

Appendix 1. Relevant Environmental Protection Objectives

Plan, Programme or Strategy	Objectives
UN Convention on Biological Diversity (1992)	<p>The three main objectives of the UNCBD are:</p> <ul style="list-style-type: none"> • the conservation of biodiversity; • the sustainable use of biodiversity; and • the sharing of benefits from the use of genetic resources (including by appropriate access to these resources). <p>Article 6 requires that all parties to the Convention develop national biodiversity strategies, plans or programmes, and that they seek to integrate the provisions of these across other policy sectors. Article 7 requires the identification of key resources and their protection. Monitoring of potentially damaging processes and activities should also be undertaken. To establish representative networks of protected areas in the maritime environment by 2012.</p>
Bonn Convention on the Conservation of Migratory Species of Wild Animals 1979	Aims to conserve terrestrial, marine and avian species through international co-operation.
Convention on Wetlands of International Importance 1971 (amended 1982/87)	Otherwise known as the Ramsar Convention, this emphasises the special value of wetland, particularly as a key habitat for waterfowl. The Convention resulted in designation of sites for management and conservation.
Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention) 1992.	The aim of the OSPAR convention is to prevent and eliminate pollution and to protect the maritime area against the adverse effects of human activities. The Convention led to establishment of a cross-regional commission promoting an ecosystems approach to marine management, including establishment of a network of MPAs. Its five work areas are biodiversity and ecosystems, eutrophication, hazardous substances, offshore industry, and radioactive substances). Climate change is also a key cross-cutting theme. Also includes a Biological Diversity and Ecosystems Strategy.
Agreement on the Conservation of African-Eurasian Migratory Waterbirds 1995 (AEWA)	An independent international treaty developed under the auspices of the UNEP/Convention on Migratory Species. The AEWA covers 255 species of birds ecologically dependent on wetlands for at least part of their annual cycle, including species of divers, grebes, cormorants, herons, ducks, swans, geese, waders, gulls, and terns. An action plan addresses issues including: species and habitat conservation, management of human activities, research, monitoring, education and implementation.

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Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas 1992 (ASCOBANS)	An agreement on the protection of small cetaceans, noting that the migratory nature of dolphins, porpoises and whales means that they can be vulnerable to a range of marine activities and issues.
UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks 2001	Sets out principles for the conservation and management of specified fish stocks and establishes that such management must be based on the precautionary approach and the best available scientific information. The Agreement elaborates on the fundamental principle, established in UNCLOS, that States should co-operate to ensure conservation and promote the objective of the optimum utilisation of fisheries resources both within and beyond the exclusive economic zone.
International Plan of Action for the Conservation and Management of Sharks 1999	The objective of the IPOA-SHARKS is to ensure the conservation and management of sharks and their long-term sustainable use. Scotland has over 30 species of sharks, skates and rays recorded in its waters of which 25 are found in coastal waters, of which a high proportion are already or nearly at risk.
UN Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks 2001	Sets out principles for the conservation and management of specified fish stocks and establishes that such management must be based on the precautionary approach and the best available scientific information. The Agreement elaborates on the fundamental principle, established in UNCLOS that States should co-operate to ensure conservation and promote the objective of the optimum utilisation of fisheries resources both within and beyond the exclusive economic zone.
Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive) as Amended by Council Directive 97/147/EC	Established a commitment to designating networks of sites of ecological importance across Europe. These are known as Natura 2000 sites and include SPAs (designated under the Birds Directive – see following paragraph) and SACs.

