

## Consultation Response: National Marine Plan Review

### Summary

Scottish Environment LINK members welcomed the National Marine Plan (NMP) as a document to guide sustainable use of our seas and have found it a useful resource during marine planning and development consultations. The NMP contains welcome progressive commitments on sustainable development, ecosystem objectives, and assessing the cumulative impact of multiple activities. We strongly support the application of the ecosystem approach and the representation of the principles of sustainable development within the General Policies.

LINK has continued concerns over the lack of consistency across sectoral objectives and general policies, and also the specified targets with regards to the aquaculture and oil and gas industries as highlighted in our response to the draft NMP<sup>1</sup>. Additionally, we feel there are a number of emerging activities that require acknowledgement within the Plan.

Scottish Environment LINK Marine Group members strongly support Scotland's National Marine Plan (NMP) as a vital framework to deliver Scottish Government's vision of "clean, healthy, safe, productive and diverse seas; managed to meet the long term needs of nature and people".<sup>2</sup> LINK members believe the Plan is a valuable tool for guiding the sustainable use of Scotland's seas, managing potentially conflicting human activities and pressures, and protecting and enhancing Scotland's marine environment.

LINK are very pleased to see the progressive commitments in the NMP, including on Sustainable Development, ecosystem objectives and assessing cumulative impacts and we support the crucial ambition of the Plan to align with wider marine legislation and policy. However, we note that some of the planning policies in the Scottish Planning Policy (SPP) are not consistent with some of the equivalent policies within the Plan, and we seek assurance that all appropriate considerations will be made to ensure alignment is definitive. For example, Sectoral Objective 1 for Oil and Gas within the Plan that encourages continued growth and recovery of reserves, is not consistent with Outcome 2 of the SPP 'A low carbon place- reducing our carbon emissions and adapting to climate change'. Furthermore, Climate Change Policy (para 42) of the SPP that states '*the need to help mitigate causes of climate change, and need to adapt to its short and long term impacts should be taken into account in all decisions throughout the planning system*'. To successfully support sustainable use of Scotland's marine area, the NMP must be consistent with all policies in corresponding planning frameworks, including the SPP and National Performance Framework.

### National Marine Plan Review

#### Implementation of the National Marine Plan

#### **1. Has your organisation implemented the NMP or any element of the Plan?**

**a. If yes, can you provide information on how you use the Plan?**

**b. If no, what are the barriers to implementing the Plan?**

N/A

#### **2. Is your organisation monitoring the use of the NMP?**

<sup>1</sup> <http://www.scotlink.org/files/policy/ConsultationResponses/LINKrespNatMarPlanNov2013.pdf>

<sup>2</sup> <http://www.gov.scot/Resource/0047/00475466.pdf>

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**a. If yes, do you have an audit trail or records you can share?**

**b. If you are not monitoring use of the Plan, is there a reason for this?**

No. Members of LINK refer to the Plan when responding to public consultations on marine developments and plans to identify where the Plan has (or not) been adhered to, but does not monitor the use of the Plan by other marine stakeholders.

**3. We would like to understand more about the circumstances in which the NMP is used. Can you provide any information on how your organisation uses the Plan in:**

**a. authorisation or enforcement decisions?**

**b. non authorisation/ enforcement decisions? e.g. terrestrial development plan development**

LINK uses the plan as a reference and a supporting document when responding to consultations on marine planning and development. This use, however, is limited as LINK consider that the Plan provides little additional value to the planning legislation that underpins it (e.g. the Marine (Scotland) Act) and that it is largely seen as a compendium of existing legal obligations and sectoral strategies. LINK consider the Plan would provide greater value by addressing how Scotland's marine activities can progress within the marine environments' natural limits and actively resolve areas where activities converge on limited available resources.

A useful addition to the Plan would be the inclusion of natural capital stocks (notably blue carbon habitats) and the ecosystem services that flow from these stocks. Mapping these stocks and flows will provide valuable insights into potential stakeholder conflicts, identify areas for co-use, and provide security for future marine development (particularly with regard to climate change).

