

## Securing the Benefits Consultation Response

Scottish Environment LINK is the forum for Scotland's voluntary environment organisations, with over 30 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

### General Questions

The threat of climate change, the abundance of marine renewable energy sources and a combination of political and economic factors make a strong case for the urgent transition to a low carbon economy, and successful development of marine renewable energy in Scotland. It is wholly right that Scotland and its communities should see the benefits that flow from harnessing our natural resources as we make this transition. At the same time, however, due to the unknown impacts of some of these technologies, the poverty of knowledge about marine ecosystems, and the frailty of marine conservation measures, a precautionary approach to development in the marine environment is required.

Scottish Environment LINK's Marine Taskforce's (MTF) vision is of a thriving marine renewable energy industry that will help reduce the causes of climate change and bring secure long-term jobs while safeguarding a diverse, productive sea thereby providing benefits for all. Scottish Environment LINK's paper 'Avoiding Conflicts in the Marine Environment' sets out recommendations to ensure this vision is achieved<sup>1</sup>. It is clear, if Scotland and its communities are to benefit from the low carbon energy revolution now, and for generations to come, in addition to investment in infrastructure and technology development, an increase in investment in research and mitigation and enhancement projects is essential.

### Action 1: Reform of the administration of the Crown Estate in Scotland

MTF has been a long time proponent of the establishment of a marine planning system, as an essential tool to ensure the sustainable development of the marine environment. We were therefore disappointed when provisional leases and consents were issued ahead of any wider strategic planning, and essential environmental research and assessment, allowing potentially damaging activity into areas which with adequate preparation would have been scheduled for greater protection.

However, we welcome the development of spatial planning regimes for marine renewable technology in addition to the new planning, licensing and nature conservation systems introduced through the UK Marine and Coastal Access Act 2009 and the Marine (Scotland) Act 2010<sup>2</sup>. The pressure for rapid, and environmentally sensitive development of the low carbon energy sector in the marine environment has highlighted just how essential it is to establish these systems. It is now vital that clear links are made between sectoral spatial plans for development in the marine environment and the national and regional marine plans implemented under the Marine (Scotland) Act 2010. The review of these plans and their environmental assessments must eventually be coordinated in order ensure there is a holistic approach to marine spatial planning, enabling proper consideration of cumulative and in-combination impacts.

This new legislative framework, with the executive devolution of powers for planning, licensing and nature conservation, mean the Scottish Government and Parliament now have far greater authority to manage activities in the Scottish marine environment. In this relatively new

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<sup>1</sup> 'Avoiding Conflicts in the Marine Environment: Effective Planning for Marine Renewable Energy Development in Scotland' available at - [http://www.scotlink.org/files/publication/LINKReports/LINK\\_ACME\\_Report0610web.pdf](http://www.scotlink.org/files/publication/LINKReports/LINK_ACME_Report0610web.pdf)

<sup>2</sup> Please note this consultation response should be considered in conjunction with our consultation responses to the UK Marine Policy Statement, the draft Plan and SEA for Offshore Wind Energy in Scottish Territorial Waters, the Marine Licensing System for Scotland and the Consenting, EIA and HRA Guidance for Marine Renewable Energy Developments in Scotland, all available at <http://www.scotlink.org/public/policy/consultations.php>

legislative and administrative context, it is perhaps now more important than ever that clear, regular and effective lines of communication between the Crown Estate, the Scottish Parliament, the Scottish Government and other marine stakeholders are improved. Regular reporting by the Crown Estate to relevant Scottish Parliamentary committees such as the Rural Affairs and Environment Committee and the Economy Energy and Tourism Committee, is essential and should be wholly encouraged.

