LINK Consultation Response
Facilitating marine nature restoration through legislation
May 2024

Introduction to Scottish Environment LINK

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 40 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Its member bodies represent a wide community of environmental interest, sharing the common goal of contributing to a more sustainable society. LINK provides a forum for these organisations, enabling informed debate, assisting co-operation within the voluntary sector, and acting as a strong voice for the environment. Acting at local, national and international levels, LINK aims to ensure that the environmental community participates in the development of policy and legislation affecting Scotland.

LINK works mainly through groups of members working together on topics of mutual interest, exploring the issues and developing advocacy to promote sustainable development, respecting environmental limits. This consultation response was written by LINK's Marine Group.

1. **Response**

Question 1 Do you think the example definitions provided are a suitable basis to frame a definition of marine nature restoration for the purpose of this legislation?

==**Other**== – Please explain

If you selected 'Other' then please use this space to expand on your answer.

LINK members agree that these definitions are a good starting basis for framing a definition of marine nature restoration, but also acknowledge the wealth of published literature on the topic and international definitions. Some of the definitions mentioned are quite conservative and do not fully acknowledge different scales or perspectives of restoration. Nature restoration is an active process requiring human intervention. It should be viewed at an ecosystem level, ensuring that such interventions support wider ecological functions and enhance ecosystem service benefits on a long-term basis. The level of on-going human involvement will likely depend on the project itself. Very few marine spaces are now untouched by human activities or influence, and it is likely that ongoing human intervention in one form or another, including policy protection, will be needed.

The proposed high-level definition must be developed with marine stakeholders, communities and restoration practitioners, and should be subject to further consultation to ensure that it has wider acceptance and meets the needs of nature and people. Furthermore, any detailed definitions included in secondary legislation should be taken forward as affirmative procedures and must be subject to Parliamentary scrutiny.

LINK members agree that in this context the definition should refer to active restoration, but note that this is one component of much-needed ecological recovery in Scotland's seas, and achieving biodiversity and climate goals requires alignment with wider strategies such as "passive restoration" and management of marine activities.

Question 2 Are there any other considerations or examples we should consider in formulating a definition for marine nature restoration?

Please provide examples and any information which you think would be useful to support your views.

We suggest considering the Global Biodiversity Framework targets, especially Target 2. The Convention on Biological Diversity (CBD) defines restoration as "the process of managing or assisting the recovery of an ecosystem that has been degraded, damaged or destroyed as a means of sustaining ecosystem resilience and conserving biodiversity." The United Nations (UN) Decade on Ecosystem Restoration and the International Union for the Conservation of Nature (IUCN) also set an internationally recognised context for marine nature restoration, both focusing on the reversing of biodiversity decline and restoration of degraded ecosystems to meet the needs of nature and society.

LINK members also acknowledge the growing body of evidence for social and cultural considerations of nature restoration and how these are included in such definitions. The Ecosystem Approach, promoted by Scotland's National Marine Plan, requires the consideration of humans as part of the ecosystem. In that context, Long et al. (2015) highlight numerous socio-cultural principles that must be considered, including "Stakeholder Involvement", "Recognise Coupled Social-Ecological Systems" and "Decisions reflect Societal Choice". We recognise that these proposals have resulted from representations made by community-based marine nature restoration practitioners, and the Scottish Government's effort to improve the regulatory approach in response is welcome. The definition of marine nature restoration must support societal inclusion, appropriate governance and accountability in decision-making.

Question 3 Do you think registration should be based on the restoration 'project', rather than each individual 'activity'?

Yes

Question 4 Please share any considerations you have in relation to tying the registration process to a 'restoration project' rather than each individual activity.

Please provide examples and any information which you think would be useful to support your views.

LINK members' priorities for the process of development of marine nature restoration projects is that they should further environmental goals, increase inclusivity for communities and local organisations and reduce administrative burden.

LINK members support the proposal above that registration should be based on the project to account for locally-specific plans and activities. The priority and focus should be on facilitating "grassroots" habitat restoration projects, including by community groups and organisations, coastal landowners, conservation practitioners and other local interests. It is also important that the process is easier and faster to scale up and accelerate the recovery of marine nature to meet national and international biodiversity commitments for 2030. Appropriate guidance and support should be provided to organisations wishing to register their projects. LINK members are concerned that a lengthy or detailed process for registration may place a high burden on applicants and if the application is incorrect in any there is a risk of a fine.

