

Sea Scotland 2017: Sustainable Development of Scotland's Seas Securing Progress in Uncertain Times 21st June, Discovery Point, Dundee

OVERVIEW

Recognising the uncertainty regarding management of marine resources following the UK's vote to leave the EU, the *Sea Scotland 2017* conference aimed to provide a platform for stakeholders to discuss the impacts on marine policy, and to explore mechanisms that could support progress towards sustainable use of Scotland's seas. The event was organised by a partnership of 5 organisations engaged in the fields of marine science, policy and planning. The event was well-received by approximately 100 delegates from a variety of marine sectors and interests, and secured the participation of local, national and international experts.

Key points from the day:

- The developing policy context around the UN Sustainable Development Goals (SDGs) provides additional impetus for measures across a broad range of societal and environmental objectives.
- OSPAR provides a clear vision, a legally binding framework, a balance between use and protection, a forum for cooperation and collaboration as well as a centre leading innovation, development and periodic assessments.
- Continued cooperation between the UK and ICES in all Brexit scenarios is likely as the UK will need to agree policy-relevant science with its neighbours.
- Impacts on funding for science, conservation, monitoring and compliance measures, regional marine planning, sectoral support and infrastructure, was a significant concern across stakeholder groups.
- Collaboration, effective communication and knowledge sharing will be essential to support sustainable development of Scotland's marine area across all sectors.
- During the transition to leave the EU, opportunities exist to review and adapt our approaches to marine management to ensure they are fit for purpose. Marine planning and other strategic approaches which are adaptive and participatory could be emphasised in new approaches.
- Post-EU it will be necessary to ensure that resources are redirected to support local economies, jobs and societies, and to encourage effective engagement of communities in marine planning.
- For some stakeholders, Brexit provides opportunities and potential sectoral benefits (i.e. devolution of fisheries management).
- Pursuing environmental enhancement and recovery wherever possible will be important to continue supporting our economy and society.
- Developing a 'vision' of what we want for Scotland could help guide what happens next.

BACKGROUND

The EU has provided Scotland with an array of legislative drivers for environmental and social regulations, including requirements to develop marine plans and sustainably use our seas and oceans. The outcome of the EU referendum has potential implications on all these policy areas. In addition to the on-going implementation of national legislation including the UK Marine Policy Statement¹ and

¹ <https://www.gov.uk/government/publications/uk-marine-policy-statement>

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the subsequent Marine (Scotland) Act 2010, Scotland remains committed to achieving sustainable development through international goals and targets, including the UN Sustainable Development Goals, OSPAR North East Atlantic Strategy, Convention of Biological Diversity and more.

Given the complex and uncertain implications for marine planning and management in Scotland, Sea Scotland 2017 enabled marine stakeholders to consider the implications of the EU referendum on policy, sectors and interests in the marine area, in the context of sustainable development. Building on the inaugural Sea Scotland conference in 2016, the conference provided a multi-interest forum for dialogue and knowledge-exchange.

What is Sea Scotland?

Scottish Environment LINK's Marine Group developed the initial concept of *Sea Scotland* and a number of Scottish organisations with marine interests came together to form a steering group to drive the project, with an inaugural conference held on 15th-16th June 2016. The conference series aims to bring together key actors and facilitate debate on critical issues facing the marine environment in Scotland and to bring about progressive marine policy and management. The steering group members for Sea Scotland 2017 were the Marine Alliance for Science and Technology in Scotland (MASTS), Scottish Environment LINK and their Marine Group members, Scottish Natural Heritage (SNH), and the Universities of Aberdeen and Edinburgh.

CONFERENCE SUMMARY

This summary captures a one-day programme of presentations, roundtable discussions and workshops at *Sea Scotland 2017* about the implications of the EU referendum on environmental policy in Scotland's marine area, which took place on the 21st June 2017 in Dundee, Scotland. The presentations and the full delegate pack containing speaker biographies and a list of attendees are available to download on the conference [website](#). Complete notes from the workshop and roundtable discussion sessions can be made available on request.

SPEAKER SESSIONS

Greg Lloyd, Professor Emeritus from Ulster University, chaired the speaker sessions.

