

Submitted to National Marine Plan 2 Planning Position Statement
Submitted on 2025-02-07 14:54:17

High level objectives

1 Do you agree with the updated wording for the high-level objectives (HLOs) and the focus they set out for policies in the National Marine Plan 2 (NMP2)?

No

Please state which high-level objectives (HLOs) you are referring to in your response. :

Mitigate and adapt to the impacts of climate change in Scotland's seas.

We are broadly content with this HLO, but we would prefer stronger recognition of the role of nature in supporting climate resilience and adaptation. As we state later in our response, we also believe that a source to sea approach is necessary. Many of the pressures on the coastal environment have their origins on land, and supporting projects which address these pressures should be considered as part of nature positive use and development. The wording in the Blue Economy Vision for Scotland makes specific reference to 'Scotland's marine, and inter-linked freshwater and coastal environments'. We believe that similar language could usefully be used in the first two HLOs.

Protect and enhance Scotland's marine nature to support functioning and resilient ecosystems.

We are broadly content with this HLO.

Support sustainable economic development and use of Scotland's seas.

The word 'economic' is not required here. The term sustainable development is well understood, is used in the Marine (Scotland) Act and throughout the early part of the consultation document, including reference to the UN Sustainable Development Goals. We are concerned about the message that this wording may give some stakeholders, and it could be interpreted to run contrary to the precautionary principle.

Enable safe and fair access to Scotland's coast and seas, whilst protecting and promoting valuable cultural assets.

Why only cultural assets? Will the terms 'safe' and 'fair' be defined, or will they be open to interpretation? Unless these terms are robustly defined, we are concerned that this language will facilitate constant arguments about what is or is not meant by this HLO.

Enable consistent and transparent decision-making to ensure sustainable use of Scotland's seas.

We are broadly content with this HLO.

2 Please add any additional comments on the high-level objectives (HLOs) in the space provided below.

Please give us your views:

The objectives above, if considered in isolation, could be considered to be in conflict with each other. It is the holistic application of all HLOs that is important and there should be an objective or overarching statement to reflect this. Historically we have seen the economic and social pillars take precedence over environment, which does not align with a development being sustainable – all three pillars must be met for that to be claimed. We believe true sustainable developments have to be prioritised at a time where the environment pillar currently faces a nature loss and climate crisis.

Whilst we recognise that prioritisation is considered later in the consultation document, it remains unclear as to how these objectives would be used and where primacy would be given. We believe there is a need for a clear statement which ties these HLOs together and provides guidance as to how they should be used and interpreted. We note that there is precedent for prioritisation in the context of sustainable development. For example, in 'Securing the Future – delivering UK sustainable development strategy'

(<https://assets.publishing.service.gov.uk/media/5a78a0eae5274a277e68e375/pb10589-securing-the-future-050307.pdf>), page 17 of the document makes clear that there is a hierarchy in the process. The document states: "We want to achieve our goals of living within environmental limits and a just society, and we will do it by means of a sustainable economy, good governance, and sound science." For NMP2, the goal should be to meet the first two HLOs, and meeting HLO 3-5 should be considered the means of meeting HLO 1 and 2.

Our economies, environments and societies are shifting constantly and developments which were considered sustainable at the point of consent, may subsequently be considered differently in a changing environment. NMP2 must have the ability to react to these changes, perhaps through a periodic holistic assessment of how granted developments have affected overall marine capacity and how well they have aligned with the plans objectives. This assessment may indicate that changes are required to the plan objectives. Such a review could take the form of an independent panel with expertise in sustainable development.

Climate change mitigation and adaptation

3 What are your views on the policy ideas proposed under the 'Climate Change Mitigation and Adaptation' section?

Please give us your views:

We support giving significant weight to the climate and nature crises and recognition of the need to tackle the climate and nature crises in tandem. In our view, this will require greater weight to be placed not just on protection of habitats with important functions in supporting resilience and mitigation to climate change, but also on habitats and species which are important in their own rights. Decarbonising our electricity infrastructure is important, but this

should not be at the expense of our vital marine biodiversity. We also need to ensure that the full range of Priority Marine Features are protected at a scale that is relevant to the needs of each feature. In the case of wild Atlantic salmon and sea trout, the current protections under GEN9 essentially offer no protection at all, as it only refers to a “significant impact on the national status of Priority Marine Features”. We expand on this point later in the consultation.

Finally, we believe that the fact that there was a need for a sectoral plan for offshore wind, represents a significant failure in the first National Marine Plan. We don't believe that sectoral plans should be necessary under a well-designed, holistic marine planning system. We also believe that sectoral approaches have exacerbated concerns from some sectors that they are being squeezed out. We believe that specific additional consideration is required to understand and manage cumulative effects of developments, and we don't believe that the sectoral approach is the best way of achieving this.

Nature

4 What are your views on the policy ideas proposed under the 'Nature' section of the Planning Position Statement (PPS)?

Please give us your views:

We support the key feedback detailed in section 5.2.1.

