

# Marine Scotland

Consultation Report on The Draft Scottish  
Marine Regions Order 2013

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# REPORT ON THE CONSULTATION ON THE DRAFT SCOTTISH MARINE REGIONS ORDER 2013

## EXECUTIVE SUMMARY

The Scottish Government published the Consultation on The Draft Scottish Marine Regions Order on the Scottish Government website on 6 December 2012 and the consultation closed on 28 February 2013.<sup>1</sup>

There were four questions and 37 written submissions were received by the deadline. Not all respondents answered all the questions. The 37 written submissions came from 2 individuals and 35 organisations.

Of the 37 respondents, 21 indicated their agreement with the boundaries proposed, 14 indicated that they were not in agreement, 2 respondents gave general comments only. Additional comments on the boundaries were provided by 21 respondents

4 of the Scottish marine region names have been amended in the draft Order to reflect the comments received. Western Isles is now “Outer Hebrides”; South East is now “Forth and Tay”, South West is now “Solway” and Moray now named “Moray Firth”.

Several attempts were made to try to find a solution to the issues surrounding the use of 2 different co-ordinate systems, and the joining of co-ordinates between the 2 systems (World Geodetic System 1984 and Geodesic, and Ordnance Survey of Great Britain 1936 and Loxodromic). Given the complexity and the subsequent difficulty in interpretation, it was concluded that the most suitable solution was to no longer express the co-ordinates in 2 different systems. The co-ordinates in the Order are now shown in Ordnance Survey of Great Britain 1936 Datum.

There have been small amendments to the SMR boundaries in 3 areas and these have been reflected in the legislation. These were the boundary between the Solway and Clyde regions; the boundary between Orkney Islands/North Coast/Moray Firth Regions; and the boundary between the North East/Moray Firth regions.

The illustrative map to accompany the Order has been updated to reflect the boundary changes.

The Scottish Marine Regions Order 2014 establishing Scottish Marine Region (SMR) boundaries will be laid in Parliament in early 2014, with a view to the Order coming into force later this year.

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<sup>1</sup> <http://www.scotland.gov.uk/Publications/2012/12/3193>

## 1. INTRODUCTION

The Marine (Scotland) Act 2010 introduces statutory marine planning for the first time in the Scottish marine area. Section 5 (5) of the Act allows the Scottish Ministers to create Scottish Marine Regions through secondary legislation. Section 165(5) of the Act states that an order under section 5(5) is not to be made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament. The Scottish Marine Regions Order will designate and identify the boundaries of 11 Scottish Marine Regions (SMRs).

## 2. CONSULTATION

The Marine (Scotland) Act does not require that Scottish Marine Regions are created or that regional marine plans are produced, however Scottish Ministers see the value in identifying marine regions and producing regional marine plans around the Scottish Coast.

Marine Scotland had previously consulted on the general principle of creating SMRs for regional marine planning, the seaward boundaries and the approaches to identifying the Scottish Marine Regions. The results of that consultation concluded that there was strong support for the creation of SMRs, and the preferred option was based on physical characteristics with modifications to ensure marine regions were not too large on the west and east coast. This option would create 11 marine regions.

The draft Scottish Marine Regions Order 2013 delivered this option, and a written consultation on the draft order was published on the Scottish Government website on 6 December 2012 and closed on 28 February 2013.<sup>2</sup>

It was known that the majority of people and organisations would access the document electronically, but hard copies were available for those who requested them. Key stakeholders with a known interest in the issue were also contacted by e-mail to alert them to the consultation. These include those that had responded to the first consultation on SMRs, those that responded to Pre-consultation Draft National Marine Plan, Scottish Government core recipients and members of the Marine Strategy Forum. A list of those alerted to the consultation can be found at Annex A.

The consultation invited respondents to provide their views on the proposals in The Scottish Marine Regions Order 2013, and particularly sought comments on: the Order as drafted; the co-ordinates establishing the marine region boundaries; the names of the regions suggested; and the illustrative map.

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<sup>2</sup> <http://www.scotland.gov.uk/Publications/2012/12/3193>

The consultation asked 4 questions:

Question 1: Do you agree with the proposals set out in the draft Scottish Marine Regions Order 2013?

