

# **Draft Seaweed Policy Statement Consultation Document**

**August 2013**

# **DRAFT SEAWEED POLICY STATEMENT CONSULTATION DOCUMENT**

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Scottish aquaculture is a growing and increasingly important industry which helps to underpin sustainable economic growth in rural and coastal communities, especially in the Highlands and Islands. The Scottish Government supports the aquaculture industry's aspirations to grow the sector sustainably. This includes support and development of traditional aquaculture sectors, as well as possible diversification into other species, such as seaweed cultivation.

This also includes the cultivation of seaweed as a single species and the development of Integrated Multi Trophic Aquaculture (IMTA) where a number of different species, such as fish, shellfish and seaweed, are grown at one site and the by-products from one are recycled to become inputs for another.

The objective of this consultation is to seek comments on the Scottish Government's consideration of the possible different consenting regimes for seaweed cultivation. It also seeks views on a number of related issues including the regulation of wild seaweed harvesting, and the future diversification of cultivated species.

### **Policy summary and purpose**

The finalisation of the Seaweed Policy Statement (SPS) resulting from this consultation should facilitate the growth of the industry by setting out the Scottish Government's policy on the suitability of seaweed cultivation in different scenarios. It will also explore the most suitable regime for licensing seaweed cultivation and indicate the issues considered in determining whether a proposal is acceptable, such as the species to be cultivated, and the scale of development planned.

The SPS will therefore provide those wanting to operate in this sector with a better understanding of the type of development that may be given approval. The overall benefit will be to provide greater certainty for the industry, while ensuring that activities which may have an environmental impact are understood and mitigated.

### **National Marine Plan**

The Scottish Government is currently consulting on a draft of Scotland's first National Marine Plan (NMP), (the consultation closes on 13 November 2013). This will implement the planning provisions in the Marine (Scotland) Act 2010, setting out priorities regarding how marine resources should be utilised in coming years, and bringing greater clarity to decision-making in the marine environment. This will allow marine users to consider industry developments within the context of national priorities, and alongside other users. The SPS will be used to inform the NMP, Regional Marine Plans, more detailed marine spatial work, and related locational guidance.

## **Development**

This document has been prepared in consultation with various public bodies with an interest in seaweed cultivation and harvesting, including Food Standards Agency in Scotland, the Scottish Environment Protection Agency, Scottish Natural Heritage, Historic Scotland, and The Crown Estate.

## **Strategic Environmental Assessment (SEA) Environmental Report**

As the SPS has the potential to give rise to both significant adverse and beneficial environmental effects, Section 5(4) of the Environmental Assessment (Scotland) Act 2005 requires a related SEA Environmental Report to be undertaken. The draft policy statement has been informed by, and taken forward with, work undertaken to develop the SEA Environmental Report, produced by the Scottish Government Environmental Assessment Team. A concurrent consultation on that document is also taking place, and can be found on the Scottish Government consultation page: <http://www.scotland.gov.uk/consultations>.

## **BRIA**

All proposed policy changes, whether European or domestic, which may have an impact upon business or the third sector are accompanied by a Business and Regulatory Impact Assessment (BRIA), and a partial BRIA is included in this consultation. The BRIA helps policy makers to use available evidence to find proposals that best achieve the policy objectives while minimising costs and burdens. Through consultation and engagement with business, the costs and benefits of the proposed legislation can be analysed. It also ensures that any impact on business, particularly small enterprises, is fully considered before regulations are made.

## **Who will be interested in this consultation?**

This proposed policy statement will inform all those who have an interest in seaweed cultivation and harvesting in Scotland, including regulators and seaweed farmers.

## **When is the closing date for responses?**

Consultation responses should be submitted no later than **17 November 2013**. It is important that a Respondent Information Form is submitted with consultation responses, so that we can treat responses appropriately.

**Please send your completed Response Form and Respondent Information Form (see "Handling your Response" below) to:** [spsconsult@scotland.gsi.gov.uk](mailto:spsconsult@scotland.gsi.gov.uk) or 1B-North, Victoria Quay, Edinburgh EH6 6QQ.

If you have any queries contact Fiona Watt on 0131 244 6418. Please clearly indicate in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>.

The Scottish Government now has an email alert system for consultations (SEconsult: <http://www.scotland.gov.uk/consultations/seconsult.aspx>). This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). SEconsult complements, but in no way replaces SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore to be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

### **Handling your response**

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return both the **Response Form** and the **Respondent Information Form** at the end of this document as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly. All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

### **Will consultation responses be published?**

We will provide a link to consultation responses (which are not marked as confidential) on the Scottish Government website within two weeks of the conclusion of the consultation. You will also be able to make arrangements to view responses by contacting the Scottish Government Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

### **Will an analysis of consultation responses be published?**

The responses will be systematically analysed and reported, and key messages from the various stakeholder groups will be highlighted. A report and summary of findings will be published as soon as possible after the end of the consultation period.

