

Planning Scotland's Seas: Draft Planning Circular

Analysis of Consultation Responses

PLANNING SCOTLAND'S SEAS: DRAFT PLANNING CIRCULAR

ANALYSIS OF CONSULTATION RESPONSES

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The views expressed in this report are those of the researcher and do not necessarily represent those of the Scottish Government or Scottish Ministers.

Table of Contents

1	EXECUTIVE SUMMARY	1
	Background	1
	Common Themes	1
	Draft Planning Circular	2
	Integration between the two regimes	2
	Good practice in paragraphs 30-39	3
2	INTRODUCTION	5
	Draft Planning Circular	5
	Overview of responses	6
	Analysis and reporting	7
3	DRAFT PLANNING CIRCULAR	8
	Overview of responses	8
	General amendments to the Draft	8
	Comments relating to specific sections	10
	Marine Legislation	10
	Marine Planning	10
	Marine Licensing	13
	Renewable Energy	13
	Ports and harbours	13
	Coastal defences	13
	Aquaculture	14
	Conservation	14
4	INTEGRATION BETWEEN THE TWO REGIMES	15
	The need for clearer references to the Draft Circular in the NMP	15
	Details on integration and roles and responsibilities	16
	Additional general comments	17
	Comments relating to specific sections	17
	Marine Legislation	17
	Marine Planning	17
	Marine Licensing	20
	Renewable Energy	20
	Ports and harbours	21
	Coastal defences	21
	Aquaculture	21
5	GOOD PRACTICE IN PARAGRAPHS 30 - 39	23
	General Comments	23
	Liaison between terrestrial and marine planning authorities	24
	Timing of Plans	24
	Plans which take into account both terrestrial and marine impacts	25
	Consistency between policies and proposals in marine and terrestrial plans	25
	Integrated Coastal Zone Management	26
	Sharing the evidence base	26
	APPENDIX 1: LIST OF ORGANISATIONS	2
	APPENDIX 2: THE CONSULTATION QUESTIONNAIRE	3

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1 EXECUTIVE SUMMARY

Background

- 1.1 The Marine (Scotland) Act 2010 is aligned with the wider UK Marine and Coastal Access Act (2009) and provides the management and legislative framework for the marine environment. The Act provides a framework to help balance competing demands on Scotland's seas and introduces duties to protect and enhance the marine environment.
- 1.2 The main measures include: marine planning, marine licensing, marine conservation, seal conservation and enforcement.
- 1.3 The Draft Planning Circular outlines the details of the new relationship between the statutory land use planning system and marine planning and licensing. The Circular is in draft form, and accompanies the consultation on the draft National Marine Plan (NMP) for Scotland. The Draft Circular will be issued in final form concurrently with the final National Marine Plan.
- 1.4 Marine Scotland consulted on the Draft Planning Circular as part of a wider consultation from July 25th until 13th November 2013. The consultation involved 3 core questions:
 - 1.5 Question 1 asked: **Is the Draft Circular on the relationship between the land use and marine planning systems helpful?**
 - 1.6 Question 2 asked **Does the Draft National Marine Plan appropriately set out the requirement for integration between marine planning and land use planning systems?**
 - 1.7 Question 3 asked: **Do you agree with the suggestions for good practice in paragraphs 30-39, and do you have any other suggestions?**
- 1.8 A total of 38 consultation responses were received; 1 from an individual and 37 from organisations.

Common Themes

- 1.9 A small number of key themes emerged across all questions, in addition to a wide range of issues relevant to individual groups or organisations. The main issues common across the consultation were:
 - A widespread recognition of the need for more specific information on the integration of marine and terrestrial regimes;
 - A need to ensure language in the Draft Circular is unequivocal – ‘common sense judgements’ was a particularly widely questioned term;
 - A need to outline specific roles and responsibilities of the various authorities involved in the process;
 - A need to diagrammatically outline the relationship between terrestrial and marine planning system that should include the National Marine Plan, Scottish Planning Policy, National Planning Framework and their respective

hierarchies, the areas where they interact and an overall framework for integration.

Draft Planning Circular

- 1.10 Question 1 of the consultation asked ‘Is the Draft Circular on the relationship between the land use and marine planning systems helpful?’. Thirty-three responses contained an affirmative response in the sense that they said ‘yes’ or commented that it was ‘welcome’ or ‘helpful’ and in some cases ‘comprehensive’. Eighteen of these responses sought some level of amendment or further clarification.
- 1.11 Some respondents commented on the need for a diagram or schematic to effectively map out the marine and terrestrial planning frameworks, and how they interact with one another. They felt the document should demonstrate the relationship between terrestrial planning and marine planning and licensing, in addition to clearly explaining the relationship between the legislation, policy (i.e. the Draft NMP) and other non-statutory guidance (i.e. the Sectoral Marine Plans; the Marine Protected Areas and the Priority Marine Features).
- 1.12 A local authority proposed that the diagram detailing the relationship between the two regimes should outline specific roles and responsibilities. Others agreed, commenting on the need for the Draft Circular to outline the roles and responsibilities of the two planning regimes.
- 1.13 The need to outline specifics on roles and responsibilities was sometimes borne of anticipated conflict and / or confusion.

Integration between the two regimes

- 1.14 Question 2 of the consultation asked ‘Does the Draft National Marine Plan appropriately set out the requirement for integration between marine planning and land use planning systems?’
- 1.15 Of the 38 total respondents, thirty-three directly answered Question 2. There were 13 positive responses, albeit three were a qualified yes. Six respondents said ‘no’ to the question. The remaining 14 responses provided a wide range of additional comments relating to possible amendments or points of clarification whilst offering no explicit support for or rejection of the question.
- 1.16 Some felt that there was a need for the Draft NMP to include clearer and stronger references to the Draft Circular in terms of information on integration whilst others commented on the need for better consistency between the two.
- 1.17 An organisation commented that key elements of the National Planning Framework, where it has a bearing on the marine environment, should also be referenced in the Draft NMP and in future, each should accord broadly with each other.
- 1.18 Seven responses commented at Question 2 that there was insufficient information in terms of how integration was going to be achieved and when.

1.19 One of the main concerns was lack of specificity and the potential for conflict. Some respondents questioned how decision makers could feasibly determine which plan's policies should be given priority for individual developments.

1.20 There was a suggestion that the Draft NMP should set out specific protocols to direct interactions between marine and terrestrial planners in terms of day-to-day processes for working between relevant authorities.

Good practice in paragraphs 30-39

1.21 The final question on the consultation focused on paragraphs 30 – 39 of the Draft Circular and asked 'Do you agree with the suggestions for good practice in paragraphs 30-39, and do you have any other suggestions?

