



Marine Conservation Society follow-up to the Scottish Parliament Net Zero, Energy and Transport Committee on Scottish Biodiversity Strategy to 2045 – tackling the nature emergency

The [Marine Conservation Society](#) is a UK charity fighting for a cleaner, better-protected, healthier ocean: one we can all enjoy. A dedicated Scotland conservation programme and office in Edinburgh were established in April 2000. We publish our own independent [Good Fish Guide](#), providing advice on over 600 species and stocks of wild-caught and farmed fish and shellfish and engage on marine conservation, fisheries and aquaculture policy at Scotland, UK and international level. We welcomed the opportunity to provide oral evidence to the Net Zero, Energy and Transport Committee on Scotland's Biodiversity Strategy 2045 – tackling the nature emergency.

Context

We welcome following our [oral](#) and [written](#) evidence in 2022, the framing of the strategy as “tackling the nature emergency”. The [Scottish Biodiversity Strategy itself](#), [Scotland's Marine Assessment 2020](#) and our previous submissions, provided evidence of how the climate and nature crises are impacting the ocean in a [UN-recognised “ocean emergency”](#). As mentioned to the committee, the latest evidence from the OSPAR Quality Status Report 2023 further consolidates this picture of concern which was summarised by OSPAR across the Northeast Atlantic as [“Given what we now know, more action is needed”](#).

We are writing to the committee 1. In response to the invitation from the convener for witnesses to share any further information around what actions they would like to see in the delivery plans and; 2. with follow-up reflections in relation to a question from the Deputy Convener about issues associated with nurdles and whether more legislative action is needed to address the problem.

1. Further information around what actions we would like to see in the delivery plans

To summarise, we welcome the following commitments, but the devil will be in the detail of delivery. Responses to 1 are in **bold**:

- We support integration with the National Marine Plan 2.0 process, the Future Fisheries Management strategy and the Marine Litter Strategy, policy initiatives we have previously called for and supported, but **the Scottish Biodiversity Strategy (SBS) must also link to the commitment to deliver a Blue Carbon Action Plan, since all habitats that are important for blue carbon are also important for nature**, for example [the burrowed mud priority marine feature](#).
- The proposal for an ecosystem recovery framework is welcome but **must include streamlined licensing, to make it easier to return species such as native oysters** (for which we are working with partners to help return in the Dornoch Firth in [DEEP](#) and the Firth of Forth in [Restoration Forth](#)) **and seagrass to where they belong, commitments to the percentages of all habitat to be restored and recovered (linked to the nature recovery targets) and substantially increased funding**

- Proposals to identify Vulnerable Marine Ecosystems (VMEs) between 400 and 800m depth are welcome. **[We have advocated for](#) the Deep Sea Access Regime minimum depth to be brought shallower to 600m in line with original scientific advice, and so the SBS could recommend this limit change, with additional VMEs to then be located and protected between 400 and 600m.**
- The outcome for nature arising from the 21 Fisheries Management Plans (FMPs) depends entirely on their content. **We would like to see the SBS help drive nature smart fishing proposals, including spatial management in all the FMPs. The SBS could recognise, in particular, that the two proposed FMPs for *Nephrops* (langoustine) are critical and must support increased sustainability for this fishery, including spatial management, Functional Unit (FU) management, gear separation for trawling and creeling and a presumption against trawling within a significant part of Scotland’s inshore waters.** This is crucially important since the *Nephrops* fishery operates exclusively on [burrowed mud habitat, a Priority Marine Feature](#). The latest OSPAR Quality Status Report identified burrowed mud to be the most sensitive of the continental shelf seabed habitats and for this habitat to be in “poor” condition: [Sea-pen and Burrowing Megafauna Communities \(ospar.org\)](#)

We are concerned about the following, and further clarity and detail on action is essential and again text in **bold** is to provide further information in response to request 1 above:

- A big gap in the SBS is developing a credible, transformative pathway for ocean recovery that **includes at least 10% of Scotland’s seas being under strict protection by 2030 in line with keeping pace with the EU and the need for a spectrum of protection as set out in the Convention on Biological Diversity.**
- Linked to this, the lack of clarity on what “enhanced marine protection” means following the Scottish Government’s recent statements on not progressing the HPMAs by 2026 commitment in the Bute House Agreement. **“Enhanced marine protection” must include identifying areas for full (IUCN definition) or strict (EU definition) protection with the support of local communities of place and interest in order to help safeguard and enhance ecosystem services** including important fish and shellfish habitat – if well-placed with local support they can help boost sealife up to five-fold – and blue carbon stores, which will benefit both local communities and nature recovery for Scotland. We know from the HPMAs response that people care about the health of the marine environment and support a sustainable future for fisheries, and that 55% of respondents were supportive, so it is important there is a process to enable that conversation to happen and move forward in a way that meets and supports local community aspirations.
- Whilst we welcome commitment to introducing the management measures for the remaining inshore and the offshore marine protected areas and action to improve protection for Priority Marine Features outside the MPA network, these are already delayed
- The commitment to the inshore cap has been separated from the crucial second part of this policy commitment from the [Bute House Agreement](#) and should be included. **The SBS should therefore commit the Scottish Government to applying “a cap to fishing activity in inshore waters (up to three nautical miles) that will limit activity to current levels and set a ceiling from which activities that disrupt the seabed can be reduced in the light of evidence as it becomes available, - keep that limit under review, pending fuller consideration and gathering of evidence to underpin any further actions required to**

