

SUBMITTING EVIDENCE TO A SCOTTISH PARLIAMENT COMMITTEE
DATA PROTECTION FORM

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Topic of submission:	Regional Marine Planning

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Key questions

The Committee wishes to explore the role, status and effectiveness of the Regional Marine Plans and their integration with the terrestrial planning system. The Committee is seeking a response to the following questions:

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

We are not clear what is meant by this question as I could not find a government publication which clearly states the objectives for their establishment. The Scottish Marine Regions Order 2015 does not define any specific measurable objectives although there is an explanatory note present which gives the following vague statement which I have reproduced in part below:

That is a plan which, amongst other things, states Scottish Ministers' policies for the sustainable development of the area.

However, the 2015 National Marine Plan lays out the basic legislative requirements for a regional plan as follows:

- *Assessing the condition of the region.*
- *Summarising the significant pressures and impact of human activity.*
- *Keeping under review the physical, environmental, social, cultural and economic characteristics of the region; the purposes for which it is used; its communication, energy and transport systems; and the living resources which it supports.*
- *Setting economic, social, marine ecosystem and climate change objectives.*
- *Stating the contribution of MPAs and other designated areas to the protection and enhancement of the region.*
- *Stating policies for sustainable development of the region.*
- *Developing a Statement of Public Participation and carrying out consultation.*

In COAST's opinion the current marine region designations are in general appropriate for establishing these basic requirements when the future regional marine plans are developed for these areas. It will be worth reviewing these regions however in the light of the experience of the Shetland and Clyde region plan development and taking account of any lessons learnt regarding the size and location of the regions boundaries e.g. at an early stage defining what is the distribution of accurate fisheries, habitat and mapping data and where are the gaps which may influence the best place to locate plan boundaries.

As a member of the Clyde Marine Planning Partnership we interpret that the objective of the establishment of the regions is to define the regions for which regional marine plans are to be established under the umbrella and consistent with the National Marine Plan 2015(NMP) but the policies within which need to add much further detail and value than the NMP and must take an ecosystem approach to marine planning and where there is development then to ensure that the plans objectives and policies ensure it is truly sustainable.

2.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?

When establishing a MPP detailed consideration is needed so that an effective balance is created between broad stakeholder participation and operational effectiveness. Otherwise we will continue to come up against organisations standing wholly for their own vested interests rather than a collegiate progressive effort toward the overarching vision and agreed aims of authentic sustainability. Within the CMPP we have all come up against this issue and it has caused much delay when the goal of the vision and aims to meet it have not been kept present at all times. At times the only way that we have moved forward is to refer report and policy text to members of the Clyde 2020 Research Advisory Group (RAG) group of scientists and to ask for accurate and informed input into the debate from them. In the case of COAST on the CMPP; it has taken us a vast amount of unfunded time to ensure that the detail in documents like the Laymans Guide to the Assessment of the Condition of the Clyde reflect peer reviewed and accurately sourced, evidence based argument and even then well funded vested interests work to dilute the information with unsubstantiated anecdote.

We believe that it is crucial to have a spectrum of academic and government scientists within a MPP advisory group to keep the debate honest and help keep the written outputs on objectives and policy aligned with an agreed vision and its aims.

The selection of executive members and board members needs to be completely transparent and the chair and executive need to keep the clear purpose, vision and aims of the plan present at all times.

One of the persistent complaints which arises from the CMPP public consultation events is the lack of transparency on process and selection of member organisations to be in the partnership. This leads to a lack of trust and engagement in the process from other stakeholder organisations and the wider constituency. In our opinion all MPP meetings should be webcast live and recordings publicly archived thereafter, as many council meetings now are. This will help hold MPP members to account to be progressive, accurate and honest in our contributions at these meetings.

The approach taken in the CMPP on developing objectives and policy has been to focus on a sectorial approach whereby the invited workshop personnel are industry heavy and first drafts are effectively industry sector wish lists, which are then put out to a public consultation on the pre-consultation draft before it goes to Marine Scotland to change before it goes as a first cut for Ministers before a final public consultation. This approach means that the text is skewed toward vested interests from an early stage and there is a danger here that truly effective objectives and policy are diluted both by vested interests and thereafter by Marine Scotland before being passed by Ministers as they already have a narrative that certain Ministers will not accept that wording in the plan. In fact the CMPP had been told by Marine Scotland at one meeting that it was not our job to write policy.

