

The Environment, Climate Change and Land Reform Committee

Regional Marine Planning – interim report and call for views

Submission From **Community of Arran Seabed Trust**

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The Community of Arran Seabed Trust (COAST) welcome the production of the ECCLR committee interim report into the Development and implementation of Regional Marine Plans in Scotland. Our responses in relation to the outstanding questions raised by the Committee and issues raised in the interim reports are set out below.

The ECCLR Committee's inquiry is specifically examining the experience of developing and implementing Regional Marine Plans in Scotland. While the interim report focusses on specific issues that have been identified through the work to date, we think it is important that discussion around these issues also reflects back on the wider framework for marine planning and the purpose of regional marine plans.

Currently we are failing to meet environmental targets and address past damage to our land and seas as reflected in international and national environmental assessments¹. Unless we start to address these issues with meaningful action now, we will fail to meet the Scottish Government's vision of having 'clean, healthy, safe, productive and biologically diverse oceans and seas' and, we will be handing on an impoverished environment to future generations with all the consequences that brings.

Effective regional marine plans have an essential role to play in helping recover, safeguard and manage our marine resources, but they will only achieve this if action is focussed on clear and measurable outcomes that truly support the well-being of the natural systems that we fundamentally rely on, and thereby provide sustainable social and economic benefits to society as a whole.

¹ For example, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) Global Assessment on Biodiversity and Ecosystem Services (2019); the Marine strategy part one: UK updated assessment and Good Environmental Status Consultation showing that the UK as a whole is failing to meet many of the indicators of Good Environmental Status (GES) under the Marine Strategy Framework Directive; UN Intergovernmental Panel on Climate Change (IPCC) Special Report (2018)

The UK Marine Policy Statement is the framework for marine planning systems and the preparation of marine plans, ensuring that marine resources are used in a sustainable way in line with the UK's high-level marine objectives to achieve the over-arching vision for the UK's seas.

Marine plans are meant to provide a clear, spatial and locally-relevant expression of policy, implementation and delivery. They are meant to present outcomes for a marine area and ensure that different and potentially competing activities are managed in such a way that they contribute to the achievement of sustainable development. Marine planning is intended to deliver the high-level marine objectives by contributing to the achievement and integration of sectoral/activity policy specific objectives. The Marine Policy Statement identifies that a key principle will be to promote compatibility and reduce conflict.

If the structures and processes supporting regional marine planning do not enable these requirements to be delivered, regional marine plans will not be able to fulfil the essential role they should have in helping recover, safeguard and manage our marine environment. Crucially, the regional marine planning process requires objective assessment of the state of the natural environment and for the outcomes for any marine area to specifically address the problems identified in that assessment.

The above points are particularly relevant to the development of the draft Clyde Regional Marine Plan (CRMP) which COAST has been directly involved with for a number of years. There is ample scientific and fisheries evidence that the Clyde marine ecosystem is in a particularly poor state and that this denuded condition has severely affected many stakeholders. There is an urgent need for action to recover aspects of the Clyde marine ecosystem and to ensure truly sustainable management of the marine and coastal resources of the area. Despite the best efforts of many parties to raise these issues and make sure they are addressed there is still a lack of meaningful action. The CRMP should have clearly stated outcomes that support recovery of the Clyde. However, a focus on achieving a consensus view for the plan as well as domination by some interests that essentially enables a sectoral veto over discussions, means that action to address the impoverished environment of the Clyde is still lacking. Marine Scotland could be expected to be taking a lead to support a recovery plan and provide clear direction to the Clyde MPP and Clyde 2020 to enable them to develop appropriate and meaningful measures within the draft CRMP, but such support and action has been absent.

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Theme 1: Membership and governance of Marine Planning Partnerships

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- Confusion over the specific role and powers of Marine Planning Partnerships and advisory groups.
- A lack of flexibility in the legislation to allow for community representation and membership of Marine Planning Partnerships.
- Perception of bias and vested interests in the membership of Marine Planning Partnerships.
- A lack of transparency in the decision-making processes and selection of members Marine Planning Partnerships.
- Overly complex governance structures and ineffective leadership.
- A lack of clear guidance and input from central government.
- Tensions between stakeholders leading to a lack of trust and collaboration in developing regional marine plans.