### **What happens after the consultation?**

We will analyse all views expressed in the consultation exercise. The Aquaculture and Fisheries (Scotland) Act will come into force in September 2013.

### **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to:

Fiona Watt, 1B-North, Victoria Quay, Edinburgh EH6 6QQ  
Telephone 0131 244 6418

## **SECTION 1: DRAFT SEAWEED POLICY STATEMENT (SPS)**

This section sets out the draft SPS. It describes and seeks your views on Scottish Government policy on:

- Stand-alone commercial seaweed cultivation; and
- Commercial seaweed cultivation within Integrated Multi Trophic Aquaculture (IMTA) systems.

Given the issues considered in the SEA Environmental Report and the potential impacts identified, we have developed a number of draft policies that will directly inform licensing decisions and should be considered by developers in advance of submitting license applications. Where relevant, these are listed under each section.

### **Commercial seaweed cultivation**

Different species of seaweed have differing habitat requirements, but all require good water flow to provide nutrients. The west coast of Scotland offers suitable inlets and sea lochs for seaweed cultivation, with many of these already being used for aquaculture production. However, there may also be potential for seaweed growing in areas other than the west coast.

Commercial seaweed cultivation is considered to have the potential to take place at a number of different production scales. For the purpose of the SPS we have considered three distinct scales: 1) shellfish (small), 2) medium, and 3) extensive.

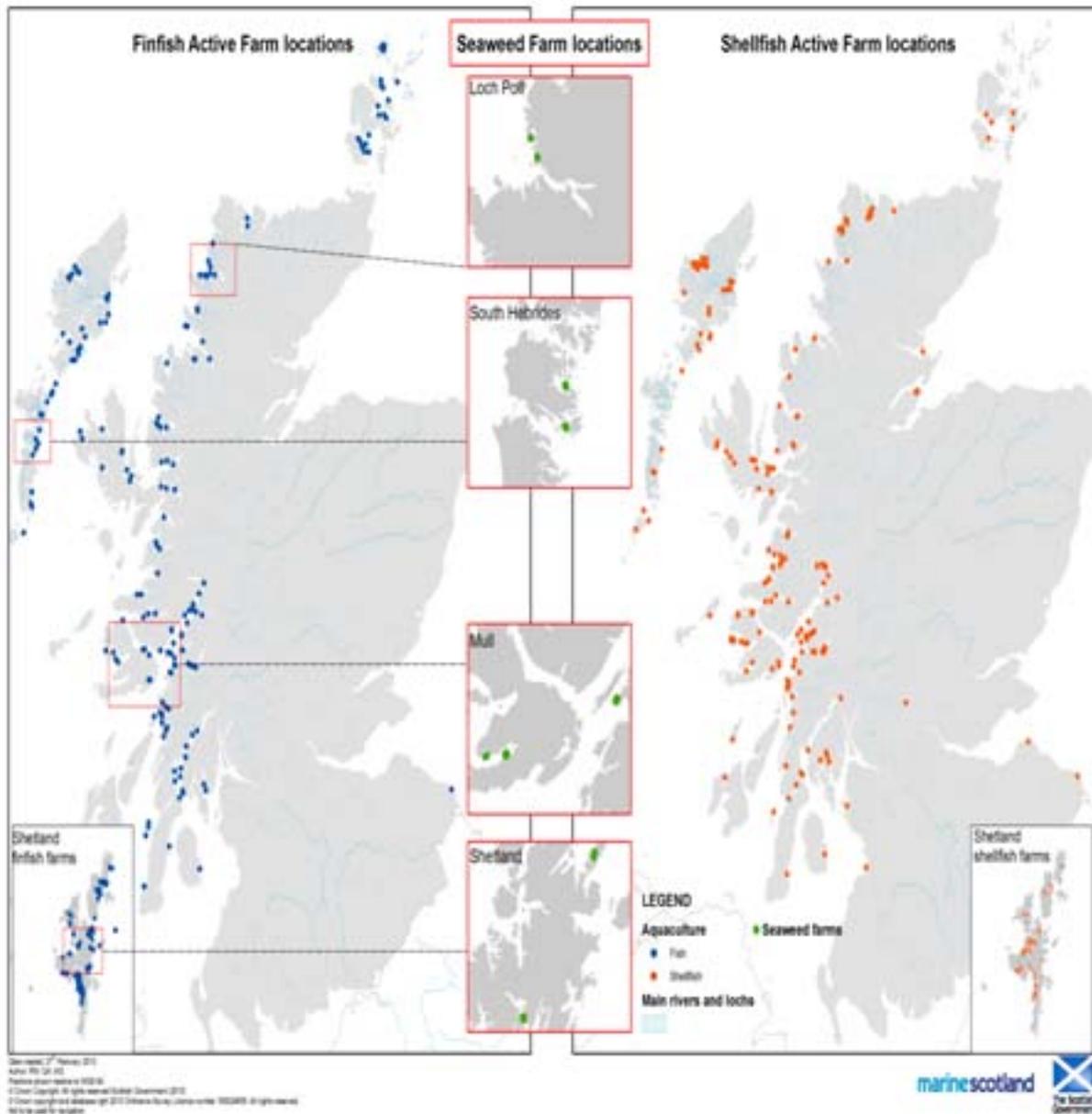
Seaweed cultivation may result in either positive or negative impacts on the marine environment and other users of marine waters. Table 4.1 of the SEA Environmental Report details the potential effects of seaweed cultivation on the landscape and seascape, climate, biodiversity, human health, water quality and the marine environment, marine geology, air quality, cultural heritage, and marine assets.

