



## Scotland's National Marine Plan – a pre-consultation draft

### Consultation response from the Scottish Wildlife Trust

The Scottish Wildlife Trust was founded in 1964 and has the purpose of advancing the conservation of Scotland's biodiversity for the benefit of present and future generations. We have a 25-year vision to re-establish a network of healthy and resilient ecosystems supporting expanding communities of native species across large areas of Scotland's land, water and seas. Membership stands at over 36,000 – several hundred of whom are involved in practical conservation work. We own or manage 122 reserves totalling 20,000 hectares, a significant proportion of which border on Scotland's coastline and provide protection to coastal and marine species.

The Scottish Wildlife Trust (SWT) is delighted to comment on Scotland's National Marine Plan (NMP) pre-consultation draft. These comments should be seen in conjunction with those of the Scottish Environment Link response, which SWT endorses.

#### Overarching comments

We appreciate consultation on the draft NMP at this early stage of its development. We believe that, while this is a useful first step, there are significant failures of vision, omissions and areas where further work is required. We would welcome sight of a further draft before consultation on the NMP itself in the summer.

In particular:

1. We would like Sustainable Development to be defined within the document according to the five principles of the UK Sustainable Development Strategy, and applied to each sector according to these principles. According to these principles '*living within environmental limits*' is a necessary precondition for a sustainable economy. In its absence a sustainable economy is not achievable. Any reference to '*economic growth*' in the document should therefore be clearly placed within the context of this definition of Sustainable Development. We would like to see a strong vision early on in the document based on this definition<sup>1</sup>.

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<sup>1</sup> Contrast, for example, the vision of Australia's 2004 South-east Regional Marine Plan which '*aims to provide for development that improves our quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends*'.  
<http://www.environment.gov.au/coasts/mbp/publications/south-east/pubs/sermp.pdf>

2. We would welcome a statement early in the document that the NMP will be a key tool for the achievement of Good Environmental Status under the Marine Strategy Framework Directive (MSFD), and would like to see GES objectives clearly incorporated into the objectives for each sector. This will assist the NMP itself to be effective in avoiding and mitigating pressures on the marine environment and in the achievement of good environmental status
3. In connection with the above comment we strongly support the Scottish Government statement in a previous consultation that, '*[MEOs] will be a mechanism for setting out what the management of Scotland's coasts and seas is aiming to achieve; outlining strategic goals for the marine environment, and translating the principles of an ecosystem-based approach into practice.*' It is clear from this statement that MEOs should underpin the entire marine planning process. We would like to see this commitment made clearly within the NMP and believe that the NMP should make reference to and endorse the conclusions of the SNH commissioned report *Scottish Marine Ecosystem Objectives*.
4. As a plan, the NMP will need to include a range of elements, including a natural resource audit, analysis of uses, conflicts and synergies, clear policy directions and a plan of action. We would like a clear policy direction which reflects and furthers Sustainable Development (as required by the Marine (Scotland) Act and defined above), identified for each sector. We would also like to see a time-bound Plan of Action in relation to each sector, (taking account of the cumulative and in-combination impacts of sectoral activities on the marine area), that will further Sustainable Development of the whole marine area.
5. We are very concerned that the NMP contains a '*presumption in favour of development*'. We believe that this should be removed, as it is not consistent with the principles of Sustainable Development and does not, therefore, meet the requirements of s 3 or 5(3) of the Marine (Scotland) Act.
6. We are concerned that the NMP does not make clear how cumulative or in-combination impacts of pressures will be assessed and addressed. We see this as a critical omission, as we see one of the main benefits of good marine planning to be the ability to identify and address such impacts.
7. We do not believe that coverage of climate change in the NMP meets the requirements of the Marine (Scotland) Act. We agree that climate change is likely to have a major impact on marine ecosystems, and that our renewable energy sector may help to mitigate global climate change. To round out the picture we would like to see full recognition given to the role of healthy natural marine habitats in climate change mitigation and adaptation, and discussion of the climate change implications of every sector. This should include full discussion of sectoral carbon footprints, both on and off-site. The NMP should state that sectoral activities, including the development of marine renewables, should not result in significant or irreversible damage to climate-sensitive or climate change-mitigating habitats and species.
8. We would like to see **enhancement or recovery** of Scotland's wider marine area emphasised throughout the NMP, rather than simply protection, and clear objectives for each sector in achieving this overarching commitment. This is in line

with the Act and is particularly important in light of the recent findings of *Scotland's Marine Atlas*.

