



A Scottish Marine Bill with the environment at its heart

Introduction

In his June 2007 announcement, Richard Lochhead promised a Scottish Marine Bill that would deliver:

- A simpler regulatory system for the marine environment
- More action on marine nature conservation
- A strategic national approach
- Greater local control over marine and coastal areas

The Scottish Environment LINK Marine Task Force is campaigning for a Scottish Marine Bill that would ensure all of the above whilst placing protection, restoration and enhancement of our marine environment at the heart of the Bill. We believe a Scottish Marine Bill should deliver four core asks:

Scotland has a unique coastal and marine environment which provides an important natural resource upon which so many communities depend.

Richard Lochhead,
Cabinet Secretary for
Rural Affairs and
the Environment

1. Better protection for Scotland's wildlife including Nationally Important Marine Areas

Protection for Scotland's wildlife should be delivered as part of a three-pillar approach as recommended by the Advisory Group on Marine and Coastal Strategy (AGMACS):

Pillar 1: Species protection – To ensure protection of vulnerable marine wildlife from reckless or intentional damage or harassment throughout Scottish waters. This may include amending the Wildlife and Countryside Act and addition of new species following an assessment by SNH and JNCC based upon objective criteria.

Pillar 2: Site protection – A comprehensive network of marine protected areas including urgently needed **Nationally Important Marine Areas (NIMAs)** for sites of particular importance to Scotland and a full suite of European marine sites for birds, species and habitats. Such a network would contribute to the target of halting biodiversity loss by 2010 and help ensure that Scotland meets its international commitment of an 'ecologically coherent network of well managed marine protected areas' by 2010.¹ Sites, including NIMAs, should be selected by agreed scientific criteria alone and managed according to ecological need.

Pillar 3: Public Policy – Wider policy measures and plans, including marine planning, should be underpinned by the importance of and potential impact on marine biodiversity.

1. OSPAR Commission (2003) OSPAR Recommendation 2003/3 on a Network of Marine Protected Areas. Meeting of the OSPAR Commission, Bremen, June 2003, Annex 9.

2. An effective new planning system for Scotland's seas – Marine Spatial Planning

Marine Spatial Planning is a system for deciding what activities should happen where and when in the sea. It should integrate various sectors and activities into one plan, reducing conflict and encouraging synergy, resulting in the core purpose of protection, restoration and enhancement of the marine environment. Marine Spatial Planning would therefore be of benefit to both economic and environmental interests, resulting in greater certainty and speed of decision-making in the planning process.

Marine Spatial Planning should be based on a three-tier structure as recommended by the Advisory Group on Marine and Coastal Strategy (AGMACS):

The Top Tier would involve regional seas planning for all waters around the British Isles. This would be a relatively short policy approach stating the overarching aims of marine spatial planning and setting a framework for middle and lower tier plans. At this level due to the mix of devolved and reserved responsibilities both within and beyond 12 nautical miles, plans will need to engage all the relevant administrations. For example, out to 200nm off Scotland fishing is devolved whereas oil and gas is reserved. There are also areas such as the Solway Firth, Irish Sea and northern North Sea requiring close coordination. **It is therefore vital that there is a means of jointly agreeing plans between all administrations.**

The Middle Tier would be Scotland, in which the Scottish Government draws out devolved issues for more detailed planning from a Scottish perspective. The UK Government would be responsible for reserved matters at this tier and may include these issues in the 'UK middle tier' plan. If two plans are produced, there should be good communications between the two administrations.

The Bottom Tier would consist of local planning areas, consistent with upper tiers but with a focus on the inshore area. This tier is the most important since inshore waters are the busiest, providing most scope for conflict between users. Effective planning at this level would ensure synergy and avoid cumulative impacts arising from multiple uses. Stakeholder engagement in the process would be achieved via local stakeholder partnerships.



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3. Clear targets to measure the recovery of our seas – Marine Ecosystem Objectives

After decades of focusing on the study and management of single species, marine management is moving toward an approach that regards the ecosystem as the most relevant unit. Such 'ecosystem approaches' emphasise that ecosystem resilience is crucial in maintaining the sustainability of marine goods and services. Effective Marine Ecosystem Objectives (MEOs) are designed to ensure that management decisions do not adversely affect ecosystem function and productivity, ensuring that marine activities (and resulting economic benefits) are sustainable in the long term. MEO's should include an aspiration to enhance rather than merely maintain Scotland's marine biodiversity. We believe that:

- A Marine Bill should establish a duty for Scottish Ministers to implement and monitor Marine Ecosystem Objectives
- High level Marine Ecosystem Objectives should underpin the Scottish Government's policy on the marine environment
- In addition, SMART Marine Ecosystem Objectives should be used to monitor the health of Scotland's seas and ensure that high-level objectives are delivered
- Work to draw up a Scottish set of scientifically derived Marine Ecosystem Objectives should commence immediately



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Isle of Unst © Richard Luxmoore/NTS

4. Scottish Marine Management Organisation

As recommended by AGMACS and supported by LINK, there is a clear requirement for a new body to better coordinate public policy at sea, a Scottish Marine Management Organisation (SMMO). Such a body must be:

- A legal entity, either a Non-Ministerial Department or Non-Departmental Public Body
- The national decision making body overseeing planning of devolved activities in Scottish Waters
- The lead body for Scotland in the production of marine spatial plans
- Responsible for ensuring the proper implementation and enforcement of these plans
- The central point of marine expertise, responsible to Scottish Ministers
- A one-stop shop for licensing
- Required to co-ordinate closely with a UK MMO

Further devolution of powers to Scotland

Our overriding concern is the protection, restoration and enhancement of Scotland's seas and therefore our wish is to see a legislative framework that delivers these outcomes both within 12 nautical miles and from 12-200nm.

In principle, LINK supports AGMACS recommendation 5.3.6. Consideration should be given to the Scottish MMO having responsibility for Marine Nature Conservation and Fisheries to 200nm, and also the role of ensuring a properly integrated approach with the UK system. We agree that there is a case to be made for devolving nature conservation based on securing more effective marine environmental objectives. However, we believe that, in the area of marine planning, there will always be geographic, sectoral or jurisdictional boundaries to work across. The main priority here should be to ensure a good cooperative system of joint planning – rather than changes in responsibility. This should be achieved by a statutory duty on both the UK MMO and Scottish MMO to cooperate in carrying out these functions.

Members of the Scottish Environment LINK Marine Task Force are currently contributing to the Scottish Government's Sustainable Seas Task Force, which is scheduled to conclude on 9th April.

Scottish Environment LINK is the umbrella body for Scotland's voluntary environmental organisations, representing around 500,000 members. Scottish Environment LINK's Marine Task Force and its campaign for a Scottish Marine Bill is supported by:

Hebridean Whale and Dolphin Trust

Marine Conservation Society

National Trust for Scotland

RSPB Scotland

Scottish Wildlife Trust

WWF Scotland

Whale and Dolphin Conservation Society

**For further information contact Alan Wells, LINK Marine Bill Research and Policy Officer:
Tel: 01350 728200, email: alan@scotlink.org or visit our website: www.savescottishseas.org**