Keynote speaker Roseanna Cunningham, (Cabinet Secretary for the Environment, Climate Change and Land Reform) spoke on the work of Scottish Government to protect and enhance Scotland's marine area, re-affirming the commitment not to roll back existing environmental protections afforded by EU legislation as a result of Brexit. Ms Cunningham pointed to the recent designation of the Loch Carron Emergency Marine Protected Area (MPA) to support recovery of flame shell beds as a case in point, heralding the vital role of stakeholders and citizen science in marine conservation and management. The Cabinet secretary took the opportunity to announce the launch of Scottish Government's strategy for monitoring Scotland's MPA Network that will seek to involve the fishing industry and local communities in data collection. There was also a reference to an updated publication of the Scottish Marine Wildlife Watching code, and an announcement that Orkney will be the next Scottish Mariner Region to form a statutory marine planning partnership. Ms Cunningham urged all stakeholders to take an active role in marine planning to support the sustainable development of Scotland's marine area. Ms. Cunningham's speech is available [here](#).

Keynote Speaker Susan Davies (Director of Conservation, Scottish Wildlife Trust) focussed on Scotland's activities in relation to the UN Sustainable Development Goals (SDGs), noting that the Scottish Government was one of the first nations to sign up to the SDGs. Susan's talk gave particular emphasis to achieving SDG14: Conserve and sustainably use the oceans, seas and marine resources

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for sustainable development. Susan highlighted the Scottish Government's desire to lead on environmental issues, from actions to reduce our carbon footprint and lead renewable energy development, to establishing the MPA network. In a post-Brexit world, the SDGs provide a framework with a set of realistic targets that can form the foundations of a sustainable and progressive Scotland.

While Scotland is making great progress in certain areas, Susan pointed out that there are others that still require attention. These were summarised with six policy recommendations from the Scottish Wildlife Trust for achieving improved progress towards SDG 14 in Scotland:

1. New robust regulatory framework for aquaculture
2. Urgent implementation of Regional Marine Planning underpinned by ecosystem-based management
3. Introduce a deposit return scheme for plastic bottles
4. Cross party long term commitment to using science-led '*below* Maximum Sustainable Yield' approach to offshore fisheries – regardless of political developments
5. Complete and ensure proper enforcement of MPAs
6. Oil and gas decommissioning – national Marine Stewardship Fund

The second session broadened the discussion to consider useful frameworks that exist outside the EU, notably OSPAR and ICES, and how these can be used to help Scotland achieve national and international commitments to sustainable development.

Professor **Colin Moffat** (Head of Science, Marine Scotland Science) kicked off the session with an overview of OSPAR as a regional mechanism for safeguarding the marine environment across the North-East Atlantic region. Scotland, as a signatory via the United Kingdom, will remain subject to OSPAR regulations, such as the North-East Atlantic Strategy, which closely aligns with existing EU regulations. Achieving Good Environmental Status (GES) through the EU Marine Strategy Framework Directive (MSFD), for example, is comparable to achieving the targets set out in OSPAR'S North-East Atlantic Strategy. Colin provoked thought by drawing parallels between OSPAR North-East Atlantic Strategy, the MSFD, and Scottish Government's Vision for the marine environment, all of which aim for 'sustainable', 'biologically diverse', 'healthy' and 'clean' seas. Colin concluded that OSPAR provides a clear vision, legally binding framework, a balance between use and protection, and a forum for cooperation and collaboration, as well as leading scientific innovation, development and periodic assessments. The OSPAR Intermediate Assessment, published shortly after the conference is available [here](#).

Mark Tasker (Advisory Committee Vice-Chair, ICES) followed with an overview of the International Council for the Seas (ICES) that has remained at the forefront of international marine science since its foundation in 1901. In recent years, ICES has assumed a leading role on providing independent, evidence based scientific advice on environmental issues and fisheries management, and a platform for cooperation in marine science. ICES aims to provide a concise, up-to-date, evidence-based overview of each of the ICES ecoregions. Mark noted that this assessment includes human activities and the impacts of these on the marine environment. He added that engagement with Scottish institutions primarily occurs through Marine Scotland Science, though other Scottish organisations such as SAMS, SMRU and JNCC also work closely with ICES. Mark anticipated continued cooperation between the UK and ICES, concluding that in all Brexit scenarios, the UK will still need to agree policy-relevant science with its neighbours.

