



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE

Wednesday 14 January 2015

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RURAL AFFAIRS, CLIMATE CHANGE AND ENVIRONMENT COMMITTEE
2nd Meeting 2015, Session 4

CONVENER

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

DEPUTY CONVENER

*Graeme Dey (Angus South) (SNP)

COMMITTEE MEMBERS

*Claudia Beamish (South Scotland) (Lab)

*Sarah Boyack (Lothian) (Lab)

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

*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:

Anna Donald (Scottish Government)

Richard Lochhead (Cabinet Secretary for Rural Affairs, Food and Environment)

Linda Rosborough (Scottish Government)

CLERK TO THE COMMITTEE

Lynn Tullis

LOCATION

The Sir Alexander Fleming Room (CR3)

Scottish Parliament

Rural Affairs, Climate Change and Environment Committee

Wednesday 14 January 2015

[The Convener opened the meeting at 10:02]

Interests

The Convener (Rob Gibson): Good morning and welcome to the second meeting in 2015 of the Rural Affairs, Climate Change and Environment Committee. I remind everyone to switch off their mobile phones because they can interfere with the broadcasting system. Committee members may use tablets during the meeting because the meeting papers are in digital format.

I have received an apology from Michael Russell, who is away on constituency business.

Agenda item 1 is a declaration of interests. I welcome the committee's newest member, Sarah Boyack, and ask her to declare any interests.

Sarah Boyack (Lothian) (Lab): Thank you, convener. I have no interests to declare.

The Convener: I would like to take the opportunity to thank the outgoing member of the committee, Cara Hilton, for her contribution to our work. We will have to arrange another photograph of the current committee, which will mean we will have an array of photos on the wall. I am sure that Sarah Boyack's previous experience will bring additional strength to our deliberations.

Decision on Taking Business in Private

10:03

The Convener: Our second agenda item is to decide whether to consider in private our draft report on the Scottish Government's national marine plan. Do members agree to do so at future meetings?

Members indicated agreement.

National Marine Plan

10:04

The Convener: Agenda item 3 is evidence on Scotland's national marine plan. We can ask questions of the Scottish Government through the Cabinet Secretary for Rural Affairs, Food and Environment, Richard Lochhead. He is accompanied by Linda Rosborough, who is the director of Marine Scotland, and Anna Donald, who is the head of marine planning and strategy in the Scottish Government. Welcome to the committee meeting.

If you have any short opening remarks, cabinet secretary, we would be glad to hear them.

The Cabinet Secretary for Rural Affairs, Food and Environment (Richard Lochhead): Thank you, convener. I say good morning to the committee, and offer a special welcome to the new member, Sarah Boyack.

Thank you for the opportunity to give evidence on Scotland's first national marine plan. As members are aware, marine planning is a new process, so I welcome the committee's input to the scrutiny that is under way. Not only is it a new process, but I genuinely believe that marine planning is groundbreaking and has the potential to be world leading. We are, in effect, introducing a planning framework for our seas for the first time to help us to manage competing interests; many valuable sectors use our waters to support literally hundreds of thousands of Scottish livelihoods and our economy. Of course, we want to protect our natural environment and ensure that those sectors carry out their activities sustainably. We rely on our seas for food, energy and many other valuable resources, and marine planning is about protecting our seas and doing what is best for our economy at the same time.

The plan that is before Parliament represents the culmination of a long and involved process, starting with the Marine (Scotland) Act 2010, and continuing with a pre-consultation draft plan in 2011 and extensive consultation on the draft plan in 2013. The process has been marked by intensive stakeholder involvement throughout, which has helped to shape the plan as it now stands. I am pleased with the evidence from stakeholders at this stage, which is supportive of the point that we have reached, and although some are obviously still looking for detailed amendments, I am open minded about that.

The plan has a number of purposes, but the key ones are to set out policies for sustainable development, as required by the 2010 act, and to provide a framework for regional planning and decision making. In doing that, the plan must

recognise an appropriate balance between emerging and existing commercial activity, social and recreational use, and protection of the marine environment. It must also recognise the broad range of activities that are covered and the different states of maturity and the levels of the regulation that is already in place.

It is important to make the point that the plan does not seek to replace or to contradict existing legislation and regulation. Rather, it provides a framework for them to operate in. As was envisaged when the 2010 act was going through Parliament, the plan brings together a wide range of existing activity. Crucially, it allows for the interactions and interconnections between the different sectors to be recognised and for policies to be developed to manage them.

The plan was informed by a number of supporting assessments—sustainability appraisal and business and regulatory impact assessments, for instance. I also asked for an independent investigation into the plan to be carried out last summer, and the results of that have been taken fully on board and have strengthened the plan's coverage of various issues, and in particular fishing, as Bertie Armstrong acknowledged when he was before the committee last week. The plan has been shaped primarily by consultation and by input from a wide range of stakeholders and members of the public. It is that consultation process that has identified key areas on which we can now focus, and the level of detail that is required in relation to the policies.

I reiterate that the plan must conform to the United Kingdom marine policy statement and that it will inform future regional marine planning and decision making. The range of decisions to which it can apply is wide and includes all decisions that are made by a public authority that would impact on the marine environment, from Crown Estate leasing to planning decisions by local authorities, so it is vital that we have that planning function in place in order to better manage human impact on the marine environment and to do so in a way that goes beyond the current silos.

As I have said before, the marine environment is central to the delivery of many benefits, goods and services for our society. The plan therefore simply sets out a framework for sustainable development of our seas that seeks to protect those goods and services. As a result of feedback, chapters 3 and 4 set out in detail how the plan will deliver sustainable development, in particular in application of the general policies across all development and use.

We are also using the geographic information systems portal—the national marine plan interactive—which is on the website. That now contains 450 layers of data that are relevant to

marine planning, so it is a key element of the evidence base and represents the future of marine planning, in which the information and evidence base will be web based and fully accessible. Regional data can already be uploaded to that; it includes not just national data. Shetland and the Solway are among the regions that have already used the facility. More data are in the pipeline and will be added over time in line with local requirements around the country.

I could mention lots of other issues, but I hope that I have set in context how we got to where we are with the national marine plan and its aims and objectives. In effect, the plan establishes a single framework in relation to what is out there at the moment, be that European legislation or the domestic, United Kingdom or international context. I hope that that puts the plan in context for the committee.

The Convener: That is a great help. Thank you.

