



# **Scottish Sustainable Marine Environment Initiative**

Phase II reporting - Overview

Scottish Executive

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Final

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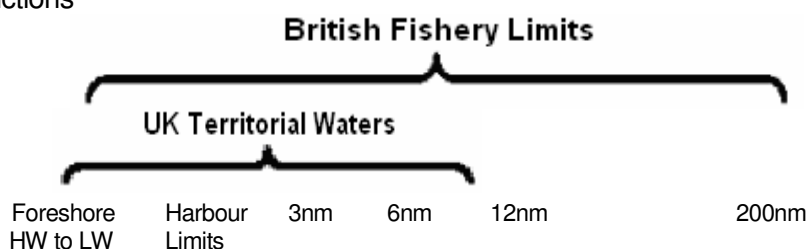


## Appendix 1

### Management bodies

There is a wide range of regulatory authorities and supporting legislation controlling activity in the marine environment. These levels of organisation include International, UK and Scottish. This range of controlling and regulatory bodies undoubtedly adds significant a degree of complexity to the objectives of sustainable resource management. There is a complex array of legislation that supports the roles and responsibilities of the various bodies.

**Table 1.** Marine Jurisdictions



Authority	Foreshore HW to LW	Harbour Limits	3nm	6nm	12nm	200nm
Local Planning Authorities	■					
Harbour Authorities	■	■				
SEPA	■	■	■			
SFPA	■	■	■	■	■	■
SNH	■	■	■	■	■	JNCC <sup>1</sup>
Crown Estates	■	■	■	■	■	■
SEERAD	■	■	■	■	■	■
Dept for Transport/ETLLD	■	■	■	■	■	■
DTI	■	■	■	■	■	■

<sup>1</sup> Nature Conservation responsibilities for waters from the 12nm limit to 200nm are coordinated through JNCC.

Currently, there are at least 13 UK bodies that have responsibilities for marine activities complying with around 85 Acts of Parliament related to marine and coastal activities, though a limited number will apply to each individual activity. The roles of such organisations range in remit and boundary. Table 1 shows how some organisations focus on waters that extend out to three nautical miles (nm), some within the 6 nm and 12 nm limit of Scottish waters, the latter as the boundary of UK territorial waters. Other responsibilities extend out further, for example the Scottish Executive has marine jurisdiction extending out to the UK fisheries limit (200 nm continental shelf).

## **UK Government**

Westminster has reserved responsibility for several sectors of interest, but some have been devolved to the Scottish Executive or other national statutory bodies. In the marine environment the UK government is responsible for:

- M.O.D related activities
- Dept. of Transport: Shipping, coastguards and navigation.
- Dept. Trade & Ind: Oil & gas, Customs & Excise
- Home Office: Policing
- Crown Estate (soon to be devolving Scottish aquaculture licencing responsibilities to Local Authorities)

In addition there are number of commitments on fisheries and nature conservation handled at UK level.

## **The Scottish Executive**

The Scottish Executive is the devolved administration for Scotland. The Executive was established in 1999, following the first elections to the new Scottish Parliament. The plans and priorities for the Executive are set out in a Partnership Agreement, drawn up following the 2003 election.

The 2003 coalition Partnership Agreement, *A Partnership for a Better Scotland*, reinforced that drive through several new marine-related commitments, not least "to consult on the best strategy for protecting and enhancing all of Scotland's coastline, including the options of establishing a national coastline park and marine national parks"

A consultation exercise was undertaken in 2004 on developing a Strategic Framework for Scotland's Marine Environment<sup>1</sup>. The Executive's final proposals will also provide its response to the JNCC's Review of Marine Nature Conservation.

Currently Many departmental divisions within the Scottish Executive and government agencies play an active role in aspects of management and regulation in the Scottish coastal waters, some more than others. The Executive's Development Department is responsible for the overall implementation of the terrestrial planning system including development control by planning authorities. The Executive has also established a national biodiversity strategy and is responsible for development consents, which will all continue to impact upon the sustainable development of Scottish waters.

The different departments have different ranges of jurisdiction and this can complicate the management of marine resources, particular in sectors that have a cross over between responsible bodies:

## **Scottish Environment and Rural Affairs Department (SEERAD)**

SEERAD has a range of duties such as responsibility for designating European Marine Sites and Marine Nature Reserves. Additionally, SEERAD regulate the maintenance dredging in estuaries and coastal waters in Scotland.

The department have policy responsibility that relates to inputs of contaminants to the marine environment originating from land, however, the actual regulation is carried out by the respective environment agencies (JNCC, 2004).

