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Our reference:
L/2023/00169/1

By email only

22 September 2025

Dear Mr Hawcroft,

Save Port Isaac Bay Group (SPIBG) – Complaint – MLA/2022/00180

Thank you for your email to the Marine Management Organisation (MMO) dated 22 July 2024 regarding the marine licence held by Penmayn Ltd (Marine licence application reference MLA/2022/00180, licence reference L/2023/00169/1). The MMO acknowledges that you have submitted information for review in respect of the licensing decision outlined above. These submissions include the following:

- SPIBG Submission Document
- Anjoli Foster Legal Document
- SPIBG Appendix 1, 2, 3, 4, 5 & 6
- AquaMoor Ltd. Third Party Verification

You will be aware from our previous correspondence, that following the receipt of your submissions, the MMO has conducted a review of the decision to issue the above licence to Penmayn Ltd.

This response has been structured to address the points raised in the same order as the SPIBG Submission Document. The MMO has sought external, independent advice to support this review from Royal Haskoning DHV (RHDHV), and the RHDHV report provided to the MMO can be found in Appendix 1 of this letter (sent separately).



1 Legal Framework

1.1 The basis of the original approval

Marine licence L/2023/00169/1 was granted on 10 August 2023. As part of the decision-making process the MMO took account of the South West Inshore Marine Plan (SWIMP). Section 58 (1) of the Marine and Coastal Access Act 2009 (MCAA) states that *‘A public authority must take any authorisation or enforcement decision in accordance with the appropriate marine policy documents, unless relevant considerations indicate otherwise’*. Upon granting the licence, the MMO determined that the marine licence application was in accordance with the SWIMP and its policies.

As stated in your letter, the MMO under Section 69 (1) of the Marine and Coastal Access Act 2009 (MCAA) must have regard to:

- a) the need to protect the environment,*
- b) the need to protect human health,*
- c) the need to prevent interference with legitimate uses of the sea, and such other matters as the authority thinks relevant.*

In reaching a decision on whether to grant the licence for the seaweed farm at Port Isaac, the MMO carried out assessments on the likely impacts from the proposal on the marine environment. The MMO has considered its obligations under the Water Framework Directive (England and Wales) Regulations 2017 and environmental risks to specific sites such as special protection areas (SPAs), special areas of conservation (SACs), Marine Conservation Zones (MCZs), and special sites of scientific interest (SSSI). In addition, the MMO considered environmental risks to habitats, species and fisheries, alongside heritage risks, navigational risks, socio-economic risks, landscape and seascape risks, and tourism and recreational risks. The MMO also consulted a range of consultees to gain expert advice on these areas, ensuring that it could be satisfied that any impacts upon the marine environment from the project would be within acceptable limits.

As part of the decision-making process the MMO used a series of “Gateway Reviews” throughout the application; this included an initial technical assessment and a final decision recommendation. During the Gateway Review process, impacts to the marine environment were identified and the MMO sets out its rationale as to whether these impacts were within acceptable limits.

The MMO undertook a Habitats Regulations Assessment (HRA) which determined that the project, both alone and in combination with other plans or projects, was not likely to have a significant effect on a proposed or designated National Site Network or RAMSAR site. The MMO did not undertake a MCZ assessment as the activity will not



take place near to or within a recommended or designated MCZ (the nearest MCZ is Hartland Point to Tintagel and is 3.8 kilometres (km) away from the site).

Where impacts are identified during the MMO's Gateway Review process, the MMO expect an applicant to demonstrate how they will resolve these by way of avoiding, minimising or mitigating the impacts until they are reduced. Such measures are secured via licence conditions that must be adhered to over the course of the development. Only when the MMO is satisfied that the impacts are no longer within unacceptable limits, will it proceed to a positive determination. Where the impacts are not deemed to be within acceptable limits, and cannot be overcome through mitigation, the MMO may refuse to grant a licence.

2 Marine Plans and the Marine Plan Policy Assessment

2.1 Marine Planning in England – precautionary principle

The MMO adhere to the precautionary principle during marine licence application determinations. Where marine licensing is concerned, the MMO consider this principle as guide to making decisions in line with established practice. In the SPIBG Submission Document you outline concerns regarding the recovery of equipment should this become lost during the lifespan of the seaweed farm. This risk has been identified by the MMO and has been mitigated against using marine licence conditions, particularly condition 5.2.10 which secures adherence to the navigational risk assessment and annexes within it. This sits alongside conditions 5.2.11, 5.2.12, and 5.2.14 which require notifications to the relevant navigational authorities notifying them of failures at the site to enable warnings to be issued to marine users.

The MMO note the comments within the SPIBG Submission Document regarding the applicant's statement of 'there are no residual risks', and the concerns this raises given the nature of the project, sensitivity of the environment to pressures from the seaweed farm and the need for a precautionary, risk-based approach. Residual risks are those which remain after any mitigation, including strategies to minimise and avoid impacts, has been implemented on any risks identified for that specific activity (either environmental, or those that impact other users of the sea or public health). While the MMO uses information provided by the applicant throughout the application and decision-making process to inform its assessment, the MMO does not take statements made by the applicant as absolute and will, during the course of any application, review all aspects for risk including any residual risks following any mitigation. Where statements such as "no residual risk" are not proven, the applicant will be required to take measures the MMO deem appropriate to remedy the situation to its satisfaction e.g. provide updated Navigational Risk Assessments.



