



Scottish Natural Heritage
Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad



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Scottish Natural Heritage

Marine Planning

Position Statement



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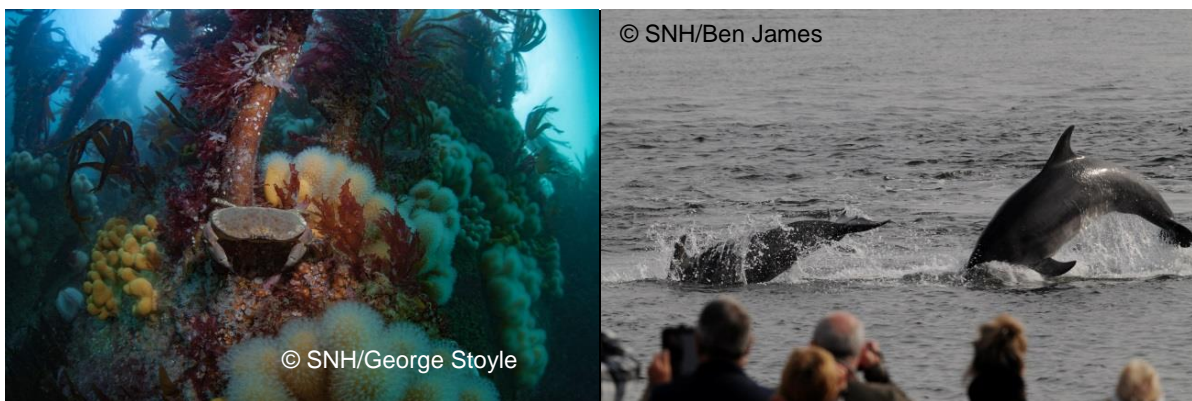
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MARINE PLANNING AND THE NATURAL HERITAGE

SUMMARY

1. SNH has long advocated the need for an integrated and forward-looking marine planning system for Scotland's seas. We therefore strongly welcomed the production of Scotland's first National Marine Plan, which provides a policy framework for the phased delivery of eleven regional marine plans around Scotland.
2. Marine planning offers the potential to protect and enhance marine natural heritage, for its own sake and for the benefits it provides to the economy and society. For this reason, Scottish, UK and international commitments place marine planning at the heart of strategies for sustainable development, marine governance and nature.
3. SNH considers that significant progress and efficiencies can be made by embracing a forward-looking, ambitious and inclusive approach to strategic marine planning, with an adaptive framework that allows us to respond effectively to changing circumstances (including climate change). Such a vision of marine planning allows a modern approach to marine governance, to enable an integrated and balanced approach to the sustainable development, use, enjoyment and management of our seas.



BACKGROUND AND CONTEXT

4. Scotland's first [National Marine Plan](#) (NMP) was adopted by Scottish Ministers in 2015, providing a policy framework for both inshore (to 12 nautical miles) and offshore waters (12 to 200 nautical miles).
5. Regional marine planning will be implemented across eleven [Scottish Marine Regions](#), extending to 12 nautical miles. The first regional [Marine Planning Partnerships](#) (MPPs) have been formed in Shetland and Clyde, with the others to be rolled out in a phased approach. Statutory plans will be adopted by Scottish Ministers under the Marine (Scotland) Act 2010.
6. The [Shetland Marine Spatial Plan](#) started in 2006 as a non-statutory pilot through the Scottish Sustainable Marine Environment Initiative (SSMEI). Subsequent iterations were adopted under the Local Development Plan; a statutory relationship with all aspects of marine governance will be achieved by adoption under the Marine (Scotland) Act 2010. Other [SSMEI projects](#) (i.e. for the Clyde region and Sound of Mull) and the [Pentland Firth and Orkney Waters](#) (PFOW) pilot also provided valuable experience.