Question 2: Do you have any further comments? In particular we are seeking views on

- the drafting of the Order
- the co-ordinates establishing the marine region boundaries
- the boundaries
- the names of the regions suggested; and
- the illustrative map

Question 3: Do you believe that the creation of Scottish Marine Regions discriminates disproportionately between persons defined by age, disability, sexual orientation, gender, race and religion and belief?

Question 4: If you answered yes to question 3 in what way do you believe that the creation of Scottish Marine Regions is discriminatory?

### 3. RESPONSES

The consultation closed on 28 February 2013. There were 37 formal responses received. All respondents agreed that they could be published and can be found on the Scottish Government web site.<sup>3</sup>

Table 1. Responses to consultation by interest group

<b>Interest Group/sector</b>	<b>No.</b>
Local Authority	11
Coastal Partnership or Forum	6
Individual	2
Fisheries/Aquaculture	6
Recreation	2
Environmental	1
Academic	1
Energy	1
Ports	2
Government Dept./body/agency	4
Archaeological	1

<sup>3</sup> <http://www.scotland.gov.uk/Publications/2013/04/6995/0>

### Individual

Professor Colin Reid

Mr Glen Smith

### Organisation

Aberdeen City and Shire Strategic Development Planning Authority

Aberdeen City Council

Aberdeenshire Council

ALGAO: Scotland

Argyll and Bute Council

Association of Salmon Fishery Boards

British Ports Association

British Sub Aqua Club

Comhairle nan Eilean Siar

Community of Arran Seabed Trust

Falkirk Council

Firth of Clyde Forum

Forth Estuary Forum

Forth Ports Limited

Marine Biological Association

Marine Management Organisation (MMO)

Moray Firth Partnership

North Ayrshire Council

North East Creel & Line Association

Orkney Islands Council

Royal Yachting Association Scotland

Scottish Coastal Forum

Scottish Environment LINK

Scottish Environment Protection Agency (SEPA)

Scottish Fishermen's Federation

Scottish Natural Heritage

Scottish Renewables

Scottish Salmon Producers Organisation

Shetland Islands Council

Solway Firth Partnership

South Ayrshire Council

Sustainable Inshore Fisheries Trust (SIFT)

Tay Estuary Forum (Local Coastal Partnership)

The Crown Estate

The Highland Council

## 4. ANALYSIS OF RESPONSES

The consultation was on the identification and establishment of Scottish Marine Regions in legislation. The consultation was open to anyone to respond, and 37 responses were received. An analysis was conducted by the Marine Planning and Strategy Team, within Marine Scotland in the Scottish Government. Initially all responses were individually recorded in a spread sheet. The analysis combined counts of closed responses, and an analysis of additional comments to identify key themes and issues. Throughout the report, “respondent” is used to refer to both individuals and groups.

For Question 1:

*Do you agree with the proposals set out in the draft Scottish Marine regions Order 2013? If no, please explain why not and your suggested alternative(s).*

20 respondents answered “Yes”

11 answered “No”.

1 respondent did not tick the box to Q1, but comments were in agreement with the proposals.

3 respondents did not tick the box, but comments were such that they did not agree with the proposals.

2 respondents did not tick the box, and gave general comments only.

Additional comments on the boundaries were provided by 21 respondents: the 11 respondents that answered “No”; the 3 respondents that did not tick the box; and also 7 of those respondents that answered “Yes” that they agreed with the proposals.

More information on alternative boundaries and the key issues raised and the response taken can be found in Section 5 below.

For Question 2:

*Do you have any further comments? In particular we are seeking views on*

- *the drafting of the Order;*
- *the co-ordinates establishing the marine region boundaries;*
- *the boundaries outlined in paragraph 8 (of the consultation paper)*
- *the names of the regions suggested; and*
- *the illustrative map*

2 respondents commented on the drafting of the Order. One respondent sought referencing to the “Solway” region throughout the Order, and another respondent suggested the addition of an advisory note to the Order showing the coordinates in other formats.

1 respondent (the MMO) highlighted that the Scottish Adjacent Waters Boundaries Order 1999 coordinates had been copied into the schedule of the Order without any transformation between OSGB36 datum and WGS84 datum and that this needed to be rectified. An individual who did not submit a formal response also contacted Marine Scotland and highlighted this discrepancy.

