

6. SCOTLAND'S COASTAL CONFUSION:

CASE STUDIES

Current management of the seas around Scotland is fragmented and outdated. It is not integrated, not designed to be inclusive of people's needs nor is it able to take account of their relationships with the coasts and seas. In short, we are failing to manage our seas sustainably.

VISION

'A clean, healthy, safe, productive and biologically diverse marine environment which, through sustainable management, will continue to support the interests of nature and people'

The above Scottish Executive commitment, made in the 'Developing a Strategic Framework for Scotland's Marine Environment' consultation document requires that our seas and coasts are planned, managed and properly valued as a source of food and energy, for tourism, recreation, their importance for human health, and with a clear commitment to conserve our seas, their resources and their biodiversity.

Scottish Environment LINK's Marine Task Force believes that the current regulatory framework does not support the sustainable development and marine conservation aspirations of coastal communities and sea users throughout Scotland. Here are a number of examples to illustrate how current marine management measures are confused and disjointed. Of course, many other examples around our coast could also have been considered.

1. Firth Partnerships

Several consultees said it should be possible for the Solway Firth Partnership (SFP) to find more funding, suggesting that partners 'need to get round a table and thrash things out'. However, SFP minutes and other internal papers suggest that this issue has been raised almost continuously for several years now, without results. In practice, when questioned most consultees stated that they would be unable to provide significant additional funding.

Para. 97 **Solway Firth Partnership** Review by RSK ERA Ltd (Dec 2003)

Issue: Scotland is almost unique in the European Union in having a high percentage of its shoreline included in Integrated Coastal Zone Management initiatives. Most of these were fostered by Scottish Natural Heritage's Firths Partnerships programme, but were intended to attract alternative long term funding sources once they had demonstrated their worth. The existence of these partnerships has greatly facilitated the development of the Scottish Coastal Strategy, joined-up thinking on coastal issues and, by acting as honest brokers, stakeholder dialogue on contentious topics such as fisheries and managed retreat.

Problems with the current system: In spite of having been operating successfully for over 5 years, few of these partnerships have been able to attract any longer term funding with the result that they are unable to attract full time staff and that much effort has to be diverted towards fundraising. How can Integrated Coastal Zone Management be delivered when funding is fragmented and staff turnover high?

SOLUTION: A **national marine strategy** would acknowledge the value of the Firths Partnerships in delivering national priorities and could develop a funding strategy for such local management groups. There could also be a role for partnerships in delivering **marine spatial planning**, taking their lead from a national **marine body or authority**.

2. Fair Isle Marine Environment and Tourism Initiative

The Fair Isle community wants a management programme that is inclusive, rather than the situation we have today where management is narrowly sectoral, non sustainable and leaves us excluded from any say in or control over the resource or its management.

Nick Riddiford, **FIMETI** Co-ordinator and Fair Isle Community Association Chairman

Issue: Fair Isle is the most remote permanent community in the British Isles and has always depended heavily on the sea. Formerly it was exploited primarily by a line fishery for halibut and whitefish but, with stock depletion, emphasis has shifted to creeling and tourism. The latter provides the bulk of the island's income, with many tourists attracted by the island's internationally important seabird colonies. Whilst the island is effectively managed by the landowner (the National Trust for Scotland) and the local community, control of the vitally important sea is in the hands of others. The community has been pressing, through the Fair Isle Marine Environment and Tourism Initiative, to ensure that they have a say in the management of the sea to ensure its sustainable future, but so far without success. FIMETI is a partnership between the Fair Isle Community Association, Fair Isle Bird Observatory Trust and the National Trust for Scotland - with the community taking the lead.

Problems with the current system: The island was recently included within the Shetland Islands Regulating Order for shellfish, but this has done little to improve the control of the fishery. On one occasion when an unlicensed boat was seen fishing for lobsters, written complaints were sent from the isle to the Shetland Shellfish Management Organisation (SSMO). The response was that the isle was not in a position to make representations because no-one on Fair Isle was a member of SSMO. An islander subsequently joined SSMO but as his activity is part-time (as the island could not sustain a full-time operator) he is at risk of losing his licence under new proposals, which place a minimum catch limit on licensed creelermen. Consequently, a local creel fisherman operating sustainably may be excluded from a traditional island activity for not catching enough, while no such restraints on stock exploitation are placed on boats from elsewhere permitted to fish in Fair Isle waters.

