

SUBMISSION FROM SCOTTISH ENVIRONMENT LINK MARINE TASK FORCE

Introduction

Members of the Scottish Environment LINK Marine Task Force¹ are pleased to take this opportunity to submit evidence to the Environment and Rural Development Committee. We welcomed establishment of and input to the Ministerial Advisory Group on the Marine and Coastal Strategy (AGMACS) and look forward to any legislative recommendations soon to be made by this group. We also responded positively to the UK Marine Bill consultation and look forward to seeing a White Paper in the New Year. However, since the Scottish Executive has responsibility for most issues from the territorial baseline out to 12nm and for some, including fisheries, beyond to 200nm, the UK Bill will leave many gaps that LINK believe must be filled by a Marine Act for Scotland. The latter is needed to deliver:

- A statutory system of Marine Spatial Planning in Scotland, fully integrated with other Marine Spatial Plans throughout the UK
- A lead Marine Management Organisation (MMO) to oversee marine spatial planning in Scottish waters, in co-ordination with a UK MMO
- Adequate protection for marine species, habitats and features of Scottish and international importance, including a network of Nationally Important Marine Areas

1. Marine Uses

Scotland's seas and coasts are vital to the Scottish economy, important to Scotland's people and play host to a diverse range of species and habitats. Key to managing human activities is how to ensure the marine environment continues to provide the essential services that it does without compromising its ability to do so in the long term. The many services provided by Scotland's marine environment include:

- important wildlife and habitats (our seas are home to an estimated 8,000 marine plant, invertebrate, fish, bird and mammal species),
- livelihoods for local communities (including fisheries, tourism & recreation, aquaculture)
- maritime business of national and international importance (including fisheries, energy generation, aquaculture, oil extraction, shipping and tourism & recreation)

¹ Hebridean Whale and Dolphin Trust, Marine Conservation Society, National Trust for Scotland, RSPB Scotland, Whale and Dolphin Conservation Society and WWF Scotland

- sites of cultural importance including drowned landscapes, wrecks of boats, ships, submarines and aircraft, crannogs and perhaps even pre-ice age artefacts.
- a source of enjoyment, recreation and relaxation for local people, day-trippers and tourists, whether sailing, diving, bird-watching, whale and dolphin watching, angling or simply visiting the beach.

The importance of Scotland's marine environment can be further underlined:

- Scotland's marine and estuarine environment contributes £14 billion to Scotland's £64 billion GDP
- Coastal tourism alone contributes £375 million to the economy
- 70% of Scotland's population live within 10km and 20% within 1 of the coast
- 25% of Scottish business is located within 1km of the coast
- Scotland's marine environment contains 50% of our total biodiversity
- Scottish seabird colonies support over 5 million breeding seabirds in the summer, almost 40% of those breeding in the EU, and the largest gannet colony in the world is at St Kilda
- Scotland has the most northerly resident population of bottlenose dolphin and a third of the world's grey seal population

On the one hand Scotland's coast boasts outstanding scenery and natural heritage – the two most important factors for both UK and overseas visitors according to VisitScotland. On the other, human activities are increasing and there is no strategic system for managing the impacts between the activities themselves and on some of Scotland's most sensitive marine habitats.

For example, Scotland has renewable electricity targets to meet, most likely involving the need to site certain developments at sea. Yet there is no coherent strategy for how this will be balanced against the needs of other stakeholders or how to minimise the potential impact on the marine environment.

Furthermore, Scotland's coastal waters are host to some of the most amazing marine wildlife in Europe, reflected in recent years by dramatic increases in marine wildlife tourism. This is an important economic resource for certain coastal communities but again there is no strategic approach to the development of the industry or how it is affected by, or affects, other marine users or species and habitats.

Our coasts are also subject to ongoing planning pressure for new housing, shopping malls and other commercial developments. By way of example, the Firth of Forth is an international haven for wildlife, particularly around 200,000 waterfowl and seabirds, one of the largest congregations in the UK. It consists of a complex of estuaries, mudflats, rocky shorelines, dune systems, sandy beaches, shingle, brackish lagoons, salt marshes, underwater reefs and sea cliffs.

Tourism is crucial to the Forth, with Edinburgh city and the Lothians the most popular tourist destination in Scotland – one-fifth of all UK visitors and one-third of all overseas spending is in this region. Key factors for all visitors include the scenery and the natural environment.

The shores of the Forth are highly urbanised and industrialised, and subject to ongoing pressures from an expanding coastal population and the necessary transport, housing and commercial infrastructure needed to support it. This in itself is no bad thing but it becomes a problem when one activity compromises the integrity of another and there are no measures in place to balance the huge demands being made of such an important area. The management of activities in the Forth falls between seven local authorities with no one authority having an overview of what activities and demands on the entire area are happening or planned.

The recent controversy of the decision by the Maritime and Coastguard Agency (MCA) to allow ship-to-ship oil transfers between vessels anchored in the Forth brought into sharp focus the need for a comprehensive overhaul of the way that we manage our coasts and seas. The proposal angered many local stakeholders as it would increase overall risk of oil spills by one third; establish a completely new location within the Forth for large volume transfers of oil, and result in temporary storage of oil close to the internationally important wetlands and seabird islands. Even a small oil spill could be catastrophic to wildlife and to the local economy. Oil spills are one of the formally identified possible threats to the Isle of May Special Area for Conservation. The approval for the ship to ship operation is subject to an appropriate assessment of the compatibility of this with the requirements of the Habitats Directive. A proper system of Marine Spatial Planning would have avoided all this confusion by identifying appropriate areas around the UK, such as Sullom Voe or Scapa Flow, for such activities to take place.