This additional data would better equip decision-makers faced with conflicts and ensure sustainable objectives are achieved through effective marine spatial planning. For example, the Plan currently lacks a policy or objective hierarchy, which creates further uncertainty particularly for those objectives that contradict each other. LINK recommends the inclusion of a clear hierarchy of policies within the Plan and suggests the Shetland Island Marine Spatial Plan as an example of a planning mechanism with clear priorities (pages 23 & 24 of the [Plan](#)).

LINK also considers the Plan provides little to no guidance on the social components of marine planning and decision making, with the current focus being placed on 'Supporting economically productive activities', 'Living within environmental limits', 'Interactions with other users', and 'Climate change'. Further information on the social implications of marine planning within the 'Key issues for marine planning' section of the Plan (p. 36), and those for each sector, would contribute towards delivering the 'Ensuring a strong, healthy and just society' High-level Marine Objectives and bring social concerns into the same framework as economic and environmental concerns. This would include recognising the role of coastal communities in planning decision making, and the contribution of a healthy marine environment to a sense of place. Furthermore, including social objectives within each sectoral chapter, such as aiming to achieve sustainable fisheries that support cohesive communities in the Sea Fisheries, could help to achieve greater cohesion among communities, and also support environmental outcomes.

**4. Was it necessary to change your procedures to incorporate usage of the NMP?**

**a. If yes, what changes were needed?**

No.

## **Effectiveness of the National Marine plan**

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**5. Can you provide any information or evidence of implementation which illustrates how useful, or otherwise the NMP has been to your decision making or policy/plan development?**

**6. We are interested in knowing more about policies which have been used in decision making and the effectiveness of them. Can you give examples of policies which:**

**a. have contributed to meeting the high level strategic objectives of the Plan (as set out in Annex B)? If so, please explain.**

LINK members welcomed the application of General Policy 9(b) – ‘Development and use of the marine environment must not result in significant impact on the national status of Priority Marine Features’ – in the Scottish Government's decisive response to the trawler damage to flame shells in Loch Carron. The application of Policy 9(b) led to the rapid designation of an emergency Marine Protected Area and the ban on all dredging activity in the area. The emergency MPA designation directly contributes to meeting the ‘Living within environmental limits’ High-Level Marine Objectives, in particular HMLO 11 – ‘biodiversity is protected, conserved and, where appropriate, recovered, and loss has been halted.’

**b. have contributed to meeting the sectoral objectives of the Plan? If so, please explain.**

**c. Have been counterproductive or contradictory to meeting either the high level or sectoral objectives of the plan? If so, please explain.**

LINK members remain concerned about some of the sectoral objectives and policies in the Plan and consider some of these work directly against the HLMOs. All sectoral objectives and policies must work consistently with each other and with the HLMOs of the Plan. Our main concerns include:

#### **Aquaculture**

LINK remain very concerned about the ambitious growth targets highlighted in Aquaculture Sector Objective 2, particularly in light of increasing reports of the industry's inability to control their environmental impacts, in particular fish escapes, sea lice infestations, their dependence on chemical therapeutants, and the release of organic and inorganic pollutants and marine mammal impacts (targeted seal shooting and the impacts of unmonitored acoustic deterrent devices on harbour porpoises). While we acknowledge the economic benefits of growing the industry, we believe the growth target is not consistent with:

- General Policy 9 (b) – ‘Development and use of the marine environment must not result in significant impact on the national status of Priority Marine Features’ (salmon farming impacts wild salmon and sea trout, both PMFs);
- the Wild Salmon and Diadromous Fish sector objectives; and
- Recreation and Tourism sector Objective 2 – ‘protection and enhancement of the unique, natural resources which attract visitors and which are relied upon for recreational activities’ (e.g. angling for salmonids)

The aquaculture growth targets also work contrary to the following Strategic Objective HLMOs:

- HLMO 2 – The marine environment and its resources are used to maximise sustainable activity, prosperity and opportunities for all, now and in the future;
- HLMO 4 – Marine businesses are acting in a way which respects environmental limits and is socially responsible. This is rewarded in the market place;
- HLMO 11 – Biodiversity is protected, conserved and, where appropriate, recovered, and loss has been halted;

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- HLMO 12 – Healthy marine and coastal habitats occur across their natural range and are able to support strong, biodiverse biological communities and the functioning of healthy, resilient and adaptable marine ecosystems;
- HLMO 13 – Our oceans support viable populations of representative, rare, vulnerable and valued species;
- HLMO 15 – Marine, land, and water management mechanisms are responsive and work effectively together for example through integrated coastal zone management and river basin management plans;
- HLMO 20 – sound evidence and monitoring underpins effective marine management and policy development; and
- HLMO 21 – the precautionary principle is applied consistently in accordance with the UK Government and Devolved Administrations’ sustainable development policy.

