

## **RESPONSE FORM**

### **DRAFT SEAWEED POLICY STATEMENT 2013**

#### **Question 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.**

The Highland Council agrees with this policy subject to provisions being made to bring the culture of seaweed (and marine plants) within the meaning of development in the planning acts so that planning permission may be issued by local authorities for such developments.

**Policy 2 – Only Species native to the area where seaweed cultivation will take place should be cultivated, to minimise the risk to non-native species.**

We find this policy difficult to comment on as it lacks specific details of scale. For example, what is meant by “area” in this context? How, in practice will this be enforced on the farm? The preference of Highland Council would be that the species grown on aquaculture facilities are only grown at locations where that species is also naturally found in the same body of water, at the very least species should only be cultured within their natural range.

We note, however, that this is not a requirement for other forms of aquaculture and there are numerous examples of areas where non-native species have been introduced as an aquaculture product and become naturalised. Examples include the farming of rainbow trout in Scottish freshwater lochs with escaped fish becoming naturalised in some areas. Non-native strains of Salmon are grown in sea cages and may have genetic impacts on wild salmonid populations when they escape. Given the lack of action by the industry and government on fin fish escapes it does not seem reasonable to restrict seaweed culture in the same way. The Council would, however, prefer if the converse were true and that if area based restrictions are included for seaweed culture they should also apply to other forms of aquaculture.

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

Again this policy lacks detail. For example what distances are meant by “away from”? Whilst it would perhaps be unreasonable to expect to site a seaweed farm close to a community septic tank discharge, or a combined sewage outfall, nutrient input from such discharges may benefit the growth of the seaweed and the seaweed may help to process such nutrients within the wider receiving environment. The answer to this policy question depends on to what extent seaweeds accumulate, or harbour, harmful bacteria, viruses, heavy metals etc. that may be present in such discharges. In terms of costs of the operation to the developer it would presumably be to their advantage to

be a set distance away from a known discharge in order to reduce their need for expensive sampling and testing regimes.

**Policy 4 – Equipment used in seaweed cultivation should be fit for purpose to prevent damage from adverse weather conditions.**

Agree - All equipment installed in the marine environment should comply with this policy, whether or not is used for seaweed culture is irrelevant. Policies should also include provisions for ensuring that equipment is placed in the specific position applied for and that maintenance is mandatory in order to retain the equipment in good order in the correct position.

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

Agree – It is possible that there will be areas where development of seaweed farms is spatially constrained by an existing activity, this is no different to any other form of aquaculture and other users and activities are taken into account in determining planning applications. Our recent experience is that this consideration does not happen as readily in relation to marine licence applications.

**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.**

Disagree – As policy 5 points out there may be other marine users and activities which present a spatial constraint to development.

In addition the “shellfish scale” farm proposed by Scottish Government of 40 x 200m long lines is actually very extensive compared to shellfish farms operating in Highland. A “typical” mussel site might consist of 10, 300m long lines placed about 30m apart, with moorings extending approximately 50m at either end such a site would occupy an area of close to 1 hectare of sea bed. There is no indication within the consultation documents of the distance between the long lines proposed in the shellfish scale site. Assuming that seaweed can be held in a more compact unit than shellfish and that there is only 10m between the lines the proposed 40 x 200m long lines gives a 0.8 Ha equipment area but the site area required would be in excess of 11 Ha and considerably larger if more space is allowed between individual long lines. To suggest that a site extending to this scale would not be spatially constrained is absurd.

We would accept that there may be potential for “shellfish scale” farms to be developed in areas such as the north and east coasts that are currently off limits to fin fish farming.

**Question 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**

Yes, this is important and should apply to all sectors of the aquaculture industry – Please refer to our response in relation to Policy 2 above.

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

**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 in order to prevent adverse environmental impacts, and set out how these would be delivered.**

Yes – The Council would support this policy but is of the view that consideration should be given to including the larger “shellfish scale” developments and shellfish farms and medium scale developments within the requirements for Environmental Impact Assessment.

**Question 4: Do you agree with policies 8 and 9? Please state any that you agree with or disagree with and state your reasons.**

**Policy 8 – The Scottish Government is supportive of Integrated Multi-Trophic Aquaculture**

Agree – The Council is also supportive of IMTA and has historically helped fund a number of projects looking at seaweed and sea urchin culture alongside salmon farming. We have recognised the potential for Polyculture (as it was then termed) within several of our aquaculture framework plans. These plans noted that there was a potential requirement for legislative change in order to facilitate polyculture and the Council welcomes the Scottish Government support for this activity.

