



Lorraine Gray
NAFC Marine Centre
Port Arthur
Scalloway
ZE1 0UN

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Scottish Environment LINK
2 Grosvenor House
Shore Road
Perth
PH2 8BD

Tel 01738 630804
Fax 01738 643290

enquiries@scotlink.org
www.scotlink.org

Dear Lorraine

Shetland Draft Marine Spatial Plan

I am writing as convenor of Scottish Environment LINK's Marine Task Force in response to the consultation on the Shetland Marine Spatial Plan developed by the Scottish Sustainable Marine Environment Initiative (SSMEI).

We welcome the draft marine spatial plan which has brought together a substantial body of information on the marine environment and is a significant step in developing a planning framework for Shetland. This plan could place Shetland in an excellent position in light of the forthcoming Scottish Marine Bill but there are a number of shortcomings that should be addressed in order to achieve the overall Aim.

The plan must be founded on the principles of sustainable development, where environmental limits set the boundary for economic activity and not *vice versa*. In particular, we feel that there is insufficient emphasis on the need to re-establish and secure a healthy, functioning marine ecosystem and on measures to protect nationally important species and habitats other than those mentioned under European legislation.

I have included our detailed comments below which I trust you will find constructive and hope that they assist in the development of the final version of the plan.

If you require any further information please do not hesitate to contact me.

Yours sincerely,

Calum Duncan,
Scottish Conservation Manager, Marine Conservation Society
Convenor, Scottish Environment LINK Marine Task Force

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General Comments

We recognise that the voluntary nature of the SSMEI Shetland plan reflects the current arrangements for marine management in Scotland, where a statutory system of marine spatial planning is lacking. Nonetheless, since we wish to see the forthcoming Scottish Marine Bill deliver statutory marine spatial planning founded on sustainable development principles to protect and enhance Scotland's marine environment and deliver enforceable local plans, subsequent to national legislation we would therefore wish to see the SSMEI Shetland plan help form the basis of an enforceable statutory local Marine Spatial Plan in Shetland waters, subject to the following more detailed comments and further consultation.

Detailed comments on the Shetland Draft Marine Spatial Plan

Vision, Aim and Objectives

It is vital that the policies in Objective 1 do not adversely affect marine ecosystems. We would suggest the addition of "without adversely affecting marine ecosystems" here.

There should be an explicit objective to protect and enhance Shetland's marine environment as detailed in the Policies section.

Objective 6 should also include nature conservation as a priority for sustainable use.

1. Policies

We suggest the addition of "without adversely affecting marine ecosystems" to the first bullet point.

It might also be appropriate to include the second bullet point as one of the objectives.

4. Safeguarding Marine Life

Policy MSP SF1: Safeguarding Protected Species and Habitats

Specific mention should be made to the following points:

- There will be a presumption against developments that are likely to cause significant damage to the integrity of sites with international nature conservation designations (Natura 2000 Sites).
- Developments will not normally be permitted that damage Sites of Special Scientific Interest.
- Developments will not normally be permitted that damage statutorily protected species and habitats.

National Scenic Areas should also be recognised as having statutory protection around Shetland.

Specific mention should also be made to the above bullet-points in the following policies:

Policy MSP GD2: Development in or near Sites of European Interest (SPAs and SACs) (Bullet point 1 only)

Policy MSP GD3: Development in or near Sites of National Interest (SSSIs and NSAs) (Bullet point 2 only)

*Policy MSP SA1: General Shore Access Proposals**

*Policy MSP SA2: Jetties, Piers and marinas outwith Sullom Voe, Lerwick and Scalloway**

*Policy MSP CD1: Coastal Defence Construction and Demolition**

*Policy MSP CBP1: Placement of New Telecommunication and Submarine Cables and Gas Pipelines**

*Policy MSP CBP3: Placement of New Wastewater Pipelines**

Policy MSP MO1: Moorings

*Policy MSP FL1: Future Fixed Links**

Policy MSP AQ1: Aquaculture

Policy MSP NRG1: Energy Development Proposals

Policy MSP NC1: Development and the Environment

Policy MSP DD1: Dredging and Disposal of Dredged Material

*Policy MSP EX1: Extraction of Sand, Gravel and Shingle**

*Policy MSP TR1: Development and Recreational Use***

* Works should not be carried out during the breeding season for wading birds and terns (April – August inclusive)

**Developments should not be permitted that cause disturbance to breeding, wintering or moulting seabirds, seals cetaceans or otters.

We hope that the forthcoming Scottish Marine Bill will deliver effective and comprehensive protection for our marine wildlife, including a robust new network of marine protected areas for marine life of national importance to Scotland, identified and designated using scientific criteria. Any future statutory local Marine Spatial Plan for Shetland, based on the voluntary SSMEI plan, should also take account of any new sites that might arise from new legislation.

6. Identifying areas with differing priorities for use

Policy MSP GD1: General Development Policy

Nature conservation interests should feature much more prominently in this policy. We would suggest that specific mention be made to:

- Sites with international nature conservation designations (Natura 2000 Sites);
- Sites of Special Scientific Interest;
- Statutorily protected species and habitats;
- National Scenic Areas;

Policy MSP F1: Safeguarding Fishing Opportunities

It is vital that in safeguarding the future sustainability of the fishing industry that marine ecosystems are not adversely affected. Specific mention should be made to:

- Sites with international nature conservation designations (Natura 2000 Sites);
- Sites of Special Scientific Interest;
- Statutorily protected species and habitats;

Policy MSP F2: Dredging (Fishing) Near Important Seabed Habitats

There should be a presumption against activities that are likely to cause significant damage to marine ecosystems including:

- Sites with international nature conservation designations (Natura 2000 Sites);
- Sites of Special Scientific Interest;
- Statutorily protected species and habitats;

Tourism and Recreation (Page 49): This list should include wildlife watching which is an important economic activity in Shetland relying on a healthy marine ecosystem and wildlife.

Policy MSP TR2: Noisy Recreation

Noisy water sports should not be permitted where they are likely to damage:

- Sites with international nature conservation designations (Natura 2000 Sites);
- Sites of Special Scientific Interest;
- Statutorily protected species and habitats;

These activities should not cause disturbance to breeding, wintering or moulting seabirds, seals, cetaceans, basking sharks or otters.

Policy MSP TR4: Environmental Protection as a Priority in Marine Tourism

The text should be changed to “marine tour operators should *abide* by the Scottish Marine Wildlife Watching Code...”

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

See www.savescottishseas.org for details of the LINK Marine Task Force campaign for a Scottish Marine Bill with the marine environment at its heart.