

## Response to the consultation on the Scottish Marine Bill RIA January 2009.

**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

### Overarching Comments

Scottish Environment LINK's Marine Task Force (LINK MTF) welcome the opportunity to respond to the consultation on the Scottish Marine Bill Partial Regulatory Impact Assessment. We are disappointed that the focus of this document appears to be the growth of marine industries and *balance* of resource use and resource protection. We believe that the fundamental role that the ecosystem services delivered by marine biodiversity play in underpinning economic activity and social wellbeing should have a far higher recognition in this document. We would refer you to the Australian Oceans Strategy<sup>1</sup> which states:

*"[Our] ocean ecosystems and their marine biological diversity are core national assets. If our use of them is well managed, they can meet a broad range of economic, social and cultural aspirations. They also provide a range of essential environmental services that would be extremely costly or impossible to restore or replace if ecosystem functioning was impaired."*

In addition we would like to see greater acknowledgement in policy and decision making that short-term benefits which result in environmental damage now, often result in far greater economic, social and environmental costs later on. Therefore, the costs of environmental, ecosystem and biodiversity protection now are likely to deliver far greater social, economic and environmental benefits in the future. The partial RIA highlights the potentially renewable benefits that we derive from the marine environment. This value is considerable but could be lost in the absence of sustainable management and protection of marine biodiversity. The partial RIA does not include non-use values and off-site values and therefore the values included are likely to be gross underestimates. There is a need for valuation studies to ensure better understanding of these non-use and off-site values. This understanding is critical if we are to make sound decisions about the management of our marine environment, particularly where socio-economic criteria are to be used in decision-making.

### Specific Comments

We strongly agree with the partial RIA that in all sections option 1 'no change' is no longer valid.

*Marine Planning:* We strongly support Option 2. We believe that the further potential option of a non-statutory planning system would not work and agree that such a system would have fewer benefits than a statutory system.

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<sup>1</sup> See [www.environment.gov.au/coasts/oceans-policy/publications/policy-v1.html](http://www.environment.gov.au/coasts/oceans-policy/publications/policy-v1.html)

*Licensing and enforcement:* We support Option 3 as laid out in the partial RIA, but would refer you to our answer to Question 18 in *Sustainable Seas for All: a consultation on Scotland's first Marine Bill*, where we stated that our main concern is that any licensing decisions are made in accordance with the marine plan and contribute to good environmental status. This would clearly involve assessing cumulative effects in the licensing process. We support both Sub-option A and Sub-option B.

*Marine Nature Conservation:* We are concerned that the first mention that “*the ecosystem services that marine biodiversity delivers to society also underpin economic activity and social well-being*” is in paragraph 49. As stated above, this is a fundamental point and should be given far higher recognition in this document. We strongly support Option 3 and agree with the partial RIA that Option 2 (existing/voluntary measures) would incur high costs but with little guarantee of benefits.

*Science and Data:* We agree that a marine science strategy would be helpful to allow stakeholders to help guide the scale and direction of marine science in Scotland. We would look forward to contributing to the development of such a strategy, particularly since LINK member bodies already gather important scientific data on marine species and habitat distribution and marine litter.

*Marine Management Arrangements:* We support Option 2 and do not believe that Option 1 has any value. We believe that Marine Scotland should not form part of Scottish Government as we believe that under such a scenario appropriate safeguards would not exist for an appeals process. The partial RIA recognises that arrangements would need to be devised to ensure appropriate independence and robustness of certain functions (science, appeals and enforcement activity). It is unclear however, both from the partial RIA and the Scottish Marine Bill Consultation, what such arrangements would be and therefore we favour the status of Marine Scotland as a NDPB.

*Enforcement, Sanctions and Monitoring:*

*Marine nature conservation:* We would refer you to our answers to Questions 49, 53 and 54 in ‘Sustainable Seas for All’. We support the creation of Marine Scotland with integrated responsibility for the stewardship of Scotland’s seas, including planning, licensing, compliance monitoring, enforcement, science and data and as the competent authority for implementation of the Marine Strategy Framework Directive. We however also strongly believe that SNH must remain independent in providing its statutory advisory and wider natural heritage ‘promotional’ roles. Marine Scotland should have a duty to have regard to this advice from SNH.

Scottish Environment LINK Marine Task Force  
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**For further information please contact.**

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