Despite all this COAST and others on the CMPP are doing our utmost to ensure that the CRMP will be fit for purpose and grasp this as an opportunity to make a real difference to the Clyde Marine Region's ecosystem and therefore the regions prosperity over the next decades.

3.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?

Progress on the development and implementation of RMPs has been slow; only the Clyde and the Shetland MPPs have been established and both have only just produced the pre-consultation draft

of their respective RMPs. The CMPP deadline for the final plan has now been extended to end 2020.

This slow progress is due to underfunding for staff and project elements and zero funding for member participation, a lack of data and lack of access to all available data in a Spatial Data Infrastructure GIS format, a lack of a clearly communicated path through to the final plan and vested sectorial interests being allowed to dominate rather than continual alignment with overarching vision and aims. Having said this the Clyde is a complex region, with a history of distrust among some organisations and we knew that it was going to take a lot of work if it was not to be a reincarnation of the talking shops for non-action which existed previously. The exercise has been one of learning and the staff have worked miracles with such limited resources. Our fear is that the current trajectory is to produce a mediocre final plan on the basis that we can improve it over the next 5-10 years, and that is not what we set out to do when COAST managed to become a member of the CMPP. We have detailed some specific concerns regarding the pre-consultation draft plan below:

The Clyde Regional Marine Plan (CRMP) will be among the first of its kind in Scotland and will therefore become a benchmark for subsequent plans. Ensuring that the Clyde RMP works in a way that is appropriate for ecosystem-based, sustainable development is therefore key.

Such plans are important because decision-makers will be required to 'take any authorisation or enforcement decision in accordance with the appropriate marine plans, unless relevant considerations indicate otherwise' and 'have regard to' the plan in making any other decisions.

COAST agree with the CRMP vision in general but we need firm, measurable and radical goals if we are going to meet the required biodiversity and climate change targets for long term sustainability. The current aims are vague and need specific and measurable targets, which the objectives and policies of the plan then need to be aligned with and to deliver.

Regarding the wording of the aims there are vague statements present which could allow the plan to become a mandate for unfettered development and environmental mismanagement rather than to meet the vision. e.g. *'where appropriate, enhance the health of the Clyde Marine Region', 'development do not significantly impact Priority Marine Features'*.

The low carbon and climate change related aims need to be much clearer and measurable and reflected in the objectives and policies e.g. specific targets to reduce carbon emissions from fishing, ferry use, and enhance capture via the restoration and growth of carbon sinks e.g. seagrass, kelp and maerl, protection and enhancement of loch muds.

In our opinion the aims are diluted because of the aspirational sectorial approach that has been taken through the plan development process and this has resulted thus far in a draft which is mediocre in its aims, objectives and policies. The plan needs to ensure that the the guiding principles are maintained throughout to ensure that a holistic ecosystem approach is taken and development is sustainable (see below)

The CMPP also need to clear in thought and word and to have at the forefront of aims, objectives and policy what it is using as the definition of "sustainable". This is clear within the CMPP constitution and vision, as the definition is the same as the UN definition. i.e. In 1987, the United Nations Brundtland Commission defined sustainability as "meeting the needs of the present without compromising the ability of future generations to meet their own needs." This definition and also that of the application of the precautionary principle in our opinion should not be relegated to footnotes to the guiding principles within the plan.

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

No. Please refer to our answer under question 8.