3 Suitability of the Seaweed Farm site for the proposal

The MMO notes the comments raised within the SPIBG Submission Document relating to the SWIMP. The MMO considered all of the relevant marine plan policies for this application and determined that the proposal was compliant with the SWIMP. This has been expanded on below.

3.1 Policy SW-AQ-1

Policy Aquaculture 1 (AQ-1) states that:

“Proposals in existing or within potential sustainable aquaculture production areas must demonstrate *consideration of and compatibility with sustainable aquaculture production*. Where compatibility is not possible, proposals must demonstrate that they will, in order of preference:

- a) avoid,
- b) minimise,
- c) mitigate significant adverse impacts on sustainable aquaculture, if it is not possible to mitigate significant adverse impacts, proposals should state the case for proceeding.”

The policy recognises that aquaculture is an important industry with the potential for growth, to contribute to food supply and security. Policy SW-AQ-1 aims to protect existing aquaculture operations within these areas. These areas were determined using the methods described within the ‘Identifying strategic areas of sustainable aquaculture production’ study, MMO1184. Under SW-AQ-1 it is not for applicants to demonstrate whether their chosen site is suitable for their aquaculture project or if any aquaculture project will fail if sited outside of this area. The rationale behind the SW-AQ-1 policy is to safeguard the areas that the MMO have identified as being the most suitable for sustainable aquaculture production.

The two-page summary of MMO1184 also states that “*Aquaculture developers are not obligated to locate developments within the strategic areas; while these can be used to inform site selection based on the detailed considerations in the report, the primary purpose is in supporting the decision-making under AQ-1*”.

The 6 metre (m) wave height referenced within MMO1184 was chosen based on the available literature at the time (Buck and Buchholz, 2005). In that study the authors observed *S. Latissima* plants withstood wave heights of 6.46m and there are references to other studies that show kelp withstanding wave heights of up to 8m maximum. As noted within Buck and Buchholz (2005) cultivation within areas with currents greater than 2m s⁻¹ and 6m wave height is possible but require cultures with less densely seeded sporophytes. MMO1184 goes on to state that “*it is likely that farming at higher currents and wave height would be possible, however, there appears*



very little evidence in literature". The figure of 6m was chosen for the study, but it is important to note that it is not the MMO's stance that seaweed farms with higher wave heights will fail and each application is assessed on a case-by-case basis.

3.2 Sea conditions at the site

Wave height and infrastructure failure

With reference to the use of the wave information within the Navigational Risk Assessment (NRA), the MMO notes that the differing sources of wave information have been used within the application. Information from the Perranporth waverider was used within the ecology assessment, and Port Isaac Step Gauge and Wavewatch 3 within the NRA. The Maritime and Coastguard Agency (MCA) have clarified that "the NRA focusses mainly on the risk of collisions, allisions (one object colliding with a stationary one), and groundings." As such, the wave height data that was provided is useful to aid in understanding the conditions in the area of the farm and for assessing the suitability of the mooring arrangements.

As part of the review relating to wave height, the MMO has sought additional advice from RHDHV. Following the consideration of this advice, the MMO can conclude that the wave climate at the project site is energetic and significantly different from the wave climate recorded by the Port Isaac monitoring gauge. The MMO considers that it would have been useful for the licence holder to consider extreme current conditions at the site.

3.3 Risk of infrastructure failing and policy context

The MMO acknowledges the AquaMoor Ltd. report provided as part of the submission by SPIBG. We also note that the final version was not shared with the MMO but that the conclusions of the final report would not be significantly different from those in the draft version.

As referenced in the SPIBG Submission Document in response to complaint C2401 on 18 April 2024, the MMO stated that *"it is outside of the MMO's jurisdiction to comment on the structural integrity/ engineering/stability of the proposals which are submitted to us"* and that *"the MMO cannot comment on existing infrastructure in terms of emergency response and policing as this is not within our jurisdiction"*.

Whilst this is the case ordinarily, the MMO has, in response to the SPIBG submission, sought advice from RHDHV. During consultation with RHDHV and whilst taking a precautionary approach, information could be provided from consultees that may require the MMO to seek clarification on some aspect of the design. This could be particularly around emergency responses or risks to human life. The MMO note that it did not consult Cefas during the licence application process for this project, however the MMO have since consulted Cefas regarding wave height post-consent to



understand if they had any concerns relating to wave height and the stability of the seaweed farm infrastructure. Cefas noted that there does seem to be a mixture of wave data mentioned within the NRA and Ecology assessment, without clear cohesion between the documents. It was Cefas' view that a conservative approach would have been to have consistency in the wave data used across the NRA and Ecology assessment, and that the Perranporth Waverider would have been the better option in this case.

As noted in the SPIBG Submission Document, the licence holder provided third party verification (TPV) from Fielder Marine Services. This was done following a request from the MCA for third party verification on the suitability of the design. It should be noted that the MCA rely on the applicants themselves to submit the design and mooring arrangements to meet the MCA's requirements (e.g. suitable for the area and resilient to the expected metocean conditions) and that this choice should be verified by a third party. The verification was then submitted to the MCA on 2 May 2023 with the MCA responding on the same day that they had received the documents and had no further comments to make.

Responsibility for existing infrastructure in terms of emergency response post-consent normally rests with the navigational safety authorities, in this instance the Maritime and Coastguard Agency and His Majesty's Coastguard. The MMO undertakes assessments relating to the risk of any development to other sea users and navigation, and consultation responses from MCA and Trinity House form part of that overall decision-making process. As referenced above, the NRA for this application underwent a number of revisions and clarifications.