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ROUNDTABLE DISCUSSIONS

These sessions aimed to facilitate constructive dialogue among Scotland's marine stakeholder community to consider the emerging challenges and risks against the backdrop of exiting commitments that will continue outside EU membership.

Roundtable discussions were split into three parallel groups addressing the sectoral themes below;

FOOD - *Interests related to producing food from the marine area, including fishing, aquaculture, processing sector and retailers.* Chaired by **Greg Lloyd** (Ulster University)

PORTS AND ENERGY - *Production and transmission of energy, of renewable and non-renewable sources and the critical infrastructure to support this.* Chaired by **Dickon Howell** (Howell Marine Consulting)

RECREATION AND TOURISM - *The sustainable use of Scotland's marine area for leisure and tourist purposes, including sailing, yachting, wildlife watching, cruises and more.* Chaired by **Sonia Mendes** (Joint Nature Conservation Committee)

Roundtable discussion summary points

What are your views on the challenges and risks we now face to achieve sustainable development?

Funding

The future of funding arrangements for activities that are currently supported by EU funding was raised as a significant concern by stakeholders across all groups. This included funding for scientific research, data collection and knowledge sharing; monitoring of marine activities to inform mitigation and management measures; onshore and port infrastructure to support seafood industries; infrastructure for tourism development in rural areas; environmental initiatives such those tackling marine litter; and resources to support marine planning. Of the money the UK currently provides to the EU, it is not clear how much will now be retained in the UK, how much will be allocated to science, sectoral and community interest or environmental initiatives, nor whether it will be equitably distributed between and within devolved countries.

Workers' rights and trade

Trade, the movement of people and the employment of foreign nationals are significant in relation many sectors, in particular port activities, the fishing industry, aquaculture operations and tourism. As much of our seafood market is currently exported to European nations, outcomes of trade negotiations (i.e. single market and customs union) will influence opportunities and profit in the international trade of seafood.

Communication

Making sure the right information is available in the right places, will help to ensure marine users act sustainably, regardless of constitutional uncertainty. This will include promoting schemes such as the WiSe scheme that trains and accredits good practice in relation to encounters with marine mammals. Effectively communicating the benefits and processes of marine planning, and involving local communities were considered priorities to improve 'ownership' of marine issues and participation in marine planning. Fisheries managers should effectively engage the industry, in particular young fishers, over the value of strategic planning and regulatory regimes. Additionally,

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we should ensure the general public has access to the facts and choices, coupled with a broader appreciation of the importance of our marine environment and industries.

Devolved arrangements

There is uncertainty regarding the revised regulatory regime across Scotland and the other Devolved Administrations (DAs) which will follow the Great Repeal Bill, and how this will influence business. More widely there was concern over potential divergence of approaches to planning and policy across the Devolved Administrations (DA), although a counter-point was made that (with constructive sharing of experiences) this variety could enable effective approaches to be identified and widely adopted more rapidly. Returning control of fisheries to Scotland was a strong motivation for many of our fishing industry voting to leave the Europe Union. Significant challenges and uncertainties remain in enabling the devolution of those powers from Westminster to Holyrood, and the establishment of a robust management framework under domestic legislation.

Developing regulation and legislation

Given the role of the EU in shaping national legislation, there is a lot of uncertainty about the on-going implementation of EU requirements, such as the Marine Strategy Framework Directive (MSFD), Marine Spatial Planning (MSP) and Habitats and Birds Directives among others. These were highlighted as EU directives with a role in the sustainable development of marine resources. While national legislation and policy remain in place, there was concern about potential pull back on the designation of Natura 2000 sites as required under the EU Habitats and Birds Directives, and of loss of the overarching authority provided by the European Court of Justice (ECJ). Concern was also raised regarding potential weakening of requirements, such as in EU Food Safety Legislation, and the potential for increased development interest if 'red tape' were to be reduced.

Looking outwards to countries that are upheld as having sustainable practices, such as New Zealand, Norway and Iceland may provide inspiration in how to manage multiple activities sustainably. Developing a 'vision' of what we want for Scotland could help guide what happens next.

