

Rural Economy and Connectivity Committee

Islands (Scotland) Bill

Written submission from The Community of Arran Seabed Trust (COAST)

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**Re: Rural Economy and Connectivity Committee
Call for Views – Island (Scotland) Bill**

Dear REC Committee,

Please find attached a list of the original questions put out with the 'Call for Views' followed by our comments on Questions 5, 6 and 7. These are the questions to which we feel we can contribute the most to assist your process.

Yours sincerely,



Paul Chandler

Director

Community of Arran Seabed Trust (COAST)

5. The Bill will provide a regulation-making power for the Scottish Ministers to create a Marine Licensing Scheme for Coastal Waters. Do you agree with this power? Do you have any comments on how it should be used?

In response to question 5.

We are in favour of the spirit and objective of the bill to empower local communities and to devolve decision making powers to those that the decisions affect the most. However, we are unclear as to how this will work in practice and how much the local authority will be bound to take note of islander's opinions. For example, on Arran would it be one or two councillors representing the views of Arran Community Council on North Ayrshire Council or the devolving of licensing decisions directly to a new Isle of Arran council body by North Ayrshire?

Any devolution of decision making to local communities will still need to adhere to national policies on environmental management e.g. Environmental Impact Assessments and Habitat Regulations Assessments. Local decision making will still need to fit under the umbrella of national frameworks like the National Marine Plan and the EU environmental regulations and directives which our Ministers have stated that Scotland will continue to abide by.

To assist local communities to manage cumulative environmental impacts together with adjacent communities then the National Marine Plan may be the best vehicle for this. An overarching plan will avoid local decisions being taken in isolation without regard for their cumulative effect upon the environment. Any cumulative environmental effect from development decisions can be included in the next refresh of the National Marine Plan and must be included in the Clyde Marine Plan when it comes to fruition via the Clyde Marine Planning Partnership (the commitment to consult on the refresh of the National Marine Plan is contained herein; A Nation With Ambition: The Government's Programme for Scotland 2017-18; <http://www.gov.scot/Publications/2017/09/8468/8>)

Section 16(1)(b) Dredging. We would like to see scallop dredging and demersal trawling also included under this section of the bill as these are currently the most common and widespread activities, which damage the physical quality of our island seabed habitats as well as damaging their biodiversity and abundance.

Section 16(2)(d) Development Activity This section explicitly excludes the establishment of fish farming as a 'development activity' and in our opinion this goes against the clear objective of the Bill in regard to devolving power to local communities. Over and above every other issue affecting island communities, in recent years, this one has resulted in some of the greatest disempowerment of local communities by outside commercial interests (private sector and governmental). Fish farm companies have continued to be awarded local authority and SEPA licenses to expand existing open pen farms and create new farms despite local community council opposition to the pollution, infection and clear environmental

damage that they have proven to create. To truly empower the island communities we recommend that fish farm licensing is also included in this bill and licensing decisions are made by island community councils.

Section 17(b). 12 mile limit for marine licensing. What happens where the open water surrounding an island is less than 12 miles to the mainland or to another island's 'Scottish island marine area'; is a median line to be drawn? This needs to be clear and perhaps use some similar rules to the UN Convention on the Law of the Sea to define boundaries between overlapping areas.

Section 19: Exception from requirement for licence. We would like to see included here a clause that states that a development activity is exempt only if there is no application to expand the development activity with regard to geographic area and/or volume of production, or if the local community have scientific evidence that the activity has become harmful to them and the environment.

6. Does the Bill Achieve Its Aims and Are You in Favour overall? Is there anything else that you feel should be included or excluded from the Bill?

In response to Question 6.

We are in favour overall of any Bill that seeks to promote local decision making and community empowerment in the management of local assets and resources.

We would like to see an explicit clause in the Bill, which ensures that when considering licensing a 'development activity' that a mandatory independent scientific assessment of the environmental impact is undertaken that takes account of the full spectrum of scientific evidence. Too often in our experience we see certain scientific opinion being cherry-picked because it fits with the narrative that licensing authorities want and the remainder of the scientific argument is disregarded even though the volume and quality of it may be overwhelming.

7. Do you have any comments on the Bill in relation to human rights or equalities?

In response to Question 7.

Island communities such as Arran have for decades been denied an automatic and early voice in decisions regarding fishing and aquaculture in their surrounding waters. There is a palpable sense of social injustice from many island communities and a clear narrative present, which is that 'we have to fight for our rights'. Therefore, when an island community's voice is heard it is generally, very loud and adversarial because our communities are not given mandatory involvement and mandatory power. If the elements of this Bill are designed, and adequately funded, to shift the

power to the island communities in a way that shifts the narrative from conflict to contribution then this can really make the progressive socio-economic , ecosystem-based difference that we are looking to make.