SOLUTION: Establish a **local marine management** programme which is inclusive and takes account of broader social, economic and environmental resources, such as marine wildlife and eco-tourism, rather than the current situation where management is sectoral, non sustainable and leaves the local community excluded from any say in or control over the resource. Coastal communities should be consulted in **local marine management** decisions. A **Marine Spatial Plan** would co-ordinate multi-user sea-use.

3. Arran C.O.A.S.T.

'The local community feel they have no input to the management of inshore waters around their island. The only conceivable angle is via the regional fisheries advisory committees which will have the authority from SEERAD to propose such legislation. This has tended in the past and seems for the future to be set on only involving commercial fishing boat owners and government officials and does not represent other stakeholders, interested parties or indeed the majority of anglers.

Don MacNeish, Chairman of **C.O.A.S.T.**

Issue: The Community of Arran Seabed Trust (COAST) is a representative local community organisation whose nearly 1000 members are principally based on the Isle of Arran. In the vicinity of a near denuded maerl bed in the north end of Lamlash Bay, COAST wish to establish a No Take Zone (NTZ), excluding all harvesting of marine life, to enable regeneration of the maerl and the commercial fish and shellfish species associated with it. They also want a Marine Regeneration Area (in which there is a total ban on mobile fishing gear) throughout the rest of the Bay. COAST has openly consulted with representatives and members of mobile and static fishermen's associations who use Lamlash Bay and have broad support for their proposals from the community of Arran, locally based fishermen and many visitors.

Problem with the current system: Currently, there is neither a local marine management strategy nor decision-making body through which local communities can have an input into

fisheries management. Hence, although the statutory tool exists to designate a 'No-Take Zone' – the Inshore Fishing (Scotland) Act - there is no decision-making body or procedure in place to enable NTZ establishment at a local level.

SOLUTION: An improved system of **local inshore fisheries management** involving stakeholders, including fishermen, local communities and environmental experts. The establishment of powers and structures for local decision-making would enable community input to **marine spatial planning** and resource (including fisheries) management decisions that had a potential impact upon their coastal environment.

4. Solway Whelk Fishery

“Super-crabbers are threatening the existence of our fishery. It doesn't make any sense that these boats can come right up to shore on the Scottish side of the Solway but they are stopped from going within 6 miles of the English side of the firth. So while England supports its local sustainable fisheries, Scotland allows anyone to take as much as they want.”

Fraser Scott, **Galloway Static Gear Association**

Issue: For the past twenty years there has been a small sustainable fishery in the Solway Firth targetting whelks, crabs and lobsters. In 2003 the future of this fishery was threatened by the arrival of a so-called super-crabber – this is a vessel which has the capacity to fish 24/7 in all weathers, something which local boats simply can't do, and can set in one 24 hour period what a local vessel would in a number of days.

Problem with current system: Under current inshore management in Scotland there is nothing to prevent such a nomadic vessel from destroying the local fishery. Yet fishermen on the English side of the Solway Firth (under governance of a SFC) do not have this problem because of the six mile exclusion zone for boats over 10metres. The current system is not reactive enough to deal with such a situation and even if it were there are concerns about the policing of any restriction – there are simply not enough resources to allow the Fisheries Protection Agency to prioritise policing of the inshore.

SOLUTION: Co-ordination of cross-border marine conservation. The establishment of an exclusion zone similar to that in place around England and Wales would mean that better regulation or enforcement in one part of the UK coast or inshore fisheries wouldn't push the problems elsewhere, threatening local livelihoods. The management system needs to: be more responsive; inclusive of all stakeholders, including local community and environment interests; include the EIA process for new/proposed fisheries; properly resourced for the policing of agreed measures. A **lead marine body** would greatly improve co-ordination.

5. Finding the balance with salmon farming

The Highland Council has been active in developing non-statutory framework plans to guide developers towards appropriate sites. They help to minimize conflicts of interest in coastal areas, raise the level of public awareness about marine resources and encourage a sense of community stewardship. The plans provide a model which could be used or adapted in other parts of Scotland and in due course could be broadened in concept to provide guidance for a wider range of marine interests and activities. However, to fully realize the potential of this approach, local authorities need to be properly resourced and empowered to deliver it.

