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Cc: Linda Rosborough & Petra Biberbach Chief Executive PAS

The independent investigation of the draft National Marine Plan

Dear Anna,

Scottish Environment LINK has recently been made aware of the commissioning of an independent investigation (under Schedule 1 of the Marine (Scotland) Act 2010 and Schedule 6 of the Marine & Coastal Access Act 2009) of the proposals contained in the draft National Marine Plan (NMP) and that the publication of its recommendations is pending.

As detailed in the Marine Scotland website news item of 29 May 2014, Marine Scotland appointed Planning Aid Scotland (PAS) as the independent investigator. We understand these actions have been taken in response to two stakeholders requesting an independent investigation in their consultation responses. We have no concerns about the appointment of Planning Aid Scotland and indeed we welcome and respect the independence of PAS in their appointed role.

We recognise that the Marine (Scotland) Act requires that the investigator makes recommendations, gives reasons for those recommendations and that Scottish Ministers publish them. We understand that a report will be published in due course, presumably before the Ministerial-settled text is laid before the Scottish Parliament later this year.

However, we do seek some additional clarity about the nature and scope of the independent investigation process. Specifically, Scottish Environment LINK members request clarification of the procedure for undertaking the investigation and the precedent this is likely to set for future iterations of the NMP. We are concerned that timely communication of this additional clarity is

important to maintain the open, consultative spirit with which the National Marine Planning process has been conducted to date.

We respectfully request that an update on the adopted approach for the independent investigation is provided for the benefit of public stakeholders in the NMP process as soon as possible. We also suggest that clarification of the process for undertaking an independent investigation features as part of the PAS report and provides a clear rationale for the Ministers' decision to carry out the investigation. It is the view of Scottish Environment LINK members that lessons can potentially be learnt from terrestrial planning processes in this regard. We suggest that the PAS report or an associated Marine Scotland communication addresses the question of how the independent investigation should be approached for future iterations of the National Marine Plan should the situation arise again. This will help maintain the continued transparency and openness of this process and ultimately strengthen the future integrity of the National Marine Plan.

We hope these comments are constructive.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Calum Duncan', written in a cursive style.

Calum Duncan

Convenor, Scottish Environment LINK Marine Task Force [Scotland Programme Manager, Marine Conservation Society]

On behalf of:

Hebridean Whale and Dolphin Trust
Marine Conservation Society
National Trust for Scotland
RSPB Scotland

Scottish Ornithologists' Club
Scottish Wildlife Trust
Whale and Dolphin Conservation
WWF Scotland