

**National Oceanography Centre, Southampton  
Response to ‘Sustainable Seas for All – A consultation on Scotland’s first  
marine bill’. October 2008**

## **Introduction**

The National Oceanography Centre, Southampton, (hereafter NOCS) welcomes the opportunity to respond to this consultation. This response is on behalf of our organisation, a joint NERC-University of Southampton Centre that specialises in marine and earth science, see [www.noc.soton.ac.uk](http://www.noc.soton.ac.uk)

## **Comments**

NOCS welcomes the statement on page 4 of the consultation document that the Scottish Parliament has called on Scottish Ministers to work constructively with the UK Government and other administrations to ensure that an integrated and joined-up approach to new legislation and its implementation are achieved.

### **Q1. Do you agree that change is needed to the management and legislative framework for managing Scotland’s seas?**

1.1 Yes, due to the rapidly evolving need for marine spatial planning within a wider UK and EU context, and for the simplification of the regulatory regime.

### **Q2 For each of the following areas, do you agree that Scottish Ministers/Scottish Parliament should put in place a new legislative and management framework to deliver:**

*a) a new system of marine planning for the sustainable use of Scotland's seas;*

Yes

*b) improvements to marine nature conservation to safeguard and protect Scotland's marine assets;*

Yes – with observations and data to provide the evidence.

*c) a streamlined and modernised marine licensing and consents system;*

Yes

*d) better stewardship backed up by robust science and data; and*

Yes

*e) a new structure, Marine Scotland, to deliver sustainable seas for all?*

A management structure will be required.

### **Q3 What difference would these changes make to your area of interest?**

3.1 Evidence-based policy at all national scales requires high-quality data. Sustained observations by all of the UK marine laboratories and institutes are needed for fisheries, climate and a range of other studies on an international, UK, home nation and local basis. The National Oceanography Centre, Southampton, regularly works in Scottish waters and we would want to be able to continue to gather essential data from the area. The proposed structure should provide, for waters adjacent to Scotland, a regulatory framework within which the scientific community can continue to work.

### **Q4. Scottish Ministers believe there are strong practical reasons for further discussions with the UK Government on the allocation of responsibilities around the seas of Scotland.**

4.1 The issue of where boundaries in the waters adjacent to Scotland are placed has important constitutional implications in relation to the Devolution settlement. The National Oceanography Centre, Southampton, has no intention of commenting on such matters.

4.2 There are however a number of practical issues in developing a properly integrated, ecosystem-based approach to marine management which arise regardless of where the boundaries are set for administrative purposes, each with their own advantages and disadvantages.

4.3 Removal of the management boundary at 12 nautical miles adjacent to Scotland, so that Scottish offshore waters are not under the management of the proposed UK Marine Bill but are instead managed according to the provisions of the proposed Scottish Marine Bill would offer some advantages and some disadvantages –

- Advantages – The ability to exercise holistic management from coastline to deep offshore waters.
- Disadvantages – There would be a potential discontinuity between the management systems in use either side of the ‘line’ between Scottish and English administered waters.

4.4 There would be value in examining if there are precedents in the management of the offshore regions of the USA (Federal versus State) and mainland Europe (e.g. Spanish devolved regions).

4.5 Whichever system is used, the opportunity will arise to develop new management tools and systems that will be of wider benefit to the marine spatial planning community.

4.6 The European Marine Strategy Directive recognises that Member States will need to work together to develop a common vision and common objectives for Marine Regions that encompass the waters of Member States.

4.7 Cross-border marine spatial planning and management will require a high level of inter-operability and commonality of mapping systems, ideally across the whole of Europe.

**Q5 Do you agree with the overall 3-tier approach to marine planning in Scotland?**

5.1 Yes, but the order should be appropriate, i.e. international, then national, regional.

**Q8 Do you agree with the overall approach to planning at the international level beyond Scotland? Do you have any further suggestions or comments to add to the proposed approach, in particular on the UK high level objectives?**

8.1 This part of the document requires strengthening. All of the UK nations will need to work together to deliver the UK's international obligations as an EU Member State.

**Q9 Should Scottish Ministers use the Marine Planning system to deliver Scotland's obligations under the Marine Strategy Framework Directive?**

Yes.

**Q10. Do you agree with the overall approach and function for Scottish Marine Regions?**

10.1 Yes, but it is important that the approach is consistent with the rest of Europe.

**Q11 Do you agree that Scottish Marine Regions should be responsible for integrated coastal zone management?**

11.1 The whole of Scotland should have the policy, but implementation should be region by region.

**Q28. Please provide your views or comments on the application of Marine Ecosystem Objectives for marine nature conservation.**

28.1 It is important that account is taken of normal ecosystem variability. Also with changing climate and ocean acidity the 'normal' ecosystem of the future could be different to today, but still be healthy.