Colin Wishart, **The Highland Council**

Issue: Salmon farm production in Scotland has expanded thirteen-fold since 1986 to over 145,000 tonnes a year. While this has brought socio-economic benefits, the number of salmon farm sites has proliferated in the absence of any national planning system and without sufficient regard to impacts on other users, or on wildlife. While the recent Strategic Framework for Scottish Aquaculture is beginning to address some of these issues, there is still no national 'plan' for aquaculture and it is still difficult to balance the needs of other interests, like conservation or marine tourism.

Problems with the current system: Loch Sunart contains leases for 250 salmon cages and 80 halibut cages, as well as 15 shellfish farm sites. Many of these sites were granted prior to 1986, when it became law to consult publicly on fish farm proposals. Despite the lack of information or consultation, sites were granted in a loch that is scenically spectacular, and of European conservation importance for its reef habitats and otters. It has populations of notable marine species like fireworks anemone, gaping file shell, northern sea fans and red sea fingers. The salmon and sea trout, that used to be plentiful in the area, have declined dramatically, and this has been linked to increased fish farm activity.

Fortunately, the Highland Council has had a Framework Plan for Aquaculture in place for Loch Sunart since 1988. This local spatial plan identifies the various interests in the loch, from tourism to game fisheries and conservation, and makes general recommendations on where fish farms are appropriate. While it cannot undo the damage caused in the past by poor planning, it can greatly improve public involvement in planning for the future. Unfortunately, Framework Plans cover only a small part of Scotland, are not well-funded by central government, have no legal basis, and lack the vital support of a national marine planning framework. In Little Loch Broom, for example, where there is no Framework Plan, the local community at Scoraig has felt excluded from aquaculture planning and is now objecting to new fish farm proposals, which continue to arise in an *ad hoc*, unplanned way.

SOLUTION: Underpinning marine legislation, a **Marine (Scotland) Act** would deliver the national legislative context required to balance the demands of aquaculture with other interests and to link national priorities with local needs. Primary legislation would underpin a national planning framework for the marine environment, including aquaculture, which incorporates biodiversity, landscape and other user-group interests, and provides strong national support and funding for local Framework Plans.

6. From the Braer to the Jambo: 12 years and still no MEHRAs

'The Minch borders some of the most fantastic marine habitats, which equate to some of the best diving, in Europe. An oil spill would be of huge economic impact to coastal dive operators and the countless B&Bs that accommodate divers and other coastal tourists. We would like to see the Minch designated as a MEHRA coupled with joined-up government and clear leadership on Scotland's seas'
Andrew McLeod, British Sub-Aqua Club Environment Officer

Issue: Following the *Braer* tanker accident in 1991, the Donaldson Inquiry (1994) recommended the introduction of Marine Environmental High Risk Areas (MEHRAs) in UK waters, which the inquiry defined as "comparatively limited areas of high sensitivity which are also at risk from shipping". Twelve years on, the *Jambo* ran into a reef in the Minch, spilling her polluting cargo into some of the cleanest waters in Europe and still we don't have any MEHRAs. Worse still, the Minch, though it straddles some of the most biologically diverse temperate waters in the world between the Outer and Inner Hebrides, is not even included in the potential MEHRA listings. Tanker traffic is not required to report its passage or position to the Maritime and Coastguard Agency, posing a clear threat to Scotland's unique wildlife and landscape. Community groups, council representatives and environmental organisations are calling for the immediate designation of MEHRAs, including the Minch, to ensure that fragile coastal economies will not be devastated by a *Braer*-like, or worse still, *Prestige*-like tanker accident.

Problem with the current system: While environmental protection is devolved to the Scottish Parliament, maritime transport issues are reserved to Westminster. This division of responsibilities has led to complete paralysis of the process for designating MEHRAs. Every year since 1999 imminent progress has been promised but a date for establishing the first MEHRA seems no closer.

SOLUTION: A **marine spatial plan** for Scotland could identify sensitive marine areas and those suitable for MEHRA designation, but would need to be closely linked to a UK marine spatial plan and legislation for marine matters reserved to the UK government, providing a process for identifying and protecting these areas under UK law. A **lead marine body** would greatly improve co-ordination.