

A SEA CHANGE

SCOTTISH ENVIRONMENT LINK MARINE TASK FORCE RESPONSE TO THE UK MARINE BILL WHITE PAPER

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Scottish Environment LINK

Scottish Environment LINK (hereafter referred to as LINK) is the forum for Scotland's

voluntary environment organizations. LINK comprises 36 member bodies with a combined membership of around 500,000 people representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

This response is on behalf of Scottish Environment LINK's Marine Task Force, comprising the following member bodies:

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

For further information contact LINK Marine Task Force Convenor Calum Duncan on 0131 226 6360 or visit www.scotlink.org.

The following LINK comments are for the attention of both DEFRA and the Scottish Executive.

1. Summary

Scottish Environment LINK supports publication of 'A Sea Change' as an important step toward a UK Marine Bill, and an ecosystem approach to managing UK waters, and believe that a tailor-made Marine Act for Scotland is vital if delivery is to be effective throughout UK waters.

LINK has been working closely for several years with her sister UK organisation, Wildlife and Countryside Link (WCL), campaigning for comprehensive marine legislation throughout United Kingdom waters. LINK believes that comprehensive marine legislation requires a UK Marine Bill for reserved matters integrated with devolved marine legislation for matters controlled by the Scottish Executive, Welsh Assembly Government and Northern Ireland Administration. **In Scotland, such an approach urgently requires a Marine Act for Scotland.**

Implementing AGMACS recommendations through a Marine Act for Scotland - throughout the UK Marine Bill White Paper (e.g. Marine Planning 4.6, 4.109 and Marine Management Organisation 8.11) it is recognised that many decisions on how marine management proposals are to be taken forward in Scotland rest with the Scottish Executive, and in particular on the conclusions of the Advisory Group for the Marine and Coastal Strategy (AGMACS), a diverse group of specialists, from the fishing and oil industries to government scientists and environmental bodies. In March 2007, AGMACS¹ published their recommendations.

Scottish Environment LINK warmly welcomed the AGMACS recommendations and would like to emphasise once again our support for them. We would urge that the AGMACS recommendations are implemented through a Marine Act for Scotland and also incorporated into the UK marine policy statement arising from the UK Marine Bill.

¹ See <http://www.scotland.gov.uk/Publications/2007/03/08103826/0> for full AGMACS transcript

We would like to draw attention to our particular support for the following AGMACS recommendations (paraphrased and with LINK emphasis in **bold**):

- There should be a **Scottish Marine Management Organisation** with a remit of national coordination of ICZM and Marine Spatial Planning delivery and a local dimension with powers that can be delegated as required
- There should be a **statutory** system of **Marine Spatial Planning** carried out by the Scottish MMO
- The Marine Spatial Planning system should be based on **3 tiers**: the top level should be UK level, **ensuring connection to regional seas**; the middle level should be “Scotland” in some sense; and the bottom level should be local.
- Consideration should be given to the Scottish MMO having responsibility for Marine Nature Conservation and Fisheries to 200nm
- Scotland's system of marine nature conservation should follow a **3-pillar approach**, based on objective scientific guidance, with specific measures for species conservation, policy, and site protection.
- A Scottish set of **Marine Ecosystem Objectives** (MEOs) should be drawn together, with full stakeholder engagement, during 2007.

In response to the Marine Bill White Paper we would also like to make the following points in summary:

Marine Planning

- We support DEFRA's plans for a marine planning system as set out in the Marine Bill White paper, particularly the statement that “*protection of marine resources now and for the future is a key element of our [Government] marine policy*” (4.8).
- We urge the UK and Scottish governments to commit to working closely together on the UK marine policy statement and particularly on regional sea plans in cross border areas (eg the Solway Firth and Northern North Sea) or across political boundaries (12 nautical mile limit).
- We support the AGMACS recommendation that a Marine Spatial Planning system should be based on *three* tiers: the top level should be UK level, ensuring connection to regional seas; the middle level should be “Scotland” in some sense; and the bottom level should be local, allowing for more detailed planning.
- We would urge that the proposed UK Marine Objectives include robust environmental objectives such as proper protection for marine natural and cultural heritage. It is important that Marine *Ecosystem* Objectives are part of the decision-making process, forming an integral component of marine plans in order to deliver an ecosystem-approach to marine management.