Regarding the applicant's assessment that the risk of infrastructure breaking free is assessed as "no impact" and the low risk rating given to the risk within the NRA, the MMO, following consultation with the MCA, was satisfied at the time of licensing that the risks represented within the NRA were as low as reasonably practicable. While there is always the risk of failure with any structure in the marine environment, we were satisfied that the measures included within the NRA were sufficient to mitigate this risk to an acceptable level.

However, due to the concerns raised by SPIBG, the MMO has now sought independent advice on the AquaMoor Ltd. report provided by SPIBG, the Fielder Marine Services third-party verification document submitted by the applicant, and the full application and licence. This independent advice was provided by Royal Haskoning DHV (the full report can be found in Appendix 1, sent separately) and reviewed the design and moorings of the Penmayn Seaweed Farm in North Cornwall. RHDHV evaluated whether the application's assumptions are accurate, or if AquaMoor Ltd.'s third-party verification is correct in its assertion that there is a high risk of failure of the structure, which could pose a threat to life.



The MMO raised four questions for Royal Haskoning DHV to consider. These were:

- 1) Can the farm structure and mooring design for the seaweed farm withstand such forces acting on it as are reasonably foreseeable?
- 2) In the event of reasonably foreseeable damage to the installation or its moorings, will the infrastructure retain sufficient integrity to enable action to be taken to safeguard the health and safety of persons on or near it?
- 3) Can the construction, commissioning, operation, modification, maintenance and repair of the installation proceed without prejudicing its integrity?
- 4) Can the seaweed farm infrastructure be decommissioned and dismantled safely?

The report has advised the MMO that it is not possible to ascertain from the information included in the Marine Licence application and related application documents whether the Penmayn's Seaweed Farm can withstand the anticipated forces (namely wind, wave, and current) at the proposed location. The assumptions and design considerations in the application are very broad, and it is unclear whether appropriate hydraulic and geotechnical factors have been adequately considered, or whether the applicant has adequately evaluated and addressed the environmental conditions at the site that could damage the installation or its moorings. Given the limited information included in the application, it is not possible to carry out the detailed analysis to determine whether the farm structure can retain sufficient integrity to enable action to be taken to safeguard the health and safety of persons on or near it. In addition, the proposed design does not seem to adhere to best practice standards (Agitec et al., 2023; Standards Norway, 2024; DNV, 2021a; DNV, 2021b) and as such, based on RHDHV's engineering judgement, the structure is likely to fail in the energetic wave climate at the proposed location without proper design considerations. Although the concept design of Penmayn's Seaweed Farm aligns with other established seaweed farms in Northwest Europe, critical aspects related to the design, installation, and maintenance of the anchoring system are not included in the licence application. If these aspects, together with the other design requirements discussed are not adequately considered, it could compromise the installation, commissioning, operation, modification, maintenance, and repair of the structure, ultimately affecting its integrity.

The MMO have reviewed the advice we have received alongside all documentation submitted by SPIBG and by the applicant, and consider that we require more detail on the design of the seaweed farm to ascertain its stability, survivability, and efficiency.

The MMO also note that within the SPIBG Submission Document, there is reference to marking and traceability and that the 'licence does not, in any event, appear to require such marking and traceability'. This statement is incorrect. The NRA and its



annexes have been included within the marine licence document as licence schedules with condition 5.2.10 included stating that “All licensed activities must adhere to the Navigational Risk Assessment and Annexes contained in licence schedules 6,7,8, 9 and 10”. The inclusion of the NRA and this condition means that any and all measures identified within the NRA as being required must be adhered to. This extends to the marking of navigational aids or other infrastructure in use at the site.

4 Consultation

4.1 Public consultation

With regard to the public notice, under the Marine and Coastal Access Act 2009 (MCCAA 2009,) Section 68 (1) (2) the requirement under the act is:

- (1) Having received an application for a marine licence, the appropriate licensing authority must—*
- (a) publish notice of the application, or*
 - (b) require the applicant to publish notice of it.*
- (2) Publication under subsection (1) must be in such manner as the authority thinks is best calculated to bring the application to the attention of any persons likely to be interested in it.*

In response to the Marine Management Organisation's (MMO) request, the applicant published the advertisement in the 3 August 2022 edition of the Cornish Guardian and on the local notice website 'In Your Area'. However, the original notice omitted the applicant details and was re-issued on 10 August 2022. This met the requirement for the application to be publicised in one newspaper for one week.

The applicant also placed a notice at a car park within Port Isaac overlooking the project area. This conformed to the MMO's request for a notice to be displayed at a prominent location near to the site of the works. Photographic evidence of this notice was sent to the MMO who considered the request fulfilled.

The MMO is unable to monitor the condition of public notices through the 28-day consultation period and relies on the applicant to ensure that they remain fit for purpose. At no point during the consultation period did the MMO receive any information relating to damage to the notice or that it was no longer fit for purpose. The MMO first became aware that the notice may have become damaged in an email from a member of the public dated 11 June 2024. The letter within the email contained an image of the full notice and stated that although he could not be specific about the exact number of days the notice was “torn in half within a couple of days, then was definitely all gone in less than 7 days.” The MMO note that no additional evidence was provided that the notice was removed/damaged. Where the MMO is made aware of instances such as these during the consultation period, an applicant would be



instructed to replace the notice and ensure that measures were taken to ensure it would remain in situ for the required time.