We strongly believe that in carrying out its statutory duties the Crown Estate should take account of the environmental health of its estate, and work towards helping Scotland's marine environment achieve Good Environment Status under the Marine Strategy Framework Directive, and the High Level Marine Objectives as agreed by the UK and devolved administrations. Through its 'stewardship' role, the Crown Estate already aims to ensure that its activities are sustainable in the long-term. This should involve carrying out its functions in line with the principles of sustainable development, with the overarching aim of living within environmental limits. We acknowledge the Crown Estate is involved in a range of initiatives, working with developers to address potential environmental issues, and we support much of the work it has undertaken to date. The continuation of present projects, and establishment of new initiatives is essential if the Crown Estate is to fulfil its 'stewardship' duty in relation to the marine estate, thereby securing long term benefits for Scotland and its communities. To help achieve this, a balance of Crown Estate Commissioners with the relevant renewable and environmental expertise should be sought. Regardless of how the responsibilities of the Crown Estate Commissioners are distributed, it is important that the Commissioner's functions help to deliver Good Environmental Status in Scotland's marine environment while supporting the environmentally sustainable delivery of Scotland's low carbon economy of the future.

We agree that revenues from the exploitation of our natural assets, should be used to benefit Scotland and its communities. Please see our comments below for how we believe the revenues can support local communities through investment in our transition to a low carbon energy future.

We value our positive relationship with the Crown Estate and hope to continue working constructively to help ensure that development in the marine environment occurs within environmental limits.

## **Action 2: Creating a Future Generations Fund**

LINK fully supports the intention to secure long-term, tangible benefits for Scotland and its communities from the development of the marine environment. Establishing a fund which can capture revenue streams from development in the marine environment, could be an important way to support investment in Scotland's transition to a low carbon energy future, whilst ensuring the protection and enhancement of our precious marine environment. We support the statement contained in the consultation that:

'Maintaining and enhancing the environmental status of our seas must lie at the heart of all our actions in developing a low carbon economy. To allow our precious natural resources to be exploited unsustainably would not just destroy the environmental legacy that future generations will rightly expect us to pass on to them, it would also undermine the very energy revolution that we are seeking to bring about.'

LINK believes that climate change is perhaps the most severe threat to the future stability of marine ecosystems, and the various cultural and biological assets of the coast. As such, we support an environmentally sustainable transition to a low carbon future. This involves a rapid transition away from oil and gas. Continued exploitation or maximisation of oil and gas reserves in Scottish waters, will necessarily involve exploration in deeper waters. The risks to the marine environment associated with such deep water drilling are unacceptably high. Therefore, we do not support moves to maximise exploitation of oil and gas reserves, as such a strategy is incompatible with a transition to a low carbon energy future, and presents an unacceptable risk to the health of the marine environment. As part of a transition away from fossil fuels, any revenue streams stemming from their exploitation in the marine environment, should be reinvested into the development of Scotland's low carbon energy future.

Investment is clearly required in renewables and associated infrastructure developments and schemes such as NRIF and WATES have gone some way to supporting this, however significant



resources are required and any fund could help capitalise the Green Investment Bank to support investment in energy efficiency and renewables. It is also clear we still lack much of the vital baseline data, and impacts knowledge that will ensure the development of a successful low carbon marine energy sector in Scotland, whilst maintaining and enhancing the health of the very resource upon which it relies. These unknowns, present a significant barrier to the sustainable development of the industry and increase uncertainty and risk for developers. As stated in the Offshore Wind Industry Group's Offshore Wind Route Map:

'the need for marine research data to reduce the uncertainty in the assessment of environmental risk and answer consenting requirements will be a major challenge given the ambitious targets for development... Substantial research into the environmental effects of development is needed to refine techniques...'<sup>3</sup>

We are concerned that SNH's programme summary for 'The Sea' plans for a reduction in time and resources for research when such fundamental knowledge gaps persist. Healthy marine ecosystems underpin our ability to extract wider economic and social benefits from Scotland's seas. Therefore, we would strongly support any fund established with public and/or revenue from the exploitation of our natural resources being allocated to strategic level baseline surveys and impact assessment in order to support an environmentally sustainable transition to a low carbon future. Such a fund should also consider financially supporting project level environmental assessments for novel technologies; this would help to secure the findings for wider use and to reduce the regulatory burdens on novel technologies and pioneering companies.

In addition, research, baseline data collection and monitoring are not yet accompanied by effective and accurate communication of results. It is crucial that this is improved not only to the mutual benefit of government, developers and stakeholders, but also so that cumulative impacts can be properly assessed. Such reform is also advocated by OWIG who recommend further co-ordination of research to 'help avoid duplication of effort, identify any further research gaps and ensure that the best evidence is used'<sup>4</sup>. We welcome the work being undertaken by the regional developer groups and believe Marine Scotland and the Crown Estate should support this work by moving urgently to lead on much improved collection, management and sharing of environmental survey and monitoring data.