1.22 The majority of responses received were positive with 19 responses declaring broad support in principle. Only one respondent said 'no' to the question. The remaining respondents made comments or suggested amendments to specific aspects of the document rather than addressing support for the broader question itself.

1.23 The need for integration between marine and terrestrial frameworks was highlighted or affirmed by several responses in this section.

1.24 A small number of respondents highlighted the importance of managing the alignment of the Draft NMP with Regional Marine Plans and the terrestrial development plans. Some felt there is a need to provide further support for local authorities in fulfilling their roles and others suggested that the structure and governance of Marine Planning Partnerships (MPPs) could be further clarified.

1.25 Some felt that if the Scottish Government intends for MPPs to become statutory consultees in the preparation of Local Development Plans, the required legal provisions should be explained in this section of the Draft Circular. A public sector / regulatory body suggested that MPPs need to be involved in the relevant terrestrial planning.

1.26 A local authority stated that it is important that Regional Marine Planning Partnerships should be included in the list of key agencies set out in planning regulations. They felt that at the moment paragraph 30 is one-sided in that it does not cover the involvement of strategic and local planning authorities.

1.27 The inclusion of an outline timescale was welcomed however there was some doubt from respondents as to how pragmatic and achievable this is.

1.28 There were a significant number of comments received about the section relating to consistency between policies and proposals in marine and terrestrial plans. A majority of those commenting saw consistency as crucial.

1.29 Some felt there was a need to provide significantly more detail on how this would be ensured, however there were others who were aware that planning systems and policies for integration would evolve over time.

1.30 The three key issues arising in this section can be summarised as follows:

- How will this consistency and interaction between terrestrial and marine plans be achieved in practice?
- How will prioritisation of competing objectives be handled in the decision-making process?
- How will socio-economic impacts as well as environmental impacts be incorporated into the decision-making process in the event of conflict between positions?

2 INTRODUCTION

- 2.1 The *UK Vision* for the marine environment is for ‘clean, healthy, safe, productive and biologically diverse oceans and seas’. The broad objectives for the marine area to be implemented in achieving this vision are outlined in the UK Marine Policy Statement. Marine Scotland is responsible for undertaking marine management in Scotland.
- 2.2 The Marine (Scotland) Act 2010 is aligned with the wider UK Marine and Coastal Access Act (2009) and provides the management and legislative framework for the marine environment. It provides a framework to help balance competing demands on Scotland’s seas and introduces duties to protect and enhance the marine environment. The main measures include:
- *Marine planning*: a new statutory marine planning system to sustainably manage the increasing, and often conflicting, demands of our seas.
 - *Marine licensing*: a simpler licensing system, minimising the number of licenses required for development in the marine environment.
 - *Marine conservation*: improved conservation for marine natural and cultural heritage, with new powers to protect and manage areas of importance for marine wildlife, habitats and historic monuments.
 - *Seal conservation*: greater protection for seals and a new licensing system to ensure management where necessary.
 - *Enforcement*: a range of additional powers of marine conservation and licensing.

2.3 Under the Act and the devolution settlement, Scottish Ministers have responsibility for marine planning from Mean High Water Springs out to 12 nautical miles. In addition, the UK Act executively devolves responsibility to the Scottish Ministers for marine planning, nature conservation, licensing and enforcement in waters adjacent to Scotland out to 200 nautical miles. With the approval of the Secretary of State, this will include planning for reserved activities such as oil and gas, shipping and telecommunications, although licensing for these remains reserved to the UK Government.

Draft Planning Circular

2.4 The Draft Planning Circular outlines the details of the new relationship between the statutory land use planning system and marine planning and licensing, including related regimes such as marine licensing and consenting for offshore energy generation, ports and harbours development, and aquaculture. The Circular is in draft form, and accompanies the consultation on the draft National Marine Plan (NMP) for Scotland. The Draft Circular will be issued in final form concurrently with the final National Marine Plan.

2.5 The Draft Circular is split into the following seven sections:

- **Marine Planning:** covering The Marine Policy Statement, Marine Plans, The Scottish National Marine Plan, Scottish Marine Regions, The Marine Planning Process, Liaison between terrestrial and marine planning authorities, Timing of plans, Plans which take into account both terrestrial and marine impacts, Consistency between policies and proposals in marine and terrestrial plans, Integrated Coastal Zone Management and Sharing the evidence base.
- **Marine Licensing**
- **Renewable Energy**
- **Ports and Harbours**
- **Coastal Defences**
- **Aquaculture**
- **Marine Conservation**

2.6 Marine Scotland ran a consultation exercise on the Draft Circular from 25th July until 13th November 2013. The consultation involved 3 core questions:

2.7 Question 1 asked: **Is the Draft Circular on the relationship between the land use and marine planning systems helpful?**

2.8 Question 2 asked **Does the Draft National Marine Plan appropriately set out the requirement for integration between marine planning and land use planning systems?**

2.9 Question 3 asked: **Do you agree with the suggestions for good practice in paragraphs 30-39, and do you have any other suggestions?** Paragraphs 30 – 39 relate to the liaison between terrestrial and marine planning authorities, timing of the plans, plans which take into account both terrestrial and marine impacts, consistency between policies and proposals in marine and terrestrial plans, integrated coastal zone management and sharing the evidence base.

2.10 A total of 38 consultation responses were received, 1 from an individual and 37 from organisations. In addition to the invitation to respond to this consultation, interested parties also had the opportunity to participate through associated events. Reports from events are provided on the Scottish Government website.

Overview of responses

2.11 The consultation respondent information form (RIF) requested respondents to identify whether they were responding as an individual or on behalf of an organisation. Individuals were asked what information, if any, they permitted to be made available in the reporting. Organisations were informed that the name and address of the represented organisation would be made publically available and were asked to confirm whether or not they agreed to this.

2.12 As can be seen in the following table, a wide range of organisation types were represented through the responses received. The most common organisation type was Local Authorities/Planning Authorities with ten responses received from this group. Five Public Sector / Regulatory Bodies responded and there were responses from four recreation / tourism organisations. Three responses each were received from energy and environment/conservation organisations and there were two responses received from aquaculture organisations, industry /

transport, local coastal partnerships and others (from the charity / 3rd sector). One response per group was received from academic / scientific, community groups, fisheries, historic / heritage and individuals.