9. We would like to see specific references to *Scotland's Marine Atlas* wherever relevant, particularly in the sections on sectoral environmental impacts.
10. We are concerned at the lack of integration between the NMP and other sectoral plans, for example the Offshore Wind Energy Plan. At present the NMP simply lists sectoral aspirations, some of which appear mutually incompatible. It needs to be made clearer how various plans will relate to each other and how conflicts between plans will be resolved.
11. At a practical level, the NMP needs more detailed guidance for planners and marine sectors. It needs to engage with the conflicts and synergies that will arise between sectors and plans and provide guidance on how such conflicts will be addressed where conflict avoidance or resolution is not possible. This should include which plans will take precedence and the process for conflict resolution.
12. We are concerned that there is no acknowledgement in the NMP that marine ecosystem goods and services provide a range of indirect benefits to society and the economy and, of course, have both a non-use and an intrinsic value. We would like to see development of a Natural Capital index, incorporating the concept of ecosystem health. In addition, the World Business Council approach to Corporate Ecosystem Valuation<sup>2</sup> (CEV) could helpfully be applied to Scotland's marine industries to allow full assessment of ecosystem impacts.
13. We would like to see reference to the Biodiversity Duty and Scottish Biodiversity List as well as to EU 2020 Biodiversity Strategy targets.
14. We are concerned that recommendations for fisheries management in relation to benthic damage are limited to '*unfished or lightly fished*' areas. We strongly believe that the main thrust of reversing benthic damage should be to allow existing impacted areas to recover.
15. We are concerned that the aquaculture section fails to address carbon footprint, feed sustainability or the implementation of parasite and disease control strategies, all of which are critical to the sustainable development of the industry.

### Detailed comments

**1.1** - We would like to see a rewording to read, as in the Act, '*The Act creates a new legislative and management framework for the marine environment to manage the competing demands of the use of the sea whilst protecting 'and, where appropriate enhancing the health of' the marine environment.*

**3.3** - The document states that, '*Integration of marine and terrestrial planning will be achieved through consistency between marine and terrestrial policy documents and*

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<sup>2</sup> World Business Council Guide to Corporate Ecosystem Valuation (CEV)  
<http://www.wbcsd.org/templates/TemplateWBCSD5/layout.asp?type=p&MenuId=MTc3Ng&doOpen=1&ClickMenu=LeftMenu>

*guidance.* We would like to see more detailed guidance within the NMP on how the NMP will expect to interact with land use planning, development authorized under other regimes and other planning systems, eg River Basin Planning.

**4.1** – We are concerned that the sectoral priorities or ‘challenges’ listed have not been subject to environmental assessment elsewhere, but are narrowly economically-focused industry aspirations. They cannot therefore be deemed to represent Sustainable Development (as defined by the UK Sustainability Strategy) and should be either heavily caveated or omitted in favour of sectoral priorities which have been assessed for their sustainability.

We would like to see reference to the EU 2020 Biodiversity Strategy targets (*Our life insurance, our natural capital: an EU Biodiversity Strategy to 2020*)

We recommend the addition of a new bullet under Marine Nature Conservation ‘*To improve evidence base for ecosystem health*’.

**5.4** – We would like to see much more specific reference made to *Scotland’s Marine Atlas* findings throughout this section.

**5.8** – We believe that the cumulative or in-combination effects of pressures must be taken into account both in the NMP and in the Atlas. The ability to address these effects is, after all, one of the main benefits of good marine planning, as cited in the UNESCO guide to marine spatial planning.