Environmental Protection

While progress is good, science indicates that there are a number of areas where we are not operating within environmental limits or that there is room for improvement. Pursuing environmental enhancement and recovery wherever possible will be important to continue supporting our economy and society. There are still gaps in knowledge about the sustainability of marine activities, such as the cumulative impact of tourism and recreational activities, as well as the distribution and health of marine life. Demonstration and Research marine Protected Areas were noted as a useful tool to better understand the impact of human activities (i.e. underwater noise) on the environment to inform management decisions.

Sustainability can occur at different scales and can mean different things to different people. We need to ensure that sustainability is progressed at all spatial scales, from local to global, and that it encompasses all aspects (environmental, economic and social sustainability) for truly long-term benefits. Integrating "sustainable" and truly "ecosystem based" management at a 'local' level remain challenging. Regional marine planning, building on the Integrated Coastal Management led by Coastal Partnerships, is a key opportunity to engage the public in the sustainable management of marine resources, and increase collaboration between sectors. Additionally, consumer awareness and accreditation systems should be improved upon as a powerful agent for achieving sustainable development, particularly in our seafood industry.

Supporting coastal communities

Recent studies suggest that many of our coastal communities are more deprived than inner city areas. Sustainable development of marine industries can revitalise coastal communities, including seafood catch and processing. Resilient and sustainable local economies are built on diversity, so we should seek to support a mix of sectoral interests including recreation, tourism and transport. There is an uneven spread of development across Scotland - we need a better understanding of what infrastructure exists, and where additional infrastructure would be beneficial to support an increasing marine tourism industry so that benefits can be equally distributed across local communities. Post-EU it will be necessary to ensure that funding is redirected to support local economies, jobs and societies.

What are the national and/or international obligations that will continue outside EU membership?

OSPAR

As an international mechanism, OSPAR can continue to support the sustainable development of Scotland's marine area. Decisions made in relation to OSPAR are legally binding and their enforcement the responsibility of domestic justice systems. There is already significant overlap with the objectives of the EU MSFD, and in some areas OSPAR already leads on regulation, such as requirements for decommissioning and certain requirements for shipping. However, the legislation is not as robust as that relating to EU Directives, so there is a risk of loss of incentives for compliance. In particular there is concern about the legal implications for OSPAR MPA sites that are much weaker than the legal framework associated with Natura 2000 sites.

ICES

It is expected that ICES will continue to provide a useful international mechanism for international scientific input and development, particularly relating to international fish stocks agreements.

Policy development and future relationship with the EU

Several questions emerged about how national policy will evolve in relation to EU policy development, and whether there will be an increasing incoherence between the UK and Member States. Certain EU Directives, such as the Marine Spatial Planning Directive, require collaboration and on-going communication between member states and non-EU members. To trade in Europe we are likely to be required to continue to meet EU standards – though we would need to establish how to meet these without EU legislative and enforcement drivers.

The Great Repeal Bill may influence the UK's decision making process, which is currently based on case law and precedents from the implementation of EU Directives. There was also uncertainty as to whether new national legislation will be less prescriptive than that based on EU Directives, and the nature of integration between the new Fisheries Bill and the current UK Marine Acts. Delegates also questioned whether policies closely related to Trade, such as the Common Fisheries Policy (CFP) will take priority during negotiations and potentially eclipse others, such as the Habitats and Birds Directives.

The role of strategic planning and marine spatial planning

Scotland is required to deliver a national marine plan, and the commitment to develop 11 regional marine plans should continue. A robust approach to marine planning and implementation is capable of delivering sustainable development. Marine planning should continue to be driven by the Convention on Biological Diversity (CBD), and an ecosystem approach. Concern was raised about the current emphasis on development within marine planning. Regional marine planning

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partnerships have a strong role to play in ensuring that development and use of our seas is sustainable. Everyone has an opportunity and a right to take part in marine planning. Public engagement events are being delivered by the Clyde Marine Planning Partnership and represent a new opportunity for engagement in marine issues.

What do EU requirements provide that non-EU commitments and mechanisms do not?

