**LINK – Coastal Community Groups meeting**

**Perle Hotel, Oban**

**18th September 2018**

**2.30 – 4 PM**

Present: Ewan Kennedy (Save Seil Sound); John Aitchison (Friends of the Sound of Jura); Philip Price (CROMACH - Friends of the Sound of Jura); Alasdair Firth (CAOLAS); Will Goudy (CROMACH); Jean Ainsley (Save Seil Sound); David Ainsley (Save Seil Sound); Calum Duncan (MCS); Richard Luxmoore (NTS); Sam Collin (SWT); Esther Brooker (WWF Scotland); Emilie Devenport (LINK).

An informal opportunity to catch up on current areas of interest for community groups and LINK members.

Background to LINK

Introduction from Calum Duncan on Scottish Environment LINK operation, process and work areas. The LINK Marine Group has 8 member organisations [Hebridean Whale and Dolphin Trust; MCS; National Trust for Scotland; RSPB Scotland; RZSS; Scottish Wildlife Trust; WDC; WWF Scotland]. The group works collectively on Marine Protected Areas, Marine Planning and Fisheries, and is supported by a Marine Policy and Engagement Officer [ED]. The Aquaculture subgroup has 5 active member organisations, and has been focusing on the ECCLR and RECC Committee inquiries into Salmon Farming in Scotland.

Upcoming work areas for the Marine Group include MPA management (for outstanding inshore MPA sites), as well as outstanding site designations (e.g. 15 Special Protection Areas for Seabirds, and 4ncMPAs for mobile species). Also working to ensure that environmental protection and recent gains are not lost in EU Exit Negotiations.

More information on Scottish Environment LINK: [www.scotlink.org](http://www.scotlink.org)

The Marine Project (campaigning under the banner Save Scottish Seas): [www.savescottishseas.org](http://www.savescottishseas.org)

Topics of discussion

ADDs

DA - Cabinet Secretary for the Environment, Climate Change and Land Reform, Roseanna Cunningham has made clear the Scottish Government commitment not to roll back protection for Environment post Brexit on various occasions. DA presented case for a Complaint to Europe regarding the use of ADDs at Aquaculture sites in Scotland, submitted by David and Jean Ainsley. The Complaint has received support from 41 organisations, and a supporting public petition has 9,500 signatures. DA is keen to gain further support for the complaint to show support across the board.

DA presented case for the Complaint based on Habitats Regulation 39 (2) – disturbance, harassment. Habitats Directive Article 12 – worded more loosely. Deliberate; recklessness, disturbance have tight definitions. Derived from Article 12 – ‘*deliberate disturbance of these species, particularly during….., deliberate deterioration of …… are illegal’. Article 12 [Species] provides ‘strict protection’*. Cormac [MBouth] showed use of ADDs more than 100 Decibels throughout Sound of Mull. DA - Habitats Directive implementation in Scotland is on an ‘individual’ level. Recent Finlay article shows use of ADDs increasing in West Coast, based on HWDT work.

DA raised concern about use of tension nets as a potential solution to ADDs, could lead to more seal shooting. Suggested double netting should be considered as in British Columbia. EK suggested that the complaint should focus on legality of use of ADDs and reference that there are alternatives in use elsewhere rather than go into detail on them; focus on precautionary approach, burden of proof of uses of marine area.

EK – Consider Judicial Review. Important to get across to Politicians that there is potential for JR from people others than industry. Infringement of EU regulations would need to be taken up with the Crown Office, via the Wildlife Crime Unit. Until it is reported and action made to happen it won’t happen. Would need to rule it out in the Judiciary/Law. Politicians and councils like to avoid it, very costly.

CD – LINK member organisations agree that ADDs should be phased out in new and existing Aquaculture sites. Members are preparing a statement in support of this outcome, looking into the legal basis for this. Important to distinguish that LINK are not ‘refusing’ to sign up, but are considering an approach and form of wording that member organisations are able to sign up to.

RL – LINK agree with the science presented in the proposal, agree with the research that the use of ADDs has an impact on the porpoises and dolphins. Some LINK members still considering the legal details raised in the complaint and the legal implications.

DA – Guidance to Directive says that the implementation has to be taken on species by species basis. No information on how Sound of Mull was with ADDs before usage. Invocation of EU law in Scotland on ‘individual’ level, Scots law might be species level.

EK – problematic to resolve at domestic level. Would need to be considered by Crown Office.

Article 6(3) failure to carry out appropriate assessment. Save Seil Sound considered SEA not carried out properly on recent fish farm application, stated that wouldn’t harm porpoises as they move away from the site (Due to noise) – this in itself constitutes disturbance. Blocking channels acoustically to ADDs. Need to make sure that the regulators start with the attitude to implement the environmental regulation properly, rather than box ticking exercise (for Aquaculture).