The establishment of a research gap analysis group, constituted by relevant stakeholders with an interest in the marine environment will also help to strategically guide research priorities for Government and developer groups, helping to avoid duplication of effort.

We also advocate the ring fencing of a significant proportion of monies established through any fund designed to provide wider benefits for Scotland and its communities from the low carbon energy revolution, for environmental enhancement projects. Under s3 of the Marine (Scotland) Act, Ministers and public authorities have a duty to act in the best way calculated to protect *and, where appropriate, enhance* the health of the Scottish Marine area when exercising functions under the Act. Large-scale habitat creation or enhancement work could help to meet this obligation as well as the target of no net loss of biodiversity and Good Environmental Status.

Human activities have resulted in significant ecological depletion in the seas around Scotland. 'Recovering Scotland's Marine Environment'<sup>5</sup>, a report by the Scottish Association for Marine Science, states that while we do not have enough data to calculate the full extent of human impacts on the marine environment, it is unlikely there are any 'pristine' ecosystems left on the Scottish continental shelf. 'Charting Progress 2' and the OSPAR Quality Status Report 2010 show large areas of Scotland's seabed habitats, in particular shallow sediment habitats, have been adversely affected and are facing many problems with pressures set in increase. Harbour

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<sup>3</sup> Offshore Wind Energy Group Report (2010), 'Scotland's Offshore Wind Route Map: Developing Scotland's Offshore Wind Industry to 2020', available at <http://www.scotland.gov.uk/Resource/Doc/326105/0105071.pdf>

<sup>4</sup> Offshore Wind Energy Group Report (2010), 'Scotland's Offshore Wind Route Map: Developing Scotland's Offshore Wind Industry to 2020', available at <http://www.scotland.gov.uk/Resource/Doc/326105/0105071.pdf>

<sup>5</sup> Hughes D, and Nickell T, (2009) 'Recovering Scotland's Marine Environment' available at <http://www.scotlink.org/files/policy/PositionPapers/SAMSLINKmtfReportRecover09.pdf>



seal numbers have dramatically declined in recent years for reasons we do not yet fully understand, while some northern North Sea seabirds continue to suffer after a decade of breeding failure. Increased development in the marine environment will add to the pressures that many of our marine species and habitats are already struggling to cope with. If we are to reverse these trends and meet our national and international legal obligations, investment is urgently required to increase our understanding of marine ecosystems and to deliver appropriate and effective mitigation and enhancement.

S72 of the Act enables Ministers to designate Research and Demonstration MPAs. We believe these sites should be designated to trial novel mitigation and habitat enhancement techniques. Funding for these Demonstration and Research MPAs could flow from such a fund as envisaged by the consultation. These projects would need to be in addition to, but could compliment, any mitigation or compensation required at the plan or project level under the Birds or Habitats Directives.

We acknowledge the Crown Estate currently allocates a proportion of lease income to environmental impact work. This is welcome, however, an increase in such investment is urgently required as part of a long-term strategy to ensure Scotland is at forefront not just of marine renewable energy technology development but also research into the environmental effects of marine renewables and the delivery of effective mitigation. Only then will Scotland and its communities be able to share in the wider benefits which could flow from the low carbon energy revolution.

### **Action 3: Creating a 'register of community benefit'**

We support the establishment of a register of community benefit. This should help to ensure benefits are secured to the community in the widest sense, and promote the sustainable use of Scotland's marine assets.

### **Action 5: Maximising community benefit opportunities from renewables projects on Scottish property owned by the public sector**

The natural environment is one of Scotland's greatest public assets. Exploitation of the natural environment on the public estate, as elsewhere, must ensure that renewables developments are appropriately designed and sited to avoid damage to the marine environment. The Scottish Government should take a strategic planning approach to ensure the most suitable sites are developed and produce best practice criteria and guidance on the delivery of environmental and social benefits from exploitation of the public estate, to maximise benefits from all sectors including forestry and water.

### **This response was compiled on behalf of Scottish Environment LINK's Marine Task Force and is supported by:**

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