**5.13** – The NMP is one of the key tools to achieve GES. As such it must be designed with the express purpose of responding to pressures on the marine environment. This should be stated in this section.

**5.14** – The NMP states that, ‘*Global impacts are much more difficult to identify, measure and take action to mitigate.* While this may be true, Scotland’s drive for renewable energy development is clearly enjoying support as a local response to mitigating the global issue of climate change. Scotland’s marine area is, of course, an integral part of the world’s seas, its species are mobile, and protection and enhancement of Scotland’s biodiversity has global implications. We strongly believe that the NMP must take seriously its role in furthering the Sustainable Development of Scotland’s seas in a global as well as a local context. If it is important to begin to mitigate climate change through local action on biodiversity protection and renewable energy, it is equally important to take account in the NMP of the wider sustainability of other marine industries like fisheries or aquaculture, where international fisheries and the procurement of fish feed have global sustainability implications.

**6.7** – The NMP should make much clearer the inter-relationship between the WFD and the MSFD and how they will work together in a way that avoids omissions and gaps.

**7.1** - Any reference to ‘*economic growth*’ in the document should be clearly placed within the context of the five principles of the UK Sustainable Development Strategy.

**7.4** - We would like to see reference to the SNH report 341 on Marine Ecosystem Objectives. In particular we strongly support the Scottish Government statement that, ‘*These (MEOs) will be a mechanism for setting out what the management of Scotland’s coasts and seas is*

*aiming to achieve; outlining strategic goals for the marine environment, and translating the principles of an ecosystem-based approach into practice.* It is clear from this statement that MEOs should underpin the entire marine planning process. We would like to see this commitment made clearly within the NMP and believe that the NMP should make reference to and endorse the conclusions of the SNH report.

We would like to see the MSFD objectives for GES incorporated into and underpinning the objectives for each sector.

**Chapter 8** – We do not believe that this section meets the requirements of the s5(4)(a)(ii) of the Act, in relation to setting *‘objectives relating to the mitigation of, and adaptation to, climate change’* as part of the marine planning process.

We agree that the marine environment has an important role to play in the mitigation of and adaptation to climate change. The marine environment absorbs around 30-50% of our yearly CO<sub>2</sub> emissions, whilst releasing oxygen. As such, we would like to see clear objectives for climate change mitigation and adaptation developed and have these integrated into the NMP. We believe that these objectives must take full account of the important role of healthy natural marine habitats in climate change mitigation and adaptation. The NMP should therefore aim to reduce human pressures on climate-sensitive marine habitats and species to aid adaptation, and should ensure that sectoral activities, including renewables developments, do not cause significant or irreversible damage to marine ecosystems. We would also like the NMP to take account of the climate change implications of every sector, including full discussion of sectoral carbon footprints, both on and off-site.

**9.1** – We are very concerned that the NMP contains a *‘presumption in favour of development’* and believe that this must be removed if the NMP is to fulfil S3 of the Act in relation to furthering *‘the achievement of sustainable development, including the protection and, where appropriate, enhancement of the health of that area’*.

**9.14** – We welcome the approach here, but would like a slight rewording to, *Development must aim to avoid harm to marine ecology, biodiversity and geological conservation interests, including through location, mitigation and consideration of reasonable alternatives.’*

**Bullet 3** - We would like to see *‘where appropriate’* removed from the end of bullet 3.

We would like to see clearer wording to make explicit commitments to the protection and enhancement of the health of the wider marine area, making clear that marine nature conservation is not restricted to habitats and species that enjoy statutory protection.

**Bullet 4**, *‘where significant harm cannot be avoided then appropriate compensatory and mitigation measures should be sought’*, should be placed in the context of a transparent and accountable process for considering alternatives and assessing broader public interest.

**10.1** – We would like to see the scientific basis for the matrix and cross-reference to later discussion of areas of sectoral interaction, potential conflict and synergy. We note that land and seascape are not covered in the current matrix.

