



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

Wednesday 17 December 2014

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RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE
33rd Meeting 2014, Session 4

CONVENER

*Rob Gibson (Caithness, Sutherland and Ross) (SNP)

DEPUTY CONVENER

*Graeme Dey (Angus South) (SNP)

COMMITTEE MEMBERS

*Claudia Beamish (South Scotland) (Lab)

*Alex Fergusson (Galloway and West Dumfries) (Con)

Cara Hilton (Dunfermline) (Lab)

*Jim Hume (South Scotland) (LD)

*Angus MacDonald (Falkirk East) (SNP)

*Michael Russell (Argyll and Bute) (SNP)

*Dave Thompson (Skye, Lochaber and Badenoch) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Amanda Chisholm (Scottish Government)

Nigel Don (Angus North and Mearns) (SNP)

Anna Donald (Scottish Government)

David Palmer (Scottish Government)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Rural Affairs, Climate Change and Environment Committee

Wednesday 17 December 2014

[The Convener opened the meeting at 10:04]

Decision on Taking Business in Private

The Convener (Rob Gibson): Good morning and welcome to the 33rd and final meeting in 2014 of the Rural Affairs, Climate Change and Environment Committee. Before we move to the first item on the agenda, I remind everyone to switch off mobile phones, as they may affect the broadcasting system. However, members are cleared to use tablets for the purposes of the meeting.

We have received apologies from Cara Hilton.

Item 1 is a decision on taking business in private, which is item 5 on today's agenda. Are we agreed to take that item in private?

Members *indicated agreement.*

Subordinate Legislation

Conservation of Salmon (Annual Close Time and Catch and Release) (Scotland) Regulations 2014 (SSI 2014/327)

10:05

The Convener: Under item 2, on subordinate legislation, the committee must consider a negative Scottish statutory instrument.

Members should note that no motion to annul has been received in relation to the instrument. The committee has received several written submissions, which are included in the annex to the paper. I refer members to the paper and submissions, and I ask for comments.

I welcome Nigel Don to the committee for this item, and I would appreciate hearing from him first, as he is one of the constituency members involved.

Nigel Don (Angus North and Mearns) (SNP): I am grateful for the opportunity to comment on the regulations. The only unfamiliar thing about being back at the committee is that I am on the wrong side of the table—but it is good to see you all again.

The instrument relates to salmon fishing by all methods. As members will be well aware, there are many anglers in my constituency, and there is also a significant salmon netting operation. Members will also have seen that there has been a great deal of correspondence about the instrument. I want to pick out what I think is the most important issue addressed in that correspondence, and I think that it can be reduced to a small number of words.

In so far as close time affects those who fish, it seems to me that there is a slight difference between the netmen and those who have an angling interest. During close time, there is an opportunity for anglers to carry on fishing and to put the fish back into the water, so there is some economic activity and benefit within the angling community. On the other hand, if netmen are not allowed to take a fish out of the water, they can do precisely nothing. There is an economic opportunity for those with an angling interest, but there is zero economic opportunity for those with a netting interest; all that they have is their costs.

There is also a proportionality issue. If anglers can take fish and then put them back, there is a recognition that some of those fish will die because they have been injured or simply exhausted in the process. I do not know what the mortality rate is. I have seen a figure of 18 per cent, but I have no idea how robust that number is.

Nonetheless, some fish will be lost. There is some inequity in that the netsmen, who admittedly kill every fish they take, can take precisely none, whereas the angling community can necessarily kill some. There is an equity issue in that.

All that I want to put to the committee is that, in its response to the Government, at some point I would like you to make those points and to make the consequent point that for the netsmen—wherever they may be, and they are not all in my constituency—there is no income whatsoever to be derived when they cannot catch, although there are fixed costs, as there are in every business. Indeed, in most businesses, all costs are fixed for a short period of time, and that is what we are talking about.

That takes us straight to the issue of compensation. I think that there is a recognition that no compensation need legally be paid to the businessmen in my community. I am not sure whether that is the position, but it seems to be the implication. On behalf of those businesses, I simply want to ask the committee to bring to the Government's attention the fact that some compensation might well be entirely appropriate. The quantum of that is not easy to come by, but it looks as if a figure of about £10,000 a month is consistent with what has happened before in compensation from the Esk District Salmon Fishery Board to the netsmen. That appears to be the right kind of number, but I am sure that the accountants can talk about that.

That is really what I wanted to bring to the committee. Please could you take to the Government the points about equity and the appropriateness of compensation?

The Convener: Thank you for that.

Graeme Dey (Angus South) (SNP): In principle, I have sympathy with any business whose ability to generate income has been impacted by legislation. However, the SSI is being introduced for sound reasons. There is an argument that says not only that the netting interests have brought this on themselves but that it may well provide a future for their businesses that might not otherwise be there.

Some boards have been paying netsmen not to work during the spring run. In the case of the South Esk, for example, I think that the sum that was involved was £18,000 last year and the year before. Yet it is the Salmon Net Fishing Association of Scotland netsmen who walked away from the voluntary arrangement, presumably because it was more lucrative for them to be active during that time, however that activity might impact on a diminishing asset.

Submissions made to the committee include claims about mortality rates from catch and

release—Nigel Don referred to them. If we take the South Esk as an example, in 2013 the figures from the register show that 7,159 fish were killed by netsmen, while 522 were caught by rod, of which 77 per cent were released. Even if every released fish then died, we are still talking about a fraction of the netting take.

The need for the measure that we are considering is supported by the netting returns. Again, to take the South Esk example, after 7,159 fish were taken in the nets in 2013, just 5,210 were taken this year. If we accept those figures as accurate, it suggests to me that the fish are growing scarcer and scarcer.

I understand that, in response to what some might see as a growing crisis, the Esk district board, which covers a number of rivers in Nigel Don's seat, and one in mine, has written to anglers asking them not to kill fish right up to 15 June. The board is responding to the issue.

On the one hand, we have the rod guys, who catch and release and—we hope—adhere to such requests to conserve fish; on the other hand, we have the netsmen who are seemingly intent on stepping up their efforts to catch compared with previous years. I accept that there is an argument for some degree of compensation, but there is a far stronger argument for passing the SSI in the long-term interests of anglers and netsmen.

The Convener: Do any other members have comments?

Alex Fergusson (Galloway and West Dumfries) (Con): I have two words to add to Graeme Dey's last sentence, which are "and salmon". I say that because at the root of the entire issue is the conservation of a species. I understand where Nigel Don is coming from to a degree, and if I were a netsman I would probably feel quite hard done by—although I also accept Graeme Dey's point that, in a way, the netsmen have initiated the action. That said, we need to focus on the fact that the measure is based on the conservation of salmon, rather on favouring one sector or one stakeholder over another.

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): I have listened with interest to what Nigel Don, Graeme Dey and Alex Fergusson have said. As Nigel says, equity has to come into any consideration of such a subject. Netting for salmon has been going on for centuries along the Scottish coast. If we are going to deprive people of their livelihood, or part of their livelihood, it is sensible and decent to consider some kind of compensation or buy-out—otherwise, it would be unfair and wrong. I am pretty sure that the Government will listen to that argument. I certainly hope so.

Graeme Dey mentioned a figure of 7,000 fish. If those 7,000 fish are not caught, they all swim up the river. Who benefits from that? It is the people further up the river—riparian owners and others. There is a massive benefit to folk, and that needs to be taken into consideration in the longer term, in the fisheries review and so on. We need to consider issues around wider access to fishing—only 500 fish are being caught with the rod and line but there would be 7,000 going upriver. If we are going to take away somebody's livelihood and allow the fish to go up the river, meaning that someone else benefits, let us get some public benefit out of it as well.

