

## **Written submission from Scottish Natural Heritage**

### **Background on SNH**

Scottish Natural Heritage (SNH) is the public agency established under the Natural Heritage (Scotland) Act 1991 with responsibility for securing the conservation and enhancement; understanding and enjoyment; and sustainable use and management of the natural heritage; and as the Government's statutory adviser on these matters.

Our Corporate Strategy identifies four high-level outcomes:

- High-quality nature and landscapes which are resilient to change and deliver greater public value
- Nature and landscapes which make Scotland a better place in which to live and work, and to visit
- More people experiencing, enjoying and valuing our nature and landscapes
- Nature and landscapes as assets contributing more to the Scottish economy

### **General comments**

We are pleased to have the opportunity to present additional written evidence on the final draft National Marine Plan to the RACCE Committee.

SNH has long been a strong advocate for the introduction of a robust, ambitious and well-managed system of marine planning for Scotland's seas. We consider that integrated and forward-looking marine plans are essential to sustainable development, and can help to steer good development to the best locations and contribute to achieving healthier seas.

We have therefore taken a close interest in the development of Scotland's first National Marine Plan, and have sought to support Marine Scotland in the preparation of this plan over the past few years, providing formal<sup>1</sup> and informal advice (especially in areas relating to our core interests of nature conservation, landscape and enjoyment) at various stages in the process. We therefore greatly welcome this final step of Parliamentary scrutiny of the draft plan, and the prospect of its forthcoming adoption.

We are very supportive of the plan's strategic objectives (including the agreed UK high level marine objectives and the MSFD good environmental status descriptors) and the commitment to apply an ecosystem approach through marine planning. This final draft plan has progressed considerably from earlier versions and we consider that it now provides some useful high level direction for taking decisions about the use of our seas. We would like to offer the following more detailed comments for the committee's consideration.

### **Regional Policy Guidance**

We welcome the new sections that seek to draw out key elements of national planning policies that should be considered within regional marine plans, but are surprised that these are not consistently included. For example, there is no regional policy suggested under policy GEN9 on natural heritage, where we would have

---

<sup>1</sup> [SNH response to Scotland's draft National Marine Plan \(November 2013\)](#)

expected to see some reference to the Marine Scotland Act requirement (section 5(3)) that regional marine plans should contain policies on the contribution of nature conservation MPAs (and other relevant conservation sites) to the protection and enhancement of the plan area.

Also, to ensure that the useful policies relating to Priority Marine Features (PMFs) and biodiversity enhancement are effectively translated into regional plans, there could be a steer to regional planners to develop measures to enhance the status of PMFs within their plan area and to consider opportunities to promote the recovery of degraded habitats and species populations and enhance the provision of marine ecosystem services.

It is helpful to see the introduction of a new section on co-existence (GEN4) which starts to consider the possibility of regional plans taking a more spatial approach to defining suitable areas for different activities. We would suggest that, as well as considering interactions between different activities and sectoral compatibility, there should also be consideration of environmental sensitivity to different activities (including on a cumulative basis). In addition to identifying areas of '*preferential use*' by certain sectors, it would also be useful to identify areas with a '*presumption against*' those types of activities to which particular habitats and species are sensitive (whilst clarifying that other types of activities are likely to be acceptable within these areas).

### **Weighting of different policy objectives**

The Modifications Report published alongside the plan states that different objectives '*will be given varying weights in achieving an appropriate balance in planning and decision making processes depending on particular circumstances*'. However, the plan itself does not appear to offer any clarification on this aspect of assigning weightings. It is not referred to in the section on resolving potential competition and conflict, or the guide for regional planners.

For example, we greatly welcome the statement that the Plan will promote '*an ecosystem approach, putting the marine environment at the heart of the planning process to promote ecosystem health, resilience to human induced change and the ability to support sustainable development and use*' (section 3.4). This is backed up by the revised policy GEN9, which includes the requirement for '*development & use of the marine environment to protect and, where appropriate, enhance the health of the marine area*'.

Together these statements seem to suggest a broader and more robust approach to safeguarding the marine environment than current practice, but set against the GEN1 '*presumption in favour of sustainable development & use of the marine environment...*' it is not clear how regulators would be expected to weight the requirement to protect marine health when considering developments and activities that could lead to environmental impacts.

We consider that further clarification is likely to be needed on the interpretation of these policy objectives and more broadly on how to prioritise between potentially competing interests and activities.

## Regional marine planning

SNH considers that one of the key potential benefits of marine planning –the ability to steer development to less sensitive locations - will primarily be realised at the regional scale. We therefore strongly support the need for a robust and well-coordinated approach to the development of regional marine plans covering all of Scotland's inshore waters.

Although sections 2.6 – 2.12 of the draft plan provide a brief overview of how regional marine planning is intended to be implemented, the text (both here and in the revised Planning Circular) is still rather vague. Whilst we understand the desire for flexibility in the approach to setting up Marine Planning Partnerships (MPPs), to reflect the differing geographies and stakeholder communities around our coasts, there is still a need to ensure that all MPPs have effective governance arrangements and prepare plans that will enable a consistent approach for licensing decisions and marine management of our inshore waters. We would welcome clarity on the process and timescale for production of guidance on these issues.

The Planning Circular (paragraphs 45-47) refers to the potential to align the timing of key stages of marine and terrestrial plans. This would be easier to do if there was guidance on what the key stages of marine planning should be. For terrestrial plans, there is a requirement to consult on a Main Issues report prior to the development of, and then consultation on, a Proposed Plan. Supplementary guidance is also referred to as being a useful mechanism to help alignment but whilst this is a routine and useful part of the Town & Country Planning system, we are not aware that there is any legal provision for the adoption of statutory supplementary guidance within the marine planning system. This may present difficulties in future.

The Circular (paragraphs 51-53) also refers to situations where greater planning detail may be needed to address particularly complex issues. We would suggest that this should be achieved through the regional marine plan, with the ability to include within the main plan, sub-plans at a more detailed spatial scale (e.g. for a particularly busy sea loch, bay or Marine Protected Area) rather than being progressed as a separate process.

As the roll-out of regional marine planning is likely to take many years (although the likely timetable is not yet clear), consideration also needs to be given to the issue of planning alignment (GEN 15) in the situation where an adjoining regional marine plan has not yet been prepared and there may not yet be an MPP in existence to liaise with regarding cross-border issues and interactions.

We welcome the statement that Inshore Fisheries Groups should play a key role in regional marine planning and that fisheries management measures should both inform and reflect the objectives of regional marine plans.

## Gaps in plan

Although there is brief mention of seaweed cultivation within the aquaculture section, we are concerned that there does not appear to be any mention of wild **seaweed harvesting** (live and beach-cast) within the draft plan. This is an area of increased

commercial interest in Scotland, with a need for effective planning and management to ensure that potential environmental impacts can be effectively addressed.