Marine Licensing

- We strongly support the statement that licensing regimes throughout UK waters will be identical wherever possible and, where not, at least similar (5.7). We urge the UK and Scottish governments to immediately begin discussions to ensure consistency for devolved licensing functions.
- We believe that all licensing decisions across the four UK administrations must be made within the context of UK-wide marine spatial plans.

Marine Nature Conservation

- We welcome proposals within the White Paper for Marine Conservation Zones (MCZs) intended to protect species and habitats considered of national importance.
- We are concerned that the proposed process for selecting and designating MCZs is weakened by its overemphasis on socio-economic considerations and would urge that site selection be determined by scientific criteria alone with stakeholder engagement taking place during the delivery process.
- We are concerned at the lack of clarity for the proposed marine nature conservation framework and urge development of clear criteria for species and habitat prioritisation, site selection and the development of more direct, proactive measures for biodiversity protection within MCZs.

Marine Fisheries

- We welcome Defra's aim to "*strengthen fisheries and environmental management arrangements so that more effective action can be taken to conserve marine ecosystems*" (pg 98).
- We believe the Inshore Fisheries Groups being set up in Scotland must contribute to the Marine Planning process, including for cross-boundary regional sea plans (e.g. for the Irish Sea, Northern North Sea and Scottish continental shelf) and decision-making within these groups must be in accordance with these plans.
- We believe that inshore and offshore fisheries management must fall within the management framework provided by the UK and Scottish Marine Bills, through inclusion in the UK marine policy statement and marine plans for cross-boundary regional seas (e.g. the Irish Sea, Northern North Sea and Scottish continental shelf).

Marine Management Organisation

- We welcome the creation of a UK Marine Management Organisation (MMO) **and believe Scotland will need a dedicated Scottish MMO**. This should have broadly similar functions to that of the UK MMO ie. planning, licensing, enforcement and point of expertise on marine matters and be responsible to both Scottish ministers and the UK MMO.

- We believe that the precise structure of the MMO and establishment of marine planning steering group (MPSG) equivalents in Scotland will be best discussed through AGMACS.

We trust that the UK and Scottish governments are working together on a UK-wide marine policy statement that addresses their various responsibilities in Scotland's inshore waters (for example the UK government's reserved responsibility for oil and gas) and in the UK waters adjacent to Scotland (for example the Scottish Executive's devolved responsibilities for Renewable Energy Zones).

2. General Overarching Comments

For detailed comments on the UK Marine Bill White Paper, please refer to the Wildlife Countryside LINK response, which Scottish Environment LINK fully supports. In common with WCL, we would however like to emphasise the following overarching points with regard to 'A Sea Change', the principles of which would also apply to forthcoming Scottish legislation, and then elaborate with regard to individual proposals within the White Paper:

Sustainable Development – Sustainable development requires true integration of its five principles rather than the balancing act that some of the language in the White Paper suggests. LINK believe that an ecosystem-based approach to managing human activities will be necessary to ensure sustainable development is delivered. We therefore consider that the conservation and recovery of marine natural heritage, including marine biodiversity, is essential to underpin sustainable development, rather than to be traded off against social and economic factors.

Proportionality and the Precautionary Principle – We are concerned that the heavy emphasis placed on proportionality, in particular where reference is made to "*proportionate nature conservation*", undermines Government's commitment to the protection and recovery of the environment. In contrast to proportionality, the *Precautionary Principle* receives very little mention in the White Paper. We would therefore welcome a reassertion of the importance of the Precautionary Principle as a guiding principle. As acknowledged in *Safeguarding Our Seas*, sometimes it is essential to "*sensibly err on the side of caution*" since our knowledge of marine ecosystems is incomplete.

Timescale - we are concerned that the projected date for completion of the MPA network in the White Paper is well beyond the target dates set by OSPAR and the WSSD. We would like to see detail of interim steps along the way to the final target, such as meeting the UK's commitment to a network of MPAs by 2010. We would urge Government to ensure that the MMO has capacity to take forward production of more than one Marine Plan at any one time. We also welcome involvement of stakeholders in further developing the 'Marine Vision' but this should happen in tandem with, and not prior to, development of the UK Marine Bill, which is urgently needed in the 2007-2008 UK Parliamentary Session.

