National Marine Plan Review 2021: Three Year Report on the effectiveness of Scotland's National Marine Plan

Comments from Fisheries Management Scotland

Fisheries Management Scotland is the representative body for the District Salmon Fishery Boards, the River Tweed Commission and the Rivers and Fisheries Trusts in Scotland. We work to promote and ensure the best, evidence-based fisheries management for the conservation of Scotland's wild salmon and native freshwater fish, and the protection, improvement and development of their fisheries and the environment on which they depend. District Salmon Fishery Boards have a statutory responsibility to protect and improve salmon and sea trout fisheries in their district. Rivers and Fisheries Trusts are independent charities with objectives extending to all fish species and the wider aquatic environment.

We welcome the opportunity to comment on the Report on the effectiveness of Scotland's National Marine Plan. Fisheries Management Scotland, and our predecessor, the Association of Salmon Fishery Boards, have taken a keen interest in the progress and implementation of the National Marine Plan since 2011, including as members of the Marine Strategy Forum.

We consider that the National Marine Plan is long overdue for review and therefore we agree that work should commence to replace the National Marine Plan. In 2010, when the Marine (Scotland) Bill was enacted, it was envisaged that a series of regional marine plans would sit under the national marine plan. This has not occurred. This means that decisions in the marine environment are not taken in a strategic, spatial manner, but rather are taken in an *ad hoc*, first-come-first-served basis. The National Marine Plan sets out a set of aspirational objectives for a range of users of the marine environment but does not provide an adequate understanding of how such objectives should interact or be prioritised. This narrative is crucial for the development of robust regional marine plans, which must provide coastal communities a meaningful opportunity to participate in such decision making. In addition, a number of objectives and policies included in the plan, simply translate sector growth ambitions, which were developed in isolation and were not assessed in relation to environmental carrying capacity or subject to strategic environmental assessment. Growth ambitions for aquaculture are a case in point. On that basis, assessing whether licensing decisions were taken in accordance with the plan would appear to us to be a fundamentally flawed means of assessing how well the plan has been functioning.

There are a number of areas where the context behind the existing chapters in the National Marine Plan has changed quite significantly since the plan was adopted. For example, in Chapter 8: Wild Salmon and Diadromous Fish, the only policy relating to wild fish, gets only 6 references in the consultation document, presumably all in relation to offshore wind. However, since the National Marine Plan was adopted, the numbers of wild salmon and sea trout returning to Scotland's rivers has declined drastically. It is now widely recognised that Scotland's salmon populations are approaching crisis point and Scottish Ministers have committed to develop a Wild Salmon Strategy. It is vital that this strategy, once completed, is reflected in the National Marine Plan and that more is

done to protect wild salmon and diadromous fish from human activities, including offshore energy, commercial fishing which impacts the seabed and finfish aquaculture. In the case of offshore energy, which has a very high profile in the consultation document, it is important to recognise and address the significant information gaps which exist in relation to diadromous fish[1].

In the case of finfish aquaculture, the (flawed) growth targets identified in the objectives of chapter 7 are already out of date. Of greater importance is the wider recognition that Scotland's planning and regulatory system is not fit-for-purpose. This was the conclusion of two inquiries in the last term of the Scottish Parliament. In particular, the lack of a suitable regulatory framework for managing potential impacts on wild fish was recognised and resulted in the formation of the Salmon Interactions Working Group in 2019. The need for this work, and the remaining significant gap in the regulatory regime is in direct contradiction to marine planning policy AQUACULTURE 7: "Operators and regulators should **continue to** utilise a risk-based approach to the location of fish farms and potential impacts on wild fish" (our emphasis).

At the time of writing, the North Atlantic Salmon Conservation Organisation (NASCO) is convening its annual meeting. NASCO is an international organisation, established by the UN Convention for the Conservation of Salmon in the North Atlantic Ocean. Last week, a theme-based special session on aquaculture[2] was held, in recognition that scientific evidence increasingly confirms a range of impacts from the farmed salmon industry on wild salmon stocks. In 2009, in response to improved scientific understanding, NASCO and the International Salmon Farmers' Association (ISFA) adopted joint guidance, 'Guidance on Best Management Practices to address impacts of sea lice and escaped farmed salmon on wild salmon stocks', SLG(09)5, which established the following international goals:

- 100% of farms to have effective sea lice management such that there is no increase in sea lice loads or lice-induced mortality of wild salmonids attributable to the farms; and
- 100% farmed fish to be retained in all production facilities.

The overarching objective for the TBS theme-based special session is to stimulate urgent action to implement further measures to protect wild salmon from the impacts of salmon farming, and to ensure demonstrable progress by Parties / jurisdictions towards achievement of the international goals for sea lice and escaped farmed salmon. An amended National Marine Plan has an important role to play in ensuring that Scotland meets our Interactional Commitments to NASCO.

There is currently a continuing presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species, as set out in AQUACULTURE 2. We welcome this broad approach, but we are also concerned that this statement is interpreted by some planning authorities as a presumption ***for*** development in all other areas. This issue needs to be properly clarified to make clear that ***all*** development should be sustainable and within environmental limits. This is of particular importance given that the Scottish Government has assessed many of the salmon rivers in the 'aquaculture zone' as being below their conservation limits.

We do not support the references to 'sustainable growth' of aquaculture. The development of the aquaculture industry should be based on the principles of sustainable development – this should be

[1] https://www.gov.scot/publications/streamlined-scotmer-evidence-map/
[2] https://nasco.int/wp-content/uploads/2021/05/CNL2157_Programme-for-the-2021-Theme-based-Special-Session.pdf

the context for any growth of the industry. In our view the planning system has failed to ensure the sustainability of finfish aquaculture in Scotland. It is crucial that the Scottish Government sets out its plan for the use of the marine environment in an integrated spatial manner, taking into account the needs of all sectors and the wider environment.

Scotland's Marine Atlas identifies two significant pressures on the Scottish marine area which are widespread: human activity contributing to climate change; and fishing, which impacts on the seabed and species. On that basis, we are strongly of the view that commercial fishing, particularly inshore fishing using gear which damages the seabed are managed within a robust spatial system, which seeks to protect important seabed habitats from these damaging activities. These inshore areas should provide vital habitats which many species, including the marine phase of sea trout rely on. At the very least, marine protected areas designated for such habitats should be fully protected from mobile fishing gear.

We agree that climate change is the most critical factor affecting Scotland's marine environment, including wild salmon and diadromous fish. Whilst we recognise that renewable energy has an important role to play in meeting our net-zero targets, it is important that such developments are taken forward within environmental limits and with minimal impact on marine biodiversity. A healthy, well-functioning marine environment is better able to withstand the impacts of climate change. The current National Marine Plan, and wider marine environmental policies are not sufficient to provide this resilience. A meaningful network of Marine Protected Areas, in which damaging activities are not permitted, is a crucial, and as yet unrealised step towards developing such resilience.