Whilst there is currently a lack of evidence to suggest that releases of sewage and other effluent pose a risk to human consumers of farmed or wild harvested seaweed, those involved in growing or collecting seaweed should be aware that a contamination risk may exist, depending on current flow characteristics, historic discharges and accumulation in the environment (i.e. for heavy metals). As such, the seaweed sector could locate in designated shellfish waters, where water quality is already protected for harvesting products for human consumption.

However, the Scottish Government does not intend to use the presence of seaweed production as a sole justification or driver for improvements to water quality or to impose additional requirements on operators of authorised activities making discharges to the water environment.

## Shellfish (small) scale

Shellfish scale (0-40 x 200m lines) refers to lines that are used to grow seaweed and that are a similar size to a typical mussel farm. The map below shows the current seaweed sites on the west coast of Scotland and around Shetland that would be termed shellfish scale sites. Anecdotal evidence suggests this sector may grow significantly in the short-to-medium term. The SEA Environmental Report indicates that there is likely to be limited environmental impact from sites of this scale.



The policies relevant to shellfish scale seaweed cultivation are:

- **Policy 1 - In principle, the Scottish Government is supportive of shellfish scale seaweed cultivation, subject to regulatory consideration.**
- **Policy 2 – Only species native to the area where the seaweed cultivation will take place should be cultivated, to minimise the risk from non-native species.**
- **Policy 3 – Where seaweed is grown for human consumption, cultivators could site farms away from sewage outfalls and other potential sources of pollution.**
- **Policy 4 – Equipment used in seaweed cultivation should be fit for purpose to prevent damage from adverse weather conditions.**
- **Policy 5 - Other marine users and activities should be considered in the siting of farms.**
- **Policy 6 – Shellfish scale farming is not spatially limited, and may be located anywhere in Scotland with appropriate local conditions and with due regard to the marine environment.**

**Q1: Do you agree with policies 1- 6? Please state any that you agree with or disagree with, and your reasons.**

**Q2: Should Policy 2 require local provenance i.e. stock must originate from the water body the seaweed is to be grown in?**

### Medium scale

Medium scale refers to sites exceeding the size of a typical mussel farm (41-80 x 200m lines), but smaller than extensive scale.

The SEA Environmental Report indicates that there may be potential negative environmental impacts from sites of this scale, primarily in relation to benthic shading but also in relation to visual impacts, collision risks, spatial issues, and coastal impacts.

Policies 2, 3, 4, 5 and 6 are also relevant to medium scale seaweed cultivation.

- **Policy 7 – In principle, the Scottish Government is also supportive of medium scale development, subject to regulatory consideration. Applications for such seaweed farms should demonstrate that mitigation measures have been considered to prevent adverse environmental impacts, and set out how these will be delivered.**

**Q3: Do you agree with policy 7? Please state your reasons.**

## **Integrated Multi Trophic Aquaculture (IMTA)**

The Scottish Government is supportive of IMTA, the term given to the co-culture of species for environmental and economic benefit.

In IMTA systems, species which are fed or farmed (for example Atlantic salmon) are grown alongside species whose culture results in nutrient (or energy) extraction (for example sea urchins, mussels or seaweeds). The aims are for greater efficiency in resource use such as feedstuffs, space, and labour, with a consequent reduction in negative environmental impacts.

Seaweed grown in such systems will therefore be co-located in areas of aquaculture production.

Operators should be aware that equipment for the entire operation should be fit for purpose and that any unsecured equipment from shellfish or seaweed operations could compromise the integrity of the forthcoming Scottish Technical Standard.

