

2nd meeting of the Seaweed Review Steering Group on 26 September 2019, Stirling Court Hotel.

Note of the meeting

1. Welcome and Introductions

Helena Gray, Deputy Director of Marine Scotland Marine Planning, Policy and Licensing Chaired the meeting and welcomed:

- Anne Glover (Chair of IBiolC) replacing Roger Kilburn;
- Sam Collin (Scottish Wildlife Trust representing SE LINK in place of Calum Duncan) and;
- Dermot Rhatigan (deputy director, Scottish Government Manufacturing and Industries division, deputising for Richard Rollison).

Apologies were received from:

- Shona Turnbull (Local Authority Planners),
- James Cameron (Highland and Islands Enterprise),
- Diane Buchanan (Marine Scotland) and;
- Colin Palmer (Crown Estate Scotland, IM).

A list of attendees is attached at Annex A.

The Chair's opening remarks included:

- The first meeting was about agreeing the governance of the group and reporting that publicly. A review web page is now in place with agreed Terms of Reference, Scope and a record of the first meeting published on it and available at: <https://www2.gov.scot/Topics/marine/seamanagement/seaweedrev>
- The focus of this meeting is to take stock of current seaweed harvesting activity, to consider the current regulatory regime and to discuss areas within that framework which would benefit from further consideration and to agree how this might be addressed going forward.
- This, along with the update on proposals for the scenario mapping work will inform a forward action plan, which can give the necessary clarity to the industry, stakeholders and to Ministers on the future direction of the review.

2. Actions from the previous meeting

The note of the previous meeting had already been agreed and published on the seaweed review web page. The Chair informed the group that all agreed actions from that meeting had been met, including extending an invitation to SEPA to join the group. Secretariat confirmed that SEPA had accepted a seat on the group but were unable to attend this meeting.

3. Scenario mapping research (paper 5)

Marine Scotland introduced this agenda item noting that the previous meeting of the steering group had agreed the need for this research to ensure that the work of the review was grounded in where the future opportunities for the seaweed sector may be, balanced with environmental considerations and of those who share the space. The scenario mapping exercise will help identify priorities for future regulatory regimes relevant for seaweed industries. This includes for scientific work to understand

implications of drawing on specific species, whether wild harvest or farmed. Marine Scotland updated the group on the research objectives and proposed timelines for its delivery. Key points raised in the discussion were:

- the research should not duplicate the Wild seaweed harvesting (Wildweed) Report, published in 2018. Officials responded that the report will be highlighted to contractors as analysis to be built on, rather than replicated.
- We should consider adding penalties for missed deadlines during delivery of the project to ensure that the evidence and results are delivered on time and to high standards.
- We should make the timeline for the project clear in the tender document so that contractors are aware of the demands for the project before bidding.
- A small project steering group will be established to provide guidance to the successful contractor. It was explained that not everyone on the seaweed review group can sit on the project steering group. Marine Scotland will decide on the membership of the project steering group and will inform the Seaweed Review Steering Group. The Review Steering Group will continue to be kept updated on the progress of the research project.
- While the Scenario mapping project has a socioeconomic focus, understanding the species that might be drawn on and the extent, will inform future work to understand potential positive and negative effects on the environmental, and consequences for other industries and coastal communities.
- The project will consider all aspects of the supply chain including, impacts on communities and businesses, and contractors will be required to consider how they get relevant input into the project from various interest groups. This should be wider than just harvesters and identified value chains.
- It was also suggested that consideration of impacts should include losses that may be experienced in other sectors, including in their supply chains, for example in creeling communities.
- The research should include the wider international context including consideration of resources out with Scotland.

In summary, it was agreed that the tender documentation would be updated to reflect comments received and the relevant sections of the draft circulated for further review by the steering group. It was clarified that timescales for further comments would need to be tight in order to continue at pace. It was highlighted that standard Scottish Government procurement processes must be followed throughout the tender and contract management process.