We believe that appropriate management for Marine Protected Areas which addresses all potentially damaging activities is urgently needed. Currently the MPA network is failing to deliver adequate marine protection. We therefore support a policy (with associated guidance) that preserves restoration and enhancement sites from wider activity that may have an adverse impact on the site.

As detailed above, we strongly support an updated policy for PMFs that sets out how to consider the relative sensitivity and locations of PMFs in decision-making, based on available data. We would urge the NMP2 policy team to engage with Scotland's Wild Salmon Strategy Delivery Group and Science and Evidence Board to develop suitable proposals for the marine phase of wild Atlantic salmon and sea trout. Such protections should be both spatial and temporal in nature.

We strongly support the proposal that NMP2 could also set out requirements for use and the design and siting of developments to demonstrate that they will, in order of preference: a) avoid, b) minimise, or c) mitigate adverse impacts on PMFs and the protected site.

We support the proposals on nature inclusive design.

We strongly support a requirement for nature positive use and development to support action on tackling the biodiversity crisis and that this should be in addition to the mitigation hierarchy. We believe that the focus of this should be marine nature enhancement outcomes.

In addition to the proposals set out in the consultation document, we believe that a 'source to sea' approach needs to be taken, particularly in relation to marine nature enhancement outcomes. Many of the pressures on the coastal environment have their origins on land, and supporting projects which address these pressures should be considered as part of nature positive use and development. This is particularly relevant for migratory species which utilise both the marine and freshwater environment.

5 Considering the definition of 'Nature Positive' below, what are your views on how this could be implemented by different sectors, types of development and use?

Please give us your views:

There is an important point missing in the statement above. Policy 3 in NPF4 states that “Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention.” We believe that there is an important principle here which should be reflected in NMP2. As detailed above, 'nature positive' should be in addition to the mitigation hierarchy (avoid, minimise, mitigate). We highlighted above the importance of a source to sea approach, both in terms of addressing pressures and supporting nature positive projects which would benefit migratory species. Decision makers (as opposed to developers) should identify possible impacts (including cumulative impacts) of specific developments and identify a range of possible nature positive outcomes, determined to be of suitable scale and impact. These should include, where relevant, outcomes which recognise a source to sea approach. The views of consultees and interested stakeholders should be sought during the consenting process. We do not believe that this should be a developer-led process.

Sustainable marine economy

6 What are your views on both the cross-sector, and sector-specific policy ideas proposed under the 'Sustainable Marine Economy' section?

Cross-sector:

We believe that one of the failings of the first National Marine Plan is that it sets out a series of sector-based policies, but failed to properly guide how the (sometimes divergent) needs of each sector would be managed, and articulate what Scotland's priorities for the marine environment are. NMP2 needs to take a more holistic view of the marine environment, set in the content of a more spatially-based plan. A first come, first served approach is no longer appropriate. We would not support a policy of prioritisation of existing use, unless that use of marine space is demonstrably the most sustainable for that given site.

As highlighted above we do not support sectoral planning, and we believe that a truly holistic planning approach would not require this. In addition, we believe that sectoral plans have actually exacerbated cross-sector issues within the plan.

We are concerned about the principle of strategic compensation, and we would like to discuss this further. We believe that a more holistic approach to planning, and co-existence/ co-location is a better approach than sectoral planning.

Sector-specific:

We agree that NMP2 should not include sector-specific objectives. The fact that these were necessary was, in our view, a failing of the first national marine plan. We support the proposal that policies in NMP2 on nature protection and nature positive, co-existence and engagement, application of the mitigation hierarchy, opportunity mapping and cumulative effects would apply across marine sectors.

We make the following comments with regard to aquaculture. Whilst we agree that working with SEPA is important, the current approach to sea lice only relates to wild salmon protection zones in the inshore environment. With the potential for more offshore developments, greater thought is required to ensure that such issues are properly addressed, particularly in relation to wild salmon migration routes. In common with NPF4, the current national marine plan includes a presumption against development of open net pen aquaculture on the north and east coast of Scotland. Whilst we support this policy, we were also alarmed to see some local authority planners interpret this as a presumption for development on the West Coast. This was never the policy intention and we believe that further clarity is required in the wording of this important policy in NMP2.

On fisheries, we are disappointed to see the statement that zonal planning for fisheries in NMP2 is not currently appropriate... It is our strongly held view that zonal or spatial planning for fisheries is crucial for the delivery of ecosystem-based management. We believe that NMP2 is the best place to deliver such spatial management of fisheries. We would emphasise that Scotland's Marine Atlas identifies two significant pressures on the Scottish marine area which are widespread:

- Human activity contributing to climate change
- Fishing, which impacts on the seabed and species

Whilst we recognise the importance of Scotland's fishing communities, we believe the lack of action to address the impact of commercial fisheries since the Marine Atlas was published is a significant failure. With that in mind, we believe that the section on fisheries is weak, and further work across this policy area is urgently required with appropriate policies to facilitate a just transition to more sustainable practices.

7 What are your views on the definitions being proposed for 'co-existence' and 'co-location' as set out below?

Please provide any alternative suggestions. :

No specific comments

8 Do you think the policies relating to the 'Management of Pressures' should be updated, retained or accompanied by clearer implementation guidance?

updated

Please include any suggestions and/or changes, stating which policy you are referring to.:

We believe that the policies should be updated AND accompanied by clearer guidance.