Policies 2, 3, 4, and 5 are also relevant to IMTA.

- **Policy 8 - The Scottish Government is supportive of IMTA.**
- **Policy 9 - Where seaweed is grown in IMTAs alongside finfish, it is spatially limited to the West Coast of Scotland, the Western Isles, Shetland and Orkney. This is due to the continued presumption against further marine finfish developments on the north and east coasts, as detailed in the Scottish Planning Policy document and the forthcoming National Marine Plan.**

**Q4: Do you agree with policies 8 and 9? Please state any that you agree with or disagree with, and your reasons.**

### Extensive scale

Extensive scale refers to sites that are larger in size that may utilise different equipment to that used in shellfish production. Such sites would have the potential for development for biofuel production, but as the industry is very much in its infancy, there is currently no consensus over the size or viability of such sites. This will only be identified as seaweed farms for biofuel production and other co-products are proposed in the future.

Seaweeds have a high sugar and carbohydrate content which, through fermentation and bio-refining can produce bioethanol or biobutanol, a high energy fuel which burns in the same way as petrol. The attraction of marine origin biofuels over those of terrestrial origin is that the former do not impact on limited land and freshwater resources that could be used for food production.

As hundreds of thousands of hectares of seaweed are likely to be required to be cultivated for biofuel production, this industry is currently limited by technical feasibility and economic and environmental considerations. For this reason, these

types of development have not been considered in the SEA Environmental Report and the SPS contains no policies for this scale. If the sector looks likely to develop, the report and policies will be revisited at that time.

**Q5: Do you think that the size scales set (shellfish (small), medium, and extensive), are appropriate? Give your reasons.**

## **SECTION 2: CONSENTING**

This section discusses the current consenting arrangements for the development of seaweed cultivation sites and options for consenting licensing in the future.

The Aquaculture and Fisheries Bill consultation 2012 asked a number of questions relating to the regulation of seaweed farming. The majority of responses expressed strong support for a consistent regulatory regime, although there was no consensus on the appropriate regulatory approach. Consequently no changes took place through the Bill to allow further discussions on the relevant interests.

Having held further discussions with all interested parties, we realise that the existing regulatory regime contains some anomalies. However, as this is also true of all of the options proposed below, we seek views as to which option, or options, would be considered the best fit for the regulation of this activity.

### **Current regulatory regime**

Seaweed farms are currently consented under the Marine (Scotland) Act 2010, with a Works Licence also required in Shetland and Orkney. All other types of aquaculture are considered to be development under the Town and Country Planning Act 1997 ('the 1997 Act'). It should be noted that as well as planning permission (and the subsequent consent), finfish and shellfish farms also need to obtain a Marine Licence, for navigational aspects of the development, and wellboat operations.

Where a site is an IMTA development, the consent to develop (or place or deposit equipment in the water) is therefore currently dealt with under 2 different regimes with no consideration of the development as a whole (except through Environmental Impact Assessment), where relevant.

The difference in regulatory regimes also leads to a situation where there may currently be farms using the same or similar equipment (i.e. mussel farms and seaweed farms) in the same water body, but consented by different regulatory regimes because they farm different species.

We recognise that this is potentially confusing for industry and the public, particularly in relation to IMTA applications. The four main options are outlined below; with the potential benefit and drawbacks of each option considered.

## **Options**

### **1) No change**

As outlined above, maintaining the status quo would entail seaweed cultivation being consented by Marine Scotland through the marine licensing regime, with other aquaculture development (encompassing fish or shellfish, including sea urchin, crustacean or mollusc) continuing to be regulated under the 1997 Act by the Planning Authority.

The main concern with this option is that this situation may be confusing and time consuming for developers, as well as complicated for members of the public that may wish to comment on an application.

No change also means that IMTA applications will not be considered holistically, but there may possibly be opportunities to simplify the consenting process. An example of this would be the provision of a flow diagram of the process or agreement on the administrative order to progress an application, and the sharing of information submitted through one regulatory regime.

### **2) Provide main consent through terrestrial planning regime**

Responses made to questions about seaweed cultivation and regulation in the Aquaculture and Fisheries Bill consultation 2012 by industry, local authorities and regulators indicated a strong preference for all seaweed cultivation to be regulated by the Town and Country Planning Act 1997 (given that is how other aquaculture developments are regulated). Under this option we have assumed that this will apply to all applications to cultivate seaweed, regardless of scale, type, location etc.

The main concern relating to this amendment is that there would be a move away from all marine developments (except those defined as fish farming under the 1997 Act) being considered by the Marine Licensing regime. The Scottish Government considers that potential significant environmental impacts are best considered and regulated by Marine Scotland.

