

CONSULTATION QUESTIONS

Please identify the main area of interest you identify with :

Local Coastal Partnership



The Forth Estuary Forum is a local coastal partnership first established 20 years ago comprising representatives from public, commercial and voluntary sectors adjacent to and with interests in the Forth from Stirling to the North Sea. Its area of interest includes 7 Local Planning Authorities, major commercial activities, features of international conservation importance and resource for informal access, recreation and tourism. The Forum is a charitable company limited by guarantee funded from a variety of sources including Marine Scotland and member organisations and currently employing 2 staff. Its key objective is to promote the wise and sustainable use of the Forth.

The comments in this response reflect general views held by members of the Forth Estuary Forum. It should be noted, however, that individual member organisations, who represent all sectors, have differing individual priorities and objectives which will inform and take priority in their own responses to the consultations.

RESPONDENT FORM – FORTH ESTUARY FORUM

NATIONAL MARINE PLAN

Q1. Does the NMP appropriately guide management of Scotland's marine resources?

It offers a statement of intentions, a framework and steer. Thus it is important that its objectives and messages are clear and consistent, and the links with the detail in supporting and adjacent legislation and policy unambiguous. There remain some areas where different phrasing of the same key messages can start to obscure those messages or leave the way open for debate about their interpretation.

The Plan as a whole gives an impression of economic uses of the marine resources as being paramount, notwithstanding the other important but less easily quantified (in monetary terms) objectives relating to people, environment and biodiversity.

The phrase “unless relevant considerations suggest otherwise” on p10 is somewhat open-ended and suggests the NMP may not be as comprehensive as it should be. In such a strategic Plan we would expect this phrase to be unnecessary. Its removal would also remove the impression otherwise given that requirements of the Plan might readily be ‘got round’ or argued away.

Q2. Does the NMP appropriately set out the requirement for integration between marine planning and land use planning systems?

It's important that the relationship between the Plan document and the Planning Circular is made clear. The requirement for integration will then, in a general sense, be clear; but its enforcement is not. It remains fairly aspirational and the importance of robust Regional Marine Plans and of promotion and provision of training to developers and planners crucial to the successful achievement of an integrated land/sea approach to coastal and marine planning and development. The role of properly supported Marine Planning Partnerships will be crucial to this, and the support of Marine Scotland and Government similarly vital.

Q3. Does the NMP appropriately guide development of regional marine planning? What, if any, further guidance is required for regional marine planners in terms of implementation and how to interpret the NMP?

It provides the first steps and helpfully supports the intended production and, hopefully, the implementation of regional plans. Further guidance we seek at this level is more explicit statements of real intent to apply, enforce and support.

We note that there remains a need for the funding, structure and ‘modus operandi’ of Marine Planning Partnerships to be determined. It is regrettable that MPPs are currently still identified as an option, rather than a commitment, by the draft NMP. We perceive them to be critical to the achievement of many of the objectives relating to inshore areas.

Q4. The Marine Regional Boundaries Consultation proposed that in addition to regional marine planning, further integrated management of key marine areas would be achieved by designating the Pentland Firth; the Minches and the mouth of the Clyde as Strategic Sea Areas.

Should the NMP set out specific marine planning policies for Strategic Sea Areas?

The Forth is not one of these proposed SSAs. We are not proposing that it should be. But all SMRs will have sea ‘boundaries’ of one sort or another so it is important that the connectivity and shared responsibilities across all these ‘boundaries’ are recognised and incorporated into individual plans and in joint practice by different MPPs. It could be argued that there are parallels here between the proposed approach to these inshore waters and the situation on land where adjacent Local Planning Authorities ‘share’ such strategic areas as catchment areas, mountain areas or indeed firths such as the Forth of Forth.

Q5. Are the objectives and policies in the NMP appropriate to ensure they further the achievement of sustainable development, including protection and, where appropriate, enhancement of the health of the sea?