AP - MS to revise and share the relevant sections of the draft tender documentation with members, observing standard Scottish Government Procurement rules.

AP – MS to undertake the tender and contract management process and update the steering group on progress.

4. Agreement of milestones and dates of deliverables (Paper 4)

Paper 4 was circulated to members in advance of the meeting in a GANTT style chart. The Chair opened up this paper to the group for comment/clarification, both on the

specific pieces of work identified and on the timings provided in the table. Key points raised in the discussion included:

- Further detail around the proposed deliverable -The development of field studies and pilot tests for the sustainability of mechanical harvesting of seaweed was requested. Officials clarified there was no further detail currently and that it was there to indicate, subject to scenario mapping and subsequent desk studies, where in the chronology, field studies would be likely to happen.
- SNH confirmed they are currently developing guidance on hand harvesting and will keep members updated on progress.
- It was suggested that the kelp clearance that was approved at Hunterston Power Station could be considered as a kelp harvesting / recovery pilot study. Upon further advice from MS Science it was agreed that this would not yield the evidence required.
- The GANTT chart needs to be clearer on whether the scope of work relates solely to harvesting, or to cultivation as well.
- Wider stakeholder engagement opportunities should be considered throughout the review (rather than a one off)
- The Scottish Government intend to make arrangements to commence section 15 of the Scottish Crown Estate Act in 2020. Members didn't raise any concerns.

AP- Members to submit amendments for secretariat to update the GANNT chart.

5. Update on review of seaweed activity & regulatory framework

The group had 3 papers to discuss under this agenda item:

- Seaweed regulatory and legislative framework (Paper 1) a paper that ran through in detail the current framework for regulation of seaweed and posed a number of questions for the steering group to consider
- Summary of current harvesting methods and species (Paper 2)
- Seaweed activity mapping table (paper 3) which sets out who is harvesting what and from where.

It was noted that there was a significant amount of information in these papers. The group were asked for initial general comments and to follow up with written comments. Key points raised in discussion were:

- Limited information on harvesting activity is in part down to the current regulatory framework which doesn't require reporting or recording of all activity. There is likely to be some harvesting which we are unaware of, the locations, scale and extent of which is unknown.
- Due to the lack of a single repository of information on seaweed harvesting, paper 3 had only been possible based on input from CES and SNH and could still be patchy. The draft table had also been circulated around the SSIA membership.
- It was agreed that a single repository would be useful and there was a discussion around how other sectors had achieved this (e.g through Food Standards). It was also suggested that an extra column should be added onto table 3 to indicate use of the seaweed harvested (e.g. for food).

- It was noted that the SEA had not been signed off, but it was agreed that without something formal to 'adopt', it could not be signed off at present, and instead should feed into the current programme of work.
- Officials further clarified that information within the draft SEA documents and consultation exercise has informed papers 1 and 2 and that an analysis of consultation responses will be published.
- It was commented that further clarity around how seaweed harvesting activities is considered in terms of the Marine Works (EIA) 2017 Regulations. MS advised that seaweed harvesting is not currently included in Schedule I or Schedule II of The Marine Works (Environmental Impact Assessment) (Scotland) Regulations 2017, so does not require an EIA. MS further advised that under section 25 (3) of the Marine (Scotland) Act 2010, an applicant for a marine licence must supply such information as required to enable the Licensing Authority to determine the application in line with its duty to consider the need to 'protect the environment, human health and legitimate use of the sea'.
- When considering a marine licence for certain activity, MS-LOT recommends, under particular circumstances where proposed activity is of such a scale or is in such a location as to require it, an assessment of the environmental effects is submitted alongside an application. This can follow a similar process to the EIA and produces an Environmental Appraisal.
- Some were of the view that industrial scale seaweed extraction should require a full EIA or should be included in the EIA regs Schedule 2.
- **It was agreed that the current regulatory framework (or lack of) for seaweed is not fit for purpose, and ALL present agreed that the potential for a single regulator, responsible for licensing seaweed harvesting and cultivation is something which should be explored further, including who that would be.** This was viewed as the key take away message from the meeting.
- It was also agreed that all types of harvesting should be considered in terms of licensing.
- It was generally viewed that there should be an exemption for harvesting small amounts of seaweed. Although, it will be a challenge to agree an appropriate threshold as well as to monitor compliance.
There followed a discussion around different regulators and their links to the sector. The Food Standards angle was highlighted again given the significant proportion of the sector which feeds directly in to foodstuff. It was also commented that seaweed is used in animal feed supplements but it is not clear who regulates such activity.

