



# Mallaig & North-West Fishermen's Association

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9<sup>th</sup> January 2007

Nikki Milne  
Scottish Executive Environment and Rural Affairs Department  
Marine Management Division  
G-H93  
Victoria Quay  
Edinburgh EH6 6QQ

Dear Ms Milne,

## A COASTAL AND MARINE NATIONAL PARK FOR SCOTLAND

### A RESPONSE TO THE CONSULTATION

This response is submitted by the Clyde Fishermen's Association, on its own behalf, and on behalf of Mallaig and North West Fishermen's Association and Western Isles Fishermen's Association. This joint response does not preclude any of the bodies associated with it making its own response, particularly in the matter of location, with which this response concerns itself only generally.

Part I of the response deals with the principle of a Coastal and Marine National Park. Part II will answer such of the consultation questions as are relevant to the interests of the respondents.

The respondents comprise the three major representative bodies for commercial sea fishermen on the West Coast of Scotland. Taken together their members must represent one of the largest, if not the largest, commercial interest in the matter of a Marine Park, which may be located on the West Coast. It is, therefore, suggested that Ministers should pay particular attention to the views expressed in this response. However not only is a commercial interest represented but given that the wide spread of the domiciles of those members in the west coast this response reflects as wide a community view as is likely to be submitted.

#### Part I

Lest there be any misunderstanding, the respondents are resolutely opposed to the creation of a Marine Park. No benefit, and only substantial disadvantage, can be perceived for the commercial interest of the respondents' members.



INVESTOR IN PEOPLE

While there may be a greater spread of view in relation to the social effect of creation, there is generally a view that the social benefits proposed are quite capable of being delivered by existing regimes. The fact that Scottish Ministers can suggest that a Park can deliver those benefits, without detailing how that might be done, when they are not already delivering them either through their own efforts or the efforts of the Agencies which they control is deeply depressing.

#### Effect of designation

The respondents do not disagree with the view that Scotland's marine environment is valuable, almost beyond compare. It demands not just protection but promotion as a prime asset of the nation. They however cannot see that it is appropriate to select one area as first amongst equals. That is bound to have the effect of reducing the resources, which can be applied to all other areas, without substantially increasing the value of the candidate area. It is appreciated that that response may be used to support an argument for a coastal marine park of a whole of Scotland. However as will be seen later in this consultation the model of a park itself may already be superseded by more cogent devices to protect and promote the marine environment.

#### Functions.

The respondents cannot see that any of the functions which are proposed for a Marine Park authority are not exercised, or will shortly be exercised, by National and Local government. It can only see conflict and also additional bureaucracy as the product of the imposition of yet another authority. If the functions are not being adequately discharged by existing agencies, what assurance is there that a new agency will do any better.

A representative of the Scottish Executive at a consultation meeting suggested that functions could be stripped from existing agencies and brought under the roof of the Marine Park authority. This would lead, it was further suggested, to simplification and efficiency. If there is a problem in Scotland of delivery as a result of there being a plethora of agencies then the problem has to be addressed on a national scale. It is seen as entirely inappropriate that it should be attempted by an authority, the principal interest of which should be in marine matters.

This consideration brings the respondents to another major objection to the proposal. Not only is the enabling Act (National Parks (Scotland) Act 2000) a terrestrially focused bit of legislation but so is, surprisingly, the current proposal. It has been written from a terrestrial rather than a marine viewpoint. As a result, it comprehensively fails to suggest what a plan for a Marine Park might look like. Its suggestions relate to services provided terrestrially for either terrestrial or marine requirements. In other words it is the terrestrial proposal for an area which just happens to include sea.

#### Comparisons

Both in the consultation document and the consultation meetings much is made of successful national parks in other jurisdictions. Many of those however are in wildernesses. The prime candidate areas cannot be so characterised. They provide an important economic resource to many who live within them. It is essential that they be allowed to exploit them sustainably. A park authority, which has the dual function of encouraging sustainable development and protecting the natural environment, will veer towards the latter at the expense of the former. Indeed, it is stated in the National Parks (Scotland) Act 2000 that if all other aims are equal then the conservation aim must prevail. This is not just a natural inclination but also a statutory requirement in pursuit of the

precautionary principle. Given the fragile nature of the economies within those areas, this argument alone should persuade all, except the most blinkered, to reconsider the value of the proposal.