Working Together – LINK strongly believe that to truly deliver Sustainable Development, an ecosystem-based approach founded on the Regional Seas defined by the Joint Nature Conservation Committee is needed. We therefore urge all UK

administrations to work together to implement marine plans in cross border areas, such as the Irish Sea and Northern North Sea, and across political boundaries e.g. the 12 nautical mile boundary separating Scottish inshore waters from UK waters adjacent to Scotland, where the UK government and Scottish Executive have “*joint responsibility for planning*” (White Paper Figure 2).

Climate Change – LINK considers climate change to be one of the most serious threats to biodiversity in UK waters, with the potential, particularly in those areas suffering from other human pressures, to push the marine ecosystem beyond its capacity to cope or recover. It is essential that we properly safeguard marine ecosystems in order to make them more resilient to climate change impacts. This in turn creates a positive feedback loop where resilient ecosystems then become a key factor in mitigating climate change impacts. We are concerned that existing nature conservation regulations are being perceived as barriers to carbon-reducing renewable energy developments. The need to reduce carbon emissions must not over-ride site protection. Quite the contrary, protected sites are essential for marine ecosystem resilience and are thus a prerequisite for climate change mitigation.

UK Planning White Paper – LINK strongly support the new Marine Management Organisation as the licensing authority for marine projects. We strongly object to the decisions on larger or major offshore renewable energy installations (major infrastructure projects) being determined by a separate body, the proposed Infrastructure Planning Commission (IPC).

3. Planning in the marine area

Scottish Environment LINK support DEFRA’s plans for a marine planning system as set out in the Marine Bill White paper, particularly the statement that “*protection of marine resources now and for the future is a key element of our [Government] marine policy*” (4.8). We hope marine planning will improve the transparency, accountability and co-ordination of marine development, in seas that are increasingly busy (4.7-4.11) and particularly welcome proposals for a marine planning system that:

- is positive, proactive and aspirational
- is based on an ecosystem approach to management
- is based on a UK-wide marine policy statement and translates policy into practice through marine plans (4.12-4.15)
- covers all marine activities (4.51-4.52)
- forms the primary consideration in decision-making
- engages stakeholders at the local level
- is overseen for matters of UK jurisdiction by a UK Marine Management Organisation (MMO) (4.99) and for devolved matters by a Scottish MMO (4.109 then taking into account AGMACS recommendations)
- is regularly reviewed

We look to Marine Planning to increase the sustainability of development and to reduce conflict between different sectors by helping to identify areas most appropriate for particular activities, whether development, nature conservation or protection of our cultural heritage. **We also believe that planning must be based on an explicit recognition that a healthy marine ecosystem is essential for many of the**

economic and social benefits that are derived from the sea, including human wellbeing, and that it should be underpinned by the precautionary principle.

For more detailed comments on the White Paper's marine planning proposals please refer to the Wildlife Countryside Link response, which Scottish Environment LINK fully supports. However, there are a few points of particular relevance to Scotland that we wish to bring to your attention.

1. Delivering a "Regional Seas" approach

We particularly welcome the commitment of the UK Government and Devolved Administrations to create a UK Marine Policy Statement (UKMPS), setting out their joint vision and objectives for the marine environment (4.15-4.16; 4.45). LINK believe that the benefits of marine planning are likely to be greatest if the UKMPS is developed and then implemented through marine plans that are in accordance with a biogeographic "Regional Seas" approach to planning.

Therefore, in collaboration with our sister organisations in England, Wales and Northern Ireland **we urge the UK Government and Devolved Administrations to commit to working together across political boundaries (both cross-border and across the 12nm limit) to implement an overarching UK marine policy statement and individual plans for regional seas that will best deliver an ecosystem-based approach to marine management.**

2. Need for detailed plans in planning hierarchy

LINK believe that the Marine Bill should provide for more detailed sub-regional plans to be developed where needed, for example in busier areas such as estuaries, firths and sea lochs within the wider Regional Seas (4.47). In this regard, **LINK support the AGMACS recommendation that a Marine Spatial Planning system should be based on 3 tiers: the top level should be UK level, ensuring connection to regional seas; the middle level should be "Scotland" in some sense; and the bottom level should be local allowing for more detailed planning.**

3. Commitment to Marine Ecosystem Objectives

We believe that Marine Ecosystem Objectives are central to implementing an ecosystem-based approach to managing human activities, allowing us to operate within the carrying capacity of marine ecosystems ("within environmental limits") and ensuring that Marine Planning properly delivers protection for marine ecosystems. We supported the AGMACS recommendation that a Scottish set of Marine Ecosystem Objectives (MEOs) should be drawn together, with full stakeholder engagement, during 2007. **We were therefore disappointed that Marine *Ecosystem Objectives* are no longer specifically mentioned in the Government's proposals for the UK White Paper (4.18-4.23) and would welcome a commitment for the proposed UK Marine Objectives to include robust environmental objectives such as effective protection for marine natural and cultural heritage.**

4. Licensing activities in the marine area

Scottish Environment LINK welcomes proposals to reform the UK licensing regime, as we agree that the current system is confusing to users, and lacks transparency and consistency. However, our support is conditional on the new regime **having protection**

of the marine environment as a core objective. The desire to streamline regulatory processes must not be at the expense of reduced environmental protection – indeed, this should be strengthened. The licensing system must be seen as a tool to protect important marine features and processes, and the interests of ALL sea users and the public, rather than simply a tool to deliver for development while minimising the disruption from environmental concerns.

With this in mind, we find the recurring references in the licensing chapter of the White Paper to ‘balancing’ the social, environmental and economic pillars of sustainable development very concerning (e.g. 5.12; 5.20). We advocate an approach where the five principles of sustainable development are *integrated* to seek genuine solutions, rather than looking for ‘trade-offs’ which cannot achieve genuine sustainability in the long term. Integration is the language used in the UK’s Sustainable Development Strategy and is we believe more appropriate if we are to address the urgent need for greater environmental protection in the seas all around the UK.

For detailed comments on the White Paper’s licensing reform proposals, [please refer to the Wildlife Countryside LINK response, which Scottish Environment LINK fully supports.](#) However, there are a few points of particular relevance to Scotland which we wish to bring to your attention.

1. Consistency of licensing regimes throughout the UK administrations

We strongly support the statement that licensing regimes throughout UK waters will be identical wherever possible and, where not, at least similar (5.7). We agree this will aid consistency and clarity in decision-making, regardless of the geographic and devolution complexities of licensing activities within UK waters. It is disappointing, however, that the White Paper can give no details on how this holistic approach will be taken forward, and there are few assurances in statements such as *“Ministers in devolved administrations are considering how to implement and deliver such consistency”* (5.5). **We urge the UK and Scottish governments to immediately begin discussions to ensure consistency for devolved licensing functions**

2. Licensing based on UK-wide marine spatial plans

We emphasise that all licensing decisions across the four UK administrations must be made within the context of UK-wide marine spatial plans. As referred to in our response to Chapter 4 of the White Paper (‘Planning in the marine area’) the Scottish Environment Ministers’ Advisory Group on Marine and Coastal Strategy (AGMACS), which included representatives of national industry bodies, environmental NGOs, and marine planning experts, recommended that there should be a system of marine spatial planning. It further recommended that *“the system should be based on 3 tiers: the top level should be UK level, ensuring connection to the regional seas”* (ref www.scotland.gov.uk/Publications/2007/03/08103826/5)

We urge the UK and Scottish governments to commit to joint plans in cross border areas (eg the Solway Firth) or across political boundaries eg. the 12nm boundary separating Scottish inshore waters from UK waters adjacent to Scotland, where the UK government and Scotland have *“joint responsibility for planning”* (ref White Paper Fig 2: Responsibility for Marine Planning in UK waters.)

3. Integrated licensing regime for all activities within UK waters

In our response to the 2006 UK Marine Bill Consultation, we stated our preference for a fully integrated regime, operated by a single independent licensing body for reserved UK matters (the UK MMO), co-ordinating closely with a Scottish MMO for devolved matters. We are willing to accept proposals for reform that, for practical reasons, result in a number of separate pieces of legislation - but these must all have the same overarching purpose, to: "*regulate activities to protect the environment and the interests of other users of the sea*" (5.13). The individual pieces of legislation must be delivered in a transparent and consistent way by the MMO, the Government's coordination body of marine expertise.