These are general comments from me, and I am not putting forward details on how the issues should be dealt with. I think that we should be looking at the issues in terms of broad principles.

10:15

Claudia Beamish (South Scotland) (Lab): I want to highlight a figure that was given to me by the Association of Salmon Fisheries Boards. Provisional data for 2013 indicates that the overall voluntary catch-and-release rate for salmon was 92 per cent for spring salmon Scotland wide. I want to put that figure into the public domain.

I think that there is an equity issue, and there may well be arguments for compensation. We should be considering those aspects along with all the other complex issues that are going to come before us in the review. In the meantime, I support the measure going through.

The Convener: I have as a constituent James Mackay of Armadale Salmon Fishing, who is also chair of the Salmon Net Fishing Association of Scotland. He has given us useful evidence in the past, germane to our discussions of the Aquaculture and Fisheries (Scotland) Bill, of the co-operation that the netmen of the north coast have given to scientific understanding of the movement of salmon. He suggested that the rights of netmen, which are heritable, have to be treated fairly. To echo what Dave Thompson has said, I believe that the questions about compensation must be taken on board by the Government if any interference with those rights occurs.

I point out that the licensing system for fishing on rivers—angling—is one of the main proposals in the wild fisheries review. It will take a stricter view of the way in which angling is conducted, organised and maintained.

We have to make sure that the Government takes on board issues of reciprocity and the need for fair treatment of people. There is talk of a meeting between the Government and the Salmon Net Fishing Association of Scotland early in the

new year, which I hope will allow a clearer view of the situation for the salmon netters to be achieved. We know also that the Government is talking of consulting on measures that would license the killing of wild salmon and an associated carcass tagging regime.

The instrument would deal with the immediate threat to the spring run of salmon, but following on from that it would allow for a fairer understanding of how netmen should be treated and how rivers should be organised. From my point of view, I want to make sure that the netmen do not lose out at the expense of any other fishery.

Michael Russell (Argyll and Bute) (SNP): I entirely agree with you, convener, and in particular with Dave Thompson. Principles have to be applied here. One is the right to earn a livelihood as opposed to undertaking leisure activities, which I think is fairly fundamental and is an environmental issue that is under consideration worldwide in relation to what in other places are called the rights of native communities.

If it results from an action by the state for conservation means, the depriving of livelihood should lead to compensation—there is no doubt about that—but that depends on the level of loss incurred. The total loss of livelihood would obviously require compensation; for a smaller loss of livelihood there could at least be questions about it.

There must also be clarity about what the objectives are. If the objective is to sustain a species that is in grave danger, and if that objective is not being adequately met, further actions will be required. It is sometimes better to go further than might be necessary first than to do things bit by bit.

If I were a salmon netman, I would be very concerned that year in, year out there are new threats to my livelihood and that year on year salmon fishing stations are closing down. Therefore, there needs to be a clarity about what the long-term future of earning a living as a salmon netman actually is. We owe it to the netmen to look that squarely in the face and for a decision to be reached.

The Convener: Members have spoken. Obviously, we are the Rural Affairs, Climate Change and Environment Committee, and climate change and the environment are very much at the heart of the threat to the particular species in question, which we must take very seriously.

There is no motion to annul, but the ministers will have a very clear sight of the committee's views from the *Official Report* of the debate.

Do members agree to make no recommendations in relation to the regulations?

Alex Fergusson: Are we able to ensure that the ministers take a look at the *Official Report* of the discussion?

The Convener: We can write to them and remind them that the *Official Report* contains a very erudite discussion of the matter.

Alex Fergusson: We can gently remind them.

The Convener: Indeed. I assume that ministers are quite keen to do that, given their wish to have an early meeting with the Salmon Net Fishing Association of Scotland early in the new year. We can write to them to underline the discussion.

Do members agree to make no further comments on the regulations?

Members indicated agreement.

Smoke Control Areas (Exempted Fireplaces) (Scotland) Order 2014 (SSI 2014/316)

Smoke Control Areas (Authorised Fuels) (Scotland) Regulations 2014 (SSI 2014/317)

Environmental Regulation (Relevant Offences) (Scotland) Order 2014 (SSI 2014/319)

Controlled Waste (Fixed Penalty Notices) (Scotland) Order 2014 (SSI 2014/320)

Litter (Fixed Penalty Notices) (Scotland) Order 2014 (SSI 2014/321)

Environmental Regulation (Liability where Activity Carried Out by Arrangement with Another) (Scotland) Order 2014 (SSI 2014/323)

Environmental Regulation (Significant Environmental Harm) (Scotland) Order 2014 (SSI 2014/324)

Common Agricultural Policy (Cross-Compliance) (Scotland) Regulations 2014 (SSI 2014/325)

Plant Health (Import Inspection Fees) (Scotland) Regulations 2014 (SSI 2014/338)

The Convener: Agenda item 3 is consideration of nine negative instruments. Members should note that no motion to annul has been received in relation to them. I refer members to their papers.

Members should indicate if they have any comments on any of the instruments, as I intend to deal with them en bloc.

Michael Russell: I do not want to delay the committee dealing with the instruments en bloc; I simply want to make a point about the Plant Health (Import Inspection Fees) (Scotland) Regulations 2014 (SSI 2014/338).

Little, if any, attention seems to have been paid in that SSI to the rights and needs of those who produce the plants. From going through the list, it is clear that there are people who do so who undertake fair trade activities, for example. I hope that at least some consideration is given to the impact of the fees on those who perhaps need some help and might not get it as a result of a blanket list of fees being applied. That is not a matter of annulment, but I hope that, if ministers read and consider the *Official Report* of the meeting, they will consider the impact on others of such regulations.

The Convener: Are you suggesting that we write to the ministers?

Michael Russell: It would be useful to draw attention to the fact that it might be helpful to consider wider issues in any covering documentation with such an SSI, such as the needs of those who grow plants.

Graeme Dey: I absolutely endorse that. We should write to the ministers, particularly about the fair trade aspect, as the Government and the country have taken a strong position on that. We want to be reassured that such things are considered in the drafting of SSIs.

The Convener: Okay. We agree that we will write to the ministers about SSI 2014/338.

Do members agree that we wish to make no comments on the instruments, other than SSI 2014/338, and therefore that we are happy for them to be passed?

Members indicated agreement.

National Marine Plan

10:23

The Convener: Agenda item 4 is evidence taking on Scotland's national marine plan. Our witnesses are all from the Scottish Government: David Palmer is deputy director of marine planning and policy; Anna Donald is head of the marine planning and strategy team; and Amanda Chisholm is a strategic environmental assessment specialist. Welcome to you all.

We intend to move straight to questions.

Lynn Tullis (Clerk): I think that the witnesses would like to make a short opening statement.

The Convener: Right. We are trying to get to the nub of the matter, as this is an introductory session. If the witnesses have a short statement for us, that may inform our questions.

David Palmer (Scottish Government): I have a statement, but I will cut it back to the final couple of lines.

This has been a long process in some respects, and my statement was about filling in the gaps in the history. However, in my final point, I wanted to pay tribute to everyone who has taken the time and made the effort to engage in the marine planning process in all the various consultations. In particular, I pay tribute to Anna Donald and her team, who have worked exceptionally hard to deliver what I think is an impressive first for Scotland.

The Convener: Thank you. Mike Russell has a question.

Michael Russell: There is no doubt that the plan is an impressive document. I have a fairly simple question, which I will put in two ways. The simplest way to put it is this: you drafted the plan, but who are you writing it for? We know why you are writing it, but I am not entirely sure who you are writing it for. To put it slightly more flippantly, in what circumstances would somebody say to themselves, "Ah, I must reach for the national marine plan"?