It is also important to remember that Marine licensing is just one part of the process, and there would still be a requirement to go through the other aspects relating to a restoration project, including Habitat Regulations Assessment (if needed) and application for a translocation licence. Do these other aspects have sufficient checks and balances needed to safeguard the environment? Restoration projects are very low risk activities, but there is still a need to safeguard projects against potential misuse or bad practice.

The proposed process could explore the potential for exemptions from a marine licence for projects utilising demonstrably successful restoration methodologies. This could incentivise innovation and streamline procedures for established techniques. However, for projects involving restoration across multiple species and sites, an activity-based registration process could be more efficient, particularly if marine habitat restoration efforts are scaled up significantly in the future.

Question 5 Please share any reflections you have on how we could set appropriate threshold(s) of environmental impact.

Please provide examples and any information which you think would be useful to support your views.

LINK members support a flexible approach to the threshold. We believe option 3 is the most appropriate as different species should be considered at different thresholds relating to their population dynamics or life history.

However, If option 3 is applied, it is crucial that the process remains simple for communities planning to undertake multiple-species projects. It would be a burden for communities to have to go through the process for every species considered in one project. All needs to be streamlined. As mentioned under question 4, LINK members' priorities for the process of development of marine nature restoration projects is that they should further environmental goals, increase inclusivity for communities and local organisations and reduce administrative burden.

Scale measured in terms of size is not ideal as some restoration project can have a big impact on a small, localised area. Furthermore, the ambition within the Scottish Biodiversity Strategy is to scale up restoration initiatives to reverse biodiversity loss and tackle climate change through nature-based solutions. While the initial threshold is likely to be far above the scale of current restoration projects, this may need to change, so it would need to be flexible and may require a more nuanced metric.

LINK members also have comments on the examples of environmental risk factors suggested in the consultation:

Biosecurity is an important issue both in terms of restoration site and origins of donor stock. However, how would this work in practice? Would applicants have to assess biosecurity risks themselves? How to set this as a threshold without evidence? The project "Restoration Forth' had to survey the Firth of Forth to find out what INNS are present in the first place, which does not make the process any easier. Would this be only relevant where translocation is happening? If so, what are the distance criteria for translocation?

Proximity or potential to affect sensitive/designated sites and priority marine features: LINK members propose a less stringent threshold for restoration projects compared to industry standards, assuming other safeguards

(e.g., biosecurity) are in place.

This approach recognizes the potential positive environmental outcomes of restoration efforts. We acknowledge the lack of a comprehensive ecological assessment for the Marine Protected Area (MPA) network. Restoration projects can be valuable tools for gathering data and contributing to the conservation objectives for MPAs. Therefore, incorporating restoration activities into the MPA management framework could be beneficial.

While the MMO self-service system has a 200m exclusion zone around MPAs requiring full licensing and Habitat Regulations Assessment (HRA), this approach might be overly cautious for certain low-impact restoration projects. A tiered threshold system based on proximity to sensitive/designated sites and the scale and nature of the restoration activity may be appropriate.

Restoration method: mechanisation of restoration projects may be needed to scale up and reach the Scottish Government's targets in terms of ecosystem restoration (as in Scottish Biodiversity Strategy). LINK members believe projects should prioritise effective methods, whether those are well-established and proven or incorporate promising new approaches. Criteria or guidance and/or a documentation process for testing new methodology could be developed to ensure that projects are operating acceptably against appropriate standards and sharing of new learnings can be facilitated.

The proposals are very focused on the potential risk and reducing the risks. LINK members believe that the threshold should also consider environmental benefits. The proposals seem to consider restoration projects as environmentally intrusive projects and come across very risk-averse. Can the threshold also take into account the potential benefits?

We want to emphasise that self-assessing environmental impact thresholds should fundamentally and significantly lessen the burden and risk on restoration projects. To ensure this is possible, the system must provide succinct clear and accessible guidance and support mechanisms, such as workshops or training sessions for applicants.

Question 6 Do you agree with the principle that placement of moorings/anchors, lines or other objects that may present a navigational risk (for example through propeller entanglement) should not qualify for registration, and should remain subject to current marine licencing laws, even if they are part of a restoration project?

Unsure

Other – Please explain

If you selected 'Other' then please use this space to expand on your answer.

LINK members believe options for this issue need to be explored further. The use of moorings, such as eco-mooring on seagrass beds, oyster ropes or marker buoys may be important for supporting and ensuring the success of a restoration project. LINK members wonder if this can be considered on a case by case basis, or by adding a criteria for exemption or mitigation measures in the registration process.