We are therefore disappointed that oil and gas licensing is to be treated as a 'special case' and will not be included in the reforms. Failure to integrate this sector appear to run contrary to the holistic approach in delivering sustainable development which is supposedly a key principle of these reforms (5.10). We welcome the affirmation that the licensing of oil and gas activities will be subject to the marine plan and UK-wide marine policy statement as are other marine activities (5.91).

We support a reformed licensing (Marine Act) regime that consolidates and updates, FEPA (Part II), CPA (Part II) and all forms of dredging including marine minerals and aggregates dredging (5.24-5.33).

5. Marine nature conservation

Scottish Environment LINK supports the Government's aim "*to introduce new tools for conservation of marine wildlife that together with existing ones can: halt the deterioration in the state of the UK's marine biodiversity and promote recovery where practicable, support healthy functioning and resilient marine ecosystems, ensure environmental considerations are at the heart of decision-making processes, and provide mechanisms that can deliver current and future European and international conservation obligations.*"

The lack of any mechanism to designate marine species and habitats of national importance has been identified as a priority by AGMACS. We therefore are particularly pleased to see within the White Paper proposals for Marine Conservation Zones (MCZs) that are intended to protect species and habitats considered of national importance.

For detailed comments on the White Paper's marine nature conservation proposals, [please refer to the Wildlife Countryside LINK response, which Scottish Environment LINK fully supports.](#) However, there are a few particularly important points that we wish to bring to your attention.

1. Site selection, designation and management

Our main concern relates to the relative importance of nature conservation and socio-economic considerations in selecting MCZs. We find that the proposed process for selecting and designating MCZs is weakened by its overemphasis on socio-economic considerations and believe the proposed approach would constrain development of a representative network of MCZs. The Sandford Principle should still apply in deciding on conservation measures: where there is an irresolvable conflict between conservation and socio-economic factors, conservation would prevail. This point reappears in para 6.40. Stakeholder engagement is part of the *process* and should

not affect the need for strong legislation setting out an exclusively science-driven approach to site selection.

Of additional concern is an apparent reluctance to espouse the precautionary principle: Para 6.23 indicates that protection measures will only be introduced where there is a demonstrable need, whereas the Precautionary Principle would demand action even if there was a reasonable case to believe that there was a threat.

While it is good to see the principle of compensatory benefit where a MCZ incurs damage (Para 6.68), it is not clear how most of the measures set out in the paragraph would fall within the power of licence “applicants”. We would welcome clarification on this point.

2. Vision

The box on p70 deals with the vision for MCZs. It gives an aspiration that they should cover “*as small an area as necessary*”. **This parsimonious approach does not seem compatible with the overall goal of conserving marine biodiversity and the need to adopt a precautionary principle.** Furthermore, it overlooks the fact that marine protected areas have been shown in other parts of the world to benefit commercial activities (especially fishing) outwith their boundaries. We would suggest that increasing the area of sea protected beyond that strictly required for biodiversity conservation is essential to maintain, or in places restore, a fully functioning marine ecosystem and buffer it from the effects of climate change and it may well also bring secondary benefits to other users, such as fishermen. Furthermore, we are unclear as to where the arbitrary figure of 30 fully marine European sites in English territorial and offshore UK waters comes from and believe the numbers of sites should be determined by scientific assessment alone.

3. Marine nature conservation framework

There remains a lack of clarity in the overall framework and justification for conservation measures, both in the overall objectives, the selection of MCZs and in species prioritisation. The concept of nationally important species is referred to in several places (e.g. Paras 6.153 & 6.99). Is it the intention to set up a formal (legal) definition and list of such species? We feel this is necessary if this is to be a meaningful concept.

