

## **Sustainable Seas for All – a consultation on Scotland’s first marine bill Moray Firth Partnership public consultation event**

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**The Weigh Inn, Burnside, Thurso, Caithness  
Tuesday 23 September, 2:30pm**

Presenter – David Mallon, Scottish Government

David Mallon presented a brief overview of the proposals contained within the consultation document, followed by an open Q&A session.

### **Q1: The public is asked to comment on the transfer of powers from SNH to give to FRS. Will this achieve conservation?**

A: It is not about the removal of powers but the brigading of powers together under Marine Scotland. SNH would continue to be the statutory conservation advisor, but it may be beneficial for some elements of expertise and functions to align with other marine issues being addressed by Marine Scotland. There are advantages and disadvantages of transferring these responsibilities and no decision has been taken yet. We are seeking comment via the consultation.

### **Q2: How would the current SNH consultation on Special Protected Areas fit under the proposed regime?**

A: The SPA consultation is being conducted as part of the delivery of requirements of an EU Directive. At the moment our powers of designation are limited to Special Protected Areas and Special Areas of Conservation and cannot be applied to all circumstances. The Sustainable Seas Task Force recommended that additional powers are needed to suit Scottish interests. The real issue relates to the extent to which we may need protection of areas over and above current powers.

### **Q3: How would partnerships with international neighbours fit into the proposed regime?**

A: Existing negotiations which already take place under international agreements to coordinate efforts beyond national boundaries, such as OSPAR, would sit within the international level of the proposed 3-tier planning system i.e. local, national and international planning.

### **Q4: In relation to proposals to streamline licensing, what would be the mechanism for obtaining permissions?**

A: Marine Scotland would be the licensing authority for some licences and could be expected to coordinate with other consenting bodies to achieve streamlining. However, some support exists for multi-staged licensing where it may be appropriate to work development.

### **Q5: Will The Crown Estate be brought within Marine Scotland?**

A: No. Marine Scotland will offer coherence across specific areas of marine management and encourage integrated policy across marine interests, but it will not be responsible for all activities within the marine environment. Other examples include activities reserved to UK Government.

**Q6: Who owns the foreshore out to 3 nautical miles; The Crown Estate seems to be responsible for it?**

A: It is often a complex situation, but the general default position is that the Crown Estate has responsibility.

**Q7: The Scottish Government does not have powers over the Crown Estate and therefore Scottish Interests are not being looked after.**

**Q8: How will the balance of conservation interests with economic growth be achieved?**

A: At a Scottish level both can be achieved through a planning system. Marine planning will offer a process for conflict resolution and the placement of appropriate activities in appropriate places should have a conservation gain as well as promote enhanced development.

**Q9: Gathering diverse data is difficult in areas such as the Pentland Firth and proposals for data to be centrally held are welcomed. This would be beneficial to news developments such as tidal energy in areas where little information is available.**

**Q10: We need to ensure that existing activities continue to be developed in parallel with the emergence of new industries and therefore a joined up and inclusive planning regime is welcomed.**

**Q11: How will Marine Regions be determined? The consultation document does not state there will be further consultation, but yet it will be critical to determine appropriate regions. For example, there needs to be thought given to the implications of splitting the Pentland Firth if Orkney becomes a separate region to Highland.**

A: Marine Scotland will consider the appropriate criteria for determine Marine Regions (such as geographical, administrative, socio-economic) and consult on proposals.

**Q12: How will you achieve the ambitious science agenda? Will external contracts or in house expertise be used?**

A: Both. The process will begin by setting out what we need to achieve and what our priorities are. In-house and external expertise as well as partnership working could be used to achieve it.

**Q13: Could the proposals result in possible restriction of coastal activities?**

A: Marine planning will not seek to exclude activities except where they may be damaging. We don't foresee leisure pursuits necessarily being restricted as the presumption will be for current activities to continue.

**Q14: Currently there is much emphasis of the use of scientific information and baseline data, but in terms of climate change impacts the baseline will shift. Therefore what benefit is there to using science in times of change?**

A: Science does not provide an answer to every problem but we can look to use scientific data where it exists. However at some point decisions need to be made in its

absence. The answer lies in using science rationally as well as applying rational thinking.

