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2 July 2004

Ian Walker
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Dear Mr Walker

**CONSULTATION ON DEVELOPING A STRATEGIC FRAMEWORK FOR
SCOTLAND'S MARINE ENVIRONMENT**

SCNP welcomes the opportunity to respond to the above consultation document which represents a valuable attempt to consolidate and make sense of a range of initiatives already affecting Scotland's marine environment. All of these initiatives have their part to play, but there is a sense that the central thrust of the move to a framework document doesn't adequately address the fundamental issue. In reality, it is coming into the middle of a process which needs more structural cohesion and thinking radical enough and comprehensive enough to effect the changes which are outlined in the Strategic Vision of Annexe 2.

Historically, we have treated the sea as a dustbin which has been big enough to accept and absorb gross pollution and deal with it physically and biologically. At the same time our technological advances in the catching sector of fisheries management have meant huge increases in fishing effort which in turn have put further pressure on fish stocks. Relatively recent moves to deeper water fisheries in order to diversify the range of species caught for human consumption have not released this pressure but merely exacerbated the problems of overfishing by choosing species which are slower growing and slower breeding. In other words this further diversification of fishing effort is a further example of the unsustainable nature of modern fisheries practice aided and abetted by Seafish as a government agency, who have supported the development in catching technology and, in part, the piloting of new fisheries.

Recent evidence of breeding failures amongst seabird populations, particularly in the Shetland Isles, demonstrates dramatically that the whole food web in our coastal environment is in a stressed condition. Executive action needs to be radical, not piecemeal. What is required is not just a pulling together of various independent initiatives, but a breaking of new ground. A comprehensive approach to environmental planning has already been demonstrated by the EU in its management of the Water Framework Directive. Despite some of the difficulties of translocation to a local level, it is this overarching approach which is needed for Scotland's marine environment – a staged progression to regain the natural productivity of our coastal waters as experienced in the post war years.

In response to the questions posed, the following comments are applicable:-

1. The need for a strategic vision is strongly endorsed but this one is weak in several respects.

a) The productive capacity of our seas has been declining in recent decades. While overfishing has been a major contributor there are other causative factors, not all of which we fully understand. As a country, we should make it a priority vision to regain a position of maximum biological productivity, recognising that an ecosystem approach is fundamental to this. This will mean much greater research effort than is presently applied by a combination of Government Fisheries Research Units, non-governmental bodies such as SAMS and academic institutions.

b) SE should compare and contrast the bold approach to conservation of marine resources as practised by the New Zealand government. After the Marine Reserves Act of 1971, their Department of Conservation established a system of 18 marine reserves, selected on the basis of representative types, with the intention of controlling human impacts. Subsequent studies have shown significant positive changes in fish and shellfish populations and the increase in biodiversity as a result of 'no-fishing zones'. Currently 7% of the country's seas are protected in this way and more reserves are planned because of the success of the scheme. The NZ government position is that a string of strategic sites is required to effect this protection of marine resources.

c) 'No-take boxes' for cod have already been instigated by the CFP and accepted with modification by Scotland's fishing industry. The Executive should be brave enough to develop the precautionary principle as part of its conservation approach to marine resources.

2. A major negative driver is the lack of scientific knowledge.

3. There is insufficient comprehensive protection for our best marine wildlife as evidenced by the seabird problem in the Shetland Isles. Seabird colonies are both a major indicator of the productivity of our coastal waters and also a cause for pride in our natural wildlife resources, representing as they do some of the best wildlife spectacles in the whole of the EU. We need a major effort to establish the mechanisms necessary for their better protection including marine reserves/national parks.

4. There is a need to develop goals and targets as with the Water Framework Directive. This can be done using Action Learning methodology, where broad goals encourage research and research informs actions and actions inform management leading to more refined goals and targets. There should be a goal, for instance, to establish a string of strategic representative areas of coast and seabed beyond the present SAC regime within, let's say, the timescale of 2015, when the WFD is fully in place.

There is a need to improve co-ordination and regulation. Since SEPA is already a regulatory authority covering freshwater and inshore waters and has a scientific background from its River Purification Board days, it would seem appropriate to give it a lead role in the management and implementation of this framework.

5. Sustainable development fundamentally depends upon sound monitoring of indicators and targets which have been established to maintain population levels of species for human or industrial consumption. Given that the intention is to deal with the marine environment on an ecosystem basis, it would be appropriate to consider indicator species at various trophic levels. In view of Climate Change implications for all of this, regard would need to be had for any physical or other environmental influences.