Licensing has to be consulted on and could come under pressure from stakeholders. Are there other options to notify stakeholders where moorings are essential for restoration? Would it be possible to consider a spatial approach for restoration or marine recovery? For example, by designating "recovery areas" that could be exempted from licensing? This may have a level of uncertainty due to lack of baseline monitoring for project placement.

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Question 7 Please share any reflections you have on how we can minimise navigational risks under a registration process.

Please provide examples and any information which you think would be useful to support your views.

LINK members suggest exploring ways to make it simple for communities, by, for example, integrating it to the registration process. When registering for a project, stakeholders would have to declare where any potential anchoring or mooring is planned to be implemented. We believe this should be assessed on a case by case basis.

Question 8 Do you agree Scottish Ministers should have the option to devolve the administration of a registration process to another public body?

Yes

LINK members support that the administration of a registration process should be devolved to a competent administration or public body. Research shows a lack of administrative capacity and specialist knowledge within the regulators, leading to delays and inconsistencies. The relevant public body must be appropriately resourced to oversee this system.

Statutory nature conservation bodies also tend to be very risk-averse. Restoration projects would need to be considered in the light of broader nature recovery framework and ambitions, such as the Scottish Biodiversity Strategy.

Question 9 Should a registration process be based on a self-declaration/self-assessment model or would you prefer an 'approval/application' based process?

Self-declaration/self-assessment.

We support the principle of a self-declaration/self-assessment model for marine restoration projects and we agree it could reduce administrative burden, but we have some concerns regarding oversight and standardisation.

We can draw some comparisons to the Marine Management Organisation (MMO) model, which streamlines registration but ensures basic project details and adherence to established standards are documented. It would be essential to develop clear national standards for restoration activities to guide self-assessment and to implement a light-touch oversight process to ensure compliance with standards. In parallel, it must enable the desired reduction in administrative burden on the applicant.

A key limitation of the MMO model is that it only applies to activities requiring a licence. A legislative change requiring all restoration activities to use the registration process might be counter-productive. Alternative solutions, such as expanding the definition of activities requiring a marine licence to encompass restoration

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projects (which might face industry resistance) or developing a separate registration system for non-licensed restoration activities.

There is a potential exemption clause in the Marine Scotland Act 2010 for establishing a registration process through a Scottish Statutory Instrument (SSI). We recommend further investigation into this clause and its suitability for the proposed registration system.

Question 10 If you answered 'approval/applications process' for question 9, should the administrator of a registration process be able to apply conditions to the registration?

Yes
No
Unsure
Other – Please explain

If you selected 'Other' then please use this space to expand on your answer.

N/A

Question 11 Please share any considerations or concerns you have on the nature of the registration process and whether it should be based on self-assessment or approval/application.

Please provide examples and any information which you think would be useful to support your views.

Same as questions above (10)

Question 12 What are the key types of information you think projects should be required to provide as part of their registration? Please select all that apply.

Location
Activity being undertaken
Methods
Biosecurity
Monitoring
Navigational risk

We suggest additional types of information that should be provided:

Species: the project registering should confirm that only native species will be used and are suited for the specific location and natural range identified for the restoration project. This includes the source of the species used for restoration (e.g. coming from hatchery, natural collection etc.)

Community engagement and benefits: A description of how the project will engage with and/ or involve the local community should be included in the registration process. It is also important for groups registering to mention the potential benefits the project could bring to communities and local industries (e.g., tourism, fisheries).

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Question 13 Do you think the register should be made publicly available? By publicly available we mean published online.

<mark>Yes, but only some information</mark>

LINK members believe the exact locations of restoration projects should be shared with the relevant organisations and authorities but redacted publicly to prevent illegal resource extraction. This however questions how it would work with navigational risk and projects where the full licensing process is being used.

Question 14 Please share any concerns or considerations you may have with regards to providing information in the registration process and/or making information on the register publicly available.

Please provide examples and any information which you think would be useful to support your views.

Question 15 Do you agree Scottish Ministers should have a broad post-registration power to intervene and amend/update/remove projects from the register?

<mark>Other – Please explain</mark>

If you selected 'Other' then please use this space to expand on your answer.

LINK members think Scottish Ministers could have broad powers to intervene, amend, update or remove projects from the register, but those powers should be clearly defined in advance. More details are needed here on what the powers will be, and/ or the stages at which they can interfere. Pre-defined scenarios might be helpful to clarify what the Scottish Ministers powers will be, and how they can be used. Any changes that Scottish Minister wish to make to registered projects must be done in partnership with the project leaders or organisers.

