

SUBMITTING EVIDENCE TO A SCOTTISH PARLIAMENT COMMITTEE

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Topic of submission:	National Marine Plan – Ecosystem Based Implementation

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ENVIRONMENT, CLIMATE CHANGE AND LAND REFORM COMMITTEE

NATIONAL MARINE PLAN – ECOSYSTEM BASED IMPLEMENTATION INQUIRY

SUBMISSION FROM SCOTTISH ENVIRONMENT LINK MARINE GROUP

Summary

Scottish Environment LINK members welcomed the development of the National Marine Plan (NMP) and consider it as a vital framework for guiding the sustainable use of Scotland's seas. However, LINK believes the challenge of effective implementation of the NMP, through developing Regional Marine Plans (RMPs), remains and considers that, by adopting an ecosystems approach, public goods and services can be sustainably and equitably managed whilst respecting environmental limits.

LINK support the progressive commitments on sustainable development, ecosystem objectives, assessing the cumulative impact of multiple activities, and the wider ambition of the NMP to align with wider marine legislation and policy. LINK members consider that there is scope for improving the NMP to ensure effective implementation of the ecosystems approach. In particular, LINK is concerned about the lack of planning hierarchy, lack of consistency across sectoral objectives and general policies, and also the contradictions brought about by specified targets for the aquaculture and oil and gas industries.

Introduction

Scottish Environment LINK members welcome the opportunity to comment on the effectiveness of the NMP in ecosystem-based implementation.

LINK is the forum for Scotland's voluntary environment community, with over 35 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organizations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for the environment.

The NMP is considered by LINK to be a valuable tool for guiding the sustainable use of Scotland's seas, managing potentially conflicting human activities and pressures, and protecting and enhancing Scotland's marine environment. The NMP places the marine environment at the 'heart of the planning process to promote ecosystem health, resilience to human enforced change and the ability to support sustainable development and use'. If implemented correctly, the NMP and subsequent RMPs could contribute greatly to meeting Scotland's biodiversity and sustainable development commitments.

However, LINK members consider that in the absence of RMPs, it is necessary to improve guidance on implementation of the NMP, to ensure a plan-led ecosystems approach to sustainable development. This should include a policy or objective hierarchy, consistency amongst policies within the plan and supporting legislation, and guidance to better inform decision makers on how Scotland's marine activities can develop within the natural limits of

the marine environment. While we support the ambition of the NMP to align with wider marine policy and legislation, we seek assurance that all appropriate considerations will be made to ensure alignment is definitive.

ECOSYSTEMS APPROACH

For marine planning in Scotland to successfully integrate environmental protection, human activity and social need, LINK believes that the principles of the ecosystems approach (EA) should be adopted. The EA is a method of marine planning and management that focuses primarily on the requirements of the natural environment and considers humans as an integral part of the ecosystem. LINK defines the EA as:

“a holistic and adaptive management approach for conserving and enhancing the integrity and diversity of marine ecosystems, and their services, by integrating multiple marine uses into a coherent and inclusive plan.”

When implemented strongly, the EA provides a transparent and flexible process that is continuously reassessed and the priorities re-appraised with input from multiple stakeholders. The adaptable, long-term focus of the EA allows for policies and planning objectives to adjust to changing social, economic and environmental needs.

LINK’s “Living with the Seas”¹ report presents a vision of how and why the ecosystem approach should be incorporated into the design and implementation of marine spatial planning Scotland, particularly for Regional Marine Plans (RMPs).

ECOSYSTEM BASED IMPLEMENTATION - Regional Marine Planning

The NMP promotes the EA, but LINK believes effective implementation of the EA will be achieved through RMPs. There are currently no statutory RMPs in place in Scotland, although we are aware that the Shetland plan is in the final stages of becoming a statutory RMP and that work is underway to develop the Clyde and Orkney RMPs.

LINK is concerned that a clear timeframe for developing the RMPs has not been defined and seek clarification on the intentions and timeline for rolling out RMPs. It is important that the Marine Planning Partnerships, tasked with developing RMPs, are well resourced and adequately informed to be able to deliver an RMP that compliments and enhances the policies set out in the NMP and achieves a greater degree of clarity and utility for marine stakeholders operating at a regional level.