There does appear to be some (unintended?) bias or emphasis towards developments of economic value. While it is important that commercial interests are not unduly constrained by process arising from the existence of the NMP it is also important that the environment protection and enhancement objectives are not perceived as an ‘add-on’. Nor should the implementation of MPAs imply that they ‘tick the box’ for protection when so much marine life is represented or moves across large areas of the marine ecosystem. The need for full integration of use and sustainable management of sea and coast and strategically equal priority to all the objectives must be clear.

Q6. Chapter 3 sets out strategic objectives for the National Marine Plan and Chapters 6 – 16 sets out sector specific marine objectives.

Is this the best approach to setting economic, social and marine ecosystem objectives and objectives relating to the mitigation of and, adaptation to climate change?

We do not have an alternative approach to suggest. The strategic, then

subject-focussed approach seems reasonable, providing it doesn't lean too heavily towards compartmentalisation in an environment where many of the sectors operate in the same areas. The subject/activity approach is augmented by the geographical approach particularly relevant to inshore areas and special areas such as pMPAs. Regional planning is again a crucial element in achieving all objectives in busy inshore areas.

Q7. Do you have any other comments on Chapters 1 – 3?

No

General Planning Policies

Q8. Are the general policies in Chapter 4 appropriate to ensure an approach of sustainable development and use of the marine area? Are there alternative policies that you think should be included? Are the policies on integration with other planning systems appropriate? A draft circular on the integration with terrestrial planning has also been published - would further guidance be useful?

See comments under Q5 above. The key will be in enforcing and supporting the guidance once it is finalised as well as rolling out some awareness/ training sessions on the planning interface guidance with both marine and terrestrial players, perhaps through the Improvement Service, to the numerous statutory regulators and planning authority colleagues of both systems.

Q9. Is the marine planning policy for landscape and seascape an appropriate approach?

We agree that it is important to incorporate and recognise the importance and value society places on landscape and seascape so that it is a legitimate consideration when considering strategy, development and values of particular areas. The same can be said of historical and other features, air and water quality etc.

Q10. Are there alternative general policies that you think should be included in Chapter 4?

Guide to Sector Chapters

Q11. Do you have any comments on Chapter 5?

Are there other sectors which you think should be covered by the National Marine Plan?

In line with earlier answers, consistency of headings with the overall objectives listed in Chapter 3 would help keep the flow of guidance and context clear, and thereby encourage understanding and buy-in.

Q12 - 36.

As a partnership comprising all sectors relevant to the Firth of Forth our role is that of fostering communication and understanding among all interests towards the aim of sustainable management and use. The individual sectors will respond as desired to Questions 12-36 of this consultation.

Business and Regulatory

Q37. Please tell us about any potential economic or regulatory impacts, either positive or negative, that you think any or all of the proposals in this consultation may have.

We support Option 2 in the BRIA. This must include Regional Marine Planning, currently cited as “optional”. We foresee serious regulatory difficulties that would compromise the achievement of NMP objectives for coastal and inshore waters were Regional Marine Planning not to be pursued; in particular the achievement of integrated planning, development and use, and problem-solving, across terrestrial and marine areas and within areas such as the Firth of Forth.

We note the costs for this element are as yet extremely provisional and noted as additional. An early and adequate assessment of costs must be made. The Marine Planning Partnerships will require funding for staffing and strategy development. Current Local Coastal Partnerships can provide a model/models for this and an LCP such as the Forth Estuary Forum could provide the initial basis for development of the SE Scotland MPP. It would not be difficult for us to provide Marine Scotland with an outline budget to enable costs to be incorporated into the overall NMP costings.

Until some clarity is available on timescales for these organisational changes, and the accompanying detail on resources for the new model(s), we remain concerned about the lack of detail on implementation timeline(s) and the required or expected scale of such a model regarding staffing and resources.

Equality

Q38. Do you believe that the creation of a Scottish National Marine Plan discriminates disproportionately between persons defined by age, disability, sexual orientation, gender, race and religion and belief?

No

Q39. If you answered yes to question 23 in what way do you believe that the creation of a Scottish National Marine Plan is discriminatory?