Anna Donald (Scottish Government): There is a range of audiences, but the plan's most direct application is in informing decision making. It is a framework for decision making. Public authorities that make authorisation or enforcement decisions, or any other decision that affects the marine environment, will have to do that in accordance with the plan. When authorities look at an application for a marine licence or a lease under the Crown Estate as it currently stands, they will need to be assured that they are carrying out that

function in accordance with the national marine plan.

As you will be aware, we are moving from the national planning framework to the establishment of regional marine plans. The intention is for there to be 11 marine regions around the coast and the islands. The regional marine plans, which will be developed locally, will pick up local issues, but they have to do that within the framework of the national marine plan. That is another direct application.

The plan also has a broader audience, in that it emphasises the importance of many of the issues and highlights the need for environmental protection alongside support for economic growth in existing and emerging industries. The plan also has a promotional aspect, if you like.

Michael Russell: We often hear concerns about clarity—indeed, we heard them in evidence just two weeks ago in other circumstances. Nobody could deny the clarity in the marine plan but, by the time that it has gone through interpretation in local authorities, let alone the iteration of 11 regional plans, a sort of cloudiness will have entered into it as a result of that interpretation by one official or another, so clarity in relation to what the minister and the Government are seeking to achieve will be diminished substantially. Is there a case for less being more in such circumstances? Could we have something that is much shorter and simpler to ensure that it is replicated on a local basis and that there is no lack of clarity about what should happen? The more words there are, the more interpretations there can be, which could create problems. I will come on to an example of that later when I ask about cables.

Anna Donald: There are several aspects to that. One is that we can always do more to clarify how the plan should be applied in practice. However, we are starting from a point at which we do not have a planning system. To me, the fact that we are bringing in a new marine planning system is a step forward in giving some clarity.

Another thing to bear in mind is that the regional plans will be adopted by the Scottish ministers, although they will be developed by local partnerships. There is a kind of checking process whereby ministers will want to reassure themselves that things have not moved too far away from the framework that has been set out.

The other aspect worth bearing in mind is that marine licensing will primarily continue to be done at the national level through Marine Scotland's licensing and operations team, which will work closely to the plan and the licensing guidance that accompanies it.

10:30

David Palmer: To return to the first part of Mike Russell's question, one purpose of the plan—this is our hope—is for developers who are doing anything in the marine area to reach out to the document, read it and start to understand the considerations that they ought to take into account.

On the wider question, such documents must always be written in a way that allows us to catch the unexpected. To put it another way, the good developer who picks up the document and has a conversation with us is not the problem; the people who are the problem are those at the other end of that spectrum. The document has to be drafted to pick up those people. To an extent, that presages the cables conversation that we might come on to.

I agree that clarity is always a worthy goal. However, in this instance, we are covering a wide range of bases and we want to encourage the conversation between the licensing team in Aberdeen and the developer. A developer might have a good idea that might not seem possible, but in conversation, the licensing team might be able to develop that idea or make suggestions to the developer that enables them to progress it in various ways that might make it possible.

The Convener: I suppose that you are saying that if land use planning had been approached in the same way—with a starter document—we might have a better system than the one that we have. However, the marine plan is obviously work in progress; it is based on the need to have a plan. With that in mind, we had better move on to some of the specifics—cabling has been mentioned, for example—and we will deal with those matters as a follow-on.

Graeme Dey: This absolutely follows on from the previous discussion. We took evidence from the oil and gas sector some months ago about its concerns around the fixing of pipelines on the seabed. We were told that, for safety reasons, pipelines are secured using large rocks, which may not occur naturally in those areas. Originally, it was suggested rocks could not be placed in such areas, and the sector expressed concern about that. Therefore, the question arises as to how the pipelines could be fixed safely to protect their integrity and ensure that they are not a danger to fishing. If a pipeline has already been fixed in that way, is there an expectation that that would need to be altered and the requirement applied retrospectively?

David Palmer: No, I do not think that there is any suggestion of anything being applied retrospectively.

I refer you to the planning policies in the cable part of the national marine plan. The policies have been written to encourage the very conversation that we have been talking about. They have been specifically written with drop-down menus in mind. First and foremost, safety is a key consideration. The plan says—this is about cables, rather than pipelines—that

“Cables should be buried to maximise protection where there are safety or seabed stability risks”.

If that is not feasible, you drop down a level and consider whether the cables may be protected through suitable measures

“where practicable and cost-effective and as risk assessment directs.”

We have tried to set out in the plan the parameters for that sensible conversation. It does not say that cables and pipelines should be protected always and everywhere; it says that safety is a key consideration. Although those are not necessarily competing forces, we have tried to balance out the two different directions.

Graeme Dey: To summarise, you are saying that common sense would be applied.

David Palmer: I would hope so. That is how we have tried to draft the plan, which makes it quite difficult.

Graeme Dey: Will the plan provide sufficient reassurance to the oil and gas sector? Our witnesses felt strongly enough about the cabling issue to raise it with us.

David Palmer: To be honest, I was not aware that the oil and gas sector had a particular problem with the protection of the pipelines, although I was aware that cable layers had a difficulty with the cable section of the plan. However, I am more than happy to talk to the oil and gas sector to ensure that it is content with what we have in the plan.

Graeme Dey: Thank you. At the risk of going off at a slight tangent, I will continue that theme. Marine Scotland has done some work on how migratory fish might be affected by the electromagnetic fields that cables from offshore wind turbines generate. As I understand it, that work is inconclusive, but perhaps I am wrong. How will you proceed on that?

David Palmer: The science is a bit beyond me, to be honest. Only certain kinds of cables generate electromagnetic fields—I cannot remember whether they are transmission or distribution cables. The explanation given to me is that an electromagnetic field is a distance function, so it deteriorates rapidly over a couple of metres. Therefore, if we bury the cable, that will reduce the electromagnetic field in the first instance.

As I understand it, the research suggests that the electromagnetic fields have no great impact on the species that we examined. We cannot say with certainty that that extends to all fish that might be sensitive to electromagnetic fields, but the evidence that we have suggests that electromagnetic fields will not be a problem.

We have done bits and pieces of research in the laboratory in Aberdeen and I would be happy to send you a list of that research, if that would be helpful.

Graeme Dey: Thank you. That would be useful.

Michael Russell: Mr Palmer, you will expect me to raise the Jura cable issue with you. I do so because it is a concern that is an exemplar of the issue, and I am not reassured by what I read in the cable section of the plan.

I will explain the situation for those who are not familiar with it. The sub-marine electricity cable that feeds Jura, Islay and Colonsay and takes electricity from renewables generation failed six months ago. It has taken six months for it to be replaced because Marine Scotland's licensing regime has been, it seems to me, confused and because SSE was not keen on burying the cable—it had never buried its previous cables—whereas the fishermen wanted parts of the cable to be buried.

That could simply be to do with the start of a new regime, but if it takes six months to replace an emergency cable, what will happen in future? This is not about high-level planning for lots of cables; it is a practical thing that needs to be done to serve communities. Paragraphs 14.4 and 14.6 onwards of the plan have tremendous high-level objectives, but they do not deal with how we go about putting a cable down below when that needs to happen quickly because people need electricity.

I would like to know your response to that, and I would like you to tell me the optimal time for getting a replacement in place through the licensing regime.

David Palmer: I am not sure that the licensing process is the subject of the discussion—this is about the national marine plan, not that particular licence.