17 respondents commented on the names of the Regions. There was sometimes a view that the region names were too generic, and that they would benefit from more specific names rather than for their geographical location in Scotland. This would more accurately reflect the area, and avoid confusion with marine planning areas in England. 15 of the 17 respondents suggested alternative name changes, particularly for the Western Isles, South East, South West and Moray regions. The remaining 2 respondents supported the names for “Argyll” and “Clyde” regions.

6 respondents commented on the illustrative map. 4 of which felt the illustrate map gave a helpful, clear overview. Orkney Islands Council felt the illustrative map did not make it clear how the Orkney SMR relates to the Pentland Skerries. Aberdeen City and Shire Strategic Development Planning Authority felt it would also be helpful to have insets covering those areas where marine boundaries and the terrestrial environment interact, particularly around Fraserburgh where the boundary was not located at an existing boundary or geographical feature.

For Question 3:

*Do you believe that the creation of Scottish Marine Regions discriminates disproportionately between persons defined by age, disability, sexual orientation, gender, race and religion and belief?*

A total of 33 responses were received in response to this question. All of those who responded felt that the creation of Scottish Marine Regions would not discriminate disproportionately between persons defined by age, disability, sexual orientation, gender, race and religion and belief.

*Additional comments*

Although out with the scope of this consultation, some respondents provided additional comments on Inshore Fisheries Groups boundaries, Marine Planning Partnerships, regional marine planning more generally and the National Marine Plan. Further information on these can be found at the end of Section 5 below.

## **5. Findings and Action taken**

The following tables summaries the key points or issues raised from the consultation.



## ***Boundary proposals***

Of the 37 respondents, 21 indicated their agreement with the boundaries proposed, 14 indicated that they were not in agreement, 2 respondents gave general comments only. Additional comments on the boundaries were provided by 21 respondents: the 11 respondents that answered “No”; the 3 respondents that did not tick the box; and also 7 of those respondents that answered “Yes” that they agreed with the proposals.

Agreed (21)	Did Not Agree (14)	No comment (2)
Aberdeen City and Shire Strategic Development Planning Authority Aberdeen City Council Aberdeenshire Council ALGAO: Scotland Argyll and Bute Council British Ports Association British Sub Aqua Club Mr Glen Smith Marine Biological Association North Ayrshire Council North East Creel & Line Association Royal Yachting Association Scotland Scottish Environment LINK Scottish Environment Protection Agency (SEPA) Scottish Fishermen's Federation (SFF) Scottish Natural Heritage (SNH) Scottish Salmon Producers Organisation Shetland Islands Council Solway Firth Partnership South Ayrshire Council The Highland Council	Association of Salmon Fishery Boards Comhairle nan Eilean Siar Community of Arran Seabed Trust (COAST) Falkirk Council Firth of Clyde Forum Forth Estuary Forum Forth Ports Limited Moray Firth Partnership Orkney Islands Council Scottish Coastal Forum Scottish Renewables Sustainable Inshore Fisheries Trust (SIFT) Tay Estuary Forum (Local Coastal Partnership) The Crown Estate	Marine Management Organisation (MMO) Professor Colin Reid

Key point or issue raised from Consultation	Response/Action Taken
<p><i>Boundary: Western Isles/St Kilda</i></p> <p>Comhairle nan Eilean Siar would like to see the gap between Western Isles Scottish marine region and area of St Kilda and Boreray closed to form continuous area of sea in the region.</p>	<p>Given the 12nm implications the Scottish Government does not have the legislative competence to do this. The gap must therefore remain and the boundary here remains unchanged.</p>
<p><i>Boundary: Moray/North East</i></p> <p>6 respondents commented on the boundary here. Aberdeen City and Shire Strategic Development Planning Authority, the North East Creel and Line Association and Aberdeen City Council were content with the proposals.</p> <p>SNH would recommend that Firths be treated as single ecological units, but recognise the rationale for including Fraserburgh in the North East region and accept the boundary. Aberdeenshire Council and Moray Firth Partnership found the boundary at Fraserburgh acceptable, but would have preferred the use of a defined geographical feature and the Moray Firth Partnership suggested the use of “Kinnaird Head”.</p>	<p>The boundary at Rattray head was proposed in 2010/11, so that Fraserburgh was included in the same marine region as Peterhead. As a result of the consultation comments received, the boundary here has been adjusted to Kinnaird Head and curves around the harbour limits.</p>
<p><i>Boundary: Argyll/West Highlands</i></p> <p>10 respondents commented on the boundary here. Most were concerned about the splitting of the Sound of Mull and Loch Linnhe between 2 regions and the difficulties of</p>	<p>Local Authority Marine Planning Zone boundaries (from The Town and Country Planning (Marine Fish farming) (Scotland) Order 2007) were used between Highland, Argyll and Bute and the Western Isles</p>

