

## COASTAL AND MARINE NATIONAL PARKS – SCOTLAND’S OPPORTUNITY Briefing - December 2005

This paper represents the views of the LINK members listed below on the design and management of Scotland’s first Coastal and Marine National Park (CMNP). It is intended to contribute to advice to Ministers being developed by SNH by March 2006 in relation to the location, design and management of the first CMNP. Our recommendations here complement the broader-scale improvements in marine management we hope will result from the proposed UK Marine Bill and, in due course, a Marine (Scotland) Act<sup>1</sup>. In particular, we believe a Marine Act is needed in Scotland to deliver a comprehensive network of marine reserves for nationally important habitats and species, as well as a Marine Spatial Planning system and a lead Marine Authority. While a CMNP clearly cannot deliver these more strategic needs, we believe it can demonstrate better management in one outstanding area of coast and sea, and will complement future policy developments.

The coastal and marine environment - the heart of Scotland’s first CMNP

LINK members welcome the establishment of a CMNP in Scotland because our coastal and marine environment is of national and global importance. A CMNP offers an important opportunity to recognise, celebrate and enjoy these special qualities, to keep them in excellent condition for future generations while using them to support sustainable livelihoods.

Scotland’s coasts and seas support over 40,000 marine species, over half of our total biodiversity. We have two thirds of the global resource of machair, around 36% of the world population of grey seal, 45% of EU breeding seabirds, 24 species of whale and dolphin, and most of the UK maerl, horse mussel and seagrass beds, as well as coldwater coral reefs.

Scotland’s coastal landscape is internationally famous and is fundamental in maintaining the vitally important tourism industry. It depends on features of the geology and landform, features of the natural habitats and species and the influence of human use of these areas.

Scotland’s coasts and seas contain a wealth of tangible and intangible cultural heritage, from 9000-year-old Mesolithic rock shelters, to more recent harbours, jetties and fishery stations. This heritage can include historic wrecks, submerged landscapes, or coastal crofting landscapes – the result of people working with nature for millennia. 70% of the population still live within 10km of the coast.

It is the richness of our coastal and marine environment that makes it so economically important. Over 80% of the value of Scotland’s ecosystem services (the vital functions that support life on earth including flows of material and energy, nutrient cycling, food production etc.) derives from its territorial waters, at over £14 billion<sup>2</sup>. Declines in the health of the environment, for example declines in fish stocks or coastal landscape quality, are directly correlated with loss of livelihoods.

Despite its global importance, our appreciation of the marine environment and our ability to manage it sustainably have to date trailed far behind what we can achieve on land.

<sup>1</sup> LINK is also lobbying for a Marine (Scotland) Act to deliver integrated management of devolved-competency activities in Scottish waters, complementing a UK Marine Act for co-ordination of reserved matters.

<sup>2</sup> This compares with Scottish GDP of £64 billion in 1999. Williams et al, 2003, *Exploring the value of Scotland’s environment*

We welcome a CMNP that includes a significant marine element and that takes care of the basic natural resource on which livelihoods ultimately depend – this means ensuring a healthy and abundant environment which is allowed to replenish itself and is not irreversibly damaged or diminished by human activities. We believe that the key to achieving this within the proposed CMNP lies in taking advantage of the full potential of the National Parks Act

### Fulfilling the potential of the National Parks (Scotland) Act

The National Parks (Scotland) Act 2000 was designed for a terrestrial situation, and amended late in the process to include areas of marine and coast. While the legislation may not be custom-built for the marine environment, LINK members believe that it offers the potential, **without further primary legislation**, to manage a CMNP in a co-ordinated and sustainable way.

The aims of a CMNP as set out in the National Parks (Scotland) Act are to *'conserve and enhance the natural and cultural heritage of the area'* to *'promote sustainable use of natural resources'*, to *'promote understanding and enjoyment'* and to *'promote sustainable economic and social development'*,

The purpose of the National Park Authority is to *'ensure that the National Park aims are collectively achieved in relation to the National Park in a co-ordinated way'*.

If *'in relation to any matter'* it appears to the National Park Authority that there is a conflict between the conservation and enhancement of the natural and cultural heritage and other National Park aims, then the Park Authority must give greater weight to this aim.