The policy and legislative context - marine planning and nature conservation

7. **International.** The [EU Maritime Spatial Planning Directive](#) was adopted in 2014, requiring member states to implement marine planning to minimum requirements. Marine planning is expected to support delivery of the Marine Strategy Framework Directive (MSFD) and the Water Framework Directive (WFD), but also has links to the Habitats and Birds Directives and Common Fisheries Policy.
8. **UK.** The 2011 [UK Marine Policy Statement](#), jointly adopted with devolved administrations, sets the UK framework for marine planning and related policy areas. It gives clear direction for a *'forward-looking, proactive and spatial planning approach to the management of the marine area, its resources, and the activities and interactions that take place within it'*, with the overall vision for *'clean, healthy, safe, productive and biologically diverse oceans and seas'*.
9. **Scottish.** The [Marine \(Scotland\) Act 2010](#) places general duties on Scottish Ministers and public authorities for *'Sustainable development and protection and enhancement of the health of the Scottish marine area'* and *'Mitigation of and adaptation to climate change'*. The Act required the adoption of a national marine plan and makes provisions for regional marine plans, including the delegation of planning functions. Integration with the [National Planning Framework](#) and [Scottish Planning Policy](#) should also be sought.

The Scottish Government's [Strategy for Marine Nature Conservation in Scotland's Seas](#) places marine planning at the heart of marine conservation across all three pillars of the strategy (species conservation; site protection; wider seas policies and measures).

The marine content of the [Scottish Biodiversity Strategy](#) relates closely to the above policies and visions, including a target of *'Putting in place Regional Marine Plans that incorporate provision for decision making that promotes ecological coherence between protected areas and safeguards Priority Marine Features'*.

The [Scottish Climate Change Adaptation Programme](#) identifies marine planning for driving measures for mitigation of, and adaptation to, climate change.

WHAT IS WITHIN THE REMIT OF MARINE PLANNING?

10. The [Marine \(Scotland\) Act 2010](#) states that public authorities decisions must:
 - *'take any authorisation or enforcement decision in accordance with the appropriate marine plans, unless relevant considerations indicate otherwise'*, and
 - *'have regard to the appropriate marine plans in making any decision...which relates to the exercise by them of any function capable of affecting the whole or any part of the Scottish marine area... but which is not an authorisation or enforcement decision'*.

This means that marine plans will not only be used in decisions relating to licensable marine activities or developments, but should also provide a balanced, integrated and plan-led basis for informing the management and future direction of other marine activities and interests (e.g. fisheries, shipping, tourism, recreation and conservation). Marine planning should also inform, and be informed by, programs of research and survey across government and academia.

11. Fundamental to marine planning is planning coherence across the land-sea interface and across marine jurisdictional boundaries within and outside the UK. It should provide benefits for nature conservation as well as achieving efficiencies for public authorities, connecting coastal communities with marine governance and incorporating the interests of onshore ancillary businesses.
12. Consequently, all topic areas with potential to affect or be affected by marine economic, social, cultural or environmental interests should be regarded as within the scope of marine planning.

WHAT CAN MARINE PLANNING DO FOR THE NATURAL HERITAGE?

13. Marine plan policies can protect the natural heritage from unacceptable impacts, either from individual activities or cumulatively across space or time. In comparison to a case-by-case approach to licensing developments and a reactive approach to the impacts of non-licensing activities (e.g. fishing and shipping), a strategic, plan-led approach to decision-taking should provide stronger policy protection, and the ability to steer damaging activities away from sensitive features. This should support the achievement of mid to longer term targets for the marine environment, but also enable economic growth that is sustainable.
14. Marine plans could also adopt policies for enhancement of the natural environment, or aid recovery from previous impacts. Such policies can relate to the requirements and targets for designated sites or protected species, but may also relate to broader aspects of the natural heritage, including supporting coastal communities. Targeted improvement of natural heritage that provides benefit to economic, social or cultural interests (win: wins) would provide a particularly beneficial focus for marine plans.
15. Regarding nature conservation designated sites, marine plans need not be limited to stating the legal obligations. They could clarify the conservation objectives and measures for sites within a region, also reflecting on the role of the sites in supporting the health / economy of their surrounding marine area and, in turn, the role of the wider marine area in maintaining or improving the ecological coherence of the MPA network. Consequently, policies could be adopted to integrate and optimise these interdependencies and the ecosystem resilience this provides.
16. Marine plans should progress policies to mitigate¹ and adapt² to climate change. Not only should we seek to reduce carbon dioxide emissions to the atmosphere and its absorption by oceans; we should also seek to safeguard and enhance natural (sedimentary and living) carbon sink habitats and facilitate the adaptation of wildlife and ecosystems to climate change.
17. Marine planning can link many of the above natural heritage gains to efforts for maintained or improved ecosystem function. By not just considering features of the natural environment in isolation, but also the functional connections between features,

¹ Mitigation can involve the reduction of emissions of carbon and other greenhouse gases, and/or the capture and storage of carbon. The latter may be done artificially (e.g. carbon capture and storage technology) or naturally (through species and habitats that assimilate, store or recycle carbon).