Nonetheless, the Jura cable broke and, as I understand it, the power supply was then dependent on the Bowmore back-up power station on Islay, which was a reasonable, if not wholly complete, source.

We explained to SSE the policy position and our presumption that cables would be buried. SSE did not want to bury the cable and made an application after, I think, two months—it was not six months; it took about four months from the application—to lay the cable without burial. We put

that application out to consultation. Our statutory navigation consultee, the Maritime and Coastguard Agency, initially came back and said that the cable should be buried. After discussion, it said that the cable should be buried to a depth of 50m at either shore end.

The fishermen did not want partial burial; they wanted the cable to be completely buried throughout its length. If the statutory consultee says that it has to be buried up to a depth of 50m and a significant stakeholder says that it requires complete burial, it is clear that there are some difficulties with the application.

The total process took about four and a half months to get to a licence being issued. We then took steps to ensure that the licence was actioned as quickly as possible to get the cable buried within the weather window. In addition, the cabinet secretary agreed that we could dispense with the pre-application consultation, which would have taken 12 weeks.

Michael Russell: You may have inadvertently made my point for me by describing that lengthy process. How will the national marine plan improve that process?

David Palmer: The national marine plan sets out a clearer background. At the start of the process, it came as a surprise to SSE to learn that cables should be buried. It took a certain level of communication with SSE to sort that issue out. The national marine plan sets out a completely clear context within which SSE can work. We have other work on-going with SSE in relation to cables, although that is not necessarily relevant to the national marine plan.

Michael Russell: I want to press you on the point. My constituents, and all constituents who live in rural or island areas, will judge anything that the Government does on the basis of improvement in their lives and to where they live. There is a high level of improvement here, in the sense that it is better in marine safety and environmental terms to bury cables than to leave them unburied—although there are some issues with things such as plumes. However, that being the case, I do not see that replacing a cable that fails is going to happen any quicker.

You may not think that the generator in Bowmore is inconvenient, but I assure you that it is. I am happy to lead you to the man who lives next door to it, who found it extremely inconvenient for the six months that the process took. There was also a fear in the community that, should the generator fail, there would be no alternative supply. That would be quite a problem for an island community in the middle of a winter storm.

Can you tell me how our constituents' lives will be improved, in relation to this or any other issue, as a result of the marine plan?

David Palmer: There will be improvement because of the clarity around issues to do with cables. It is quite clear what the drop-down set of considerations has to be, so anyone coming to the Scottish Government for a licence will be perfectly clear what the policy context is and will understand what conversations they need to be prepared for. If their plan is not to bury the cable, they will need a fairly strong justification for that.

It is not simply about safety and the environmental impact; it is also about network security. If cables are buried, the network that the cable supports is much more secure, so the likelihood of your constituents on Jura having a broken cable in future is greatly reduced.

There is a balance to be considered, and that is what is set out in the cable chapter of the plan. That will enable decisions to be made more quickly. However, the proof of the pudding will be in the eating.

Anna Donald: The national marine plan gives that rounded clarity on protection, so all stakeholders will be clear from the outset what the process is and how their interests can be fed into it.

In the particular example that we are discussing, it might be of the utmost importance that the process is as quick as possible, but it is equally important that the process is safe, protects network security and considers the environmental impact. The plan sets out that rounded framework from the start, so that everyone is clear about the process and understands how they can represent their interests within that framework. Speed is one potential benefit—we hope that the process proves to be speedy—but the fact that there is a clear route in for all the other interests is equally important.

Michael Russell: Will you consider listing the exemptions? If I were a developer, I would try an exemption and see what happened, so will you issue guidelines on what exemptions there might be?

David Palmer: We can consider that.

Alex Fergusson: I have a brief question that ties into Mike Russell's last question. In my part of the world, if you bury cables, you are likely to disturb unexploded second world war ordinance, much of which then washes up on the shore to be picked up by curious holidaymakers and beach combers. How does the national plan take care of localised issues such as that?

10:45

David Palmer: That is already an issue. If I remember rightly—the timescale is a bit beyond me—it became an issue because a cable was laid through that area in the late 1970s. We would have to look very carefully at any proposition to lay anything through that area, purely given the starting point of getting it on to the sea bed. The Beaufort's dyke issue is not mentioned in the plan, but it would have to feature if any activity in that area were to be considered.

Alex Fergusson: Should the issue feature in a national marine plan?

David Palmer: It features in the generality, but it is not specifically mentioned. We have not said that Beaufort's dyke is a no-go area. I cannot find it immediately, but the plan contains the general proposition that if a cable is going to be laid, we need to have some idea of where it is to be laid and to avoid areas of difficulty, such as Beaufort's dyke.

Anna Donald: In drafting the policy, we sought specifically to highlight the case-by-case nature of the consideration that is required. Local issues such as the one that Alex Fergusson mentioned would be picked up as part of that consideration. That is part of the common-sense approach that we appreciate needs to be taken.

The Convener: We move on to carbon capture and storage because it is linked to what we are discussing.

Angus MacDonald (Falkirk East) (SNP): Going back to pipelines, particularly those that are being laid in the North Sea, in addition to the Peterhead project, chapter 10 of the marine plan also refers to the other key potential CCS project, which is in my constituency of Falkirk East—the captain clean energy plant that is proposed for Grangemouth. One of the two marine planning policies talks about

“the development of marine utility corridors which will allow CCS to capitalise, where possible, on current infrastructure in the North Sea, including shared use of spatial corridors and pipelines.”

Could you give the committee an outline of that policy on carbon capture and storage, explain what a marine utility corridor is, what other use might be made of such a corridor, and what the environmental impact might be?

Anna Donald: The basis of chapter 10 is support through the planning process for the emerging CCS sector and ensuring that on the marine planning side we are tied up clearly with what is set out in “National Planning Framework 3”. Carbon capture and storage is very much an activity in which marine interest and planning need to align to enable the sector to grow.

Some information has been fed in from the sector in response to the consultation, which has led to some changing of the wording about commercialisation and so on. We are trying to get a better picture of where the sector is now and where it might go over the lifetime of the plan.

The marine utility corridor concept is about looking at the existing infrastructure that serves oil and gas in the main, and making the most effective use of it. Operations and maintenance along that infrastructure could also serve the emerging carbon capture and storage sector.

We highlight some of the specific environmental impacts in the plan. There is the potential for habitat damage, pollution and acidification. There is a bit more detail on that in "Scotland's Marine Atlas", which is our main evidence base for the plan.

Angus MacDonald: You mentioned habitat damage, but the pipeline exists already.

Anna Donald: Yes. The point of using existing infrastructure where possible is so that we do not cause habitat damage, but using it might not always be possible so we acknowledge that if we need new infrastructure, it might have an impact on habitats.

The Convener: The map on page 86 of the report in the offshore wind and marine renewable energy chapter shows options for offshore wind and marine renewable energy. Surprisingly, given the early stages of its development, the current consented areas are not marked. Why?

Anna Donald: The map reflects the outcomes of the process that we went through. Alongside the consultation on the plan, we were also consulting on the sectoral marine plans for offshore wind, wave and tidal energy. The map reflects the outcome of that one specific process. We say on the map that updated data sets will be available on the national marine plan interactive—NMPi—which is a geographical information systems portal that we host on our website. It contains all those data as well as all the data about existing leased sites and so on. It has the data in different layers so that people can click on and off what they are particularly interested in.

David Palmer: The point about NMPi was in my prepared opening statement, which I did not read out.

The Convener: I am asking about the map because I think that it is important for people to realise that you have drawn up a plan at this stage with suggested areas. The consents near the Moray Firth, for example, came before that process. Theoretically, would there be any difficulties now in relation to the areas that have been consented?