Question 16 Please share any comments you may have on instances where Scottish Ministers should be able to intervene post-registration.

Please provide examples and any information which you think would be useful to support your views.

Question 17 Do you agree Scottish Ministers should be able to create offences and penalties in relation to the registration process?

<mark>Yes</mark>

LINK members agree that safeguards are necessary for the registration process to ensure that it could not be misused. Sufficient succinct guidance written in plain English on completing the registration process should be

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provided to reduce the chance of incorrect information being supplied by mistake. Any suspected infringements must have appropriate evidence and should be independently assessed, with allowance for any innocent mistakes to be explained.

In the possible scenario that the scale of a restoration project progressed unexpectedly, with the project not acquiring a marine licence in time, will there be potential lenience in the penalties for this? For example, could a project be given allowance to apply for a marine licence in (certain amount of days) after the scale has breached the designated threshold?

Further clarity is needed on how the registration system would be enforced and how regulatory oversight would be undertaken. Would projects be subject to auditing or monitoring by the regulator of the system? There should possibly be more oversight as part of the registration process to prevent mistakes or misuse that would then require ministerial intervention.

Question 18 Do you agree with the limits we propose as a model for the framework and upper limits on offences and penalties?

Yes

While high fines can deter deliberate exploitation of the system, they could also discourage genuine restoration efforts due to the fear of financial repercussions. High fines could disproportionately impact small, community-driven restoration initiatives. Their limited financial resources might not allow them to bear such penalties, even for unintentional mistakes. We suggest there should be clear guidelines on differentiating between unintentional mistakes and deliberate violations, and the provision of guidance or resources for projects that could help prevent unintentional transgressions in the first place. This allows for a more nuanced approach to penalties, focusing harsher penalties on intentional infringements. Fines should be sufficient to deter deliberate misconduct but not so high as to discourage well-intentioned restoration efforts.

Question 19 Do you support bringing forward legislation to enable Scottish Ministers to develop a registration process for marine nature restoration projects?

Unsure

LINK members cautiously support bringing forward legislation to enable a registration process for marine nature restoration projects. While we see the value of a streamlined system, the chosen legislative approach requires careful consideration. LINK members believe that a well-designed registration system developed through legislation can offer significant benefits but we are unsure whether the proposals set out in this consultation offer the most accessible approach for applicants as well as an appropriate level of accountability.
While using primary legislation provides a robust legal framework with clear parliamentary scrutiny and public debate, it is lengthier and more resource-intensive process potentially delaying implementation. Furthermore, given recent political uncertainty, pursuing an amendment to primary legislation is a higher risk option than exploring options using existing provisions (e.g. exemptions for activities through a SSI). An approach through an SSI would be faster and more flexible, supporting the possibility of needing to adapt the registration system in the future.

Regardless of the chosen legislative path, LINK members reiterate the importance of incorporating several key elements into the registration system, including clear national standards for restoration activities to guide project design and self-assessment with a light-touch oversight mechanism, a flexible threshold system for environmental impact assessments, proportionate penalties and support for project developers to help with self-assessment and navigating the registration process.

Question 20 Do you think a registration process would help to reduce the administrative burden on restoration projects?

Unsure

LINK members believe a registration process would partly help reduce the administration burden. As mentioned above, the licence is only one part of the process, and we think the system itself needs an overhaul. The process as suggested here puts the burden on the applicant to understand whether they meet the requirements.

Question 21 Do you think a registration process would help encourage more restoration projects to come forward and/or scale up?
Yes
No
Unsure
Other – Please explain

If you selected 'Other' then please use this space to expand on your answer.

In principle a more autonomous, simpler approach should encourage more marine nature restoration projects to start. However, as mentioned above, it would depend on the level of accessibility and clear guidance provided for the registration process (e.g. penalties may be off-putting) to give the applicant confidence. It would also depend on whether other aspects of the project development process are straightforward (e.g. the biosecurity planning).
Currently there is limited capacity to scale up active marine restoration initiatives. Greater capacity in terms of finance, skills and planning is needed to deliver larger scale habitat restoration, which the registration process in itself (however simple) may not help.

Question 22 Please share any further considerations you have about the proposals as a whole.

Please provide examples and any information which you think would be useful to support your views.
Where a restoration initiative is considered a reintroduction project (i.e. species was extirpated) additional monitoring and processes would be required. There needs to be clarity on whether this would be possible through a self-registration process. There also needs to be consideration of changing environmental baselines and whether ecosystems will benefit positively under current conditions, which relies on a flexible framework and robust monitoring.