² Adaptation involves measures to adjust infrastructure or natural systems to facilitate resilience to the harmful consequences of climate change (e.g. better coastal protection against storm surges).

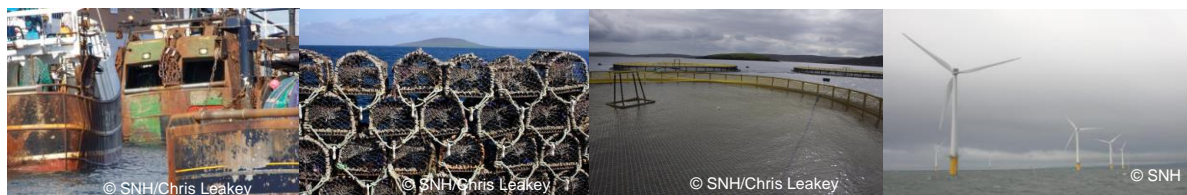
marine plans could help optimise overall ecosystem health and the services/benefits that it provides for people (see below).



HOW DOES THIS BENEFIT BUSINESSES & SOCIETY?

18. The natural environment, and the processes that sustain it, provide wide-ranging benefits for people. Some of these are direct and tangible, such as the fish we eat or the wildlife we enjoy watching. Others are less tangible, such as role of some seabed habitats in limiting coastal erosion, or the role of different species and habitats in the capture or storage of carbon. Many of these 'ecosystem services' provide substantial economic gain, either directly or indirectly, to businesses and coastal communities. Coastal tourism, for instance, is an increasingly important feature of the rural economy, with many visitors attracted by wildlife and scenery. Many other benefits cannot easily be defined in monetary terms, but help to sustain the well-being of culture, society and individuals. Marine and coastal recreation is an important component of this, whereby the wildlife and scenic qualities of ecosystems attract and enhance recreational experiences, with subsequent benefits for our physical and mental health (our 'natural health service'). Marine planners could identify the natural assets from which benefits originate and the processes that deliver them to people; protection and enhancement of these is fundamental to Scotland's long-term economic and social prosperity.
19. Clear policies on protection of the natural heritage provide sectors and investors with greater and earlier clarity on potential constraints. Marine plans should therefore seek to be specific (and where possible spatial) to help avoid unacceptable impacts, either by avoiding sensitive locations, or by committing to appropriate mitigation from the outset. This should enable well planned and sustainable development and activities. Inevitably, some difficult decisions will still need to be made by regulators, but such policies should allow the adoption of clear and consistent decision rules for these circumstances.
20. Fisheries and seaweed harvesting directly exploit living features of the natural heritage. Some living resources have a capacity for self-replenishment that can readily accommodate some exploitation, which is important for sustaining the economic health of related businesses and communities. However, this capacity for recovery varies between different species and often requires consideration of the recovery of supporting habitats and implications for other species.

Fisheries management, particularly in the inshore area, has not always given full consideration to the integrity of habitats that sustain fish or shellfish populations or to impacts on non-target species and habitats. Marine planning should provide a more comprehensive view of appropriate fisheries management, driving a mix of spatial, effort and technical measures that are consistent with the broad vision for the marine area and achieved through wide stakeholder participation.