ECOSYSTEM BASED IMPLEMENTATION – National Marine Plan

LINK welcomes the General Policies set out in the NMP. The use of General Policy 9(b) was widely welcomed by LINK members (‘Development and use of the marine environment must not result in significant impact on the national status of Priority Marine Features’) in the case where it was used by Scottish Government in their decisive response to the trawler damage to flame shells in Loch Carron. This resulted in the rapid designation of an

¹ Living With the Seas: http://www.scotlink.org/wp/files/documents/Living_with_the_Seas_2016_ScotLINK_web.pdf

emergency Marine Protected Area (MPA) and the ban on all dredging activity in the area. The emergency MPA designation directly contributes to meeting the 'Living within environmental limits' High-Level Marine Objectives, in particular, Objective 11 – 'biodiversity is protected, conserved and, where appropriate, recovered, and loss has been halted.' The Scottish Government's further commitment to review the protection given to Priority Marine Features outside MPAs, demonstrating how the NMP General Policies can support an ecosystems approach to marine management if properly adopted, was also welcomed.

IMPROVING ECOSYSTEM BASED IMPLEMENTATION - National Marine Plan

To ensure a plan-led, ecosystems approach to sustainable development, LINK consider that it is necessary to improve guidance on decision making and implementation within the NMP. This should look to include a framework of policy decision guidelines, aided by multiple, geospatial decision support toolkits, for practitioners to work across multiple domains and sectors (refer Crist et al. 2013²).

LINK consider that the NMP currently lacks a policy or objective hierarchy, which has created confusion as objectives are sometimes contradictory (see below for examples of inconsistencies). LINK recommends the inclusion of a clear hierarchy of policies within the NMP and highlight the Shetland Island Marine Spatial Plan as a best practice example of a planning mechanism that clearly priorities its objectives (pg 23 & 24 of the [Plan](#)).

LINK also considers that the NMP currently provides little additional value to the planning legislation that underpins it (e.g. the Marine (Scotland) Act 2010) and is largely seen as a compendium of existing legal obligations and sectoral strategies. LINK considers the NMP would provide greater value – and support the implementation of an ecosystems approach – by addressing how Scotland's marine activities can progress within the marine environments' natural limits and identify potential areas of conflict and opportunity. The precautionary principle, a key facet of the ecosystem-based approach, is not explicitly included within NMP policies, and is cited only in relation to HLMO 21 in Annex B at the end of the document.

Additionally, LINK consider that the NMP should recognise the contribution of a healthy marine environment to a sense of place, as well as recognising the role of coastal communities in planning decision making, to improve implementation of the ecosystem approach. To support this, the NMP should adopt a holistic approach to each sectoral chapter. For example, in the case of Sea Fisheries, this could be delivered through a Policy aiming to achieve sustainable fisheries that support cohesive communities in sea fisheries.

The inclusion of additional data, including natural capital stocks (notably blue carbon habitats) and the ecosystem services that flow from these stocks, would better equip decision-makers faced with conflicts and ensure sustainable objectives are achieved through effective marine spatial planning. Mapping these stocks and flows will provide valuable insights into potential conflicts, identify areas for co-use, and provide security for future marine development (particularly with regard to climate change).

LINK considers that the NMP should provide more detail for Marine Planning Partnerships regarding activities within their RMP area that could enhance the marine environment. Examples include coastal realignment projects (which have the potential to create new, biodiversity-rich habitats), marine harvesting regimes, opportunities for net environmental

² Crist, P.J.; Madden, C.M.; Hittle, J.; Walker, D.; Allen, T.; Eslinger, D. (2013). Supporting cross-sector, cross-domain planning through interoperating toolkits. *Journal of Conservation Planning* 9:21–37

gain, and active seabed habitat restoration (e.g. re-establishment of native oyster beds). Similarly, it would be beneficial if the NMP provided more guidance for RMPs on opportunities for different sectors to deliver enhancement.

LINK also considers that the NMP should provide clear detail on how marine management objectives and policies will adapt to meet the Scottish Government's commitments, such as the UN Sustainable Development Goals; OSPAR; UNCLOS; Aichi 2020 Targets of the Convention on Biological Diversity; and - Good Environmental Status targets of the Marine Strategy Framework Directive.

Adopting the precautionary principles and using sound science responsibly

Although not acknowledged in the General Policies of the NMP, the precautionary principle – a higher level of environmental protection through preventative decision-taking in the case of risk³ – forms a key component of sustainable development and environmental protection. In the initial stages of marine planning, when environmental baseline data may not be comprehensive, the precautionary principle must play a prominent role in decision-making to safeguard against potential adverse impacts.

In particular, we are concerned around the clarity and intention of Para 4.81 ('Using Sound Science') of the NMP, which appears to redefine the precautionary principle. This policy suggests that where evidence is inconclusive precaution will be applied "within an overall risk-based approach... by balancing environmental, social and economic costs and benefits". It is essential to consider social and economic implications, but the precautionary principle must be applied explicitly to remain within environmental limits, which in some cases cannot be 'balanced,' especially if inconclusive evidence means the environmental impacts of the development are not adequately understood.

