

RURAL AFFAIRS AND ENVIRONMENT COMMITTEE

MARINE (SCOTLAND) BILL

SUBMISSION FROM SCOTTISH COASTAL FORUM

Introduction

The Scottish Coastal Forum (SCF) engages representatives from sectors with an interest in the use, development and management of Scotland's coastal resources and encourages debate on coastal issues at a national level. The Forum has championed the development of an integrated approach to coastal zone management.

The SCF was set up by Ministerial invitation and under independent Chairmanship in November 1996 to:

- encourage a voluntary, sustainable and holistic approach to the management of Scotland's coasts through the formation of local coastal fora;
- act as the national focus for coastal issues and co-ordinate the dissemination of advice on best practice;
- reflect views and aspirations of local fora for the coast of Scotland and guide a national policy framework within which local initiatives can operate;
- offer advice to Government in the development of coastal policies for Scotland.

The Forum's membership comprises representatives from the following organisations:

- British Geological Survey
- British Ports Association
- British Marine Federation
- CoSLA
- The Crown Estate
- Defence Estates
- Royal Yachting Association
- Scottish Association of Marine Science
- Scottish Fishermens Federation
- Scottish Salmon Producers' Organisation
- SEPA
- SNH
- Scottish Water
- Scottish Environment Link
- Scottish Renewables
- SportScotland

Additionally, the SCF has a strong working relationship with the seven Local Coastal Partnerships around Scotland. A representative from these groups is the Forum's Vice Chair and regular meetings are held between the Forum and the Partnerships to facilitate an exchange of information between the national and regional levels

relating to the many issues involved in coastal management around Scotland and throughout the UK.

The SCF contributed to the work of both AGMACS and the Sustainable Seas Task Force and is currently working with the Scottish Government to research stakeholder views on the criteria by which Scottish Marine Regions may be defined. SCF recognises that many issues that members raise will relate to matters to be considered under secondary legislation. This matter, along with the range of members' views on the subjects under discussion mean it is challenging for the Forum to find a common viewpoint on wider policy issues. As a result, for this stage of the Bill's progress the Scottish Coastal Forum has decided to concentrate its evidence on the issues relating to marine planning and its relationship to Integrated Coastal Zone Management.

SCF members have, therefore, been encouraged to submit their own written evidence on the Bill directly to the Committee and we are pleased that some members have also been invited as witnesses in their own right.

Policy Objectives

The Scottish Coastal Forum strongly welcomes the Bill's intention to provide a framework to plan for, and manage, the growing and competing demands made on Scotland's coastal and marine resources.

An integrated system of marine and coastal management, based on the principles of sustainable development and providing for marine planning and the streamlining of functions, will help increase business and investor confidence whilst protecting the natural heritage of Scotland's coasts and seas.

Part 2 – Marine Planning

The SCF welcomes the introduction of a new regime for planning beyond MLWS provided marine planning integrates with the particular requirements of the land/sea interface and coastal waters. This is necessary at both the national level and in reflecting more localised specificities through the Regional Marine Plans.

We offer some thoughts on the particular clauses relating to this element:

- 3 (1)** SCF suggests that amending the clause to read that Scottish Ministers "will" prepare and adopt a National Marine Plan would send a stronger and more positive message about this initiative,
- 3 (3)** SCF considers that a National Marine Plan should include economic, social and natural heritage objectives. The word 'may' should be altered to 'must' in order to encapsulate these three fundamental aspects of a plan that considers the long-term and sustainable utilisation of coastal and marine resources. We also note that there is no such similarly explicit requirement made of the Regional Marine Plans and believe this should be included.
- 3 (4)** Some of SCF's members have queried whether there would be provision in the Bill to have marine plans created for the sub-regional level, if Scottish Marine Regions cover a large area. It is not clear from this clause whether such action would be possible. We suggest that the clause be amended so that the possibility is not precluded if considered appropriate in due course.
- 3 (5)** Although this clause reflects the relationship between a Regional Marine Plan and the Scottish National Marine Plan, the Bill does not reflect the possibility

that a Scottish Regional Marine Plan may have to have a close relationship with a marine plan created under a non-Scottish regime. The Bill is silent on the external obligations that set the context for the Scottish National Marine Plan, including wider obligations and cross-border issues. We feel that further consideration on this would be welcomed by those attempting to gauge how an integrated approach to coastal and marine management might work in, for example, the Solway Firth.

Scottish Marine Regions

SCF is working with the Scottish Government to determine possible options for potential Marine Regions. The results of this research will be available over the summer and we welcome the Government's undertaking to consult on their final options in due course. We believe that an appropriate division of the coastline for localised planning purposes is a valuable element of a marine planning regime although we recognise that no single model will be appropriate for all circumstances.