Regarding the information contained within the notice, the notice used is a template provided by the MMO for all standard marine licence applications. This contains the applicant details, a brief description of the proposal, and information for the reader setting out how to view the full application and submit comments.

The MMO can request that the applicant re-advertise the project or re-run public consultations if it has reason to believe that the notice requirement was not publicised in such a manner to bring the application to the attention of any persons likely to be interested in it (as per MCAA Section 68 (2)). The MMO consider, however, that the location of the car park for the public notice was suitable for this project as it was near to the project site and would have been visible to a wide audience.

The MMO is willing to engage with the public and other stakeholders regarding improvements to our ways of working, in particular around ensuring that public notices are more visible. Following review, the MMO remains satisfied that the public consultation, newspaper and online notices, and the information contained within them, was sufficient to enable the applicant to satisfy the requirements of section 68 (1) of MCAA 2009.

4.2 Reliance on the pre-engagement log

The MMO notes the comments raised in section 4 of the SPIBG Submission Document relating to the use of the pre-engagement log.

The MMO notes in the SPIBG Submission Document that it is considered that the MMO was over-reliant on the pre-engagement log when assessing the project against the SWIMP.

In the SPIBG Submission Document it is noted that the following plan policies used the engagement log as part of the decision process: SW-ACC-1, SQ-AQ-1, SW-FISH-1, SW-FISH-2 and SW-PS-1. When the application was submitted, the MMO assessed the project against the relevant marine plan policies as part of the initial technical assessment. This involved reviewing the application and evidencing where considerations of the marine plan policies had been shown throughout the documents. The MMO then assessed the impacts of the proposal on each policy. Through doing this, the MMO could ascertain if the project was compliant with the marine plan policies or if further information was required to enable us to determine compliance/ non-compliance. Where further information was requested or received during the consultation process, the information was then used to finalise the Marine Plan Policy Assessment during the determination phase of the application.



In the policies you have identified, only the conclusions in SW-ACC-1 and SW-PS-1 are based on the pre-engagement log. The other policies either consider other information from our own assessments (SW-AQ-1) or also state that consultation will be undertaken (SW-FISH-1, SW-FISH-2).

SW-ACC-1 states that:

“Proposals demonstrating appropriate enhanced and inclusive access to and within the marine area, including the provision for tourism and recreation activities will be supported. Also, that proposals that may have significant adverse impacts on public access should demonstrate that they will, in order of preference

- *Avoid*
- *Minimise*
- *Mitigate*

adverse impacts so they are no longer significant.”

Whilst the aim of the project was not to specifically enhance public access, there was no evidence presented to the MMO to suggest that the proposal would have a significant adverse impact on public access to the marine environment. The MMO note this omission and agree it should have been included in the case officer assessment section. The MMO does not, however, consider that this would materially change the decision to consider this proposal compliant with the marine plan policy SW-ACC-1.

In relation to SW-PS-1, the policy states that sustainable port and harbour development should be supported, and that only proposals demonstrating compatibility with current port and harbour activities will be supported. It also notes that proposals within Statutory Harbour Authority areas, or their approaches, that detrimentally and materially affect safety of navigation, or the compliance by statutory harbour authorities with the Open Port Duty or the Port Marine Safety Code, will not be authorised unless there are exceptional circumstances.

As part of our technical assessment, the MMO did not identify the project as being within an area under the jurisdiction of a harbour authority. The MMO did, however, receive correspondence dated 7 June 2024 from Port Isaac Harbour Commission that was treated as an enquiry rather than a complaint or objection. This correspondence stated that while the Commission took no formal position in relation to the farm itself, it wanted to make clear two points to the MMO. The first was that the Commission were never formally consulted in connection with the application prior to submission to the MMO, although two individual Commissioners were contacted by the licence holder. The second related to the use of Port Isaac for the safety boat and the fact that no



approach had been made to the Harbour Commission in relation to the operation of a vessel, nor for the beaching or mooring of a vessel at Port Isaac Harbour. These comments were passed to the applicant who stated that the Commission were receiving updates via their distribution list. The points raised by the Port Isaac Harbour Commission, whilst important to note, make no material difference to the decision made by the MMO to grant a marine licence. In addition, as per the NRA, the Marine Emergency Action Card will be updated before marine operations commence and will include Vessel Operator details to be confirmed and reviewed/recorded with the Harbour Master. It should be noted that matters relating to the operation of a vessel are, in this instance, outside the jurisdiction of the MMO and it is the responsibility of the licence holder.

With regards to your request for the MMO to consult with the organisations listed in section 4 of the SPIBG Submission Document, the MMO consults with its key stakeholders as part of the application process. The MMO consulted with the National Federation of Fishermen's Organisation (NFFO) and the Royal Yachting Association (RYA) as umbrella organisations for fishing and recreational boating as these organisations have a broad knowledge in these areas and have access to the relevant local contacts within fishing or boating groups. The expectation is that these groups also have an opportunity to comment on the application at the public consultation stage.

The MMO also note that as part of the responses received relating to SW-FISH-1, that the MMO did discuss the application with one potter who was identified as being impacted by the project, and that Devon and Cornwall Inshore Fisheries and Conservation Authority (IFCA) did raise issues regarding fishing contacts for future applications. The MMO will take this into consideration for future marine licence applications.