David Palmer: I would not have thought so that there would be. Obviously, they have licences. It depends on the detailed work that the developers are doing, but I do not anticipate any difficulties. We could update the map and put the existing consented areas on it, if that would be helpful.

The Convener: I just raise the point for clarity's sake, so that when people see plan options, they understand that they are plans for the future rather than things that are already consented. Since the process is at such an early stage and nothing has been built yet offshore, barring a couple of small tidal machines, it would be quite useful for that information to be reflected.

Anna Donald: We have all that information available, so it would be a simple matter to update the map if that was thought to be helpful.

The Convener: That would be useful. That leads on to my next point. Information is changing all the time, so you are capturing the situation at particular moments. It was very useful yesterday to see the study from the British Trust for Ornithology and the environmental research institute that showed that about 99 per cent of seabirds manage to change their flight patterns to avoid offshore wind towers and so on. Would you be able to build such information into the plan? You talk about the spatial aspects of the information. Would you be thinking about how far apart particular structures should be in the overall plans?

David Palmer: Such information is exceptionally important, not so much in terms of the overall plans but certainly in terms of consenting individual developments. We are conscious that the marine planning process ought to some extent to be a web-based process, which would allow it to pick up the incremental work that goes on all the time.

The paper document, in a sense, reflects a point in time and will always remain at that point in time. As Anna Donald was saying, we hope to be able to update NMPi with new and better information as it comes forward, which will give people a better understanding of what we are trying to do.

The study that you mentioned was a very interesting study that the scientists at Marine Scotland in Aberdeen ran, with some interesting results. It has informed some licensing decisions, but I am not sure that it will inform any decision on how far apart individual developments will be. It can inform how far apart the internal bits and pieces of a development will be but not the developments per se, if I have understood it correctly.

The Convener: I am interested in two other aspects—the feeding patterns of seabirds and the migratory patterns of some seabirds, given that we

can identify major development areas on the west coast. I have issues related to feeding patterns, based on our increasing understanding of the long distances that some seabirds travel, such as to the area off Rattray Head in the north-east, which is one of the OWNE2 areas for potential development. Have you taken into account that kind of information?

David Palmer: That would depend on whether the information was available at that time. We took in as much information as we could in drawing the maps. I would need to go back and look at the opportunities and constraints that underpinned the creation of the maps. I am happy to share with you how that was done. An ornithologist in the marine lab was involved in the study that you mentioned and has a much better understanding of the feeding patterns and migratory patterns of birds than I will ever have. I would be happy for him to come and talk through that study with you, if that would be helpful.

The Convener: It is useful to know such things.

Anna Donald: As David Palmer said, the key point is that if the information was available when we were undertaking the planning process, it will have been taken into account. All the relevant environmental information that we had would have been fed into the models that sit behind the planning process. If relevant information becomes available at the point between planning and licensing, it will be taken into account at the licensing stage. We will not just say, "That's fine. You can have a licence because you're within that area". It is clear in the first renewables policy that proposals are still subject to licensing and consenting processes. The process picks up additional information that becomes available in the interim.

The Convener: We will go back to some of the sectoral chapters. Graeme Dey and others might want to ask about wild salmon. We are in the sea, so we will stay in the sea.

Graeme Dey: We have covered wild salmon.

The Convener: If we are completely clear about wild salmon, we will turn to the sea fisheries.

Jim Hume (South Scotland) (LD): Thank you very much, convener, and good morning to everybody.

I have a couple of issues to raise on chapter 6, which is on sea fisheries. It states:

"fishing activity has the potential to interact significantly with a number of other sectors"

and that

"it is ... difficult to accurately predict precisely where activity will take place".

It also says that

"There are some key emerging issues concerning the interactions between the fishing industry and other interests."

It would be interesting to find out what those "key emerging issues" are. I would like to hear briefly your general view on where we are going with the sea fisheries chapter and some of its key aspects.

Anna Donald: As Jim Hume has highlighted, fishing is a widespread industry and activity, so it has the potential to interact with virtually everything else that is being planned at sea, especially if it involves the creation of physical infrastructure that could present a hazard. The kind of considerations that are emerging are in respect of new activity that will result in physical infrastructure that might impact on the safety of fishermen or disrupt or displace fish stocks.

On the sea fishing chapter more generally and where we are going with it, we have had quite a lot of input through the consultation process and it was also picked up in the independent investigation on the plan. That has led to quite a lot of redrafting of the first three marine planning policies. Similar to the chapter on cables, we are trying to set out a staged approach to what must be considered. The first consideration is whether fishing is taking place and whether it is possible to safeguard it. That is step 1. Step 2 is to consider—where safeguarding might not be possible, or where there will be some impact—how best that can be mitigated. We must ensure that the fishing industry is involved in the process of mitigation and we have to develop an agreed strategy around it.

That is the kind of overall framework that the sea fishing chapter tries to support. It looks at potential impacts on fishing stocks and tries to identify which parts of the sea are particularly important nursery or spawning areas and how they can be protected. It also looks at the cultural and economic importance of the industry in particular areas and what impacts there could be on that. The chapter takes quite a rounded view of how fishing might be affected by other activities and how best to mitigate those impacts.

11:00

Jim Hume: That was helpful.

You mentioned that the plan has already been redrafted as issues have emerged. We have reached the stage at which the plan is in print. How will it be adjusted in the future in response to issues that emerge or conflicts that might have unintended consequences?

Anna Donald: I clarify that when I mentioned redrafting I was talking about the redrafting that we did of the consultation draft in order to produce the

present draft. We are not planning to do much more redrafting at this point.

As far as how we might adapt and change anything in relation to new activity, new science—which we have discussed—or different interactions that may occur because activity changes, there are two key points to make. First, the general framework that we have set out in the general policies chapter encapsulates our view of what sustainable development means and the key parameters for that, so if, for example, a whole new sector were to emerge that we have not covered in the plan, it would still be subject to those general policies on sustainable development. We think that there is a reasonable holistic framework in the plan that will enable us to pick up on issues that are not specified at the moment.

Secondly, the plan probably has a lifespan of about five years. We are required to monitor and review the plan under both United Kingdom legislation and Scottish legislation, the timescales for which are slightly different. The longest timescale is the five-year review period, so there is an opportunity to build into the review things that emerge through the process. We will pick that up through monitoring of implementation.

Jim Hume: Thank you. That was useful.

Graeme Dey: Could you summarise how the marine plan will get us to where we need to go on aquaculture, given the contentious nature of the subject and the impact that aquaculture has on the areas in which it is located?

Anna Donald: Aquaculture is an interesting area in that it is very much embedded in the terrestrial planning system, so aquaculture consents are led by local authorities rather than by the marine licensing system. In the aquaculture chapter, we say that decisions on regional marine plans, other marine decisions and planning decisions by local authorities need to be taken together or, certainly, to be made based on common evidence so that all the relevant issues in location of future developments are looked at. The carrying capacity at a water-body or lock-system scale should be a key consideration in that.

In the aquaculture chapter, we have also tried to highlight some of the issues that we know people are concerned about on sustainability, and to point to research and development that is being done on those issues, which should be fed into future decisions.

Marine Scotland science is developing existing locational guidance to take account of a broader range of potential impacts and considering whether there is potential for the industry to move further offshore, where impacts might be easier to mitigate.

Claudia Beamish: Could Anna Donald or others on the panel please say a little more about on-going research in aquaculture? You will know that the committee took evidence on the Aquaculture and Fisheries (Scotland) Bill. Have you taken into account the impact of the robust increases in targets for the fin-fish industry in your assessments? Will there be continuing research about that?