The Plan does not provide a strategy for achieving the proposed growth of aquaculture production and it is unknown whether the carrying capacity of Scotland’s coastal waters can achieve this target without significantly impacting the environment. The inclusion of these growth targets is an example of Government and Industry targets influencing the sector objectives of the Plan, rather than the Plan identifying the environmental limits within which an industry can operate.

### **Oil and Gas**

LINK remain concerned about the sectoral objectives to:

- ‘Maximise the recovery of reserves through focused industry-led innovation, enhancing the skills base and supply chain growth’; and
- ‘Continued technical development of enhanced oil recovery and exploration; and the associated seismic activity carried out according to the principles of the Best Available Technique and Best Environmental Practice approach’.

Both of these objectives work contrary to General Policy 5 – ‘Marine planners and decision makers must act in the way best calculated to mitigate, and adapt to, climate change’ – and Strategic Objective HLMO 2 – ‘The marine environment and its resources are used to maximise sustainable activity, prosperity and opportunities for all, now and in the future.’

While LINK recognise the continued role oil and gas reserves will have during the Scottish Governments proposed transition to a low carbon economy (as mentioned in the Climate Change Mitigation section of the Oil and Gas chapter), we consider the objective of ‘maximising the recovery of reserves’ does not suggest a phasing out of non-renewable resources. LINK believes this objective should reflect the increasing availability of alternative, renewable energy resources and the reduction in oil and gas dependence.

### **Offshore Wind and Marine Renewable Energy**

LINK welcome the sustainable development of offshore wind, wave and tidal renewable energy in the ‘most suitable locations’, but considers the impacts, including cumulative impacts, of multiple wind farms on seabird and other marine life needs to be considered within the sector objectives. Assessing the cumulative impact of all wind farms, wave and tidal renewable energy operations will contribute towards achieving the ‘Living within environmental limits’ HLMOs.

### **Shipping, Ports, Harbours and Ferries**

LINK recognises that the growth and development of marine industries, in particular the cruise liner industry and oil and gas decommissioning, requires further development of onshore infrastructure, but has concerns that sectoral objectives do not mention or recognise the potential environmental and ecosystem impacts of these developments. Objective 2 indicates an aspiration to grow ports and

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harbours and improve transport networks, but the direct environmental impact of these developments and the increase in ship activity has not been adequately considered within the Plan.

**7. We are interested about how policies contribute to meeting objectives of the Plan. Can you highlight policies you have used which:**

- a. *contributed to meeting objectives of the Plan? If so, please explain*
- b. *have been counterproductive or contradictory to meeting objectives of the plan? If so, please explain.*

**New activities**

**8. Do think there are emerging or new activities which are not adequately addressed by the general policies outlined in the Plan, which would require additional specific policies to ensure sustainability?**

- a. ***If yes, which activities are not adequately addressed?***

Emerging sectors that LINK believes require consideration:

**Seaweed harvesting** – There is growing interest in the large-scale harvesting of seaweed along Scotland’s coasts. At present, only small-scale harvesting is permitted but if large-scale, commercial activity is permitted, specific policies will be required to ensure this activity takes place within environmental limits.

**Electrofishing for razor clams** – The environmental impacts of electrofishing are still unclear and although the Scottish Government is in the process of carrying out razor clam stock assessments and identifying sustainable fishing rates, it is important that the Plan includes policies that ensure electrofishing effort is within environmental limits.

**Deep sea mineral extraction** – There is a growing interest in offshore, deep water mineral exploration and extraction and it is important that the Plan has policies in place that safeguard vulnerable habitats and species that will be affected by this activity.