<p>managing a single body of water, with 7 respondents (SFF, SNH, COAST, Association of Salmon Fishery Boards (ASFB), SIFT, The Crown Estate and the Scottish Salmon Producer Organisation) suggesting the boundary should be changed and 4 of the 7 (SFF, SNH, COAST, ASFB) suggesting the boundary ends at Ardnamurchan. The Royal Yachting Association Scotland had earlier suggested the boundary at Ardnamurchan, but could understand why the boundary was based on the local authority boundary.</p> <p>The Highland Council were content with the boundaries, and was aware that close co-operation will be required. Argyll and Bute Council also supported the boundary, and acknowledged the splitting of the Sound of Mull and Loch Linnhe doesn't adhere to an ecosystem approach, and that careful cross boundary working will be required.</p>	<p>as a basis for the SMR boundaries here in the draft Order.</p> <p>A boundary change to either Auliston Point or Ardnamurchan Point would mean some of the innermost sea lochs and the interests of the coastal communities Forth William, Corpach, Ballachulish/Glencoe would be included within Argyll Region, meaning that Highland Council could potentially be involved in 4 separate MPPs. The inclusion of Loch Eil, Loch Leven, Loch Linnhe and Sound of Mull all in one marine region, could also mean that aquaculture in the south western parts of Highland Council area would operate with a different policy framework from aquaculture along most of the west Highland coast.</p> <p>The boundary proposed here in the draft Order remains unchanged and continues to follow the Local Authority boundary, whilst recognising that careful cross boundary working will be essential for the Sound of Mull and Loch Linnhe. Marine Scotland is considering the approach to take for those areas previously proposed as „Strategic Sea Areas“ and other areas likely to be complex in terms of marine planning in the consultation on the NMP. Question 4 in the consultation on Scotland's draft National Marine Plan sought views as to whether the NMP should set out specific policies for these areas. Ministers also have the power to use their power of direction within regional planning to ensure integration where these areas fall between two Scottish Marine Regions.</p>
<p><i>Boundary: North Coast/Moray/Orkney</i></p> <p>5 respondents commented on the boundaries here. There were some concerns from respondents on their being 3 SMRs in a relatively small area off John O' Groats, with the area potentially subject to 5 planning regimes.</p>	<p>In the draft Order, the Orkney/North Coast boundary was created by partly following the existing IFG boundary from west to east, and then partly by the SEPA Area Advisory Group boundary, and then extending this out to 12nm.</p>

<p>Orkney Islands Council commented that the Pentland Skerries should be within the Orkney SMR. The Crown Estate suggested the North Coast need not extend out to 12nm, and the Royal Yachting Association Scotland felt the North Coast boundary extending east was unnecessary. SNH and Scottish Renewables suggesting combining the North Coast and Orkney would be more appropriate.</p>	<p>In light of consultation responses, there has been an alteration to the boundaries here in the draft Order. The North Coast boundary has been amended to ensure the Pentland Skerries are included within the Orkney region, and the Orkney/North Coast boundary follows the original boundary as set in the draft Order to the west, but then follows the Local Authority Marine Planning Zone boundaries before it reaches the boundary with the Moray Firth region just east of Duncansby Head.</p>
<p><i>Boundary: South East/North East</i></p> <p>5 respondents to the consultation: The Tay Estuary Forum; Forth Ports Limited.; Forth Estuary Forum; Falkirk Council and the Scottish Coastal Forum were concerned with the size of the SMR for the South East as it covers 2 separate estuaries – the Forth and the Tay – and the potential difficulties of having to plan for such a large area. There were proposals to split the area in to 2 regions.</p>	<p>This was considered during the first consultation on the SMRs – defining their boundaries, where there was the option of having SMRs based on physical characteristics with the management of a Firth or island within one SMR (“Option 1”). The analysis of the responses to that consultation in 2011 concluded that the preference was for “Option 3” which was based on physical characteristics but a variation on east coast boundaries to address the weakness of having regions that were very large on the east and west coasts.</p> <p>Local Authority Marine Planning Zone boundaries (from The Town and Country Planning (Marine Fish farming) (Scotland) Order 2007) were used between Aberdeenshire and Angus as a basis for the SMR boundaries here in the draft Order, and this remains unchanged.</p> <p>However, given the concerns on the size of the regions, Marine Scotland will consider how Marine Planning Partnerships will take forward the approach for planning in this region that covers 2 estuaries. One possibility could be the creation of a sub group for each of the Firths.</p>