5. What is required to deliver an effective Marine Planning system under Part 3 of the Marine (Scotland) Act 2010?

A complex issue but here are a few thoughts. Transparent MPPs set up for each region with appropriate spectrum of expertise, a Scottish National Spatial Data Infrastructure which includes all available marine data (and international analogue data) in a GIS OpenData format linked into the existing EU directed INSPIRE land data initiative, clear recording of the gaps in available data, and then funding targetted and actions taken to fill the gaps in our available data, clear pressures and risk mapping to aid MPPs and planners. You only have to access the NMP Interactive (NMPi) online to see how we currently have data made available to us which is difficult to access, slow to respond and wholly inappropriate to assist with marine spatial planning, conservation and sustainable development decisions. Marine Scotland need to be transparent with all their fisheries landings, bycatch, biodiversity fish populations size data rather than privately release data to be worked on by academics under NDAs for PhD projects etc; this is a publicly funded resource which we should all have access too to assist in informing marine planning, decision making and policy.

Is the National Marine Plan capable of delivering sustainable development within Scottish Marine Regions in advance of those areas having an RMP in place?

No. The NMP does not have the detail required to give the guidance to decision makers ensure that sustainable development and biodiversity and recovery goals are met in these regions. RMPs which are fit for purpose need to be created and brought into statute much faster.

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

This is a difficult question to answer for COAST as there is no budget or funding information available for the Shetland or Clyde RMP development from central government or from the planning partnerships. However, our experience on the Clyde Marine Planning Partnership (CMPP) clearly shows that the funding for sufficient staff and external project elements was inadequate from the very beginning of the project. No funding is made available for members to undertake work for the CMPP or to attend meetings. In the two years I have worked for COAST and been their representative member on the CMPP I estimate that the COAST charity has spent at least £11,000 per annum on CMPP related work and this is without including the unaccounted value of the volunteer work.

It was also clear that budget was not readily available to replace staff who left the MPP and this resulted in serious delays to the project and in our opinion at times resulted in process being pushed forward rather than being undertaken adequately. The lack of funding for external project elements resulted in staff time being used to aim to raise additional funding through grants rather than getting on with their core work. It was also clear when external consultants were used for the CRMP socio-economic analysis that this was undertaken as a cursory exercise which mainly integrated the various published development plans from the surrounding local authorities rather than utilising all previously published socio economic reporting on the potential of the Clyde marine environment. This generally resulted in a regurgitated narrative rather than looking anew at the potential that a RMP, which restores a healthy biodiverse ecosystem, will bring to the Clyde.

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

There is no legal requirement for RMPs to be developed by local authorities and you will see for example on the CMPP that all the local authorities which cover the Clyde Marine Region are not represented in the partnership. As local planning authorities who consider planning applications for marine projects they will be bound to ensure that their process and planning decision making is consistent with the objectives and policies present in a RMP, which will of course be a statutory document. In addition, during the Marine Licensing process, local authorities, which are statutory consultees under Marine Scotland Licensing Operations Team (MS-LOT) application, will need to ensure that any responses they make are also consistent with the objectives and policies of the relevant regional marine plan. This is also true of any other statutory consultees which make representation and response to marine planning applications, MS-LOT applications or indeed SEPA CAR license applications.

For these reasons the RMPs need to ensure that the objectives and policies to meet them are clear and measurable to ensure that statutory consultees are clear in how they respond with any concerns in a transparent and accountable manner.

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

No and planners and councillors will freely admit this themselves. Marine planning decisions are currently made under the land planning process and planning officers, development officers and councillors need specific training in risks and cumulative effects of development in the marine environment.

To our knowledge no LPAs have specific marine planning officers. In our opinion central government funding needs to be made available so that all LPAs with a marine responsibility need a specific marine planning officer to lead on marine planning applications and consultation responses. In addition, training needs to be made available for planning committee councillors and planners to aid the integrated joined up thinking so that when decisions are made that land and marine planning is considered in a holistic manner. In addition Marine Scotland officials need to guide local authorities on the risks associated on developments. For example, at the moment open cage salmon farm applications are looked at in isolation rather than cumulatively and there is a vacuum in which planning decisions are being made. This vacuum is caused by the lack of knowledge or denial of existing knowledge of risks by the LPAs and the refusal by Marine Scotland officials to guide the LPAs on risks unless their scientists can put a specific % probability on a specific risk regarding an application. This is a bizarre situation as LPAs have a duty to consider the cumulative effects of any planning application.