

Scottish Marine Regions Defining Their Boundaries Consultation

Scottish Environment LINK is the forum for Scotland's voluntary environment organisations, with over 30 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

Scottish Environment LINK's Marine Taskforce (MTF) welcomes the opportunity to comment on the proposed boundaries for Scottish Marine Regions. We have long advocated the introduction of a marine planning system, on both a national and regional scale, and fully support the establishment of Marine Planning Partnerships (MPPs).

We believe the purpose of both national and regional plans must be the achievement of Good Environmental Status and the maintenance, and where appropriate restoration, of marine ecosystems.

We also continue to believe the development of the national, and regional plans should follow the 12 principles of the ecosystem approach and the operational guidance as developed under the Convention of Biological Diversity (UNEP/CBD/COP/5/23)¹.

Overarching Concerns

We understand challenging financial decisions lie ahead, and would support an assessment of potential savings. However, it is essential MPPs are properly resourced and supported from the outset, in order to carry out their vitally important role. We are pleased the consultation makes clear Marine Scotland officers will support the work of MPPs, through funding, provision of resources and sharing of expertise and we also support Marine Scotland chairing these novel groups in their initial stages. However, chairmanship should pass to MPP members as soon as possible. As highlighted in the CBD Ecosystem Approach Operational Guidance, 'effective decentralisation requires proper empowerment, which implies that the stakeholder both has the opportunity to assume responsibility and the capacity to carry out the appropriate action...'

We have some concerns in relation to cross-border planning. Under the Marine and Coastal Access Act 2009, the English marine planning system will develop inshore plans extending to 12nm from MHWS; while the consultation suggestions inshore Scottish regional plans may extend to 3 or 6nm potentially from MHWS, but eventually baseline. There is potential here for confusion in cross-border areas, and consideration must be given to this potential issue, with clear guidance provided to planning authorities in cross-border areas. The cross-border planning concordats must address this issue and we urge their publication as soon as possible.

A similar set of issues may arise in relation to Integrated Coastal Zone Management (ICZM), though we note the consultation acknowledges that ICZM will be a large part of the MPP's role. As set out in the consultation, a variety of groups with remits to manage activity in the coastal zone are already in existence. It will be essential that formal lines of communication and conflict management are established between such groups. It may also be sensible to consider coordination of meetings where there is an overlap in membership, in order to help stakeholders facilitate these groups and reduce consultation fatigue.

We therefore believe, that consistent with the ecosystem approach, Scottish Marine Region boundaries should be set as close as possible to physical characteristics, whilst taking account of existing administrative boundaries of groups such as Area Advisory Groups (AAGs) who

¹ Please also see Ehler, Charles, and Fanny Douvère. Marine Spatial Planning: a step-by-step approach toward ecosystem-based management. Intergovernmental Oceanographic Commission and Man and the Biosphere Programme. IOC Manual and Guides No. 53, ICAM Dossier No. 6. Paris: UNESCO. 2009 (English).

carry out functions relating to the management of activities in the marine and coastal environment.

Consultation Questions

Question 1

We fully support the creation of Scottish Marine Regions for the purposes of regional marine planning.

We highlight Principle 2 of the CBD Ecosystem Approach which states:

'Management should be decentralised to the lowest appropriate level. Decentralised systems may lead to greater efficiency, effectiveness and equity. Management should involve all stakeholders and balance local interests with the wider public interest. The closer management is to the ecosystem, the greater the responsibility, ownership, accountability, participation, and use of local knowledge.'

Question 2

We do not agree that for the first regional plans, regions with large amounts of internal seas should measure their seaward boundary from MHWS.

For consistency with other marine demarcations and ease of use, we believe all regional plans should measure their seaward boundary from baseline from the outset. As stated above it is essential Marine Scotland properly enables MPPs to fulfil their regional planning duties. This means they must be adequately supported both financially and administratively from the outset.

Question 3

We reiterate our strong belief that all regional plans should measure their seaward boundary from baseline, this includes marine regions on the west coast. The seaward limit of all Scottish Marine Regions should be at least 6nm.

Further, we believe consideration should be given to extending the seaward limit of marine region boundaries to 12nm. This may reduce the complexities of cross-border planning, as referred to above, and ensure coherent coverage with the spatial plan for offshore wind energy. If this does not happen in the first instance, we would support an extension to baseline plus 12nm at the earliest opportunity.

Question 4

Whilst we understand Strategic Seas Areas (SSAs) are being suggested for certain administrative reasons, we feel unable to support them at this stage. We reiterate our concern that MPPs are properly resourced and supported to plan for their regions from the outset, and do not believe the addition of these less-congested areas further from shore would result in such an excessive increase in work that control should be retained by Ministers.

Further, we note that in the initial stages of MPPs, Marine Scotland intends to act as chair and provide technical capacity. We also note that under s14 of the Marine (Scotland) Act 2010 Ministers can give directions to MPPs. These two factors should address any administrative reasons for which SSAs are being proposed.

However, we acknowledge if SSAs are established, the intention is to pass control for these areas back to MPPs and grow to baseline plus 6nm as regions become familiar with marine planning. Should SSAs be implemented despite our comments we would support control for these areas passing to MPPs at the earliest opportunity.



Question 5

Lack of alignment between boundaries will result in a more complex administrative landscape for marine and coastal areas. While we do not believe it is practicable, nor desirable to align all marine boundaries as each group is established for a different purpose, consideration must be given to potential rationalisation of groups within MPPs. Formal lines of communication and conflict resolution between groups must be established.

Question 6

Please see Question 5.

Question 7

No

Question 8

No

Question 9

Yes

Consistent with the ecosystem approach, we believe option 3 is based closely on physical characteristics.

We believe both the west and east coasts should be split using the Area Advisory Group boundaries, as this creates sensible regions for the purposes of both an ecosystem-based approach and administration.

This response was compiled on behalf of Scottish Environment LINK's Marine Task Force and is supported by:

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