Questions

- *What can be considered best practice for the governance structure and decision-making processes of Marine Planning Partnerships?*
 - There are numerous examples of best practice already available that could be referred to. For example, the European Marine Spatial Planning Platform² and the Marine Spatial Planning³ online site both provide considerable amounts of information on best practice and other relevant material.
 - The recommendations in the 2010 report into the Scottish Sustainable Marine Environment Initiative for the Clyde⁴ still provide a useful starting point of things to address for the long-term future development of regional marine plans. Many of the issues identified by these recommendations are still relevant.
 - There needs to be flexibility for governance structures and decision-making processes to be developed appropriate to the nature of the individual regional marine areas and to enable relevant community representation. The Marine Planning Partnerships currently in existence are very different, reflecting the different regional differences of the areas they cover.
 - With the Clyde Marine Planning Partnership, decision-making has been undertaken on the basis of achieving a consensus view. While agreement is required within a Partnership, as mentioned in our general comments above relying on consensus alone can result in particular issues or conflicts not being addressed within the planning process and, as a result, a dilution of the plan to the lowest common denominator. Decision-making and conflict resolution within partnerships need to be better supported to address differences and potential areas of conflict early on to ensure that regional marine plans deliver effective and appropriate outcomes.

² <https://www.msp-platform.eu/about-contact/about-us>

³ <https://marineplanning.org/>

⁴ Thompson & Donnelly. 2010. Lessons Learned for Marine Spatial Planning in Scotland. Scottish Sustainable Marine Environment Initiative (SSMEI) Clyde Pilot. https://www.clydemarineplan.scot/wp-content/uploads/2016/06/ssmei_clyde-pilot_lessons-learned-report_january-2010.pdf

- Decision making needs to be based on the best available data and science and effective application of the precautionary principle. There will continue to be gaps in our knowledge but lack of evidence should not be used as an excuse to avoid taking action to address and prevent environmental damage and degradation. If we seriously want to address biodiversity loss and the climate change crisis decisions and actions are needed that really address the issues.
- *How can Marine Planning Partnerships build trust between stakeholders and encourage collaboration on the development of Regional Marine Plans?*
 - Scottish Government needs to provide a clear and neutral leadership to support the preparation and delivery of regional marine plans.
 - Early on in establishing a MPP there needs to be high level agreement to the purpose and approach for developing a regional marine plan.
- *What barriers exist to stakeholders taking on a role as a delegate and how can they be resolved?*
 - Time and resources. Lack of financial support for delegates to attend meetings can prohibit participation by some stakeholders, particularly where they are not participating as part of their paid employment. Equally, a focus on day-time meetings and the need to travel to a central meeting location can disadvantage some stakeholders.
 - Greater use of digital options for participation in MPP's could increase the scope for participation by different stakeholders.
 - Stakeholders need to be able to see action being delivered by MPPs to address issues and deliver clear and meaningful outcomes. COAST have invested a considerable amount of time inputting to the Clyde Marine Planning Partnership (CMPP), with a considerable amount of staff and volunteer time devoted to both the CMPP and Clyde 2020 over the years. We are extremely frustrated at the lack of progress to address the poor state of the Clyde and consequently our trustees and funding organisations are starting to seriously questioning COAST's continued membership of CMPP, the cost of which we have had to fund ourselves.
- *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?*
 - Various lessons learnt documents have already been produced from the existing partnerships and earlier work such as the SSMEI Clyde Project referred to above. If required, the high-level messages from this existing work and from the Committee's inquiry findings could be brought together in one succinct document.
 - Communicate learning via centrally-produced guidance that is readily available online. Potential for developing a regional-marine plan online space within the Scottish Government Marine Planning pages where guidance and best practice can be shared.

