper indicated they were going to complete. WS explaining these were intended to be completed prior to harvesting the kelp so to ensure the kelp had not been removed by the weather. KM explaining that MS-LOT

could not make an informed licence determination without evidence. MB noting that all of the comments received regarding the draft discussion paper so far emphasise the need for baseline surveys.

WS querying if a marine licence could be issued subject to a condition requiring a satisfactory pre-harvest survey. KM explaining that if the proposal is located within a HRA designated site then we would not be able to meet our HRA obligations with such a condition. MB directing MBL to SNH sitelink website with regards to identifying designated sites. MB advising that if MBL did not want to do the assessments which all the consultees were indicating would be required, then MBL could minimise the scale of their project and essentially apply for a marine licence for a test site. DM commenting that the amount of kelp required to make the project viable is probably not small scale.

RS also questioning the practicality and cost of sampling every species of flora or fauna. MB explaining that MBL could identify and justify which types of species of flora or fauna were important and which weren't in their scoping report and thereafter MS-LOT would consult on this. Through the scoping process considerations which are justified and agreed as not relevant or appropriate can be scoped out.

#### c) SEPA comments

MB detailing comments made by SEPA. KM confirming all of the comments would be forwarded to MBL for them to digest.

MB advising that all those consulted on the paper provided by MBL had done so to a tight timescale and that further consideration may be needed. Also that each of the consultees had gone to great efforts to provide comments for the meeting and wished to be involved in the process as it developed.

#### **4 - Marine Licensing (Pre-Application Consultation) Scotland Regulations 2013 (PAC)**

WS querying the process for PAC and MB advising proposal was not a prescribed activity under PAC. WS advising MBL content to follow this process anyway. The timeframes for PAC, EIA and a marine licence application were discussed further. MB confirming that the scoping report would be consulted on and a scoping opinion is issued before a marine licence application is submitted. WS confirming understanding of the distinctions and processes. KM explaining that essentially it is a front loading process in that the applicant is made aware of any potential issues by the scoping process and can attempt to deal with these prior to submitting a marine licence application. KM directing MBL to review a scoping report and the process map for wind farm applications, both available on MS-LOT website, with a view to putting together a scoping report.

#### **5 – Application Form**

MB advising that anything which is pulled up as part of proposed activity and then disposed of at sea is a further licensable activity. WS, DM and RS commenting on issues of such a requirement relative to the unavoidable lifting of stones whilst harvesting kelp. MB explaining requirements of legislation in this regard. RS confirming MBL would consider bringing stones back and disposing of on land. MB advising if this was the chosen option then this should be included in the scoping report.

MB commenting that different locations identified in draft discussion paper and therefore should apply for each site as a different application. KM explaining that different locations could mean different consultees and different considerations. Noting that if MBL submit one application for all of the sites then they could end up in the scenario whereby the whole application is held up by an issue with one site. KM commenting that if MBL are looking to build traction for the project then potentially they should consider applying for smaller scale individual test sites. MB noting that if MBL want to apply for the whole project at the same time then MS-LOT would recommend following the EIA process.

DM querying the timeframes for the process and MB confirming that for a small scale application the process would be approximately 14 weeks. With regards to a bigger scale project which would follow the EIA process then the timescale will be longer. MB noting that for the EIA process we could not determine the timescales however the quality of the information supplied by the applicant would impact this.

RS querying if a marine licence is issued if this would include exclusivity for the activity. MB confirming it would not and referring to the co-existence policy contained within the Scotland's National Marine Plan. WS noting that they would instead discuss this matter further with the Crown Estate.

No.	Actions	Who
1.	Comments received relative to MBL's draft discussion paper to be collated and forwarded to MBL together with outstanding comments once received.	MS-LOT
2.	Copy of updated SEA to be forwarded to MBL.	MS-LOT
3.	Confirmation to MBL as to whether draft SACs have been published.	MS-LOT

## Appendix 2.

### Draft map of licensing process for the 'commercial scale' removal of seaweed from the seabed in the Scottish marine area.

The regulatory process to control the sustainable removal of seaweed from Scottish waters requires an applicant to carry out an assessment of the environmental effects of their proposed activity to support their application. This will involve the collection of 'baseline' data and studies to calculate the effects. The removal of seaweed is not an Annex 1 or 2 project as described in the EIA Directive (85/337/EEC) and therefore would not require a statutory EIA. However, given the nature and size of potential seaweed removal, and the need for the provision of evidence to support any proposal, an 'EIA-type' process, of Screening, Scoping and Environmental Statement stages, would allow for the best targeted Environmental Assessment to be undertaken.

Such a process is outlined below and should follow SNH guidance on the matter <http://www.snh.org.uk/pdfs/publications/heritagemanagement/EIA.pdf>

#### Screening

Regulators can be asked for a Screening opinion. This is the determination, by the regulatory authority, of whether an EIA is necessary. Whilst seaweed removal does not require EIA, this should be the stage where the regulatory opinion is given on whether the EIA-type process should be followed to best assess the potential effects of a proposal.