**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 National Marine Plan.**

Agree – However we are not certain that this is absolutely necessary as a policy. If finfish culture is not supported on the north and east coasts this effectively rules out finfish as one of the species that can be considered as part of IMTA.

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

No – Setting different scales of development that will be treated in different ways by different planning regimes complicates the process unnecessarily.

**Question 6: Which consenting option would be most appropriate for sea weed cultivation and why? Give your reasons.**

**Option 1 – No change**

The Council does not support this option having two types of development for example shellfish farming and sea weed farming which use substantially the same equipment and have substantially the same visual and spatial constraints operating under two different consenting regimes is confusing for all involved.

**Option 2 - Provide main consent through terrestrial planning regime.**

This is in our view, the only reasonable and feasible option set out in the consultation.

In response to other Scottish Executive, Scottish Government and Marine Scotland consultations going back several years Highland Council has recommended that seaweed farming be included in meaning of development under the planning acts. That seaweed was ruled out, seemingly on the advice of Marine Scotland Science, is a huge oversight and has already led to a degree of confusion in the Highland region. For example in 2009 we received planning applications for the inclusion of sea urchins as a culture species on an existing salmon farm, also proposed was the installation of long lines adjacent to the cages for the sea weed farming. Instead of the applicant having all of the issues related to their proposals considered at the planning stage they required for the sea urchins to be considered under planning and the seaweed to be considered as a crown estate lease application. Both activities also required a navigational consent from Marine Scotland.

In the interests of streamlining the process and making it easy to understand by all involved we would again suggest that all forms of aquaculture are considered under the terrestrial planning regime, providing the opportunity for all sites to be considered under the same process regardless of their scale. It doesn't matter whether seaweed is to be cultured for human consumption or as a biofuel it is all aquaculture and should all be treated in the same way as other forms of aquaculture in terms of planning. The only need for any definition of scale is to set the area of surface equipment at which a proposal becomes a major development under the development hierarchy. We would suggest that the 2Ha threshold set for finfish and shellfish farming would also be appropriate here.

The statement in relation to this option that "Scottish Government considers that potential significant environmental impacts are best considered and

regulated by Marine Scotland.” does not, we consider, have any bearing in fact. Marine Scotland has powers to regulate the environmental impacts of Marine Fish Farms in relation to sea lice numbers on fish in cages and containment, we are not, however aware of MS having taken any meaningful regulatory action against poorly performing sites.

**Option 3 – use both planning and marine licensing regimes but differentiate by scale.**

This option seems to be based the assumption that larger sites will have a more significant environmental impact, which isn't necessarily the case as a well sited large site may have less impact than a poorly sited small site. In addition it is based on the assumption that only larger sites will be regulated by Marine Scotland. It is our understanding that all marine works require a marine licence such that even if planning permission is granted under terrestrial planning for any scale of site a marine licence application will still be required and MS can still regulate environmental impacts. This is the current situation with regard to all other forms of aquaculture so to separate out one form of aquaculture on the basis of scale does not make sense.

**Option 4 - Transfer seaweed to planning only if it is part of IMTA**

The Council does not support this option as again it engineers an overly complex two tier process that would be confusing to applicants, consultees and the public.

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

Yes, guidance should be developed for the harvesting of wild seaweed in order to ensure that harvesting is sustainable and that stocks in a given area are not depleted. We are concerned that whilst potential negative impacts from the over harvesting of wild seaweeds are noted this is followed by the statement that there is currently no evidence that any adverse environmental effects are taking place in Scotland. This seems to suggest that this is not an issue of concern. We would, however, like it to be noted that we should not be waiting for an adverse environmental impact to occur before taking appropriate action to prevent it happening in the first place.

**Question 8: Should the 1997 Act be amended to provide the flexibility to farm other species, or specifically names species? What names species should be included?**

The 1997 Act should be amended to remove reference to sea urchins and replace it with reference to echinoderms. This was the wording suggested by the Council in 2006 this would serve two purposes. Firstly it would refer to the class of animals rather than a specific family which would ensure consistency with the way that molluscs and crustaceans are referred to in the Planning

Act. Secondly use of the name echinoderm would also encompass sea cucumbers.

Additional classes that might require to be considered are marine worms such as lug worm and rag worms, with some development it might be possible to farm these on floating structures.

Consideration also need to be given as to whether or not the keeping of fish such as wrasse or lumpsuckers within salmon cages constitutes IMTA. Technically these fish are feeding at a different trophic level to the salmon and with lumpsucker at least there is the potential for these fish to offer an additional income stream for the farm.