

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

Marine (Scotland) Bill

Stage 3 debate

Summary

- Scotland's seas have long suffered from a lack of strategic management of human impacts, with a fragmented system governed by over 50 pieces of legislation and a plethora of management bodies. Progress has already been made by setting up Marine Scotland. It is now imperative that the system is modernised and streamlined, and that the future health of the marine environment is a priority.
- The Marine (Scotland) Bill includes the introduction of a much-needed system of marine spatial planning, a streamlined licensing system, and the establishment of a network of marine protected areas (MPAs). This is extremely welcome.
- The Bill has improved considerably at stage 2, but a number of issues remain to be addressed through stage 3 amendments.
- Key amendments that would improve the Bill at stage 3 include i) introducing a general duty to consider the health of our seas as a primary objective in all our activity in the marine environment, ii) clearly linking marine management and marine protection provisions, by including Scottish Ministers' policies for protection and enhancement of MPAs within the area of the plan, and iii) clarifying the content of marine plans, by ensuring that they contain a programme of objectives. This provides greater certainty for all stakeholders.
- We also believe the long title of the Bill sets out the overarching functions of the Bill, and therefore should include reference to sustainable development of the marine environment.
- **LINK recommends that the Parliament should pass this Bill.**

Background

It is essential that this legislation ensures the future of some of our most precious wildlife and habitats, which have suffered from years of inadequate protection from human impacts. Central to this is the designation of a network of Marine Protected Areas, a system of marine planning, and the need to integrate environmental sustainability into all aspects of marine management. The new legislation *must* deliver for ecosystems that have been seriously damaged in the past. This Stage 3 debate is the culmination of a long process that began with years of campaigning by environmental NGOs, through consultation and policy development by the Advisory Group for Marine and Coastal Strategy (AGMACS) and the Sustainable Seas Task Force (SSTF), a Marine Inquiry by the relevant Scottish Parliament committee and the Scottish Government consultation resulting in this Bill. We welcome the Bill and urge further refinement through amendments at Stage 3.

Changes made at stage 2 of the Bill

We warmly welcomed a number of amendments made at Stage 2 which improve provisions for marine planning and protection. These included a duty to designate a network of marine protected areas and several associated amendments, a general duty on sustainable development and duties to produce a national marine plan which includes objectives.

Key amendments proposed at stage 3

Protection and enhancement of the marine environment

We remain concerned that the provisions in the Bill in relation to environmental recovery do not apply beyond the boundaries of Marine Protected Areas. We believe that a key outcome of the legislation must be a healthy, well functioning and biodiverse marine

environment. This would also improve the future prospects of many marine industries. The Rural Affairs & Environment Committee recognised this during its Stage 1 consideration of the Bill, recommending in its report 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.” Amendment 101 lodged by Peter Peacock would achieve this, and **LINK urges support of amendment 101.**

Members of the public have been e-mailing their MSPs in support of improving the health of Scotland’s seas outwith Marine Protected Areas. In recent weeks, 1,029 people have contacted their MSPs through 6,461 emails and letters.

In addition, amendment 102 lodged by Elaine Murray would ensure sufficient linkage between the marine planning process and the process of designating MPAs. We believe the Bill should ensure the three-pillar approach to nature conservation – species protection, site protection and wider seas measures. This approach was agreed by stakeholders during the AGMACS and SSTF process. We advocate the amendment of Section 3 (2) to include policies on the contribution of marine protected areas to the protection and enhancement of the area to which the plan applies. **LINK urges support for amendment 102.**

Content of marine plans

The marine planning provisions in the Bill are a vital component and it is therefore key that the Bill provides a clear direction and purpose for the marine planning system. As such, it is important that the Bill provides more detail of what will be required in marine plans. We note that during the RAE Committee’s first Stage 1 evidence session, there was a recognition that the bill was unclear on what marine plans will look like and what will be in them. We believe that stakeholders need the planning system to provide them with clarity and as much certainty as possible. We therefore believe that it is important that more detail on the content of marine plans is included on the face of the bill, as it was in the Water Environment and Water Services Act 2003 and the Flood Risk Management (Scotland) Act 2009. Amendment 6 lodged by Liam McArthur would require plans to include objectives, preparation of an assessment of the condition of the area and significant impacts on it, policies and a programme of measures to achieve objectives and a list of those responsible for implementing these. **LINK urges support of amendment 6.**

Recommendations

- We strongly urge members to support the following amendments – 5, 6, 17, 19, 32, 45, 46, 54, 55, 70, 71, 101 and 102.
- LINK also supports amendments 2, 23, 51, 53, 61, 63, 68, 72, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 103, 104, 105, 106, 113 and 118, 119, 120 and 121.
- We urge members to resist amendments 15, 107, 114, 115, 116 and 122.



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For further information about the Marine Bill and background briefings go to

www.scotlink.org and www.savescottishseas.org

LINK

Scottish Environment LINK’s Marine Task Force includes Hebridean Whale and Dolphin Trust, Marine Conservation Society, National Trust for Scotland, RSPB Scotland, Scottish Wildlife Trust, Whale and Dolphin Conservation Society and WWF Scotland.