
AYRSHIRE JOINT PLANNING STEERING GROUP
26 MAY 2011

Scotland's National Marine Plan Pre-Consultation Draft

PURPOSE OF THE REPORT

1. To advise the Steering Group in relation to the publication in March 2011 of a pre-consultation draft of a first National Marine Plan (NMP) for Scotland. Responses to the pre-consultation are expected by 7th June 2011. Further consultation is expected in 2011 with a view to delivery of a final National Marine Plan during spring/summer 2012.

BACKGROUND

2. The legislative framework for promoting a sustainable approach to marine management was established through the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009. In Scotland the legislation allows for three levels of planning – a UK wide Marine Policy Statement¹; A Scottish National Marine Plan²; and regional plans. The framework has been put in place to manage the increasing pressures and competing demands of the use of the sea while protecting the marine environment. The UK Marine Policy Statement has now been adopted by all four UK administrations and therefore has legal effect. The NMP in Scotland will also have statutory force and will give greater clarity to decision making in the marine environment. The current pre-consultation draft starts the process of agreeing policies and objectives. Following adoption of the National Marine Plan scheduled by summer 2012 it is the intention that Regional Marine Plans consistent with the NMP will then be prepared. Regional plans will cover Marine Regions which have yet to be determined. A consultation seeking views on how the Government should create these regions, took place in late 2010/early 2011 and responses are currently being analysed. The intention is that the objectives and policies presented in the National Plan will allow planning to take place at a local level, once the characteristics for establishing their boundaries is determined. In conjunction with these developments a new regime for licencing marine activities in accordance with the Marine Policy Statement and Marine Plans came into force in April 2011.
3. A pilot process for marine spatial planning at a regional scale within the Clyde estuary already exists through the Firth of Clyde Forum. The Clyde Forum is a broadly based partnership of stakeholders which is participating in the Scottish Sustainable Marine Environment Initiative (SSMEI). The SSMEI aims to develop and test new approaches to improve the sustainable management of Scotland's marine environment through the establishment of a number of pilot projects. The pilots were established in the Firth of Clyde, Shetland Islands, the Sound of Mull and the Berwickshire coast. The SSMEI is aimed at the development and delivery of more integrated and sustainable management of the marine and coastal areas of the Firth of Clyde. This will be achieved through an

¹<http://www.scotland.gov.uk/Resource/Doc/295194/0115242.pdf>

²<http://www.scotland.gov.uk/Resource/Doc/346796/0115349.pdf>

effective and integrated stakeholder - regulator partnership, the development of a Marine Spatial Plan, together with improved decision support mechanisms and integrated decision making. The draft Marine Spatial Plan for the Firth of Clyde issued for consultation on March 31, 2009 is a unique and innovative approach to marine planning in Scotland.

NATIONAL MARINE PLAN

4. The National Marine Plan sets out the strategic objectives for the Scottish marine area including the key challenges and objectives for important marine activities such as renewable energy, fisheries, aquaculture, conservation, recreation and tourism, ports, harbours, coastal protection, military activities, waste water, water abstraction, cables, shipping and aggregates. The plan provides a description of the background context, current situation, environmental/economic impact, spatial constraints and vision for each of the 16 individual sectors.
5. The NMP outlines how related European Directives such as the Marine Strategy Framework and Water Framework will be reflected and delivered in the Plan to achieve Good Environmental Status (GES) in marine and coastal waters. The Plan also identifies the need to develop clear relationships with the Climate Change (Scotland) Act.
6. The NMP summarises the condition of Scotland's seas. A more detailed assessment is presented in a separate document (Scotland's Marine Atlas). The NMP recognizes two significant pressures on the marine environment which are widespread:
 - Human activity contributing to climate change
 - Fishing impacting on the seabed and species

Pressures which are increasingly recognized include marine litter and noise with some existing pressures such as oil and gas and aquaculture changing scale and location. New pressures are likely to be related to marine renewables and carbon dioxide storage. In addition there are many individual pressures which are small scale but have significant impacts at a local level.

