

## Response to the consultation on the SEA Environmental Report January 2009.

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

### Overarching Comments

Scottish Environment LINK's Marine Task Force (LINK MTF) welcome the opportunity to respond to the consultation on the SEA Environmental Report. We were represented on the Sustainable Seas Task Force and the SEA Scoping Workshop (June 2008). It is inconsistent, although by no means unwelcome if there were unlimited resources, that the Scottish Government should carry out an SEA of *draft legislation at consultation stage*, when there are other important *completed* strategies which still await SEA. We are particularly concerned that strategies for activities which could cause environmental damage have not been subject to SEA. Clear examples of these inconsistencies in approach would be the Scottish Government's Economic and Transport Strategies which have not yet been subject to SEA. On particular relevance to marine issues, the Sustainable Framework for Scottish Sea Fisheries (2006) has not been subject to SEA. We hope to see a consistent approach on SEA, and that strategies relating to all sectors are subject to assessment as a matter of urgency.

While we congratulate the Marine Directorate for considering SEA at this stage of the Marine Bill, we trust this will not prevent further, more detailed assessments of the new legislation and associated plans and policies. **For example, it will be vital that there is a SEA of the Marine Policy Statement and of the Marine Plans.** As you know, SEA is a continuous process which must not stop at the Environmental Report, but should continue with more detailed assessments of policies and plans. We would seek assurance that there will be resources for these essential SEAs to be completed. For this continuous assessment to be effective, and good value for money, its level of detail at various stages must be clearly defined. As such, we believe that the Environmental Report should clearly identify future stages where environmental assessment will be required. The tiering and scope of future SEAs, EIAs and AAs should be clearly described in the Environmental Report

### Specific Comments

- The conclusion of the Environmental Report that it is likely that the overall effect of the Scottish Marine Bill on the environment will be positive appears to be based on the premise that the main purpose of the Scottish Marine Bill is to improve environmental protection and to develop a framework for the sustainable management of all marine activities. However, throughout *Sustainable Seas for All: a consultation on Scotland's first Marine Bill*, there is reference to economic growth as the primary aim for the Bill. Indeed paragraph 197 states that a key duty of Marine Scotland will be to deliver increased economic growth for the marine area, as recognised in section 12.2 of the Environmental Report. Given that Marine Scotland will also take responsibility for marine nature conservation, this would appear to be a clear conflict of interest. Such conflicts need to be explored further in the environmental report, with an

assessment of the potential environmental effects resulting from, for example, a planning system founded on increasing economic growth as opposed to a planning system founded on achieving a healthy marine environment, and the Environmental Report should propose reasonable alternatives

- As stated in section 4.2.1 there is a requirement to consider reasonable alternatives to the plan and proposals or policies within the plan and their effect on the environment. Whilst we recognise that the proposals for the Scottish Marine Bill are of a strategic nature we do not believe that simply a comparison with the 'do nothing scenario' is sufficient, and indeed this could be open to legal challenge. There are a number of areas that require further exploration, including the potential conflict of interest identified above. In addition there does not appear to be any attempt to assess the environmental consequences of some of the options that appear in *Sustainable Seas for All: a consultation on Scotland's first Marine Bill*, for example between the impact led or activity led approach to licensing or the options for the structuring of Marine Scotland.
- The environmental consequences assessed in the Marine Planning Chapter are based on a number of assumptions (8.4.1). It should therefore be made clear up front in the document that any conclusions are dependant on these assumptions proving correct. This point is also valid for all assumptions made in Chapters 8-12.
- There have been a number of recent developments with regard to the balance of devolved/reserved issues between the UK and Scottish Marine Bills. The Environmental Report needs to be updated accordingly (e.g. section 2.1).
- As stated in section 1.3.4. "It should be noted that this SEA does not include socio-economic impacts". However, the negative effects noted in Table 8.1 (Commercial fishing; Shipping and navigation), Table 9.1 (Dredging) and Table 10.1 (Various) all relate to socio-economic effects and are clearly not negative environmental effects. Consideration of these socio-economic effects should be dealt with by the partial Regulatory Impact Assessment.
- The environmental report identifies a number of possible negative effects, such as possible increased pressures/competition for space in areas outside MPAs as a result of displacement of activities. However, a well-designed marine planning system should ensure that such activities were relocated to appropriate locations as part of the 3 pillar approach. This interaction between MPAs and the planning system should be incorporated in the cumulative effects section.
- In assessing the effects of the Marine Bill on Climate change there is no reference to the assimilative capacity of marine environment for carbon. Decreasing biodiversity has been linked to decreasing productivity, and thus it is reasonable to assume decreasing carbon sequestration (Beaumont *et al.* (2006) Marine Biodiversity: An economic valuation. DEFRA). It would therefore be appropriate to associate measures which could result in protection of biodiversity, such as a network of marine protected areas, with mitigation of climate change.
- There are a number of references throughout the document (e.g. section 9.4) to environmental benefits arising from promoting renewables developments. Scottish Environment LINK's Marine Task Force supports offshore renewable energy, provided it is located appropriately and developed alongside, not instead of, land-based renewables. If safety zones are created where they are needed to ensure navigational safety, offshore renewable installations may potentially have positive ecological benefits, by creating areas protected from further benthic disturbance. However, we also recognise that offshore renewable energy is not benign and marine development can cause damage to habitats, disturb and displace sensitive marine species or

interfere with the natural physical processes of waves, currents and sediment movement. It can also impact on land and seascapes. (See Gill, A.B. (2005) Offshore renewable energy: ecological implications of generating electricity in the coastal zone. *Journal of Applied Ecology* **42**: 605-615, for a review).

- Section 15.2: The list of issues identified as being relevant to the Scottish Marine Environment omits to mention that the marine environment is not currently in a state to meet GES. This is a significant omission and should be cited as an issue to be explored.
- Table 15.2 (Page 68): WEWS Act extends to 3nm
- Section 16.2: This sections states that the Scottish Marine Bill is not the vehicle for transposing the requirements f the MSFD into Scottish legislation. However, given that the Environmental Report refers to MSFD compliance, there needs to be more clarity over UK/Scottish transposition of the MSFD.
- Appendix A1: Alan Wells (Scottish Environment LINK) also attended the Scoping Workshop
- Appendix A1: Calum Duncan works for the Marine Conservation *Society*

Scottish Environment LINK Marine Task Force  
June 2008

**For further information please contact.**

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