**Deep water floating wind farms** – The development of floating wind turbines will allow wind farms to be located in deeper water further from shore. It is important that the Plan acknowledges this emerging technology and the potential impacts it will have for foraging and migrating seabirds, other protected species and also spatial conflicts with other marine activities.

**Decommissioning** – Decommissioning of oil and gas structures will become a major industry in the North Sea over the next 30 years, placing a greater pressure on ports, harbours and other infrastructure. It is also important to recognise that the decommissioning of other man-made structures (in particular offshore wind farms) will also increase over time and this also needs to be recognised in the Plan. LINK believes decommissioning should be considered a sector in its own right, as it includes all offshore man-made structures, and the Plan should provide policies specific to decommissioning.

**Ship-to-ship oil transfer** – The recent proposal for ship-to-ship oil transfer in the Moray Firth was met with great concern, particularly due to the elevated risks to the marine environment it poses, which includes an internationally protected population of Bottlenose dolphin and declining harbour seals. The objectives of the Shipping, Ports, Harbours, and Ferries chapter in the Plan includes the ‘growth and development of ports’, which should reduce the need for offshore ship-to-ship oil transfer activity. The Plan needs to recognise this activity by placing a priority for oil transfers within

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a port, highlight the importance of appropriate location, protection for the marine environment, and support for nationally and internationally recognised areas of protection.

**Offshore aquaculture** – Technological advances in the fish farming industry are increasing the potential for fish farms to be located further from shore, which will reduce some of the impacts associated with the industry but also create new concerns, most notably spatial conflicts with other marine industries and potentially increased pressures on valuable, important and sensitive natural marine environments. The Plan should acknowledge the potential for offshore aquaculture and the potential conflicts that it creates.

**Marine Tourism** – marine tourism in Scotland is a rapidly growing industry and, as a key example, the number and size of visiting cruise liners is expected to increase in the coming years. The type of activities available for tourists is also changing and there are particular concerns over increasing incidences of boat disturbance from unregulated recreational and commercial operators and the growing popularity of swim-with activities that put the health of basking sharks and marine mammals at risk. LINK would like to see a stronger emphasis on the protection of marine life with respect to marine tourism and the Plan to consider licensing of commercial tourism activities and to identify and promote widely the Scottish Marine Wildlife Watching Code as a code of best practice that should be adhered to for all forms of tourism.

### Changing circumstances

*We are looking to the future to consider what may influence marine planning in the short and long term, and what may influence the timing of a future plan. Influences may be legal, political or otherwise, or could include changes to the use of the marine area over time.*

#### **9. What factors do you think will influence marine planning policy:**

##### **a. in the immediate to short term i.e. within the next five years?**

The outcomes of the UK's exit from the European Union are likely to have implications for Scottish policy and legislation. As a result of these negotiations, the NMP may become even more important as a tool to guide sustainable use of our marine area. LINK considers that the Plan should provide clear detail on how marine management objectives and policies will adapt to meet the Scottish Government's commitments to:

- UN Sustainable Development Goals – in particular SDGs 7 (Affordable and Clean Energy), 13 (Climate Action), and 14 (Life below water);
- OSPAR;
- UNCLOS;
- Aichi 2020 Targets of the Convention on Biological Diversity; and
- Good Environmental Status targets of the Marine Strategy Framework Directive.

Scottish Government's ambitions to transition to a low carbon economy will drive an increase in offshore renewable energy developments (i.e. wind, wave, and tidal), which will increase pressures and sector conflicts in Scotland's inshore and offshore waters as technology develops. The transition to a low carbon economy will also require all industries to account for and mitigate their environmental impact.

We are in the early stages of developing Regional Marine Plans (RMPs), with Shetland being the only regional plan in operation to date. All of the proposed RMPs will come with varying challenges and LINK believe it would be beneficial for the NMP to provide more guidance on the development and

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use of RMPs and how their implementation and use will influence future iterations of the NMP. It is important that the Marine Planning Partnerships tasked with developing RMPs are well resourced and informed to be able to deliver an RMP that compliments and enhances the policies set out in the NMP and achieves a greater degree of clarity and utility for marine stakeholders operating at a regional level.

