

# European Parliament Intergroup – Seas, Rivers, Islands and Coastal Areas

## Round Table

### *“The maritime dimension of the Birds and Habitats directives”*

#### **Orkney Islands Council Intervention**

Good afternoon and thank you for the opportunity to provide a perspective from Orkney Islands Council regarding the profound impact the Birds and Habitats Directives are having on our islands and future prosperity.

I’m a Senior Policy Planner with Orkney Islands Council, working to strike a balance between sustainable economic development and the protection of the environment on which these activities depend.

In response to the EU fitness check in 2015, our Council, in partnership with Shetland and Western Isles, expressed our view that the Birds and Habitats Directives are not fit for purpose. I will expand on the points we raised through the fitness check in this short presentation.

(SLIDE 1 Location Map) To provide the Intergroup with some important context, Orkney is an innovative and forward-thinking island community located off the Northern coast of Scotland. (SLIDE 2 Activities) Our Council has managed the busy oil port at Scapa Flow for over 40 years and we have over 25 years of experience regulating and facilitating aquaculture operations. Our islands make a significant contribution to the EU’s Blue Growth aspirations with the European Marine Energy Centre putting us at the forefront in the development of the wave and tidal energy sector. All these activities are managed alongside a thriving marine tourism industry, coexisting within an outstanding marine environment. In order to continue this sustainable relationship, we have recently adopted a comprehensive marine spatial plan, which supports an ecosystems approach to management.

In short, through the responsible management of marine activities, we have achieved a financial security which our Islands would not otherwise have, alongside sustaining an exceptional environment. This balance is currently at risk.

Why? We are deeply concerned that Orkney disproportionately shoulders the socio-economic burden of European nature conservation designations compounding disadvantage in our economically fragile community. (SHOW SLIDE 2 – Existing sites) Orkney has 13 classified SPAs and 5 classified SACs. These designated Natura sites cover a significant proportion of our land and marine area.

(SHOW SLIDE 3 - dSPAs) In 2014, Scottish Government advisors announced the intention to designate a further two expansive marine draft SPAs in Orkney, covering the majority of our internal waters, as shown in red on this map. Having assessed the data, it is clear that these draft SPAs have not been identified using sound science, and do not constitute the most suitable territories in UK waters for the conservation of the bird species in question. We have grave concerns that designating these vast new SPAs on the basis of poor data, would put in place a significant deterrent to future sustainable development, and could be catastrophic for both the growth and commercialisation of the marine energy sector, and the operation of our harbour activities.

(SHOW SLIDE 4 - MPAs) It is also important to note that in addition to these European designations, a further three Marine Protected Areas were designated in Orkney waters in 2014 under national legislation.

So what can be done? We believe that to achieve coexistence between human activities, and habitats and species of conservation importance, the assessment requirements of the Directives need to be revisited. Currently, the Birds Habitats and Directives require disproportionately onerous legal tests for assessing and consenting new developments and activities. The requirement to prove no significant effects on protected sites beyond any reasonable scientific doubt, can be prohibitive to truly sustainable forms of development. As an example of the extraordinary costs that can be incurred, our Council spent 800,000 Euros to undertake an assessment of potential effects on an SAC when renewing our environmentally responsible Ballast Water Management Policy for Scapa Flow. This exercise took over 4 years to conclude. Such a situation is a major impediment to sustainable development within our community.

Further to this, local confidence in, and ownership of any conservation designation is critical to effective management and should be embedded in the designation process. Our Council can suggest many changes to the Directives that we believe would greatly improve their implementation; increasing local accountability, ownership and influence. The current interpretation of the Directives, which require Natura sites to take on formal status in decision making before any formal consultation has been completed, can only be described as wholly undemocratic. This requirement undermines any meaningful engagement with affected communities. We believe it is obvious that marine nature conservation objectives can only be achieved in partnership with the local communities that are affected by them.

We would very much welcome the opportunity to provide further written evidence to the Intergroup on this important topic.

Thank you for your attention to the concerns of our islands.