Anna Donald: I will echo my previous answer. We have maintained the targets that were set out in the consultation draft, which is important for providing the industry with an overall context and direction. We have been clearer in the chapter about what the key issues are likely to be and focused more in the policy's wording on the carrying capacity. We also considered issues around disease and the sustainability of feed. In the references, we highlight the on-going work on that.

I referred to work to develop locational guidance, and we will pick up on those issues, too. The outcome of that work will—similarly to renewables planning—address where the potential is for developments. Where is the water depth appropriate, for example? What are the constraints that would prevent development? There might be environmental issues and robust evidence about the interaction between farmed and wild fish, for example. Such factors will be fed into the model.

Claudia Beamish: I see. I do not want to put words in your mouth, but will you reassure me that, as the research develops, information will be fed in about the impacts and the increased activity in the industry? Is that the joy of having a web-based arrangement? Could the information be fed in so that, if necessary, the criteria could be changed to some degree either way before the five years have passed?

Anna Donald: Yes. Part of the advantage of having a web-based system is that it is more easily updated. Current information and research can be fed into it if data is available in a way that fits the system. The current system is very spatial. If information or data provides some spatial constraint or parameter, it is easily fed in.

Some research is more general. We are developing our website around the national marine plan, in an online national marine plan area, which highlights all the research that is referenced in the plan. Emerging research will be added to that website, so it will be available.

Marine Scotland is doing a project on spatial planning. We hope that it will become a common evidence base for local authorities and regional plans in the future and that it will be updated as information comes through.

Claudia Beamish: Thank you—that is helpful.

Alex Fergusson: We move on to chapter 12, “Recreation and Tourism”. To an extent, the chapter focuses on a perceived tension between tourism and recreation on the one hand and other aspects of the plan, such as the need to protect habitats, species and the environment, on the other. Is that tension significant? Will you discuss a little how the draft plan balances the two sides of that equation?

Anna Donald: I do not think that I have set this out, so I will quickly explain what we considered in relation to all the sectoral chapters, which members will probably have realised from reading the draft plan. For each sector that is covered in a sectoral chapter, we considered what that sector is likely to require to grow economically; how it interacts with other marine users, particularly other commercial users; what the impacts on the environment are; and what the climate change impacts or potential future risks that must be taken into account are. We followed that process for the recreation and tourism sector.

The key issues that came out are about recognising the environment's importance to the sector. A lot of the value of recreation and tourism around the coast and in the sea is based on having a stunning natural environment that people want to visit and spend time in. We have highlighted in the policies the win-win situation of protecting and enhancing the environment for its own sake and because it can become economically viable through recreation or tourism. We have emphasised that, although we have acknowledged that the activities might have an impact on the environment, which needs to be mitigated.

A lot of the potential interactions with other sectors are similar to those in the transport sections. We are talking about what might interfere with people's access to the marine environment or the coast or what might pose a hazard while they are using the area. However, I do not think that we have pulled out any strong policies where that is a particular issue.

Another thing to highlight is the strong interaction between the sector and terrestrial planning, because a lot of the access issues and so on will need to be picked up in the land use system. We need to join that up with what is suggested in the marine plan. For example, we reference the long-distance walking and cycling routes in the national planning framework, and the coastal aspects of that feed through into the marine plan.

David Palmer: I emphasise the point about interactions. There is some aggregate-level interaction between large developments and

recreation, but one of the difficulties that we have had is that a key part of the interaction is in the sector. The sector has many aspects—for example, for safety reasons, diving and surfing should not necessarily happen in the same place. However, the levels of activity in all those things are perhaps not at a point where the interaction is critical.

We have set out a framework that says that, as more people dive, windsurf or do whatever in the future, certain factors will need to be taken into account. Recreation and tourism is one of the few sectors—it is possibly the only one—to have such a level of interaction within it, rather than between it and other marine sectors.

Alex Fergusson: That raises a bit of a concern about the national marine plan. You talk about specific tourism sectors such as coastal walking and you list a number of activities and key areas. If I was a completely independent person—which I am absolutely not, as I represent Galloway—I would look at the list of activities and see that Dumfries and Galloway is a key area for recreational sea angling. That is the case, but many of the other activities that are listed also take place there. In the national plan, are you in danger of becoming a little too specific about local activities?

Anna Donald: One of the difficulties that we had with representing the sector is that, because there are quite a lot of data gaps and a lot of information is collected in different ways, it is not easy to aggregate that up to a national picture. We are working on how we can get better data and more robust data collection methods. That will feed into the next iteration of the national plan and into regional plans, so that they are clear about local priorities.

We could not map the whole sector in the same way as we did in the other chapters because of the diversity of activity and because there is not a lot of robust data to underpin things. What is listed attempts to demonstrate the range of activity that takes place and some of the key areas, to give an overall national perspective. There might be a different way of doing that—

11:15

Alex Fergusson: I absolutely understand that but, at the start of the session, you described the document as a framework for decision makers.

Anna Donald: Yes.

Alex Fergusson: How can you have such a general approach in something that is a framework for decision makers? I do not mean to be critical, but it raises questions.

David Palmer: I take the point that the approach is general. However, we do not have a lot of information on recreation, unlike most other sectors. There is no central source that we can go to for national information on, say, diving. We know that diving happens in certain places and that kayaking happens in some places and not others, but that is the extent of the information that we have.

We have tried to list the activity in areas. What we are saying to a developer who picks up the document is that, if they are developing in the coastal areas off Dumfries and Galloway, they need to think about recreational sea angling. If they are developing in the Hebrides, they need to think about surfing or whatever else goes on there. We point out that those are key considerations that developers need to think about; we signpost the issues that they need to look at.

Alex Fergusson: Is the chapter on recreation and tourism not about supporting economically productive activities? I think that there is a danger of conflict between the purposes, but other members might wish to comment.

The Convener: Do the witnesses want to respond?

David Palmer: I think that what has been said is right. The chapters do a couple of things. As Anna Donald said, the key point about most of the leisure and recreation stuff is access. That tends to be a terrestrial issue, which is why we have flagged it for the local authority planning system. In that sense, the chapters do more than simply promote economic growth; they also put a sector's issues on the map for other developers. Someone who was building a marina would be expected to look through the other chapters for important aspects of other development areas and to talk to those developers. That is the general framework that we have provided, to provide a boost and ensure that everyone else takes account of the individual sectors.

Amanda Chisholm (Scottish Government): There are key messages for regional marine planners, who will have a good knowledge of the recreation and tourism interests in their area, such as Dumfries and Galloway, which has been mentioned. An important thing that has come up a lot in consultation with the yachting sector is that applications for development are required to consider the implications for recreation and tourism, such as implications for moorings. We have had a lot of feedback that those issues are not always considered at the right time, where moorings are in place. The message is that local authorities know where those moorings are, particularly in the Western Isles, and those issues can be taken into account so, in a way, the framework will work at the regional level.

Graeme Dey: Could you clarify something for me? We are talking about local authorities' role. Are you satisfied that all local authorities have the necessary expertise to grasp the interaction that they need to have with the national marine plan? If they do not, how do they acquire it?

Anna Donald: We recognise that that is an on-going challenge. Most local authorities do not have a specialist marine planner, but many local authorities know a lot about their local marine and coastal environment, perhaps with more emphasis on the coast in some areas. We have looked particularly at integration between the two systems as a way into that discussion. We developed a draft planning circular as part of the consultation package to draw out the integration, to give local authority planners more information about the marine planning system and to look at areas of potential good practice where there would be liaison and co-ordination between the two systems.