**Q15: Climate change may result in areas such as the North Channel opening up to activities such as shipping. Will the Marine Bill encourage this?**

A: The Bill should provide a flexible framework for sustainable marine management to allow opportunities to be embraced and managed where they arise.

**Q16: Will Scotland be paying for the infrastructure to pursue maximum economic growth, for example grid connections to assist renewable energy development?**

A: This will be influenced by what we need to do to achieve national targets.

**Q17: Caithness is seeing a decline in seabird populations and cetaceans are under-recorded. How can a better understanding of the natural environment be achieved within the timescales proposed for the introduction of the bill and its implementation to ensure that the proposed balance of nature conservation with economic development can be achieved?**

A: Legislation will be introduced at the end of December 2009. This will provide the legal basis for a planning system but it will take time to implement a final system. While we cannot wait for science to underpin policy where it is not available, we can use current science to its limits.

**Q18: How will Marine Scotland be staffed and resourced?**

A: The final cost and staffing will depend on its final status e.g. Government Department or Agency etc. Staffing is already in place for the core group of Scottish Government Marine Directorate, Scottish Fisheries Protection Agency and Fisheries Research Services. Pilot marine planning projects are taking place around the coast and these will inform staffing and resource questions.

**Q19: Where will Marine Scotland be based? Will there be local staff at local offices? It is likely that SNH staff will be lost as before as a result of relocation and changes to responsibilities.**

A: The core group will comprise of Fisheries Research Services in Aberdeen, Scottish Government staff in Edinburgh and Scottish Fisheries Protection Agency in Edinburgh. This situation already allows for more than one centre at a national level. A local presence is possible.

**Q20: Will Harbour Revision Orders fall within Marine Scotland?**

A: HROs are currently a Ministerial function. While no decision has been made, the Harbour functions are not seen as being central to the functions of Marine Scotland. However Harbours are likely to benefit from more joined up thinking provided by Marine Scotland.

**Q21: Will Marine Scotland have powers to override local planning decisions?**

A: Marine Scotland will be responsible for a national planning framework and local plans will have to abide by it. However, local plans should be flexible enough to accommodate local needs and issues.

**Q22: Will Marine Scotland coordinate between Marine Regions?**

A: Yes, this will be a role for Marine Scotland. It is also possible that it will provide initial assistance and support to assist Marine Regions to become established and develop their plans.

**Q23: What impact will Marine Scotland have on creel fishermen?**

A: Hopefully a positive one. The aim of the Marine Bill is to maximise economic growth and the planning proposals allow for local stakeholder input to decision making.

**Q24: Fishermen are fearful of the impact of Marine Protected Areas.**

A: Marine Protected Areas will not necessarily be no take/no activity zones. While specific areas may need to be managed differently from present, existing activities will be accommodated where at all possible.

**Q25: What will be achieved at a local level?**

A: This will vary. Some areas of the coast may have more activities than others and will need more management. It is unlikely that a 'one size fits all' approach will be appropriate as some areas will require more local input and drive than others.

**Q26: Will there be an appeals process regarding local planning?**

A: Yes. Where conflict cannot be resolved at a local level or particular sensitivities are present, there is likely to be input from Marine Scotland and appeals processes will be in place.

**Q27: Will an appeals process apply to licensing decisions?**

A: This is possible. May not need an appeals process in legislation, though.

**Q28: Who will be present on local boards, and will members be elected?**

A: The local boards will comprise of local stakeholders. The leading partner may be a Local Authority, or in regions of multi Local Authority presence, it could be a consultative group, or a mix of stakeholders. Marine Scotland will consult on this.

**Q29: Plain English is needed for Government publications and communications regarding final decisions to allow information to be effectively cascaded to people on the ground. This is essential since people such as rangers etc. are often approached for information, but they do not have plain English explanations to refer to.**

A: Point taken.

**Q30: Even taking into account the public meetings, members of the public do not often attend them as they feel out of their depth. Thus local empowerment is missing from consultation exercises.**

A: We take this on board. It is intended that a local planning system will involve people in the final decision making.

Glossary

SNH – Scottish Natural Heritage