We would like to see reference to the new *EU Biodiversity Strategy*, where Action 14 is '*Eliminate adverse impacts on fish stocks, species, habitats and ecosystems*'.

We believe that the interaction of conservation and renewables development is likely to be medium-high, not medium, given the scale of proposed development.

## Chapter 12

**S1** – We would like the phrase that fish '*represents a sustainable and renewable food resource*' caveated to make clear that this is only possible where stocks are sustainably managed.

We are concerned at the connection made between global fish demand and the role of Scottish aquaculture in meeting that demand. This should be omitted. The aquaculture industry in its current state is not sustainable. In particular, the procurement of wild fish from national and international waters impacts negatively on wild stocks and has an additional carbon footprint.

**1.1 Fisheries**– We are concerned that the NMP appears to equate the achievement of MSY with sustainable exploitation. In fact there are many acknowledged weaknesses of MSY. We believe that MSY should be an intermediate target to achieving healthy abundance levels, and that the long-term objective should be to ensure levels of exploitation that restore and maintain populations of harvested stocks above levels which can produce MSY, no later than the 2015 WSSD deadline.

While we welcome the objectives, we would like clear reference made in the objectives to eliminating the impacts of fisheries on the wider marine environment, in line with the conclusions of *Scotland's Marine Atlas* and the new *EU Biodiversity Strategy*. We would also like to see an objective in relation to improving knowledge of fishing activity and its impact on the marine environment, again, one of the conclusions of the *Atlas*.

We welcome reference in the further text to the impacts of fisheries on the marine environment, and would suggest specific reference to the *Atlas* conclusions at this point.

We are concerned that recommendations for management of benthic damage are limited to '*unfished or lightly fished*' areas, and '*controlling current or future fishing activities there to help minimise damage to the seabed*'. We strongly believe that the main thrust of reversing benthic damage should be to allow existing impacted areas to recover.

We would like to see reference to the Scottish artisan shellfish fishery and the environmental impacts of the collection or harvesting of marine organisms.

We would like inclusion of the carbon footprint of fisheries in this section.

We would like it to be made clear that, within MPAs, activities which are likely to have an adverse impact will be avoided, or controlled to ensure that no adverse impact occurs.

**1.2 Wild Salmon and Freshwater Fisheries** – We would like to see a separate objective in relation to the management of interactions with aquaculture

We would like clear reference to the impact and management of mixed stock fisheries on marine mortality, and suggest re-instating the statement from a previous draft, to '*limit*

*impact of coastal mixed stock fisheries and encourage reduction in annual catches to help preserve stocks'.*

We would like to see a section on climate change and carbon footprint.

**1.3 Aquaculture** – We would like to see a specific objective relating to ensuring that the industry develops sustainably, within environmental limits, and that environmental impacts are minimised.

Reference should be made to key recent aquaculture policy documents and their conclusions, notably *A Fresh Start – Renewed Strategic Framework for Scottish Aquaculture*, and current locational guidance.

According to the document *Delivering Planning Reform for Aquaculture*, SNH was due to produce nature conservation sensitivity maps for aquaculture by April 2011. These should be produced as soon as possible and included within the NMP.

We are concerned that the issue of parasite and disease control has not been adequately addressed, and strongly urge that the NMP does not endorse expansion of the industry until national disease and parasite control strategies have been adopted and implemented.

Fish feed sustainability, widely acknowledged as a key obstacle to the sustainability of the aquaculture industry, must be included in the environmental impacts section.

We would like to see the inclusion of a climate change impacts in this section. This must include the carbon footprint of the industry, in particular the impact of fish feed production and transportation.

## **2. Energy**

**2.1 Oil and Gas** - We share concerns about the ability of the industry to deal with oil spills in the exposed and often current-driven waters in Scotland's offshore, and believe that deeper drilling brings increased risks. We would favour as swift as possible a transition to a low carbon economy.

Reference should be made to SNH guidance on addressing noise and acoustic impacts in relation to marine species.

As with the other topics, this section must include a discussion of climate change impacts and objectives.