*Accountability*

JA – Coastal Communities Networks more widely are trying to look at Scottish Government approach to wild salmonids. Finding a problem with accountability. Looking at whether recent application is significantly impacting PMFs – MS said they didn’t know, so the groups are going to ask RC. If she doesn’t know then they will ask for the precautionary principle to be invoked if they can’t be sure. General Policy 9b. Noting a challenge in evidence as SNH do not surveying below/near Aquaculture sites, and state that it is not their job to survey away from Aquaculture sites so no tracking of how maerl might be impacted by Aquaculture.

CCN meeting with Roseanna Cunningham on 25th September to discuss Aquaculture among other issues.

CD – support point about precautionary v. risk-based approach. Supporting points about policy 9b, and noted response to PMFs calling for more options to be scoped, additional PMFs and more.

Discussion about LINK Membership and Community Groups – more information on the requirements for LINK membership here: <http://www.scotlink.org/get-involved/membership/link-members/>. Also considered the strengths of parallel working of the Coastal Communities Network Groups and NGOs – ‘pincer approach’ - to drive environmental policy change. CD noted example of working with COAST on MPAs, playing to their strength as their independence, LINK strength in advocacy. Working together in this way was successful. Very valuable to have Coastal Community Groups working independently and showing direct community feeling and concerns to politicians.

Growth in coastal community groups shows the increase in practical concerns about marine conservation. RL welcomed that this change has occurred and in some cases national NGOs may be less radical. Where can NGOs support community groups?

*Resourcing and consultation communication*

AF – CCN Groups are having problems with communication and timing of public consultations. For example, the group only heard about a mussel farm application in Loch Sunart two weeks before the deadline. There was no time to collect data or compile response to the application.

JA – Logistics and resources (money) are also a challenge. Current PMF review work, FOSJ know there are likely Northern seafans in the area. The group have been trying to get SeaSearch Divers and SNH divers to survey the area but they haven’t been able to survey the area in time for the PMF review. Concerned that if this is a one off event that will fix protection for the area they will have missed out the Northern seafans and other marine life. Practical challenges, such as hiring a boat to do the surveys, have meant they haven’t been able to find. Some of the CCN members are becoming SeaSearch Trained.

*(PMFs)*

CD – LINK have responded to the PMF consultation and asked for a range of approaches to protection to be considered. LINK suggested some options - a 0.5nautical mile ban on mobile fishing gear, a combination of 0.5nm + 50 m depth, as well as a 1nm mile limit with an option for boats to re-enter the outer 0.5nm. LINK also asked for the review to be broadened out to include a wider range of species, and for the review to consider ‘recovery’, historical baselines of habitats and species, a precautionary approach.

JA/PP/AF/WG – Complexity of consultation responses. Would be helpful if NGOs produced a guideline to the consultation response to distil the essence of consultations and highlight key points. Highly technical documents, in some cases short time (only 4 weeks to respond). RL flagged that timing can be a challenge, could be quite quick to produce from an individual but LINK agreed responses take more time, can be up to 1 week before which isn’t enough time to send out to groups. LINK have done this in the past on MPAs and Nick at Open Seas has been producing some guidance that has been helpful, FFI starting to do it to. It allows the CCN to decide whether to respond. CL flagged that MCS/SIFT guidance to Aquaculture developments is most downloaded document on the CCN site. Case study work not responded to by National NGOs – noted on local councils as ‘no response’, which is interpreted as not a problem. We have done some precedence setting case study responses. Noted in LINK meeting this morning that we may need to consider a basic ‘rapid response’ to avoid a null response.

*Other*

HOPE Spots – An initiative from the Mission Blue Sylvia Earle Alliance (<https://mission-blue.org/hope-spots/>). Friends of the Sound of Jura have submitted an application for an area around Loch Sween, some small SACs around Lismore, Firth of Lorne SAC to become a Hope Spot. Mission blue happy about the proposals, SWT, NTS support. There are 50 worldwide, this would be the first in the UK, could be the second if the Moray Firth goes ahead. This could be a good opportunity to raise money and potentially drive greater conservation goals in the area. It’s the sort of project that community groups and NGOs could work together on under that banner. Should come to fruition soon. Doesn’t include Loch Lismore. Boundaries defined by where there are community groups of interest.

WWF report – MBN commissioned Keith Hiscocks, marine lab Plymouth analysed all marine records. That area highlighted as biodiversity hotspot in the UK.

JA – interesting to test the Precautionary Approach and its use in Scotland. LINK keen that in the event of an Exit from EU interested to make sure that we have a policy that delivers environmental protections.

Resources available in the CNN via locals (e.g. boats etc.). There is potential to collaborate and feedback. Could be done for surveys and other research. LINK can support with policy questions and keen to keep in touch.

Suggested that LINK and the CCN groups keep taking opportunities to catch up and discuss current work areas and consider other topics of mutual interest.