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<sup>1</sup> see <http://www.scotland.gov.uk/consultations/environment/dsfme-00.asp> for consultation document

## **Scottish Environmental Protection Agency (SEPA)**

SEPA's jurisdiction extends, for consented discharges under the Control of Pollution Act 1974, only to 3 nm from territorial baselines and, for the regulation of radioactive material use, storage and disposal on oil or gas installations), to any Scottish area of the UK continental shelf. SEPA is committed to achieving full compliance with the EC Bathing Water Directive standards (76/160/EEC) and specific classification schemes for shellfish harvesting areas which are monitored and regulated by this authority as well as more general classification schemes for coastal and estuarine waters. Part of SEPA's role is the Water Framework Directive 2000/60/EC which was adopted by the European Parliament and the Council of the European Union. The Directive has transposed into Scottish law through the passing of the Water Environment and Water Services (Scotland) Bill in 2000.

The Water Framework Directive provides an integrated legislative framework for the delivery of conservation objectives for water bodies. The provisions will be implemented to 3 nm in Scotland (JNCC, 2004).

## **Scottish Fisheries Protection Agency (SFPA)**

The marine jurisdiction for SFPA's boundaries extends out to the UK fisheries limit of 200nm. The SFPA is an Executive Agency of the Scottish Executive Environment and Rural Affairs Department. The Agency's main task is to enforce fishery management developed by SEERAD in order to conserve fish stocks in the interest of a sustainable fishing industry. Its aim, wherever possible, will be to prevent breaches of the regulations.

The Agency is responsible for collecting information on fishing activity and catches. This information is required by law and is used for managing the quota system and for economic purposes in relation to the fisheries. Surveillance data from ships, aircraft and satellite monitoring equipment on fishing vessels is checked for enforcement purposes. Statistics are then passed to the Fisheries Group of SEERAD, the Department for Environment, Food and Rural Affairs (DEFRA) and the European Commission and are published regularly by the Fisheries Group (The Scottish Office Charter, 2004).

The regulation and control of fishing activity under the Sea Fisheries (Conservation) Act 1967 requires all vessels fishing for profit to be licensed by the SEERAD. SFPA offices are responsible for issuing licences to fishermen, the provision of advice on licence entitlements, the fishing activity permitted within the terms of the licence, and on procedures for the transfer of licences between vessels. Licences are required to be carried on vessels at all times and are normally checked in the course of inspections (The Scottish Office Charter, 2004).

## **Fisheries Research Services (FRS)**

The Fisheries Research Services (FRS) is an agency of the SEERAD administering expert scientific and technical advice in Scotland on marine and freshwater fisheries, aquaculture and the protection of the aquatic environment (MARLAB, 2004). Additionally FRS maintains the fish farm register.

## **Scottish Natural Heritage (SNH)**

SNH has a statutory duty to promote sustainability in the use of natural resources.

For SNH, the marine jurisdiction for marine protected areas extends out to 12 nm where JNCC then has jurisdiction that extends further to 200 nm. There is however, flexibility for this boundary as SNH also deals with natural heritage interaction and common issues with inshore and offshore fisheries

SNH is one of the key statutory bodies for consultation for a variety of issues particularly that of environmental effects on marine fisheries, including aquaculture. As a result, SNH has a long standing relationship with the aquaculture industry dealing with natural heritage interaction.

SNH contributes to the management of maritime resources through inventory and monitoring work, research, casework, environmental education projects, partnership and consultation. Interaction with marine fisheries is increasing for a variety of reasons:

1. Implementation of the Habitats and Species Directive in Scotland;
2. Implementation of Habitat and Species Action Plans under the UK Biodiversity Action Plan;
3. Partnership in taking forward integrated coastal zone management initiatives through Firths' strategies and;
4. Increasing engagement in partnerships with those seeking to develop initiatives for the sustainable management of inshore fisheries
5. Involved in the Scottish Inshore Fisheries Advisory Group (SIFAG) established by the Scottish Executive in 2000.

Their role as a consultee has included licensing new sites and providing financial support for research projects. As a result SNH understands the interactions between aquaculture and the natural heritage.

### **Historic Scotland**

Historic Scotland is a Scottish Executive agency who are directly responsible to Scottish Ministers for safeguarding Scotland's built heritage, and promoting its understanding and enjoyment. It protects sites and buildings by scheduling monuments of national importance (SAMs) and listing historic buildings of special architectural or historic interest (Ashmore and Dawson, 2002).

### **Crown Estate**

The Crown Estate owns the seabed out to 12 nm (including seabed aggregates). In Scotland, the Crown Estate also owns coastal salmon fisheries and oyster or mussel beds within the territorial waters. The Crown Estate's responsibilities for aquaculture (planning & licensing) are to be passed to local authorities in Scotland.

