

The Environment, Climate Change and Land Reform Committee

Regional Marine Planning – interim report and call for views

Submission From **Scottish Environment LINK's Marine Group**

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What can be considered best practice for the governance structure and decision-making processes of Marine Planning Partnerships?

It is LINK's view that there is not a single best practice that can be applied to all 11 marine regions, due to the variety of marine activities, stakeholders, and environments that exist within the different regions. The two Marine Planning Partnership (MPPs) that have been established to date have very different structures, reflecting the different requirements of each region: the Shetland MPP is smaller, due to the plan region encompassing a single local authority area, and, therefore, has a relatively simpler decision-making process, whereas the Clyde MPP area is surrounded by eight local authority jurisdictions, including more populous conurbations, a National Park and a broader range of stakeholder groups operating in the area.

In 2016, LINK Marine Group produced the report [Living with the Seas](#), which set out our recommendations for developing Regional Marine Plans (RMPs) and ensuring an ecosystem approach is integrated into their design. Our recommendations included:

- Plans must clearly prioritise the natural environment as the basis upon which goods and services rely;
- Plan policies need to be tailored to suit the needs of the plan area;
- Management targets for the RMP should aim to fill knowledge gaps;
- Plans should identify opportunities (both spatial and temporal) for marine ecosystem enhancement as well as development constraints;
- Plans should be developed in a transparent manner with regular stakeholder engagement;
- Plans should integrate local knowledge and expertise;
- 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.

LINK consider the best approach to identifying best practice for a specific region is to perform a review of the remaining nine marine regions to identify a governance structure and decision-making process that would work best for each region. There is no one size fits

all approach. A Shetland-type model with any lessons learned for that approach may better suit other island authorities, and the Clyde model with any lessons learned might be more transferrable to Southeast Scotland and the Moray Firth for example. That Highland Local Authority area borders five marine regions and Argyll and Bute Local Authority area borders four marine regions is also acknowledged.

How can Marine Planning Partnerships build trust between stakeholders and encourage collaboration on the development of Regional Marine Plans?

LINK believe that in order to build trust between stakeholders, it is important to identify what the key environmental planning issues of the marine region are and, therefore, what the key objectives of the RMP should be at an early stage in its development. This will ensure all stakeholders are clear what the MPP is working towards and what the RMP is expected to achieve.

This clarity will also assist MPP members with identifying how they/their industry can contribute towards achieving the RMP objectives and, potentially, identify opportunities for collaborative working and win-win outcomes.

LINK also consider that, to encourage confidence and support for the decision-making process, the Scottish Government should provide clear leadership and ownership of the value, purpose and need of regional marine planning, including the principle that they are a key tool to help contribute to the sustainable development, ecosystem enhancement and climate change mitigation requirements of the Marine (Scotland) Act 2010. This clarity of purpose would help focus development of draft RMPs.

What lessons have been learned from existing Marine Planning Partnerships and how will this be communicated to other marine regions seeking to progress regional marine planning?

LINK believe that this question should be answered through a review of the existing two MPPs, where lessons learned from existing MPP members can be identified and used to provide guidance for future MPPs.

From LINK's experience as a member of the Clyde MPP, clear leadership (as mentioned above) and ownership from the outset by the Scottish Government of the concept, principle and legal purpose of RMPs to contribute toward sustainable development and enhancement of the Clyde marine area would have hastened draft plan development. The sustainable development and enhancement purpose of any RMP, such as that proposed for the Clyde, is clear from the Marine (Scotland) Act 2010 (emphasis added):

5. (3) A national marine plan or (as the case may be) a regional marine plan is a document which—

(a) states the Scottish Ministers' policies (however expressed) for and in connection with the **sustainable development** of the area to which the plan applies,

(b) states the Scottish Ministers' policies on the contribution of—

(i) Nature Conservation MPAs (namely areas designated as such by order under section 67(1)(a)), and

(ii) sites falling within section 79(4), **to the protection and enhancement of the area to which the plan applies,**

(c) states that it is a national marine plan or (as the case may be) a regional marine plan prepared and adopted for the purposes of this section.

From our experience on the Clyde, clarity from the outset on differentiating between general and sectoral policies, with the former being required to be met *before* the latter, and thereafter between sectoral policies and specific sectoral *actions* - or related actions for regulators and decision-makers - that might be more suitable for related management action plans, would have hastened draft plan development. However, it is acknowledged that some of this process was important institutional learning-by-doing for the CMPP itself and for the Scottish Government, lessons from which can be shared for future MPPs, and the lengthier plan development does not in any way reflect on the committed office-bearers working in a complex and busy stakeholder landscape.