In our discussions with stakeholders, we have found conflict in the national marine plan, in that it is highly detailed and prescriptive on certain issues but much vaguer and less detailed on others. As I said at last week's meeting, there is a danger of the plan becoming a little too specific on some local activity. What is the plan's purpose? Is it to set out a high-level overarching framework for marine planning, or is it to provide detail and sometimes to be prescriptive about local activity?

Richard Lochhead: I very much see the national marine plan as our first major attempt to provide a single framework for planning for our seas. Our marine industries are important to Scotland, for the reasons that I gave in my opening remarks. As we know from experience, particularly since the Scottish Parliament was established in 1999, there are traditional sectors using our waters and many emerging sectors that rely on our seas—I am thinking about renewables, in particular, but also recreational activity, marine tourism and so on.

Therefore, in the times ahead it will be valuable to provide a single framework to which planners can refer. I hope that the framework will be a practical document that planners around the country can use.

There has been a demand from this committee, Parliament and, more important, the people of Scotland, for regional input and regional decision making as we take forward planning for our seas. Regional plans will be developed over time, and it will be valuable for our regional planners to be able to refer to a single national framework that sets everything in context.

Another important use of the plan will be in the context of potential conflicts. I hope that by laying out policies for the future of our seas and our

marine sectors we will give pointers to local planners about how they might address conflicts. Clearly, in some parts of our waters we could have aquaculture, renewables, fisheries, recreational activity and marine tourism, and if local planners are to work out where best to locate aquaculture sites, consider national policy on renewables and deal with the Crown Estate, which will be devolved to the Scottish Parliament, the ability to refer to the country's national policies and guidance will be extremely valuable. There is the potential for conflict between sectors, and local planners as well as national policy makers will be able to refer to the marine plan, which contains a number of references that give helpful pointers on how to address conflict.

Alex Fergusson (Galloway and West Dumfries) (Con): I do not think that any of us has a problem with what you describe, which is a document that provides general guidance for the whole marine planning process. However, over the past few weeks a number of members have become increasingly concerned that the plan delves into micromanagement or regional management in some respects.

For example, the section on economic development and tourism specifies certain activities in various parts of the country. It highlights that my part of the country, Galloway, is a strong area for recreational sea angling. That is true. However, someone who was looking at that part of the plan would say, "Galloway is no use for any activity other than recreational sea angling", which is not true. That is a simplistic example of the marine plan slightly losing its overall guidance role and becoming involved in regional management, as some members feel it does. I know that we will discuss that later, but I wanted to ask whether you have picked that up from the evidence that the committee has taken.

10:15

Richard Lochhead: I remind members that the plan is laid before the Parliament for scrutiny and that until ministers have adopted the plan it can be amended in the light of the committee's comments. The committee is playing a valuable role in feeding back to Parliament its thoughts on what might be changed. I am open minded on that.

On the particular point, as part of the consultation process we were very much guided by feedback from different parts of the country, which was fed into the national marine plan. I am confident that the example that Alex Fergusson gave in relation to his constituency reflects what has been fed back to us from local interests in south-west Scotland. It will have been fed back to us that recreational angling or other activities are

important to the local economy and that that should be reflected in the policy statement and used as an example of policies that we want to protect and pursue. Feedback from his constituency and local authorities will have influenced what is in the document.

Alex Fergusson asked about what is and is not covered in the plan. We have produced a national marine plan that will inform regional marine plans, and we have national policies. It is national policy to have an oil and gas industry, to support the development of aquaculture and so on. It is important that national policies are in the national marine plan. They are policies that the Government and the Parliament support and have supported in the past, and it is important that regional plans reflect national policy.

Alex Fergusson: Absolutely—I have no argument whatever with that. However, I am concerned about a plan that quite rightly covers national policy highlighting regional priorities. I cannot work out how the two co-exist. I know that we will come on to talk about the relationship with regional plans, so perhaps the discussion will develop.

Richard Lochhead: The director of Marine Scotland wants to add something.

Linda Rosborough (Scottish Government): We are starting from quite a low base in some areas, in that because things have been very silo based in the past, people are often not aware of other marine activities. Recreational activities are hugely important—they are economically important and they are important to people—but that is not always appreciated, so part of the purpose of the plan is to highlight those sectors and their importance.

The part of the plan in which we tried to identify activities of particular importance in different parts of Scotland arose from consultation of recreational and marine tourism interests about what they regard as the nationally important activities in particular areas. Obviously, such activities take place throughout Scotland, and we could just have said that, but operators advised us of areas where they are of national significance.

This is the first national marine plan, so we are setting things down for the first time. The challenge is to try to set out what is of national significance, at the right level, without making the plan bland and not getting into the detail at all.

The plan refers to an important study that is under way on the matter. As a consequence of the study we will put a lot of data on the national marine plan interactive. What is in the document is not the end of the story.

We can certainly look again at the issue that you raised, Mr Fergusson, but I wanted to give you an understanding of how that part of the document came about. We are not denying that particular activities happen elsewhere but trying to address their national significance.

Richard Lochhead: That is an important point. During the consultation process, stakeholders such as national organisations that represent anglers would highlight nationally important aspects of their activity in certain parts of the country.

In other words, a national marine plan cannot possibly miss out the importance of recreational angling or whatever in south-west Scotland. The activity, which is nationally important, is particularly important in that area. Therefore, including that in the national marine plan helps to guide regional plans, because we cannot possibly have a regional plan without recognising that recreational angling is nationally important. That is how we were guided on what to include and what not to include.

The Convener: To be clear, the section on recreational sea angling mentions not just Dumfries and Galloway but Argyll, the north-east coast and the Orkney islands. You are saying that, although the plan pinpoints some areas where the issue is highlighted, that does not exclude its being dealt with as a matter of interest in other areas. We will get into more of the detail of that in a wee while.

Angus MacDonald (Falkirk East) (SNP): Good morning, cabinet secretary. It is important that performance in marine planning is measured regularly and effectively. How will performance and success in marine planning be determined and reported? We have taken evidence from representatives of the Scottish Association for Marine Science, but it is not entirely clear how those things will be done.

Richard Lochhead: As the 2010 act stipulates, we must promote sustainable development and take an ecosystems approach to the management of our seas. The national marine plan will be reviewed after five years whereas, under UK legislation, the reserved issues and, I expect, the 12-to-200-miles aspects of the national marine plan must be reviewed after three years. That is, unfortunately, not helpful. Our intention is therefore to review after three years—as we must do under UK legislation—the reserved issues concerning the seas from 12 to 200 miles out and then feed the information from that review into the wider five-year review that will take place thereafter. That is the simplest way of doing it.