A request for a screening opinion from the regulator must be accompanied by:

- a chart or map (or both) sufficient to identify the location of the project and of the regulated activity,
- a brief description (including a plan) of the nature and purpose of the project and the regulated activity and their possible effects on the environment,
- a statement of the working methods to be used in the course of the project and in carrying out the regulated activity, and
- such other information or representations as the applicant may wish to provide or make.

The process of providing a screening opinion will usually take around eight weeks. Where the proposed activity is of a small scale, this stage is the appropriate time to discuss regulatory requirements, if any, with the regulator.

A processing agreement could be entered into at this stage in the process with the aim of developing "a shared understanding and expectation of the processes involved, and can help to identify what information is required, and from whom, and in the setting of agreed timescales for the various stages of the process" (PAN 1/2013)

## Scoping

Regulators can be asked by an applicant for an activity for a Scoping opinion. This is the stage at which the applicant submits a 'scoping report' to propose:

- key issues to be considered;
- those matters which can either be scoped out or which need not be addressed in detail; and
- appropriate methods of impact assessment, including survey methodology where relevant.

The regulator will, following consultation, provide a 'Scoping opinion', based on the submission by the applicant and representations from consultees. The process of providing a Scoping opinion will usually take around eight to ten weeks.

In addition, it is beneficial for applicants, regulators and consultees to:

- Make early site visits in order to ensure that matters of natural heritage and other environmental concerns are identified at an early stage;
- Establish appropriate consultation arrangements with interested parties including the Competent Authority;
- Conduct the scoping exercise in a systematic manner using scoping matrices and producing a Scoping Report; and
- Agree baseline survey requirements, prediction methods and evaluation criteria with appropriate bodies, including non-governmental bodies where they have expertise

Through the use of robust scoping stages, the prospective applicant should be gathering advice to enable them to carry out requirements for baseline data collection, site characterisation surveys, monitoring requirements (methods, duration), mitigation and any required reporting schedules particularly if the proposal involves any phased harvesting which would be subject to appropriate reporting between phases.

## Pre-Application Consultation (PAC) requirements

Ideally an applicant for seaweed harvesting approval of this type would follow the steps in the Marine Licensing (Pre-application consultation) (Scotland) Regs 2013.

Under these rules, applicants are required to carry out a public pre-application consultation to allow local communities, environmental groups and other interested parties to comment upon proposed marine developments at an early stage. The process requires a public event to be held and a report detailing the outcomes of the event must be submitted alongside an application. Guidance on the process is found at <http://www.gov.scot/Resource/0043/00439649.pdf>

### Submission of the application and Environmental Statement

Where an applicant has been given a Screening opinion that the EIA-type process should be followed and the Scoping stage has been completed, the applicant should submit an Environmental Statement alongside their applications.

The ES in support of the application should be developed in line with SNH guidance and should cover all aspects required from the Scoping process. It is likely that an ES for seaweed harvest should cover at least the following (which should be tailored to the site, the scale and the target seaweed species):

- Detailed baseline ecological surveys showing composition of species found at the location of the proposed activity and those relying on the site or algae to be removed:
- Impact on species identified above which rely on or which live in/on/around the site/product e.g. use of site by wrasse, gadoid nursery areas, herring spawning areas modelled over various time periods, various harvesting regimes to provide conclusion on the most appropriate way forward
- A stock biomass assessment of the area proposed for seaweed removal
- Baseline studies of coastal processes and details of existing and likely impact on coastal processes or impacts on coastal infrastructure
- The details of the harvesting operations, such as proposed biomass to be harvested, and the timings and duration of activity.
- A sustainable harvesting strategy
- Impact on fisheries (all scales), modelled over suitable time periods and using different harvesting regimes to inform the harvesting strategy
- Modelled information to support any harvesting cycle allowing comparisons to be made
- Cumulative and in combination impact assessments considering not only kelp removal projects but any other projects which may have an impact as detailed above
- Proposed means of dealing with waste from the proposed process
- Any other information to allow the competent authority to complete any necessary HRA process (would be site dependent) Information on the impact on the NMP
- Information on the impact on MPAs/ SPAs/SACs
- Information on any EPS affected/likely to be affected.

In the submission of the application for a marine licence the applicant must submit at least the following:

- Project description including charts, maps and co-ordinates of the exact location of the works along with a chart showing the area in which the work is to be carried out
- Details of the proposal including harvesting methods, and equipment to be used
- The required Fee – based on sec 3 of the fees regs based on costs of the project
- cost/benefit analysis of the proposals to assess the impact of the proposal on any affected industries and provide a balanced assessment of the projected investment to the area and the country.
- Confirmation of the position with Crown lease
- PAC report

Following receipt of the application for regulatory approval and accompanying Environmental Statement, the regulator will carry out a consultation with both statutory and on-statutory consultees. EIA projects require a 42 day consultation period.