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Council Directive 2009/147/EC on the conservation of wild birds (the Birds Directive)	Protects all wild birds (together with their nests and eggs) and their associated habitats. Commitment to designation of SPAs (included in Natura 2000 sites - see preceding paragraph).
Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979)	Aimed to promote co-operation between European states to protect biodiversity.
The Pan-European Biological and Landscape Diversity Strategy (1995)	The Strategy aims to reverse the decline of landscape and biological diversity, by promoting innovation and proactive policy making. It supports preceding measures for protecting natural heritage, and aims to supplement this by further promoting a number of action themes relating to different environmental resources. Emphasises the rapid decline of some key characteristics and resources, including traditional human-made landscapes, coastal zones, marine areas, wetlands, mountains and grassland.
EU Biodiversity Strategy (2011)	The Strategy runs until 2020, and focuses on six priority targets and related measures. These are aimed at: enforcing EU laws protecting birds and habitats; maintaining and improving ecosystems - restoring at least 15% of areas that have been damaged; getting farming and forestry to help improve biodiversity; ensuring sustainable use of fisheries resources by reducing catches to scientifically determined limits by 2015 - 88% of the EU's fish stocks are currently over-exploited or are significantly depleted; combating alien species that invade habitats - and currently threaten 22% of the EU's indigenous species; stepping up the EU's contribution to preventing global biodiversity loss.
Wildlife and Countryside Act 1981	Provides the framework for protection of species other than European Protected Species. Sets out protection objectives for specified birds and wild animals. The Act's various schedules detail the species that are protected under the Act, including dolphins, porpoises, and numerous birds such as geese and ducks. This was reviewed and updated in December 2008 and it was recommended that several further species of marine fish should be added to the lists attached to the Act, including shark, seahorse and ray species.
The Conservation (Natural Habitats, &c) Regulations 1994	Transposes the requirements for protection of designated sites under the Habitats and Birds Directives, and the framework for protection of European Protected Species. Applies within 12nm. Several marine species are protected by various development consenting regimes covered by the Act. This includes marine turtles, all species of dolphins, porpoise and whale, seals and several types of marine fish (Atlantic salmon, Barbel, etc.).
The Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007	The Regulations extend protection to important species and habitats under the Birds and Habitats Directives beyond UK territorial waters (i.e. outside 12 nm). Give protection to marine species, wild birds and habitats, mainly through the creation of offences and site protection mechanisms. Provide the definition of deliberate disturbance applicable to cetaceans, turtles and the Atlantic sturgeon

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Conserving Biodiversity – the UK Approach (2007)	<p>A framework document for biodiversity identifies six priorities for implementing biodiversity objectives within the integrating framework of an ecosystem approach:</p> <ul style="list-style-type: none"> • protecting the best sites for wildlife; • targeting action on priority species and habitats; • embedding proper consideration of biodiversity and ecosystem services in all relevant sectors of policy and decision-making; • engaging people, and encouraging behaviour change; • developing and interpreting the evidence base; • ensuring that the UK plays a proactive role in influencing the development of Multilateral Environmental Agreements, and contributes fully to their domestic delivery.
Conservation of Seals Act 1970	<p>Provides for the protection and conservation of seals in and in adjacent territorial seas. The Habitats Directive and the 1994 Regulations (see above) introduced additional measures for the protection of seals.</p>
Nature Conservation (Scotland) Act 2004	<p>Introduced a ‘duty to further the conservation of biodiversity’ for all public bodies, and sets out more specific provisions within this including for Sites of Special Scientific Interest. Also states a requirement for the preparation of a Scottish Biodiversity Strategy, to which all public bodies should pay regard. Applies to 12nm around Scotland and includes protection measures for marine species.</p>
Scotland’s Biodiversity – It’s In Your Hands. A strategy for the conservation and enhancement of biodiversity in Scotland (2004)	<p>Sets out Scottish aims relating to biodiversity over 25 year period. Seeks to go beyond a previous emphasis on protecting individual sites to achieve conservation at a broader scale. Aims to halt loss and reverse decline of key species, to raise awareness of biodiversity value at a landscape or ecosystem scale, and to promote knowledge, understanding and involvement amongst people. The Strategy notes the importance and health of Scotland’s ecosystems, and summarises key trends.</p>
A Consultation on the 2020 Challenge for Scotland’s Biodiversity (2012)	<p>The consultation paper is focused on desired outcomes for 2020 in response to the European Union’s Biodiversity Strategy for 2020 and the ‘Aichi Targets’ set by the United Nations Convention on Biological Diversity. These call for a step change in efforts to halt the loss of biodiversity and restore the essential services that a healthy natural environment provides. The document aims to:</p> <ul style="list-style-type: none"> • increase the general level of biodiversity on land and in our seas, and support healthy, well-functioning ecosystems; • engage people with the natural world, for the health and well-being benefits that this brings, and empower them to have a say in decisions about their environment; • maximise the benefits for Scotland of a diverse natural environment and the services it provides, contributing to sustainable economic growth.

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	<p>The consultation includes a section on the Marine environment seeking to protect marine and coastal biodiversity and maintain marine productivity.</p> <p>The strategy paper that follows the consultation in summer 2013 will form part of the Scottish Biodiversity Strategy, alongside the 2004 document. This would make it relevant to public bodies' biodiversity duty under the Nature Conservation (Scotland) Act 2004.</p>
A Fresh Start: The renewed Strategic Framework for Scottish Aquaculture (2009) (SFSA)	The Strategic Framework for Scottish Aquaculture (SFSA) is based on three guiding principles; economic; environmental; and social. It is the main policy instrument to deliver a diverse, competitive but sustainable aquaculture industry in Scotland and provides a set of parameters within which industry can balance socio-economic benefits against environmental impact.
Salmon and Freshwater Fisheries (Consolidation) (Scotland) Act 2003	This Act allows for the Salmon Conservation Regulations to be made where it is considered necessary to do so for the conservation of salmon e.g. relating to fishing in the sea, estuaries or rivers.
Aquaculture and Fisheries (Scotland) Act 2007	Covers fish farms and shellfish farms, refers to operational issues and covers both freshwater and sea fisheries. Covers payments relating to aquaculture and fisheries.
Scottish Aquaculture: A Fresh Start: A Consultation on a Renewed Strategic Framework for Scottish Aquaculture (2008)	Consultation updating the existing aquaculture strategy. This includes five main themes: health, improved systems and finance for new developments, reduced escapes, and improved image and marketing.
Food and Environment Protection Act 1985	Part II protects the marine ecosystem and human health by controlling the deposit of articles or materials or scuttling of vessels in the sea or tidal waters.
Land Reform (Scotland) Act 2003	Set out a new right of responsible access in Scotland, and made provisions for community right to buy. Core paths to be identified in each local authority area and identified in an adopted plan, promoting more widespread functional and recreational walking, cycling and riding and thereby supporting improved levels of physical activity.
Scottish Marine Wildlife Watching Code	Sets out a code of conduct for recreational operators and users when wildlife watching at sea. Aims to minimise disturbance to marine wildlife.
IMO International Convention for the Prevention of Pollution from Ships 1973 (MARPOL)	Aims to prevent marine pollution from ships and in part from oil rigs and production platforms. It includes annexes covering pollution by oil, noxious liquids, harmful substances, sewage, garbage and air pollution. Recent changes focus on reducing the sulphur content and particulate emissions from fuel in the shipping sector.

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International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990	Provides a framework for international co-operation in combating major incidents or threats of marine pollution.
London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (as amended)	Prohibits the dumping of certain hazardous materials, requires a prior special permit for the dumping of a number of other wastes, and a prior general permit for other wastes or materials. It also creates a basis in international law to allow and regulate carbon capture and storage (CCS) in sub-seabed geological formations.
Water Framework Directive 2000/60/EC	This provides an overarching strategy, including a requirement for EU Member States to ensure that they achieve 'good ecological status' by 2015. RBMPs were defined as the key means of achieving this. While the recent Marine Strategy Directive (MSD) will extend coverage of coastal waters beyond 3nm, Good Chemical Status already applies beyond this limit.
The Merchant Shipping Regulations 2009	Enhances marine protection through stricter regulation of pollution from ships.
Merchant Shipping Act 1995	General provisions for merchant shipping, seamen, and safety. Part VI focuses on prevention of pollution, including oil pollution. Sets out responsibilities and liabilities. Also covers international incidents. Other issues include lighthouses, salvage and wrecks.
Environmental Protection Act 1990	Covers pollution control and waste management. Also covers litter, radioactive substances and genetically modified organisms. Pollution at sea is specifically controlled.
Environmental Liability (Scotland) Regulations 2009	Covers incidents of significant damage to biodiversity, water or land. In accordance with the European Environmental Liability Directive (2004/35/EC), aims to apply the polluter pays principle by requiring restoration in such instances.
Water Environment and Water Services (Scotland) Act 2003 (WEWS Act)	Transposes the Water Framework Directive into the Scottish context. Aims to protect the water environment by ensuring a reliable and high quality supply of water, reducing groundwater pollution, and protecting marine and other waters.
The Water Environment (Controlled Activities) (Scotland) Regulations 2011	Sets out the process by which activities that have the potential to affect Scotland's water environment are regulated. Authorisation under the Controlled Activities Regulations (CAR) is required for discharging to waters, disposal of pollutants to land, abstractions, impoundments and engineering works affecting water bodies.
Pollution Prevention and Control (Scotland) Regulations 2000	Implements Directive 96/61/EC (Integrated Pollution Prevention and Control). Regulating industrial and commercial activities which may cause environmental pollution and to prevent and control emissions that are capable of causing any pollution.

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Scottish Executive Environment Group (2002) Scotland's Bathing Waters A Strategy for Improvement	Aims to reduce water pollution in order to specifically improve bathing water catchments. Measures include changes to agricultural practices to address diffuse pollution, ensuring compliance with controls of industrial discharges, and making more use of Sustainable Urban Drainage Systems (SUDS).
Bathing Waters (Scotland) Regulations 2008	Implements the Bathing Waters Directive (2006/7/EEC) which aims to protect the public and the environment from pollution of waters used for bathing by large numbers of visitors. Achieves this by making information on quality public, and setting standards to be met by 2015.
Marine (Scotland) Act 2010	Provides a framework aimed at managing the competing demands on Scotland's seas. The main measures include: <ul style="list-style-type: none"> • a new statutory marine planning system to sustainably manage the increasing demands on Scottish waters; • a simpler marine licensing system; • improved marine nature and historic conservation with new powers to protect and manage areas of importance; • improved protection for seals and a new comprehensive licence system to ensure appropriate management when necessary; and • a range of enhanced powers of marine conservation and licensing.
Flood Risk Management (Scotland) Act 2009	Replaces the Flood Prevention (Scotland) Act 1961, and introduces a more sustainable and modern approach to flood risk management, suited to manage the impact of climate change. Creates a more joined up and coordinated process to manage flood risk at a national and local level. The main measures include: <ul style="list-style-type: none"> • a framework for coordination and cooperation between all organisations involved in flood risk management; • assessment of flood risk and preparation of flood risk management plans; • new responsibilities for SEPA, Scottish Water and local authorities in relation to flood risk management; • a revised, streamlined process for flood protection schemes; • new methods to enable stakeholders and the public to contribute to managing flood risk; and • a single enforcement authority for the safe operation of Scotland's reservoirs.
Electricity Act 1989	Provides the legislative background within which the energy sector functions. Sets out the framework within which applications for marine energy development should seek consent. Related regulations define EIA responsibilities.
Energy Act 2004	Covers the civil nuclear industry, sustainability and renewable energy sources. Aims to achieve diversification of supply in favour of renewable sources. Augments the system for determining developments within territorial waters. Provided the Crown Estate with rights to license the generation of renewable energy and grant leases for development sites out to 200nm.

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Climate Change (Scotland) Act 2009	The Climate Change (Scotland) Act 2009 includes a greenhouse gas emissions reduction target of 80% by 2050 and an interim target of 42% by 2020. Proposals include setting of targets for 2050 and interim periods, requirement for annual reporting, and provisions for meeting targets through additional policies and legislation. The targets include emissions from the aviation and shipping sectors.
Low Carbon Scotland: Meeting the Emissions Reduction Targets 2010-2022 (2011) and Low Carbon Scotland: Meeting our Emissions Reduction Targets 2013-2027 (2013) (the first and draft second climate change report on proposals and policies)	The reports set out the proposals and policies required to meet Scotland's targets for climate change mitigation included in the Act (above). Includes commitments to the development of the renewable energy sector.
Climate Change Sector Adaptation Action Plan: Marine and Fisheries (2011)	Sets out a number of objectives including raising awareness of climate change to the wider marine stakeholder community (through the Marine Strategy Forum). Also aims to build evidence to support future adaptation action and build further policies that respond to impacts.
Climate Ready Scotland: Scottish Climate Change Adaptation Programme (Consultation Draft) 2013	Currently out to consultation, the Programme addresses the impacts identified for Scotland in the UK Climate Change Risk Assessment (CCRA) published under section 56 of the UK Climate Change Act 2008. It sets out Ministers' objectives in relation to adaptation to climate change, targeting three key themes: the Natural Environment, Buildings and Infrastructure Networks, and Society. It outlines proposals and policies for meeting these objectives, the period within which the proposals and policies will be introduced, and setting out arrangements for wider engagement in meeting these objectives.
Scottish Soil Framework 2009	Provides an overarching policy framework for protection of soils in Scotland, in line with European Directive. Relates largely to the onshore environment, but this includes coastal areas and the principles are applicable more widely.
UNCLOS 1982 was ratified by the UK in 1997	Article 303 stipulates that 'states have the duty to protect objects of an archaeological and historical nature found at sea and shall co-operate for this purpose' and provides for coastal states to exert a degree of control over the archaeological heritage to 24 nautical miles

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Joint Nautical Archaeology Policy Committee (JNAPC) Code of Practice for Seabed Developers (JNAPC 2008)	The JNAPC Code is voluntary but provides a framework that seabed developers can use in conducting their activities in an archaeologically sensitive manner. A guidance note on protocols to deal with the marine historic environment developed specifically for the offshore renewable energy sector has also been prepared.
Protection of Wrecks Act 1973	The 1973 Act provides protection for designated wrecks and for the designation of dangerous sites.
Ancient Monuments and Archaeological Areas Act 1979	Provides for the protection of archaeological heritage, including the scheduling of 'monuments'. The Act, which is administered by Historic Scotland, primarily deals with terrestrial locations but there is provision to designate submarine sites.
Protection of Military Remains Act 1986	Identifies scope for protected places and controlled sites, covering vessels. This reflects the status of these sites as war graves.
Scottish Historic Environment Policy (SHEP) (Updated 2011)	Provides the overarching framework for historic environment policy in Scotland, consolidating and replacing the previously separate SHEPs. Aims to promote effective conservation and to enhance enjoyment and understanding of the historic environment, linking it with the Scottish Government's central purpose. The updated SHEP includes provisions to broaden the types of sites which can be designated on the basis of their national importance, arrangements for consultation in advance of designation, and proposals for powers and provisions to allow for site maintenance.
The Marine Historic Environment Strategy for the protection, management and promotion of marine heritage 2012-15	Historic Scotland's strategy has the vision to protect and, where appropriate, enhancing the most important marine heritage assets in such a way that they can be valued, understood, and enjoyed. The aims of the Strategy are: <ul style="list-style-type: none"> • helping to advance knowledge about marine heritage and make information widely available; • improving stewardship of key marine heritage sites; and • developing wider understanding and enjoyment of marine heritage.
Council of Europe, European Landscape Convention 2000	States that landscapes across Europe make an important contribution to quality of life and cultural identity, but that they are being transformed as a result of a number of factors, including town planning, transport and infrastructure and the economy. Requires Member States to develop more comprehensive frameworks to protect and enhance landscapes. Notes that landscape has no boundaries and that people are central to its management. Includes inland water and marine areas in its coverage and emphasises the importance on non-designated landscapes in addition to those which are protected.
SNH Natural Heritage Futures (Draft) 2008 Update: Coasts and Seas	Provides baseline information and draws attention to particularly important issues, assets and changes. The key objectives are to: <ul style="list-style-type: none"> • improve management, stewardship, awareness and understanding of marine ecosystems;

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	<ul style="list-style-type: none"> • manage the coast in sympathy with natural processes; • safeguard and enhance the fine scenery and diverse character of coastal seascapes and landscapes; • enhance populations of over-exploited commercial fish species and ensure that fishing is sustainable; • ensure salmon fishing and other forms of aquaculture are environmentally sustainable; • improve the water quality of estuaries and seas; and • promote access to the sea and coast for public enjoyment and recreation.