

Marine Bill Consultation

Scottish Government debate: Thursday 26 February

Introduction

Scottish Environment LINK's Marine Task Force, and the individual member organisations, responded to *Sustainable Seas for All: a consultation on Scotland's first marine bill*. Our consultation response can be found at: <http://www.savescottishseas.org/pdfs/LINK-consultation-resp.pdf>

There were also 4,756 responses from members of the public who supported our Marine Bill Campaign, which called for a Scottish Marine Bill with the environment at its heart that must include:

- Effective protection for our marine wildlife, including a robust network of marine protected areas for marine life important to Scotland, designated using scientific criteria alone
- A marine planning system founded on sustainable development principles to protect and restore Scotland's marine environment, delivering enforceable local plans
- A Scottish Marine Management Organisation to ensure Scotland meets tough targets for the sustainable management and recovery of our seas, protects wildlife and resources for future generations and works closely with UK and other governments.

Scottish Environment LINK's Marine Task Force believe that a successful Scottish Marine Bill must result in protection and recovery of our marine environment in order to achieve a healthy, functioning marine ecosystem. The marine ecosystem is the foundation which underpins most human uses of the sea, therefore ensuring that this is healthy and well-functioning is essential for a sustainable economy. The bill should be founded on the **5 principles of Sustainable Development**: living within environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using science responsibly. In addition the Bill must fully transpose our international obligations under the Marine Strategy Framework Directive and meet international commitments under OSPAR and the World Summit on Sustainable Development. The forthcoming Scottish Marine Bill is a unique opportunity to ensure healthy, well-managed seas, by introducing effective measures to protect, conserve and recover Scotland's seas.

Overarching Comments

It is vital that a series of enforceable targets for ecosystem health (Marine Ecosystem Objectives) are designed to underpin marine planning and licensing and comply with the EU Marine Strategy Framework Directive. These targets should include a commitment to secure the recovery of the marine environment where practicable – an important principle of the MSFD. We are concerned that Marine Ecosystem Objectives appear to be balanced by social and economic objectives, potentially allowing the health of the marine environment to be traded off where necessary to allow economic activities to take place. **Marine Ecosystem Objectives must underpin planning, licensing and wider measures as well as marine nature conservation.**

"Ecological sustainability must have top priority because it is the basis for social and economic benefits". (EU Directorate General for Maritime Affairs and Fisheries, November 2008)

Creating Stability: Marine Planning and Integrated Coastal Zone Management

- Scotland's seas should be managed within their environmental limits, and the **ecosystem approach**, as defined by the Convention of Biological Diversity, should be the basis for marine planning. The marine planning system should be founded on the 5 principles of **Sustainable Development** rather than the pursuit of economic growth and must take into account the potential cumulative impacts of the numerous activities occurring in our waters.
- Planning should occur on a regional seas basis, and therefore it is vital that joint plans between administrations are drawn up for the Solway Firth, Irish Sea and northern North Sea.

- The Marine Policy Statement and all marine plans must be subject to Strategic Environmental Assessment and Environmental Impact Assessment.

Reducing the Burden: Licensing and Enforcement

- We support the proposal that a list of licensable activities should be set out by Scottish Ministers and believe that a number of additional activities should be considered for licensing.
- It is vital that there is a mechanism for **cumulative effects** to be assessed within the licensing system, and this should include a register of all activities (including unlicensed activities) and an emphasis on the **precautionary principle**.

Securing the Future: Nature Conservation

- We welcome the proposals in *Sustainable Seas for All: a consultation on Scotland's first marine bill* for a three pillar approach to marine nature conservation and we note that **86%** of respondents to the consultation also agreed with this proposal. We are concerned that, following agreement for executive devolution of planning and marine nature conservation under the UK Marine and Coastal Access Bill, Scottish Ministers will be unable to adopt such an approach in Scottish offshore waters as the UK legislation contains no proposals for improvements to the wider seas or species protection pillars, only the means to deliver new sites. This needs to be addressed.
- In keeping with the Biodiversity Duty under the Nature Conservation (Scotland) Act 2004, protection for marine biodiversity must be enshrined in the management and planning of all marine activities.
- Public bodies should be required, in the course of their policy development/decision making to consult SNH/JNCC as to the effect of their policy/decision on a site or the network as a whole.
- The third pillar (site protection) must include a **duty** (not just a power) to deliver a **comprehensive network of marine protected areas**, from multiple-use to highly protected sites, designated using scientific criteria alone and emergency stop powers to halt damaging activities. Such a duty will also enable us to fully meet our international commitments (OSPAR and WSSD) as required by the Marine Strategy Framework Directive.
- We welcome the proposal in *Sustainable Seas for All: a consultation on Scotland's first marine bill* that new sites will be selected according to a set of **science-based ecological criteria**. We would emphasise that 4,756 respondents to our Marine Bill Campaign called for sites to be designated using scientific criteria alone.
- Finally, we believe there should be a duty on SNH/JNCC to produce a management plan/scheme for every site as soon as reasonably practicable after designation.

Managing our Seas: Marine Scotland

- We welcome the recent announcement of the formation of Marine Scotland, a new organisation to deal with the planning and management of Scottish Seas. We would have preferred Marine Scotland to be a NDPB, but since Marine Scotland is to be part of Scottish Government it is vital to ensure that both scientific advice and any appeals procedure are **transparent and fully independent**.
- Marine wildlife does not recognise political or legislative boundaries, so Marine Scotland must work closely to ensure consistency with the proposed UK Marine Management Organisation and other administrations to deliver an **ecosystem-based approach to marine planning and management**.

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

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