The statutory consultees for the marine licensing process are the NLB, the MCA, SNH and SEPA. Non-statutory consultees include, but are not limited to, the Royal Yachting Association (RYA), the Crown Estate (CE), Scottish Fisherman's Federation (SFF), Marine Scotland Science (MSS), Whale and Dolphin Conservation (WDC), Historic Scotland, Transport Scotland and any relevant Harbour or Port Authority.

#### Decision

A marine licence may then be issued with attached conditions. These conditions will remain enforceable throughout the lifetime of the licence.

#### Appeal of decision

Any applicant for a marine licence is able to appeal against a decision not to grant a licence or against any of the conditions attached to a licence. Regulations made under Section 38 of MSA 2010 and Section 73 of the MCAA 2009 provide that appeals against marine licensing decisions for both the Scottish inshore and offshore regions will be heard by a Sheriff. The Sheriff Court provides an independent and impartial forum for these appeals.



[REDACTED]

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**From:** [REDACTED]  
**Sent:** 11 September 2018 14:27  
**To:** [REDACTED]  
**Subject:** FW: CONFIDENTIAL: MBL update

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**From:** [REDACTED]  
**Sent:** 01 May 2018 16:23  
**To:** [REDACTED]  
**Subject:** CONFIDENTIAL: MBL update

Hi [REDACTED]

[REDACTED] has told us that the SRSL report is now complete so we'll contact HIE in the hope of seeing it shortly.

In the meantime, MBL has just agreed an investment option with a global biopolymer company under which they have 6 months exclusivity to invest in MBL. This should lead to a multi-million £ investment in an MBL plant in the Highlands to process Laminaria Hyperborea (LH) into high value products, the first step in our "Seaweed Biorefinery" concept.

Assuming the investment goes ahead, MBL will need to start harvesting in summer 2019. However, to convert the option into that full scale investment, we will need a commitment (e.g. a licence) before the option expires.

We've drafted an outline application that will be completed after we see the SRSL report. We'd now like to request a meeting with MS and MS-LOT as soon as possible to discuss this outline so that our application can progress as rapidly as possible. As we also have a concern about the possibility of "double regulation" because of the role of Crown Estate Scotland in this process, we'd also be keen to meet you and CES together if that could simplify the process.

Can you facilitate an early meeting with MS and MS-LOT and, if you think appropriate, with MS and CES?

Best regards

[REDACTED]

[REDACTED]  
*Cogency Chemical Consultants Limited*  
[REDACTED]  
[REDACTED]  
[REDACTED]

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**From:** [REDACTED]  
**Sent:** 25 October 2018 11:23  
**To:** [REDACTED]  
**Subject:** FW: Seaweed

-----Original Message-----

**From:** [REDACTED]  
**Sent:** 27 September 2018 16:55  
**To:** [REDACTED]  
**Subject:** FW: Seaweed

Another for the FOI

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**From:** [REDACTED]  
**Sent:** 10 December 2015 09:48  
**To:** [REDACTED];  
[REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Seaweed

[REDACTED]

Thank you for meeting this morning. The meeting was very productive and provided me with a much clearer understanding of the issues.

In summary we agreed that we would get into a process to enable MBL to establish environmental sustainability to move towards a license. Part of this process will enable scientific trialling, sampling and research, the results of which will be shared where feasible.

As an initial step in this process we agreed our respective scientific advisers should meet to discuss issues in January. Sarah indicated she would be happy to arrange this meeting.

[REDACTED]

Marine Policy and Planning  
Marine Scotland  
9/12/2015

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[REDACTED]

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**From:** [REDACTED]  
**Sent:** 09 April 2013 11:28  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Information about demonstration and research MPAs

H [REDACTED] and [REDACTED]

Apologies for not sending this earlier but I ran out of time before going on leave for Easter.

Here is a link to the MPA selection guidelines.

<http://www.scotland.gov.uk/Topics/marine/marine-environment/mpanetwork/mpaguidelines>

See in particular s6 and s7 as well as Annex II regarding third party D&R proposals

The relevant sections in the Marine (Scotland) Act  
<http://www.legislation.gov.uk/asp/2010/5/contents>  
are;

s71, 72 which give the power to designate D&R proposals

s82,83 which place a duties on public authorities to act in a manner that furthers the stated purpose of a D&R MPA

s85-91 which gives ministers the power to make marine conservation orders for furthering the stated purpose of a D&R MPA

If you wish to pursue a D&R proposal I would be happy to assist you with the process.