Table 1.1 Consultation responses

Respondent group	Number
Total Individuals	1
Academic/scientific	1
Aquaculture	2
Community Group	1
Energy	3
Environment/Conservation	3
Fisheries	1
Historic/heritage	1
Industry/transport	2
Local Authority/Planning Authority	10
Local Coastal Partnership	2
Other Public Sector/Regulatory Body	5
Recreation/tourism	4
Other	2
Total Organisations	37
Total	38

2.13 A list of all those organisations who submitted a response to the consultation is included in Appendix 1.

Analysis and reporting

2.14 Comments given at each question were examined and main themes, similar issues raised or comments made in a number of responses, were identified. In addition sub-themes such as reasons for opinions, specific examples or explanations, alternative suggestions or other related comments were looked for.

2.15 The main themes were looked at in relation to respondent groups to ascertain whether any particular theme was specific to one particular group, or whether it appeared in responses across groups. When looking at group differences however, it must be also borne in mind that where a specific opinion has been identified in relation to a particular group or groups, this does not indicate that other groups do not share this opinion, but rather that they have simply not commented on that particular point.

2.16 The following chapters document the substance of the analysis and present the main views expressed in responses. The consultation questions are included in Appendix 2.

2.17 While the consultation gave all those who wished to comment an opportunity to do so, given the self-selecting nature of this type of exercise, any figures quoted here cannot be extrapolated to the wider population.

3 DRAFT PLANNING CIRCULAR

- 3.1 The first question in the consultation provided respondents with the opportunity to comment on whether or not the Draft Circular is helpful in outlining the relationship between territorial and marine planning. Specifically, Question 1 asked:

Q1. Is the Draft Circular on the relationship between the land use and marine planning systems helpful?

Overview of responses

- 3.2 Thirty-six of the 38 responses contained a direct answer to this question. There was widespread support for the Draft Circular in terms of its overall aims and purpose and the nature in which it was presented.
- 3.3 Thirty-three responses contained an affirmative response in the sense that they said 'yes' or commented that it was 'welcome' or 'helpful' and in some cases 'comprehensive'. Eighteen of these responses involved a qualified yes in the sense that the Draft Circular was welcomed and supported, or was seen as a 'good starting point', whilst some degree of amendment or clarification was required.
- 3.4 The remaining three consultation responses did not directly declare support or opposition to the question, but rather sought to outline suggested amendments or seek points of clarification. These are outlined in later sections.

General amendments to the Draft Circular

- 3.5 A significant proportion of responses drew attention to issues within specific sections and paragraphs of the Draft Circular. These are outlined later in this section. There were however, a large proportion of more general comments made where clarification was required or amendments suggested.

The need for a supporting schematic

- 3.6 Five responses to Question 1 commented on the need for a diagram or schematic to effectively map out the marine and land use planning frameworks with a public sector / regulatory body adding that it should be accompanied by an explanatory document. They suggested the document should demonstrate the relationship between land use planning and marine planning and licensing, in addition to clearly explaining the relationship between the legislation, policy (i.e. the National Marine Plan) and other non-statutory guidance (i.e. the Sectoral Marine Plans; the Marine Protected Areas and the Priority Marine Features).
- 3.7 The need for a diagram was highlighted by one local authority on the basis of the highly complex nature of any relationship between the two planning frameworks. It considered a diagram should set out marine and land use planning systems in parallel. This would show and provide links to the Joint Ministerial Marine

Planning Statement, the UK Marine Policy Statement, National Marine Plan (NMP) and Regional Marine Plans (RMPs) on one side and Scottish Planning Policy (SPP), National Planning Framework (NPF), Strategic Development Plans (SDPs), Local Development Plans (LDPs) and Scottish Government on the other.

Roles and Responsibilities

- 3.8 Another local authority added a diagram would need to outline specific roles and responsibilities. An aquaculture organisation requested a description of the role of the Crown Estate, adding that it is important for the Circular to reinforce planning authorities should not seek to duplicate the powers of regulators.
- 3.9 Others stated that the Circular should outline the roles and responsibilities of the two planning frameworks, although this was more widely referred to in Question 2.
- 3.10 The need to outline specifics on roles and responsibilities was sometimes borne of anticipated conflict and / or confusion between planning authorities. A recreation / tourism organisation commented on the need to ensure each planning authority has a thorough understanding of key terminologies both from the marine and terrestrial planning environments.

Procedural Advice

- 3.11 Three respondents, two local authority / planning authorities and one 'other' stated the Circular should provide more information on policy areas and sectors in addition to procedural advice to make it more helpful.
- 3.12 Another organisation added that they were keen to see more information on procedures, specifically around multiple consents.

Other initial, general comments

- 3.13 A number of comments were received from a wide variety of respondent types. One of the main issues was about clarifying how specific plans, policies and documents relate to one another. An environment / conservation organisation commented that more guidance is required for marine and land use planners, adding that the links between the strategic policy and objectives of the NMP and the National Planning Framework (NPF) / Scottish Planning Policy (SPP) must be a fundamental element of the guidance to help ensure consistency across planning frameworks and consistency in decision making.
- 3.14 With regard to fish farms, a public sector body requested clarity on how the NMP under section 15 of the Marine (Scotland) Act will have primacy in decision making since they also fall under section 25 of the Town and Country Planning Acts. An aquaculture organisation added that they wished to see an explanation of why there is currently no provision for obtaining 'planning permission in principle' for fish or shellfish farms.

- 3.15 A charity organisation commented that the text of the Draft Circular should refer more specifically to NPF3 and the relationship between the NMP and NPF3.
- 3.16 One local authority added that, although useful generally, the Draft Circular ignores commercial fishing and oil and gas sectors; although oil and gas activities exist outside 12 nautical miles, it is an important sector economically and requires landfall for pipelines and servicing. With respect to commercial fishing, they suggested marine and coastal planning can help to provide a spatial management discipline for fisheries management.
- 3.17 A recreation / tourism organisation discouraged the use of the terms 'local', 'coastal' or any other terms which could be seen to narrow the scope of those that could be affected by various planning measures, stating that 'communities of interest' would be a preferential term.
- 3.18 One individual commented that alignment of timescales was particularly welcomed. A public sector / regulatory body commented that the Draft Circular properly summarises legislative requirements.

Comments relating to specific sections

- 3.19 A significant number of the comments received were targeted at specific sections of the Draft Circular. These are summarised below.

Marine Legislation

- 3.20 A public sector organisation requested greater clarity on licensing processes. If details cannot be provided at this stage, there should be a commitment to provide updated advice prior to the establishment of Marine Planning Partnerships.