- *How should conflicts of interest and disagreements in the decision-making process of Marine Planning Partnerships be resolved?*
 - A marine plan should present outcomes for the marine area that are based on an objective assessment of state of the marine region. Discussions need to continually consider whether a particular course of action moves closer to, or further away from achieving these outcomes.
 - Greater effort on conflict resolution early on in the process, particularly in relation to agreeing the findings of the regional marine assessment and identifying the outcomes for the marine area. The outcomes need to represent an integrated and shared view to deliver the high-level marine objectives and Scottish Government's vision for Scottish seas.
 - Where sectoral or vested interests are allowed to dominate or dilute outcomes this undermines achieving the integration of sectoral / activity objectives and undermines the effectiveness of the plan.
 - A more formal staged process to agree the findings of the assessment and the outcomes could help provide a clearer framework early on for the partnership to work to.
- *What role should central government play in delivering regional marine planning?*
 - Provide central support and facilitation role for the delivery of regional marine planning, including provision of over-arching guidance to MPPs and clear guidance on best practice. Provide clarity on the specific role and powers of Marine Planning Partnerships and advisory groups.
 - Support the long-term financing of MPPs; MPPs are helping to deliver Ministerial responsibilities in relation to national / international obligations and targets for Scotland. Our experience on the Clyde Marine Planning Partnership is that funding for sufficient staff and external project elements has been inadequate meaning that the partnership team have had to continually work to source additional funding which detracts from their core work of developing the plan.
 - Ensure that all relevant data is easily and readily available to MPPs, planners and stakeholders. While the National Marine Plan interactive (NMPI) does provide a means to access some spatial data it does not provide an easily accessible one-stop shop and is a slow and cumbersome system. There seem to be many potential online portals to access data which is confusing. There are data which, although collected through publicly funded research, are not readily or publicly available.

Theme 2: Scope and expectations of Marine Planning Partnerships and Regional Marine Plans

- Confusion over the scope and expectations of regional marine planning. For example:
- The legal scope of Regional Marine Planning.
- The ability of Regional Marine Planning to deviate from, or go above and beyond policies in the National Marine Plan.

- Confusion over the role and powers of Marine Planning Partnerships.
- The ability to include management policies to deliver protection and enhancement of the marine environment.
- The relationship between Marine Planning Partnerships and Regional Inshore Fisheries Groups.

Questions

- *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?*
 - From our experience with the development of the Clyde Regional Marine Plan it does not appear that the powers of MPPs and the legal scope of Regional Marine Plans are sufficient to balance policies for sustainable economic development with the mitigation of climate change and protection and enhancement of the marine environment.
- *How should Marine Planning Partnerships interact with Regional Inshore Fisheries Groups?*
 - There needs to be much greater integration of the work of Regional Inshore Fisheries Groups (RIFGs) with regional marine planning and MPPs, together with improvement in local fisheries governance structures (as indicated in the aspiration to improve co-management of fisheries identified in the Scottish Fisheries National Discussion Paper 2019).
 - Fisheries are a public resource and need to be managed as such with input from the full spectrum of relevant stakeholders. The current governance structures for RIFGs exclude input from wider stakeholders into fisheries management decision making. This is not a constructive situation as it allows for decision making favouring certain sectors of the fishing industry and means that fisheries are treated as though they exist in isolation from other marine users.
 - From our experience with the development of the Clyde Regional Marine Plan this means that decisions about fisheries management within a regional marine plan area occur outside of the MPP and are not open for wider discussion within the context of the overall aims and objectives for the regional marine area. This is a significant constraint to delivering integrated regional marine plans.
 - The areas currently covered by RIFGs are unmanageable. Reducing the geographical area covered by the groups to align with regional marine planning areas would help support the integration of fisheries management with regional marine planning.
 - Local fisheries governance structures need to represent the full spectrum of relevant stakeholders and to provide a locally-focused delivery structure with a remit and responsibilities that include marine environmental and biodiversity protection and enhancement as well as fisheries management. This model would provide, amongst other things, a much more cost-effective and constructive option to ensure integration of fisheries management with regional marine planning as well as support

an ecosystem-based approach to fisheries management. Under this scenario, a RIFG could act as a delegate / stakeholder within a MPP.

