

Referred to previous consultation on the Scottish Marine Regions boundaries below.

PLANNING & TRANSPORTATION SERVICES

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Our Ref: P&E/NPG/1/1/AOS
Your Ref:

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Dear Sir/Madam

Scottish Marine Regions Consultation

Thank you for the opportunity to contribute to this important consultation on the boundaries of the Scottish Marine Regions (SMRs).

It must be stressed that this response represents the views of Falkirk Council officers, and has not been subject to committee scrutiny or approval. The Council did, however, consider the issue of the SMRs as part of its response to the 'Sustainable Seas for All' consultation in 2008. The Council is an active member of the Forth Estuary Forum Management Group and was represented at the consultation event which the Forum ran on 8 February 2011 at the Corstorphine Holiday Inn, Edinburgh.

Answers to the questions have been given with additional text where relevant.

Q1. Do you believe that Scottish marine regions should be created for the purposes of regional marine planning?

Yes. As part of the previous 'Sustainable Seas for All' consultation, Falkirk Council's Environment and Heritage Committee responded positively on this issue on 16 September 2008, and welcomed the proposal for Scottish Marine Regions as the local expression of the new marine planning system. This was seen as the Council's likely main interface with the new system.

Q2. Do you agree that for the first regional plans for these regions with large amounts of internal seas, the seaward boundary should be measured from MHWS? For subsequent plans a baseline boundary should be used.

No comment. The key point for Falkirk Council would be clarification on the landward boundary of the SMRs (as opposed to the seaward boundary which is of lesser concern to Falkirk Council given our geographic location in the upper Forth). Specific

clarity is sought on the interface and potential overlap between regional marine plans (potentially

extending up to the MHWS) and terrestrial land use plans (which extend down to the MLWS).

Q3. The seaward limit of the Scottish Marine Regions boundaries within the west coast internal waters should be from MHWS to –

There was some discussion at the consultation event to the effect that a seaward limit of 12 nm would ensure that proposed wind farms in Scottish Territorial Waters were not outwith the scope of regional marine plans. A limit of 6 nm would bisect some of the proposed developments in the outer Forth, potentially putting them outwith SMR scope.

Q4. At least initially, planning for Strategic Sea Areas not included within a Scottish Marine Region should be undertaken within the National Marine Plan.

No comment.

Q5. What are the practical implications of any of the marine boundaries not being aligned?

We have no specific views on this, although it is worth noting that some existing administrative boundaries (e.g. IFGs, AAGs) may themselves change in the future. It may be appropriate for a SMR boundary review to be incorporated into any future marine region planning cycle, to address any issues which have arisen from boundary mismatches. However, it is recognised that any further changes to the SMR boundaries may be difficult due to the legislative processes required.

Q6. Should we align all marine boundaries?

No comment.

Q7. Do you support option 1/2/3?

In general terms, it is considered best to seek a boundary fit for the purpose of the SMR, rather than getting too focussed on seeking alignment with as many existing boundaries as possible. Physical characteristics are considered of primary importance in determining the optimum solution. In so far as existing boundaries are relevant, it will be a matter of prioritising which are of greater or lesser importance to SMR boundary decision making. In this regard, the Area Advisory Groups (AAGs) set up under the River Basin Management Planning (RBMP) process seem to be working well, and a level of community interest has developed around the Forth area driven by the RBMP concept. The Inshore Fisheries Group (IFG) boundaries are considered of less importance.

In terms of size of SMRs, economies of scale may be achieved by larger units. However, larger SMRs will mean larger and potentially more unwieldy partnerships, which are further removed from local people, and from local democratic accountability. This Council has experience of taking part in SEStran, and this has been time consuming in relation to the powers and budget of the partnership and the relatively small number of issues that have been directly relevant to the Council.

In its response to the 'Sustainable Seas for All' consultation, the Council suggested that the Forth Estuary would represent a logical SMR, based on experience of, and relationships built up through the Forth Estuary Forum. Therefore, in terms of the options presented for our particular area, the preference would be for a smaller, rather than larger, SMR unit i.e. based more on the Forth rather than expanding north to the Tay, or south to the Borders. Fife is already divided administratively in other respects, for example terrestrial strategic planning units, so a split here would not be without precedent. The Forth has a different character and challenges from the Tay, and such a split would make operational sense, reflecting RBMP, AAG and terrestrial strategic planning boundaries, as well the regional policy areas identified by the Scottish Coastal Forum in 2006 and the range of the Forth Estuary Forum.

To conclude, therefore, Options 1 or Option 2 (with AAG focus) would be our preferred way forward.

Q10. Do you believe that the creation of Scottish Marine Regions discriminates disproportionately between persons defined by age, disability, sexual orientation, gender, race and religion and belief?

No.

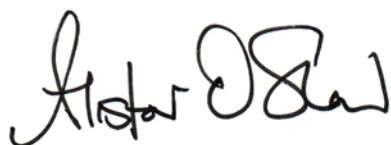
Other points

There was some debate, both previously at COSLA and at the Corstorphine consultation, as to the democratic deficit that may occur in the governance and make up of SMR boards. This has particular relevance for inshore matters and the balance of democratically elected representation on SMRs e.g. what the route to electing members of a marine planning partnership would be and how terrestrial communities could be represented across a number of local authorities. In the case of regional transport partnerships such as SEStran, unelected members of the partnership are legally prevented from voting on certain matters such as budgets. This may be worth bearing in mind for the SMRs.

A further matter which was highlighted in the Council's consultation response on 'Sustainable Seas for All' was the integration of marine and terrestrial plan-making, and consenting regimes. This remains an area where further work is needed to ensure a joined up approach to plan preparation and decision making.

Thank you for the opportunity to contribute to this consultation.

Yours faithfully,



Alistair Shaw
Development Plan Co-ordinator

