



SHORE THING

PHOTOGRAPHY: LAURIE CAMPBELL; M BROOK; MARINE CONSERVATION SOCIETY; SCOTTISH NATURAL HERITAGE; OPEN HYDRO; LUCY MOLLESON/WDCS; JOHN MUIR TRUST; GAVIN PARSONS

AFTER YEARS OF CAMPAIGNING BY CONSERVATIONISTS, NEW LEGISLATION HAS BEEN INTRODUCED TO PROTECT SCOTLAND'S MARINE BIODIVERSITY AND ESTABLISH AN EFFECTIVE PLANNING SYSTEM FOR OUR WATERS. IT COULD PROVE QUITE A BALANCING ACT, AS PETER RANSCOMBE REPORTS ►





D **LEAPING AND SPLASHING** as they ride the boat's bow wave, the dolphins draw gasps of delight from wildlife watchers enjoying a cruise through the Sound of Mull. It is a sense of wonder that is often repeated around Scotland's 6,800 miles (11,000 km) of coastline, with locals and visitors alike enthralled by vivid encounters with killer whales and harbour porpoises, black guillemots, grey seals, otters and more.

Our greatest natural resource of all, Scotland's coastal waters are home to nearly 50,000 species of plant and animal, from single-celled algae through to basking sharks – the second-largest fish on the planet. Our waters hold unique coldwater coral communities, 36% of the world population of grey seals, 24 species of cetacean (whales, dolphins and porpoises) and feed more than five million breeding seabirds. Such an abundance of life and habitat – recognised for its importance on a European level – has long led marine conservationists to demand greater protection for our seas.

Spurred on by the threat of ecological disasters such as over-fishing and industrial pollution – now sadly very much in the news again, this time in the Gulf of Mexico – more than 30 voluntary conservation organisations came together under the umbrella of the Scottish Environment LINK forum and campaigned tirelessly for a decade to bring about government action.

Their efforts were rewarded in March when the Marine (Scotland) Act was added to Holyrood statute books. This important legislation signalled politicians' commitment to establish a network of marine protected areas (MPAs) by 2012 and create a planning system that will govern future development of our seas – from fishing to the embryonic marine renewables industry.

Satisfying the demands of conservationists while also enabling the fishing industry to thrive and creating conditions for the development of a pioneering new industry

already placed on our seas. However, it is perhaps the push to develop Scotland's phenomenal resources of offshore wind, tidal and wave power that will most concentrate the minds of marine conservationists in years to come. The Scottish Government has set an ambitious target to supply half of the country's energy needs from renewable sources by 2020. If politicians are to meet their objectives, then wind, wave and tidal power will all play a key role.

The potential is certainly enormous: Scottish waters are thought to boast as much as a quarter of Europe's tidal and offshore wind resource and a tenth of the continent's potential wave capacity.

For now, offshore wind is the most mature marine renewables sector, but still lags behind that of onshore wind, while harnessing wave and tidal energy remains in its infancy. These are still early days in the development of an industry that may well prove to be entirely benign, but conservationists nonetheless fear that, if poorly sited, some of the devices being installed could result in significant problems for particular species, be it in terms of collision risk, displacement from feeding grounds or habitat degradation.

The Act lays the foundations for a marine planning system that will govern where developers can site marine renewable devices, while also setting aside areas for activities such as naval exercises and recreational uses. In its current form, the Act deals in broad brushstrokes rather than fine detail, but the anticipation is that the final planning system will be similar to that found on land, with areas zoned for different activities, plus a right of appeal.

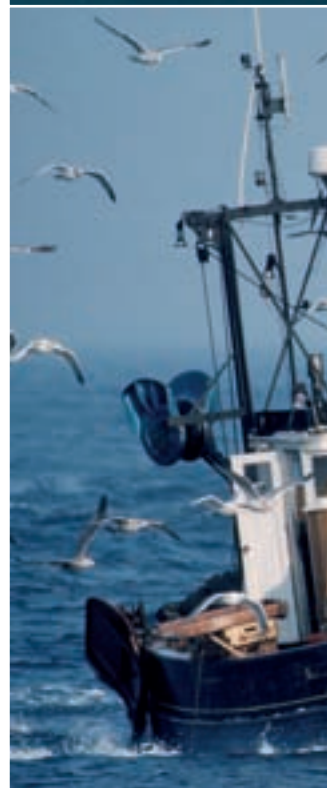
What is promising is that with all key interest groups having contributed to the consultation process prior to the creation of the Act, the legislation has received widespread praise – not just for specific measures but also for raising general awareness about the importance of our seas.

"We now have dedicated marine legislation and that in itself is a step forward and has helped put the focus on

the marine environment," comments Sarah Dolman, Head of Scottish Policy at the Whale and Dolphin Conservation Society (WDACS). "We have diverse and important marine habitats and species in Scotland and I don't think they're really appreciated to the extent that they should be."

Dolman will be one of many keeping a close eye on the progress of Marine Scotland – a new arm of the Scottish Government created specifically to look after our seas – as it works on secondary legislation that will fill in the finer detail. What is particularly crucial, she says, is that measures introduced under the Act dovetail with similar legislation introduced by the UK Government to protect the seas around England and Wales. "We will need a good level of communication between the UK and Scottish governments to make sure the planning system is effective. There must be consistency in approach."

The wheels of government turn slowly, however; the discussion paper that will drive a new Marine Policy Statement destined to be signed by the UK Government and the three devolved administrations was published earlier this year and a formal consultation begins in July. The final statement outlining how the administrations



Handle with care (clockwise from left): marine litter on a beach; common dolphins are a familiar site around Scottish coasts; grey seal; the fishing industry is keeping a close eye on the fine detail of the Act

Previous spread: Edible periwinkle

is of course no easy task. But, for many, the importance of the new legislation – and the way it is implemented – cannot be overstated. "This is our once-in-a-generation opportunity to get our seas back to health," believes Calum Duncan, Convenor of LINK's Marine Task Force and Scottish Conservation Manager at the Marine Conservation Society (MCS). "We've taken too much from the seas and dumped too much into the seas for far too long."

PRESSURE POINTS

Given the amount of rubbish floating around in our waters, continued oil and gas exploration and over-fishing, Duncan is all too aware of the environmental pressures



It will work together on marine protection is expected in spring 2011.

Meanwhile, Marine Scotland is working on its own national marine plan, again expected to be unveiled in the spring of 2011 following consultation. A series of regional plans will also be written to identify which areas can be developed and for what purposes.

Of course, conservation groups are not the only bodies that are closely monitoring the development of the planning system; those who earn a living from the seas are also keeping a weather eye on the new laws to see how the legislation will affect their livelihoods.

While welcoming the broad overall aims of the Act, Bertie Armstrong, Chief Executive of the Scottish Fishermen’s Federation, says “It is absolutely essential that fishing has a proper place in the marine planning process with the primary objectives of ensuring a profitable, sustainable industry that makes the best of a valuable and renewable resource off our coasts”.

Meanwhile, the marine renewables industry – potentially a major Scottish employer – has so far been encouraged by the passing of the Act. “There’s been a really positive response,” reports Johanna Yates, Policy Manager at Scottish Renewables, a trade body that represents nearly 300 companies involved in developing renewable energy resources. “One of the biggest obstacles to getting people to invest in an industry is not knowing what the planning framework will be. The Marine Act not only lays out what will happen with planning, but also how other stakeholders’ views will be taken into consideration.”

And things are certainly moving apace. Following bids from 20 companies for more than 40 sites, the Crown Estate – which owns the seabed out to the 12 nautical mile territorial limit – recently announced the names of successful bidders for what will be the world’s first commercial wave and tidal leasing round. The

developers have signed what are called ‘Agreements for Lease’ to refine their respective devices at 10 sites in the Pentland Firth and waters around Orkney. According to the Crown Estate, the 1.2GW of installed capacity proposed by the wave and tidal energy developers by 2020 will provide enough electricity to meet the needs of up to three quarters of a million homes.

These are exciting times for the marine renewables industry and Scotland has a genuine opportunity to be a world leader in its development. However, conservationists will perhaps shudder somewhat when First Minister Alex Salmond talks of Scottish waters being “the Saudi Arabia of marine power”.

CREATURE COMFORTS

Back at WDCS, Sarah Dolman is pleased that species such as marine mammals will receive protection through the marine planning system, but also believes the network of MPAs will be of equal importance. Under the terms of the Act, such areas can be designated to conserve particular biological or geological features, for research purposes or to protect historic sites such as shipwrecks.