What you are asking about will be addressed primarily through the review of the marine plan.

However, elsewhere in Government we have to account for what we do under European legislation and all the other legislation that is referred to in the plan. As I said, the document is a single framework that brings together our existing commitments and obligations, and there will be other areas of Government in which, as a matter of course, we will have to review all the legislation that is referred to in the document.

Angus MacDonald: Taking all that on board, what flexibility will there be to adapt the plan at later stages?

Richard Lochhead: There will be total flexibility as long as ministers make a statement to Parliament. If they amend the plan, they will have to explain why they are amending it before an amended version of the main plan can be adopted. Thereafter, the reviews that I have mentioned will take place. At the moment, we have total flexibility in what we do with the plan, which is why we await your feedback.

Graeme Dey (Angus South) (SNP): Good morning, cabinet secretary. I wish to clarify something. You said that you will be required to review the 12-to-200-miles aspects of the plan after three years and that that review will feed into the five-year review. Does that mean that, if you identify issues after three years, you will have to wait until after the five-year review to do anything about them, or will you have the flexibility to act on those issues immediately?

Richard Lochhead: I think that we will have the flexibility to act on them. This is a national marine plan, but ministers have the flexibility to act at any point in time. We will take a commonsense approach. The national marine plan is a framework, and when they make decisions, authorities must refer to it, taking it into account as a material interest. Nevertheless, we will have the flexibility to work on a day-to-day basis with local authorities and the regional partnerships, once they are up and running.

The Convener: That leads us into the discussion about the relationship between the local and national marine plans, which Sarah Boyack will lead on.

Sarah Boyack: I am interested in teasing out how, once the national marine plan is in place, the regional marine plans will develop and fit into the process. There are a lot of amendments in the modifications report—a new regional policy section has been added to almost every chapter of the plan. I want to tease out the relationship between the regional marine plans and the national marine plan and—picking up the point about timing—how we can get the right balance between planning at the national level and planning at the regional level. In evidence, we

have heard divergent views on whether the national plan should be translated into detail at the regional level or whether there is scope for different views at the regional level. How do you see that relationship panning out?

Richard Lochhead: That is a very good question. We will have to adapt as time goes on because this is the first time that we are doing this and we reckon that it will take us quite a few years to have all the regional plans up and running. As you know, there are some front runners—for example, it is hoped that the regional plans for Shetland and the Clyde will be up and running in the near future. Although there has not been a formal announcement yet, those are most likely to be the first two regional plans to get up and running in Scotland. The authorities involved are keen to get on with things and want the plans to be pilots. It is a bit of a learning process.

You ask how we expect the relationship to pan out. Anyone who grants a consent or licence for any activity or who draws up a regional plan will have to refer to the national marine plan. The regional plans cannot conflict with the national plan. However, the national plan lays out national policies in a single framework and does not determine, for example, how many aquaculture sites there should be in Shetland or in any other part of Scotland. Therefore, there will be an opportunity to put national policy into a regional context through the regional plans, although, as I said, they cannot conflict with the national plan. As a country, we support aquaculture, so those who seek consents for aquaculture will be able to challenge regional plans that are in conflict with the national plan or local authorities that refuse to grant consents.

Sarah Boyack: It is important that we tease this out. We will have national and regional frameworks, and there will be consultation at both levels. You have carried out consultation on the national plan and there will be consultation at the regional level. Might the Government change its mind on the basis of representations that it receives during consultation at the regional level?

In the terrestrial planning system, there is a clear set of processes. Have you set out exactly how the processes will work if people want to appeal the granting of consents in the marine environment or if local authorities are unhappy and want to challenge your decisions? Can you set out the framework so that people can understand it? We have received representations from the Convention of Scottish Local Authorities, which wants lots of local variation, and from the Scottish Fishermen's Federation, which is worried that the regional plans will vary wildly from area to area. How will such conflict be arbitrated? Is that for

you, as the minister, to determine, or will there be a set of processes that people will understand?

Richard Lochhead: We will publish guidance. Once the pilots are up and running, we will work with them on that. We need to iron out what will happen in certain circumstances—I accept that—and we will do that with the pilots, once we get them up and running. Marine Scotland will have a lead role in guiding and working with local authorities when they put the regional plans together.

Anna Donald will explain the conversations that are taking place.

Anna Donald (Scottish Government): I will clarify the situation a little. As the cabinet secretary has pointed out, ministers will have a role in the adoption of regional marine plans and could decide not to adopt a plan if there was a conflict with the national marine plan or if other issues came to their attention. A legal process is set out in sections 17 and 18 of the Marine (Scotland) Act 2010 that relates to both national and regional marine plans, whereby other parties could make legal representations about the content of a plan. Therefore, there is a direct route for other parties to make legal representations on the plans.

Sarah Boyack: I have a short supplementary question about that. Will you run a selection of geographically based pilots, and will you intimate that to certain local authorities so that they will know that they will be the ones that are ahead of the game?

10:30

Richard Lochhead: Eleven regions have been identified that will be designated as marine regions. The two that are furthest ahead of the game are Clyde and Shetland. We expect the island local authorities to be the lead partners in the marine partnerships that will put together the regional marine plans. Local authorities in other areas are likely to have such a role, too, but we know that that is likely to be case for the island authorities. In Shetland, for example, we expect the partnership to involve the college and the local authority. They will work together—and will no doubt consult everyone else—to draw up the regional plan in Shetland.

Local authorities are aware of the situation. As I said, because there are 11 regions, we anticipate that it will take some time for the other regions to get up and running.

Sarah Boyack: Thank you.

The Convener: I think that Jim Hume's question follows on from that point.

Jim Hume (South Scotland) (LD): Yes, it does.

Good morning, cabinet secretary. You mentioned local authorities being the lead partners and that Shetland and Clyde are well ahead of the game. However, last week at least two of our witnesses—Lucy Greenhill from the Scottish Association for Marine Science and Bertie Armstrong—expressed concern. Bertie Armstrong stated:

“We remain frightened about the potential effect of lack of expertise”

at regional levels. Meanwhile, Lucy Greenhill said:

“people at the regional level will struggle to replicate or improve on the quality of planning that is undertaken at the national level.”—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 7 January 2015; c 11, 20.]

She, too, was concerned that there would be a lack of expertise in local authorities. From where do you think that we will get the expertise for regional, local authority-led boards that will drive the plans forward?