## Marine Spatial Planning

In the consultation document there was only one passing reference to MSP. It is a fairly safe bet that MSP will be introduced in some form throughout the European Union and in particular within the EEZ of the United Kingdom. No indication could be obtained from Executive representatives as to which plan, the marine spatial plan or the marine park plan would have primacy. If the former, then there is no need for a marine park plan. If the latter then there is bound to be conflict between the two. MSP is a relatively new concept. It has some way to go before fruition. Certainly at the time of the birth of the marine park concept it was little, if at all, understood. It has to make sense that the marine park concept is not taken further forward without a clear idea of how the planning functions will interact with MSP. One only has to point to the intention that terrestrial planning authorities will deal with marine fish farm applications on the basis of terrestrial planning rules to show the danger of muddled thinking in relation to planning in the marine environment.

## PART II

### *CHAPTER 1. THE ADDED VALUE AND BENEFITS OF A COASTAL AND MARINE NATIONAL PARK*

*1. Views are invited on the potential benefits a Coastal and Marine National Park could bring:*

Restricting the answer to one which deals with the fishing industry only, there is no benefit, potential or otherwise, which is perceived.

*2. How could a Coastal and Marine National Park help communities develop in a more sustainable way and meet community aspirations?*

Experience of existing National Parks in Scotland shows little evidence that a Park brings any added benefit to the work of existing dedicated agencies such as Highlands and Islands Enterprise. Indeed previous experience leads one to a conclusion that the only measurable outcome will be in the area of conflict with those agencies.

*3. What problems could a Coastal and Marine National Park address?*

None which either existing or planned agencies and structures are not addressing or will not address.

*4. Are there any other examples of benefits that a Park could bring?*

The creation of jobs for administrators within the Park Authority.

### *CHAPTER 2. SELECTING THE LOCATION OF SCOTLAND'S FIRST COASTAL AND MARINE NATIONAL PARK*

*5. Comments on whether the final selection should be based on these factors are invited, including how accessibility can best be considered.*

None.

6. *Are there other factors that should also be considered when selecting the location? Consultees are invited to rank the proposed criteria in order of preference.*

If Ministers are serious about the creation of a Marine Park as opposed to a terrestrial area with marine additions, then an area should be identified which has as rich a marine ecosystem as possible with as low human economic dependency thereon as possible. For such an area access arrangements can be created as has happened for the vast majority of existing national parks.

7. *Which area do you consider to be the strongest candidate as a Coastal and Marine National Park?*

No opinion is offered.

8. *In particular do consultees agree that the strongest all round case can be made for Argyll Islands and Coast area and Ardnamurchan, Small Isles and South Skye Coast area? A combination of these two areas would also be a strong candidate?*

The respondents do not agree. The high level of marine economic activity in the areas mentioned make it inevitable that the added level of interest from those not economically connected to the area will only lead to further conflict. The existing level of conflict is already too high to be easily managed by those on whom it impacts.

9. *Any other views on the areas outlined or other areas not identified are also invited.*

The Clyde Fishermen's Association does not support the candidature of the Firth of Clyde given the very high level of existing economic activity therein. Mallaig & North West Fishermen's Association are also of the opinion that this also applies to Argyll and the Isles; and Lochaber & South Skye candidature areas.

10. *What criteria would you use to set the landward and seaward boundaries of the Park?*

The failure of the Executive to suggest any criteria is one of the more glaring deficiencies of this consultation.

### *CHAPTER 3. FUNCTIONS, POWERS AND GOVERNANCE*

#### *THE PARK PLAN*

11. *What functions and powers would you wish a Park to have?*

The Park could have marine planning powers but not in any way which would conflict with a marine spatial plan or integrated coastal zone management. It should have no powers, which usurp the responsibilities of UK and Scottish Ministers to protect and conserve, or to do any other thing in relation to, the marine environment. The reason for this is simple. Ministers are answerable to Parliament. A Park Authority would not be.

The Park should not have any terrestrial planning powers. To award them any would only lead to further conflict. There may be a case for making the Park Authority a statutory consultee, in terrestrial planning matters.

12. *Do you consider that planning control for the land component should remain with the local authority or should it be transferred to the Park Authority?*

They should remain with the local authority.