For INNS, we believe the wording should be stronger. Rather than 'taking opportunities to reduce the introduction' we believe that prevention of introduction AND management of INNS should be worded as a requirement of development.

We believe that there should be a clear articulation of the need for a source to sea approach to improve management of pressures, including water quality, marine litter, and pressure on diadromous fish.

We are strongly of the view that the policy on wild salmon and diadromous fish needs to be significantly strengthened, in parallel with the general policy on PMFs. In our view, the first National Marine Plan did not demonstrably improve protection for these important species. The Scottish Government recognises the wild salmon crisis and has published a Wild Salmon Strategy and associated Implementation Plan. In addition, in 2023 the IUCN reclassified wild Atlantic salmon in GB as endangered. As highlighted above, we would urge the NMP2 policy team to engage with Scotland's Wild Salmon Strategy Delivery Group and Science and Evidence Board to develop suitable proposals for the protection of wild salmon and diadromous fish. Such protections should be both spatial and temporal in nature.

Accessibility and Wellbeing

9 What are your views on the policy ideas proposed under the 'Accessibility and Wellbeing' section?

Accessibility and Wellbeing policy ideas:

No specific comments

Implementation

10 What are your views on the proposed policy ideas under the 'Implementation' section?

Implementation policy ideas:

We are strongly of the view that the guiding principles on the environment, as set out in the European Union (Continuity) (Scotland) Act 2021, should have a much higher profile, should be clearly stated and should actively guide evidence based decision-making. These are: the principle that protecting the environment should be integrated into the making of policies; the precautionary principle as it relates to the environment; the principle that preventative action should be taken to avert environmental damage; the principle that environmental damage should as a priority be rectified at source; and the principle that the polluter should pay.

11 If you agree that National Marine Plan 2 (NMP2) should include prioritisation:

which outcome do you prefer i.e. space for a specific use given priority, space for nature given priority?:

We agree that NMP2 should include prioritisation, and we consider that space for nature should be the priority. We also believe that the HLO's should be considered in the light of this prioritisation. As we stated in our answer to question 2, we believe there is a need for a clear statement which ties these HLOs together and provides guidance as to how they should be used and interpreted. We note that there is precedent for prioritisation in the context of sustainable development. For example, in 'Securing the Future – delivering UK sustainable development strategy' (<https://assets.publishing.service.gov.uk/media/5a78a0eae5274a277e68e375/pb10589-securing-the-future-050307.pdf>), page 17 of the document makes clear that there is a hierarchy in the process. The document states: "We want to achieve our goals of living within environmental limits and a just society, and we will do it by means of a sustainable economy, good governance, and sound science." For NMP2, the goal should be to meet the first two HLOs, and meeting HLO 3-5 should be considered the means of meeting HLO 1 and 2.

We believe that the second bullet in the consultation process is most closely aligned with this outcome - The relative weighting could be as a matter of judgment for individual decision-makers AND the NMP2 could set out the need to consider applications against the climate and nature policies first and then progress to consideration against the sustainable marine economies and wellbeing policies in NMP2.

Should additional outcomes also be considered?:

12 What are your views on policy ideas suggested in relation to 'Community Informed Decision-Making'?

Please give us your views:

We agree that there should be early and meaningful consultation with communities, but we also believe that this needs to be well-structured accessible. As a small organisation, we are at times overwhelmed with the number, size and complexity of developments which come to us for consideration.

We view the lack of progress in developing regional marine plans (and associated partnerships) as a major concern. Regional marine plans were always supposed to be an integral part of marine planning, and without these plans in place, it is hard to see how proper community engagement can take place.

Impacts of proposed policies

13 Do you think the policy ideas in the National Marine Plan 2 (NMP2) will impact, either positively or negatively on any of the following: Marine sectors/businesses, consenting authorities, local authorities or any other planning decision makers?

Please provide details.:

Whether the policy ideas prove to be positive or negative will depend on the options ultimately adopted, and the means by which subsequent decisions are taken. We believe that the consultation contains policy ideas that could lead to positive outcomes for the marine environment, but if short-term interests and prioritisation of existing uses take priority, we don't believe that NMP2 will result in meaningful change. Whilst we believe that some sectors will take a position that the policy ideas in the National Marine Plan 2 (NMP2) will impact their business in the short term, we believe that a longer term view is necessary. If we want clean, healthy, safe, productive and biologically diverse marine and coastal environments we cannot continue with the status quo. With that in mind, we are very supportive of a just transition, which supports relevant sectors in their transition to long-term sustainability.

About you

What is your name?

Name:
Alan Wells

Are you responding as an individual or an organisation?

Organisation

What organisation are you from?

Organisation:
Fisheries Management Scotland

Further information about your organisation's response

Please add any additional context:

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

Do you consent to Scottish Government contacting you again in relation to this consultation exercise?

Yes

What is your email address?

Email:
alan@fms.scot

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Please enter comments here.: