

# Crunch Time For Scotland's Seas

## TURNING RHETORIC INTO REALITY



### MCS's Calum Duncan provides us with an update on marine protection in Scotland ...

SCOTLAND'S COOL waters boast a third of the global population of grey seal; almost half of all seabirds breeding in the EU; the world's most northerly bottlenose dolphin population; endangered leatherback turtles; UK basking shark hotspots; most of the UK maerl, seagrass and horse-mussel beds; magnificent sea lochs and even spectacular coldwater coral reefs.

As divers, we know these should be cherished, but commercial fishing, coastal development, oil and gas production, waste disposal and aquaculture all have an impact. Expansion and management of such activities over the years has developed in a manner best described as a 'guddle', threatening to damage the very ecosystems on which they depend.

With the UK Wildlife and Countryside Act 1981 (WCA), a network of 36 European marine Special Areas of Conservation (SACs) and the Nature Conservation (Scotland) Act 2004, surely there are laws enough to protect Scotland's marine life? Not so.

#### *Status Quo No Good!*

Only three Marine Reserves - Lundy, Skomer and Strangford Lough, have been established under the WCA. That there are none in Scotland is arguably of minor concern, since the legislation was unable to stop scallop dredgers trashing the horse-mussel beds in Strangford. The sea lough's designation as an SAC also made little difference.

Marine SACs are multiple-use areas where most activities, marine recreation to fishing, shipping to fish-farming, continue largely as normal, relying on voluntary measures to resolve conservation conflicts where they arise. This has happened successfully in many sites but tensions remain in others such as the Firth of Lorn. Emergency measures under the Common Fisheries policy offered protection to the coldwater corals on the Darwin Mounds, the UK's first candidate offshore SAC, but this is a stop-gap measure relying on EU intervention.

The Nature Conservation (Scotland) Act 2004 protects basking sharks and cetaceans against 'intentional and reckless' disturbance and harassment, and requires that a Marine Wildlife Watching Code be produced, but was never intended to comprehensively address marine conservation.

Some sector-specific legislation does limit human activity but marine conservation benefits remain secondary. For example the Inshore Fishing (Scotland) Act 1994 limits fishing activity in some areas, including year-round bans on mobile gear boats in the Gare Loch, Loch Roag and St Abbs & Eyemouth, but for stock and fishery management not habitat conservation reasons.

So, what is the solution?

#### *Getting Their Act Together*

Last year, MCS Scotland along with other environment groups stepped up the campaign for Scotland to get its act together, literally. To deliver a robust network of protected havens for fish and sealife and a system of marine spatial planning, we have been calling for a Marine (Scotland) Act.

The recent launch by Environment

Minister Ross Finnie of Scotland's Marine and Coastal Strategy, including a commitment to establish a Coastal and Marine National Park by 2008, was certainly a step in the right direction. To deliver the strategy aims, the Minister will chair an important new marine group to decide by the end of 2006 whether new legislation and marine spatial planning are needed.

Such welcome intent to manage our seas better has been somewhat left in the wake of Westminster government's commitment to a new UK Marine Bill. This will enact: "a better system for delivering sustainable development of the marine and coastal environment, addressing both the use and protection of our marine resources."

MCS and other groups are lobbying for the Bill to deliver a network of marine protected areas of the UK rather than European importance, including sites where no extraction, construction or development is allowed. However, since most matters within 12 nautical miles, including conservation, fisheries, aquaculture and renewable energy, are controlled by the Scottish Executive, a UK bill will not deliver comprehensively for Scottish waters.

#### *Actions Speak Louder Than Words*

Scotland has a world-class marine environment. To reflect this, MCS will push with other environment groups for the proposed Coastal and Marine National Park to include protection for natural heritage. More critically, environment colleagues invited on to Ross Finnie's new group will amplify the call for a Marine (Scotland) Act to solve the 'guddle', turn rhetoric into reality and, among other measures, deliver protected havens for sea life to flourish throughout Scottish waters.

# HAVE YOUR SAY!

● **Marine and Coastal Strategy**

[www.scotland.gov.uk/Publications/2005/08/26102543/25444](http://www.scotland.gov.uk/Publications/2005/08/26102543/25444)

● **Coastal and Marine National Park**

[www.snh.org.uk/strategy/sr-adnp01.asp](http://www.snh.org.uk/strategy/sr-adnp01.asp)

● **Marine Wildlife Watching Code**

[www.marinecode.org/](http://www.marinecode.org/)

● **Scottish Environment LINK**

[www.scotlink.org/About\\_LINK/work\\_areas.php#marine](http://www.scotlink.org/About_LINK/work_areas.php#marine)

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*Images*

*Overpage: new law needed to protect sealife (Peter Richardson)*

*This page top: basking shark (Andy Colls) & above: coldwater coral reef off Mingulay (J Murray Roberts)*



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