

RSPB Scotland

Marine Environment Inquiry

Written evidence to the Environment and Rural Development Committee, December 2006



Introduction

RSPB Scotland welcomes the opportunity to submit its views on the marine environment to the Environment and Rural Development Committee. Scotland's seas are extraordinary - they support internationally important numbers of marine species, including 45% of the EU's breeding seabirds. Our marine environment is inextricably linked to our cultural heritage - you are never far from the sea in Scotland - and wildlife watching and other marine industries bring great financial benefits to our coastal communities. Sustainable management of our seas and coasts is crucial if we are to continue to reap the rewards of healthy, productive and biologically diverse seas, and Scotland has international commitments to halt the loss of marine biodiversity and create marine protected areas by 2010.

For all these reasons, we were delighted to respond to the UK Government's consultation on a UK Marine Bill, and look forward to seeing the White Paper in the New Year. **We believe that to ensure comprehensive protection for all UK waters, the Scottish Executive should prepare its own tailor-made package of legislation to cover its devolved marine responsibilities.** We welcome the Ministerial Advisory Group on Marine and Coastal Strategy (AGMACS) (on which RSPB Scotland is a representative of Scottish Environment LINK) which must soon make recommendations on new legislation required to deliver effective marine protection. To fall behind in developing legislation for Scotland's precious marine resources could, in the long term, endanger many thousands of Scottish livelihoods, and new opportunities for tourism and leisure. **We believe that a Marine Act for Scotland should deliver:**

- **A statutory system of Marine Spatial Planning in Scotland fully integrated with other Marine Spatial Plans throughout the UK**
- **A lead decision-making body or Marine Management Organisation (MMO) to oversee strategic spatial planning in Scottish waters, and to coordinate with a UK MMO.**
- **Adequate protection for marine species, habitats and ecosystems of international and Scottish importance, including a network of well managed Nationally Important Marine Areas.**

Marine uses

Our seas support many thousands of jobs, a variety of industries, and global transportation. However, the pressures on this fragile marine environment continue to rise. We are increasingly exploiting the seas for industry and leisure - mariculture, pipelines, trawlers, tourist boats, marine renewable technologies, ports and shipping, dredging machinery, and coastal developments all vie for space. Yet there is no coherent strategy to ensure these

many uses do not conflict with one another and/or do not have adverse environmental impacts on the very resources they depend upon.

The Firth of Forth is one example of this. Its proximity to our capital city can make us forget it is the most important area for estuarine birds in Scotland and hosts internationally important numbers of waterfowl and breeding seabirds, which attract visitors from all over the world. The Firth of Forth has many international nature conservation designations, and yet this year alone the developments proposed for the area include: two massive developments of housing, offices, hotels and shops extending further the loss of intertidal habitat; and ship-to-ship transfer of oil which is likely to increase the overall risk of oil spillage in the Firth of Forth by a third, in an area where even a small spill could devastate wildlife havens and tourism (**see appendix**).

On the Atlantic side of the country, the Firth of Clyde has Ailsa Craig with its internationally revered gannet colony, the longest and deepest sealoch in Scotland (Loch Fyne) and important commercial fisheries for Scottish langoustine. However, the many uses of the Clyde include a power station, oil terminal, Scotland's four principle Atlantic-facing ports, mariculture, ferry routes, and of course tourism - Glasgow has the fastest rate of growth for foreign visitors of all UK tourist destinations.¹

In contrast to the well-developed terrestrial planning system in the UK, no overall framework exists for planning the use of the sea. Instead, there is an *ad hoc* sectoral approach to consenting of marine activities, involving different bodies and pieces of legislation, and managed by different authorities. This results in planning disputes, which stifle economic development, waste time and money, and put wildlife at risk. RSPB Scotland believes that to deliver a win-win solution to this problem, for people and wildlife, we must have a forward-looking decision-making framework – a spatial planning system for the sea.²

Marine Planning

Marine Spatial Planning can establish a coherent and integrated approach to the planning of activities at sea, which:

- a) Provides greater certainty about where and how developments should be allowed;
- b) Helps avoid and resolve planning disputes, thus speeding decision making and helping the economy; and
- c) Safeguards internationally and nationally important wildlife sites by putting the ecosystem at the heart of decision-making to ensure sustainable development.