Marine Scotland has published draft guidance on designating MPAs, with the network due to be launched by 2012. The draft guidance covers a host of important

“IT IS ESSENTIAL THAT FISHING HAS A PROPER PLACE IN THE PLANNING PROCESS”

Sea change (clockwise from below): Open Hydro is one of several companies testing tidal energy devices in Scottish waters; turnstones on the shoreline; common dolphins

marine habitats, from blue mussel beds and coral gardens, through to mudflats and kelp beds, but some conservation groups have expressed concern about particular species missing from the list. Among those marine mammals found in Scottish waters, only minke whales, Risso’s dolphins and white-beaked dolphins have so far been listed, and Dolman thinks other species must be afforded similar protection. “The oil and gas industry is expanding further offshore, but there is very little [corresponding] consideration of some of our offshore species,” she says.


Meanwhile, Rory Crawford, Marine Policy Officer at RSPB Scotland, is alarmed that even though many species





of seabird are protected by European Union (EU) directives none have been included in the draft guidance on designating MPAs. "Straightaway that was a concern for us," he says. "It is crucial that there are MPAs for seabirds. If we just rely on EU legislation to protect birds then only those that hit international thresholds of importance will be protected. It's not just about protecting what's rare, it's about protecting what's representative, too."

WDCS and RSPB Scotland are among the groups that will continue to work with Marine Scotland – along with Scottish Natural Heritage and the Joint Nature Conservancy Council, two bodies that advise the Scottish Government on environmental matters – to ensure all important species are sufficiently safeguarded.

Of course, Marine Scotland will also be pressed by a fishing industry that is equally adamant that their views be accommodated when designating such areas. "Sustainable fishing is by no means incompatible with the needs of the marine environment – the Scottish industry works every day to demonstrate that," says Bertie Armstrong. "It is vital that a sensible balance is achieved between 



D marine protection and ensuring that fishermen can continue to sustainably harvest a wonderful and renewable food resource.”

Johanna Yates at Scottish Renewables, meanwhile, hopes that common sense and a balanced approach will prevail. “Inevitably some areas will be so environmentally sensitive that development won’t be able to take place,” she accepts. “However, Scotland has a massive coastline and there is more than enough space for conservation, recreation and renewable development.”

With so many organisations and individuals relying on Scottish waters for employment and enjoyment, the Act must live up to its founding principles if all parties are to be satisfied. “It’s now about getting the actual implementation right, otherwise it’s just words on a page,” warns Crawford. “After all the years of campaigning, we need to make sure we keep plugging away. The next few years will be very telling when major new developments gather pace.”

It’s all about getting the basics right, agrees Calum

Duncan at MCS. “Our underlying tenet is that everything that comes from the seas that benefits us arises from having a healthy marine ecosystem. We need to use this groundbreaking piece of legislation to ensure we manage it in a way that recognises it is a finite resource.”

Understandably given the current financial climate there are concerns about the impact of government belt-tightening, both in terms of funding and actual speed of delivery. “We must get on with delivering MPAs as soon as possible,” stresses Jonathan Hughes, Conservation Director at the Scottish Wildlife Trust. “SNH and Marine Scotland need to be given the funds to ensure MPAs are in place within the next two or three years.”

Hughes feels there is a very real danger that inadequate budgets and bureaucratic foot-dragging could, in a worst case scenario, mean we might not see MPAs for a decade or more. “That,” he says, “would be bad for the health of Scotland’s marine ecosystems, bad for our maritime economy and bad for our coastal communities.” The fine detail of the Act could prove telling. ■

Water world: (clockwise from below): a feeding basking shark; thrift gives colour to a cliff edge; a John Muir Trust volunteer helps on a beach clean



FURTHER INFORMATION

The Marine (Scotland) Act has received Royal Assent but the 34 member bodies of Scottish Environment LINK are still working with Marine Scotland to hammer out secondary legislation, with details at: www.scotlink.org

MARINE SCOTLAND
www.scotland.gov.uk/marinescotland

MARINE CONSERVATION SOCIETY
www.yourseasyourvoice.com

WHALE AND DOLPHIN CONSERVATION SOCIETY
www.wdcs.org.uk

SCOTTISH RENEWABLES
www.scottishrenewables.com

WILD SCOTLAND
www.wild-scotland.co.uk

THE SCOTTISH FISHERMEN’S FEDERATION
www.sff.co.uk