Marine Planning

- 3.21 Two public sector bodies commented on the need to outline implementation in greater detail. For one, this was specified in the context of:
- How national and sectoral objectives will be interpreted;
 - How regional marine plans will integrate policy objectives from the Draft NMP and relevant terrestrial plans and;
 - How conflicts will be resolved (a strong theme in Question 2).
- 3.22 Within the context of marine planning generally, an environment / conservation organisation commented that that public bodies, when making decisions which are capable of affecting the UK marine area (other than enforcement or authorisation decisions), must have regard to the Marine Policy Statement and marine plans. Their suggested this clarification will be integral in addressing any uncertainty regarding the legal status of any marine plan and ensuring political support for marine spatial planning in Scotland.

Marine Policy Statement

- 3.23 A local authority wished to see clarification on paragraph 12 as to whether the ‘Statement’ refers to the Marine (Scotland) Act 2010, as referred in paragraph 10, or the Marine Policy Statement as referred to in paragraph 11.
- 3.24 A public sector body felt that as paragraph 13 was helpful in setting out the status of the NMP, it should have ‘status’ in the title. Another commented that they feel this section implies that the NMP is of greater importance and will take precedence over the terrestrial plan and enforcement action. As a result, the Draft Circular should contain an upfront statement defining the extent of both planning frameworks.
- 3.25 A local authority added that paragraph 13, while reflecting section 15 of the Marine (Scotland) Act 2010, creates potential challenges for the determination of some planning applications where an onshore planning application affects, or might affect, the marine area. They felt that in such circumstances, decisions should be taken in accordance with both the Strategic Development Plans (SDPs) and Local Development Plans (LDPs) in addition to the NMP and Regional Marine Plan (RMP) as directed.
- 3.26 An environment / conservation organisation liked the clarity of paragraph 14.

Marine Plans

- 3.27 Only one comment was received (from an energy organisation) with respect to marine plans as outlined in paragraphs 15 – 17 of the Draft Circular. It proposed five year reviews differ from those of the England marine plans, which vary from 3 – 6 years. They felt that consistency across the border would be advisable.

The Scottish National Marine Plan

- 3.28 A local authority argued that the National Planning Framework also has to be taken into account in this section, particularly where it may affect intertidal zones.

Scottish Marine Regions

- 3.29 With respect to Scottish Marine Regions (SMRs), one response (from a public sector organisation) stipulated that they would seek to have finalised boundaries produced before the final Circular is published.

- 3.30 A number of responses stated an expectation that Regional Marine Plans would fully align with the NMP to ensure consistency in approach within SMRs.

- 3.31 Whilst one public sector organisation particularly welcomed this section of the Draft Circular, a local authority stipulated that there is a need to specify which powers are to be devolved – whether this is just the power to prepare the Regional Marine Plan or whether it includes consenting powers. In addition, it was questioned how democratic a Marine Planning Partnership would be, given the vested interests that may well sit within the partnership. An energy organisation expressed concern at the approach to SMRs on the basis that it may result in inconsistent approaches between SMRs and potentially make

development more complicated and time consuming. This organisation requested more information on who will sit on MPPs.

3.32 A local authority sought further clarification from the Circular on Scottish Government's intentions for RMPs and the timescales for implementation.

3.33 There was a call for the Circular to reflect the Marine (Scotland) Act's provision for local authorities to be delegated certain functions of regional marine planning.

3.34 A local authority and local coastal partnership commented that there may be different ways in which regional plans could be prepared within the framework set by Ministers and which conform with legislation reflecting local expertise and experience. An example of the composition of a Board of Regional Marine Planning Authority was offered. They argued that joint preparation of surveys and analysis of the opportunities to be expressed and approved in land use and regional marine plans could result in effective understanding if published as shared guidance. The establishment of regional partnerships was seen as important in encouraging one to learn from another.

3.35 The Pentland Firth and Orkney Waters Pilot Regional Marine Plan was mentioned by one respondent as an example of good practice on which to base the final information contained in the Circular.

3.36 A public Sector / regulatory body stated that there was a need to ensure SMRs are consistent with the River Basin Management Plan process.

Liaison between terrestrial and marine planning authorities

3.37 Two local authorities commented on paragraph 30, stating that guidance on integration between the marine and land use planning frameworks is currently sparse other than emphasising that both statutory plans need to take account of and complement each other. There was a perceived need to expand this section.

Consistency between policies and proposals in marine and terrestrial plans

3.38 A significant number of respondents highlighted the use of the term 'common sense judgements', stating it was and too subjective / non-specific and should be replaced.. Some expressed the view that its use would risk causing conflict at times of disagreement.

Integrated Coastal Zone Management (ICZM)

3.39 Two respondents commented on a need to provide more detailed ICZM which they felt was not discussed. It was felt there is little guidance on processes that will be put in place for the resolution of dispute. Further, they felt that the principles of ICZM could be used to a much wider effect in the integration of marine and terrestrial planning than those currently stated in the Draft Circular.

3.40 A local authority argued that the need for specialised coastal zone planning and management is underplayed in the Draft Circular.

Marine Licensing

- 3.41 Two respondents, an energy organisation and public sector / regulatory body, commented on the usefulness of the Marine Licensing section specifically. The energy organisation highlighted their support for paragraphs 46 and 50 related to the Environment Impact Assessment (EIA) activity.
- 3.42 One local authority commented on paragraph 49 which highlights the overlap in consenting regimes in the inter-tidal area. They felt this potentially points to a requirement for EIA processes (screening, scoping and Environmental Report) to be duplicated, creating additional work for developers and stated that a more streamlined approach would be preferable.

Renewable Energy

- 3.43 A public sector / regulatory body commented on the helpfulness of this section specifically, whilst a local authority added that it is vital that the onshore elements of the proposal are given appropriate consideration and weight in the decision making process.
- 3.44 An energy organisation commented on paragraph 52 related to the infrastructure for marine developments, suggesting that there should be an inclusion of interconnectors and converter stations.
- 3.45 Thinking specifically about paragraph 54 which stipulates that developers may still choose to make a separate planning application for the onshore component, two responses questioned why a developer would do this. One of these respondents, a local authority, also wished to see clarity on future processes of determining onshore components of offshore energy proposals. An energy organisation affirmed a single licensing approach as suggested in paragraphs 54 and 55, but stressed that there are circumstances where this approach could prove detrimental to development. They felt that this would suggest the need for a co-ordinated approach where licences are interlinked across the lifetime of any given project.
- 3.46 In response to paragraph 57, a fisheries organisation warned that the interface between marine and land use planning will produce complex issues. They stated the example of when permission or consent is sought for the same project but where parts of it are intended for the marine environment and parts of it for the terrestrial environment.