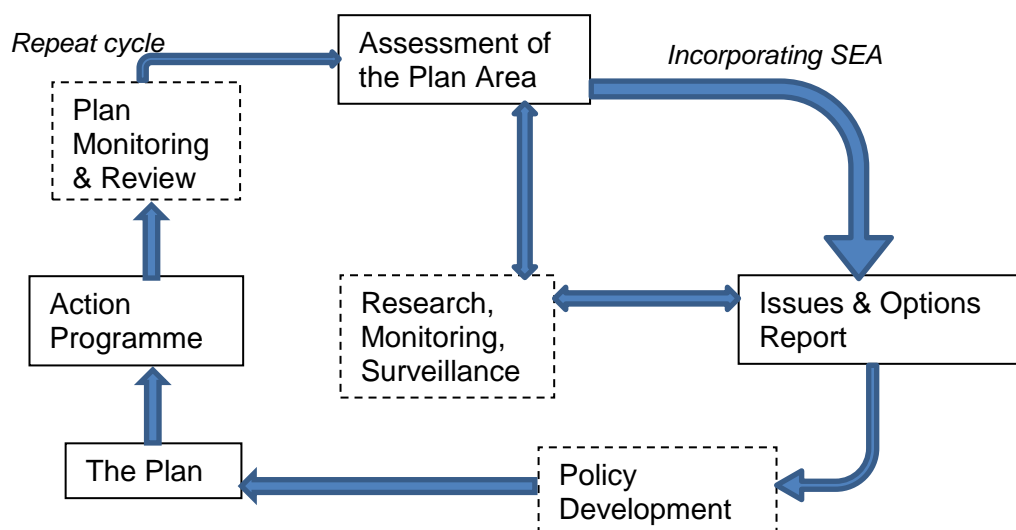


SNH KEY MESSAGES FOR MARINE PLANNING

21. Plan for the future. Planning is, by definition, about how we will manage future change. Plans should seek to improve on current circumstances, not maintain the status quo. They provide an opportunity to set a shared vision for how our marine area will be used and enjoyed, by people and nature, and then to define how we achieve that vision.
22. Be ambitious: Protect and enhance. There are many opportunities for improved economic prosperity, stability and resilience, and for the broader well-being of individuals and society. A healthy natural environment is an essential building block for achieving and sustaining these improvements, so we seek clear and sufficiently specific policies for this purpose. To that end, marine plans should be bold and ambitious, developing policies for positive change, including the enhancement or recovery of the environment and the benefits it provides for people.
23. Be specific. Be spatial. The more specific and spatial policies can be, the more readily users and regulators can locate activities away from sensitive locations, or apply mitigation. 'Zoning' can mean the identification of areas for exclusive use or protection, but can also refer to 'softer' spatial approaches, such as policies identifying relative opportunity/constraint or a presumption for/against certain activities/developments in a defined area. We are limited by our knowledge of the distribution and sensitivity of features of the natural heritage, but uncertainty should not unduly stifle progress where intuition and expert judgement can adequately inform a risk-based approach.
24. Be fair and inclusive. We should plan the future of marine sectors and interests in a manner that integrates and balances aspirations towards an overarching shared vision. All sectors should be engaged and subject to plan-led management, including those regulated by non-licensing mechanisms. This means that previous efforts to plan for single sectors or interests (e.g. marine renewable energy; inshore fisheries) should be fully integrated with and adapted through the planning process.

Meaningful engagement of the general public should seek to ensure they are well-informed of issues and provide opportunity for input. This is a significant challenge for marine planners, who should consider the most appropriate planning stages and achievable methods for engagement.

25. Clarity of process. Stakeholders should have clear information on the steps in the planning process and the stages at which they will have an opportunity to input, and an understanding of how their and others views will be used and balanced to inform plan preparation. A well-defined process, such as below, should also enable an auditable iterative process, whereby each step has clear influence on the next. Strategic Environmental Assessment (SEA) should be established as a clear part of the planning process, informing the identification of planning issues and options.



