
Consultation: Draft Seaweed Policy Statement

Response from The Crown Estate

November 2013

EXECUTIVE SUMMARY

We welcome the opportunity to comment on the consultation draft of the Seaweed Policy Statement. This response is informed by The Crown Estate's extensive experience of managing activities within the marine environment and, within its core remit, of balancing economic activity with stewardship of natural resources for future generations to use and enjoy.

Aquaculture is an important sector for Scotland, making a significant contribution to the Scottish economy, in particular providing jobs and contributing to economic activity in rural and coastal communities. We therefore welcome the Scottish Government's support of the aquaculture industry's growth aspirations for traditional aquaculture sectors. Given the potential to create jobs and economic opportunities for some of Scotland's coastal communities, we are also keen to support the growth of new industries such as seaweed cultivation and welcome the Scottish Government's ambition to expand and diversify the sector.

To ensure this expansion and diversification is sustainable, effort must be made to ensure that there is a focus on environmental and social sustainability and adequate consideration of the impacts of potentially significant expansion of the aquaculture industry on other users of the marine environment. Appropriate regulation is key to ensuring that potential impacts are minimised. Therefore, we welcome the production of a Seaweed Policy Statement as this will help set the policy and regulatory context for seaweed cultivation within Scotland. However, there may also be a need to develop more detailed, practical guidance for cultivators to ensure that these policies are implemented appropriately. We would be happy to engage in any further work to develop guidance on this matter.

We trust that you will find this consultation response constructive. We are happy to provide additional information on any of the points we have raised above and would be pleased to discuss these matters with you further. All of this response may be put into the public domain and there is no part of it that should be treated as confidential.

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INTRODUCTION

The Crown Estate manages a diverse portfolio. We operate on a commercial basis, taking a long-term perspective and managing assets sustainably at all times.

In Scotland, The Crown Estate manages around 50% of the foreshore and beds of tidal rivers, together with almost all the seabed out to the 12 nautical mile limit. In addition to this, we have the sovereign rights to explore and make use of the natural resources of the UK continental shelf, with the exception of oil, coal and gas.

Under the Energy Act 2004, The Crown Estate was vested with the rights to issue leases for development beyond the territorial limit within the Renewable Energy Zone (REZ) out to 200nm and the Energy Act 2008 vested us with the rights to sub-surface storage within the Gas Importation and Storage Zone (GISZ) out to 200nm. We are working with our partners to ensure that Scotland is well placed to take advantage of the socio-economic benefits that the development of offshore energy will bring.

The Crown Estate's Rural and Coastal portfolio includes around 850 aquaculture sites and 5000 moorings; and 42,000 hectares of rural land including the Glenlivet, Fochabers, Applegirth and Whitehill estates, with agricultural tenancies, residential properties and forestry. Our land management activities make a significant contribution to the local economies of coastal and remote rural areas. We also manage important mineral resources and almost 140 salmon fishing tenancies. The Crown Estate's urban estate in Scotland includes retail property in Edinburgh.

The Crown Estate is committed to working with the Scottish Government, the Scottish Parliament, local authorities, communities and industry to support sustainable economic development in key sectors such as offshore renewables, carbon capture and storage, aquaculture, recreation and tourism, cables and pipelines and aggregates.

RESPONSE TO CONSULTATION QUESTIONS

1. Do you agree with policies 1-6?

Policy 1 – In principle, the Scottish Government is supportive of shellfish scale seaweed cultivation, subject to regulatory consideration.

We broadly support policy 1 as proposed.

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.

We support the proposal to ensure that only native species should be cultivated within a given area. However, for clarity, further guidance will be required on how cultivators can assess whether a species is 'native' or 'non-native'.

Policy 3 – Where seaweed is grown for human consumption, cultivators could site farms away from sewage outfalls and other potential sources of pollution.

The current wording of policy 3 is unclear. Section 1 states that there is a lack of evidence to suggest that release of sewage or effluent poses a risk to human consumers so therefore suggesting that cultivation sites be situated away from sources of effluent or pollution is a precautionary approach. If the intention is to adopt a precautionary approach, then the policy should be reworded to say “...cultivators ***should*** 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.

While in the first instance it is clearly in the interests of the developer to ensure equipment is fit for purpose, we suggest that to reassure stakeholders whose interests may be at risk from damaged/derelect seaweed farming equipment, the wording is changed to “*should be demonstrably fit for purpose for the proposed location and the prevailing conditions*”.