Ports and harbours

- 3.47 One comment was received from an industry / transport organisation who stated that integration of terrestrial planning is fundamental to port efficiency and success and higher awareness of transport activity is welcomed.

Coastal defences

- 3.48 An energy organisation requested clarity from the Circular on paragraph 64 which relates to flood protection schemes. There was a perceived need to outline how the schemes would relate to coastal erosion protection.

Aquaculture

3.49 Aquaculture issues were highlighted in detail, particularly from two local authorities and two aquaculture organisations. One of the latter felt it is important to define and outline the uniqueness of aquaculture to a greater degree than is in the Draft Circular. Clarity on whether the Scottish Government intends to shift responsibility for aquaculture development from land use to marine planning should also be provided. One of the local authorities argued that with respect to paragraphs 70-77, terrestrial planning should influence the regional marine plans in this regard and not the other way round as stated.

3.50 In relation to paragraph 70, another aquaculture organisation stated that the reference to 'non statutory spatial frameworks' should be removed and it should be made clear that Ministers expect planning authorities to prepare spatial guidance for aquaculture under their jurisdiction. One of the local authorities felt that in paragraph 76, 'fish farming framework' would more appropriately be presented as 'Supplementary Guidance'.

3.51 Another local authority felt that the information in paragraph 77 could be disputed. They felt that the Draft Circular suggests that in time regional plans and any supplementary plans or guidance associated with them should become the principal spatial form of reference for decisions about the location of new aquaculture development. However the local authority argues that there are good reasons why marine aquaculture now falls within the scope of the Town and Country Planning system and that a move away from local authority planning control would be a backwards step. For them, as long as aquaculture development interest remains focussed on locations close to the coast, the terrestrial development plan and its supplementary coastal planning guidance should have at least equal weight to marine region plans which is perceived to be coarser-grained and more absorbed with issues further offshore.

Conservation

3.52 Three comments were received in relation to conservation – one from a fisheries organisation and two from a local authority. The fisheries organisation felt that the definition of marine conservation zones appearing in paragraph 82 should be removed and inserted into paragraph 81, but expanded to make reference to the OSPAR Ecologically Coherent Network.

3.53 The local authority sought clarification in this section on two issues. In paragraph 80, they wished to know in what circumstances SNH and Scottish Ministers would give this advice and guidance. With respect to paragraph 83, two questions were asked:

- Will the demonstration and research Marine Protected Areas to be identified be time limited?
- Can they be de-designated at the end of the demonstration / research period?

4 INTEGRATION BETWEEN THE TWO REGIMES

4.1 The integration of marine and land use planning frameworks was an issue highlighted by a small number of respondents at Question 1. The second question in the consultation offered respondents the opportunity to comment on how effectively the Draft NMP sets out the requirement for integration of the two systems. Question 2 asked:

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

4.2 Of the 38 total respondents, thirty-three directly answered Question 2. There were 13 positive responses, albeit three were a qualified yes. Six respondents said 'no' to the question. The remaining 14 responses provided a wide range of additional comments relating to possible amendments or points of clarification whilst offering no explicit support for or rejection of the question. The main issues arising from the responses were related to:

- The need for clearer and stronger references in the Draft NMP to the Draft Circular;
- The need for greater detail on method of integration between the two regimes;
- The need to outline roles and responsibilities of each regime;
- Concerns over potential conflict.

4.3 In addition to the main issues above, other individual comments were also made. Many detailed issues highlighted specific sections of the Draft Circular.

The need for clearer references to the Draft Circular in the Draft NMP

4.4 Nine separate responses made reference to the fact that the Draft NMP provides less detail on the integration of marine and terrestrial planning frameworks than does the Draft Circular. Five of the nine responses were from local authorities / planning authorities, two from industry / transport organisations, one from a public sector / regulatory body and one from another organisation.

4.5 Some felt that there was a need for the NMP to include clearer and stronger references to the Circular in terms of information on integration whilst others commented on the need for better consistency between the two. The Draft Circular was generally agreed to contain more information on the issue. As one local authority / planning authority commented:

"The Draft Planning Circular 'The relationship between the statutory land use planning system and marine planning and licensing' provides more detailed guidance on how integration between terrestrial and marine plans can be achieved. This guidance should be clearly cross referenced in the NMP to ensure a consistent approach."

4.6 An industry / transport organisation suggested that there should be a much stronger relationship between the Circular and the Draft NMP. The organisation

continued to comment that key elements of the National Planning Framework, where they have a bearing on the marine environment should also be referenced in the NMP and in future, each should accord broadly with each other.

Details on integration and roles and responsibilities

- 4.7 Seven responses commented at Question 2 that there was insufficient information at present on the specifics of integration. In general, respondents agreed with the rationale behind integration, but there was a concern that the information was currently too sparse to see how it would work in practice.
- 4.8 One of the main concerns with the lack of specificity was the perceived potential for conflict. Some respondents questioned how decision makers could feasibly determine which plan's policies should be given priority for individual developments.
- 4.9 Aligned with this issue, a number of respondents were concerned about potential conflicts for which greater guidance would be required. Two public sector / regulatory bodies commented on the need to provide more guidance generally on resolving conflicts, whilst a Local Coastal Partnership stated that the Scottish Government simply needs to accept that expensive legal resolutions are inevitable, particularly in the early stages. They continued to draw attention to the fact that there are currently no formal regulations to guide the process of preparing marine plans in contrast to the territorial system.
- 4.10 The need to provide greater information on the specifics of integration was highlighted by respondents' expectations of conflict between various planning authorities. For some, a mitigating measure for this issue would be a clear delineation of roles and responsibilities. Two local authorities and a public sector / regulatory body suggested that the provision of information and or exemplar case studies, would provide sufficient guidance to minimise this potential conflict.
- 4.11 Another local authority commented that the NMP should set out specific protocols to direct interactions between marine and terrestrial planners in terms of day-to-day processes for working between the relevant authorities. They suggested that such protocols should cover both the pre-application consultation / advice stage and the consenting process for submitted applications. They also felt that protocols for the engagement between marine and terrestrial planning authorities in respect of plan-making could be established, indicating how such engagement would work and at what stages during the plan preparation process it should occur. They argued that these protocols should be included within the final version of the Circular. They concluded by saying that experienced coastal planners on the Royal Town Planning Institute's Marine Spatial Planning Task Group have long argued that a simple two-way split for planning purposes is undesirable.
- 4.12 Two local authorities / planning authorities added that the link between the two regimes is not limited to physical or structural connections and therefore recommended a fully integrated community, service and development planning system supported by the Scottish Government.