Best Wishes

[REDACTED]  
Marine Scotland – Marine Planning and Policy

Scottish Government | Area 1A South | Victoria Quay | Edinburgh | EH6 6QQ

Tel: [REDACTED]  
Fax: [REDACTED]  
e: [REDACTED]@scotland.gsi.gov.uk  
w: <http://www.scotland.gov.uk/marinescotland>

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**From:** [REDACTED]  
**Sent:** 23 July 2018 16:16  
**To:** [REDACTED]  
**Subject:** Communication Letters  
**Attachments:** Statutory Group\_GDPR.DOCX; Stakeholder letter\_GDPR.DOCX; Copy of Stakeholder databaseV2.xlsx

Good afternoon [REDACTED]  
As per my previous e-mail on delivery of the Scoping report 17/07/2018 Please find attached copies of the draft communication letter templates that we plan to use with each group of Users and stakeholders. We have been preparing a database of Statutory consultee's and Stakeholder list.  
I have attached the draft list which will be updated as we get more contact information.

Could you please indicate for planning purposes the likely time scale that the informal consultation will be completed on the Scoping Report Review. We would offer to meet with you at the completion of this process to determine a way forward and to discuss issues and comments from the Process.

We realise that times can be off track due to holidays etc but we are very keen to achieve the necessary conditions for a license  
Kindest regards  
[REDACTED]

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



[REDACTED]

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**From:** [REDACTED]  
**Sent:** 05 July 2018 17:17  
**To:** [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED] (MARLAB); [REDACTED] (MARLAB); [REDACTED]  
**Cc:** [REDACTED]; [REDACTED]; [REDACTED]  
**Subject:** RE: ms/mbl/abpmer - meeting to discuss seaweed scoping draft - 12 June 2018  
**Attachments:** ms and adviser comment-seaweedharvest-2-9-16.pdf

Dear [REDACTED]

When we met previously (12 June 2018) you will recall that we agreed that MS-LOT would further consider the aspect of the size of the area and the ability to assess the potential environmental effects of the proposed activity. MS-LOT has maintained the confidence of your submission and not consulted further on your proposal but we have considered previous advice given to MBL (attached above for ease of reference), the guidance in the Wildweed report and your draft scoping document.

The advice provided below is given in good faith to inform your intended scoping report. It is noted that the Preliminary Draft - Scoping Report, dated June 2018, does not include details on the descriptions of the existing environments for the topics covered and therefore it remains difficult to advise on the suitability of the assessment approaches identified. However, MS-LOT advice to MBL remains that suitable assessments should be carried out to provide details on baselines for kelp stocks and effects on the receptors identified and agreed through the scoping process. In this regard, MS-LOT advice to you remains that, considering the size of the MBL proposed area, undertaking meaningful assessments to support an application may be difficult for MBL to achieve.

Your Preliminary Draft – Scoping Report states that MBL does not propose to gather further area specific environmental data to support a marine licence application, rather that you would rely on desk based study and existing data, leaving baseline studies and assessment of area specific environmental impacts until later. As advised previously, marine licence applications should be informed with good environmental assessment, and while this may include existing data and desk-based assessment, such approaches need to be able to properly address the potential effects of a proposal. The size of your proposed ‘licence area’ and your proposed approach to only provide desk based study or existing data and not provide area specific data may be suitable for certain receptors where existing data is suitable, but we highlight that this approach applied to all receptors, such as details of kelp stocks and environmental receptors, may be a risk to such an application and, as previously advised, may result in high levels of objection from interested stakeholders. You are therefore advised to apply for smaller, more targeted, areas, with more specific locations and assessment provided in your application.

In your document ‘Determination of MBL’s required licence area and licensing approach’ MBL put forward two areas, one larger area covering the Minch (Fig. 4) and an alternative, covering areas at Skye and Coll and Tiree (Fig. 5). The alternative areas seem more suitable for assessment in terms of scale of application. However, the proposed activity requires more in the way of spatial delineation. It is recognised that MBL currently does not have the data on the location of the kelp and that such data may be difficult to obtain in the short term. It is for this reason that the smaller scale and phased approach is recommended. This could be taken forward in clusters of harvesting areas in smaller licence areas. A phased approach would enable you to assess each area in turn and to gather suitable supporting information for each separate application. Such an approach follows that put forward in the Wildweed report. For ease of reference this is found at Section 5.2 of the report.

For the avoidance of doubt, the point above relates to applying for more locations but in individually smaller areas while maintaining the lower percentage of harvest you have described as being suitable for the larger area.

On the matter of the reintroduction of the holdfasts to the marine environment, MS-LOT has taken advice on OSPAR obligations and licensing requirements. Mere disposal of material not on the list of 'certain waste' [REDACTED] Annex II of the OSPAR Convention is prohibited. However, placement of matter for a purpose other than the mere disposal thereof is not considered to be dumping or subject to the prohibition. As you intend to return holdfasts, and the rocks attached, in order to facilitate the survival of invertebrates and return organic matter to the marine environment to provide a food source for various species, it is not considered that the prohibition is applicable. It would be a licensable activity however, and should be subject to an application.