Richard Lochhead: In the years ahead, a lot of effort will have to be put into building up that expertise. We have had to do the same at the national level with Marine Scotland over the past few years. However, we should not underestimate the existing expertise of our coastal local authorities, which are already dealing with many of these issues and have built up some expertise in some of the individual sectors that are relevant, are most likely to come forward for consents and are most likely to feature in the regional plans.

Local authorities already have expertise in dealing with aquaculture and, in some cases, the offshore sector. In addition, inshore fisheries groups are already up and running in Scotland. There is activity in a variety of sectors, so there is expertise at the local level and local authorities are already involved in the consents process or in local policy making. We already have coastal forums in Scotland.

I am not saying that we do not have to build up more expertise, but we are starting from a base of reasonable expertise in many local authorities on many of the issues that are most likely to feature in the regional plans. We will therefore have to ensure that we share that best practice and expertise across Scotland and build up expertise across all parts of Scotland in the years ahead.

Jim Hume: Will the Scottish Government do that centrally? Will it aid local authorities to set up those bodies?

Richard Lochhead: Yes. Marine Scotland is doing that already and will do a lot more of it in the coming years. As more and more authorities reach the head of the queue, they will become the ones that we will deal with the most.

Jim Hume: Okay. That is useful—thanks.

Angus MacDonald: I will briefly deal with the national marine plan interactive tool.

As we know, the NMPI is designed to assist with the development of national and regional marine planning. However, in its submission Associated British Ports raised concern that commercial anchorages do not appear to be mapped in the NMPI. Also, there seems to be no acknowledgement of navigational approaches to ports, which is also of concern to ABP, as is the lack of any mapping of sludge or spoil areas as a result of dredging. ABP is obviously keen to ensure that navigational approaches are included in the NMPI and are protected. Can you give the committee an assurance that not only anchorages but the other bits and pieces will be included in the NMPI?

Richard Lochhead: Yes, I assure you that I will take that issue on board. I am open-minded about including the aspects that you mention—I have no objection to doing so, and I will have a look at the issue.

Where we stand today very much reflects the consultation process so far. I am not convinced that the issue that you mention was a big feature in that process, but that does not detract from the fact that I am happy to take on board the representations from ABP. If we can include those aspects, we will do so; I see no obstacles in that respect.

Linda Rosborough: A number of things are on our list to be added, and those aspects are among them. We are working on that. There are sometimes technical issues to work through with regard to who owns the data and the rights, and what the baselines and compatibilities are. We are committed to continuing to add to the NMPI, and those particular shipping-related aspects are on our list.

The Convener: Do you have examples of other things that are on the list?

Linda Rosborough: We will be adding—in the next month, I hope—new fishing sensitivity data maps, which will show the areas of the sea that are, from a fishing perspective, most sensitive to being lost. There are 26 layers covering 13 or 14 commercial species, so there is a substantial amount of additional data on fishing, which will be very beneficial in ensuring that such an important sector is protected.

Tourism, which I have already mentioned, is another sector in which we have projects in place that are designed to deliver more data for the NMPI in future. It is very much an iterative process, and we are talking to the two front-runner marine spatial planning pilots about their needs.

As the cabinet secretary mentioned, we have already put up some data on the NMPI by region. We welcome that information, and we want to work with the regions to increase the amount of data that we have.

Anna Donald: We have a Scotland's seas data assessment group, which is a partnership between us, Marine Scotland, the Scottish Environment Protection Agency, Scottish Natural Heritage, the marine alliance for science and technology for Scotland and other partners who were involved in developing "Scotland's Marine Atlas: Information for The National Marine Plan" to oversee the on-going development of the NMPI.

Where we have requests for, or become aware of, spatial data that is available from other industries or different sources, we go through a process of taking that to the group so that it can look at quality assurance and some of the issues around licensing to which Linda Rosborough referred. The group can then take a decision about how quickly and in what form we can get that information on the NMPI. As the cabinet secretary and Linda Rosborough have both made clear, we are keen to carry on developing that system as much as we can, so we are open to other options, and to hosting further data on the site.

The Convener: That is very helpful.

Angus MacDonald: Obviously, the process is on-going, but do you have a timescale for when all the stuff on your list will be loaded on to the NMPI?

Richard Lochhead: Ministers can decide when to adopt the plan; we await the committee's feedback and representations from some other stakeholders in Scotland, and we will gather all that feedback in. I cannot give an exact timescale just now for when the plan will be adopted, but we will do that as soon as is practical.

Linda Rosborough: The task is probably never ending, in that new data is always coming along.

The Convener: Good—that is interactive to the nth degree.

Richard Lochhead: With regard to the NMPI, I reiterate that there are more than 450 layers of data that can be added. If you have the chance to go on to the website, you will see that you can choose what to add. You can click on various buttons to add on aquaculture sites, for example, which should be helpful in enabling local authorities and the regional partnerships to build their local and regional maps.

The Convener: Fine. Thank you for that. We will now look at how the national marine plan links with other legislation and duties. Alex Fergusson has a question.

Alex Fergusson: The cabinet secretary referred to this issue briefly in his opening remarks. A number of stakeholders expressed concern that the plan does not link up well enough to existing regulation and legislation. The Marine Conservation Society highlighted the fact that the plan does not link to the Scottish biodiversity strategy, which is quite important in terms of the plan. Bertie Armstrong's submission makes the point that there is already a range of regulations that govern fishing and he fails to see how that fits with some of the issues in the national marine plan. Why is there so little reference in the plan to existing regulation and guidance? Do you feel that links to such regulation and guidance would help stakeholders to understand better what is meant by the national marine plan and how to work within it?

Richard Lochhead: I am happy to consider that. Clearly, I want to avoid adding another 50 pages to the national marine plan by listing all the various regulations, because it is a framework that is about policy and objectives and giving guidance on how various sectors can work together in the same areas of the seas. However, I will certainly give some thought to Mr Fergusson's points.

The plan is, of course, framed in the context of legislation—that is, European legislation and the various directives that we have adopted, such as the marine strategy directive and the various indicators for good environmental status. For instance, you will see in its first couple of chapters the context of sustainable development and ecosystem approaches. Much of that flows from our European obligations, so the plan is framed in that context and we try to explain, in the way in which each sector chapter is laid out, how we are delivering that.

All I can give an assurance on at the moment is that I will take away the point about there not being enough reference to relevant regulations. However, the caveat is that I do not want to start listing hundreds of regulations in the national marine plan.