It will be vital to set out an overall goal for the network of MCZs. Are they designed to protect the best sites or are they to protect a representative selection of different sites? Paragraph 6.43 indicates that there is an intention to protect a representative selection of species and habitats. If this is really the goal then it should be explicitly set out as it fundamentally affects the suite of MCZs selected. LINK support the widely recognised view that an ecologically-coherent network should include the following elements:

- Representative examples of all the broad marine habitat types
- Areas of exceptional habitat or species biodiversity
- Areas to protect Nationally Important Marine Features
- Important areas for aggregations and critical life history stages of mobile species

With regard consolidating Regulations for the Birds and Habitats Directives, we question how keeping this “*separate from the Marine Bill*” (6.25) will give lead to an integrated set of regulations. In order to deliver a coherent marine conservation framework, we would urge that consolidating Regulations for the Birds and Habitats Directives are considered as part of the Marine Bill.

4. Marine Ecosystem Objectives

The adoption of Marine Ecosystem Objectives was one of the key recommendations of AGMACS in Scotland and we are very perturbed to see that they are not considered more in the UK White Paper. They are mentioned in Para 6.7 of the summary but they are almost completely absent from the rest of the section on Marine Nature Conservation. It will be important for such objectives to be part of the decision making process and form an integral component of marine plans in order to measure progress toward an ecosystem approach to managing our seas.

5. Marine conservation in Scottish offshore waters

We welcome the fact that the difficult subject of conservation measures in the offshore zone has been considered, but there are still large gaps in the measures proposed. Para 6.21 indicates that the UK Secretary of State will consult with the Scottish administration in relation to the Scottish Fisheries Zone. We would welcome clarification as to whether this included the zone outside Scottish Territorial Waters. For example, how would nature conservation in the Scottish portion of the UKCS beyond the 200nm fisheries limit be dealt with? Para 6.18 deals with this zone and indicates that protection would be available for seabed species and habitats. As one of the major threats is likely to come from the use of fishing gear it is not clear how this would be achieved. Para 6.64 recognises that management of fisheries and shipping are outwith the competence of UK authorities in some areas. While there is some reasonable expectation that the European authorities would implement fisheries control measures for European Marine Sites it is by no means certain that this would be forthcoming for sites or species of national importance. We welcome the recognition that measures for marine protection are not always adequate and that statutory controls are necessary (Paras 6.59 & 6.142). It is not clear how this would be applied in the offshore zone.

6. SSSI limits in Scotland

It would seem sensible to set the lower limit of terrestrial SSSIs differently in England and Scotland as the legal provisions are different (6.93). In Scotland property rights extend to Low Water Mean Springs whereas in England they only go as far as Mean Low Water. Will there be specific provision for changing this boundary in the likely event of sea level change?

7. Species Protection

It would be helpful to include the concept of reckless damage in Para 6.98. We would question whether low frequency sonar is really of low impact on Cetaceans (Para 6.130).

8. By-laws

By-laws may also be useful in controlling a few non-recreational activities, such as anchoring (Para 6.139).

9. Climate Change

The imperative for robust protection of marine biodiversity, within an improved framework for sustainable management of activities in the wider sea, is increased by the threat of climate change. **We are concerned that the crucial role of biodiversity in the mitigation and buffering of climate change impacts has not been appreciated.** The need to reduce carbon emissions must not over-ride site protection. Quite the contrary, protected sites are essential for marine ecosystem resilience and are thus a prerequisite for climate change mitigation. Indeed, ecosystems with high biodiversity and those that maintain structural components are thought to recover more easily from climatic disturbances.

6. Modernising marine fisheries management

LINK welcomes Defra's aim to "*strengthen fisheries and environmental management arrangements so that more effective action can be taken to conserve marine ecosystems*" (pg 98). LINK supports many of the proposals set out in the White Paper for modernising marine fisheries management.

For detailed comments on the White Paper's fisheries proposals for England, please refer to the Wildlife Countryside LINK response, which Scottish Environment LINK fully supports.

However, there are a few points of particular relevance to Scotland that we wish to bring to your attention.