Sustainability Appraisal

Q40. Do have any views/comments on the Sustainability Appraisal carried out for the NMP?

MARINE PROTECTED AREAS

CONSULTATION QUESTIONS

1. Do you support the development of an MPA network in Scotland's Seas?

Yes No

We recognise and support the principle of MPAs as part of the overall package of measures contributing to the objectives of the National Marine Plan. We would, however, also urge the avoidance of any implication that the creation of MPAs might somehow lessen the priority that should be given to biodiversity objectives in the wider, non-MPA, marine environment. This is especially important when considering the needs of mobile species using wide areas of both offshore and inshore areas (e.g. seabirds, fish, cetaceans) and when considering the regional or local significance of marine habitats and features in inshore areas.

Individual possible Nature Conservation MPAs

24. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Turbot Bank* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

Choices to represent features in the MPA Network

28. Recognising the scientific advice from JNCC included alternatives for representing offshore subtidal sands and gravels, ocean quahog and shelf banks and mounds in the Southern North Sea, do you have a preference or comments on the following combinations to represent these features, bearing in mind Turbot Bank will need to be designated to represent sandeel in this region:

- Firth of Forth Banks Complex
- Turbot bank and Norwegian Boundary Sedimentary Plain
- Or Firth of Forth Banks Complex, Turbot bank and Norwegian Boundary Sedimentary Plain

The Forth Estuary Forum's involvement in areas offshore from the Firth of Forth is currently limited to the fostering of dialogue between renewable energy interests and members of the Forum. We envisage, however, that this will translate through to the SE Scotland Marine Planning Partnership when it is set up. Hence we consider it relevant to respond to this question.

The summary of JNCC advice on page 15 of the consultation document clearly states that the Turbot Bank and Norwegian Boundary Sediment Plains are alternatives to the first choice Firth of Forth Banks Complex for the features mentioned above. Noting this, and the relative inshore position of the Firth of Forth Banks as compared to the two alternatives, and thirdly the recent significance of areas such as the Wee Bankie for fish and birds, we consider that there is a case for identification of the Firth of Forth Banks in the MPA series. We would stress that this is a pragmatic view and one that suggests the Forum (and in future a relevant Marine Planning Partnership) will continue to have a role in supporting the sustainable use of this as well as surrounding areas.

29. Do you have any comments on the case for designation, management options and socioeconomic assessments for the preference you have indicated in the question above, regarding alternatives for representing offshore subtidal sands and gravels, ocean quahog and shelf banks and mounds in the Southern North Sea?

Yes No

As above.

RESPONDENT FORM – FORTH ESTUARY FORUM

DRAFT PLANNING CIRCULAR

1. Is the Draft Circular on the relationship between the land use and marine planning systems helpful?

The Circular is an important communication and guidance tool necessary to promote awareness and understanding by Local Planning Authorities, developers and users of the requirements and responsibilities they hold under planning and marine legislation. In draft it remains light on procedure, which could give some impression that implementation of the integrated planning it describes may not be strongly enforced. Can this be strengthened?

Q2. Does the Draft National Marine Plan appropriately set out the requirement for integration between marine planning and land use planning systems?

See our response to the NMP consultation.

Q3. Do you agree with the suggestions for good practice in paragraphs 30-39, and do you have any other suggestions?

Para 30 – in line 3 “could” should read “should”;
in line 4 delete “it is likely that”.

Paras 33-36 – the aspired consistency between terrestrial and marine plans is important. It would be helpful if the Circular could offer a greater steer regarding procedure. Is Para 36 really necessary – it might just dilute the key message?

Paras 37-38 – It is good to maintain awareness of ICZM and to highlight the complexity and detail relevant to firths (such as the Firth of Forth). The paragraphs do however represent a very light touch. In reality the need to ensure integration not just between land and sea but laterally between terrestrial authorities and across the whole firth water body requires a firm steer and more specific guidance about the need for joined-up planning and casework management among these many key organisations and interests. The role of a Marine Planning Partnership as facilitator is likely to be vital even after the Regional Marine Plan has been completed.