Anna Donald: I have a couple of points that might be of assistance. One of the changes that we made between the consultation draft and the draft that is before Parliament was to add to each of the sector chapters a key references section that probably focuses more on relevant policy documents than on basic legislation. However, we could consider listing key aspects of legislation in those sections, which would be quite a light-touch way of ensuring that the context was stated without, as the cabinet secretary said, running to additional pages of text, which would not be helpful.

The other point to note is that we have developed our website and have an online version

of the national marine plan, which we launched at the same time as the marine plan came to Parliament. There is a section online for each chapter, which provides a lot of the context that has been referred to. There are existing mechanisms that we can look at to see whether there are other bits of context that we could include.

Alex Fergusson: That is a very helpful explanation. I have no doubt that we will mention something about the issue in our report when we come to it.

I do not know whether any member has a supplementary question.

The Convener: I do not think that anyone has, at the moment. We want to talk about sea fishing, as a follow-on.

Alex Fergusson: Yes. Obviously, one of the principal users, if not the principal user, of our marine environment is the sea fisheries sector, which is hugely important to our national economy as well as to the marine environment. A number of issues came out of the original submission by the Scottish Fishermen's Federation, which we distilled down a bit last week in the round-table meeting. Bertie Armstrong provided some further clarity on his existing concerns, although he was happy to say that a number of his concerns in the original submission have now been addressed, which was good news.

The Convener: We were very happy with that.

Alex Fergusson: It would be fair to say that we were all delighted with that, as indeed was he.

One of the SFF's remaining concerns is that the presumption in favour of development and of existing use that is made early in the marine plan is watered down and eroded somewhat later on in the plan, particularly in "Part 3: Marine planning policies" under "Fisheries 1" by the inclusion of the two words "wherever possible". Bertie Armstrong feels that that very much dilutes the firm commitment to, if you like, a right to fish. Does the cabinet secretary have any thoughts on that or will he think about it as he moves forward with the plan?

10:45

Richard Lochhead: I will reflect upon that, but to me that is a very balanced reference, which shows a clear presumption in favour of safeguarding existing opportunities and activities.

I would like to make the general comment that the committee has taken very helpful evidence from various stakeholders; if I were to address all the concerns of one particular stakeholder I would immediately cause other concerns to be raised by

other stakeholders. The marine plan tries to take a balanced and sensible approach in line with national policy, which has a lot of cross-party support on many issues. I am never going to be able to satisfy all stakeholders on every issue.

I have seen some commentary in the last 24 hours from one stakeholder saying that perhaps we should not support fossil fuels, so that stakeholder will not be happy with the fact that there is an oil and gas section in the national marine plan. As a Parliament, Government and country, we have a viable oil and gas industry, which will play an important role in the transition from fossil fuels to renewables, so I will not satisfy those who do not believe in fossil fuels. Likewise, the fishing industry may have some remaining concerns that I cannot go all the way to addressing, because we have to be balanced in our approach.

At the moment I am satisfied that what was referred to in the report is balanced. I will reflect on everything that I hear from the committee today and read in your report, but that is my initial response.

Alex Fergusson: I absolutely accept the need to strike a balance, but I am sure that you would agree that it is the committee's duty to raise any concerns that have been raised with us—particularly one from a principal stakeholder in the marine environment. That is all I am doing. I am not siding with one view or the other, but I think that it is important to put those concerns to you.

The SFF raised two other concerns with us. First, there was criticism that the marine plan would simply add another layer of regulation on what is already a fairly heavily regulated industry—as, I think, you would agree. Secondly, the SFF feels that not enough attention has been paid to safety in respect of laying and renewing undersea cables. Can you comment on those concerns?

Richard Lochhead: As I mentioned in my opening remarks, we carried out the independent assessment of the plan last year, and subsequent to that some extra safeguards were mentioned in the fishing section of the report. We have gone some way towards addressing many of the concerns of the fishing industry.

I will make a couple of quick comments on cabling. We have taken an approach to safety that is risk based. Although cabling companies and some power companies would much prefer not to bury cables—they have made that quite clear—we have said that such issues have to be treated case by case.

In recent events in relation to the Jura cable, it took a number of months to take on board the representations of the fishing industry. The power

company had to replace the whole cable—it was not a simple repair. If it had just been a repair to part of the cable, the company would not necessarily have had to go through the protracted process for consents. We had from the Maritime and Coastguard Agency and from the industry itself representations asking for more safety precautions in respect of burying parts of the cable. We are trying to promote a safety culture at sea in relation to cabling, and we are taking a case by case risk-based approach. We have a good balance there.

Alex Fergusson: Thank you for that. Will you address the concern about there being more regulation on an already heavily regulated sector?

Richard Lochhead: I do not believe that the plan adds lots more regulation; rather, it brings everything together in a single framework. There are policies and if you do not like some of the policies you ain't going to be happy. Some people might not want those policies fully implemented at regional level, so there may be issues with policies in some parts of the plan and in turn those policies will be reflected in the regional plan. I can understand that people might not be 100 per cent happy if they do not like the policies, but I do not think that the plan adds lots more regulation.

Alex Fergusson: Okay, thank you.

Dave Thompson (Skye, Lochaber and Badenoch) (SNP): Good morning, cabinet secretary and colleagues, and welcome to the committee.

I reinforce what Alex Fergusson said about sea fisheries. Small, remote communities in my constituency in the Highlands and Islands rely a great deal on fishing. As the cabinet secretary is well aware, over the past few decades there have been serious problems and a large reduction in effort. The industry needs all the help that it can get. You said that the inclusion of the words “wherever possible” is “balanced”. I am not sure that I agree with you. The SFF has raised a point about a presumption in favour of existing activity. Despite the fact that fishing has been here for ever, more or less—or perhaps because of that—it is important to emphasise fishing's importance. The plan could be beefed up a bit in that respect. Do you have any further comments on what Alex Fergusson said?

Richard Lochhead: My only comment would be that I am willing to listen to the report from the committee. If that issue is included in the report, I will take it on board and consider it. However, I think that the marine plan strikes a good balance. Its purpose is to acknowledge the various goods and services that are provided by our waters. Fishing is extremely important and I battle hard regularly for our fishing communities.

At the same time, though, I must acknowledge the other uses and benefits that are delivered by our waters. To give cast-iron, written-in-blood guarantees to any particular sector would be to step over the mark. We have to say that we are doing our best to safeguard existing activities and, wherever possible, that will be done. However, we will not write in blood and give cast-iron guarantees that nothing will ever change because we have to do what is right for the national interest. The plan is about balancing various competing interests in our waters—it strikes a good balance at the moment and I do not want to give any indication that I am preparing to change that. Nonetheless, I will listen to the committee's report.