Following on from this, it appears that clarification from you around process for harvest needs to be clearly considered in order for stakeholders to make informed comment on your proposal. In addition to the spatial aspect raised above, another aspect that requires such clarification concerns the diversity in the environment in which any licensed harvest would take place. It is likely that significant quantities of other algal species would be removed from the seabed during operations and you should explain how this would be managed in terms of avoidance of harvesting non-target species and management of non-target species when you have harvested them.

#### Comments from MSS

Marine Scotland Science (MSS) suggests that the "fish and shellfish" assessment requires to be more clearly articulated. MSS advises that it may be erroneous to assume an even distribution of juvenile cod across the whole west coast, as seems to have been assumed, because we know that juveniles are far from evenly distributed and, in fact, are more likely to be concentrated in shallow waters across a variety of habitats including kelp. MSS advise that more detail is needed on this issue prior to it being screened out of any environmental assessment process.

On the understanding that 'kelp removal in one harvesting block will not exceed 15% of the estimated biomass in one calendar year, representing 3% of the kelp resource in the entire harvesting area' MSS considers it is reasonable to accept that 'changes in kelp bed density due to harvesting will be within the natural variation of kelp density associated with storms and other natural events, where entire beds can be removed'. However, MBL still needs to demonstrate that areas are not impacted much more intensively either in time or space (e.g. by concentrating the harvesting effort on subsets of the 'harvesting blocks' or specific time periods).

It is also important for MBL to consider the cumulative effect of harvesting plus storms and other natural events, by considering the effect of natural events on kelp coverage changes.

MSS note that Section 4.2.1 – physical environment - 'Description of the existing environment' still needs to be drafted. Whilst Kelp will grow on hard substrates, where erosion and sediment transport issues are likely to be of minimal concern, it remains that changes to currents and waves as a result of large scale kelp removal, may impact nearby areas/substrates which may be more vulnerable to changes in the hydrodynamics.

#### Conclusion

It remains Marine Scotland's Licensing Operation Team advice that spatial delineation of the proposed MBL activity is required in order to reasonably assess the impacts of this activity and that the scoping report should include details on what data is being used and what the assessment methodologies will be in order to properly consider the suitability of the proposed methodologies. Such considerations are the purpose of the 'scoping process'. Your decision to follow the scoping process is welcomed by MS-LOT at this stage and will be welcomed by advisers and stakeholders. The proposed activity is novel in terms of assessment of potential environmental effects. As such, MS-LOT, on behalf of Scottish Ministers, and our advisers, will require details on the activity, location and effects particular to those regions in line with previous advice given.

Kindest regards,

[REDACTED]  
**From:** [REDACTED] [mailto:[REDACTED]@[REDACTED]]  
**Sent:** 22 June 2018 12:56  
**To:** [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]

**Cc:** [redacted]; [redacted] (MARLAB); [redacted]; [redacted]; [redacted]

**Subject:** RE: ms/mb/abpmer - meeting to discuss seaweed scoping draft - 12 June 2018

Good afternoon [redacted]

Please find MBL's response to the minute of the meeting of the 12<sup>th</sup> June held at MS-Lot Aberdeen, which is circulated to the list plus Sandy and Richard.

We have worked closely with our scientific advisors APBmer in our measured response to the draft minute and have added a narrative to the points discussed in the minute which are the italic blue text.

We look forward to your response and are most keen to make significant progress to achieve our target of obtaining a license to allow the landing of 30 thousand tonnes of Laminaria hyperborea / annum (yr6) by the end of October 2018.

Kindest regards

[redacted]



[redacted]

Executive Director

Tel +44(0) [redacted]

mTel +44(0) [redacted]

\*\*\*\*\*

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**From:** [redacted] <[redacted]>  
**Sent:** 15 June 2018 14:14  
**To:** [redacted]; [redacted]; [redacted]; [redacted]  
[redacted]; [redacted]; [redacted]; [redacted]; [redacted]  
**Cc:** [redacted]; [redacted]; [redacted]  
**Subject:** RE: ms/mb/abpmer - meeting to discuss seaweed scoping draft - 12 June 2018

Now with correct address for Stephen!

Mike

**From:** [redacted]  
**Sent:** 15 June 2018 13:30  
**To:** [redacted]; [redacted]; [redacted]; [redacted]; [redacted]; [redacted]  
[redacted]; [redacted]; [redacted]; [redacted]; [redacted]  
**Cc:** [redacted]; [redacted]; [redacted]  
**Subject:** ms/mb/abpmer - meeting to discuss seaweed scoping draft - 12 June 2018

All,

<< File: MS - MBL - Minutes of Meeting on 12th June - Draft Scoping Report - 15 June 2018.docx >> Apologies, I don't have everyone's email address can someone please copy to Sandy and Richard?


Thanks for the meeting earlier in the week. There has obviously been some significant consideration put into the early scoping process.