2. Marine Planning

A Marine Spatial Planning system is urgently needed to deliver an ecosystem-based approach to the management of all human activities in UK and Scottish seas, ensure sustainable use of valuable marine resources and balance the demands of human activities with one another and the needs of the marine environment. The current sectoral approach to managing marine industries does not allow an overview of their cumulative impacts on marine ecosystems, undermining the economic and social benefits of nature conservation and sustainable development. We supported marine spatial planning as outlined in the UK Marine Bill consultation and believe a Scottish system, delivered by a Marine Act for Scotland, is needed to co-ordinate with other UK spatial plans.

The Scottish Sustainable Marine Environment Initiative (SSMEI) pilot projects underway in Shetland, Clyde, Berwickshire and most recently the Sound of Mull are welcome exercises in local information gathering and mapping. However they are not 'piloting' marine spatial planning *per se*, a management and regulatory process, since they lack the powers and

duties to establish binding plans – a feature we believe vital to effective marine spatial planning.

It is also important to emphasise that Marine Spatial Planning would not duplicate Integrated Coastal Zone management (ICZM). Adequately resourced², the existing coastal partnerships could provide the ICZM ‘zip’ between land use and marine planning, but they could not be the marine spatial planning authorities themselves. That regulatory and management power should reside with a lead Scottish Marine Management Organisation (MMO), that will co-ordinate with a UK MMO.

In order to achieve effective marine spatial planning in Scotland (and the UK), it must be statutory and the plans legally binding since a non-statutory system would not have the ‘teeth’ to deliver truly integrated marine management. Marine Spatial Planning requires new legislation to provide a statutory framework, essential components of which would include:

- a new Scottish Marine Management Organisation (MMO) to oversee strategic spatial planning and co-ordinate with a UK MMO
- a requirement for decisions to be made in accordance with the plan
- an involvement of non-statutory stakeholders in development of the plan
- a definition of all duties and powers associated with marine spatial plans, and of plan boundaries
- a requirement for collecting and sharing all data needed to draw up plans
- an ability to ‘future-proof’ plans to deal with currently unknown activities, developments and threats, and to be flexible to emerging knowledge
- a requirement for plans to be regularly reviewed.

3. Development of governance

Westminster is currently consulting on a Marine Bill that would establish marine spatial planning and marine protected areas in UK seas. However, jurisdiction over most marine activities stops outside Scotland’s 12nm limit. A Marine Act for Scotland would plug the gap between 0 and 12nm that would remain largely unprotected by UK legislation. A Marine Act for Scotland, properly integrated with UK proposals, would ensure Scottish accountability, as well as the local and regional flexibility necessary for effective marine management.

A Marine Act for Scotland is needed to:

- i) Set up a **Marine Spatial Planning** system with the purpose of sustainable development. Led by the MMO, the system will co-ordinate

² The Scottish Coastal Forum advice to AGMACS estimated that full coverage of the Scottish coastline by properly resourced Local Coastal partnerships would cost £600,000 per annum, although this is based on how they currently operate and could be significantly more to provide the required levels of co-ordination between statutory Town & Country and statutory Marine Spatial Planning. However, the Local Coastal Partnerships are not the only model for ICZM. In theory, a Marine and Coastal Management Authority could also deliver both ICZM and MSP.

data collation, determine what constitutes the best public interest, and create the statutory master plan (incorporating regional and local plans) mapping where activities should take place.

ii) Establish a **Marine Management Organisation** (MMO) for Scotland that fits into the UK structure created by the UK Marine Bill. This would be a national decision-making body overseeing marine strategic and spatial planning of devolved activities in Scottish waters. It would be the central point of communication on marine matters in Scotland and would advise Scottish Ministers. Representing Scotland in the UK Marine Management Framework, it would co-ordinate its work with UK strategic thinking on reserved marine matters. Its role would be to:

- Develop, implement, monitor and enforce the Marine Spatial Plan
- Ensure adequate data collection on marine matters in Scotland
- Pull together research, stakeholder input and advice
- Set conditions on licenses, permissions and consents

iii) Adopt Scottish **Marine Ecosystem Objectives**. As is proposed in the UK Marine Bill, Marine Spatial Planning in Scotland should be based on the eco-system approach, where success of the marine planning system is measured by monitoring the ecological condition of Scotland's seas. The Act would establish a duty for the Scottish Minister to set, implement and monitor Marine Ecosystem Objectives to measure the health of Scotland's seas and necessitate adjustment of plans and strategies according to whether the objectives had been met. The Act should also establish a mechanism for reporting to Parliament on Marine Ecosystem Objective progress.

iv) Properly protect marine species, habitats and landscapes of international and Scottish importance, including establishment of **Nationally Important Marine Areas**. A network of NIMAs is needed in addition to existing marine Natura sites in order to help halt the loss of Scotland's marine biodiversity by 2010. Marine species, habitats and landscape –scale features not currently receiving adequate protection include black guillemots, basking sharks, flameshell reefs and sea lochs.

We trust our evidence will help in your deliberations and look forward to presenting oral evidence to the Committee in the New Year. In the meantime please do not hesitate to contact us for any clarification or further information.

The following members of Scottish Environment LINK comprise the LINK Marine Task Force and are signatories to this submission:

Hebridean Whale and Dolphin Trust
Marine Conservation Society
National Trust for Scotland
RSPB Scotland
Scottish Wildlife Trust
Whale and Dolphin Conservation Society
WWF Scotland