<p><i>Boundary: South West/Clyde Regions</i></p> <p>10 respondents commented on the boundary proposals here. North Ayrshire Council were content with the extension of the boundary to the 12nm limit. The Solway Firth Partnership was content with the alignment of the Local Authority administrative boundary. Comments on alterations to this boundary were suggested by: Argyll and Bute Council; South Ayrshire Council; Firth of Clyde Forum; Community of Arran Seabed Trust (COAST); Scottish Fishermen’s Federation; Sustainable Inshore Fisheries Trust (SIFT); Scottish Natural Heritage (SNH) and the Scottish Coastal Forum. The comments were mainly around the “kink” at the southern end of the boundary, the South West Region including more of the Firth of Clyde than expected, and the slight alteration to align more to the approach already established by the Firth of Clyde Forum; and to use historical boundaries.</p>	<p>The Local Authority Marine Planning Zone boundaries (from The Town and Country Planning (Marine Fish farming) (Scotland) Order 2007) were used between Dumfries and Galloway and South Ayrshire as a basis for the SMR boundaries here in the draft Order.</p> <p>As a result of the responses to the consultation, the boundary here has been amended. The landward point still aligns with the administrative boundary between Dumfries and Galloway Council and South Ayrshire Council, but rather than following the arched Local Authority Marine Planning Zone boundary, the SMR boundary now takes a direct course to meet with the 12nm limit, with Loch Ryan remaining included in the Solway region.</p>
<p><i>Boundary: Western Isles/West Highlands</i></p> <p>2 respondents commented on the boundary here. The Highland Council was content with the proposed SMR boundaries. SNH considered it regrettable that the Minch was split in 2 but understood the logistical challenges and would welcome some special consideration for planning here in the National Marine Plan.</p>	<p>The Local Authority Marine Planning Zone boundaries (from The Town and Country Planning (Marine Fish farming) (Scotland) Order 2007) were used between Highland, Argyll and Bute and the Western Isles as a basis for the SMR boundaries here, and this remains unchanged.</p> <p>Marine Scotland is considering the approach to take for previously proposed „Strategic Sea Areas” and other areas likely to be complex in terms of marine planning in the consultation on the NMP. Question 4 in the consultation on Scotland’s draft National Marine Plan sought views as to whether the NMP should set out specific policies for these</p>

	areas. Ministers also have the power to use their power of direction within regional planning to ensure integration where these areas fall between two Scottish Marine Regions.
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### ***The drafting of the Order***

<b>Key point or issue raised from Consultation</b>	<b>Response/Action Taken</b>
Solway Firth Partnership commented that for clarity, all references in the current draft of the Order reading "the Scottish marine region for the South West" should be amended to read "the Scottish marine region for the Solway"	The SMR name for "South West " has been amended to "the Solway" throughout the Order
Moray Firth Partnership suggested an advisory note be attached to the Order showing the coordinates in other formats (e.g. British National Grid or to northings and eastings) for clarification and ease of reference, particularly where boundary points on land do not coincide with an identifiable geographical feature	It is not advisable to show the co-ordinates in other formats in the Order. However, the co-ordinates in the Order have been amended and are no longer according to the World Geodetic System 1984, but are in Ordnance Survey of Great Britain 1936 Datum. In addition, the boundary point at Fraserburgh has been amended to a more geographical feature at Kinnaird Head, with the boundary curving around the Fraserburgh Harbour limits.