Legal accountability

Above all, the absence of the EU as arbiter and the European Court as enforcer may present additional challenges as we strive for long-term sustainability to overcome conflicts with short-term social and economic demands. Although OSPAR decisions are legally binding and enforced by national justice systems, this legal mechanism is not regarded as being as robust as that of the European Court in relation to, for example, the Habitats Directive, MSP Directive and MSFD.

WORKSHOPS

This session took a more holistic approach to marine management, considering shared opportunities and priorities across sectors and stakeholder groups. It was also an opportunity to highlight key mechanisms that will be required for our continued progress to sustainable development. Three parallel sessions were facilitated by Caroline Cowan (Post-EU Referendum co-ordinator, Marine Scotland), Professor Colin Moffat (Head of Science, Marine Scotland), and Cathy Tilbrook (Unit Manager for Coastal and Marine Ecosystems, Scottish Natural Heritage).

Discussion centred on emerging opportunities to review our approaches to management and improve regulation, make better use of markets and trade, prioritise change and precautionary approaches to management, and support a wide scale culture change in the way we use and view our marine area. Participants noted that innovation is required in marine conservation to support ecosystem based approaches to marine planning and management. Education on marine issues, local governance structures, as well as continued collaboration and information sharing between stakeholders and with public authorities were included in discussions.

Delegates also discussed areas where Scotland is already 'getting it right'. Namely through good quality science; the designation of MPAs (although monitoring and enforcement needs to be ensured); involvement of NGOs in policy development; experience such as through SSMEI pilot projects and Integrated Coastal Management (ICM) which gives rich experience to draw on; and corporate responsibility and the attitudes of industry are improving (to better consider sustainability in their activities).

Workshops Summary

Participants discussed the following questions:

What opportunities exist to improve progress towards sustainable development and what are your priorities?

We are unlikely to want to change the outcomes that EU regulations and policies seek to achieve. However, leaving the EU may present opportunities - by providing flexibility and allowing us to be smarter - in *how* we implement legislation and measures to maintain and improve progress to sustainable development. Emerging systems, such as marine planning, together with changes we are making through the Community Empowerment Act and the Islands Bill, could provide the

means to progress in a more adaptive, integrated and bottom-up manner. Our institutional structures could also adapt to reflect these new ways of working.

Reviewing our current practice

We have the opportunity to review and strengthen legislation (particularly nature conservation) to make it fit for purpose, while ensuring continued environmental protections. For example, we need to improve the management of fisheries, balancing inshore and offshore fishery quotas and use. Additionally, opportunities exist to improve regulation on water quality, reducing marine litter and disturbance, management of aquaculture species, and resolve qualitative difficulties, such as defining ‘acceptable risk’ and dealing with uncertainty. There may also be opportunities for better integration of existing legislation, and how evidence is provided and used in planning processes.

The opportunity to ‘streamline’ legislation, such as the monitoring and reporting requirements which can be considered burdensome, and better use of the scoping exercises in EIAs to reduce later workloads, was also mentioned. This could create time and resource to take more risk-based approaches or to tackle local issues. However, it was also noted that oversimplifying the EIA process and reporting mechanisms could result in some necessary safeguards and data collection opportunities being lost. In the case of MPAs, standardising legislation across all sites that currently have different levels of protection could lead to ‘lowest common denominator’ of protection.

These issues and opportunities could be raised through the existing Marine Strategy Forum (MSF). Other forums will also be required to make sure the right people are engaged, including academia, government, community groups, marine industries, and NGOs. Scenario mapping was suggested as a method to explore the potential implications and solutions to Brexit, using Marine Spatial Planning (MSP) as a way to help set future visions.

Marine Planning

Better and more strategic planning, from plan-making to implementation, could be emphasised in new approaches during and after leaving the EU. Recognising the wide scale roll out of marine planning, we could reflect on the key principles of MSFD, Habitats Directive, etc. and how they can be appropriately implemented within marine plans. Specially, better spatial planning could also support multi-industry use of areas, and can help guide where infrastructure can be built compatibly with other industries. Engaging stakeholders in their experience of marine planning can help guide improvements or amendments to the process.

Markets and trade

A greater focus on market forces may be useful, such as consumer education and the improvement of accreditation systems, to promote sustainable actions. Some considered that we should focus attention on our internal economies, shifting away from a reliance on international trade. This could build a network of local economies, maximising benefits for coastal communities by having short supply chains, enabling small businesses to prosper and fostering a sense of local ownership. Additionally, developing local destination groups could facilitate information sharing and best practice between local businesses.