Collective thinking on developing Marine Spatial Plans for Scotland has been assisted by the lessons of Defra's Review of Marine Nature Conservation and the Irish Sea Pilot Project, and most recently the Scottish Executive's Advisory Group on Marine and Coastal Strategy. At a recent workshop hosted by the Scottish Executive, there was widespread support from both the industrial and environmental sectors in Scotland for a three-tiered system of legally binding plans (national, regional and local), covering all human activities, with a

¹ Tangle of the Clyde, JMP 2005

² Marine Spatial Planning has been explored in depth in RSPB's reports on Marine Spatial Planning in Scotland and the Economic Benefits of Marine Spatial Planning, downloadable from <http://www.rspb.org.uk/policy/marine/legislation/planningsystem/index.asp>

lead decision-making body for Scotland to oversee plans and coordinate with a UK Marine Management Organisation. The outcome of this workshop was considered by the Ministerial AGMACS on 11 December 2006; the first four principles were endorsed and are likely to form part of AGMACS' final recommendations.³

Marine Spatial Planning does not replace the need for Marine Protected Areas, but the planning system can help ensure that important sites and their conservation objectives are protected from human developments and activities. Neither does Marine Spatial Planning duplicate Integrated Coastal Zone Management, which is the formal mechanism to provide the land/sea 'zip' between terrestrial and marine planning, and should benefit from the involvement of experienced, well-resourced coastal fora.

We note that the Scottish Sustainable Marine Environment Initiative pilots have been established in Shetland, the Clyde, St Abbs and now in Mull. RSPB Scotland believes these projects may bring benefits to local areas in terms of raising awareness of the issues involved in information gathering and stakeholder participation, but it is important to recognise that these are not 'piloting' a new system of binding plans. Marine planning is a management process which must be linked to regulatory processes to ensure the intended results are achieved. We were pleased to have assurances from the Scottish Executive that while any new legislation could be informed by the experience of the pilots as they progress, there is no need to delay action on developing marine spatial plans for Scotland. Further, it should be noted that AGMACS has endorsed the principle that Marine Spatial Planning should be a statutory process.

Marine Governance

With the Westminster government taking forward its White Paper on new marine legislation, it is recognised that there would be large gaps of UK seas left unprotected by any UK Marine Bill, both within 12nm of Scotland's coast, and for devolved activities out to 200nm. Effective management of the marine environment depends upon tailor-made Scottish legislation allowing integration and coordination of responsible authorities and strategies at both Scottish and UK levels. This will require identification of a Scottish decision-making body to co-ordinate and take a strategic overview of an overarching marine strategy, work with UK bodies on reserved issues, and ensure the active involvement of stakeholders at all levels.

This body would need to be responsible to a nominated Scottish Minister who would lead on, champion and co-ordinate marine affairs within Government. This body need not be a new 'quango', but could be drawn from existing Scottish Executive Departments or Agencies. Such a body could not be formed by administrative action alone as it would require new powers and functions as well, for example in relation to Marine Spatial Planning and Marine Protected Areas.

³ Minutes from this meeting will appear on www.scotland.gov.uk/Topics/Environment/Water/16440/AGMACS

Marine Protected Areas

Despite the Scottish Executive's WSSD⁴ and OSPAR⁵ commitments to halt the loss biodiversity and establish an ecologically coherent network of well managed marine protected sites by 2010 and 2012, there is currently no means to establish and care for sites of national importance. Such a network would help protect species and habitats of particular importance to Scotland, and would complement the network of European Marine Sites (SPAs and SACs) which only apply to a very limited list of marine species and habitats and, in any case, are not yet complete in Scottish waters. Iconic Scottish marine species and habitats which 'fall between the gaps' of current protection include black guillemots (or 'tysties'), and seagrass and flameshell beds. The Nature Conservation Workstream of AGMACS has recently recommended that this 'gap' be filled by a system of Nationally Important Marine Areas (NIMAs), identified on the basis of scientific criteria, and managed primarily by Marine Spatial Planning but with additional Ministerial powers to provide additional protection measures where necessary.

Conclusion

With an overarching framework of marine management in place, the Scottish Executive could protect and enhance the marine resources its communities rely upon, and ensure Scotland retains its world-class marine heritage for generations to come. Such a framework requires:

- **A statutory system of Marine Spatial Planning in Scotland**
- **A lead decision-making body or Marine Management Organisation**
- **Adequate protection for marine species, habitats and ecosystems of international and Scottish importance.**

We look forward to presenting oral evidence to the Committee as part of the Scottish Environment LINK network. If you require clarification on any of the issues raised in this submission, please contact:

Kara Brydson, Marine & Coastal Policy Officer
or **Julia Harrison, Parliamentary Officer**
RSPB Scotland, 25 Ravelston Terrace, Edinburgh EH4 3TP
Tel: 0131 311 6500 Fax: 0131 311 6569
Email: kara.brydson@rspb.org.uk or julia.harrison@rspb.org.uk
Registered Charity Number: 207076 – December 2006
RSPB Scotland is part of the RSPB, the UK-wide charity working to secure a healthy environment for birds and wildlife, helping to create a better world for us all.

⁴ A commitment under the 2002 World Summit on Sustainable Development (which was attended by the First Minister) is the establishment of marine protected areas including representative networks by 2012. See www.un.org/events/wssd

⁵ A commitment under the 1992 OSPAR Convention on the protection of the marine environment of the North East Atlantic is to establish an ecologically coherent network of well-managed marine protected areas by 2010. See www.ospar.org