### **3) Use both planning and marine licensing regimes but differentiate by scale**

Under this option, both regulatory regimes will continue to be used but criteria would be developed to differentiate between shellfish scale (0-40 x 200m lines), medium scale (41 -80 x 200m lines), and extensive scale (80+ x 200m lines)

This option would see shellfish scale seaweed cultivation consented by Planning Authorities through the 1997 Act and medium scale consented under the Marine Licensing regime. This would allow farms with significant environmental impacts to continue to be regulated by Marine Scotland.

As there is no policy proposed for extensive scale (and the regulatory regime is differentiated by scale), we will not discuss the regulatory proposal here, but the status quo would be marine licensing. The Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011 (as amended) could be used to specify certain

types of seaweed cultivation as an activity that does not need a marine licence. Farms below the chosen threshold would be considered as development under the 1997 Act, with a legislative change being made to accommodate this.

We considered a number of criteria that could be used, including the expected tonnage produced per annum, and the size of farm area. However, given that the draft SPS has already differentiated between shellfish scale cultivation (1-40 x 200m lines, medium scale (41-80 x 200m lines, and extensive scale (80+ x 200m lines), this appeared a sensible criterion to also use for the regulatory regime. It also has fewer inherent complications, as there is difficulty in verifying tonnage before the development is active. However, we are aware that setting such arbitrary thresholds may cause difficulty if developers wish to modify their site and extend over the approved limit.

The main challenge relating to this option is the determination of criteria and thresholds to ensure they are rational, evidenced based and are not considered arbitrary. It is also possible that this system would still be confusing for developers and the public, depending on how the industry grows and develops. However, it would provide for more extensive sites which are likely to have more significant environmental impacts to be assessed and regulated by Marine Scotland's appropriate.

#### **4) Transfer seaweed to planning only if it is part of IMTA development**

A final option is to provide that seaweed cultivation is regulated under the 1997 Act only if cultivated as part of an IMTA system. This could be achieved by an amendment to the 1997 Act as well as marine licensing legislation.

There are two main benefits to this option: IMTA applications will be considered holistically and the process is simplified for developers of IMTA sites. There are some disadvantages as it may be difficult to ascertain when seaweed cultivation is part of an IMTA development, i.e. if there should there be a maximum distance between elements of the proposal.

**Q6: Which consenting option would be most appropriate for seaweed cultivation, and why? Give your reasons.**

## **SECTION 3: RELATED ISSUES**

### **Wild seaweed harvesting**

This section of the document considers the harvesting of wild seaweed for commercial purposes, but not harvesting for personal use. Section 8 of the SEA Environmental Report sets out information on wild seaweed harvesting and its potential environmental effects.

Scotland's wild seaweed harvesting industry is currently centred on sites of seaweed stocks on the western and northern isles, where the harvesting is commonly undertaken by hand, although mechanised harvesting also takes place.

The SEA Environmental Report identifies some potential negative impacts from over-harvesting of wild seaweeds, including temporary loss of habitats and damage to the seabed. In addition, there may be an impact on coastal processes such as loss of storm resistance.

However, the SEA Environmental Report also notes that while there are potential negative environmental effects from this activity, there is currently no evidence that any adverse environmental effects are taking place in Scotland.

At present there is no regulatory control over the harvesting of wild seaweed. The only requirement is to obtain permission from the land owner (which is most often The Crown Estate). Given the lack of evidence regarding negative impacts this draft policy statement does not consider a new regulatory regime necessary.

We recognise that should there be growth in this industry, environmental effects will be more likely. We therefore suggest that the development of guidance could be useful to promote good practice and mitigate against negative impacts, and may be considered in the future.

**Q7: Should guidance be developed for the harvesting of wild seaweed? If not, what (if any) alternative arrangements would you suggest?**

### **Future diversification**

As part of the Scottish Government's aspirations to support and develop the diversification of the aquaculture sector, we wish to ensure that fish farming planning legislation is flexible to allow such diversification (regardless of what conclusions are reached on the regulation of seaweed).

Currently the definition in the legislation provides that aquaculture development includes fish or shellfish, including sea urchin, crustacean or mollusc.

We are aware of interest in farming other species, and there is concern that the 1997 Act does not currently allow the diversification into other species such as sea cucumbers, which farmers may wish to grow. In order to resolve this issue we may

wish to consider updating the 1997 Act to provide flexibility for operators to apply to farm other species, or specific species, by naming.

**Q8: Should the 1997 Act be amended to provide the flexibility to farm other species, or specifically named species? What named species should be included? Please provide your reasons.**

# Partial Business and Regulatory Impact Assessment

## DRAFT SEAWEED POLICY STATEMENT CONSULTATION 2013

### **Purpose and intended effect**

This consultation seeks comments on the Scottish Government's consideration of the suitability of seaweed cultivation in different situations. It also seeks views on potential options for licensing cultivation and a number of related issues including the regulation of wild seaweed harvesting, and the future diversification of cultivated species.

