During 2018 – 2019 I undertook an investigation into Scotland’s regional marine planning process. This considered the extent to which it supports adaptive governance - a theory of ‘ideal’ governance for sustainability based on: integration of polycentric, multi-level institutions; participation and collaboration of diverse stakeholders; and capacity for adaptation and learning. This analytical framework was applied to two further case studies in Scotland: a) the feasibility of adaptation of the aquaculture sector to ocean acidification1; and b) the development of the management regime for wild seaweed harvesting2.

The case study on regional marine planning was informed by interviews of Marine Planning Partnerships (MPP) and Advisory Group members in the Clyde and Shetland, in Dec 2018 and Jan 2019, respectively. This data was supplemented by analysis of documents including legislation, policy and meeting minutes. I summarise here the salient points of my analysis to support the Committee’s review of the role, status and effectiveness of regional marine planning. This presents an independent and balanced perspective based on the analysis and I am not reporting the specific views of individuals gathered through the research process. The published paper can be read here3.

Scottish Government is implementing a two-tier approach to statutory marine planning based on the legal requirements set out in the Marine (Scotland) Act 2010 (‘the Act’). Within the framework defined by Scotland’s National Marine Plan (NMP), an innovative, partnership-led approach to marine planning is in development. This is built upon extensive experience developed through pilot projects under the SSMEI4 project and is intended to enable learning through ‘natural experiments’ in different jurisdictions.

This model is relatively rare in marine planning practice - sub-national planning is common but is in general led by national agencies (in England six regional marine plans are being developed by the Marine Management Organisation; in Iceland the National Planning Agency is leading on regional plan development in two planning areas, etc.). Indigenous community-based planning, led by a Marine Plan Partnership, is underway in British Columbia, Canada5 and presents an interesting comparison, although with different governance arrangements.

---

2 A paper comparing the approach in Norway and Scotland is in development with Norwegian collaborators.
4 Scottish Sustainable Marine Environment Initiative
My research showed that significant effort is underway at the regional scale, with high levels of participation and self-organisation in Clyde and Shetland. Involvement of stakeholders in attending and contributing to the MPPs thus far is extensive. The MPP’s continue to be pioneers in marine planning practice, with little precedent and limited resources. They are ‘learning as they go’, with international focus on their substantial experience to date (with over a decade of marine planning activity in Shetland6). Learning is transferred between regions through highly active formal and informal networks within Scotland.

The leadership of the MPPs plays a key role in facilitating development of marine planning and developing consensus on policy at regional scale. This includes mobilising funding for innovative projects to advance marine planning: in the Clyde the MPP has developed tools to engage school pupils in developing a vision for the region7 and engaged communities through a new public dialogue process8. In these nested marine planning arrangements, Scottish Government plays an important role in providing legal and economic legitimacy for the development of statutory marine plans, as well as technical resources, data and oversight to ensure coherence with national policy and legislative frameworks.

**Summary of contribution of regional marine planning based on this analysis**

Evaluating outcomes of regional marine planning requires on-going review and analysis when the Plans have been formally adopted. However, based on the research presented here, in general the process is supporting:

1. **Flexibility at the regional level to develop locally-relevant marine planning**, based on local context and priorities. In the Clyde and Shetland, a non-governmental lead and greater involvement of stakeholders in developing marine planning is welcomed. For stakeholders with experience in multiple jurisdictions, this partnership approach was considered more effective than experience of marine planning in England.

2. **Compilation of higher quality data and a more detailed understanding of social-ecological interactions on human activities at regional scale** which supports better decision-making. This can support siting of marine activities and has influenced siting of aquaculture proposals in relation to fishing interests in Shetland. It has also contributed to improved national planning affecting the Shetland region such as sectoral planning for renewable energy.

3. **Collaborative activity and initiatives addressing local and regional issues** beyond the formal scope of marine planning. This includes ‘spin-off’ projects such as collaborative data collection on cetaceans, initiatives addressing marine litter and supporting a project supporting re-use of dredging material in the Clyde.

---

4. **Learning and trust-building between stakeholders.** A major benefit of the marine planning process is participation and engagement of a wide range of stakeholders through the partnership approach. This has supported understanding of different perspectives and building of trust between organisations, including those traditionally perceived as competitors.

There are, as might be expected, notable differences in the functioning of the MPPs between the regions of the Clyde and Shetland. In Shetland, good co-operation is evident and largely ascribed to its island setting which presents a more tractable situation for marine planning, administered by a single local authority and with fewer perceived conflicts. Devolved governance arrangements in Shetland, including devolution of Marine Licensing powers (and new powers under the Islands (Scotland) Act 2018) increase ability to reach consensus and advance influential marine planning. Higher ‘social capital’ in islands is supported by geographic and cultural factors, with a more cohesive and community-based stakeholder group. This is unlikely to be replicated in other regions, although likely in Orkney.