4.13 A recreation / tourism organisation argued that integration is very important from a tourism perspective due to its value. They stated that the NMP needs to be consistent with the National Tourism Development Plan.

Additional general comments

4.14 Two responses – both from environment / conservation organisations - commented on the lack of steer on the government's priorities in the Draft NMP, arguing that regional marine planners need an overarching policy framework with which to draw reference. A public sector / regulatory body registered their support for the approach taken in England, suggesting a similar coastal concordant to that initiated by the Management Marine Organisation.

4.15 An industry / transport organisation and a recreation / tourism organisation commented on their objection to the use of the term 'terrestrial' in the Draft NMP and Draft Circular. The latter of these suggested use of the term "land use planning" on the grounds that the term "terrestrial" might be used to differentiate from marine matters in a purely generic sense stating that the Draft Circular demands reference to the customary terminology of the actual statutory systems involved.

Comments relating to specific sections

4.16 A significant number of comments received at Question 2 addressed specific sections of the Draft Circular. These are summarised below.

Marine Legislation

4.17 Two responses, from environment / conservation organisations commented that at paragraphs six and seven which refer to the duty under Section 4 of the Marine Act, there is a failure to reference the duty to further the achievement of sustainable development and argued that this duty must be included in the final Circular .

4.18 A public sector / regulatory body added that at paragraph seven they would like to see more information on general duties under Section 3 of the Marine (Scotland) Act.

Marine Planning

4.19 An industry / transport organisation felt that with respect to the guidelines at paragraphs 9 – 22 inclusive, there was considerable scope for overlap and duplication between the three tiers of marine plans that are being introduced, thus reinforcing the need for clearer guidance on roles and responsibilities. They also felt that a timeframe for review of the Joint Ministerial Statement Marine planning Statement would be valued.

Marine Policy Statement

4.20 The same organisation added in relation to the Marine Policy Statement that at paragraph 13 it would be advised to replace the term 'relevant' with 'material'

as this is so closely aligned with section 25 of the Town and Country Planning (Scotland) Act, 1997.

4.21 With respect to paragraph 14, a public sector / regulatory body stated that it is important to explain here that land use development plans and other land use planning functions, which do not involve the enforcement or authorisation decisions within the marine environment, should as a result of the Act, have regard to the Marine Policy Statement and the NMP. They argue that this is an important statement in the context of what the Draft Circular is seeking to achieve and that an example, setting out the relationship between the NMP in its adopted form and a land use planning application, for example, could be included either at this point in the document or elsewhere to allow understanding of roles.

4.22 Another public sector / regulatory body felt that paragraph 14 could contain more clarity on how this may affect the activities and operations of a regulatory public body and a non-regulatory public body, such as Scottish Water.

Marine Plans

4.23 With respect to marine plans, two comments were received in relation to paragraph 17 specifically. The first, from a public sector / regulatory body sought clarification on whether the review refers to both the Draft NMP and Regional Marine Plans. The second issue highlighted was that the water quality and standards investment cycle can take up to ten years and this may put it out of sync with the suggested review period outlined in the Draft NMP.

The Scottish National Marine Plan

4.24 An issue highlighted in this section of the Draft Circular was the need for specific documents and plans to relate to one another. At paragraph 19 of the Draft Circular, one local authority felt there was a need to mention that the NMP should be consistent with the National Planning Framework.

Scottish Marine Regions

4.25 A number of issues were highlighted at Question 2 in relation to the section on Scottish Marine Regions, with some similar themes emerging to those highlighted in Question 1. Three responses, all from local authorities commented on the need to consider that the arrangements for the delivery of regional marine planning should be determined at the local level, including, whether the planning authority or a Marine Planning Partnership (MPP) should take responsibility for regional marine planning functions. Indeed one response commented on the fact that the local authority itself should be the MPP rather than just represented in it. They argued that the justification for this is affirmed through sections 12 and 51 of the Marine (Scotland) Act.

4.26 A local coastal partnership and a public sector / regulatory body felt that this section of the Draft Circular could be more specific on roles and responsibilities as outlined earlier in the chapter. They wished to have more clarity on what

issues would remain reserved and which would be fully devolved down to regional marine planning level.

4.27 There was a suggestion that before the final adoption of the NMP and Planning Circular, SMR boundaries should be finalised.

Liaison between terrestrial and marine planning authorities

4.28 Further to the issues relating to roles and responsibilities and regional marine planning, an industry / transport organisation felt that the liaison between land use and marine planning authorities section needs to consider the diversity of MPPs. They argued that they will be made up of disparate interests and therefore there is a need to consider how these interests will collectively reach a position with regard to a Development Plan.

Timing of plans

4.29 Three responses – from a local coastal partnership, local authority and industry / transport organisation – commented on the difficulty in alignment of timings. This was based on the fact that each planning authority is likely to work to its own timescale. The local coastal partnership commented that “the linking of terrestrial and marine planning timetables is ambitious. There will be enough guidance from national plans and flexibility both at the regional level and within the planning cycle to allow for a common approach to emerge even if plans are not synchronised temporally.”

Consistency between policies and proposals in marine and terrestrial plans

4.30 The issue in paragraph 4.29 regarding timings was expanded on by some in the next section where there was a perceived need to provide clarity on the specific timeframe of the various marine plans and their review periods. One local authority felt that the wording at paragraph 34 could be ‘watered down’ slightly in light of the potential difficulties to say that this should be done ‘where possible or appropriate’. Another respondent stated the need for a clear and transparent process for all planning, whether terrestrial or marine.

4.31 As at Question 1, there were two responses which highlight the need to disambiguate the term ‘common sense judgements’.

Integrated Coastal Zone Management

4.32 A local authority commented that near shore coastal zones often require consideration in a different way from more distant offshore waters due to the intensity of interactions between land and sea interests and the area where a range of interests are most likely to compete for space. As a result, they felt there was a need for bespoke coastal plans at a local level in this context.

4.33 An environment / conservation organisation and public sector / regulatory body noted that the use of ICZM could be used to address complex or competing interests but this should not be assumed for all areas. Other supporting mechanisms may need to be developed.