Inconsistencies in the National Marine Plan

LINK members support the ambition of the NMP to align with wider marine legislation and policy. However, to successfully support sustainable use of Scotland's marine area, the NMP must be consistent with all policies in corresponding planning frameworks, including the Scottish Planning Policy (SPP) and National Performance Framework.

We note that some of the planning policies in the SPP are not consistent with some of the equivalent policies within the NMP, and we seek assurance that all appropriate considerations will be made to ensure alignment is definitive. For example, Sectoral Objective 1 for Oil and Gas encourages continued growth and recovery of reserves, which is not consistent with Outcome 2 of the SPP - 'A low carbon place - reducing our carbon emissions and adapting to climate change'. Furthermore, Climate Change Policy (para 42) of the SPP that states '*the need to help mitigate causes of climate change, and need to adapt to its short and long term impacts should be taken into account in all decisions throughout the planning system*'.

Conflicting sectoral objectives and policies within the NMP are also concerning as the conflicts risk undermining achievement of the High Level Marine Objectives and as a result do not follow an ecosystem based approach. These are outlined for the following sectors:

³ The Precautionary Principle: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:132042>

Aquaculture

LINK remain very concerned about the ambitious growth targets highlighted in Aquaculture Sector Objective 2, particularly in light of the industry's inability to control their environmental impacts, in particular fish escapes, sea lice infestations, the release of chemical therapeutants, and organic enrichment, and impacts on marine mammal (e.g. seal shooting and the use of acoustic deterrent devices)^{4,5}. Without improved environmental regulation or management of the sector the economic benefits of growing the industry and the growth target are not consistent with the objectives of other policy including:

- General Policy 9 (b) – ‘Development and use of the marine environment must not result in significant impact on the national status of Priority Marine Features’ (salmon farming impacts on wild salmon and sea trout, both PMFs);
- The Wild Salmon and Diadromous Fish sector objectives; and - Recreation and Tourism sector Objective 2 – ‘protection and enhancement of the unique, natural resources which attract visitors and which are relied upon for recreational activities’ (e.g. angling for salmonids) The aquaculture growth targets also work contrary to the following Strategic Objective HLMOs:
 - HLMO 2 – The marine environment and its resources are used to maximise sustainable activity, prosperity and opportunities for all, now and in the future;
 - HLMO 4 – Marine businesses are acting in a way which respects environmental limits and is socially responsible. This is rewarded in the market place;
 - HLMO 11 – Biodiversity is protected, conserved and, where appropriate, recovered, and loss has been halted;
 - HLMO 12 – Healthy marine and coastal habitats occur across their natural range and are able to support strong, biodiverse biological communities and the functioning of healthy, resilient and adaptable marine ecosystems;
 - HLMO 13 – Our oceans support viable populations of representative, rare, vulnerable and valued species;
 - HLMO 15 – Marine, land, and water management mechanisms are responsive and work effectively together for example through integrated coastal zone management and river basin management plans;
 - HLMO 20 – sound evidence and monitoring underpins effective marine management and policy development; and
 - HLMO 21 – the precautionary principle is applied consistently in accordance with the UK Government and Devolved Administrations’ sustainable development policy.

The NMP does not provide a strategy for achieving the proposed growth of aquaculture production and it is unknown whether the environmental carrying capacity of Scotland's coastal waters can achieve this target without significantly impacting the environment. The inclusion of these growth targets is an example of Government and industry targets influencing the sector objectives of the NMP, rather than the NMP identifying the

⁴ LINK evidence to the ECCLR Committee Inquiry into the environmental impacts of salmon farming in Scotland http://www.scotlink.org/wp/files/documents/LINK_ECCLR_Salmon-Aquaculture-inquiry_Written-Evidence-Feb-2018.pdf

⁵ SAMS (2018) Review of Environmental Impacts of Salmon Farming in Scotland http://www.parliament.scot/S5_Environment/General%20Documents/20180125_SAMS_Review_of_Environmental_Impact_of_Salmon_Farming_-_Report.pdf

environmental limits within which an industry can operate. This is inconsistent with the ecosystems approach.

Oil and Gas

LINK remain concerned about the sectoral objectives to:

- 'Maximise the recovery of reserves through focused industry-led innovation, enhancing the skills base and supply chain growth'; and
- 'Continued technical development of enhanced oil recovery and exploration; and the associated seismic activity carried out according to the principles of the Best Available Technique and Best Environmental Practice approach'.

