

**SUBMITTING EVIDENCE TO A SCOTTISH PARLIAMENT COMMITTEE
DATA PROTECTION FORM**

Name:	Sam Collin
Date:	11/07/2019
Organisation: (if required)	Scottish Environment LINK
Topic of submission:	Regional Marine Planning

I have read and understood the privacy notice about submitting evidence to a Committee.

I am happy for my name, or that of my organisation, to be on the submission, for it to be published on the Scottish Parliament website, mentioned in any Committee report and form part of the public record.

I understand I will be added to the contact list to receive updates from the Committee on this and other pieces of work. I understand I can unsubscribe at any time.

Non-standard submissions

Occasionally, the Committee may agree to accept submissions in a non-standard format. Tick the box below if you would like someone from the clerking team to get in touch with you about submitting anonymously or for your submission to be considered but not published. It is for the Committee to take the final decision on whether you can submit in this way.

I would like to request that my submission be processed in a non-standard way.

Environment, Climate Change and Land Reform Committee

Regional Marine Planning

SUBMISSION FROM SCOTTISH ENVIRONMENT LINK

Supporting members:

Marine Conservation Society

National Trust Scotland

RSPB Scotland

Scottish Wildlife Trust

Whale and Dolphin Conservation

Q. Are the objectives for the establishment of the Scottish Marine Regions still appropriate?

Scottish Environment LINK (hereafter 'LINK') supported the establishment of the Scottish Marine Regions (SMRs), as consulted in [2010/2011](#), and still consider that the delegation of marine plan development and objective setting to a regional level has the potential to improve the management of marine activities and the environment by incorporating regional-scale factors that may not be captured at a national scale..

LINK is disappointed that the development of the Marine Planning Partnerships (MPPs) required for each SMR has been slow and under-resourced; nearly 10 years on from the adoption of the Marine (Scotland) Act 2010 and five years since the adoption of the SMRs, only two regions (Shetland and the Clyde) have formally designated MPPs and a third (Orkney) is in the early stages. Furthermore, to date there are no statutory Regional Marine Plans (RMP) in existence, although LINK does recognise the progress made towards finalising the RMPs for Shetland and the Clyde.

LINK believe that Scotland's marine planning system presents an excellent opportunity to implement meaningful, ecosystem-based management of the marine environment that could identify opportunities for significant environmental, social and economic benefits. However, to realise these benefits, a fully functioning, well-resourced, and well-informed planning system must be in place.

LINK does not consider that the potential benefits from RMPs are reflected in the current status of marine planning in Scotland and struggles to conceive why greater priority has not been given to the establishment of MPPs and the advancement of RMPs, particularly in terms of resource and political support.

Q. How effective has the approach to establishing Marine Planning Partnerships been in practice? Are they working as anticipated? What are the opportunities/constraints/barriers to success?

LINK members believe that the approach to establishing MPPs has been relatively ineffective and slow, which is reflected in the establishment of only two MPPs in the 10 years since the Marine (Scotland) Act 2010 was adopted.

LINK recognise that the number of members that make up an MPP will vary between regions, depending on the size of the region, the number of local authorities and the type and scale of marine activity that occurs there. Therefore, each region will require varying levels of support, which can delay progress for those requiring additional support. The current lack of available funding and support provided by the Scottish Government for creating MPPs, and the administrative burden of the process by which MPPs are established, has unsurprisingly led to slow progress.

LINK is concerned that the level of marine planning expertise available in Local Authorities varies depending on the region and in some cases is largely lacking. A lack of expertise may undermine the ability of a Local Authority to initiate the process of establishing an MPP.

The primary aim of RMPs, and their development by an MPP, is to develop policies that contribute to sustainable development and the protection and enhancement of their region, including the setting of marine ecosystem, economic, social and climate change mitigation objectives. Greater access to resources (in particular funding and expertise) is needed to ensure MPPs are well equipped to make effective management decisions and local stakeholders are fully involved in the management of their local coastal area. As discussed in LINK's [Living with the Seas](#) paper, which outlines LINK's expectations of regional marine planning in Scotland, RMPs should be developed in a transparent manner that includes regular stakeholder engagement and the integration of local knowledge and expertise.

LINK considers that further support from the Scottish Government is required to ensure that the administrative process of establishing an MPP is carried out efficiently; the technical planning aspects of the RMP are well informed and performed by experienced marine planners; and the engagement of relevant stakeholders and communities is effective and representative.

LINK agrees that existing MPPs have made good efforts to do this, but stakeholders involved in the process are still largely limited to representatives of regional and national organisations (see also Smith and Jentoft, 2017¹).

Q. What progress has been made in the development and implementation of Regional Marine Plans and what are the objectives and priorities for the next 5-10 years?

LINK recognises the advancements in marine planning in Scotland over the last 10 years, most notably the four Scottish Sustainable Marine Environment Initiative (SSMEI) pilot projects that helped to inform the development of RMPs in Shetland and the Clyde, the

¹ <https://www.sciencedirect.com/science/article/pii/S0308597X1730091X>

Pentland Firth and Orkney Waters Pilot marine plan, and the progress towards developing the Shetland and Clyde RMPs (the Shetland RMP being close to adoption and the Clyde RMP currently at a pre-consultation draft stage).

The priorities for the next 5-10 years must be to advance the development of RMPs for the remaining nine Scottish Marine Regions and ensuring the necessary political and financial support. The recent declaration of a climate emergency by the Scottish Government and the disappointing conclusions of the UK Marine Strategy Assessment Report, where the UK is failing to meet 11 of the 15 descriptors of Good Environmental Status, highlight the urgent need to change our approach to how we manage our marine environment. The establishment of RMPs that provide effective marine management by placing environmental recovery and enhancement at the core of decision making could provide the required sea-change in environmental management.

As highlighted in our 'Living with the Seas' paper, LINK recommends the following must happen to ensure RMPs are effective and meet the needs of the marine environment:

1. Plans must clearly prioritise the natural environment as the basis upon which goods and services rely;
2. Plan policies need to be tailored to suit the needs of the plan area;
3. Management targets for the RMP should aim to fill knowledge gaps;
4. Plans should identify opportunities (both spatial and temporal) for marine ecosystem enhancement as well as development constraints;
5. Plans should be developed in a transparent manner with regular stakeholder engagement;
6. Plans should integrate local knowledge and expertise;
7. Plans should be informed by evidence-based environmental baselines and decisions must use the precautionary approach where confidence is low and/or risk is high

In light of the recent UK Marine Strategy Assessment, LINK believes that MPPs should be encouraged to take this opportunity to implement a package of actions needed for restoration via the planning and development process. This could include initiatives from 'passive' restoration (e.g. No Take Zones, such as Lamlash Bay NTZ, that allow the recovery of biodiversity including species with a commercial value such as scallops), and 'active' coastal restoration (e.g. the reintroduction of native oysters in the Dornoch Environment Enhancement Project). This will require further expertise and funding/resources, but the long-term value provided by ecosystem service enhancement will be significantly greater.

A key priority for RMPs over the next 5-10 years is to ensure they are fully integrated into Scottish Government Sector Plans and inform industry growth targets/ambitions – most notably aquaculture and offshore renewable energy. The integration of industry management plans will be essential for ensuring an ecosystems approach that considers all marine activities and the health of the marine environment within a specified area. A collaborative and inclusive approach to marine management, rather than the current siloed

approach, will be required to address the cumulative and in-combination impacts on the environment and ensure environmental health and recovery is central to marine planning decisions.

Q. Is the system of marine planning sufficiently integrated with the terrestrial planning system?

LINK considers that there is currently insufficient integration between the terrestrial and marine planning systems.

The Planning Circular² 1/2015 seeks to clarify the relationship between terrestrial and marine planning, and highlights that there is a narrow overlap between the two zones in the intertidal area. However, activities on land can impact the marine environment, via land surface run-off and rivers, which can result in pollution (such as litter, plastic, and chemicals) and eutrophication events (e.g. fertilisers from farms running into rivers). Local authorities also have responsibility for granting planning permission for aquaculture developments, and ensuring that these are sustainable, and do not have significant adverse effects on natural, built or cultural heritage, or on existing activity. By closely integrating the marine and terrestrial planning systems, sensitive marine habitats and environments can be identified and protected from both marine and terrestrial activity.

LINK considers it important to acknowledge that the terrestrial planning system is several decades ahead of the marine planning system, and that, due to the differences between the two environments, expertise and knowledge on terrestrial planning cannot be transferred to the marine environment. Therefore, LINK considers it essential that the marine planning system is given the same support as the terrestrial planning system to ensure Local Authorities have the required planning expertise to make decisions for the marine environment as well as the terrestrial environment.

Q. What is required to deliver an effective Marine Planning system under Part 3 of the Marine (Scotland) Act 2010? Is the National Marine Plan capable of delivering sustainable development within Scottish Marine Regions in advance of those areas having an RMP in place?

LINK agrees that the National Marine Plan is a valuable framework for guiding development and ecosystem protection and enhancement in Scottish seas, and we acknowledge that its policies have already enabled progressive action by Scottish Ministers to improve protection for some of Scotland's vulnerable marine features (e.g. Loch Carron emergency MPA and the subsequent project to improve protection of some Priority Marine Features outside of MPAs).

The NMP was designed to provide broad, high-level guidance for marine planning across all Scottish waters but, due to the differences in marine activity between regions, does not contain the required detail to ensure sustainable development and ecosystem

² Circular 1/2015 The Relationship Between the Statutory Land Use Planning System and Marine Planning and Licencing (<https://www2.gov.scot/Resource/0047/00479384.pdf>)

enhancement at a local/regional level. The Scottish Government is committed to an ecosystem-based approach to managing marine activities, and this can only be achieved with area-based policies that considers all sectors and aspects of the local environment (see LINK's 'Living with the Seas' paper Table 1, page 4). It is, therefore, LINK's view that the development and implementation of RMPs should be made a priority to ensure Scotland's marine planning system is fit-for-purpose at both regional and national levels, rather than relying solely on the NMP as a stop-gap.

To effectively deliver Scotland's marine planning system, LINK believes that better guidance and a clear framework is needed for Local Authorities, organisations, sectors and communities on how to develop RMPs and navigate the process of establishing/getting involved in an MPP.

LINK believes it is essential that Priority Marine Features (PMFs) that lie outside of Scotland's network of marine protected areas (MPA) are provided adequate protection and scope for recovery, in which effective, ecosystem-based RMPs can play a vital role, alongside improved spatial management of fishing. The Scottish Government have commenced a welcome project to improve protection for PMFs outside the MPA network, following the damage to flameshell beds in Loch Carron from trawling in 2017, but so far this only seeks to address the footprint of commercial fishing on 11 out of 81 PMFs. The impact of other pressures, such as aquaculture, has yet to be addressed.

LINK acknowledges the importance of MPAs for the conservation and recovery of PMFs, but through effective regional marine planning integrated with improved fisheries management, protection and recovery of PMFs outside the network can be achieved. It is essential that decisions are well-informed and evidence based. Therefore, resources must be made available for further data collection and analysis to increase our understanding of the impacts of different activities on the marine environment and how to manage these activities in a way that supports ecological protection and recovery.

LINK acknowledges the NMP interactive (NMPi) and the wealth of information it provides on Scotland's marine environment. However, the static nature of the NMP and RMPs will mean that information within those plans will be superseded by information on the NMPi, which is regularly updated. LINK believe that there should be further discussion on how the NMP and RMPs can work alongside and integrate the NMPi.

LINK also consider that the volume of information and complicated interface of the NMPi can make it challenging and difficult to use, which may discourage users. LINK believe that this excellent resource could be better utilised as both a planning and educational tool and that further discussion is needed on how best to maximise its potential.

Q. What funding and support is available for the development of RMPs?

LINK considers the current level of funding and support to be insufficient to effectively develop RMPs. In addition to the fundamental administrative costs of developing an RMP, significant funding is required to provide the required level of marine planning expertise,

develop the scientific/environmental evidence base for the region, and increase engagement and participation of local stakeholders and community members.

LINK considers it important to recognise that many marine industries benefit from the marine environment and rely on it being healthy and well managed. Therefore, discussions should be had on whether those benefiting from the marine environment should provide support for its conservation, enhancement and management. Further avenues of funding should be explored, including potential financing options from developers, Crown Estate Scotland revenues, and possible sustainable conservation finance mechanisms. Investment into the development and implementation of RMPs can create benefits for future developers by providing better guidance, increasing certainty, and reducing risk.

Q. What duties/requirements are there on local authorities to develop and implement RMPs?

Under the Marine (Scotland) Act 2010, Local Authorities are required to be members of MPPs and therefore must help develop RMPs. However, as previously mentioned, LINK believes that Local Authorities, in general, are currently under-resourced and lack the required expertise in marine planning to develop RMPs. To date, planning capacity has concentrated on the terrestrial environment, with consideration of marine planning only just emerging with the developing marine planning system.

Q. Is there sufficient marine planning expertise in all Local Authorities for development of RMPs?

It is LINK's view that expertise in marine planning is highly variable amongst Local Authorities and is currently insufficient to deliver all 11 RMPs.

LINK recognises that interest and investment in marine planning is increasing within academic institutions (e.g. MSc and PhD training) but opportunities for this expertise to filter through into Local Authorities have not yet been realised and marine planning remains a specialist subject.

LINK believe that additional training, funding and resources must be made available for existing planners (and planning departments) to increase their capacity to diversify and specialise. This could be achieved through establishing regular knowledge exchange workshops, or similar initiatives, with Local Authority planning departments to identify opportunities to improve use of resources and increase collective understanding and knowledge of marine planning.