

Marine (Scotland) Bill

Briefing for Stage 1 Debate

"Ecological sustainability must have top priority because it is the basis for social and economic benefits". (EU Directorate General for Maritime Affairs and Fisheries, November 2008)

Introduction

Scotland has the longest and most diverse coastline in the UK and our seas are home to half of Scotland's wildlife. Our seas underpin a range of vital goods and services including food, energy, recreation and climate change mitigation. Many industries, from fishing and aquaculture to leisure and tourism, rely fundamentally on a healthy marine environment. Continued decline of our marine wildlife will undoubtedly have a major impact on the Scottish marine-based economy and on our quality of life.

LINK's Marine Task Force welcomes the introduction of the Marine (Scotland) Bill to Parliament. We have submitted written evidence to the Rural Affairs and Environment Committee suggesting some improvements to the Bill ([View our evidence here](#)). We must seize the historic opportunity that the Bill offers to protect and recover our marine biodiversity, deliver healthy, well-managed and productive seas and provide a sustainable future for Scottish coastal communities and businesses. A recent independent report produced on behalf of LINK's Marine Task Force by the Scottish Association for Marine Science highlights the urgent need not just to manage the status quo but to improve the health of Scotland's seas ([Read report here](#)).

LINK's Marine Task Force warmly welcomes the Rural Affairs and Environment Committee's Stage 1 Report and its recommendations to strengthen the provisions of the Bill in a number of key areas. At the heart of our campaign is our belief that **the marine environment is the foundation for all the benefits that the sea provides for the people of Scotland. A healthy and well-functioning marine environment is a prerequisite for a sustainable Scottish economy.**

Key recommendations

LINK supports the general principles of the Marine (Scotland) Bill. However, we believe that aspects of the Bill must be significantly strengthened. We welcome the fact that a number of these improvements are recommended by the Committee in its Stage 1 report.

1) Health and restoration of Scotland's Seas

We strongly welcome the Committee's recommendation "**that the Bill place a duty on the Scottish Ministers and all relevant public bodies, when exercising functions, to have regard to the need to maintain and improve the health of the Scottish marine area.**" A healthy, well-functioning marine environment is the foundation for social and economic uses of the sea. It is essential that the Marine Act results in significant improvement of the health of the marine environment. The Committee also noted the need to provide indicators as to what factors constitute a healthy marine environment. LINK MTF agrees that measurable environmental targets and indicators are required and supports Marine Ecosystem Objectives to set out the environmental targets plans must deliver.

In addition the following improvements will further these aims:

- Change the wording of the long title to include sustainable development and introduce the concept of 'improvement'.
- Additional duties on Scottish Ministers and all relevant public bodies in relation to improving the health of the marine environment, furthering sustainable development and delivering an ecosystem approach.
- Inclusion of a duty on Scottish Ministers to include Marine Ecosystem Objectives in the national marine plan and regional plans.

2) Planning

We largely support the Committee's recommendations on Part 2 of the Bill on marine planning. We welcome the recognition that "**it is vital that there be effective co-operation between IFGs (Inshore Fishing Groups) and MPPs (Marine Planning Partnerships).**"

In addition to the Committee's recommendations we believe that the following further improvements should be made:

- **A duty on Scottish Ministers to prepare and adopt a national marine plan.**
- **A duty to ensure that Scottish Marine Regions cover the whole Scottish marine area (0-12nm).** This would not require the whole of a Scottish Marine Region to be subject to a detailed plan, provided there is full plan coverage at a national level and regional policies where appropriate. There is scope for Scottish Ministers (or delegated bodies) to ensure that all areas that require a detailed regional marine plan have one (i.e. areas where there are conflicting uses and planning and/or management is needed). Full coverage by Scottish Marine Regions provides consistency for marine industries operating in the Scottish marine area.
- **A clear description in law of what plans must deliver.** Whilst some flexibility is appropriate we believe that the lack of clarity is likely to result in costly and time-consuming confusion. There would be a clear benefit to all concerned if the fundamental elements of a marine plan are laid out in the Bill.

3) Licensing

We welcome the Committee's recommendations that:

- ***"the Cabinet Secretary should outline his preliminary thinking [as to what the minimum environmental threshold will be for registering, rather than licensing, marine activity] giving an indication of what this would mean in practice to stakeholders."***
- ***"the Bill be amended to Set out the fundamental elements of an appeals procedure against a marine licensing decision..."***

In addition, LINK MTF believes that there should be a right of appeal for appropriate persons on all licensing decisions, in order to secure compliance with the Aarhus Convention.

4) Marine protection and enhancement

We strongly support the Committee's recommendation ***"that the Bill should impose a duty on the Scottish Ministers to create a [ecologically coherent] network [of Marine Protected Areas]..."*** Such a duty is essential because protection and restoration of the marine environment cannot be achieved by designating a few stand-alone marine protected areas (MPAs). Rather an ecologically coherent network of sites is required, designated on the basis of the best available science. We also welcome the Committee's recommendation ***"that the Cabinet Secretary considers the merits of the Bill requiring MPAs to be regularly monitored and reviewed following designation."*** Monitoring both of the state of protected features and the effectiveness of management is essential to ensure progress towards achieving the conservation objectives for a site. In addition, like the Committee, **we are not convinced that the additional protection for fishing activity in MPAs requires additional protection under the Bill.**

Further improvements to part 4 of the Bill would include:

- **A duty to produce a marine management scheme for all MPAs.** It is important that all interested parties understand the management requirements for each site and the implications in respect of their own functions and activities.
- **A clear commitment that the powers in the Inshore Fishing Act can, and where appropriate will, be used to exclude fishing activities that could be damaging to the protected features of an MPA.**

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

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