We updated that circular and published it alongside the redraft of the plan. We recognise that that is the first step and that we will want to do a lot more work with local authorities on becoming familiar with marine planning—some local authorities will become directly involved in the regional marine plans—and on integrating the two systems.

Graeme Dey: What initial feedback are you getting from local authorities? Are they saying, "Yeah, that's fine—that seems sensible", "Help!" or a mix of the two?

Anna Donald: It is probably a mix. Some local authorities, particularly islands authorities, are keen to get involved in regional marine planning and see themselves as the lead partner in future marine planning partnerships. With other local authorities, the situation might be more complicated, because several will feed into one marine region. As a result, they might be a little less sure of things.

With Orkney Islands Council and Highland Council, we have been putting together a pilot plan for the Orkney and Pentland Firth waters. A member of staff from each local authority has been working with a Marine Scotland official in a working group to develop the plan. They have found the experience positive; for example, they have found that a lot of the skills and background that they have as terrestrial planners can be applied to marine planning, while they are seeing that a lot of other things need to be taken into account. When we have worked closely with people, the experience has been positive, but we acknowledge that that approach needs to be rolled out as we roll out regional marine planning.

The Convener: We will have two more questions—one from Mike Russell and the other from Claudia Beamish.

Michael Russell: The discussion raises considerable concerns with regard to a point that I raised earlier and which I will press a little further. Having a national marine plan is entirely commendable, useful and desirable but, when we get into the detail of what activity is being undertaken where—I am looking in particular at page 95, which Alex Fergusson referred to—and we are endeavouring to give indications nationally and create regional marine plans locally, when I hear the words “regional marine planners” mentioned I think that we are in danger of creating a cat’s cradle of regulation and guidance. The further that gets from Government, the more restrictive it will inevitably become.

What thinking is being undertaken in the Government to ensure that the plan will be a simple framework for decision making and will not produce some unconscious move towards the accrual of all sorts of prescriptive powers that will make development, living and activity much more difficult? I say with the greatest respect that I have heard nothing today that makes me less worried about that; indeed, I have heard a great deal that makes me much more worried. As the plan moves forward, it will be important that those who are responsible for it put that point at the heart of their thinking. If they do not, their good intentions will become complex and restrictive at the local level.

David Palmer: That is a fair comment, and we are aware of the possibility. However, general planning principle GEN 1 says:

“There is a presumption in favour of sustainable development and use of the marine environment when consistent with the policies ... of this Plan.”

That is the basic driver for moving activity forward in the marine area. That said, I fully accept your point that the superstructure around that might become a hindrance to it.

Michael Russell: How do you ensure that the general principles are understood as the things that people should think about, while the rest is what helps them to think about something? That does not come across in the plan; instead, what comes across is, “The general principles are great—now let’s get on to the detail on page 95.” There might be an issue with the drafting, approach or promotion that will require strong guidance if we are not to get bogged down by the infrastructure.

David Palmer: As Anna Donald said, the general principles provide the framework in which we expect everything to happen, and that approach also provides the flexibility for new activities. We might not have a section for a new

activity, but it will still be subject to the general principles or framework, which as I have said gives flexibility.

I fully take your point about promotion. Perhaps we need to put more emphasis on the general rather than the sectoral policies. Almost by definition, the sectoral policies will always form the larger part of the document—after all, we have many more sectors than we have general policies—but, as I said, I am happy to rebalance the general and the specific, if you think that that will be worth while.

Michael Russell: I certainly think that it would be worth while.

Anna Donald: I answered the first question, which was about who the plan is for, by saying that there is a range of audiences. The detail is intended to speak to those audiences and reassure them that their activity is seen as important and is supported by the planning process. Some of the detail is necessary to convey that message.

As David Palmer said, to make the distinction between the general and the sectoral policies, we have done small things such as using the same colour for all the sectoral policies and having the general policies as a distinct part of the plan. The plan shows the overall framework and the detail sits behind it.

We could do a lot to promote that message more clearly and to ensure that it feeds down into regional planning. We also need to think about the other audiences for the plan and what they need from a national marine plan.

David Palmer: The general policies will probably stand the test of time, whereas the sectoral policies will change significantly as the process rolls forward. The general policies are the bedrock of the approach and, as I said, I am happy to look again at how that message is promoted.

The Convener: That is on the table.

Claudia Beamish: I would like a bit more clarity on the status of the regional marine plans and how they relate to local planning. You say that local authorities will sometimes be the lead authority but that they will sometimes not be. Last week, I attended an evening event at which there were representatives of very positive and robust coastal partnerships such as exist right round the coast of Scotland, many of which have been functioning for many years. They had concerns about how the partnerships would fit in as voluntary organisations. There are all those issues, and I wonder how people will become engaged. I know that it is early days, but what are the plans for

engagement? Also, what is the status of the regional marine plans?

David Palmer: There is a variety of coastal partnerships. They each have differences in organisation, approach, focus and so on that suit the individual areas. Throughout the process, we have tried to pick up on the good work that the coastal partnerships do, including the engagement that they have with their local communities, and we have tried to build that into the marine regions where we have been able to do that. For example, we have used the Clyde partnership as the basis for pushing forward that region. That works for the Clyde, but it does not necessarily work elsewhere, and we do not necessarily have local coastal partnerships elsewhere. However, we see the LCPs providing a lot of the community engagement infrastructure that a marine planning partnership and marine region will require. Our approach has always been to try to shift the LCPs into the regions where they have existed when that brings benefit to both parties.

Claudia Beamish: Can you clarify the status of the regional marine plans in terms of planning applications? To what degree do they have to be taken into account?

Anna Donald: I was just coming to that. We do not have any such plans yet, but when a regional marine plan exists it will have to be adopted by ministers and will then, in effect, have the same status as the national marine plan but will apply only to the region. It will need to be taken into account in the same way as the national marine plan.

Claudia Beamish: I do not want to make things difficult, but could there be a conflict between what is decided at the regional level and what is decided at the national level? The general principles would have to be taken into account by everyone, but could there be a conflict in the detail?

Anna Donald: There should not be a conflict, as the legislation requires the regional marine plan to accord with the national marine plan. That would be one of the checks and balances in the process of its adoption by ministers.

The Convener: We will take evidence from stakeholders after this meeting, and we will explore some of those issues with them. There are, however, a couple of general points to raise on subject chapters. Alex Fergusson wants to ask a question about shipping, ports, harbours and ferries.

Alex Fergusson: An issue that came out of the analysis of consultation responses focused on the concern that, if certain ports and harbours are designated in a certain way, that will have a

detrimental impact on others. I would appreciate your brief comments on that issue.

11:30

Anna Donald: We have taken that into account to an extent in rewording one of the policies. The transport 2 policy now refers to the national level and the regional level. It still seeks to identify particular ports and harbours of national significance that are designated as national developments or tie in with the national renewables infrastructure plans, but the second tier of the policy makes it clear that regional marine plans should identify ports and harbours that are significant in the area that they cover. That is how we have attempted to address that concern.

Alex Fergusson: I am interested in that point. You have produced a national framework and left it up to the regional plans to pick up on those aspects, which brings us back to the point that Mike Russell and I made on what the plan should be doing. I am grateful for that explanation.

The Convener: I want to ask you about a couple of issues. One concerns the interaction with the Ministry of Defence—for example, the impact on species and on sea and land users from exercises in which the global positioning system network is jammed, and the impact on the development of onshore and offshore wind power from training zone flight paths. Those are all issues in the Western Isles. The interaction has had an impact, for example, on applications for small community wind farms close to the test range in North Uist.