### ***The co-ordinates establishing the marine region boundaries***

<b>Key point or issue raised from Consultation</b>	<b>Response/Action Taken</b>
Marine Management Organisation (MMO) highlighting discrepancy in the co-ordinates with the Scottish Adjacent Waters Boundaries Order 1999 co-ordinates copied into the schedule of the SMR Order without any transformation	Several attempts were made to try to find a solution to the issues surrounding the use of 2 different co-ordinate systems, and the joining of co-ordinates between the 2 systems (World Geodetic System 1984 and Geodesic, and Ordnance Survey of Great Britain 1936 and

between Ordnance Survey of Great Britain 1936 (OSGB36) and World Geodetic System 1984 (WGS84), and therefore placed in wrong location.	Loxodromic). The complexity that this would have introduced, the likelihood for error and the subsequent difficulty in interpretation meant that the most suitable solution was to no longer express the co-ordinates in 2 different systems. The co-ordinates in the Order are now shown in OSGB36 Datum.
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### ***The names of the regions***

<b>Key point or issue raised from consultation</b>	<b>Response/Action Taken</b>
Some region names are too generic and would benefit from more specific names to more accurately reflect the area.	The names of 4 SMRs (Western Isles, South East, South West and Moray) have been amended in the draft Order.
Royal Yachting Association Scotland suggested Shetland Isles and Orkney Islands should read “Shetland” and “Orkney”.	Full names are preferable and the Order has been drafted to refer to Shetland Isles and Orkney Islands.
Comhairle nan Eilean Siar suggested that the region name “Western Isles” be changed to “Outer Hebrides”. The Scottish Environment Protection Agency (SEPA) commented on the change in name for Local Plan Districts from “Western Isles” to “Outer Hebrides” following stakeholders’ responses to their consultation.	The draft Order has been amended with “the Scottish marine region for the Western Isles” now renamed as “the Scottish marine region for the Outer Hebrides”.
4 respondents made specific comments on the name “South East”. Forth Ports Limited remained to be convinced of name "South East" for areas as far north as Montrose. The	The region name here has been amended to be more specific, with the Order now referring to “The Scottish marine region for the Forth and Tay”.

<p>Tay Estuary Forum preferred the "Tay-Forth". The Highland Council and Scottish National Heritage (SNH) preferred "Forth and Tay" instead. The Moray Firth Partnership suggested "South East Scotland".</p>	
<p>3 respondents made specific comments on the name "North East". The Highland Council suggested "East Aberdeenshire", Scottish National Heritage (SNH) suggested "Aberdeenshire Coast and Waters" and the Moray Firth Partnership suggested "North East Scotland".</p>	<p>There was no consistent view as to the renaming of the region. The SMR boundary does not exactly match that of the "Aberdeenshire" Local Authority area, and to avoid potential confusion the Oder remains unchanged and refers to the "Scottish marine region for the North East".</p>
<p>4 respondents made specific comments on the name "Moray". The Highland Council, Aberdeenshire Council, the Moray Firth Partnership and Scottish Coastal Forum all suggested "Moray Firth" as more acceptable.</p>	<p>The draft Order has been amended to refer to "the Scottish marine region for the Moray Firth".</p>
<p>5 respondents made specific comments on the name "South West". The Firth of Clyde Forum, Scottish Coastal Forum and the Moray Firth Partnership felt the name "South West" region may lead to confusion with marine planning areas in England, with the Moray Firth Partnership suggesting the name "Solway". SNH suggested "Solway Firth" would be more accurate. The Solway Firth Partnership suggested the name should be "Solway" rather than "South West" in all references in Order, given the historical significance of name and the name "Solway" represents whole estuary, the region and interests.</p>	<p>The draft Oder has been amended to refer to "the Scottish marine region for the Solway".</p>



<p>SNH suggested "Argyll Coast and Islands" instead of "Argyll" to more accurately reflect the area of water and coast.</p>	<p>Only 1 respondent suggested an alternative name for the region name "Argyll". Argyll and Bute Council's response supported the name "Scottish marine region for Argyll" in draft legislation. For consistency with other marine regions with islands (excluding the Orkney Islands and the Shetland Isles), the reference to "the Scottish marine region for Argyll" in the draft Order remains unchanged.</p>
<p>Scottish Renewables suggested combining the proposed "Orkney" and "North Coast" regions to create a new "Pentland Firth and Orkney Waters" region.</p>	<p>Combining the "North Coast" and "Orkney" regions would create a marine region that would be too large. Although they will be separate SMRs, it is recognised that joint working between the Marine Planning Partnerships in this area here will be necessary.</p>