Attached is the draft minutes document for comments. If anyone has comments on this please respond to the list copied. I will not be able to respond next week, but will pick comments up on my return.




We will need to revisit the aspect of scale, number of applications and sequence of applications as, from the meeting, it was clear that this aspect required more consideration from all parties. I will happily facilitate such discussion on my return.

Thanks again for a productive meeting and I hope the comments are of use.

Regards,

  
Licensing and Consenting Section Head  
**Marine Scotland** - Marine Planning & Policy

Scottish Government | Marine Laboratory | 375 Victoria Road | Aberdeen | AB11 9DB

Direct Dial: +44   
General Queries: +44   
Email:   
Website: <http://www.gov.scot/Topics/marine>

\*\*\*\*\*

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*

[Redacted]

**From:** [Redacted] >  
**Sent:** 17 July 2018 11:10  
**To:** [Redacted]  
**Cc:** [Redacted]; [Redacted] (mailto: [Redacted])  
[Redacted] ([Redacted] [Redacted])  
[Redacted] [Redacted] [Redacted] [Redacted]  
[Redacted]  
**Subject:** Comments on 5th July letter on draft scoping report.  
**Attachments:** Comment Log - .pdf

Good morning [Redacted]

I enclose a detailed reply to your comments and would welcome further dialogue to aid progress to achieve a Marine License in as timely a process as possible.

In the attached document we have worked with our marine advisors to shape our response and to achieve our overall objective of an investor aligned approach that allows MBL to operate in Scottish waters and builds a sustainably high value business.

We will shortly be sending you the completed scoping report which we would hope is sufficient to address the concerns raised during the process of obtaining a license from MS Lot.

We will be available to discuss clarification if required on any of the points addressed.

Kindest regards

[Redacted]