***b. over the longer term i.e. the next 20-30 years?***

The effects of climate change may begin to influence the distribution of marine species and habitats, and consequently may alter where activities occur. Spatial mapping and planning will be an essential tool for guiding the future development, use and conservation of Scotland's marine area during environmental change.

**10. What other issues do you think will arise that will affect how marine environment is used that may need to be planned for**

***a. in the immediate to short term i.e. within the next five years?***

Devolution of The Crown Estate

Community Empowerment Act

Islands Bill

***b. over the longer term i.e. the next 20-30 years?***

Decommissioning of man-made structures (e.g. oil and gas platforms, wind turbines)

**Marine Planning Data**

***We would also like to ask you about your use or knowledge of the Marine Scotland Open Data Network (MSODN). Marine Scotland provides access to three online resources; Marine Scotland Maps NMPi offers an online interactive mapping tool, Marine Scotland Data offers access to open data and Marine Scotland Information provides supporting information and connections between Maps and Data.***

**11. What type of data or information (maps, tabular data, reports etc.) do you most often require for marine planning?**

LINK members find the mapping capabilities of the National Marine Plan interactive (NMPi) very useful for identifying potential spatial conflicts with marine activities and environmental protection measures. The regular updates to the information provided is also welcomed.

**12. Were you aware of any of the three online resources offered by Marine Scotland? Please select all that apply.**

***Marine Scotland Maps (NMPi); Marine Scotland Information; and Marine Scotland Data***

NMPi is most frequently used by LINK members.

**13. If were aware of any of the Marine Scotland Open Data Network sites, do you use them within your organisation and how?**

To date, the open data sources have not been used by LINK.

**14. What additional resources or functionality (individual datasets or web services) would be useful for your organisation, that are not included in the Marine Scotland Open Data Network?**

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LINK members use ecological data regularly and feel this is an area where the NMPi could be improved, which could be achieved through additional sharing of resources and assessments amongst stakeholders.

Additionally, there is an increasing amount of data on the carbon capture and storage value of 'blue carbon' habitats, in particular for MPAs. The inclusion of these data in the NMPi, as well as other ecosystem services, would assist with demonstrating the broader benefits of Scotland's marine environment more clearly.

**15. Would you like to provide any other comments relating to Marine Scotland Open Data Network?**

Not at this time.

**ADDITIONAL COMMENTS**

**Regional Marine Planning** – There are currently no statutory Regional Marine Plans in place in Scotland. We understand that Shetland has developed a spatial plan that is in the process of becoming a statutory RMP and that work is underway to develop the Clyde and Orkney RMPs. There has not been a clear timeframe for developing the remaining RMPs and LINK considers that further explicit information is required on when and how the remaining RMPs will proceed. Furthermore, we consider that it is necessary to improve guidance on implementation, to ensure a plan-led approach to sustainable development. This should look to include a framework of science-policy decision guidelines, aided by multiple, geospatial decision support toolkits, for practitioners to work across multiple domains and sectors (refer Crist et al. 2013<sup>3</sup>).

**Using Sound Science Responsibly** - We have remaining concerns around the clarity and intention of Para 4.81 ('Using Sound Science') of the Plan which potentially alters the precautionary principle as properly applied. This policy suggests that where evidence is inconclusive precaution will be applied "*within an overall risk-based approach... by balancing environmental, social and economic costs and benefits*". It is essential to consider social and economic implications, but the precautionary principle must be applied explicitly to remain within environmental limits, which in some cases cannot be 'balanced,' especially if inconclusive evidence means the environmental impacts of the development are not adequately understood. In addition, we do not consider that the precautionary approach is currently adequately explained within NMP policies, and is only specifically mentioned in Annex B in relation to HLMO 21.

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 35 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society. This briefing is supported by the following members of the LINK Marine Group: Marine Conservation Society, National Trust for Scotland, RSPB Scotland, Scottish Wildlife Trust, Whale and Dolphin Conservation and WWF Scotland

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<sup>3</sup> Crist, P.J.; Madden, C.M.; Hittle, J.; Walker, D.; Allen, T.; Eslinger, D. (2013). Supporting cross-sector, cross-domain planning through interoperating toolkits. *Journal of Conservation Planning* 9:21–37

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