Marine Planning Partnerships

Regional Marine Planning is expected to be delegated to Marine Planning Partnerships (MPPs). We anticipate that supplementary guidance will be required to determine and explain the make-up of these Partnerships, since the Bill is rather vague in its details relating to them. Although we recognise that the Bill attempts to be permissive in its intent, rather than overtly restrictive, some additional information on how these Partnerships are to be created and are to function would be welcome. In particular, our members would appreciate advice on how existing bodies may be incorporated into MPPs, including how any statutory functions are to be accommodated within the new regime.

Whilst we enthusiastically welcome the undertaking to involve stakeholders and local bodies in planning the future uses of resources within their area, we are aware that localised concerns may not be fully aware of a much bigger picture. This is particularly true when considering developments within an industry that has interests across more than one SMR and may even be pan-UK in its scope.

The relationship between regional Marine Plans and the National Marine Plan is key. There is a strong view within the SCF that it is important that Marine Scotland drives the regional planning process, albeit in tandem and close co-operation with regional Marine Planning Partnerships. Through a regional network, Marine Scotland should work with local stakeholders and statutory bodies in delivering plans that accommodate the requirements of Scottish Marine Regions with due regard for the overall National Marine Plan.

Delegation of functions relating to regional marine plans

SCF welcomes the fact that a level of local planning is to be incorporated within a National Marine Plan but would seek some comfort that the timelines for National and Local plans will be complementary.

The SCF understands that there is a clear intention, which it strongly supports, to utilise local bodies in regional marine planning. Indeed, the Bill qualifies that those to whom the functions are to be delegated are "to be taken to have all the powers necessary". We would seek clarification of the Government's intention to allocate appropriate levels of authority to non-statutory bodies, such as Local Coastal

Partnerships (LCPs), which would allow them to contribute meaningfully to the planning and implementation process. We understand that such bodies as currently constituted, although well placed to take a strategic and holistic view of the relationships required to plan across a body of water such as a Firth, may not be able to participate directly in the process without evolving and adapting to the new regime.

The SCF believes that some of the LCPs, with additional powers as necessary, will be able to play an important role in delivering the aims of the Bill in their present geographical areas or, in an expanded role, to work with and within Scottish Marine Regions.

Integrated Coastal Zone Management

While we welcome the statement in the Policy Memorandum that “Scottish Ministers remain committed to ICZM as a strategic management process”, there is some disappointment within the Forum that an explicit duty on Marine Scotland to deliver ICZM has not been included in the Bill.

We note the difficulty in providing a single accepted definition to describe ICZM, or more particularly the concept of the ‘coastal zone’ itself. However, we are appreciative that much of Schedule 1 describes the process by which an integrated approach to the preparation and adoption of marine plans should be made. In particular, we welcome the importance placed on stakeholder participation via the requirement to prepare a Statement of Public Participation (SPP) for both the national and regional Marine Plans.

Scottish local coastal fora have, for a number of years, brought together statutory and non-statutory parties within defined coastal areas, fostering a strategic approach to the use of resources and their sustainable management for the long term. Their experience suggests that much can be achieved with good-will and support for practical, community based, projects. A clear direction from Government requiring local authorities and others with a statutory remit affecting marine and coastal resources to work together, would now help those organisations incorporate relevant policies and promote an integrated approach across the land/sea interface into their statutory Plans and operational activities. We would welcome a process that addresses this requirement for a central driving force and clear communication pathway to deliver a truly integrated approach. The Scottish Coastal Forum would be pleased to assist the Government in developing this.

The SCF is aware that an integrated approach to coastal management, especially one that embraces ecosystems, requires genuine partnership working across administrative boundaries. This will range from Firths that are entirely within Scotland’s territorial waters to cross-border estuaries and other areas beyond the 12 nautical mile limit. An integrated approach to the management of Firths, led or facilitated by suitably constituted strategic body(ies) taking an holistic view and driving integration between constituent organisations, is recommended. Work is required beyond just planning for a given area; external links and relationships must also be considered. The SCF also supports the idea of a formal concordat between the devolved administrations and the UK Government to facilitate effective joint planning across national boundaries.

Conclusion

The Scottish Coastal Forum broadly welcomes the Marine (Scotland) Bill as a framework that will drive a new, integrated approach to the sustainable use, protection and management of coastal and marine resources. We believe that there are particular issues within the coastal zone that need further consideration but are aware that many will be dealt with as Government thinking develops and secondary legislation emerges.

Some of our constituent members are making submissions relating to their own area of particular interest. This joint submission is, by necessity, limited in its scope but the SCF would like to reaffirm its readiness to work with the Scottish Government as a representative body of stakeholders in the further development of marine and coastal legislation for Scotland's interests.

Scottish Coastal Forum
10 June 2009