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

\*\*\*\*\*

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Stakeholder type	Organisation	Contact name	Job title	Contact email address	General email address (if no specific email for contact)	Telephone (where no email)	Additional comment	Website - contact page	
Statutory consultee/national	SNH	[REDACTED]	Policy and Advice Manager (Coastal Ecology)	[REDACTED]			Walter also recommended Andrew Campbell, Operations Manager for Argyll		
	SEPA	[REDACTED]	Principal Policy Officer	[REDACTED]			Also from the SEA contact list: Clare Scanlan, Senior Marine Ecologist (?) clare.scanlan@sepa.org.uk		
	Maritime and Coastguard Agency	[REDACTED]	Offshore renewables advisor	[REDACTED]			Helen should be able to advise on the best contact if it is not her.		
	Northern Lighthouse Board	[REDACTED]	Director of Marine Operations	[REDACTED]				<a href="https://www.historicenvironment.scot/about-us/who-we-are/chief-executive/">https://www.historicenvironment.scot/about-us/who-we-are/chief-executive/</a>	
	Historic Environment Scotland	[REDACTED]	CE	[REDACTED]			Another HES contact from the SEA contact list: virginia.sharp@hes.scot. I also have another contact (Philip Robertson; philip.robertson@hes.scot) who we could approach if the CE is not the correct person		
	Fisheries Management Scotland	[REDACTED]	CE	[REDACTED]				<a href="http://fms.scot/contact-us/">http://fms.scot/contact-us/</a>	
Regional/other	Crown Estate Scotland	[REDACTED]	CE	[REDACTED]			Assumed email address for Simon Hodge based on other CES contact's email addresses.	<a href="http://www.crownestateScotland.com/contact-us">http://www.crownestateScotland.com/contact-us</a>	
	Scottish Environment Link	[REDACTED]	Chair	[REDACTED]	information@scotlink.org		Website requests contact with the chair made through the information email address		
	Mallaig Harbour Authority	[REDACTED]	CEO	[REDACTED]	info@mallaigharbourauthority.com				
	Mallaig Harbour Authority	[REDACTED]	Harbour Master	[REDACTED]	info@mallaigharbourauthority.com				
	The Highland Council	[REDACTED]	Director of Development and Infrastructure	[REDACTED]					
	Comhairle nan Eilean Siar	[REDACTED]	Director, Development Department	[REDACTED]			Contact on SEA list was: m.mackay@cne-siar.gov.uk	<a href="https://www.cne-siar.gov.uk/cnes-departments/development-department/">https://www.cne-siar.gov.uk/cnes-departments/development-department/</a>	
	Argyll and Bute Council	[REDACTED]	Head of Planning and Regulatory Services Head of Road and Amenity Services (remit includes 'Marine')	[REDACTED]		Four planning office email addresses: planning.maki@argyll-bute.gov.uk (Mid Argyll, Kintyre and Islay); planning.ofandl@argyll-bute.gov.uk (Oban, Lorn and the Isles); planning.bandc@argyll-bute.gov.uk (Bute and Cowal); planning.handl@argyll-bute.gov.uk (Helensburgh and Lomond)	[REDACTED] (Planning) 01546 [REDACTED] (switchboard)	<a href="https://www.argyll-bute.gov.uk/sites/default/files/organisational_chart_2016_3_0.pdf">https://www.argyll-bute.gov.uk/sites/default/files/organisational_chart_2016_3_0.pdf</a>	
	Highlands & Islands Enterprise	[REDACTED]	CE	[REDACTED]			Or alternative MBL contact		
	West Coast RIFG	[REDACTED]	Chair	[REDACTED]					
	Outer Hebrides RIFG	[REDACTED]	Chair	[REDACTED]					
	Scottish Fisherman's Federation (SFF; Mallaig and North West)	[REDACTED]	Chair	[REDACTED]		mnvfa@btconnect.com		Email address given for Chair	
	Association of Scottish Shellfish Growers	[REDACTED]	CEO	[REDACTED]					
	Scottish Salmon Producers Organisation	[REDACTED]	CEO	[REDACTED]		enquiries@scottishsalmon.co.uk			
	West of Scotland Fish Producers Association	[REDACTED]	(no contact names on website)	[REDACTED]		office@westofscotlandpo.co.uk			
	Scottish Seaweed Industry Association	[REDACTED]	Chair	[REDACTED]				Not applicable?	
	RYA Scotland/Scottish Boating Alliance	[REDACTED]	CEO	[REDACTED]		admin@ryascotland.org.uk			
	Relevant Community Councils	[REDACTED]		[REDACTED]					
	South West Mull and Iona Development Trust	[REDACTED]	Chair	[REDACTED]		admin@swmid.co.uk	[REDACTED]	Email address given is for membership enquiries but no other email address available, just a contact form	<a href="https://swmid.co.uk/contact-us/">https://swmid.co.uk/contact-us/</a>
	Three Community Development Trust	[REDACTED]	Chairperson	[REDACTED]		admin@treetrust.org.uk	[REDACTED]		<a href="http://www.treetrust.org.uk/contact-us/">http://www.treetrust.org.uk/contact-us/</a>
	Development Coll	[REDACTED]	Chair	[REDACTED]				No contact email. Contact form on website only	<a href="https://developmentcoll.org.uk/contact/">https://developmentcoll.org.uk/contact/</a>
	The Glendale Trust	[REDACTED]	Treasurer and Interim Secretary	[REDACTED]		treasurer@theglendaletrust.org	[REDACTED]		<a href="https://theglendaletrust.org/contact-us/">https://theglendaletrust.org/contact-us/</a>
	Barra and Vatersay Community Ltd	[REDACTED]		[REDACTED]				No contact email. Contact form on website only	<a href="http://www.cbab.org.uk/contact.html">http://www.cbab.org.uk/contact.html</a>
	Storas Uibhist	[REDACTED]	CE	[REDACTED]					<a href="http://www.storasuibhist.com/contact-us/">http://www.storasuibhist.com/contact-us/</a>
	West Harris Trust	[REDACTED]	Chairman	[REDACTED]		admin@westharristrust.org			<a href="http://www.westharristrust.org/contact/">http://www.westharristrust.org/contact/</a>
	Coigach Community Development Company	[REDACTED]	Chair	[REDACTED]		info@coigachcommunity.org.uk			<a href="https://ccdccompany.wordpress.com/ldo-contact/">https://ccdccompany.wordpress.com/ldo-contact/</a>
	Morar Community Trust	[REDACTED]		[REDACTED]		morarcommunitytrust@gmail.com		Trust Directors (listed alphabetically): Andrew Carr, Grace Henderson, Mairi Maclean, David Newnham, Eleanor Read, Deirdre Roberts, Heather Simpson, Maureen Sutherland	<a href="http://www.morar.org.uk/contact.html">http://www.morar.org.uk/contact.html</a>
	Knoydart Foundation	[REDACTED]	Chair	[REDACTED]			[REDACTED]	Email addresses for ranger, accommodation bookings and hydro maintenance staff only	<a href="http://www.knoydart-foundation.com/contact/">http://www.knoydart-foundation.com/contact/</a>
Isle of Eigg Heritage Trust	[REDACTED]	Chair	[REDACTED]				No email contact or phone number (contact form on website only). Now CEO of CES??	<a href="http://www.isleofeigg.org/contact/">http://www.isleofeigg.org/contact/</a>	
Isle of Rum Community Trust	[REDACTED]	Chair	[REDACTED]		info@isleofrum.com		Chair is 'off island'. Are on-island Directors (Dave Beaton, Neil Boyd, Kim Taylor, Debs Ingram, Jed Cossar) and email contacts for the Development Officer, Company Secretary and Ranger	<a href="http://www.isleofrum.com/contactandlinks.php#ci1">http://www.isleofrum.com/contactandlinks.php#ci1</a>	
Isle of Canna Community Trust	[REDACTED]	(not stated)	[REDACTED]		theisleofcanna@gmail.com			<a href="http://www.communitylandscotland.org.uk/members/isle-of-canna-community-development-trust-2/">http://www.communitylandscotland.org.uk/members/isle-of-canna-community-development-trust-2/</a>	