### ***The illustrative map***

<b>Key point or issue raised from Consultation</b>	<b>Response/Action Taken</b>
<p>Orkney Islands Council commented that it was not clear from the illustrative map how the SMR related to Pentland Skerries.</p>	<p>Boundaries in this area have been amended and the illustrative map has also been amended to show the Pentland Skerries.</p>
<p>Aberdeen City and Shire Strategic Development Planning Authority suggested the illustrative map have inserts where marine and terrestrial environment interact e.g. at Fraserburgh where the boundary was not at an existing administrative or geographical feature.</p>	<p>The illustrative map is already fairly detailed without additional inserts. The boundary point at Fraserburgh has been amended to a more geographical feature at Kinnaird Head, with the boundary curving around the Fraserburgh Harbour limits. The boundaries will also be available to view on NMPi – Marine Scotland's interactive marine planning tool.<sup>4</sup></p>

<sup>4</sup> <http://www.scotland.gov.uk/Topics/marine/seamanagement/nmpihome/nmpi>

## **Additional comments**

### *Scottish Marine Regions and Marine Planning Partnerships*

19 respondents provided additional comments on Marine Planning Partnerships and regional marine planning more generally. A commonly held view amongst those that responded was on the importance of coordination, cooperation and cross boundary working between the Scottish marine regions, particularly in the regions around the Sound of Mull and in the Pentland Firth. Several respondents commented on the development of Marine Planning Partnerships, their structure, governance, interaction with other regions and plans, resources and funding.

Marine Scotland is considering approaches to developing regional marine planning, including the structure and governance arrangements of Marine Planning Partnerships, and is liaising with interested parties in a number of localities to discuss this.

### *Strategic Sea Areas (SSAs)*

2 respondents made specific comments on Strategic Sea Areas. The British Ports Association felt it would be helpful to clarify where SSAs might be. SNH commented that areas that were proposed as SSAs (the Pentland Firth, the Minches, and the mouth of the Clyde) are split between two marine regions, and suggested it would be helpful if the National Marine Plan could provide a steer on how important issues or interactions that straddle two marine regions could be addressed. SNH also highlighted that as it may take a number of years to develop plans for all SMRs, there is a risk that planning for some of these SSAs could be done in piecemeal way, without fully addressing strategic issues.

While regional marine planning evolves Ministers recognise the need to ensure integrated management of key marine areas, such as those previously proposed as „Strategic Sea Areas“. Consultation on the National Marine Plan is exploring this via a specific question on marine planning policies for these areas. Ministers also have the power to use their power of direction within regional planning to ensure integration where these areas fall between two Scottish Marine Regions.

### *Inshore Fishery Groups (IFGs)*

7 respondents to the consultation mentioned IFGs. Comments highlighted that the SMR boundaries no longer aligned with IFG boundaries in the South East Region. SIFT and SNH both suggested that SMR and IFG boundaries should be aligned, with the SFF noting that further consideration on the proposed IFGs may be necessary depending on the outcome of this consultation.

Marine Scotland still considers it advantageous to align IFG boundaries with those for the SMRs. This would create a single point of contact for local knowledge and

expertise on inshore fisheries and therefore facilitate more effective engagement with Marine Planning Partnerships when these are established. There are mixed views amongst fisheries interests as to the (administrative) boundaries for the IFGs on the east coast. Marine Scotland officials will discuss the options for IFGs boundaries with the IFGs concerned.

### *National Marine Plan (NMP)*

2 respondents gave additional comments on the National Marine Plan. Scottish Renewables requested that the relationships between the pilot Pentland Firth and Orkney Waters spatial plan, the Regional Plan, the NMP, and the Sectoral Plan (currently being developed by Marine Scotland) were clarified in order to understand the impact on potential offshore renewable developments were there to be discrepancies between them.

SNH understood the considerable challenges in attempting to joint plan for the Minch, but felt it essential that a mechanism be established to ensure that important issues here are planned for in an integrated way, suggesting that this area could be given special consideration in the NMP.