Climate Change

Greater priority could be given to climate change impacts at the coast, preparing solutions before problems worsen and communities are impacted.

Precautionary approaches to management

While resources are limited and data in key areas is lacking, a precautionary approach should be adopted. Some consider that marine activity should take a precautionary approach when operating, to ensure it does not cause damage to priority marine features that lie outside of an MPA and may not be mapped. Advances in technology could be used to improve compliance with management measures. For example, Vessel Monitoring Systems and cameras can help with compliance and enable full documentation of capture fisheries. Additionally, decommissioning can be explored as a new economic activity that needs to be underpinned by science.

Culture change

Capitalising on the increasing public attention given to the ocean and related challenges could promote a culture change in us all, increasing personal and business responsibility as consumers make better choices and influence others. Marine activities, such as tourism, as well as local initiatives play an important role in increasing ocean literacy and an understanding of human impact on the marine environment from a young age.

Do we need any innovation in our governance, conservation or science to ensure progress?

Nature conservation – ecosystem based approach to Marine Planning

We need innovation in nature conservation. MPAs on their own are not sufficient to deliver international conservation objectives without wider seas measures. Effectively dealing with cumulative impacts of human activity (i.e. on marine mammals), was raised as a priority and an opportunity when reviewing legislation. Marine planning should take account of the wider picture – adopting an ‘ecosystem based approach’. This would facilitate sustainable development within environmental limits. Additional measures are required to help address plastic waste.

Education

Education in sustainability is needed across all ages in Scotland. Outreach activities, such as those being developed around centres in Aberdeen and Arran, should be implemented widely.

Coastal Communities

More local/regional governance structures are already emerging, through marine planning, community empowerment and stakeholder engagement. These should be embraced to enable the transition away from top-down EU and central government management. Adopting new approaches to address equity in distribution and access to resources would support social regeneration and resilience of Scottish coastal communities (i.e. NE Scotland fishing communities).

Collaboration and access to information

Compared to the rest of the UK, stakeholders have good access to Scottish ministers and parliament. This should be maintained and utilised to ensure concerns and innovative ideas are heard. With the likelihood of reduced funding opportunities for science, it may become more important for government scientists to work more closely with academics, NGOs and the private sector to deliver priority science needs. We need to improve how we use our knowledge and experience to guide decision making.

David Paterson (Executive Director of the Marine Alliance of Science and Technology Scotland (MASTS)) closed the conference, reflecting on the contributions of speakers and delegates alike. David noted that resource allocation and training for young people will be key for Scotland to continue as a world leading nation. He encouraged continued collaboration and information sharing between sectors as Scotland’s relationship with the EU progresses.

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OUTCOMES

The steering group regard *Sea Scotland 2017* as an overall success in many ways, including the extent to which the event achieved the objectives, the content and delivery of the sessions, the participation of the delegates and the general smooth running of the conference. Furthermore, *Sea Scotland 2017* has received overwhelmingly positive feedback from delegates in the form of verbal comments and via the post-conference evaluation survey, which was run through online survey tool *Survey monkey*, receiving approximately 30 entries. The steering group have met and evaluated *Sea Scotland 2017* and, based on the outcomes of the conference and delegate feedback, intend to organise a third conference in 2018. Suggestions from delegates will be considered, as well as other practical lessons learned from the running of the 2016 and 2017 events.

The steering group welcome any expressions of interest for collaboration on future *Sea Scotland* conferences, or suggestions of topics or speakers for the programme of the next event.

The Sea Scotland steering group comprises; Lucy Greenhill (MASTS and SAMS); Calum Duncan (MCS), Alex Kinninmonth (RSPB Scotland), Sam Collin (Scottish Wildlife Trust), Sarah Dolman (Whale and Dolphin Conservation), Sam Gardner (WWF Scotland), Emilie Devenport and Esther Brooker (Scottish Environment LINK); Chris Leakey (Scottish Natural Heritage), Dr Beth Scott (University of Aberdeen) and Dr Meriwether Wilson (University of Edinburgh).

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