**2.2 Carbon Capture and Storage** – While we support CCS as one way of reducing carbon in the atmosphere, it should not be used to support further oil development, which would clearly negate its benefits! It would be helpful to make the point in this section that artificial CCS must run in tandem with the protection and recovery of natural carbon sinks and the promotion of healthy marine ecosystems.

Reference should be made to the relevant section of the *Marine Atlas*, and there should be a section on climate change impacts.

**2.3 Renewables** – We believe that the conclusions of SWT’s Policy Futures 2 *Living Seas: towards sustainable marine renewable energy in Scotland*, are relevant to this section ([http://www.swt.org.uk/docs/002\\_\\_050\\_\\_publications\\_\\_Policy\\_Futures\\_Series\\_2\\_Living\\_Seas\\_\\_1292843703.pdf](http://www.swt.org.uk/docs/002__050__publications__Policy_Futures_Series_2_Living_Seas__1292843703.pdf)).

In relation to the NMP, we would like to see:

- Shared objective setting across energy/climate change and marine environment/planning sectors. There should be an objective in this section relating to the sustainable development of the industry and the need to minimize impacts on marine ecosystems, linking to relevant MEOs.
- Marine Ecosystem Objectives used to inform threshold-setting and adaptive management.
- A precautionary, phased approach to the scaling up of development, underpinned by excellent data and monitoring and avoiding important habitats, species and ecosystem functions.
- A sustainability appraisal carried out for larger-scale development plans.
- Design and location of development that benefits the environment where ecologically appropriate, and the fitting of the most appropriate technology to the most environmentally appropriate site.
- Resources allocated to fill data and research gaps, particularly in the area of priority marine features and features important to ecosystem integrity and function.
- Information on the location and requirements of priority marine features developed and fed into the marine planning process, and locational guidance taking account of internationally, nationally and, where appropriate, locally important biodiversity.
- Marine planning providing an effective mechanism for feeding project-level information back to regional and national level to enable prediction, assessment, review of cumulative and in-combination impacts.
- Renewables planning taking full account of the role of marine ecosystems in carbon storage and resilience to climate change effects.
- A strategic assessment of the full life-cycle carbon/climate change impact of planned marine renewables development as part of the NMP.

It should be made clear in the NMP that the National Renewables Infrastructure Plan is not an adopted development plan.

Under Environmental Impacts, more detail is required of the Scottish Government’s Deploy and Monitor policy to ensure that it meets the phased, precautionary approach outlined above.

Specific and accurate reference should be made to the conclusions of the *Marine Atlas* in respect of environmental impacts. Environmental impacts considered should include the impacts of grid infrastructure, power cables and displacement of species.

We are very concerned that the ‘Future’ section implies that all projects currently on the table will be consented. This implication is inappropriate, as it is not commensurate with a precautionary deploy and monitor approach and mitigation alone may not be sufficient to avoid significant environmental impacts.

**3 Tourism and Recreation** – The list of objectives should include specific reference to the sustainable development of the sector and the need to avoid or minimize environmental impacts.

While the sector can be developed sustainably, and marine environmental tourism can contribute to habitat and species conservation if properly managed, we are concerned that poorly managed recreation and tourism can have a negative impact on the marine environment. The role of the NMP must be to ensure that the siting and scale of development be well regulated, and, critically, that the cumulative impacts of many small developments or tourism operators is able to be kept under review and controlled where environmental impacts are feared. There are a range of good practice documents which could helpfully be referenced in this section, and compliance recommended.

Given the aspirations for the sea angling industry, there should be discussion as part of Spatial Constraints of the interaction between coastal fisheries and sea angling and greater clarity as to how improvements in sea angling revenue are likely to be achieved.

Reference should be made to the relevant sections of the *Marine Atlas*.

**4 Marine Transport** – We would like to see the basis for the statement that marine transport has a '*lower environmental cost per tonne compared to road transport*'.

In line with the role of the NMP in the achievement of GES, we would like a specific objective relating to the sector contributing to sustainable development and minimizing its environmental impacts.