4.3 Marine Plan Policy conflict.

As part of the response to the SPIBG Submission Document, the MMO has reviewed the Marine Plan Policy assessment. A full review of the original assessment has been undertaken, alongside reviews based on both the application documents, and your comments relating to the potential for policy conflicts. This review was based solely on the information that would have been available at the time and is not a retrospective review (e.g. does not consider any other applications or activities submitted to the MMO post consent of this licence).

For SW-ACC-1, the MMO is satisfied that with the farm being located 2km offshore and outside of the area predominantly used by vessels, that public access to the South West Marine environment would not be adversely impacted. This review did not rely on any information within the pre-engagement log and was based solely on the MMO's own information from Explore Marine Plans, and its own Geographic Information System (GIS) data, along with the NRA provided within the application.



For SW-CO-1, the MMO considered if there are other consented or proposed marine licences within 2km of the seaweed farm. SW-CO-1 looks at the use of space and requires the MMO to consider displacement of other activities and whether there are *significant* adverse effects. While there is a potential for displacement to commercial potters, the MMO is satisfied that the evidence provided by the consultation responses we received, alongside information relating to the seabed habitat and its suitability for this activity, shows that any displacement activities are likely to be within acceptable limits and that the project would be compliant with the SW-CO-1 policy.

With regards to SW-EMP-1 and SW-SOC-1, projects not providing employment or measures for public knowledge, understanding, or appreciation of the marine environment would not necessarily be considered non-compliant with the marine plan. Only those policies which explicitly include the 'avoid, minimise, mitigate' text would require the MMO to consider if there would be an adverse impact on the marine plan by not leading to employment or increasing public knowledge. For example, the installation of a pontoon at a private residence, is not going to lead to an increase in marine related employment or provide wider understanding of the marine environment, but the MMO would not reject an application based on this.

5 MMO Quality Assurance and the application documents

5.1 Process for evidence quality assurance.

The MMO note that in Section 5 of the SPIBG Submission Document there is reference to the MMO's "*Process for evidence and quality assurance*" document. Whilst you assert that it is unusual for an application to have been written by an applicant and not a consultant, the MMO consider that this is usual practice for many marine licence applications.

Whilst the Quality Assurance (QA) process has evolved with the MMO's experience of licensing cases, stringent checks of application documents are undertaken. This is via our Gateway Review process. This is a facet of the Marine Case Management System (MCMS) used by case teams to assess an application. It consists of 'parent and child' style questions designed to interrogate the rigour of an application and assess it against known and established data sources e.g., MAGiC Maps. The information is further tested during the consultation period using advisors with their own specialised expertise.

5.2 Marine Plan Policy Assessment

As referenced in section 4 of this response, the MMO has reviewed the Marine Plan Policy Assessment documents, and while a number of policies have been identified which the MMO have addressed in part within section 4, the MMO would also like to note its consideration of the policy SW-CC-1.



The MMO notes that within the assessment for policy SW-CC-1, the applicant included the statement that “seaweed farming plays an important role in carbon sequestration” and that the Water Framework Directive (WFD) assessment also includes the statement that “seaweed will lock up carbon within its biomass”. In the SPIBG submission, you note the Environmental Research Letter from P. W Boyd et al. from 2024 which states that the role of seaweed in carbon sequestering is uncertain and likely minimal.

Policy SW-CC-1 states that:

Proposals that conserve, restore or enhance habitats that provide flood defence or carbon sequestration will be supported.

Proposals that may have significant adverse impacts on habitats that provide a flood defence or carbon sequestration ecosystem service must demonstrate that they will, in order of preference:

- a) avoid*
- b) minimise*
- c) mitigate*
 - adverse impacts so they are no longer significant*
- d) compensate for significant adverse impacts that cannot be mitigated.*

The policy is to ensure that projects which conserve, restore, or enhance habitats that provide flood defence or carbon sequestration will be supported. Should the project have significant adverse effects on habitats that provide flood defence or carbon sequestration, then the applicant must go on to demonstrate how they have considered the mitigation hierarchy.

The MMO has reviewed our initial assessment of the policy, and while we agree that the carbon sequestration justification should not have been the only evidence used to demonstrate compliance with the policy (owing mainly to the processing of the seaweed once farmed), the project remains compliant with the objectives of SW-CC-1.

The MMO is satisfied that at 2km offshore, the seaweed farm, with a total seabed interaction of 0.7 square metres (m²) of sand and muddy sand habitat, which is abundant within the area, would not have adverse impact on habitat that provides flood defence or carbon sequestration. Therefore, even without considering the sequestration function due to the reasons you have provided, the project remains compliant with the policy.



5.3 Temperatures at the site

The MMO note in the SPIBG Submission Document your concerns regarding the SW-CC-1 policy and the UK Marine Policy statement (paragraph 2.6.8.6) which states that developments should take into account land and sea temperature as part of the decision process and the use of the temperature within the WFD.

The MMO reviewed the information within the WFD assessment and consulted with the Environment Agency as the body responsible for the Directive. The Environment Agency were consulted on 14 July 2022 and again on 17 January 2023. The Environment Agency responded on 20 July 2022 and 10 February 2023. Their response on both occasions was “no comments”. Therefore, the MMO are satisfied that the Environment Agency had reviewed the application including the WFD assessment, but no issues were identified. As such, the MMO’s conclusion was that the seaweed farm would not have an adverse impact on the waterbody.

Policy SW-CC-1 is for the applicant to demonstrate that whether the project will conserve, restore, or enhance habitats that provide flood defence or carbon sequestration. Therefore, the issue regarding sea temperature would not necessarily be considered within this policy. However, policy SW-CC-2 states that proposals in the South West marine plan areas should demonstrate for the lifetime of the project that they are resilient to the impacts of climate change and coastal change.

