

## 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.**

The Council agrees with policies 2 and 5.

The Council does not feel the caveat in Policy 1 is appropriate as 'regulatory consideration' would apply to all development proposals and just because an application is considered it does not mean that there will be no significant adverse affects.

Policy 3 is not considered to be a policy due to the use of the word 'could' which makes this policy ineffective. If there is a risk to public consumption of seaweed it should be dealt with through the harvesting area process, as used for shellfish, and should not be policy for the development consent.

Policy 4 is not worded well as it does not define whether the term 'damage' relates solely to the farm equipment or subsequent impacts on safe navigation or other interests. The policy needs to state that equipment should be fit for purpose in relation to the surrounding environmental conditions in order to prevent impacts on safe navigation and other interests.

Policy 6 does not make sense and does not add anything to the policy framework. What does 'due regard to the marine environment' mean? There is no mention of relevant National Marine Plan policies or future Regional Marine Plan policies. It is assumed that the purpose of this policy is to differentiate from Policy 9 which relates to 'extensive' scale development. The Council considers that Policy 6 is not needed under 'shellfish' and 'medium' scale development as Policy 9 stands appropriately on its own.

Overall, the Council does not feel that the policies provide an appropriate guide for development of shellfish scale seaweed cultivation. There is no policy which relates to consideration of landscape/seascape, or potential benthic impacts on sensitive habitats or species or designated sites.

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

**State your reasons:** No comment.

**3. Do you agree with policy 7? NO**

**State your reasons:**

Again, this policy is not well worded. It is considered that it could be amended to support this scale of development subject to consistency with relevant National and Regional Marine Plan policies.

The policy does not give any specific guidance for the potential negative environmental impacts identified in the SEA.

**4. Do you agree with policies 8 and 9?**

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

Agree with both policies.

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

**Give your reasons:**

However, it is considered that the term 'small' should be removed from the description of shellfish scale development. Mussel development of between 20 and 40 x 200m longlines is not considered small scale development and can take up surface and seabed area much greater than the largest salmon farms in Scotland.

The scale scenarios are based on number of longlines. How is the scale of development going to be determined if a different type of technology is being used

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

**Give your reasons**

The Council strongly supports **option 2**. The main concern identified for this amendment in the consultation document is questioned as the exception of all marine developments being considered by marine licensing is 'fish farming' which covers all forms of aquaculture development other than seaweed cultivation. It is therefore more appropriate for seaweed to be considered within the same consenting regime as other aquaculture development rather than being the exception in terms of aquaculture, something that is not listed as a concern.

As a background it is important to note that the current regulatory regime is the marine licence only because the current description of fish farming does not include seaweed and therefore the development for this form of aquaculture is caught by the marine licensing regime.



The Council considers that all types of aquaculture development should be covered by the same regulatory framework and therefore seaweed farming should be brought under planning control. Given that all aquaculture development other than seaweed farming is under planning control and local authorities have the appropriate experience and policy framework to deal with this type of development, it is considered that seaweed farming should be brought under planning control as a matter of urgency.

Argyll and Bute Council and other local authorities have existing policy frameworks that are appropriate to guide future seaweed farm development. Council planning officers are also experienced in considering applications for finfish and shellfish farming developments which are similar to seaweed developments in terms of environmental effects and interactions with other activities.

There are significant benefits in terms of transparency and local accountability for aquaculture development applications considered under planning compared to marine licensing. Where there are conflicting issues on a development application the marine licence process does not benefit from local accountability and democracy in terms of decision making.

Recent marine licence applications for seaweed farming have caused concern for local communities and marine users in Argyll and Bute who are concerned that similar aquaculture developments are currently considered by two different consenting regimes. This anomaly presents difficulties for developers and those with an interest in the seaweed application in understanding the differences in policy and process of the two consenting regimes. It also presents difficulties in dealing with potential cumulative impacts with other aquaculture developments consented under the planning system.

Integrated multi-trophic aquaculture involves the cultivation of seaweed in combination with shellfish and/or finfish aquaculture. Given that finfish and shellfish are regulated through the planning system, it makes sense for the seaweed aspects to also be subject to the same consenting regime. This would also allow seaweed cultivation to be considered under permitted development rights, which could potentially allow a change in farming from shellfish to seaweed without a new development consent.

Option 3 is even more disjointed and confusing than the existing situation and it should be noted that finfish development, considered under the planning system can have significant environmental impacts which are adequately considered through Environmental Impact Assessment (EIA), with advice from Marine Scotland as a statutory consultee. The use of criteria to determine scale and therefore the appropriate licensing regime would be complicated and confusing particularly if a development is extended resulting in the requirement for consideration under a different consenting regime.

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

Yes. This guidance should include guidance on best practice and possible mitigation for potential environmental effects but should also consider guidance to promote potential environmental benefits. The guidance should also cover aspects not identified in the SEA including potential for disturbance to otter, impact on designated sites and public access across the foreshore.

Given that the interest in use of seaweed is increasing it would seem sensible to consider a scale of harvesting at which some form of consent would be required to allow potential environmental impacts from the largest scale harvesting to be managed. For smaller scale operations, adherence to guidance may be enough to promote good practice and mitigate environmental impacts.

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

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

This section and question justifies the option of seaweed farming being considered by the terrestrial planning regime.

It is considered that the 1997 Act should be amended to include seaweed and sea cucumber species.

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

No.