Claudia Beamish (South Scotland) (Lab): Could I tease out the issue of the existing activity a bit further? In relation to sustainable development underpinning, or being very much part of, the framework for the marine environment and activity going forward, I wonder whether it might be worth considering, instead of a presumption in favour of existing activity, adding the words “sustainable activity”. There is a changing picture in terms of scientific evidence, as it develops, for the protection of the marine environment, and the adaptive management that will be happening, moving forward. Like you, cabinet secretary, I am extremely supportive of the fishing industry and of development within the marine environment, but I wonder whether the word “sustainable” should be there. I would have concerns about removing the phrase “wherever possible”. Bertie Armstrong's argument was about the impossible, but I think that we have to acknowledge that some things may not be possible in terms of sustainable development and that there is a changing picture.

Richard Lochhead: I reiterate that the overall plan is written in the context of promoting sustainable development. That is already there—it is very prominent in the plan and it guides the plan. I will reflect on your suggestion. Again, though, we have to find a balance between the oil and gas industry, the fishing industry and our other interests.

Claudia Beamish: I understand and respect that. I am simply arguing that existing activities should be sustainable and that the marine environment is a changing picture.

Richard Lochhead: I will take that on board.

The Convener: We will look forward to that convoluted sentence or paragraph when we come to writing our report. I suspect that we will have to debate that behind closed doors.

We were talking about impediments to fishing, and Graeme Dey wants to ask about cables.

Graeme Dey: Following last week's evidence session, at which concerns were raised about the plan's requirements on new cables and replacing existing cables, I reread the plan. It struck me that there is room for commonsense, case-by-case management of the situation, which is what Scottish Renewables has suggested. Scottish and Southern Energy Power Distribution is deeply concerned that the plan will require it to bury cables underground, which would have significant cost implications. Is further consultation needed on chapter 4, as SSEPD has said? Alternatively, could the cabinet secretary provide the committee with further clarity today or by amending the plan to show exactly what it is looking for?

Richard Lochhead: I repeat that I will listen to the committee's views. Our approach is to work on a case-by-case basis. I understand why power companies and cable companies would rather go for the cheapest option, but that might not always be the safest option. We have just discussed the fishing industry, which might take a different approach to whether cables should be on the sea bed or buried under it.

We are going down the right road by taking a risk-based approach. There will be circumstances in which cable does not have to be buried and circumstances in which it will. Companies might well want to go for the most cost-effective and cheapest option, and we will always take that into account, because this is a very expensive business. If we want power to go to Jura or any other community, we have to make sure that that happens, because it is in those communities' interest. However, we also have to take on board any representations about safety.

Graeme Dey: Thank you—you have clarified the point to some extent.

Another point that arose last week was about the seemingly inordinate amount of time that it took—in an emergency situation—to resolve the Jura case. When a cable has to be replaced urgently, should there be a fast-track approach to ensure that the islands are reconnected more quickly than happened in that case?

Richard Lochhead: Our approach is that, if a repair has to be carried out, it will not have to go through the consents process. In the Jura case, the cable had to be replaced and various agencies and sectors made strong representations in response to the power company's plans. You can imagine the position that Marine Scotland was put in.

Notwithstanding all that, if I remember correctly, the whole process took four and a half months, and we want to make sure that such a process does not take that long in the future. I recognise that the Jura case took a long time, but the fact

that it involved a cable replacement provided a good reason for that. An emergency repair would involve a much faster process.

Graeme Dey: From the experience of that case, and taking all those factors into account, do you accept that there is a need to hasten the process when that can be done? That was a considerable time for the islands to have been offline.

Richard Lochhead: Yes—if we can expedite the process, we should do so. We have learned from that case. I am just trying to give you the background to why it happened, and I am sure that most people would understand that.

Marine Scotland was put in an awkward position because of the strong representations that it got from the different sectors. If we had not listened to one of those sectors and there had been an incident, we would have been in a difficult position. There are good reasons why the process took the time that it did, but we have to make sure that that does not happen again in the future, if that is at all possible.

Graeme Dey: That covers it.

The Convener: We go back to aquaculture, on which specific concerns have been raised. Calum Duncan from the Marine Conservation Society said:

"we are concerned that the plan still contains a national target for aquaculture expansion".—[*Official Report, Rural Affairs, Climate Change and Environment Committee, 7 January 2015; c 4.*]

Cabinet secretary, you talked about the national marine plan reflecting an overarching approach. Is it appropriate for that target to be in the plan at this stage? Why is it included?

11:00

Richard Lochhead: The target reflects our aquaculture policy, so having it in the plan makes sense. I understand that people in some organisations might not want an expansion in aquaculture, and there is a perfectly legitimate case to be argued for that. Nevertheless, that is not Government policy. The Government believes that aquaculture can be expanded sustainably—it must be done sustainably—so there is good reason to have that in the plan.

We need food sources for the future, and the aquaculture sector plays an enormously valuable role in the Highlands economy in particular, as well as in the wider economy of Scotland through the salmon processing industry. We want to support the sustainable expansion of aquaculture, and it makes sense to reflect that in our national policy and the plan.

On the other side of the argument, we received representations from the aquaculture industry that we should not rule out aquaculture on the east coast and parts of the north coast. We are trying to strike a balance, and we will not make every sector totally happy—I accept that. The aquaculture industry would like fewer constraints on expansion in some parts of the country, but we have said no, because we want to retain the existing policy. Equally, those who do not want any aquaculture have said that they do not want any expansion, and we have said that we will not go there either, because we want expansion in the future, if it can be achieved sustainably.

The Convener: That answers a point that I was going to make about the north and east coasts. Does your thinking on the guidance include plans to move aquaculture further out to sea?

Richard Lochhead: That is certainly part of our thinking. We have an aquaculture strategy, but we are thinking about whether it should be refreshed in the near future. All such factors will have to be looked at.

The Convener: The issue of what constitutes appropriate assessment of whether the marine plan is working keeps cropping up. Is the inclusion of an aquaculture expansion target in the plan a part of that appropriate assessment, and is that likely to be reviewed?

Richard Lochhead: I reiterate that it is important that national policies be referred to in the national plan. The regional plans will have to strike a balance with the national policies. We are not dictating exactly where aquaculture sites should be; those are local decisions. Nevertheless, the plan should reflect national policy, and appropriate assessments will be made of the plan overall. When an application is made for an aquaculture site, it will have to go through its own environmental assessment—that will happen at the time of the proposal for each site.

