

Open Seas submission to NETZET committee

Re: draft delivery plan for the Scottish Biodiversity Strategy

December 2023

Overview

Open Seas welcomes the opportunity to respond to the Net Zero, Energy and Transport Committee's call for evidence regarding the Scottish Government's draft delivery plan for the proposed Scottish Biodiversity Strategy. Our response is centred on Scotland's inshore waters and how the proposals will impact the marine environment. In this regard we find the plan in essence to be insufficient to deliver the comprehensive and urgent action needed to restore and regenerate the health of Scotland's marine biodiversity. We have set out our findings concisely and structured to respond to the committee's three questions. For more information please contact Phil Taylor, details below.

1. Does the draft plan appear fit for purpose to address the biodiversity crisis as it affects Scotland?

With regard to the marine environment, the plan is not fit for purpose. It fails to identify many of the key actions required to meet the objectives, including some which are committed to but remain outstanding in other policies, and is largely a re-articulation of previously declared proposals. This does not amount to the step change in biodiversity protection it purports to be and undermines the ability of the Scottish Biodiversity Strategy to offer additional progress beyond what the Scottish Government already intends to achieve.

There is a significant disconnect between the urgency of action required to meet the objectives and the timescales, or lack thereof, outlined in the plan. An example of this is the proposal to "Deliver additional protection for [fish] spawning and juvenile congregation areas" by 2028. To have any meaningful chance of supporting restoration by 2030 a more ambitious timescale for this action needs to be set. Given that many species, such as cod, take 2+ years to mature, providing only two years of this protection prior to the deadline may even mean the objective to restore biodiversity is biologically impossible.

The proposals to implement fisheries management in Marine Protected Areas (MPAs) by 2025 is also far too slow and a considerable delay from what was committed to in the Bute House Agreement and repeatedly by Scottish Ministers, for example:

- on 11th November 2020, Cabinet Secretary Mairi Gougeon stated "Over the next 18 months, we will take forward fisheries management measures for a number of inshore MPAs and for 11 priority marine features outside MPAs."
- on 4th November 2021, Minister Lorna Slater stated "Most sites already have the required protective measures in place, and we have committed to putting in place further fisheries management measures on MPAs, where required, by March 2024."
- on 8th June 2022, Minister Mairi Mcallan stated "Already, 37 per cent of our seas are designated as marine protected areas, which exceeds the global target of 30 per cent by 2030 that is currently being negotiated. We will implement the remaining protective management measures for sites by 2024"
- on 22nd December 2022, Minister Mairi Mcallan stated "By 2024, we will complete the management measures for those MPAs, and we will work on the priority marine features that are most at risk from bottom trawling."

The fact that these prior commitments have been repeatedly failed gives us little faith that the commitments made here in the Biodiversity Strategy will be met either.

Many other actions do not even set out timescales for implementation. All actions should be revised to ensure they are specific, measurable, achievable, relevant, and time-bound (SMART), with particular attention paid to the timelines both for planning and delivery.

2. Do you have any concerns that implementation of the plan could have adverse consequences? If so, please set these out.

The plan sets out neither the extensive action required for the strategy to halt and reverse biodiversity loss in Scotland by 2030, nor the urgent timescales needed for delivery. . A key concern is that having an overarching strategy which is incomplete, unambitious and with insufficient timescales will not deliver the urgent action needed to meet the 2030 target.

Another concern is the complete lack of reference in the plan to other important marine biodiversity commitments which the Scottish Government has made, but has yet to deliver. For example, there is no mention of achieving and maintaining Good Environmental Status (GES), despite the fact there is a legal obligation for the Scottish Government to achieve this by 2020 and currently every single marine region in Scotland is falling short of GES.

Other omissions include ensuring ‘national status or priority marine features’ are not harmed by fishing (required by National Marine Plan General Policy 9), and ensuring “the exploitation of marine stocks restores and maintains populations of harvested species above biomass levels capable of producing Maximum Sustainable Yield” (required by the UK Fisheries Act).

Alongside this there is no mention of the inshore cap consultation which the Bute House Agreement (2021) stated would be delivered “as soon as is practicable”. Nor is there mention of vessel tracking and monitoring for the trawl fleet. These omissions from the strategy raise serious concerns that the Scottish Government’s ongoing marine policy planning and delivery will not give them the due weight they deserve.

3. What matters, other than those set out in the plan, would require to be addressed to ensure that the plan works?

As mentioned above, the plan needs to connect all current Scottish Government commitments on the marine environment, and mainstream biodiversity action within its other responsibilities, not simply deal with biodiversity in a silo. This plan does not do that for marine and fisheries issues in particular, and in fact appears to overlook things like commitments made within the Future Fisheries Management strategy, Future Catching Policy, and the UK Fisheries Act. Halting and reversing biodiversity requires spatial planning of the marine environment to ensure the long term sustainable management of resources, as well as steps towards recovery. The plan fails to capture this.

The Bute House Agreement promised “to consult as soon as is practicable on proposals to apply a cap to fishing activity in inshore waters” and “set a ceiling from which activities that disrupt the seabed can be reduced in the light of evidence as it becomes available”. This must be a high priority and take place in early 2024. Furthermore, the UK Fisheries Act states that we must incentivise low impact fisheries. An inshore limit on high impact fishing gear is essential to both recover inshore fisheries and habitats and support low-impact fishers.



There needs to be adequate vessel monitoring in place that ensures protection is implemented as well as designated; including Remote Electronic Monitoring (REM) on the entire bottom trawl fleet (both over and under 12m). The Scottish Government has failed to set out proposals for REM on the >12m bottom trawl fleet. The tracking systems currently used by this fleet, where its location is only given once every two hours, are not sufficient to ensure compliance. Proposals must outline measures to enforce marine protection.