### **Background**

Scottish aquaculture is a growing and increasingly important industry which helps to underpin sustainable economic growth in rural and coastal communities, especially in the Highlands and Islands.

The Scottish Government supports industry aspirations to grow the aquaculture sector sustainably. This includes the support and development of non-salmon sectors to contribute to the achievement of industry targets, and also to diversify the sector.

The sustainable development of seaweed cultivation is one such sector which the Scottish Government wishes to encourage. This includes the cultivation of seaweed as a single species and the development of Integrated Multi Trophic Aquaculture (IMTA), where a number of different species are grown at one site and the by-products from one are recycled to become inputs for another.

### **Existing situation**

Seaweed farms are currently licensed under the Marine (Scotland) Act 2010; in Shetland and Orkney an additional Works Licence is also required. All other types of aquaculture are considered to be development under the Town and Country Planning Act 1997 ('the 1997 Act'). It should be noted that as well as planning consent, finfish and shellfish farms also need a Marine Licence, although this is purely for navigational aspects of the development.

Where a site is an IMTA development, the consent to develop (or place or deposit equipment in the water) is therefore currently dealt with under 2 different regimes with no consideration of the development as a whole (except through Environmental Impact Assessment).

The difference in regulatory regimes also leads to a situation where there may currently be farms using the same or similar equipment (i.e. mussel farms and seaweed farms) in the same water body, but licensed by different regulatory regimes because they farm different species. We recognise that this is a potentially confusing situation for industry and the public, particularly in relation to IMTA applications.

### **Objective**

The Seaweed Policy Statement (SPS) will facilitate the sustainable development of the industry by setting out the Scottish Government's view of the suitability of seaweed cultivation in different

situations, by indicating the issues considered in determining whether a proposal is acceptable, such as the species cultivated, and the size and location of the site. The statement will also assist the management and regulation of seaweed cultivation, by informing policy to manage and mitigate any impacts from seaweed cultivation.

### **UK policy**

Seaweed cultivation in the rest of the UK is in its very early stages. In England and Wales, permission to gather seaweed is required from landowners and environmental agencies, and the first licence granted for the cultivation of seaweed was granted by The Crown Estate in 2012.

### **Wider EU policy**

The European seaweed industry has traditionally been based on harvesting wild stock, due to uncompetitive market prices being paid for raw seaweed. Such development has produced low-volume high-value seaweed and sea vegetables for human consumption, in small quantities and locally restricted to coastal areas.

Available data shows a growing gap – estimated at 8 million tonnes – between the level of consumption of seafood in the EU and the volume of captures from fisheries. EU Member States are required to help ensure that this gap is partly filled by environmentally, socially and economically sustainable aquaculture. The growing expectations from consumers for quality and diversity of food products, especially if locally produced, offer new possibilities to give value to the assets of coastal and inland areas. Member states are encouraged to coordinate action to stimulate local economies to meet the growing demand for locally, sustainably produced seafood, which could potentially include seaweed.

Encouraging seaweed production will also contribute to the aims of the EU Blue Growth strategy, which supports maritime sector growth by identifying activities with long term high growth potential and supporting them by removing administrative barriers. The strategy particularly focuses on existing and emerging and activities relating to the use of marine resources (such as seaweed) in the pharmaceutical and cosmetics industries.

### **Rationale for Scottish Government intervention**

The SPS will provide those wanting to submit an application with a better understanding of the type of development that may be given approval. The overall benefit will be to provide greater certainty for the industry, while ensuring that Scotland's environment is protected from any activities which may have a negative environmental impact.

Facilitating improved conditions for cultivating seaweed contributes to the aims of the Scottish Government National Performance Framework through the Greener strategic objective, by encouraging the sustainable use of Scotland's natural environment while also contributing to the transition to a low carbon economy. Seaweed is a natural resource which can be grown with little environmental impact, and has the potential to both boost our economy and economic growth. Seaweed cultivation also contributes to the implementation of the Wealthier and Fairer strategic objective by enabling businesses and people to increase their wealth, and allowing others to share that wealth. Further aquaculture industry diversification and development will also generate greater employment opportunities, contributing to increased national prosperity.

**Consultation:****Within Government**

The Crown Estate

Food Standards Agency Scotland

Scottish Government Marine Scotland

Scottish Government Marine Scotland Science

Scottish Government Environment Quality Division

Scottish Government Directorate for Legal Services

Scottish Government Directorate for Local Government and Communities

Scottish Water

Scottish Environment Protection Agency

Scottish Natural Heritage

**Public Consultation**

Public consultation will take place from 26 August to 17 November 2013

**Business**

Face-to-face discussions with IMTA farmers and members of the Association of Scottish Shellfish Growers were held in the SPS drafting stages.