AP – Members to submit amendments to papers 1-3 as appropriate. Officials to update papers along with those suggested during the meeting and recirculate for sign off.

AP – Members to submit written comments to the questions posed in paper 1. Marine Scotland will collate responses, summarise and feed back into the review process.

AP - Officials to publish the analysis of consultation responses.

AP – Marine Scotland to consider further, with other regulators, options for a regulatory framework including who the single regulator would be.

6. **Member organisation current or planned activity**

It was agreed to take this item at AOB.

7. **Comms and opportunities for engagement**

The group agreed that the general principles of communications set out in the Terms of Reference still apply:

- Papers circulated to the group should be held in confidence.
- The steering group should agree a holding statement following each meeting to ensure early dissemination of consistent messages to their members during the interim period before the note of the meeting has been published.
- A note of each meeting summarising key points and agreed actions should be drafted and circulated around the group quickly; and subsequently cleared quickly to allow members to update their organisational interests.
- Once agreed, the note should be made publicly available on the seaweed review section of the Marine Scotland website.

It was commented that treating papers in confidence in advance of the meetings meant it prevented the opportunity to circulate within their memberships and potentially limit their ability to fully comment on all issues at meetings. It was agreed that a fleshed out agenda would be circulated in future to give members the opportunity to indicate to their individual organisations what issues were likely to be raised and to ask for any relevant advice / information.

AP - Draft holding response to be circulated for agreement.

AP – Draft note of meeting to be circulated to group within 2 weeks, for comment.

AP - Secretariat to include seaweed review webpage on the bottom of all steering group correspondence.

AP – Future agenda's to be more fleshed out with key questions for consideration so that group members are able to seek views, internally, in advance of meetings.

8. **AOB / Date of next meeting**

Members were content with the location of the meeting and that the next meeting should be in mid-late January.

AP – Secretariat to circulate proposed dates for the next meeting.

ANNEX A

Attendees

Helena Gray	Marine Scotland, Marine Planning, Policy & Licensing Co-Chair
Dermot Rhatigan	Scottish Government, Manufacturing and Industries
Sam Collin	Scottish Wildlife Trust (representing SE Link)
Tracey Begg	Scottish Natural Heritage (SNH)
Mark James	Marine Alliance for Science and Technology for Scotland (MASTS)
Alex Adrian	Crown Estate Scotland, IM
Anne Glover	Chair, IBiolC
Alasdair McNeill	Inshore Fisheries Group, West
Elaine Whyte	Communities inshore fisheries alliance (CIFA)
Malcolm Morrison	Scottish Fishermen's Federation (SFF)
Walter Speirs	Scottish Seaweed Industry Association
Sally Campbell	Scottish Creel Fishermen's Federation
Malcolm Rose	Marine Scotland Licensing Operations
Paul Haddon	Marine Scotland Marine Planning Policy
David Pratt	Marine Scotland Marine Planning Policy
Phil Boulcott	Marine Scotland Science
Cornilius Chikwama	Marine Scotland Analytical Unit
Adam Cox	Marine Scotland Marine Planning Policy

Apologies

Shona Turnbull	Local Authority Planners
Colin Palmer	Crown Estate Scotland, IM
Richard Rollison	Scottish Government, Manufacturing and Industries
James Cameron	Highlands & Islands Enterprise (HIE)
Calum Duncan	SE Link
Diane Buchanan	Marine Scotland Fisheries