This may seem a fundamentally simple point but a lot of stakeholder time was taken up in discussing the purpose of the RMP, what is and is not planning, and what can or cannot be included in a RMP regarding specific actions. A clear steer from the outset to any future MPP on the legal core purpose of RMPs (as per provision 5(3) of the Marine (Scotland) Act 2010 above) and a summary of how general policies, sectoral policies, sectoral actions and regulator actions have been organised in other RMPs, may aid efficient RMP development for other MPPs. However, it is important that such a steer does not impinge on the independence of any future MPP to develop bespoke policies and approaches for their marine region provided they remain within the legal framework provided by the Act.

How should conflicts of interest and disagreements in the decision-making process of Marine Planning Partnerships be resolved?

LINK believe that potential conflicts of interest should be identified and addressed as early as possible within the MPP selection process. If the objectives of the MPP are clearly identified (possibly by the Scottish Government) prior to MPP membership selection, the risk of conflicts of interest should be minimised.

With regards to resolution of disagreements, LINK believe that it should be the role of the MPP Chair and other members of the MPP to resolve. If there is a deadlock that prevents the advancement of the RMP, it should be the role of the Scottish Government to identify an appropriate solution, bearing in mind the legal requirements of the RMP as outlined in the Marine (Scotland) Act 2010. However, if all MPP members are aware of and support the objectives of the MPP and the RMP, disagreements between MPP members could be resolved internally by returning back to these core objectives.

What role should central government play in delivering regional marine planning?

It is LINK's view that the Scottish Government should play more of a leading role in the development and establishment of MPPs and RMPs, including through financial commitment. By taking ownership of the purpose and potential of RMPs, through acknowledgement of legislative commitments to their implementation and championing their development, LINK believe that stakeholder confidence in RMPs would increase.

To signal the Scottish Government's commitment to the development of RMPs, LINK believe an implementation plan should be developed that lays out a timescale for when RMPs will be developed and implemented. Such a plan could address questions over the Scottish Government's role, when RMPs will be developed, which RMPs are next in line, and also inform stakeholders within each region when work on their associated RMP is expected to begin.

Are the powers of Marine Planning Partnerships and the legal scope of Regional Marine Plans sufficient to balance policies for sustainable economic development with the mitigation of climate change and protection and enhancement of the marine environment?

LINK consider that the role of MPPs post-adoption of the RMP should be reviewed to clarify exactly what role and powers they will have on the future development and management of the marine region. LINK believe there are opportunities for the MPP to become a statutory consultee and also, potentially, fill marine planning gaps that exist within Local Authorities, for example, making planning decisions for aquaculture applications.

How should Marine Planning Partnerships interact with Regional Inshore Fisheries Groups?

It is LINK's view that RIFGs should be members of the MPP, as they are at present on the Clyde MPP, and that they help deliver the objectives and general and sectoral policies of the RMP. Therefore, when RIFGs develop inshore fisheries management plans, the objectives of these plans should align with the objectives of the RMP. It is essential that all management plans within a region (e.g. fisheries management plans, sector plans etc) should align with the RMP objectives to ensure effective and successful management of that region. Here, we should also draw the Committee's attention to LINK's response to the Scottish Government's Future of Fisheries Management discussion paper where we set out in more detail our position regarding the much needed improvement in the governance and management of inshore fishing in Scotland:

https://www.scotlink.org/files/documents/SELINK_FFM_FINAL_120719-1.pdf.

Do the policies and objectives of the National Marine Plan provide sufficient scope to respond to the external crises such as climate change, biodiversity loss and a health pandemic (such as COVID-19) at a regional level?

LINK recognise that the NMP was published five years ago, before the twin climate change and biodiversity crises were recognised and a climate emergency declared by the Scottish

Government and before the Coronavirus pandemic. Therefore, the policies and objectives within the NMP have not been developed in the context of a Climate Emergency and a Green Recovery. Whilst there are welcome policies in the NMP that recognise the need for wider ecosystem protection, these are either weak, such as General Policy 5 (where “Appropriate proactive opportunities for enhancing natural carbon sinks and allowing natural coastal change where possible should also be considered”) or, in the case of the very welcome General Policy 9, have not been acted on at a pace in keeping with the twin crises. For example, regarding General Policy 9(b), it is over three years since it was invoked to commit to improving the protection for Priority Marine Features outside MPAs following the scallop dredge damage to Loch Carron and yet, beyond the welcome fact that Loch Carron MPA itself was designated as an emergency response and then made permanent, there are still no additional PMF protection measures in the water.