1. Scottish Inshore Fishing Groups and UK Marine Bill

We note that Scottish inshore fisheries management is devolved, and LINK members are working through the appropriate fisheries forums in Scotland. However, we stress that the current Scottish inshore management system must be consistent with the principles of the UK Marine Bill. For example, **the Inshore Fisheries Groups being set up in Scotland must contribute to the Marine Planning process, including for cross-boundary regional sea plans (e.g. for the Irish Sea, Northern North Sea and Scottish continental shelf) and decision-making within these groups must be in accordance with these plans.**

2. Managing fisheries within UK "Regional Seas" marine plans

We believe that inshore and offshore fisheries management must fall within the management framework provided by the UK and Scottish Marine Bills, through inclusion in the UK marine policy statement and marine plans for cross-boundary regional seas (e.g. the Irish Sea, Northern North Sea and Scottish continental shelf). Fisheries will be stakeholders in the preparation of spatial plans. We believe that there should be statutory provision to ensure that the new Inshore Fisheries Groups comply with the relevant Marine Plans and licensing regimes (both those wholly within Scottish waters and cross-boundary plans), and that inshore and offshore fisheries management should come under the aegis of a Scottish MMO in close co-ordination with a UK MMO.

In light of fisheries reforms in Scotland, LINK believe that any forthcoming consultation on a Marine Act for Scotland must include debate on how inshore and offshore fisheries should integrate with marine spatial planning, licensing, enforcement and nature conservation objectives.

7. A Marine Management Organisation

Scottish Environment LINK welcomes the White Paper commitment to a single Marine Management Organisation (MMO) integrating functions within a single body, and we agree this will lead to more transparent and efficient arrangements and better outcomes, provided policies and legislation are carefully written and then implemented by a properly resourced MMO. We fully agree with the view that the MMO should act as an expert, efficient and impartial delivery agent which will work for all government departments as well as marine stakeholders.

As identified in the White paper it is anticipated that the UK MMO will have a broad range of functions including:

- Provide a single corporate body of expertise on marine matters which is accessible and provides a service to all marine stakeholders
- Develop and deliver national level marine plans which lie at the heart of a new Marine Bill
- Apply a single interpretation of marine planning to licensing, including ensuring consistency between different sectors
- Collection, storage and access to marine related data
- Provide a regulatory role in relation to a variety of marine activities
- Provide a monitoring and enforcing service

Under the vision identified for the MMO in terms of planning it is identified that there is the hope the plans will provide a sound framework for, among other things, 'proportionate nature conservation' (8.4). **We feel this term undermines Government's commitment to the protection and recovery of the environment.** We would welcome clarification of exactly what is meant by this term.

For more detailed comments on the White Paper's MMO proposals, [please refer to the Wildlife Countryside LINK response, which Scottish Environment LINK fully supports.](#) However, we would like to make a few points in relation to Scotland.

1. The need for a Scottish MMO

In order to best serve the needs of Scotland's marine environment and provide consistency of approach across borders it is clear that **there will be a need for a dedicated Scottish MMO to deliver the devolved functions similar to those delivered by the MMO on behalf of the UK government.** A Scottish MMO will need to have broadly similar duties to the UK body – those of planning, licensing and enforcement - but will be directly responsible to Scottish Ministers as well as providing the primary point of liaison with the UK MMO. It should also represent the main body of marine expertise for Scottish purposes and the first port of call for marine stakeholders. Now that AGMACS has concluded (8.11) we would support their following recommendation:

- *There should be a Scottish Marine Management Organisation with a remit of national coordination of ICZM and Marine Spatial Planning delivery.*

There are a number of management models that can be used to identify the precise details of how a Scottish MMO would operate. LINK believe that this is an issue that the AGMACs group should explore with respect to identifying the best option for Scotland.

2. Best use of existing partnerships

The suggestion of a number of marine planning steering groups (MPSGs) to assist the MMO with planning at a smaller scale is a welcome one. **In Scotland an equivalent grouping may be served by coastal partnerships if they were given greater geographic coverage, since not all the coastline is currently represented, and provided with more secure funding arrangements.** In this regard, LINK support the following AGMACS recommendations:

- *The boundaries of the local dimension of the (Scottish) MMO could be called, for example, a Regional Policy Area and could be based around, for example, existing Local Coastal Partnership areas or other suitable bodies, e.g. local authorities.*
- *ICZM and MSP policy at local level should be based on planning or policy statements. Consideration should be given to a delivery model consisting of Regional Policy Statements being prepared within Regional Policy Areas, possibly by the existing Local Coastal Partnerships or local authorities.*
- *The issue of funding for Local Coastal Partnerships should be revisited.*

The detail of these decisions are likely to be subject to future discussion within the AGMACs forum.