Policy 5 – Other marine users and activities should be considered in the siting of farms.

We support this policy approach. However, guidance will be required to assist applicants / cultivators and regulators in assessing the potential impact of cultivation on other marine users.

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.

We are broadly supportive of this policy but would ask that to assist potential cultivators, further clarity is given regarding “*appropriate locations*” and “*with due regard to the marine environment*”.

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

In principle, this seems a reasonable approach but we would suggest that sufficient flexibility is retained to allow the use of stock that is ‘native’ but not necessarily of immediately local provenance, if this can improve cultivation prospects with no adverse effects on local stocks or the environment. ‘Water body’ also requires clarification.

3. Do you agree with policy 7?

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.

We are supportive of this policy proposal providing that requirements for mitigation measures are proportional and further explanation is given in any associated guidance. While the definition of ‘medium scale’ is still given in terms of “shellfish equivalents”, we would consider this scale of development to be more transitional between small and extensive and so also likely to use more novel, non-shellfish-type cultivation systems. Our view is that

regulatory consideration should address the type of equipment proposed rather than size/acreage of the proposed development.

4. Do you agree with policies 8 and 9?

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.

While we are supportive of IMTA in general, we feel that this policy would benefit from further clarification. In particular, clarification around the definition of IMTA with respect to spatial versus ecological considerations would be helpful. Multi-trophic integration may be capable of being achieved in biological/ecological terms within a discreet biological area without seaweed/finfish cultivation systems being immediately adjacent for example. Therefore regulation should seek to address the planning requirements appropriately while acknowledging proposed benefits to be accrued from the IMTA nature of the developments.

Policy 9 reiterates existing policy. We have, through the consultation on the draft National Marine Plan, suggested that consideration is given to a review of the definition of the marine finfish cultivation to which this presumption applies, namely whether the presumption against should apply to all marine finfish or just salmonids on the North and East coasts.

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

The consultation document states that in terms of seaweed cultivation for biofuel production (i.e. at an extensive scale), the *“industry is currently limited by technical feasibility and economic and environmental considerations”* and the Seaweed Policy Statement contains no policies for this scale. While the Policy Statement states that this approach will be revisited if the sector looks likely to develop, we would suggest that policy options for extensive seaweed cultivation are explored now in order to ‘future proof’ the policy statement and to provide the developing industry with the necessary regulatory framework for its development. We note that there are extensive offshore ambitions for seaweed cultivation in other countries such as the Netherlands, Japan and Denmark, and if Scotland is to seize the opportunity that this emerging new sector presents, then a favourable policy framework would be helpful for industry and other users of the marine environment.

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

Of the options proposed in the consultation document, we would support Option 4, where consenting of seaweed cultivation remains under the 2010 Marine (Scotland) Act and would fall to terrestrial planning (the 1997 Act) only where it is part of a single IMTA development – i.e. multiple species occupying a single area of seabed.

Given the characteristics of seaweed cultivation (a wide range of technologies, scales, cultivation systems and locations), we consider that a single regulatory and consenting regime would be best placed to address these considerations on a case-by-case basis and therefore we would support the continuation of marine licensing to achieve this.

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

Yes, we would support the development of guidance on the harvesting of wild seaweed.

It is our experience that interest in the harvesting of wild seaweed has increased in recent years and The Crown Estate has been working closely with stakeholders to encourage best practice in this area. At present, it is our understanding that if such harvesting is to be undertaken using a vessel, a marine licence may be required but if the harvesting is to be by hand, there is no statutory provision unless the activity is proposed in a designated area where the Conservation (Natural Habitats, &c.) Regulations 1994 will apply. Our approach has been, in the absence of any statutory controls, to ask that any proposal has the full endorsement of the relevant natural heritage authority – SNH in this instance. Further to this, we are in the process of agreeing protocols for harvesting proposals and have worked with Natural England in Cornwall in drawing up a harvesting Code of Conduct. We are currently in discussion with SNH with regard to developing a similar approach in Scotland.

In order to encourage best practice and ensure this is applied consistently across the foreshore, we would welcome the production of guidance for landowners and would be happy to assist in the development of such guidance, drawing on our experience and expertise in this area.

8. Should the 1997 Act be amended to provide the flexibility to farm other species or specifically named species?

We welcome the Scottish Government's aspiration to support and develop the diversification of the aquaculture sector by ensuring that aquaculture and planning legislation is sufficiently flexible to allow such diversification. However, we have no specific comment on which species should be included under any amendment.

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

No comment.