**Q30 Do you have any other suggestions for making improvements to Pillar I - wider seas measures?**

30.1 A more holistic view of ecosystems is advisable, looking at all spatial and time scales.

**Q38. Do you agree with the proposals for how sites will be managed, including the site by site based approach and the overall context of sustainable development?**

38.1 A site based approach is ideal, but would invoke a heavy administrative burden and be hard to police.

**Q39. Please provide us with your views on the role that a wider planning system should have in the identification of Marine Protected Areas.**

39.1 Scottish Ministers will need to have the power to introduce Conservation Orders and Marine Protected Areas. Experience has shown that decisions need to be taken quickly; otherwise delays can lead to valuable marine sites suffering extensive damage from activities such as trawling.

39.2 The chosen system will need to take into account the obligations that the UK has under the Common Fisheries Policy and access rights for UK, EU and foreign vessels.

**Q44. Do you agree that Scottish Ministers should develop a Marine Science Strategy to focus marine research effort, integrate socio-economic considerations, and to create a framework for wider stakeholder input?**

44.1 A Marine Science Strategy, preferably shared across the UK, is required to underpin the Scottish Marine Bill, and its UK counterpart. Science strategies are best coordinated and this is where the Marine Science Coordination Committee (currently being established to succeed the Inter Agency Committee on Marine

Science and Technology) can play the leading role. The strategy also needs to be seen in the context of the UK's status as an EU Member State.

44.2 A comprehensive seafloor survey will be required at an early stage, and resources are also required to ensure that the water column is monitored.

44.3 Scientific interest in Scottish waters extends to many Institutions who are not based in Scotland, and who are funded by a variety of different sources including UK, European and private sector money. If Scotland has control outside 12nm there will need to be a mechanism that ensures the engagement of the larger stakeholder community.

**Q45. Do you have views on how to integrate scientific evidence with stakeholder and local knowledge?**

45.1 As noted in 44.3 there are many marine stakeholders who operate from bases outside Scotland. In most cases they will be happy to engage in knowledge exchange activities but suitable fora will need to be in place, and the stakeholders will need to know that they exist, and that they are welcome to engage in them.

**Q46. What do you think are the potential priorities for further work?**

46.1 It would be premature to suggest large-scale studies before a Marine Science Strategy has been completed. However, we strongly support the efforts to collate current information and knowledge in a manner that makes it useful for management, but we also point out the need for Scottish Ministers to use the Scottish Marine Bill to guide the activities of other government bodies that support scientific research to ensure that their activities are aligned with the broader needs of government and stakeholders.

46.2 There is an urgent requirement for detailed, electronic, 4D mapping of the sea floor if evidence-based marine spatial planning is to take place.

46.3 Experience in Ireland has shown that the deeper offshore region is the quickest area to map in detail, due to the operational characteristics of marine survey technology. Carrying out a mapping exercise would yield results fairly quickly and provide essential underpinning data for marine spatial planning.

**Q47. Scottish Ministers propose that the strategic role for monitoring and assessment of Scotland's seas lies with Marine Scotland.**

47.1 Consideration must be given of the role of the wider UK Marine Monitoring and Assessment Strategy (UKMMAS) and, in the spirit of the June 2007

Aberdeen Declaration, the proposed European Marine Observation and Data Network (EMODNET).

47.2 Effort by Marine Scotland needs to be linked strongly with the parts of the marine science community that will lie outside Marine Scotland. In many instances this is where the bulk of the expertise, knowledge, technology and, in some sectors, data will lie.

**Q48. Scottish Ministers propose to instruct Marine Scotland to take forward to development of GIS as a matter of priority.**

48.1 Within a few years there will be a requirement for European seas to have online, electronic, 4D datasets that merge seamlessly at borders. It would be better to focus on the strategic issue rather than an individual technology.

48.2 We support the 'collect once, use many times' concept for marine data. However adequate budgets will be required in order to obtain usable, high quality information. Key providers of data such as the UK Met Office, Hydrographic Office and Ordnance Survey are not devolved, operate under the Trading Fund model and they will require payment.

48.3 The trading fund status and business model would appear to place barriers in the transfer of key data sets essential to underpin marine spatial planning. The Scottish Marine Bill will need concrete actions to overcome these barriers. It might mean a budget allocation to the UK and Scottish MMOs to procure and update the necessary data. If either MMO is itself constituted on a trading fund model, there could be implications if it were selling-on data already purchased from other trading funds.

48.4 The **Marine Environmental Data and Information Network (MEDIN)** is already funded by Defra, NERC, the Scottish Government and BERR. The focus of MEDIN's activities is to improve access to and management of UK marine environmental data and information for the benefit of the whole marine community.

**Q49 Scottish Ministers propose to develop Marine Scotland to champion the seas and their use and provide better integrated and streamlined delivery in the marine area. Do you agree?**

49.1 Yes – but needs to be integrated into the wider UK and EU situation.