MMO1184 discusses the impact of temperature on cultivation of seaweed species used in farming. As you have highlighted in the SPIBG Submission Document, the temperature ranges do vary between species, but the optimal maximum sea surface temperature (SST) is between 5-16 degrees Celsius (°C) with the sub-optimal range being between 15 -18°C. The figures used within MMO1184 were derived from a literature review and included a paper written by Philip D. Kerrison et al (2015) “*The cultivation of European kelp for bioenergy: Site and species selection*” which was published in Biomass and Bioenergy issue 80. This paper does state that summer temperatures should not exceed 18-20°C for more than a few days to prevent issues with the growth of seaweed. For instance, for the cultivation of *Laminaria digitata* (Oarweed), MMO1184 indicates that temperatures above 18°C are unsuitable. However, Kerrison et al. (2015) found that temperatures between 20–22°C reduced growth rates by 50–75%, with mortality occurring after one week at 22–24°C. For *Palmaria palmata* (Dulse), MMO1184 notes that there was limited information available in the literature at the time regarding optimal environmental conditions for growth. As a result, the criteria used were based on assumptions derived from the best available evidence.

On page 80 of MMO1184 it is also states that while “Temperature was the main driver dictating the suitability of a coastal area for growth and farming of seaweed” that for “seaweed cultivation, it is partially possible to mitigate for the high temperature restrictions, for example by using temperature tolerant strains of seaweed, moving the



seaweed vertically into the deeper, cooler part of the water column during summer, or by harvesting the crop before the highest temperatures are reached.”

The figure of 18°C was chosen for the study but it is important to note that it is not the MMO’s stance that areas where the sea temperature is above this would result in the area being wholly unsuitable for seaweed farming. Furthermore, the MMO has reviewed the sea temperature data using the Coastalmonitoring.org website provided within your response and has noted that for August, the average temperature has only exceeded 18°C on one occasion from 2007-2023 which was in 2022.

While the temperature has exceeded this once within August, the information provided in MMO1184 and the background literature do not indicate that these occurrences would be a point that would require the MMO to change the initial conclusion regarding compliance with the Marine Plan’s SW-CC policies nor demonstrate non-compliance with the UK Marine Policy Statement.

5.4 Habitat and diversity

For Marine plan policies SW-MPA-1, SW-BIO-2, and SW-FISH-3 the MMO has reviewed the initial plan assessment and reviewed the suitability of the conclusion.

Policy SW-MPA-1 relates to supporting the objectives of the Marine Protected Area Network, in this instance the Bristol Channel Approaches Special Area of Conservation (SAC). While the MMO noted the applicant’s justification for compliance with this policy, the MMO’s consideration of the policy goes on to state that “NE [Natural England] will be consulted to ensure this and the conclusions of the MMOs HRA [Habitat Regulations Assessment] are correct”. The MMO are not the lead authority on Marine Protected Areas (MPA’s) and if a HRA is required will consult with Natural England to ensure that the projects will not significantly affect a protected area (Likely Significant Effect (LSE) test). Where there is an impact pathway identified which may result in an adverse effect on site integrity, an Appropriate Assessment would be carried out to secure mitigation such that the impact can be reduced. Natural England were consulted on the application on 14 July 2023 and following additional information relating to underwater noise, confirmed that they had no objections to the project providing the activities are carried out as described. Natural England confirming no adverse impact on the SAC is sufficient to demonstrate compliance with SW-MPA-1. The MMO concluded that the project was therefore compliant with the marine plan policy and that the objectives of the MPA would not be hindered by the development of the seaweed farm.

SW-BIO-2 states:

Proposals that enhance or facilitate native species or habitat adaptation or connectivity, or native species migration will be supported.



Proposals that may cause significant adverse impacts on native species or habitat adaptation or connectivity, or native species migration must demonstrate that they will, in order of preference:

- a) avoid*
- b) minimise*
- c) mitigate*
- adverse impacts so they are no longer significant*
- d) compensate for significant adverse impacts that cannot be mitigated.*

The initial policy conclusion was that “The proposed works are intending to facilitate the growth of native seaweed species local to the Cornish Coast, albeit for sustainable farming purposes. The Applicants have stated that they intend to focus on Brown Seaweed and Kelp species, which are native to the area. For this reason, the MMO considers these works to be compliant with this policy”.

The MMO, in its review of the Marine Plan Policy, notes that the seaweed will be farmed in the area. Since the seaweed is intended for harvest, its cultivation is not considered to facilitate species migration or enhance ecological connectivity. The MMO note that the works have been planned so that minimal activity will be taking place during the sandeel spawning season. In addition, while sole's peak spawning is in April when harvesting commences, no impacts were assessed. During consultation with the Devon and Cornwall Inshore Fisheries and Conservation Authority (IFCA) and Natural England no issues related to spawning fish were identified and no evidence was presented to suggest that the project would have a significant impact on native species, or habitat adaptation, connectivity or migration. The MMO therefore concludes that, even when discounting the growing of seaweed, the project would remain compliant with the marine plan policy.

SW-FISH-3 states that:

Proposals that enhance essential fish habitat, including spawning, nursery and feeding grounds, and migratory routes, should be supported.