### **National Trust for Scotland (NTS)**

The National Trust for Scotland was established in 1931 as an independent charity, not a government department, to protect and promote Scotland's natural and cultural heritage. It is the largest conservation charity in Scotland and it depends for its support on donations, legacies, grants and membership subscriptions. The Trust acts as guardian of the nation's heritage of architectural, scenic and historic treasures and has a number of coastal properties

### **Royal Society for the Protection of Birds (RSPB)**

The RSPB is a UK national organisation (wildlife conservation charity status) which exists to conserve wild birds and the environment. It has 170 nature reserves and its remit is to work with decision makers on behalf of wild birds. All are home to significant colonies of sea birds and migrating birds. The RSPB is involved in a range of conservation initiatives from species recovery programmes to influencing policies at a UK national political level. All birds in Scotland are protected under the Wildlife and Countryside Act 1981 and the RSPB provides advice, research and investigative support into bird crime.

### **Local Authorities**

Local authorities are responsible for the development of strategic and local development plans and for implementing planning development controls. They are responsible for declaring Local Nature Reserves and for creating bylaws to protect these and also to regulate recreational activity in coastal waters. Local authorities also have responsibilities for coastal protection, including the development of

shoreline management plans. The local authority areas of jurisdiction do not generally extend into the sea below the low water mark. In Scotland, the low water mark is taken as the mean spring tide low water.

## Appendix 2

### Glossary

<b>ABC</b>	Argyll and Bute Council
<b>ADD</b>	Acoustic Deterrent Device
<b>BWEA</b>	British Wind Energy Association
<b>C-MAG</b>	Clyde Marine Advisory Group
<b>DEFRA</b>	Department for Environment, Food and Rural Affairs
<b>DfT</b>	Department for Transport
<b>DTI</b>	Department of Trade and Industry
<b>EEBP</b>	Eyemouth and East Berwickshire Partnership
<b>EIA</b>	Environmental Impact Assessment
<b>EMS</b>	European Marine Site
<b>FOCF</b>	Firth of Clyde Forum
<b>FRS</b>	Fisheries Research Services
<b>FSA</b>	Food Standards Agency
<b>GCVSPJC</b>	Glasgow and Clyde Valley Structure Plan Joint Committee
<b>GIS</b>	Geographical Information System
<b>HC</b>	Highland Council
<b>HWDT</b>	Hebridean Whale and Dolphin Trust
<b>IACMST</b>	Inter-Agency Committee on Marine Science and Technology
<b>ICZM</b>	Integrated Coastal Zone Management
<b>IMO</b>	International Maritime Organisation
<b>JNCC</b>	Joint Nature Conservation Committee
<b>LA</b>	Local Authority
<b>LBAP</b>	Local Biodiversity Action Plan
<b>MOD</b>	Ministry of Defence
<b>NAFC</b>	North Atlantic Fisheries College
<b>NNR</b>	National Nature Reserve
<b>NTS</b>	National Trust for Scotland
<b>PO</b>	Project Officer
<b>RAC</b>	Regional Advisory Group
<b>RBMAG</b>	River Basin Management Advisory Group
<b>RBMP</b>	River Basin Management Plan
<b>RMNC</b>	Review of Marine Nature Conservation
<b>RSPB</b>	Royal Society for the Protection of Birds
<b>SAC</b>	Special Area of Conservation

<b>SAMS</b>	Scottish Association for Marine Science
<b>SBC</b>	Scottish Borders Council
<b>SCF</b>	Scottish Coastal Forum
<b>SEA</b>	Strategic Environmental Assessment
<b>SEERAD</b>	Scottish Executive - Environmental and Rural Affairs Department
<b>SEETLLD</b>	Scottish Executive - Enterprise Transport and Lifelong Learning Department
<b>SEPA</b>	Scottish Environment Protection Agency
<b>SFA</b>	Shetland Fishermen's Association
<b>SFPA</b>	Scottish Fisheries Protection Agency
<b>SIC</b>	Shetland Isles Council
<b>SNH</b>	Scottish Natural Heritage
<b>SOTEAG</b>	Shetland Oil Terminal Environmental Advisory Group
<b>SPA</b>	Special Protection Area
<b>SSFA</b>	Shetland Salmon Farmer's Association
<b>SSMEI</b>	Scottish Sustainable Marine Environment Initiative
<b>SSMO</b>	Shetland Shellfish Management Organisation
<b>SSSI</b>	Site of Special Scientific Interest
<b>TAC</b>	Total Allowable Catch
<b>VMR</b>	Voluntary Marine reserve
<b>WFD</b>	Water Framework Directive
<b>ZCC</b>	Zetland County Council