The Convener: I can see the consistency in including the policy. You set out in the plan the targets for renewable energy and offshore renewables, and other national, Government policies on development might well be included. We are looking for consistency in the setting out of Government policies in the plan so that it is possible to read those policies across each chapter.

Richard Lochhead: We cannot project where new sites will be until that has been properly assessed, but our policy favours the sustainable expansion of aquaculture.

The Convener: You have explained that well.

Sarah Boyack: I have a brief supplementary question on the potential for conflict between the

Government's trying to expand the aquaculture industry and the judgments that are made locally. I presume that there will be a policy hierarchy and a decision-making framework such as exist in the onshore planning process to deal with issues such as cumulative impact. Are you thinking of setting out guidelines that local authorities and the aquaculture industry will be able to follow in the context of the regional marine planning framework?

Richard Lochhead: I understand that that is the case, but I will check that point. National policies exist to guide local decisions and, as you know from your experience, that happens in every sphere of government. As a country, we are all signed up to our Parliament passing laws and promoting policy, which is reflected in national and local decisions throughout the country. Exactly what will happen at local level cannot be predicted, but we can set down the policy, which is a driver of local decisions.

Anna Donald: When I gave evidence to the committee in December, I said that Marine Scotland was working on locational guidance for aquaculture that would provide more detail about where the potential for development was most likely to exist. As a result, more detailed locational guidance will be available at the regional level.

The Convener: Was that fine for you, Sarah?

Sarah Boyack: Yes.

Alex Fergusson: I want to tease out a little detail about the presumption against the expansion of fish farming on the north and east coasts. What is the logic behind the presumption against the development of not just salmon farming but the farming of all other species, given that there is presumably a lot of scope for expanding aquaculture into other species?

Richard Lochhead: In the past, the precautionary principle of not promoting aquaculture in those areas has been adopted because of the salmon rivers and the fact that the topography and nature of the inlets in the north and east of the country are different from those in the west.

Alex Fergusson: I accept the logic for salmon farming, but concern has been expressed to the committee that it seems illogical to extend the same presumption to other species of farmed fish.

Richard Lochhead: To be fair, I think that our policy has been developed on the understanding that salmon is the species that is most likely to be proposed for new aquaculture developments. It would all depend on the nature of the application but, if an application was made to farm a different species, a local authority would have to take its own view on the national policy.

Linda Rosborough: On a technical point, the language is consistent with the equivalent policy in the national planning framework and, throughout the entire plan-making process, we have been trying to align terrestrial and marine policies as much as we can, in response to the strong desire that stakeholders expressed in the consultation. To arbitrarily do something different in the marine plan from what has been set out in an established policy that has been through the process and which has been agreed by the Parliament as part of the national framework might put things on a bit of a slippery slope.

As the cabinet secretary has pointed out, there has been no demand to farm other species. I should also point out that the presumption does not apply to closed on-land recirculation facilities, which might be an area of interest, or shellfish, so there are other opportunities.

Claudia Beamish: I will look at the important and, indeed, moving evidence that we have received about climate change. On 7 January, Lucy Greenhill from SAMS expressed concern about the balance between climate change mitigation and adaptation in the plan. She said that,

“As far as climate change is concerned, we have highlighted what seems to be a poor balance”

between those aspects, and that

“sometimes, the plan is a bit disproportionate, particularly ... with regard to the oil and gas sector, in relation to which there is a lot of emphasis on climate change adaptations—in other words, ensuring that your oil rig is not susceptible to rising sea levels—but an unequal emphasis on how we manage and assess the realities of the ultimate effects of oil and gas on climate change.”—[*Official Report, Rural Affairs, Climate Change and Environment Committee, 7 January 2015; c 15.*]

I appreciate that those comments apply to only one sector and that some remarks on the matter have already been made, but do you feel able to comment further? Will you comment on the relationship between the different sectors and the changing picture of climate change information with regard to the marine environment?

Richard Lochhead: The marine plan and its general policies address issues of climate change and moving towards a low-carbon economy and low-carbon activities, as well as adaptation measures. That goes right through the plan. There are chapters in it on carbon capture and storage, offshore renewables and so on.

Some people might look in the plan for the answers on their key interests or for the answers to contradictions, but the plan has to strike a balance. We have an oil and gas industry at the moment. That is an existing activity that plays a valuable role in the Scottish economy and helps to meet our energy needs as we go through the

transition from fossil fuels to renewables in the coming decades.

Someone who is looking for the plan to put oil and gas down the pecking order because they are fossil fuels and who wants to concentrate on clean energy or whatever will not find that to be the case to the degree that they would like, because the plan reflects existing policy. People who have views on what the policies should be will not necessarily find them reflected in the plan. It is national policy and it will not respond to the pet interests of everyone who feels particularly strongly about one issue.

I can reflect on the language, if the individual you mention has made particular strong points, but I can only explain the background to how we got to where we are now. Our seas have enormous potential to deliver a solution to the challenges of tackling climate change.

Claudia Beamish: I completely understand the point that you make, and I am not advocating any particular position. As the science comes forward, for example on the relationship between the marine environment, fisheries and climate change—on how migratory patterns in fish are moving, or whatever—how will that inform the marine plan? We do not necessarily want to wait for five years for things to change.

I am not advocating any particular position, but climate change needs to be taken into account. As you say, it is a thread through the plan, but it is important to be aware of the changes that will happen.

Richard Lochhead: A fair point is being made. I fully accept that, as science comes forward, it should influence policy. If new science comes forward on fisheries or other activities in our seas, the marine plan should be amended in due course to reflect that. I accept that point.

The Convener: We move on to natural heritage and adaptive management.

Claudia Beamish: In relation to the enhancement of natural heritage in the marine environment, stakeholders have expressed concern about the general planning principles. Scottish Environment LINK has raised questions about GEN 9, on natural heritage, and especially on whether enhancement of the natural environment is sufficiently prominent. The third part of GEN 9, point (c), is to

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

Will you comment on that? You have used the word “balance” several times this morning. Is the balance right?

Richard Lochhead: There might be developments at sea that do not enhance the natural heritage. New activities would have to be sustainable, and they would have to pass all the hurdles to get consent, but they might not enhance the natural heritage. We would not support activities that were detrimental to the natural heritage, but activities might not enhance it.

To be prescriptive in the suggested way would rule out the ability to treat each activity that might come forward on a case-by-case basis. That is our approach, which is why things perhaps do not go as far as Scottish Environment LINK would like. Under that organisation's approach, things would start to get ruled out. I understand why the organisation might wish every activity that takes place in our waters to enhance the natural heritage, but some of them might not do that—they might be just neutral, although they are important for various reasons.