protect inshore marine habitats. These could span a suite of options and could potentially include spatial management measures if suggested by the evidence.”

- **A FMP for the king scallop dredge fishery has not been committed to and is urgently needed, as this is a high-risk fishery for seabed habitats in particular, and the SBS could recommend that one be developed.** This must include spatial management with a presumption against scallop dredging within a significant part of Scotland’s inshore waters with no take zones for stock recovery and zones for scallop diving only, in line with longstanding recommendations to all UK administrations on managing the scallop industry: [Principles for management of inshore scallop fisheries around the United Kingdom \(whiterose.ac.uk\)](http://whiterose.ac.uk). We would like to see a low impact zone within 3 nautical miles in line with the recommendations of this scientific report. Further detail on our position on this was provided in our [written evidence](#) to the Rural Affairs Islands and Natural Environment committee when considering “Petition PE1951 Reinstate inshore coastal limit on the use of dredge and trawl fishing gears”, although note that this was submitted prior to the Scottish Government statement on not progressing HPMAs by 2026. This further underlines the importance of the missing actions highlighted above to **ensure enhanced marine protection delivers sufficient areas of strict protection and that the inshore cap is a ceiling from which pressures that disrupt the seabed can be reduced.**
- **The SBS should also recommend that FMPs are developed in the inshore area for the crab and lobster fisheries.**
- **Measures to eliminate bycatch of megafauna should also be required within the FMPs, such as weighted creel lines.**
- **Any revision of the Priority Marine Feature list must not lead to a reduction in species and habitats on it - which if anything may be even more vulnerable - but should include additional features such as seabirds.**
- The contaminants ambition needs to go further than the OSPAR threshold and chemical monitoring is a big policy gap. **The SBS should include a requirement for additional monitoring of emerging chemicals, and in particular highly persistent chemicals such as PFAS (commonly called “forever chemicals”).**
- **The SBS could require that the Scottish Marine Environment Enhancement Fund include social outcomes to enable applications that support improved management of biological and physical resources for the benefit of the local community.**
- Overarching all of the above, the SBS should recognise that the **Precautionary Principle is fundamental such that the absence of data cannot be used as a reason for allowing potentially damaging activities to be licensed.**
- Last but not least, **there is a crucial gap in providing an overarching link to Scotland’s existing and far-sighted (when first produced) Marine Nature Conservation Strategy** which recommends a three-pillared approach to marine nature conservation, recognising that action is needed across sites (marine protected areas and other area-based measures), species (for which the delayed seabird and cetacean strategies are so important) and wider seas measures (recognising the importance of fisheries management measures, marine planning, licensing and other measures to deliver for nature) to provide protection for nature at sea. It is not clear what the status of this strategy is since it cannot be located from the hyperlink that is on this page: [Conservation - Marine environment - gov.scot \(www.gov.scot\)](http://www.gov.scot). **The SBS must make clear the links to the Marine Nature Conservation Strategy which still provides an important, logical framework through which action to recover nature at sea can be organised and delivered.**

2. Follow-up reflections in relation to a question from the Deputy Convener about issues associated with nurdles and whether more legislative action is needed to address the problem

I would refer the Committee and the Deputy Convener to the Scottish Environment LINK letter to the NZET Committee on the Circular Economy (Scotland) Bill that the Marine Conservation Society and fellow Scottish Environment LINK members Fidra contributed to: [circular-economy-bill-se-link-29-november-2023.pdf \(parliament.scot\)](#).

I would also refer the Committee to any response from Fidra, with whom we collaborate across a range of policy areas, including nurdles, the ban on the manufacture and sale of plastic cotton-buds and aquaculture. Subsequent to that, we would be happy to further explore this important policy area, in collaboration with Fidra, with the Committee and the Deputy Convener.

Calum Duncan
Head of Conservation Scotland, Marine Conservation Society
[EMAIL REDACTED]
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