6. No Comment

7. Spatial planning is fundamental to a situation which is characterised by multiple use of a common resource. Within the farming sector, there should be a presumption in favour of separation of finfish and shellfish sectors. 'No-take zones' should be identified at a strategic level to allow protection of discrete populations of fish and shellfish species, which in turn allows for natural re-seeding of commercial fisheries. There should also be a presumption in favour of open sea or exposed sites for finfish farming to reduce organic loads in sea lochs. Areas with the greatest biological diversity should have complete protection from any human exploitation.

8. Yes. This should be both regional and local.

9. The stewardship/governance of Scotland's marine environment is complex. Harbour authorities, Crown Estate, SEPA, Fisheries Research, local authorities have responsibility for different and sometimes overlapping areas. What is missing is an overview of the environmental issues and the regulatory means to better control damaging event. Given the express need for a better understanding of the physical and biological processes at work in the marine environment there is an urgent need for a fully integrated research and information exchange network involving agencies, institutes, non-governmental bodies and universities. A prime task for this network would be to identify the gaps in knowledge and for the Executive to secure the necessary funding to take forward a series of protection programmes and measures. A single agency should have the responsibility for steering the Framework to a target date for implementation and completion. SEPA appears to be best qualified to take charge of this if given significant extra funds.

10. There is an opportunity to be bold and follow New Zealand's example by creating a series of marine and coastal reserves/national parks. Scotland has an indisputable claim to have some of the best marine wildlife in the world, most notably in its seabird colonies. Without the constraints over ownership which terrestrial situations present, there is a unique chance to create truly marine national parks whose prime purpose would be to safeguard their biodiversity. Large seabird colonies would make a good starting point in determining where some of these areas should be. As with New Zealand, former fishing grounds could offer a source of employment through wildlife and diving tourism. Coastal national parks could be designated on the basis of landscape, natural and cultural interest. Park authorities in coastal situations could provide the same services as existing NPAs, with special emphasis on marine conservation and recreation, while truly marine national parks or reserves could come under the umbrella protection of a government agency.

11. A national coastline park should have the planning powers of a Scottish National Park with additional powers to control navigation, harbours and moorings and aqua culture. It should have the same four purposes. Fishing, if allowed, should be restricted to creeling and other traditional-scale activity and the Park Authority should have powers to create no-take zones if these can be justified on conservation grounds. Partnership arrangements with the Crown Estate, SEPA, SNH and other relevant authorities should be contemplated to create local accountability. Coastal parks should have Boards consisting of local authority, community council and directly elected members together with Ministerial appointments with appropriate expertise, particularly in marine science. The boundaries of a coastal national park should extend sub-littorally to encompass the marine conservation interest, even to the 12 mile limit if that is relevant.

There is no experience of marine parks in Britain and, as such, SCNP is not aware of criteria having been considered or recommended. As a basis for discussion, therefore, we would suggest that the following might be a useful starting point for consideration:

- 1. The undersea area shall contain an outstanding diversity of marine flora and fauna, including rare or unique species, and geomorphology.*
- 2. The marine habitat and its processes shall be naturally stable and have the capacity to withstand a degree of human disturbance.*
- 3. The undersea area shall have some archaeological features, such as shipwrecks or drowned human settlements.*
- 4. The undersea area shall have existing, or potential for, informal underwater recreation of a nature and scale appropriate to the conservation of its character as a Marine National Park.*

There is, of course, a scenic overseas dimension relative to the presence of coastline, islands etc. If this is added to the undersea criteria, it would give a coastal bias to the selection process. This prompts us to think that perhaps there should be Coastal National Parks as well as Marine National Parks [e.g. out of sight of land]. This is clearly a subject of considerable

complexity, which requires further consideration.

12. The Strategic Framework should be taken forward by a Ministerially appointed Commission as per the Ramsay Commission, which contributed to the National Parks and Access to the Countryside Act (1949). There is a real opportunity to have a root and branch examination of all the issues and to produce primary legislation which will make a real difference to the good stewardship of our marine environment.

13. The Framework should take the same approach as the Water Framework Directive in that it should have phased programmes and targets over a period of years.

14. A review period of 5-7 years should be contemplated.

We hope these observations will be useful in achieving a way forward which will be sustainable in the long term.

Yours sincerely

Chairman