Claudia Beamish: Is it possible to clarify in what way guidance would be set out on assessing whether a development would enhance the marine environment, so that decisions can be made in an informed way?

Richard Lochhead: Any activity will have to go through its own assessments in any case, which I hope would flag up issues that would have to be taken into account by the consenting authorities before granting or rejecting an application. You mentioned GEN 9, on natural heritage, which reflects the policy direction.

11:15

Claudia Beamish: I will touch on adaptive management briefly, which has been discussed already this morning. In written evidence, Scottish Renewables seeks clarity about GEN 20, on adaptive management. It is concerned that

"ad hoc amendments to the Plan in light of new data would create uncertainty resulting in greater risks for project development and therefore would not be supported."

Last week, Phil Thomas of the Scottish Salmon Producers' Organisation stated:

"Getting the tone right and ensuring that, in terms of adaptive management, the platform is not continuously moving are serious considerations."—[*Official Report, Rural Affairs, Climate Change and Environment Committee*, 7 January 2015; c 13.]

The word "platform" might be a bit confusing in relation to what I want to ask, which is really about the framework. A lot of the evidence has expressed concern about adaptive management. It is not that I am arguing for or against adaptive management; it is just that, as things develop, the various sectors will need to understand how they are developing and why. Can you comment on that?

Richard Lochhead: Clearly, we are saying that adaptive management means that you have to take on board new evidence as it becomes available. I am not 100 per cent sure about the concern that is being expressed. I will have to reflect on what you are saying and look at the representations that have been made on that topic.

Claudia Beamish: I will try to clarify things a little bit—I hope that I have not got this wrong, as I am representing other people's views. The concern is about making decisions on the basis of certain guidance and then finding that new information has come forward, which is put in the overarching national marine plan because it is conclusive—if evidence is ever conclusive scientifically. That new information could mean that the guidelines on aquaculture, for instance, have to be changed. The issue is a complex one for developers. I hope that I am not misrepresenting people's views.

Richard Lochhead: On the one hand, of course we do not want to create instability for activities that people are investing in and which are costing money to set up. We have to take that into account. We do not want to move the goalposts; we want stability. However, if new evidence becomes available, we have to at least consider it. It is difficult to give scenarios or to predict exactly what might happen. It depends on what new evidence becomes available. If new evidence became available that was very serious—perhaps about a detrimental and damaging effect on the environment—it would be incumbent on the authorities to work with the developer to see what could be done to address that. I would expect that any responsible developer would want to work with the authorities to do that.

Claudia Beamish: I have a final supplementary on this section. You raised the issue of conflict in your initial remarks about the overarching framework. Have you considered the possibility of there being a mechanism for conflict resolution or mediation? Would that be at a national level or only at a regional level? Within a sector and between sectors, things could be quite challenging.

Richard Lochhead: We would be content for Marine Scotland to give advice and to intervene to help to resolve any conflicts that might arise. The plan also gives some guidance on how conflict can be resolved—for example, mitigation factors may have to be adopted. The matter is addressed in the marine plan, but of course Marine Scotland will always be standing by to help local authorities or other agencies or sectors to resolve conflict.

The Convener: Another subject is the devolution of the Crown Estate. There is not much mention of that in the marine plan, so people have

made a few remarks on the topic. The Crown Estate's expertise is welcome and, as we heard last week, its offshore planning practice is possibly among the best that we can lay our hands on, so that must be incorporated into the marine plan. However, are there any implications of the Smith commission proposals on devolving the Crown Estate that you want to comment on or that need to be included in the marine plan?

Richard Lochhead: That is a good issue to raise. I very much welcome the fact that at long last, after many years of seeking, with cross-party support, devolution of the management of the Crown Estate to Scotland, we will—I hope, at some point soon—finally acquire that responsibility. It will be great for our coastal communities and it will also be much more democratic and transparent, because we will be held to account for how the Crown Estate is managed.

On the marine plan, all I will say is that the leasing of the sea bed happens now; it is simply that, with devolution of the Crown Estate, responsibility for managing the Crown Estate's assets will pass to Scotland. It is not so much that the activity is not happening now; it is just that responsibility and accountability for it will fall to Scotland and that all the other issues that are on the agenda, including further devolution to local authorities, will be decided here.

Many of the activities that are addressed in the national marine plan and that we are discussing arise from the right to use the sea bed and from Crown Estate leases. Therefore, indirectly, the Crown Estate features throughout the whole of the marine plan.

The Convener: Just to be clear, does the marine plan cover up to the 200-mile limit in our jurisdiction?

Richard Lochhead: Yes.

The Convener: Therefore, discussions about what local authorities might be responsible for are to be clarified. The Secretary of State for Scotland was somewhat unclear about the issue at the Devolution (Further Powers) Committee when he said that he thought that the Crown Estate's remit might run to 12 miles. There is some disagreement about that and the matter is to be sorted out, so I thought it worth having your one-word answer on its responsibilities.

Richard Lochhead: I am not part of the UK Government; I am not the Secretary of State for Scotland. We need clarity on the issues from those sources.

We want all Crown Estate responsibilities out to the 200-mile limit devolved to the Scottish Parliament. That is what we expect. There would

be huge disappointment were we just to get bits and pieces of its responsibilities. If we have executive devolution that allows us to implement a marine plan out to 200 miles, we should at least get the Crown Estate responsibilities for all our waters.

The Convener: That is a very good, logical link.

Sarah Boyack: I have a quick supplementary which is more concerned with the future. We need to look at local authorities' expertise and resource requirements for marine planning at the regional plan stage if additional Crown Estate responsibilities are to go to them. That is a significant uplift in responsibility, with a requirement for new expertise. That is perhaps not an issue to pin down in the national marine plan, but it is critical to its implementation.

Richard Lochhead: Yes—point noted; I am conscious of that. Once we are absolutely clear about what is happening, we will have a lot of work to do with our local authorities to ensure that everything is implemented smoothly.

The Convener: That will be very interesting indeed. That was a short sentence for a very complex set of processes.

I thank Anna Donald, Linda Rosborough and the cabinet secretary for their lucid evidence, which will allow us to make a report that can be incisive and helpful.

Richard Lochhead: Thank you.

The Convener: Our next meeting will be on Wednesday 21 January. As agreed, our consideration of the national marine plan and the Community Empowerment (Scotland) Bill will take place in private.

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

11:24

Meeting continued in private until 12:55.

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