Marine Licensing

- 4.34 With respect to marine licensing, for some there was a desire to see a disambiguation of information presented at paragraphs 41 and 42 in terms of what issues are reserved and which devolved. They suggested that consideration should be given to the possibility for the Circular including guidance on creating derogations for some small scale projects whereby the decision making could be assigned to one (terrestrial or marine) body even if they overlap. The example was given that provision has been made for similar derogations for electricity generation projects under Section 35 of the Marine (Scotland) Act 2010.
- 4.35 Additional suggestions for licensing were made. One was to consider pre-application consultations, detailed in appropriate legislation, for the onshore component of development which is consistent with the standard expected for a major application processed through the planning system. The planning authority (consistent with statutory provision onshore) for this would likely be a statutory and/or main consultee for major marine licence and section 36 applications offshore.
- 4.36 With respect to the roles of Environmental Impact Assessments (EIAs), there was a suggestion that one EIA should cover an entire development, rather than have separate EIAs for land and marine components. Respondents felt that this would hasten the efficiency of processes.
- 4.37 Four respondents highlighted the importance of inter-tidal and argued that the requirement for a marine licence and planning permission in inter-tidal zones should be highlighted. One respondent supported the need for the coordination of different consenting regimes and environmental assessment obligations for proposals in the intertidal zone.

Renewable Energy

- 4.38 The section on renewable energy was generally welcomed by those who commented on it specifically. A small series of issues and clarifications was raised focussing on:
- Paragraph 52: should clearly define between statutory and non-statutory plans.
 - Paragraph 54: mention should be made of the possibility that onshore installations will be covered by permitted development rights under Part 13, Class 40, Electricity Undertakings;
 - Paragraph 54 - clarification on whether the statutory instrument required to enact the primary legislation is still required;
 - Paragraph 54 - Encourage good communication and engagement between the two regimes on this issue
 - Paragraph 57 - useful to suggest that the relevant planning authority should be invited onto the Marine Renewables Facilitators Group (MRFG).

- 4.39 Looking at paragraphs 51 – 57, one local authority suggested that in order to establish a more efficient licensing system for marine renewable energy, recent

changes in UK legislation mean that planning permission is now only required for certain components of marine based electricity generating stations. The value of a more streamlined process was acknowledged, however the respondent suggested that appropriate consideration must be given to the implications of this change through the Circular. They stated that developers should be encouraged to seek early pre-application consultation with planning authorities even if the development may be deemed to have planning permission.

Ports and harbours

4.40 With respect to ports and harbours, one comment was received from an industry / transport organisation who stated that at paragraph 59, the reference to permitted development rights under class 35 is not strictly accurate. Their argument was that rights under Class 29 may vary as they are defined by the terms of the relevant Harbour Revision Order, but rights under Class 35 are specifically defined in the General Permitted Development Order and the extent of them does not vary from harbour authority to harbour authority. They pertain, in the same way, to the Operational Area of each harbour authority.

Coastal defences

4.41 A public sector / regulatory body welcomed paragraphs 61 – 65 relating to coastal defences. However they felt that the title is misleading as the content is more broad and that it would be useful to draw out key points for marine and land use planners. They continued to say that it would be useful to explain that local terrestrial planning authorities are designated as Coastal Protection Authorities whose consent is required for coast protection works to be carried out by other parties.

Aquaculture

4.42 Some of the issues raised at Question 2 which related to aquaculture were consistent with those raised at Question 1. Two aquaculture organisations affirmed the unique nature of aquaculture in that it is covered by two different planning frameworks. One added that the wording of the primary legislation has not taken this into account as, while it requires decisions on authorisations and enforcement to be taken 'in accordance with' the marine plan, it only requires land use planning authorities to 'give consideration' to marine plans when formulating development plan policy. Given that decisions must be made in accordance with development plans, they felt that this creates a significant problem unless Local Development Plans (LDPs) are reviewed. The organisation stated that as long as terrestrial planning authorities have responsibility for preparing planning policy covering aquaculture in the marine area, and they are only required to 'give consideration' to marine plans in doing so, 'integration' of policy and decision making may be problematic.

4.43 The potential for conflict in this area was highlighted by another aquaculture organisation and it was suggested that if policies for aquaculture in Local Development Plans and marine plans conflict, the latter should take precedence. They raised the points that:

- There is the risk of an uneven playing field between fish farming and other marine development if the different standards are applied in the marine plan and in the LDP; and
- Decision makers cannot fairly judge the weight to be given to policies in either plan if they are not consistent.

5 GOOD PRACTICE IN PARAGRAPHS 30 - 39

- 5.1 This question focused on paragraphs 30 – 39 on good practice for marine planning. Question 3 of the consultation asked

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

- 5.2 Of the thirty-eight total responses received, thirty-five responded to Question 3. Three responses did not answer. Nineteen responses were positive in their support of the paragraphs, whilst only one respondent said ‘no’ to the question. The remaining fifteen responses did not directly answer yes or no, but simply offered suggested amendments or sought points of clarification.
- 5.3 One respondent commented on support for the spirit of consistency, collaboration and coordination inherent within this section. Whilst, as shown in the previous questions, some sought more information, one respondent praised the Draft Circular for its brevity and flexibility which they felt would allow good practice to develop. There was general agreement for the need to ensure both systems interact together effectively and one local authority highlighted the Clyde estuary as a good working example.

General Comments

- 5.4 The need for integration between marine and land use frameworks was highlighted or affirmed by several responses at this section and one environment / conservation organisation suggested that the Draft Circular would benefit from a separate section on ‘integration’. Some felt that this would need to be a section which outlines the specific mechanisms for integration as many suggestions highlighted were lacking in specificity.
- 5.5 There were a small number of comments affirming the need for a diagram or schematic outlining how the relationship between land use and marine planning systems as raised in response to Question 1. Again it was suggested that this should include the NMP, Scottish Planning Policy, National Planning Framework and their respective hierarchies, the areas where they interact and an overall framework for integration.
- 5.6 A small number of respondents highlighted the importance of managing the alignment of the NMP with Regional Marine Plans and the terrestrial development plans. In many respects, this coordinates effectively with the central themes of the responses, related to the need for managing roles and responsibilities, avoiding conflict and outlining best practice. Some felt that there is a need to provide further support for local authorities in fulfilling their roles. Others thought that the structure and governance of MPPs could be clarified further. One local authority highlighted that as local authorities are responsible for LDPs, they are therefore central to MPPs.

5.7 Some urged the need for continued consultation at all stages whilst there were continued requests for the NMP to be directive and state clearly what decision makers should have to consider.