How do you find the interaction with defence? Those who submit planning applications that might have defence implications often do not hear about any objections until the last minute. Has the interaction with the Ministry of Defence in developing the plan been good?

Anna Donald: In developing the plan, we have interacted mainly with central Whitehall departments, and we have not had any particular difficulties in that respect. I do not know whether there are any issues with the licensing process.

David Palmer: To be fair, my impression is that we have a decent interaction with the Ministry of Defence through one of its subcontractors rather than with the MOD per se. I would need to check that to ensure that I do not mislead you in any sense, but that is my understanding.

The Convener: I will make the general catch-all request in a moment, but if you wish to follow up any points in writing, we would be happy to accept further information on that point. Other points have emerged from some of your previous comments.

There is a general concern that sustainability and many other issues in which we are interested are being affected. There is increasing evidence of the effects on dolphins and porpoises of exercise joint warrior, particularly off Cape Wrath in my constituency. We need to know that such concerns are emphasised in the marine plan, because we are interested fundamentally in the sustainability of the natural environment as the basis for anything that we plan to use it for.

David Palmer: On the issue of noise, paragraph 15.17 on page 123 of the plan makes the point that

“The MOD complies with relevant legislation”,

as far as we are aware.

The Convener: I know that you make that point in the plan, but science is developing, and I am afraid that there are questions around the adequacy of that response. The situation is not immobile, and I would hope that such concerns will be taken into account.

That is all on the sectoral part of the plan. To wrap up, Claudia Beamish has a question on the plan’s vision and outlook, which is a subject that has already cropped up in our discussions on many of the sections.

Claudia Beamish: You have covered quite a lot on the vision, objectives and principles of the plan in your evidence today. I note for the record that the plan’s vision for the marine environment is to have

“Clean, healthy, safe, productive and diverse seas; managed to meet the long-term needs of nature and people.”

That is obviously a big challenge, and we all hope that the plan will contribute robustly to underpinning that vision.

How do the principles of sustainable development, which are obviously very important, relate to enhancement under one of the general plans—GEN 9? It would seem that sustainable development is not the same as enhancement. How will that be taken into account? There was quite a lot about protection and enhancement in the consultations and those issues also came up in the sustainability appraisal, which I have had a brief look at.

Anna Donald: All the general policies are attempting to be clear about how we are interpreting sustainable development for the purposes of the plan. As you point out, GEN 9 explicitly states:

“Protect and, where appropriate, enhance the health of the marine area.”

We would see that as being an intrinsic part of sustainable development. In this entire chapter,

each of the policies represents a different strand of how we envisage sustainable development applying across the plan. I do not think that it is contrary to or different from sustainable development. We have tried to emphasise that in GEN 9 in particular, so it is stated in the policy text box itself and we mention quite a few times throughout the text that sits under it that it is not just about protecting what is already there and that the potential for enhancement should be considered and taken forward where possible. We mention that specifically in relation to marine protected areas at paragraph 4.42 and we do so at paragraph 4.58 in relation to biodiversity and associated ecosystem services. We also mention it in relation to geodiversity in the paragraphs that follow.

I do not see the two things as being separate. We see the consideration of opportunities for enhancement and activities to take that forward as being part of sustainable development. We have tried to highlight where in particular we think that that is a key issue.

There are a couple of other bits in the sectoral chapters, particularly—as I alluded to previously—in the tourism and recreation chapter, where the obvious link between enhancing the natural environment and the potential for that sector to capitalise on that has been highlighted.

Claudia Beamish: Can I push you on that? What would happen if in the oil and gas sector, say, a developer said, “No, it is not possible.” You have said that there should be enhancement “where possible,” so everyone could just say, “It really is not possible in this instance because ...”. I am looking from the perspective of the future. How will our seas be protected in terms of not only what you say about the needs of nature and people but the long-term needs?

Anna Donald: Sometimes it will not be possible to enhance, so the argument that you describe will be a fair argument in some cases. In other cases, we would look at the matter with our advisory bodies and so on in the same way as we look at other aspects of environmental protection and ask whether there is a realistic opportunity that should be pushed through that process. In some cases, there will not be a realistic opportunity, but the plan gives us the hook on which to have that discussion with the developer or whoever has brought the proposal forward.

Claudia Beamish: Thank you. I have two other brief points, one on sustainable development and one on cumulative effect.

I understand that there is an aim for the maximum recovery of reserves of oil and gas. In terms of sustainable development, how does that fit with the movement to a low-carbon economy?

I also ask you to comment on the important issue of the cumulative effect. I know that we have touched on the issue in some of the sectoral decisions, but GEN 21 is about cumulative impact. That is about situations where there are competing developments—or, indeed, where there are complementary developments, but maybe too many of the same kind. It may even relate to something as positive as local people being involved with tourism or whatever for their own future. How will that operate?

David Palmer: Cumulative impact is an emerging area that we are beginning to get a handle on to some extent in scientific terms. We are beginning to get a handle on what the cumulative impacts of a development are. That can be a very prolonged, detailed and difficult process.

Part of the problem is that, as our understanding improves of how the marine ecosystem works and how the structure and function of that system are impacted by development, we will be in a much stronger position to begin to understand the cumulative impact of the variety of developments. That is an issue for the future. We will have to work hard. We can do project-level environmental cumulative impacts, but we are not much beyond that. There will have to be a process to push the agenda forward, because ultimately the cumulative impact of all the development is key to all of what we are discussing. That is the agenda that we are trying to promote.

Amanda Chisholm: The sustainability appraisal has had to look at cumulative effects. At the project level, an environmental impact assessment is required to do so through legislation. However, it is one thing to legislate and another to do that.

As David Palmer said, cumulative effects assessments are very much an emerging area, but there are a lot of training courses and there is a lot more experience. We are getting better at doing them in all aspects of the different environmental assessments, including habitat regulations appraisal. There is a definite requirement there.

It is important to bring the matter to the attention of developers, decision makers and the regional marine planners to remind everybody that those are key areas and particularly because much of the activity in the marine environment requires the quality of that environment to be continued.

Anna Donald: The first part of Claudia Beamish's question was about oil and gas. Our position on that is quite clearly set out in the background and context part of the oil and gas chapter. Basically, it highlights existing Scottish Government policy, which supports a move towards a low-carbon economy and, inherent

within that, a move from fossil fuel-based energy towards renewable sources. However, the reality is that oil and gas are set to remain a vital source of energy while that transition is taking place, and the Government thinks that it is sensible to secure reserves from within Scottish waters as far as possible.

We tried to set that out more clearly as a result of the issue coming out quite a lot in the consultation responses. However, that really reflects existing policy on both the transition and how we will use the reserves in the interim period.

Claudia Beamish: I highlight that an objective is to

"Maximise the recovery of reserves".

Perhaps that is a question for me to ask the cabinet secretary.

The Convener: I thank the witnesses for all their evidence. They have offered us more detail on certain points that have been raised. We would welcome that as we take forward the discussion with stakeholders and ministers. I thank them very much for that.

We will move into private session, as we agreed to do earlier. The next meeting, which will be our first in 2015, will be on Wednesday 7 January. In that meeting, the committee will take evidence on the draft national marine plan from stakeholders and consider a Public Bodies Act 2011 consent memorandum on the abolition of the home-grown timber advisory committee.

I note on record the committee's thanks to all those—stakeholders, Scottish Government ministers and officials, clerks, the Scottish Parliament information centre, the official report, broadcasting and security staff—who participated in meetings throughout 2014 and wish everybody season's greetings.

I ask that the public gallery be cleared, as the public part of the meeting is closed.

11:44

Meeting continued in private until 12:03.

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