



# netalgae

INTER-REGIONAL NETWORK TO PROMOTE SUSTAINABLE  
DEVELOPMENT IN THE MARINE ALGAL INDUSTRY

## The Regulation of Seaweed Farming in the UK

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ATLANTIC AREA Transnational Programme  
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# The Netalgae Project

**Netalgae is networking project funded by the EU ERDF Atlantic Area programme. The aim of the network is to make progress towards developing industrial, commercial and scientific links and to foster a culture of trade and cooperation between the membership, which will include primary producers, processors, technology suppliers, process consultants, research institutes, development agencies, local governments and relevant community groups and other stakeholders.**

**Netalgae's main actions are to :-.**

- **Undertake a general baseline study of all national algae industries across the project area.**
- **Assess national and European algae regulation, administration and management systems.**
- **Develop best practice guidelines for the sustainable management of algae resources.**
- **Develop a European algal industry database.**
- **Create of a European- wide algae industry portal and business tools.**

**Anyone with interests in macroalgae who would like to be included in Netalgae's database is very welcome to do so via the project's website:-**

<http://www.netalgae.eu/index-en.php>

## UK Seaweed Industry Background

- **This outline of the regulations governing seaweed aquaculture in the UK is a part of a wider study being undertaken as a part of the Netalgae project on the regulation of seaweed wild harvest and culture in the Atlantic Area of the EU.**
- **Unlike the situation in many of the other countries in the Netalgae region, at the present time the seaweed production industry in the UK is relatively small and based around the harvest of wild seaweeds by a few small SMEs (around 8 companies) or by individuals.**
- **At present there is no commercial seaweed aquaculture in the UK. However, the growing interest in the possible use of seaweeds for producing energy, bioactives, foods and other materials has attracted the attention of the various regulatory authorities.**

## The UK Regulatory Environment

- The most salient fact in the regulation of any proposed seaweed farming activity is that the regulatory controls within the present UK Acts covering aquaculture refer to fish farming (and by inference shellfish) but do not mention seaweeds, which are clearly not fish or shellfish.
- Hence seaweed aquaculture falls into a regulatory “grey area” and there thus appears to be some discussion at present amongst the regulatory authorities regarding which agencies are/will be responsible for its regulation.
- Having noted the above, the current Marine Acts covering any developments in the marine environment in UK territorial waters – the Marine Scotland Act 2010; the Marine and Coastal Access Act 2009 (covering England and Wales); and the yet to be enacted Northern Ireland Marine Bill do provide a means of regulating the development of a UK seaweed farming operation through their requirement for such an operation to have a Marine Licence.
- In Scotland, however, the above “grey area” is causing some dispute since the licencing of fish and shellfish farms now falls under the Town and Country Planning Act , (the responsibility of Local Authorities), and not the Marine Acts (the responsibility of Marine Scotland) . Hence which body should licence seaweed farming in Scotland has yet to be clearly determined - though if it is to be carried out as part of an integrated aquaculture operation the T&CPA covering the fish farming activity would undoubtedly prevail.

## The Marine Licencing Process

- A Marine Licence essentially replaces the previous Section 34 consents which were issued under Coast Protection Act covering navigation hazards, and Part II of the Food and Environmental Protection Act (FEPA) that regulates deposits on the seabed. Interestingly, fish and shellfish farms were/are exempt from FEPA but, as before, because it is not mentioned specifically, seaweed reared with very similar equipment, is presently subject to FEPA.
- Before applying for a Marine Licence, a prospective seaweed farmer would be advised to first approach the Crown Estate (TCE) who manage the sea bed waters from MSLW out to the UK territorial limit of 12 nautical miles, to see if they would consider leasing the required area of sea bed. The TCE would certainly advise if they foresaw any impediment to issuing such a lease, or in the relevant authority issuing a Marine Licence for that area.
- If TCE are in principle agreeable, the next step is to contact the appropriate Marine Licencing Authority.(MLA) . For English inshore, and English/Welsh and Northern Irish offshore waters, this is the Marine Management Organisation (MMO); for Welsh inshore waters the Welsh Assembly Govt; for Northern Ireland inshore waters the Dept of Agriculture and Rural Affairs (DARD); and for all Scottish waters, Marine Scotland.



## The Marine Licencing Process (cont)

The general licencing process is :

- Pre-screening consultation with the MLA
- Formal EIA screening and scoping (if applicable);
- Preparation of documentation, e.g. Environmental Statement (ES);
- Formal application;
- Consultation, feedback and mediation;
- Licence determination and issuing of licence(s) (if applicable),
- Management of returns, e.g. monitoring reports;
- Decommissioning

## The Marine Licencing Process (cont) The Pre-application Stage

During the Pre-screening phase the MLA will consider the project on relation to a number of regulations, including:

- The Marine Works Regulations 2007 : Screening to evaluate of the project requires a EIA under 85/337/EEC
- The Water Framework Directive (if the site is within 1 nautical mile of the coastal baseline) : to see if the project would compromise WFD objectives
- Habitat Regulation Assessment (HRA) under 92/43/EEC, 2009/147/EC

The above process will determine what if any, other information the applicant will need to submit for the full application to be considered.

Full details of the licencing process can be found at :-

<http://marinemanagement.org.uk/licensing/documents/guidance/01.pdf>

## Regulation of an Operational Seaweed Farm

**The MLAs adopt a full life cycle approach to licensing activities. This means that the marine licence will cover not only the construction activities, but all also the operating activities for the lifetime of the licence**

**The Marine Licence may thus contain various stipulations about the operation of the unit requested by the MLA/their consultees. These might include demands that:**

- **Any seaweed not grown on class A waters is not sold for human consumption**
- **Regular or specific environmental/ecological monitoring and reporting**

**In addition TCE may add into their lease specific provisos about the operation of the unit.**

**Since, as far as we are aware, no seaweed farming licence has yet been issued in the UK what, if any, specific demands in what areas of activity might be made on a seaweed farming licence /lease remain to be seen**