Part 2 – Marine Conservation Orders

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Question 23 Do you support the extension of existing Marine Conservation Order provisions under the Marine (Scotland) Act 2010 to be applicable to habitats and species undergoing restoration or which have been restored?
Yes
 No
 Unsure
 Other – Please explain

If you selected 'Other' then please use this space to expand on your answer.

LINK members support the development of marine nature restoration projects in Scottish seas. Many of LINK's member organisations are part of such projects, including the Dornoch Environmental Enhancement Project and Restoration Forth. We commend community groups and organisations who are taking action in their local coastal and marine environment to improve the condition of marine nature. Our view is that active restoration of marine habitats and species is a key component of tackling the twin climate and nature crises, and meeting international commitments and benchmarks, including the Global Biodiversity Framework (particularly Target 2).

LINK members also acknowledge that Scotland's seas are growing busier, with increasing demand on marine resources and ecosystem services to meet societal needs, including food security, energy provision and recreation and well-being. Therefore in order to safeguard areas of marine habitats that are restored, or undergoing restoration, we agree that a policy instrument could be a useful mechanism to provide protection and that an extended MCO would be suitable.

However, if the Natural Environment (Scotland) Bill is delayed or not enacted, the legal basis for extending MCO provisions would be unclear or may require alternative legislative solutions. We also consider that more detail is needed on what these MCOs would look like.The use of MCOs as statutory instruments have so far been in relation to non-licensable activities taking place within marine protected areas, and are formulated on the basis of a risk-based 'sustainable use' approach. In the case of proposed MCOs for nature restoration, we think it would be helpful to provide greater clarity on the detail of how these might work in practice. For example, how restoration projects will qualify for an MCO, how this will be consulted on, and the procedure for Parliamentary scrutiny. Detail is needed on what activities could be restricted under a restoration MCO and how this affects activities that are subject to the regulatory framework, such as aquaculture. Clarity on how these MCOs are considered in relation to the wider MPA network and 30x30 target, as well as areas for protecting PMFs outside MPAs and overarching National Marine Plan policies would also be helpful. Additionally, how would these restoration MCOs sit with compensation measures for developments? LINK members have long advocated for a more holistic approach to spatial management of activities - in particular inshore fisheries - in Scotland's seas. These proposed MCOs are another individual component of a bigger picture that should be set out more clearly. In the wake of the consultation on Highly Protected Marine Areas (HPMAs) and delayed process to establish fisheries management MCOs in existing MPAs, restoration MCOs may be perceived negatively by stakeholders directly affected by further potential restrictions. Local stakeholder participation in developing restoration MCOs would be essential.

Question 24 Do you think there should be a requirement on Scottish Ministers to review any Marine Conservation Orders implemented for habitats or species undergoing restoration or which have been restored?

If you selected 'Other' then please use this space to expand on your answer.

The process for implementing an MCO should be transparent and sufficiently participatory for marine communities and stakeholders. We assume restoration MCOs would be subject to the same Parliamentary process as current MCOs and similar SSIs, but further clarity on this would be welcome.

Question 25 Do you think that any of the existing Marine Conservation Order provisions outlined in this section should not be extended to be applicable to habitats or species undergoing restoration or which have been restored?
Yes
 No
 Unsure
 Other – Please explain

If you selected 'Other' then please use this space to expand on your answer.

Question 26 Do you have any other views you would like to share in relation to the proposal to extend the existing Marine Conservation Order provisions to habitats and species undergoing restoration or which have been restored?

Please provide examples and any information which you think would be useful to support your views.

LINK members agree that extended MCOs could provide an appropriate mechanism for protecting marine areas with active habitat restoration but that further clarity about what these would look like and why they require an amendment to primary legislation is needed.. We think that there is an opportunity to further explore ways to facilitate the recovery of marine nature, including prioritisation of high ecological value habitats as criteria for restoration MCOs (such as 'blue carbon' and essential fish spawning areas).
Harrison 2023 report suggests reviewing/extending Scotland's MPA network more broadly to include areas for ecosystem recovery, rather than just MPAs for sustainable use, in line with the need for a spectrum of protection as set out in the Convention on Biological Diversity. We would support this and highlight opportunities beyond habitat restoration projects as part of a credible, transformative pathway for ocean recovery that includes at least 10% of Scotland's seas being under strict protection by 2030.