7. The NMP assesses Scotland's seas to be Clean and Safe but with some localised problems such as contaminated sediments near harbours and water quality in the Forth and Clyde estuaries affected by industrial effluent and sewage. However more information is being collected on a range of contaminants to assess their environmental impact and issues of marine litter and underwater noise have become more broadly recognized and require more study. In relation to Health and Biological Diversity although Scotland's seas support a diverse array of habitats and species there is evidence that certain habitats and species have been adversely impacted through fishing and possibly climate change.
8. The NMP follows the Scottish Government's key purpose of increasing sustainable economic growth. The intention is that there should be a presumption of use for the marine area. In addition a number of common objectives and indicators have been agreed across the four British administrations under the four main headings of:
 - Clean and Safe Seas
 - Healthy and Biologically Diverse Seas
 - Productive Seas, contributing to the needs of people
 - Better Governance of the Sea.

9. The NMP will sit alongside and interact with the existing planning regimes. The NMP will be consistent with the strategic priorities set out in NPF2. There will be deliberate overlap between the NMP (MHWST) and terrestrial planning (MLWST) boundaries to ensure marine and land planning address the whole marine and terrestrial environment and not simply work to an artificial boundary. New legislation requiring land Planning Authorities to give consideration to Marine Plans will be introduced.

DISCUSSION

10. While the National Marine Plan and the follow on Regional Marine Plans will have statutory force it is not clear, in the case of Regional Plans, who will be responsible for preparation and implementation and who will resource this and at what level. In the case of the Firth of Clyde the process well established through the Firth of Clyde Forum and the pilot SSMEI is valuable experience which already has widespread stakeholder buy in and should be built on. More clarity would be useful at this stage on the Governance arrangements for the bodies which will be charged with delivery and implementation of Regional Marine Plans.
11. The NMP document would be improved by providing details of the approval process and timescales for review of the Plan. Similarly an indication of the scale of costs and resources would be helpful.
12. The NMP is rather descriptive and general at this stage. It would benefit and be more meaningful at a local level from a much more overt spatial presentation. Scotland's Marine Atlas as a separate document is helpful but does not adequately address the lack of a spatial component in the NMP.
13. The NMP could usefully draw lessons from the presentation, format and content of the National Planning Framework, particularly in terms of the use of key diagrams; highlighting infrastructure priorities; and a regional commentary to act as a framework for regional planning. Further consideration should be given as to whether inclusion of other aspects of the NPF should as identifying national priorities and an Action Programme would be helpful. Greater compatibility between NMP and NPF in terms presentation, format and content is likely to help integration of marine and terrestrial planning.
14. While the NMP is a stand alone document arrived at through a separate process the intention is for the NMP to be consistent with NPF2. It will be essential that the NMP is fully taken into account in the preparation of NPF3. However the mechanism for the integration of marine and terrestrial planning at the local level is not yet determined. It is not clear that the fact of a geographic overlap will by itself help organizations work together. Legislation requiring land Planning Authorities to give consideration to Marine Plans may be acceptable if land planning authorities are fully engaged in the formulation of the Marine Planning process.
15. The NMP does not address prioritisation directly. The Interactions Matrix has implications for priorities however a more overt indication of priorities or a process for priority setting would help in beginning to identify where and on what action needs to be focussed.

16. The NMP and follow on Regional Marine Plans are progressing through a statutory process and when approved will have statutory force. Together with the NPF and Development Plans providing the basis for terrestrial planning there will then be statutory plan coverage of both land and sea. It will be essential that early consideration be given to how non statutory initiatives such as the Ayrshire Economic Partnership's proposed Ayrshire Marine and Coastal Strategy and action plan can be fully coordinated with and integrated into the statutory processes and timescales.

RECOMMENDATION

17. The Ayrshire Joint Planning Steering Group is asked to note the contents and remit this report to the Technical Management Team as the basis for a response to the pre-consultation draft of Scotland's National Marine Plan. There will be a further opportunity to comment in the second round of consultations later this year.

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