Both of these objectives work contrary to General Policy 5 – 'Marine planners and decision makers must act in the way best calculated to mitigate, and adapt to, climate change' – and Strategic Objective HLMO 2 – 'The marine environment and its resources are used to maximise sustainable activity, prosperity and opportunities for all, now and in the future.' While LINK recognises the continued role oil and gas reserves will have during the Scottish Governments proposed transition to a low carbon economy (as mentioned in the Climate Change Mitigation section of the Oil and Gas chapter), we consider the objective of 'maximising the recovery of reserves' does not suggest a phasing out of non-renewable resources.

This objective also appears inconsistent with the Scottish Government's goal for almost complete decarbonisation by 2050, with half of all energy needs to be met by renewable sources by 2030 as detailed in its new Energy Strategy⁶. Additionally, research predating the Paris Agreement indicates that 30% of oil and 50% of gas reserves globally would have to remain unburned to limit warming to 2 degrees. This suggests that to pursue the Paris Agreement's commitment to keep warming 'well below' 2 degrees and 'pursue efforts' to limit temperature risk to 1.5 degrees, the amount of unburnable carbon will be significantly higher⁷.

LINK therefore believes that this objective should be revised to reflect the increasing availability of alternative, renewable energy resources and a reduction in oil and gas dependence.

Offshore Wind and Marine Renewable Energy

LINK welcome the sustainable and precautionary development of offshore wind, wave and tidal renewable energy in the 'most suitable locations'. However, the potential cumulative impacts, of multiple wind farms on seabird and other marine life needs to be fully accommodated within the setting of sector objectives. Ensuring offshore renewables grow within environmental limits of Scotland's marine wildlife and habitats will contribute towards achieving the 'Living within environmental limits' HLMOs.

⁶ Scottish Government (January 2017) Scottish Energy Strategy: the Future of Energy in Scotland, p29
<http://www.gov.scot/Resource/0051/00513466.pdf>

⁷ McGlade and Ekins (2015) The geographical distribution of fossil fuels unused when limiting global warming to 2 °C
<https://www.nature.com/articles/nature14016>

Shipping, Ports, Harbours and Ferries

LINK recognises that the growth and development of marine industries, in particular the cruise liner industry and oil and gas decommissioning, require further development of onshore infrastructure, but has concerns that the sectoral objectives in the NMP do not mention or recognise the potential environmental impacts of these developments. Objective 2 indicates an aspiration to grow ports and harbours and improve transport networks, but the direct environmental impact of these developments and the increase in ship activity has not been adequately considered within the NMP.

Recreation and Tourism

We recognise Scotland's growth aspirations for marine tourism⁸, and as a key example, the number and size of visiting cruise liners is expected to increase in the coming years. The type of activities available for tourists is also changing and there are particular concerns over increasing incidences of boat disturbance from unregulated recreational and commercial operators and the growing popularity of swim-with activities that put the health of basking sharks and marine mammals at risk. LINK welcome Objective 2 'Protection and Enhancement of the unique, natural resources, which attract visitors and which are relied upon for visitors' and would like to see a stronger emphasis on the protection of marine life with respect to marine tourism, for the NMP to consider licensing of commercial tourism activities and to identify and promote widely the Scottish Marine Wildlife Watching Code as a code of best practice that should be adhered to for all forms of tourism.

National Marine Plan Interactive

LINK welcomes the extensive and detailed resource of the National Marine Plan interactive (NMPi) and considers it to be a valuable complement to the NMP – the data available on NMPi expands far beyond that available within the NMP. However, it is not clear how the NMP and the NMPi work in unison, as the NMP is a static document that is reviewed every five years, whereas the NMPi is a more fluid and expanding data resource that is regularly maintained and updated. Consequently, the information in the NMP can be quickly superseded by that in NMPi, yet it is not clear whether those using the NMP also use NMPi or are aware of the regular updates and additional information.

LINK considers that any investigation into the implementation of the NMP should also investigate whether the wealth of information made available on NMPi is being used effectively and whether there are opportunities to further utilise the NMPi resource to guide the future development of Scottish seas and inform the decision-making process.

CONCLUDING REMARKS

Scottish Environment LINK Members look forward to continuing to support the development of the National Marine Plan and subsequent Regional Marine Plans.

⁸Awakening the Giant: A Strategic Framework for Scotland's Marine Tourism Sector
<https://www.rya.org.uk/scotland/Pages/hub.aspx>

This response is prepared on behalf of the following LINK Marine Group Member Organisations: Hebridean Whale and Dolphin Trust, Marine Conservation Society, RSPB Scotland, Scottish Wildlife Trust, Whale and Dolphin Conservation, WWF Scotland.

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