- Aspects of research, data collection and monitoring requirements specifically in relation to fisheries within a regional marine area could be integrated within an overall programme for the area. This would help ensure clarity and transparency around the work being undertaken and sharing of results of all research, data collection and monitoring to the MPP and wider stakeholders. There is also the potential for such an approach to be more cost effective and support partnership working across sectoral interests.
- *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?*
 - No.
 - Given what we now understand about climate change and its consequences for all life on our planet, climate change mitigation should underpin decision making in marine planning. The current wording around climate change in the National Marine Plan needs to be significantly strengthened to make sure that this is the case and that this is delivered in practice.
 - Similarly, the policies and objectives of the National Marine Plan are not sufficient to address the crisis of biodiversity loss. If Scottish Government is serious about tackling biodiversity loss there needs to be a much stronger requirement to prioritise and proactively recover areas of our marine environment. This requires a change in thinking and actions; while it will require changes in how we consider and use our marine resources, evidence shows that recovered marine ecosystems can deliver greater social and economic gains.
 - In practice, with statutory decision-making frameworks and processes, there is a significant reluctance to address the requirement to recover areas of our marine environment and be precautionary in addressing biodiversity impacts. Until this situation changes, and recovery and protection of biodiversity is supported by a clear and strong policy position, legislation and enforcement we will not address the biodiversity loss crisis. The current framework for authorising and licensing proposed activities only supports, at best, consideration of whether there will be further degradation or loss to specific habitats or species; and even this is often not addressed very thoroughly with regulatory frameworks essentially allowing continued impacts. There is usually little or no legal requirement to address ecosystem-level effects and wider biodiversity impacts, and assessment of cumulative effects within decision making processes is also very poor.

Theme 3: Finance, resources and expertise

The following key issues were identified in written evidence and visits:

- A lack of human, financial and political support to deliver regional marine planning, particularly in the following areas:
 - Staff, marine planning expertise and resources for Marine Planning
 - Partnerships.

- Funding and expertise for research, data collection and monitoring.
- Insufficient funding for the wider roll out of Regional Marine Planning
- A lack of resource within Marine Scotland to support Regional Marine Planning.

Questions

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

- There is a responsibility on Scottish Government to fund MPPs and regional planning.
- There may be potential for more targeted use of things such as revenue generated by Crown Estate Scotland marine assets to support regional marine planning. Similarly, there may be potential for ring-fenced industry contributions, but these may be best focussed on delivering specific areas of work within a marine plan area.
- There needs to be prioritisation of funding to support environmental action within recovery programmes from the pandemic which should include the marine and coastal environment, blue economy and regional marine planning.

• *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?*

- Better integration of the research, data collection and monitoring requirements is required as well as greater clarity over information and data gaps for a regional marine area to inform the marine planning process. This could be better informed by ensuring that when the assessment for a regional marine area is prepared, relevant data sources are identified and documented and a gap analysis is undertaken to inform prioritisation of research, data collection and monitoring requirements to support regional marine planning.
- Better links between MPPs and academic researchers could be supported through establishing a science advisory group for a MPP that includes a spectrum of academic and government scientists and has a clearly defined role to provide objective scientific advice to the MPP and ensure the application of accurately sourced, evidence-based data and information. This was the intention of the Clyde 2020 group which was launched in 2014 and subsequently became a sub-group of the Clyde Marine Planning Partnership. However, the Clyde 2020 group has operated as more of a forum rather than having a formal and agreed role as a science advisory group to the CMPP and, as a consequence to date, the effectiveness of the Clyde 2020 has been constrained.
- An example of long-term collaborative environmental data collection and monitoring within the context of a maritime catchment is the Milford Haven Waterway Environmental Surveillance Group⁵.

⁵ <https://www.mhwesg.org.uk/>

- More coordinated communication of the research, data collection and monitoring requirements for regional marine planning to academic researchers and research funds.
- Prioritisation of a proportion of government-supported research funding to address the research, survey and monitoring requirements for regional marine planning.
- *What is required to raise the professional status of marine planning to meet the demands of effective marine planning in Scotland?*
 - More supportive central facilitation and financial investment by Scottish Government for development and implementation of regional marine plans.

Theme 4: Community and stakeholder engagement

- Mixed perceptions on the quality and effectiveness of community and stakeholder engagement influenced by regional differences in geography and social cohesion.
- Legislation too restrictive in providing formal community representation in regional marine planning.
- Local knowledge is not being used effectively.

Questions

- *What can be considered best practice for community engagement in regional marine planning?*
 - As with the other questions about best practice, there are already resources available that can help answer this. For example, 'Best Practices for Marine Spatial Planning'⁶ produced by the Nature Conservancy.
 - Community and stakeholder engagement need to be an integral consideration to how MPPs are formulated and how they operate. In geographically diverse areas such as the Clyde, ensuring sufficient and appropriate opportunities for community engagement can be challenging. A number of approaches have been used for public and community engagement in the development of the Clyde Regional Marine plan which have been reported on.

⁶ https://marineplanning.org/wp-content/uploads/2015/07/msp_best_practices.pdf