Paragraph 4 on page 95, referring to the presumption of no development on existing shipping lanes, should be removed. Presumption of no development runs counter to the principles of Sustainable Development and the role of marine planning in achieving GES, on which the Marine (Scotland) Act is based.

**5 Telecommunications and cables** – We are concerned that the impacts of electromagnetic fields on certain marine species are not taken into account, and would like to see specific reference to the relevant wording in the *Marine Atlas*.

**6 Military activities** – We are pleased to see reserved matters included in Scotland's NMP, given that reserved activities are likely to affect Scotland's achievement of GES.

Specific reference should be made to the *Marine Atlas* and also to guidance on disturbance of European marine protected species, and to the need to align Scottish and UK guidance on this.

**7 Marine Environment** – We support the vision of the key challenges section. In accordance with the first bullet, marine conservation and ecosystem objectives must therefore be integrated into planning for each marine sector throughout the NMP.

Bullet 5 could helpfully be reworded to improve clarity, for example, '*To reduce the impacts of climate change on the marine environment by reducing human pressures on it and increasing its health and resilience, and to maximise the role of the marine environment in carbon storage by promoting its protection and recovery.*'

We suggest a key objective be added, *'To ensure Scottish waters contribute to an internationally ecologically coherent network, linking the waters of neighbouring countries and other parts of the UK.'*

We would like to see clear guidance on how to protect and recover Priority Marine Features integrated into the NMP.

**12.19** – In general, there needs to be more specific cross-referencing to other sectoral objectives and reference to these MNC objectives in the sections on other sectors to show how other sectors will help to meet the Conservation Objectives and how sectoral activity can be adapted to promote protection and recovery of the wider sea area. This is critical to the achievement of the first MNC Key Challenge (*To ensure marine nature conservation is integral to marine management and decision making and to promote sustainable use of marine resources*).

It is not clear from the NMP how the MPA network contributes to an ecologically coherent network *outwith* the European Union, as referred to in *A Strategy for Marine Nature Conservation in Scotland's Seas* p.15. Reference should be made in the NMP to neighbouring non-EU or other UK waters.

Under wider seas measures, after *'marine planning can contribute by'*, add an additional bullet, *'by taking into account cumulative and in-combination impacts when assessing impacts on marine ecosystems'*.

We support the specific changes to the wording of the objectives suggested in the Scottish Environmental LINK response.

7.1 Under *'The current situation'*, it would be helpful to refer to the EU Biodiversity Strategy, which aims to develop by 2012, *'an integrated framework for monitoring, assessing and reporting on progress on implementing the strategy'*.

Natura sites are addressed, but the draft does not refer to international Ramsar sites. This is an omission as Ramsar sites are one of four *'relevant conservation sites'* listed in Section 79 (4) of the Marine (Scotland) Act 2011.

We would like to see a paragraph on the biodiversity duty and including reference to the Scottish Biodiversity List, one of the criteria used to select Priority Marine Features. It should be made clear that the biodiversity duty will apply to all the habitats and species on the SBL.

It would be helpful to see a paragraph here on the identification of ecosystem services and the merits of valuing the marine environment not simply in financial terms, but through the development of a natural capital index, incorporating the concept of ecosystem health.

**MPAs** – It would be helpful to include the principles of ecological coherence as they appear in the MPA guidelines.

**Marine Planning and MNC** – While we welcome the inclusion of *'Priority Marine Features, areas used by wide ranging species such as cetaceans and areas described as least damaged/more natural'* as sensitive areas, we strongly believe that the definition of

sensitive areas should be flexible. For example it must be able to include impacted areas that are suitable for recovery.

**Spatial constraints** – The document states that *'Within MPAs there will be a presumption of use although specific activities within some sites may need to be restricted to protect designated features from damaging activities.'* We would like this to be reworded to read *'restricted to protect designated features from activities which, singly or in combination with other activities, are likely to have an adverse impact, or to promote the recovery of key features.'*

We suggest that Ramsar sites should be referred to in this paragraph.