**Policies:**

The SPS contains the following policies relating to seaweed cultivation:

- **Policy 1 - In principle, the Scottish Government is supportive of shellfish scale seaweed cultivation, subject to regulatory consideration.**
- **Policy 2 – Only species native to the area where the seaweed cultivation will take place should be cultivated, to minimise the risk from non-native species.**
- **Policy 3 – Where seaweed is grown for human consumption, cultivators could site farms away from sewage outfalls and other potential sources of pollution.**
- **Policy 4 – Equipment used in seaweed cultivation should be fit for purpose to prevent damage from adverse weather conditions.**
- **Policy 5 - Other marine users and activities should be considered in the siting of farms.**
- **Policy 6 – Shellfish scale farming is not spatially limited, and may be located anywhere in Scotland with appropriate local conditions, and with due regard to the marine environment.**
- **Policy 7 – In principle, the Scottish Government is also supportive of medium scale development, subject to regulatory consideration. Applications for such seaweed farms should demonstrate that mitigation measures have been considered to prevent adverse environmental impacts, and set out how these will be delivered.**
- **Policy 8 - The Scottish Government is supportive of IMTA.**
- **Policy 9 – Where seaweed is grown in IMTAs alongside finfish, it is spatially limited to the West Coast of Scotland, the Western Isles, Shetland and Orkney. This is due to the continued presumption against further marine finfish developments on the north and east coasts, as detailed in the Scottish Planning Policy document and the forthcoming National Marine Plan.**

## **Consenting**

Section 2 of the SPS discusses the current consenting arrangements for the development of sites cultivating seaweed, outlining four options for future consenting :

### **1) No change**

No change would mean seaweed cultivation being consented by Marine Scotland through the marine licensing regime, and other aquaculture development (encompassing fish or shellfish, including sea urchin, crustacean or mollusc) regulated under the 1997 Act by the Planning Authority.

This may be confusing and time consuming for developers and complicated for members of the public commenting on applications. IMTA applications will also not be considered holistically. However, with regard to IMTA applications, there may be opportunities to simplify the consenting process, i.e. by providing a process flow diagram or agreement on the administrative order for application progress, and sharing information by submission through one regulatory regime.

### **2) Provide main consent through terrestrial planning regime**

Responses made to questions about seaweed cultivation and regulation in the Aquaculture and Fisheries Bill consultation 2012 by industry, local authorities and regulators indicated a strong preference for all seaweed cultivation to be regulated by the Town and Country Planning Act 1997 (given that is how other aquaculture developments are regulated). Under this option we have assumed that this will apply to all applications to cultivate seaweed, regardless of scale, type, location etc.

This would mean a move away from all marine developments (except those defined as fish farming under the 1997 Act) being considered by the Marine Licensing regime. The Scottish Government considers that potential significant environmental impacts are best considered and regulated by Marine Scotland.

### **3) Use both planning and marine licensing regimes but differentiate by scale**

Under this option, both regulatory regimes will continue to be used but criteria would be developed to differentiate between shellfish scale (i.e. 0-40 x 200m lines seaweed cultivation, and medium scale (41-80 x 200m lines), up to extensive scale, (80+ x 200m lines) seaweed cultivation.

This option would see shellfish scale seaweed cultivation consented by Planning Authorities through the 1997 Act and medium scale consented under the Marine Licensing regime. This would allow farms with what may be significant environmental impacts to be continued to be regulated by Marine Scotland.

### **4) Transfer seaweed to planning only if it is part of IMTA development**

A final option provides for seaweed cultivation is regulated under the 1997 Act only if it cultivated as part of an IMTA system. This could be achieved by an amendment to the 1997 Act as well as marine licensing legislation.

There are two main benefits to this option: IMTA applications will be considered holistically and the process is simplified for developers of IMTA sites. There are some disadvantages as it may be difficult to ascertain when seaweed cultivation is part of an IMTA development, i.e. whether there should there be a maximum distance between elements of the proposal.

**Sectors and groups affected**

This SPS will inform all those who have an interest in seaweed cultivation and harvesting in Scotland, including regulators, such as the Scottish Environment Protection Agency, Scottish Natural Heritage, and the Food Standards Agency Scotland. It will also be of interest and affect those who currently cultivate, or are considering cultivating seaweed in the future. Aquaculture farmers who already grow finfish and/or shellfish may be interested in growing seaweed as part of an IMTA.