[REDACTED]  

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**From:** [REDACTED]  
**Sent:** 11 September 2018 14:42  
**To:** [REDACTED]  
**Subject:** FW: Samples for key investor

14

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**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** 30 July 2018 12:26  
**To:** [REDACTED]  
**Cc:** [REDACTED]; [REDACTED]; [REDACTED]  
**Subject:** RE: Samples for key investor

Hi [REDACTED]  
I will bring our records up to date from the dives and share once compiled  
We did successfully make samples from each batch and these have produced high quality pharma grade product.  
These were independently verified by our formulator and proved to be higher value than the current market leader  
and bodes well for the Scottish resource.  
Kindest regards  
[REDACTED]



[REDACTED]  
[REDACTED]  
Tel +44(0) [REDACTED]  
mTel +44(0) [REDACTED]

\*\*\*\*\*  
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**From:** [REDACTED] ✓  
**Sent:** 30 July 2018 12:11  
**To:** [REDACTED] <[REDACTED]>  
**Cc:** [REDACTED]; [REDACTED]; [REDACTED]  
**Subject:** RE: Samples for key investor

Morning [REDACTED]



At our meeting a couple of weeks back you mentioned having successfully obtained the seaweed samples referred to in the correspondence below, if I understood correctly?

If that is indeed the case could you please supply the details agreed below. I'm not sure whether you have already done so but I couldn't find any record so in that event could you please re-send.

Many thanks

Kind regards

[Redacted]

[Redacted]

Aquaculture Operations Manager

**Crown Estate Scotland (Interim Management)**

[Redacted]

[Redacted]

[www.crownestatescotland.com](http://www.crownestatescotland.com)

[\[Redacted\]@crownestatescot](mailto:[Redacted]@crownestatescot)

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**From:** [Redacted]  
**Sent:** 16 May 2017 16:39  
**To:** [Redacted]  
**Cc:** [Redacted]  
**Subject:** RE: Samples for key investor



[Redacted]

[Redacted]

Tel +44(0) [Redacted]

mTel +44(0) [Redacted]

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Good afternoon [Redacted]

I am of course very pleased with your decision and will happily comply with the terms of the sampling process and produce a harvesting report at the end of the sample process.

I will speak to our harvest team and prepare to deploy on the 22nd or 23rd of May dependant on diving team availability.

Will keep you informed on progress with our success with the sampling and sample preparation to our investor

Kindest regards



**From:** [redacted] [mailto:[redacted]@[redacted]]  
**Sent:** 16 May 2017 14:49  
**To:** [redacted] <[redacted]>  
**Cc:** [redacted] <[redacted]>  
**Subject:** RE: Samples for key investor

Dear [redacted]

Further to you mail below and attached request to take seaweed samples for product testing.

Firstly on the 'Licence to Survey' matter. I have to admit I'm not quite sure what you're referring to – it may be a more general sampling consent regime associated with some of our marine renewable energy business proposals, or possibly infrastructure.

It is not something I recognise as applying to Crown Estate Scotland, but happy to check if you can point me to the reference webpage.

On the matter of the sampling request, I have discussed this with [redacted] at [redacted] and we agree to your proposal on the following basis;

1. The agreement is for capped volumes of 120kg on each of four recorded occasions
2. Location of removal to be recorded via GPS as WGS84 co-ordinates each time and made available to ourselves and SNH.
3. Weight and no of plants constituting each sampling to be recorded and made similarly available (including whether whole plant removal or just part).
4. Information to be submitted in the form of a harvest report at the end of the sampling exercise.
5. This agreement is made without prejudice to any other requested agreement for any further sampling or other harvesting rights at this or other locations

If you are content to proceed on this basis please confirm by return e-mail copying in Tracey Begg

Kind regards

[redacted]  
Aquaculture Operations Manager

**Crown Estate Scotland (Interim Management)**

Please note that my email has recently changed and is now [redacted]

[redacted]  
[redacted]  
[www.crownestatescotland.com](http://www.crownestatescotland.com)

[\[redacted\]@crownestatescot](mailto:[redacted]@crownestatescot)

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From: [redacted] [mailto:[redacted]]  
Sent: Friday, May 12, 2017 1:22 PM  
To: [redacted] @ [redacted]  
Cc: [redacted]  
Subject: Samples for key investor

Good afternoon [redacted]  
Having spoken to [redacted] I am sending you a request to be allowed to harvest sufficient quantity of seaweed to allow continuance of sampling a potential serious investor.  
I look forward to your support on this matter and happy to provide further information

Kindest regards  
[redacted]



[redacted]  
[redacted]

Tel +44(0) [redacted]  
mTel +44(0) [redacted]

\*\*\*\*\*

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