26. Cumulative impacts. Many individual developments or activities are not particularly problematic for the natural heritage. However, the accumulation of impacts from multiple developments or activities across space and/or time may reach unacceptable levels, yet is often poorly understood or assessed. Informed by the SEA, marine planning should develop policies that take a risk-based approach to avoiding unacceptable cumulative impacts. Emerging techniques, such as interactions matrices, sensitivity assessment and cumulative pressure mapping, provide a useful step forward. Our [review of tools for an ecosystem approach](#) (see section 6) provides an introduction to available and emerging methods.
27. Planning coherence across the land-sea interface. All human activities and developments have onshore relevance, whether for access to the shore, storage facilities or ancillary businesses. Also, some pressures on the marine environment may have impacts that extend to the coast or further inland, such as the visual impacts of infrastructure or changes to coastal erosion from altered hydrodynamics in the near-shore. Similarly, some developments or activities on land may affect marine interests, including but not limited to the natural heritage. Effective planning therefore necessitates coherence between the content of marine plans and terrestrial plans. The Scottish Government [Planning Circular 1/2015](#) provides a high-level steer on this need. Relevant authorities and advisers should establish the lines of communication, processes and documentation that enable timely and effective coherence across planning processes.
28. Apply and improve upon your ecosystem approach. A simplified interpretation of the ecosystem approach involves (a) involving people, (b) understanding how nature works, and (c) recognising/valuing nature's benefits. The more advanced the application of an ecosystem approach is, the greater benefits arising for people and

nature will be. We provide a [review of tools for an ecosystem approach](#) to marine planning. [Scottish Environment LINK](#) also detail their expectations.

29. Action programmes. Not all policies within a marine plan can be delivered solely through licensing decisions. Marine plans should also inform the management of non-licensable activities and interests, such as fisheries, recreation and conservation measures. Adoption of a plan should therefore be coupled with agreement of an action programme with public authorities responsible for delivering these other policy areas.
30. Data and knowledge: share, improve and use. Sharing data informs our collective knowledge and thus shapes future policy. Substantial progress has already been made in accumulating and sharing data and information for marine planning in Scotland (see [National Marine Plan interactive \(NMPi\)](#)). The advancement of science and knowledge will never be complete, but marine planning should be effective in informing the iterative process of identifying priority gaps across all interests. We should also continue to pursue existing sources of knowledge or data that have not yet been exploited or made publically available. However, the imperfection of current knowledge should not stifle progress unduly. Such uncertainty can be handled through use of a risk-based process to determine the way forward.

SNH ROLE AND ENGAGEMENT

31. We provide advice directly in to the marine planning process, but also at both the national and regional scales; participating in meetings and workshops, and responding to formal consultations, as well as less formal interactions that support:
 - The assessment of the status, trend and condition of species, habitats, geomorphology, landscape/seascape, including the identification of pressures and management needs/opportunities;
 - The identification of issues and options for policy development, including the identification of national, regional and local natural heritage issues and priorities;
 - The preparation of plan visions, objectives and policies relevant to the natural heritage, with a particular focus on:
 - i. The [Marine Protected Area \(MPA\) network](#);
 - ii. [Protected species](#);
 - iii. [Priority Marine Features](#) (PMFs), noting that planning partnerships may wish to consider other features of particular regional importance;
 - iv. [Geodiversity](#);
 - v. [Landscape, seascape and coastal character](#);
 - vi. Ecosystem processes and benefits that function across all of the above;
 - vii. Climate change mitigation and adaptation.
 - viii. Access, recreation and enjoyment of the natural heritage.
 - The delivery of the requirements of Strategic Environmental Assessment (SEA) and Habitats Regulations Appraisal (HRA), as part of the above stages in the planning process and according to our statutory functions;
 - Monitoring and review of plans, their use and their influence.
32. We also have a role in the provision of advice to neighbouring plan-making processes, whether on land or in the marine areas of other countries (particularly England and Northern Ireland), to ensure any trans-boundary issues for the natural heritage are accounted for and aligned across planning processes.
33. Marine planning provides the framework for all aspects of marine governance and management. Consequently, many other areas of work in SNH are important for

informing the marine planning process, providing a basis for our advice and supporting related activities, including:

- Improving and providing information and data on the distribution, importance and sensitivity of the natural heritage. Spatial data/information is supplied through National Marine Plan interactive (NMPI);
- Liaison and collaboration with partners in industry, government (national and local), academia and NGOs;

34. SNH engagement with the existing regional MPPs is given through different arrangements according to the constitutional make-up of each partnership. For each Scottish Marine Region we have a lead officer identified within our Operations Unit, supported by a virtual team of specialist advisers. Our advice on the National Marine Plan, bordering plans and other related activities are led from our Coastal and Marine Ecosystems Unit.