Dear Edward,

Islands (Scotland) Bill

We understand that the Islands (Scotland) Bill was introduced on 9 June and the Rural Economy and Connectivity Committee has been designated as lead committee at Stage 1. As you will be aware the Environment, Climate Change and Land Reform Committee is responsible for the oversight of Marine Scotland and matters relating to the marine environment, including national and regional marine planning. In this context the Committee is interested in the Part 5 provisions of the Islands (Scotland) Bill that relate to Scotland island marine development licences.

The Committee is aware that the Zetland and Orkney County Council Acts currently provide certain regulatory powers over the seas around their coast lines. The Committee is also aware that the Government is keen to provide other island local authorities with the opportunity to have more control in the development of the seas around their island communities.

The Committee understands that the Bill provides a regulation-making power for the Scottish Ministers to establish a marine licensing scheme for development activities within the Scottish island marine area, whereby a person may not lawfully carry out those development activities in that area without obtaining a licence granted by a local authority. However the Committee is aware that the consultation on the Bill did not explore the issue of marine licencing, the need for new licencing regimes and the potential increase in the regulatory burden. The Committee is of the view that there needs to be an open and transparent licensing process throughout Scotland and clarity for those operating in the marine environment. However, having considered the Bill and supporting documentation it is not clear to the Committee what the requirement or call for these provisions is, how any new licensing regime for the islands would work alongside the national framework
and how the roles and responsibilities of Marine Scotland and Local Authorities, including monitoring and enforcement, would interact.

The Committee would be interested to understand your Committee’s plans for scrutinising the Bill and would welcome sight of any Scottish Government response to questions relating to marine licensing.

Yours sincerely,

[Signature]

Graeme Dey MSP
Convener
Environment, Climate Change and Land Reform Committee