Opportunities for proactive restoration through marine nature-based solutions, such as seagrass, saltmarsh and native oyster bed restoration, are generally encouraged at a regional, rather than at a national scale in the NMP, lacking the ambition and scale of the type of landscape-scale restoration commitments in Scotland’s National Planning Framework 3 (such as commitments to the Central Scotland Green Network and to planting 100,000ha of new woodland over ten years). Therefore, the NMP should contain an overarching policy for identifying and pursuing opportunities for marine NbS at a national scale, and could also provide a driver for RMPs to identify regional actions that could deliver marine NbS that can contribute to marine ecosystem enhancement in the respective marine regions.

It is important to recognise that there are opportunities within the existing policies of the NMP to act towards addressing the climate and biodiversity crises, such as the aforementioned PMF work package, if the Government implemented them in full. However, marine environmental enhancement, both recovery and restoration, has not been prioritised to the extent and at the scale needed to help address these twin crises. A review of the NMP could provide the opportunity to address these shortcomings and increase ambition.

How should regional marine planning be financed in the emerging economic context of the COVID-19 pandemic?

LINK recognise that the COVID-19 pandemic has had a significant impact on the economy and that there are likely fewer resources available for developing RMPs. However, we consider it important to recognise that RMPs could play an important role in Scotland’s Green Recovery, by identifying opportunities for environmental enhancement, job creation, societal well-being, and advancing Scotland’s blue economy, if given the right steer and support. We recognise investment into the development and implementation of RMPs would be an additional up-front cost to the government, but believe they could provide multiple, sustained benefits for the environment and future generations over the medium and long term, providing a positive societal return on that investment.

How can links between Marine Planning Partnerships and academic expertise in marine science be strengthened to enable targeted research, data collection and monitoring work to support regional marine planning?

LINK believe that there are many opportunities for academic expertise to be integrated within the RMP development process, which, we believe, includes reviewing the remaining marine regions and identifying how an RMP can improve that region, identifying and filling environmental data gaps, developing policies and objectives that would provide meaningful guidance for marine planners, and performing future reviews of RMP performance. The role of the Scientific Advisory Group informing Clyde 2020 and in turn the Clyde MPP is one example that can inform development of other scientific advisory roles, albeit the pace of development of Clyde 2020 and the Clyde RMP has been too slow, including for those reasons mentioned earlier.

What is required to raise the professional status of marine planning to meet the demands of effective marine planning in Scotland?

LINK believe that to raise the professional status of marine planning in Scotland, it would be worthwhile to review the existing opportunities for training, teaching and working in marine planning, e.g.:

- How many university courses in Scotland provide qualifications in marine planning?
- Do these courses provide the right training for real-world decision-making?
- Are there apprenticeship placements available for marine planning graduates?
- Are there adequate resources within Local Authorities to support marine planning? (a good example of this would be Orkney Islands Council who have a specific marine planning team)

LINK believe it is important the Scottish Government recognises that our marine environment is coming under increasing pressure, both from human activity and wider environmental change, and to adequately address these pressures it is essential that the required resources are available – financial, human, and skills.

What can be considered best practice for community engagement in regional marine planning?

LINK consider that, given the variation in population size, demographic make-up, geography, and human activity between regions, there is not a single best-practice for community engagement for all regions. It is essential that, in order to capture as wide a range of views as possible, the community engagement approach provides as many opportunities as possible for people to take part – e.g. walk in workshops, online platforms for discussion (video or text), animations to help summarise the environmental status of the region and the role of planning, written submissions, weekday/evening and weekend workshops. The Clyde MPP provides a good example of where extensive engagement has been carried out throughout the RMP area, including talks, workshops and developing animated short-films, to raise awareness of the Firth of Clyde, the regional marine planning process and how people can get involved.

The current pandemic has forced many people to work remotely and increase their use of video conferencing, resulting in a larger proportion of the population feeling more confident in using this platform. There is an opportunity to adopt more of a virtual engagement process, particularly for running workshops, as many video conferencing platforms provide call options that can facilitate a workshop. Virtual workshops should be seen as an interim measure until public meetings can safely resume again, but can and should also continue to be widely used to increase engagement in remoter areas or save travel costs even upon resumption of public meetings.

What changes in legislation are needed to increase opportunities for community representatives in regional marine planning?

How should wider Scottish Government policy on community empowerment be integrated into regional marine planning (e.g. Community Empowerment (Scotland) Act 2015 and the National Islands Plan)?

This response is supported by the following LINK member organisations: Fidra; Marine Conservation Society; National Trust for Scotland; RSPB Scotland; Scottish Wildlife Trust; Whale and Dolphin Conservation.