#### *CONSERVATION AND RECREATION MANAGEMENT*

13. *Comments are invited on the potential functions of a Coastal and Marine National Park relating to conservation and recreation management.*

If a strong case can be made for the Park Authority becoming the recreation manager then it would be interesting to hear them. Other than that no comment is made.

The responsibility for conservation policy and direction must remain with Ministers for the reasons outlined above. The execution of that policy should remain with Scottish Natural Heritage which after all has the expertise to achieve it in a coherent way throughout the whole of Scotland.

14. *Do you think that the potential for zoning to form an element of the development and implementation of the Plan is sufficient or should other site-based protection measures be considered?*

The first function is one for a Marine Spatial Plan. The second is, within Scotland and out to 12 miles from baselines, the responsibility of Scottish Ministers and must remain so.

15. *Ministers seek consultees' views on whether the Park Authority should be given a last resort 'stop' power.*

The existing powers available to existing agencies are seen as quite sufficient.

16. *How can Inshore Fisheries Groups work with the Park Authority?*

Requiring IFG to work with a Park Authority will only result in less time being devoted by the Group to its primary function of fisheries management. If the case were made for the Park Authority to have membership of the advisory committee that could be acceptable to the Group. Given that the Scottish Executive has resolved that the constitution of a group will be for the group itself and not be centrally dictated, no definitive answer can be given.

What however is abundantly clear is that if the Park Authority has power to designate areas for nature conservation and the power to regulate activity within those areas then the impression which the consultation document tries to give that inshore fishing will not be affected by the creation of a Park Authority is seriously misleading.

It may well be the case that an IFG can determine what can be caught and with what. A Park Authority with the forgoing powers will be able to determine where it will not be caught. Yet it will not have any responsibility to deal with the consequences of such a determination.

In addition, as the Minister has intimated that Fisheries matters within the Park area will be dealt with only by the IFG's, then such matters should be no concern of a Park Authority.

17. *Do you agree with the proposed approach (option e) to managing aquaculture?*

No. Once a Marine Spatial Plan is established the responsibility for planning for marine fish farms must be transferred to the Plan Authority.

#### *SELECTING THE RIGHT MODEL FOR THE NATIONAL PARK AUTHORITY*

18. *Which approach do you prefer for the National Park Authority and why.*

From the point of view of commercial sea fishermen the first alternative, if there is to be a Park, is preferred and not just in the short-term. Inshore fishing is already subject to over regulation. Further regulation from an authority, which has no interest in promoting the interests of commercial sea fisheries, is not seen as welcome.

19. *Comments are also invited on the option of a phased approach that provides for review at a later date.*

The respondents are opposed to the proposal for a review. In that connection please see the answer to question 18.

20. *Do you think the existing powers and functions provided in the Act are sufficient for a Coastal and Marine National Park Authority?*

Yes.

#### *GOVERNANCE*

21. *Are the principles for establishing the Park Board the right ones for ensuring local and national views are taken into account, including the views of those using the area but who do not live there?*

It is the view of the respondents that the principles are entirely incorrect for the establishment of a Marine Park Board. They are justifiable in respect of terrestrial parks but completely fail to address the differences between that environment and the marine environment.

22. *Do you have any other views on the Board and governance of the National Park Authority?*

The whole basis of Board membership requires separate and serious consideration if it is adequately to represent the marine interests involved rather than adjacent terrestrial ones.

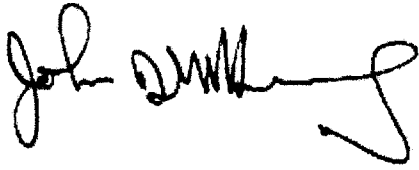
#### *FINANCIAL IMPLICATIONS*

23. *Comments are invited on the running costs and financial implications of a Coastal and Marine National Park.*

There are so many existing initiatives, such as Scottish Coastal Fora and Inshore Fisheries Groups, which are or will be starved of Scottish Executive financial support, that a proposal to spend millions on a project that will be both internally and externally divisive can be characterised as nothing short of criminal. In the RIA the option of doing nothing is dismissed yet that is the correct option not because nothing will be done but because other initiatives

properly funded and applying to the whole of Scotland, will achieve the same objectives for less cost.

Yours sincerely,

A handwritten signature in black ink, appearing to read "John Hermise". The signature is fluid and cursive, with a large initial "J" and "H".

John Hermise  
Secretary