### Challenges

These aims are not currently met in the coastal and marine environment. The first CMNP will have to take account of the following challenges to meet its aims:

- **Caring for special areas** – There is limited ability under existing legislation to identify and protect nationally and internationally important marine species, habitats, landscape and cultural features from damaging activities. While we look to a Marine Act to fully address this, a CMNP could promote conservation and enhancement of important features and ensure that users of the area did not cause irreversible or long-term damage.
- **No planning system or lead body** - There is no unified planning system or responsible authority for the sea to determine appropriate types, levels or methods of use and to resolve conflicts between competing sectors, so neither the environment nor livelihoods fulfil their full potential.
- **Poor stewardship** - there is a poor sense of 'stewardship' or responsible care for what is perceived as a common resource.
- **Who decides?** – There are issues of devolved and reserved decision-making.

### What do we need the National Park (Scotland) Act to do?

If the National Park (Scotland) Act fulfils its aims properly we believe it will be able to overcome some of these challenges. The Act has considerable flexibility to deliver integrated and responsive management within the CMNP, for example:

Ss.6,7 the Designation Order formalises the functions of the NPA, and there is flexibility within the Act to give the NPA any additional powers it requires to fulfil its aims collectively and in a co-ordinated way.

S.10 allows for the NPA to be given either full or partial planning powers or 'such functions in relation to planning as the order may specify'

S.18 allows for Scottish Ministers to delegate any of their functions relevant to the CMNP (except law-making), to the NPA.

S.20 allows for the creation of stakeholder Advisory Groups

S.31 allows for various clauses including Sch3 (miscellaneous functions of the NPA) and Sch 5 (modification of enactments) to be amended by statutory instrument to suit the marine situation

In order to achieve the aims of a CMNP we believe that the National Park Authority (NPA), must be given adequate powers through the National Parks (Scotland) Act to:

- 1. Develop the National Park Plan into a working spatial planning system, based on sound information, for the whole Park. The Plan must be able, where necessary, to zone areas for appropriate activities, set threshold levels for activities and dovetail with Scotland-wide Marine Spatial Planning delivered by a Marine (Scotland) Act**
- 2. Take overall control of all devolved activities appropriate to the NPP in the CMNP. It must be able to resolve conflicts between sectors, incentivise good practice and take and enforce decisions on day-to-day planning and management. It follows that the NPA must have nothing less than full planning powers in the terrestrial part of the Park and that it should have overall responsibility for all appropriate activities taking place in the marine part of the Park<sup>3</sup>**
- 3. Reach agreement with UK departments on reserved issues, like defence or shipping routes.**
- 4. Take a strategic overview of the workings of the Park, be able to co-ordinate activity within the Park, and be flexible enough to adapt management to changing circumstances.**
- 5. Encourage active involvement of stakeholders, from UK and Scottish departments and non-departmental public bodies down to the grass-roots, through the publication of a strategy for involvement, appropriate powers, structures, and statutory measures<sup>4</sup>.**

LINK members believe that these provisions are necessary for the 'collective and co-ordinated' achievement of the aims of the National Park (Scotland) Act. In the absence of a strong lead body, a comprehensive Plan and active stakeholder involvement, we believe it likely that there will be serious implications not only for the environment, but for local livelihoods, the cost of administration and the quality and effectiveness of decision-making.

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<sup>3</sup> In addition to acting as Planning Authority, there are a range of functions we believe a NPA could deliver. These include access authority, planning authority for aquaculture, a role in advising any Inshore Fisheries Groups covering areas within the Park boundary, a role in enforcing the Nature Conservation Act and cetacean code of conduct.

<sup>4</sup> Appropriate powers would ensure a strong NPA with a lead role in planning and management, appropriate structures would include local advisory groups able to input to decisions on boundaries, NPP preparation etc, and statutory measures could, for example, give the NPA a specific function 'to encourage the active involvement of stakeholders'.

**The following LINK members are signatories to this briefing:**

Association of Regional & Island Archaeologists  
BTCV Scotland  
Council for Scottish Archaeology  
John Muir Trust  
Marine Conservation Society  
National Trust for Scotland  
Ramblers' Association Scotland  
RSPB Scotland  
Royal Zoological Society of Scotland  
Scottish Council for National Parks  
Scottish Seabird Centre  
Scottish Wild Land Group  
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