In the Clyde the situation is more complex, with multiple local authorities, diverse, multi-scale stakeholder interests and a relatively small sea area. Marine planning is at an earlier stage and underlying tensions between certain sectors and interests are indicated to sometimes constrain consensus beyond the generic, making collective agreement on regional policies difficult. This contributes to a perception of a lack of specificity and ‘strength’ in the current draft Plan, with questions raised regarding its likely influence on marine development. Some consider that greater detail and stronger policies are needed but there are different opinions within the MPP on whether the plan should place spatial constraints on development.

**Challenges identified in the development of regional marine planning**

In Scotland marine planning experience is at an early stage with some valuable contribution indicated thus far. However, certain challenges are also indicated and are summarised below:

1. **Tensions in a two-tier approach**

The benefits of a national framework and two-tier approach are evident, however there are also challenges in ensuring the relevance of regional marine planning within this national context. National policy in the NMP can both support and constrain, with much that remains generic and difficult to make specific at the regional scale. Determining what is feasible in relation to the Act is also an on-going process. As legal documents there are challenges in defining what can be included within the Plans, particularly whether they can, or should, seek to influence issues not subject to the licensing process. This has raised some questions regarding the ‘added value’ of regional marine planning.

The specific role that Marine Scotland plays in the MPPs has also been somewhat unclear. There is no ‘one-size fits all’ in determining these arrangements, with different needs, capacity and demand for regional control (as analysed in Scottish

---

9 Policies that address issues beyond licensing are considered by Marine Scotland “…out with the scope of the Clyde Regional Marine Plan (CRMP) because (1) they cannot be enforced or monitored and (2) they are outside the scope of the Marine (Scotland) Act 2010.” (https://www.clydemarineplan.scot/wp-content/uploads/2020/01/Minutes-3-December-2019.pdf, p.3)
Government’s Local Governance Review\textsuperscript{10}). Demand for local control is greater in Shetland (and indicated in Orkney) whereas it is less appropriate in complex regions such as the Clyde. Arrangements are likely to vary but clarity is needed to enable efficient and effective functioning of the MPPs.

2. Influence of RMP on marine management and decision-making

Challenges are observed in determining where regional marine planning fits in the evolving governance landscape. Implementing marine planning within already complex and overlapping planning and regulatory contexts is difficult. While intended “to allow more local ownership and decision-making\textsuperscript{11}” it is important to note that management authority (the direct control of human activities) has not changed and remains with other authorities and overlapping decision-making processes at different scales. While the intention is not to align such processes with the MPPs, this leads to some confusion where integration between planning, licensing and other management processes (such as the RIFGs\textsuperscript{12}) is unclear. Greater clarity on the interaction of marine planning with other planning and management processes would support stakeholder understanding and expectations of the role of RMP.

3. Wider context of changing governance in Scotland

Marine planning is happening within a strengthening policy context of localisation, community empowerment and flexibility, including the Community Empowerment Act 2015, the Planning (Scotland) Act 2019, the Islands (Scotland) Act 2018, the National Islands Plan, etc. The Scottish Crown Estate Act 2019, detailing potential for transfer or delegation of Crown assets and their management including the Local Pilot Scheme\textsuperscript{13}, holds greater potential for ‘local ownership’ in some circumstances. The Orkney Islands MPP is being established through this Scheme, to better align planning and management rights, maximising local control and accountability for marine developments in the region. These multiple and overlapping opportunities for local influence on marine management hold great potential but add complexity to understanding of the contribution of regional marine planning.

4. Uncertainty regarding future funding and support for regional marine planning

There is uncertainty regarding sustained resourcing by government leading to concern of ‘down-scaling’ of activity following adoption of the final plans and in the development of regional marine planning in other regions. Resources are needed to deliver marine planning, and importantly sustain the marine planning process for on-going review, evaluation and amendment. On-going commitment of stakeholders to the process requires clarity of future funding, and understanding of outcomes of marine planning, to justify the transaction costs of engagement.

\textsuperscript{10} https://www.gov.scot/policies/improving-public-services/local-governance-review/
\textsuperscript{11} https://www2.gov.scot/Topics/marine/seamanagement/regional
\textsuperscript{12} Regional Inshore Fisheries Groups
\textsuperscript{13} https://www.crownestatescotland.com/what-we-do/local-pilot-scheme