Proposals that may have significant adverse impacts on essential fish habitat, including spawning, nursery and feeding grounds, and migratory routes, must demonstrate that they will, in order of preference:

- a) avoid*
- b) minimise*
- c) mitigate*
- adverse impacts so they are no longer significant.*



The MMO noted that the applicant stated that seaweed farms enhance habitats, provide spawning areas and feeding grounds, and that the farm design ensures open migratory routes for fish. The MMO welcomed these points and agreed with them, however, IFCA was consulted to confirm this. Following consultation with the local MMO office, IFCA and The National Federation of Fishermen's Organisations (NFFO), the MMO's conclusion was that the seaweed farm does not directly aim to enhance fish habitat. It is, however, expected that the farm will provide another fish habitat. The proposals will not have significant impacts on fish habitat, spawning and nursery grounds. Although the decommissioning of the farm would then remove this new fish habitat, the MMO are content this will not have a significant impact on the fish in the area. As such, the MMO remains satisfied that this policy has been sufficiently considered.

Whilst the MMO note that the SPIBG Submission Document has referenced Boyd (2024), this information was not available to the MMO at the time of the determination and the information currently provided is not sufficient to alter our initial conclusion.

5.5 Marine Plan Policy Assessments for current applications

The MMO notes that since the submission of this seaweed farm application, the process for assessing marine plan policy compliance has been updated. For this application, the assessment was carried out using an Excel spreadsheet, with the MMO reviewing the submission to ensure the applicant demonstrated compliance. In contrast, current applications now include a dedicated section within the application that use data from Explore Marine Plans to identify the marine plan policies and the spatial considerations for the application area. The updated process is 'applicant led', meaning applicants must now clearly demonstrate how they have considered each marine plan policy *in full* and provide supporting evidence either directly or by referencing other parts of the application. The MMO's role has shifted to evaluating the applicant's assessment, identifying any issues with their conclusions and, following consultation, confirming whether the information provided is sufficient and demonstrates compliance with the marine plans.

5.6 Water Framework Directive (WFD)

The MMO has reviewed the comments relating to the Water Framework Directive Assessment prepared by the applicant. In particular, the incorrect ratings for ecology and chemical status. Whilst WFD assessments form an important part of a marine licence application, the MMO consults with the Environment Agency where projects either interact with a WFD area or are capable of impacting the waterbody. As mentioned in section 5.3 the MMO consulted with the Environment Agency in their capacity as the lead authority on the WFD. Their response was "no comments". The MMO therefore operate under the principle that this response indicates no issues, comments or proposed conditions were identified in their review of the application (including the WFD). While the MMO acknowledges that the information included in



the WFD should be accurate, the MMO is satisfied that the incorrect status and incorrect current information would not have resulted in a different conclusion regarding WFD compliance.

6 Seascape & Landscape

Seascape/landscape was assessed as part of the licensing process. A GIS site check identified that the proposed site was not within 2km of an Area of Outstanding Natural Beauty (AONB) now known as 'National Landscapes'. Given this distance and the fact that no farm infrastructure would be above sea level with the exception of the floats and the marker buoys which would be visible, Cornwall National Landscape was not consulted. The site is approximately 1km from the Pentire Point – Widemouth Heritage Coast. Natural England and Cornwall Council were consulted. Natural England raised no issues in relation to landscape/seascape. No issues were raised directly from Cornwall Council and St Endellion Parish Council provided a proforma indicating their support of the project. The MMO now understand that this proforma was submitted by the Parish Council in error.

Based on all the available evidence at the time including the applicant confirming that the buoys attached the lines will be camouflaged to reduce visual impact, and that the site will occupy a small area of the overall seascape with only the buoys required for safety of navigation being visible, the MMO concluded that impacts to landscape/seascape were within acceptable limits and that the project was also compliant with the SW-SCP-1 (Seascape and Landscape) marine plan policy.

Since the marine licence was issued, Cornwall National Landscape have informed the MMO that they do not support the project. However, based on the location of the site in relation to shore and the fact that with the exception of buoys, no farm infrastructure will be above sea level, the MMO is content that the impacts to landscape/seascape will not be adverse to the character and visual resource of the seascape and landscape of the area.

7 Cumulative Impact Assessment

7.1 SW-CE-1 and Port Quin marine licence applications

The initial review of the application by the MMO included a GIS site check for active or submitted marine licence applications or other assets that may be impacted by the proposed farm. This check identified no active marine licences within 2km of the project area. Both Cornwall Council and MMO colleagues in the South West Marine Area were consulted on this. While Cornwall Council did not provide a response, the local MMO office commented that some individuals spoken to had mentioned that there were plans for another seaweed farm in Port Quin.



The MMO had finalised our assessments and drafted the Marine Licence for the applicant to review. This was sent to the applicant on 30 June 2023. The applications for Port Quin (MLA/2023/00307 & MLA/2023/00308) were then submitted on 12 July 2023, however the MMO's initial validation checks of these applications were not complete until 3 August 2023.

During consultation the MMO received no representations or enquiries in relation to Port Quin at that time, other than the comment from the local office. The MMO cannot assess an application against proposed or hypothetical applications and therefore no further consideration was given. The MMO only considers extant plans or projects as part of the cumulative impact assessment.

While SW-CE-1 does therefore not include consideration of the Port Quin seaweed farms, the MMO *will* consider the cumulative impact as part of our assessments for the Port Quin Seaweed farm applications and within the Habitat Regulations Assessment for those cases. This is due to the Port Isaac seaweed farm being an existing project in the area. If any significant impacts are identified this will be reflected in our decisions on those applications and will not alter any conclusions for this project.