Question 27 Do you agree that MCO powers should be extended as outlined to be applicable to standalone European marine sites?
Yes

Question 28 Do you think that any of the existing MCO provisions within the Marine (Scotland) Act 2010 should not be extended to be applicable to standalone European marine sites?
 Yes
 No
 Unsure

Other – Please explain

If you selected 'Other' then please use this space to expand on your answer.

Question 29 Do you agree with our proposal to change the requirement to consult on the 'draft order' to a requirement to consult on the 'draft proposal'?
<mark>Yes</mark>
 No
 Unsure
 Other – Please explain

If you selected 'Other' then please use this space to expand on your answer.

Question 30 Do you think that any of the proposals will have an impact directly or indirectly on the costs and burdens placed on businesses, the public sector voluntary and community organisations?

<mark>Yes</mark>
 No
 Unsure
 Other – Please explain

If you selected 'Other' then please use this space to expand on your answer.

Depending on the criteria for restrictions on activities within the restoration MCOs, there could be an economic impact on some commercial activities or small businesses. The potential scenarios must be assessed and a transparent participatory process to implement the MCOs should be facilitated.
However, it is important to highlight the potential benefits of implementing the proposed restoration MCOs in terms of nature conservation, ecosystem services and community empowerment. Marine habitat restoration is likely to translate to long-term economic and socio-cultural benefits, as well as environmental, such as sustainable tourism and improvements to commercial seafood species populations.

Question 31 Do you think that any of the proposals will have an impact that is significantly different for island communities than for mainland communities?
<mark>Yes</mark>
 No
 Unsure
 Other – Please explain

If you selected 'Other' then please use this space to expand on your answer.

Island communities often have fewer economic alternatives compared to mainland areas. Restrictions imposed by MCOs could disproportionately affect smaller scale livelihoods. These proposals must ensure islanders have a voice in shaping restoration efforts.

However, it is important to highlight the potential benefits of implementing the proposed restoration MCOs in terms of nature conservation, ecosystem services and community empowerment. Marine habitat restoration is

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likely to translate to long-term economic and socio-cultural benefits, as well as environmental, such as sustainable tourism and improvements to commercial seafood species populations.

Question 32 Do you agree with our assessment that the proposals set out in this consultation will not impact on people with protected characteristics as set out under the Equality Act 2010?
Yes
No
Unsure
Other – Please explain

If you selected 'Other' then please use this space to expand on your answer.

Question 33 Do you agree that the Strategic Environmental Report is an accurate representation of the potential impacts, positive and negative, on the environment from the proposed MCO changes?

Yes

LINK members emphasise the earlier point that we have long advocated for a more holistic approach to spatial management of activities - in particular inshore fisheries - in Scotland's seas. Such an approach could mitigate some of the potential negative impacts of MCO and enhance ecosystem service benefits. These proposed MCOs are another individual component of a bigger picture that should be set out more clearly.

Question 34 Do you agree with the findings of the Strategic Environmental Report that overall, the likely beneficial effects of the proposals outweigh the potential negative impacts?
Yes

Question 35 Do you have any further comments you wish to add?

Please provide any further comments.

The benefits of prioritising and facilitating marine nature restoration are likely to outweigh the drawbacks. Scotland's Marine Assessment (2020) highlights an already depleted baseline for marine nature and the State of Nature Report (2023) ranks the UK as one of the most nature-depleted countries in the world.
LINK members acknowledge that this consultation proposals are a welcome response to community representations about barriers to restoration projects. However, these proposals should go through a far more participatory process to co-design an approach that is appropriate and include a wide range of communities and stakeholders.
For a consultation about proposals in the community interest designed to make technical processes easier, we think this consultation is a very long and inaccessible consultation to respond to. There is a need for much simpler and more generic questions.

The consultation proposals will likely result in more areas of the sea being issued with MCOs or being restored. There is already a lack of enforcement capability within the Marine Directorate. Scottish Government should, in tandem with effecting the proposed changes, put in place robust enforcement to ensure that the vision for

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future active restoration comes ot fruition. This will also give communities and voluntary restoration groups more confidence to take forward their projects.

As highlighted in the Harrison report, the CBD Conference of the Parties (COP) has emphasised the need for effective enforcement and Scotland has a noticeable lack of enforcement vessels. The report went on to recommend that the Scottish Government review their enforcement assets to identify gaps and what further equipment or resources may be required in order to ensure an effective deterrence to illegal activity.

This response was compiled on behalf of LINK Marine Group and is supported by:
Marine Conservation Society, National Trust for Scotland, RSPB Scotland, Scottish Wildlife Trust, Whale and Dolphin Conservation, WWF Scotland

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