Liaison between terrestrial and marine planning authorities

- 5.8 A number of comments were received at this stage relating specifically to the roles of Marine Planning Partnerships. Two local authorities / planning authorities commented that if the Scottish Government intends for MPPs to become statutory consultees in the preparation of Local Development Plans, the required legal provisions should be explained in this section of the Circular. A public sector / regulatory body suggested that MPPs need to be involved in relevant terrestrial planning activities.
- 5.9 The two authorities mentioned above also sought clarification from the Circular that LDPs are the sole responsibility of the land use planning authority to ensure no ambiguity of specific responsibilities in this area. An energy organisation stated that they support closer linkages between frameworks but recommended that the Circular directs planning authorities to involve the energy industry developers at all stages.
- 5.10 In terms of these roles and responsibilities, there was one comment from a public sector / regulatory body that they were still unclear on their own role in terms of input at MPP level and expressed concerns that the NMP will not provide an appropriate level of detail to ensure consistency in the approach towards regional planning.
- 6 A local authority stated that it is important that MPPs should be included in the list of key agencies set out in planning regulations. They felt that that at the moment paragraph 30 is one-sided in that it does not cover the involvement of strategic and local planning authorities.
- 6.1 A community group felt it was important to point out that inclusion of local authorities may actually be a threat to many projects on the basis that their experience shows onshore planning authorities are unqualified as they have no commercial marine experience.

Timing of Plans

- 6.2 Four responses supported the inclusion of detail on the timing of the plans. However two of these expressed doubt or concern on how this would come about and expressed a need to see more specific detail on the timeframe. One local authority suggested that to make it work it would be advisable to ensure one lead body in the process, such as a local authority. Another suggested there would be difficulty in aligning marine and land use planning where more than one planning authority is present adjacent to a marine region.
- 6.3 Similarly, a public sector / regulatory body commented that this may be unachievable in certain areas, e.g. major Firths with large numbers of terrestrial planning authorities. They added that NPF3 Main Issues Report (2013) 'Areas of

'Coordinated Action' would be a high priority for co-ordinating consistency of approach across the land-sea interface.

Plans which take into account both terrestrial and marine impacts

- 6.4 Four responses referenced paragraph 32 specifically. One energy organisation simply noted full support for this section, whilst another energy organisation expressed a need for more information in terms of the timescales of development and duration.
- 6.5 A local authority stated that plans should be produced in an outcome focused manner with key outcomes agreed early on between the two regimes, whilst a public sector / regulatory body noted that the requirements for skills in marine and land use planning will develop over time and with operational experience.

Consistency between policies and proposals in marine and terrestrial plans

- 6.6 There were a significant number of comments received relating to consistency between policies and proposals in marine and land use plans. The majority of those commenting made a point of the fact that they support the notion of consistency and that it is crucial. Some felt there was a need to provide significantly more detail on how this would be ensured however there were others who were aware that planning systems and policies for integration would evolve over time.
- 6.7 A community group commented that consistency will be difficult to achieve on the basis of their view that at present the two regimes don't completely understand each other.
- 6.8 In terms of additional information required, two respondents requested that the Circular highlights the legal requirements for consistency between marine and terrestrial plans. One recreation / tourism organisation added that more reference to the importance of tourism would be valued. Another recreation / tourism organisation stated that this section could usefully add a reference to the relevant policy provision for the land use impact of marine development (and vice versa) in addition to the existing reference to provision necessary to support a development proposal. They argued that it is important that such implications are taken into account as part of policy formulation.
- 6.9 A small number of wording amendments were suggested. A public sector / regulatory body argued that at paragraph 33 the term 'should be consistent with' should be amended to say 'have regard to'. A local authority suggested at paragraph 41 the wording be amended to say that changes should be made where possible or appropriate. Four respondents referenced the well documented ambiguity of 'common sense judgements' at paragraph 36 seeking an amendment to this.
- 6.10 An energy organisation listed three summative points for clarification, which effectively summarises the key issues in this section. These are :

- How will this consistency and interaction between terrestrial and marine plans be achieved in practice?
- How will prioritisation of competing objectives be handled in the decision-making process?
- How will socio-economic impacts as well as environmental impacts be incorporated into the decision-making process in the event of conflict between positions?

Integrated Coastal Zone Management (ICZM)

- 6.11 In terms of the section on ICZM, a public sector / regulatory body registered their support for this section. They added that consideration should be given to how current proposals for a European Parliament Directive on establishing a framework for maritime spatial planning and integrated coastal management could affect the requirement for coastal zone management.
- 6.12 Two local authorities / planning authorities argued that the joined up approach referred to, would be better achieved if local planning authorities were given the option to deliver marine planning and consenting alongside land use planning and consenting. Another public sector / regulatory body noted that the use of ICZM could be used to address complex or competing interests but that this should not be assumed for all areas and other supporting mechanisms may need to be developed.

Sharing the evidence base

- 6.13 The establishment of mechanisms for sharing evidence was welcomed, specifically by one local authority, an aquaculture organisation, a historic / heritage organisation and one other, whilst two respondents expressed a desire for a greater level of coordination of environmental and other baseline information to be provided at a national scale to inform regional marine and land use planning.

APPENDIX

APPENDIX 1: LIST OF ORGANISATIONS

Organisation Name
Aberdeen City Council
Aberdeenshire Council
Argyll & Bute Council
Banff & Macduff Community Council
British Ports Association
Comhairle Nan Eilean Siar
DP Energy
East Grampian Coastal Partnership
EDF Energy
Firth of Clyde Forum
Forth Ports Limited
Heads of Planning Scotland
Highland Council
Institute for Archaeologists
Marine Spatial Planning Section, NAFC Marine Centre
Michael Dolan
National Grid
Orkney Islands Council
Planning Aid for Scotland
Renfrewshire Council
Royal Town Planning Institute Scotland
Royal Yachting Association Scotland
RSPB Scotland
Scottish Canals
Scottish Enterprise
Scottish Environment LINK
Scottish Fishermen's Federation
Scottish Salmon Producers' Organisation
Scottish Sports Association
Scottish Water
Scottish Wildlife Trust
Scottish Environmental Protection Agency
Shetland Islands Council
Scottish Natural Heritage
South Ayrshire Council
Sport Scotland
The Crown Estate
The Scottish Salmon Company
One individual

APPENDIX 2: THE CONSULTATION QUESTIONNAIRE

Draft Planning Circular

The relationship between the statutory land use planning system and marine planning and licensing.



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Forename

2. Postal Address

Postcode

Phone

Email

3. Permissions - I am responding as...

Individual

/ Group/Organisation

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

or

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

CONSULTATION QUESTIONS

Please identify the main area of interest you identify with :

Local Authority / Planning Authority

Nature Conservation

Fisheries

Industry/Transport

Energy

Aquaculture

Recreation/tourism

Academic/scientific

Community group

Public sector/Regulatory body

Local Coastal Partnership

Other (Please state)

Comments

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

Comments

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

Comments

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

Comments



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