**Scottish Firms Impact Test**

In Scotland, the industry development is currently in its very early stages, with only eight sites cultivating seaweed. At this stage, the SPS will have a positive impact on the competitiveness of companies growing seaweed within Scotland, but no global impact.

No additional financial costs will be incurred by any current businesses as a result of the SPS. Farmers will still have to pay some form of licensing fees - we are simply proposing a change to the licensing regime.

Regarding benefits, aquaculture farmers wishing to grow seaweed will gain from a better understanding of the type of development that may be given approval when submitting applications for consent to grow seaweed.

As the existing number of seaweed sites is limited in both number and size (most of them very small), face to face discussions were not considered useful at this stage of the SPS development. However, preliminary discussions were held with both an IMTA cultivator, and a representative of the shellfish sector the trade body. All current seaweed cultivators will be invited to make a full response to the consultation.

**Competition assessment**

Through the application of the Office of Fair Trading filter questions, in our view, the proposals in the SPS will not impact negatively on competition within the seaweed industry, as it is in the very early stages of development.

The proposals will not directly limit the number or range of suppliers, as it will not award exclusive supplier rights, or create closed procurement or licensing programmes. The proposals will also not indirectly limit the number or range of suppliers, or raise costs for smaller entrants relative to larger existing suppliers. The ability of suppliers to compete will not be limited, as the proposals will not reduce the channels suppliers can use, or geographic area they can operate in. The proposals will also not reduce suppliers' incentives to compete – as the industry expands it is fully expected that the proposals will encourage a wider exchange of information on prices, costs, sales or outputs between suppliers.

**Test Run of business forms**

The proposals will not introduce any statutory business forms.

**Legal Aid Impact Test**

The Scottish Government Access to Justice Team has confirmed that as the measures are aimed at businesses, the proposals are not expected to have an impact on the Legal Aid Fund.

**Enforcement, sanctions and monitoring**

It is anticipated that the consultation responses will identify the most appropriate consenting regime to be used for the licensing of seaweed. If consent is to be given by the Town and Country Planning Act 1997, the licence, the same enforcement, sanctions and monitoring that exist for other form of aquaculture will be adapted for seaweed and carried out by the relevant local planning authority. If there is no change to the licensing regime and seaweed cultivation is retained under the Marine (Scotland) Act 2010, these responsibilities will remain with Marine Scotland, with no change to the current enforcement, sanction and monitoring provisions.

**Implementation and delivery plan**

To be completed post-consultation.

**Post-implementation review**

To be completed post-consultation.

**Summary and recommendation**

The Scottish Government is recommending the policies in the SPS, but not any one particular regulatory control option – this will be decided after analysis of the consultation results.

**Summary of costs and benefits**

Financial costs will be negligible as seaweed cultivation is not expected to have negative environmental impacts. The SPS will contribute to industry certainty, and possibly lead to expansion, but financial benefits relating to this are unquantifiable at this early stage. It is anticipated the consultation will provide further information on costs. Seaweed cultivation is not expected to have a negative impact on water quality so there will be no cost implications for Scottish Water.

**Declaration and publication**

I have read the impact assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

**Signed:**



**Date: 14 AUGUST 2013**

**PAUL WHEELHOUSE  
MINISTER FOR ENVIRONMENT AND CLIMATE CHANGE**

**Scottish Government Contact point:**

FIONA M WATT

Marine Scotland, Performance, Aquaculture, and Recreational Fisheries

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## RESPONSE FORM

### DRAFT SEAWEED POLICY STATEMENT 2013

1. Do you agree with policies 1-6?

State any you agree or disagree with, and your reasons.

2. Should policy 2 require local provenance, i.e., stock must originate from the water body the seaweed is to be grown in? YES/ NO

State your reasons:

3. Do you agree with policy 7? YES/NO

State your reasons:

4. Do you agree with policies 8 and 9?

State any you agree or disagree with, and your reasons:

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

Give your reasons

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

Give your reasons

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

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

State what named species should be included, and provide your reasons.

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

# Seaweed policy Statement Consultation 2013

## RESPONDENT INFORMATION FORM

**Please Note** this form **must** be returned with your response to ensure that we handle your response appropriately



### 1. Name/Organisation

Organisation Name

Title Mr  Ms  Mrs  Miss  Dr  Please tick as appropriate

Surname

Forename

### 2. Postal Address

<input type="text"/>		
Postcode	Phone	Email

### 3. Permissions - I am responding as...

Individual / Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes  No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick **ONE** of the following boxes

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

Yes  No

Yes, make my response,  
name and address all  
available

**or**

Yes, make my response  
available, but not my  
name and address

**or**

Yes, make my response  
and name available, but  
not my address

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

**Please tick as appropriate**

**Yes**

**No**



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