8 Economic Status of Applicant Company

The marine licence application process does not include a review of the economic status of applicants, nor does it review the previous experience of an applicant. The financial status of an applicant is not a material consideration as part of the marine licensing process. The MMO does not have regard to financial matters related to marine licence applications except in the normal course of cost recovery for our services. In addition, the MMO can only check Companies House to confirm the details of a business/legal entity. The MMO takes advice from Natural England with regard to impacts on habitats and species. Should the MMO receive advice from Natural England that monitoring would be beneficial, the MMO will consider whether this is a proportionate requirement to secure via licensing conditions. The MMO would discuss this with the applicant and draft monitoring conditions accordingly.

9 Conclusion and next steps

The MMO has considered the report produced for and on behalf of the Save Port Isaac Bay Group and reviewed the submission in this document. The MMO acknowledge that there were missed opportunities within the original application and that improvements to licensing aquaculture projects can be made.

Following a full review of the SPBIG submission, associated documents and the marine licence that has been granted, alongside the independent advice received from RHDHV, the MMO have reached a number of conclusions.



- 1) The MMO is satisfied that the public consultation was undertaken in accordance with Section 68 of the Marine and Coastal Access Act 2009. The applicant adhered to the request that was put forward by the MMO to publicise their project, and the MMO consider that the position of the advertisements was suitable.
- 2) The MMO is satisfied that the proposed works are compliant with the South West Inshore Marine Plan and the Marine Policy Statement. The MMO have undertaken a full review of the Marine Plan Policy Assessment that was undertaken by the case team during the initial application process and have concluded that, although there are lessons that can be learnt (see sections 5.2, 5.3, 5.5 and 5.6), the original conclusions have not changed. As such, the MMO will not be overturning our original decision on the compliance of the project with the South West Inshore Marine Plan.
- 3) The MMO consider that based upon the findings in the RHDHV Report, further information is required from the licence holder regarding the design of the seaweed farm to ascertain its stability, survivability, and efficiency. The MMO consider that the licence holder should not be able to operate under the licence until the MMO is satisfied that there will not be an adverse effect on the marine environment due to infrastructure failure.

In light of this final conclusion, the MMO has decided that Licence L/2023/00169/1 should be suspended under Section 72 of MCAA 2009. The MMO has therefore suspended this licence for a period of 18 months. During this time, the licence holder must provide the MMO with information regarding the design to ascertain its stability, survivability and efficiency so that the MMO may determine whether the licence holder can continue to operate the seaweed farm. More particularly, the MMO will be asking the licence holder for:

- Further detail on the design of the farm, calculations, and a detailed method statement, including aspects such as installation and maintenance of the anchoring system.
- Consideration of the farm structure, moorings and design in relation to the wave climate at the site.
- Consideration of how the farm will maintain sufficient integrity during adverse weather conditions to safeguard the safety of persons on or near it.

If, following the receipt of further information, the MMO consider that the licence should be varied or revoked under S72 of MCAA 2009, the MMO will utilise these powers. If, however, following receipt of the further information the MMO is content that any impacts to the marine environment in relation to the infrastructure are within



acceptable limits, the licence may be reinstated. A suspension notice has been issued to the licence holder for L/2023/00169/1 and this can be viewed on our public register:

https://marinelicensing.marinemanagement.org.uk/mmofox5/fox/live/MMO_PUBLIC_REGISTER.

The MMO have now created a GOV.UK page where updates to the public will be provided on the suspension and any further outcomes:

<https://www.gov.uk/government/collections/marine-licensing-selected-cases>

The MMO ask that you refer to this webpage for all future information relating to the suspension of this marine licence.

The MMO will consider the points raised both relating to aquaculture applications and our process as a whole and consider any lessons learned via our Marine Planning and Licensing Programme. If you have suggestions on how we can improve the public notices in North Cornwall the MMO would look forward to receiving these suggestions in order to avoid a repeat of these issues.

Yours sincerely



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10 References

Aqitec, North Sea Farmers, van Oord, DNV. Recommended design practice for offshore and nearshore seaweed growing systems. Version 1.0. Publication of the recommended design standard for offshore and nearshore seaweed farm - North Sea Farmers. 2023

Boyd, P W., Gattuso, J-P., Hurd, C L., Williamson, P. (2024). Limited understanding of basic ocean processes is hindering progress in marine carbon dioxide removal. Environmental Research Letters. 19(6). Available at: [10.1088/1748-9326/ad502f](https://doi.org/10.1088/1748-9326/ad502f).

Buck, Bela & Buchholz, Cornelia. (2005). Response of offshore cultivated *Laminaria saccharina* to hydrodynamic forcing in the North Sea. Aquaculture. 250. 674-691. [10.1016/j.aquaculture.2005.04.062](https://doi.org/10.1016/j.aquaculture.2005.04.062).

DNV. Environmental conditions and environmental loads. DNV-RP-C205. September 2021 (b)

DNV. Position Mooring. DNV-OS-E301. July 2021 (a)

Kerrison, Phil & Stanley, Michele & Edwards, Maeve & Black, Kenneth & Hughes, Adam. (2015). The cultivation of European kelp for bioenergy: Site and species selection. Biomass and Bioenergy. 80. [10.1016/j.biombioe.2015.04.035](https://doi.org/10.1016/j.biombioe.2015.04.035).

Standards Norway. Floating aquaculture farms – Site survey, design, execution and use. NS 9415:2021+AC. Sept 2024

