



Response to the consultation on the Shetland Isles draft Regional Marine Plan

by the Scottish Environment LINK Marine Group

Date: December 2019

Introduction

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.

Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organizations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for the environment.

Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

LINK works mainly through groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits.

The LINK Marine Group vision is of healthy, well-managed seas, where wildlife and coastal communities flourish and ecosystems are protected, connected and thriving, and coastal communities are sustained.

LINK members welcome the opportunity to comment on this consultation.

Consultation questions

Context (Vision, Aims and Objectives, Approach, Plan Structure)

Does this section of the Plan provide appropriate and clear guidance on how the Plan will manage Shetland's marine resources?

Yes

If No, please outline the reasons why and the changes you are seeking

Policy Section A – Clean and Safe

Does this section of the Plan provide appropriate policies and clear justification on how the Plan will protect and manage Shetland's water resource?

Yes

If no, please set out the parts of the plan that should be changed, the reasons and the changes you are seeking.

Policy Section B – Healthy and Diverse

Does this section of the Plan provide appropriate policies and clear justification on how the Plan will manage Shetland's marine and coastal habitats, species, features and environment?

Yes

If no, please set out the parts of the plan that should be changed, the reasons and the changes you are seeking.

LINK members support the policies in the Healthy and Diverse section and support the policy framework by which developers must meet the requirements of the 'Healthy and Diverse' and 'Clean and Safe' policies before considering the Productive policies. This approach to prioritising the health of the marine environment should be considered as the minimum standard for any plan and that other Regional Marine Plans should be structured in the same or an equivalent way.

LINK members would like to urge caution under Policies MP MPA1, MPA2, MP MPA4, MP COAST1, MP COAST2, MP SPCON4, MP BIOD1, MP GEOD1 and MP VIS1 where there are caveats of being "no reasonable alternative", "no...less ecologically damaging location", "the benefit to the public outweighs the risk of damage to the environment and there are no alternative solutions", "the reasons for the development clearly outweigh the value of the feature by virtue of social or economic benefits of national importance" or similar, which must be judged very carefully and to the highest standard in order to avoid mis-application of the policies. Conservation measures should be informed by best available science, and it is not always appropriate or possible for biodiversity and ecosystem services to be traded off against social and economic considerations, particularly in the absence of effective means of estimating indirect and non-use values to marine biodiversity and the ecosystem services they support. Scotland's Marine Atlas recognised that the valuation of marine ecosystems goods and services is in its infancy (<https://www2.gov.scot/Resource/Doc/345830/0115121.pdf>) and a non-precautionary interpretation of over-riding public interest in the context of an inadequate assessment of the possible benefits of not disturbing natural heritage risks poor decision-making.

LINK members acknowledge the current global context of twin climate and biodiversity emergencies, which have been recognised by the Scottish Government. Recent publications (e.g. IPCC Ocean and Cryosphere 2019 report) have also highlighted the potential for the marine environment to contribute significantly to mitigating the impact of climate change, including the restoration and recovery of 'blue carbon' habitats (of which Scotland has significant reserves). Given the declaration of the climate emergency by the Scottish Government, LINK members consider that it should also be recognised within the SIRMP and some additional details on blue carbon habitats, their protection and recovery could be included within the text.

LINK members would be keen to see further details in the Plan as to how developers are encouraged to consider environmental protection and enhancement as part of their activity, including the restoration of Priority Marine Features and other seabed habitats. This could also be reflected in the Sustainability Appraisal (e.g. p69).

LINK members support the linkage of the SIRMP to the National Marine Plan's General Policy 9b (p42) and note the [recent update](#) to SNH advice on maerl, which makes clear that any damage to maerl should be considered as a significant impact on its national status. This should also be referenced in the Plan for clarity to developers.

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This advice also applies under the MPA (p44) and SPCON (p58) policies. Following on from this, LINK members are cautious about the use of the word 'minimise' in terms of potential impacts on the environment, as this implies a certain level of impact is acceptable (for example Policy MPA4). For example, in the context of the updated advice on maerl from SNH, any level of environmental impact is not acceptable.

Under the seal conservation section (p70), LINK members do not support the licencing of shooting seals for fish farms or for wild capture fisheries. LINK members consider it also important that the recent changes to the US Marine Mammal Protection Act, which prevents the import of harvested and farmed products from countries that issue seal shooting licences and is expected to be fully effective from 2022, are taken into consideration. It is the view of LINK members that non-lethal and non-disturbing (for non-target species, e.g. harbour porpoise) methods of deterring predators should be permitted under the Plan.

LINK members suggest that under policy BIOD1 (p78) mitigation could also be enabled by developers contributing to conservation finance schemes to support research, protection and enhancement of biodiversity, where appropriate. It would also be helpful to provide more detail on what is considered an 'acceptable level of impact' under this policy.

Policy MP REC1 (p94) should be caveated to state that opportunities for recreation will be maximised provided there is no impact on wildlife and codes of good practice for recreational activities taking place near wildlife are adhered to.

Policy Section C – Productive

Does this section of the Plan provide appropriate policies and clear justification to promote and sustainably manage the productivity of Shetland's marine and coastal environment?

Yes

If no, please set out the parts of the plan that should be changed, the reasons and the changes you are seeking.

Please set out any general comments, observations or additional changes you wish to see to the Plan, which are not covered by the other questions.

Strategic Environmental Assessment (SEA)

Please use this box to outline the part(s) of the SEA you are commenting on, the reasons and the changes you are seeking.

As previously mentioned, LINK members are cautious about referring to 'minimal adverse effects' (e.g. p29, p54), as this implies that some level of impact is acceptable, which will be relative depending on the development/circumstances. A 'minimal' impact on some habitats could be significant (see SNH updated advice on maerl national status).

In the context of a Global Climate Emergency, LINK members consider that developments should be expected to be emissions-neutral or negative (e.g. climate section p58, also policy CLIM1) and that this should also be an aspiration within the Plan.

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Under the Cultural Heritage it would be worth highlighting that some historic features (e.g. wrecks) can increase biodiversity and also provide de facto protection from damaging activities. This isn't reflected in table 5.3 (categorised as N/A).

Business and Regulatory Impact Assessment (BRIA)

Please tell us about any potential economic or regulatory impacts, either positive or negative, that you think any or all of the proposals in this consultation may have.

Equality Impact Assessment

The Equality Act 2010 provides the legal framework which protects the rights of individuals and advances equality and opportunity for all. The Act protects people from discrimination on the basis of the following nine protected characteristics: age, religion and belief, race, disability, gender, sexual orientation, gender reassignment, marriage and civil partnership, and pregnancy and maternity.

Do you believe that the Shetland Islands Regional Marine Plan discriminates disproportionately between persons with protected characteristics?

No

If you answered 'Yes' to the above question, please set out below why you consider that the Shetland Islands Regional Marine Plan is discriminatory?

This response was compiled on behalf of LINK Marine and is supported by: Fidra, Marine Conservation Society, National Trust for Scotland, RSPB Scotland, Scottish Wildlife Trust and Whale and Dolphin Conservation.

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