Marine Scotland has recently consulted on Scotland's first national marine plan with Question 4 in the consultation draft NMP asking if the NMP should set out specific policies for areas formerly proposed as "Strategic Sea Areas", including the Minches. An analysis of the responses to the draft NMP consultation is currently being undertaken. Future regional plans adopted under the Marine (Scotland) Act 2010 must be in conformity with this national plan. Sectoral plans and pilot plans are not statutory requirements under the Marine (Scotland) Act 2010. Sectoral Plans are driven by the requirements of the European Commission Habitats and Strategic Environmental Assessment Directives and contain Scottish Ministers' spatial policy for the development of commercial scale offshore renewable energy developments. Pilot Marine Spatial Plans may be used as supplementary guidance under the terrestrial planning system; to inform marine licensing decisions and may also feed into national and regional marine plans.

## **6. CONCLUSIONS**

The Scottish Government would like to thank all 37 respondents who took the time to submit their response to the public consultation exercise.

21 of the 37 responses received supported the boundaries proposed in the draft Scottish Marine Regions Order 2013. There were additional comments on the boundaries from 21 respondents, and the draft order has been amended as a result of the consultation.

Although out with the scope of this consultation, some respondents provided comments on Inshore Fisheries Groups boundaries, Marine Planning Partnerships, regional marine planning more generally, and the National Marine Plan. Marine Scotland has recently undertaken an extensive consultation (until 13 November 2013) on a package of measures for planning Scotland's seas, including a draft National Marine Plan, proposed Marine Protected Areas, and the future of marine renewables. Marine Scotland is also currently considering approaches to take for developing regional marine planning, and the structure and governance arrangements for Marine Planning Partnerships.

## **7. NEXT STEPS**

Section 165(5) of the Act states that an order under section 5(5) is not to be made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.

The Scottish Marine Regions Order 2014 establishing SMR boundaries will be laid in Parliament in early 2014, with a view to the Order coming in to force later this year. After the establishment of the Scottish Marine Region boundaries in legislation, an announcement will be made identifying which of the marine regions will begin the creation of a statutory regional marine plan. This will require the establishment of Marine Planning Partnerships.

**LIST OF ORGANISATIONS AND INDIVIDUALS ALERTED TO CONSULTATION**

Scottish Government Core Recipients

All Scottish Local Authorities  
CoSLA  
RACCE Committee Clerk  
Scottish MEPs  
Equal Opportunities Commission

Marine Strategy Forum

Association of Scottish Shellfish Growers  
British Ports Association  
COSLA  
David MacBrayne Ltd  
Highland and Islands Enterprise/Scottish Enterprise  
Historic Scotland  
JNCC  
MASTS  
Northern Lighthouse Board  
Oil and Gas UK  
Royal Institute Town Planning  
Scottish Boating Alliance  
Scottish Coastal Forum  
SEPA  
SFF  
SNH  
Scottish Renewables  
Scottish Salmon Producers' Organisation  
Scottish Sea Angling Conservation Network  
Clyde SSMEI  
SE LINK  
The Crown Estate  
UK Chamber of Shipping  
UK Major Ports Group  
Visit Scotland

Other Organisations

Scottish Coastal Forum  
Forth Ports  
Scottish Power  
Scottish Water  
British Ports  
The Scottish Salmon Company  
EDF Energy  
SSE Renewables  
Scottish Association of Marine Science  
Ordnance Survey  
Seafish  
St Andrews University/Scottish Oceans Institute  
RYA Scotland  
Fife Coast & Countryside Trust  
Aggregate Industries  
Northumberland County council  
Heriot-Watt University  
Pelamis Wave Power Ltd  
Scottish Wildlife Trust  
SportScotland  
Royal Society of Edinburgh  
Aberdeen Harbour  
Inshore Fisheries Groups  
Scottish & Southern Energy  
Apem Ltd  
UK Coal Board  
National Grid  
EMEC  
Eon  
Wessex Archaeology  
Canoe Scotland  
Marine Conservation Society Scotland  
Royal Town Planning Institute  
Ramblers Association  
Forth Yacht Clubs Association  
Dunnet Head Educational Trust  
North Minch Shellfish Association  
Fishermen's Association Ltd (FAL)  
University of Dundee  
Marine Biological Association UK  
The Macaulay Land Use Research Institute  
COAST (Community of Arran Seabed Trust)  
National Oceanography Centre  
Institute for Archaeologists  
Maritime & Coastguard Agency



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