Minutes of the CMPP Members Meeting

27th February 2024

Online Meeting

Chair: Anthony Gallagher (AGa)

Present: Voting Members

Kevin Braidwood (KB), South Ayrshire Council
Jan Brooke (JBr), Peel Ports
Esther Brooker (EB), ScotLINK
Zoe Clelland (ZC), RSPB
Gary Doyle (GD), Clydeport
Allan Finlayson (AF), North Ayrshire Council
Kieron Green (KG), Argyll and Bute Council
Mark Griffin (MG), SWRIFG
David Hearton (DH), South Ayrshire Council
Lorraine Holdstock (LH), Argyll and Bute Council
Lucy Kay (LK), COAST
Willie Kennedy (WK), SSACN
Catherine Lambert (CL), Clydeplan
Thom Ledingham (TL), North Ayrshire Council
Graham Russell (GR), Royal Yachting Association Scotland
Kerry Wallace (KW), NatureScot
Elaine Whyte (EW), Individual

Present: Non-Voting Members

Jill Bunyan (JBu), CMPP Staff
Chris Cutts (CC), CMPP Staff
Sophie Sellers (SS), Marine Directorate
Alex Watson-Crook (AWC), Board

Apologies:

Paul Bancks (PB), Crown Estate Scotland
Calum Duncan (CD), ScotLINK

1. Welcome and Apologies

The Chair welcomed all attendees and read out the apologies as listed above.

2. Chair's Report

CMPP received feedback on the Plan from MD in November '23. CMPP and C2020 had a meeting with MD on 10th January '24 to discuss the comments made on the Plan directly to members and allow members to ask questions. A list of questions that weren't answered during the meeting were sent to MD and a response from MD was circulated on 2nd February '24. Following the receipt of the feedback, the CMPP had to make a decision to either continue with the development of the Plan and amend it based on the feedback, or pause development of the Plan and wait until NMP2 is adopted. It was originally intended that the decision would be made at today's meeting. However, there was concern that the grant for the CMPP staff team would be impacted if the CMPP waited until today's meeting to make the decision due to the current yearly grant coming to an end on 31st March '24. An extraordinary members meeting was held on the 6th February. A decision was made by the members to continue with Plan development and make amendments subject to reaching agreement with MD on the any draft new text for the Plan. Over the past few months, the CMPP staff team have had several meetings with the regional marine planning teams at Orkney and Shetland which has been useful. Orkney and Shetland are pursuing the same path as CMPP but are further along in the process of making amendments. CC and JBu met with SS from MD on 22nd February to discuss amendments to the Plan. Further correspondence from MD has been circulated in relation to the fisheries questions that were submitted after the meeting with MD on the 10th January. The CMPP team are currently awaiting the grant letter from MD for 24-25 and hope to receive it by the end of this week. CMPP are likely to see a cut in the grant that will be in line with cross-departmental cuts in Scottish Government.

MD informed CMPP that questions have been submitted during PQs about the constitution and governance structure, and where the CMPP are in terms of progress. The questions are particularly in relation to community involvement in the CMPP. The CMPP team have also received emails from community organisations enquiring about the state of progress of the constitution. The plan remains to agree a new constitution that will be fit for purpose for when the Plan is adopted and moves to implementation, which will need to be sense checked by MD. Once the new constitution is agreed upon by members, the CMPP can resume business as usual under the current constitution and open applications for membership once again.

The CMPP team have been contacted by 2 members of staff at University of Strathclyde regarding a PhD Studentship proposal. CC and JBu met with the staff on 26th February to discuss further. The PhD Studentship would be about the combined application of ecosystem-based approaches and human rights-based approaches in relation to marine spatial planning. It would involve collaboration between the CMPP and the University, due to start in October '24.

The members agreed the minutes from the last members' meeting were accurate.

3. Review of action points from the last meeting

Reference	Summary	Status
01/12/12/2023	CMPP team to keep members up to date with any information relating to the TRACC bid.	Ongoing
02/12/12/2023	CC and JBu to pull together a list of questions based on the discussion at the Members Meeting and send to the Regional Marine Planning team at Marine Directorate by the 21st December.	Done; see Item 4
03/12/12/2023	Members to submit any further comments on the Constitution to JBu by 29th January.	Done
04/12/12/2023	JBu to work on a third draft of the Constitution and circulate with members before the next members meeting.	Done; see Item 5
05/12/12/2023	CC to send round a meeting invite to CMPP members for the meeting with MD	Done
06/12/12/2023	CMPP Team to discuss dates for the next Members Meeting and circulate a date with the members asap.	Done; see Item 4

4. Update on the Regional Marine Plan

CC and JBu have started making suggested changes to the Plan in line with MD's feedback from November '23. This will be done in an iterative process with MD and members. A document has been created to deal directly with the policies and recommendations in the Plan in table format that lists the current text, suggested amendments, and relevant legislation from the Marine Scotland Act. The CMPP team have started work on amending the policies and recommendations from the first 3 chapters of the Plan and discussed this with MD at the meeting on the 26th February. CC went through the policies and recommendation from those 3 chapters and the suggested amendments based on the MD feedback with the members. The relevant text in the draft Plan that MD have indicated in the feedback they are not happy with is highlighted in yellow. Text that is not specifically outlined as a problem in the feedback, or is outlined in the feedback but may be allowed in the context of the individual policy, and will need further exploration is highlighted in blue. Text that has been outlined in the feedback as acceptable is highlighted in green. For some policies, a range of alternative

word/words have been listed in the ‘suggested rewording column’ to present members and MD with options, and to allow the staff team to work through the options.

MD also highlighted some issues with the introductory text in the Plan. Therefore, included in the table for amendment are 3 paragraphs contained in the ‘Using this Regional Marine Plan’ section (p14) – ‘Role of the Clyde Regional Marine Plan’ (p14, ‘Policies’ (p16), and ‘User Guidance’ (p17-18). This text was revised based on conversations with the Orkney RMP team who had received similar feedback on their introductory text. Orkney submitted a redrafted version of the text to MD and MD are for the most part happy with the new version (sense checked by RMP team, not approved by legal).

This document is a work in progress, but it will be circulated with members at regular intervals for comment.

Discussion:

- Decision makers would struggle with the interpretation of the phrase ‘aim to’ and ‘encourage to’ when making recommendations and ultimately the decision if an application is in line with the Plan or not.
- ‘Should do’ or ‘will do’ is clearer to make a decision against.
- CMPP need to consider the role of the decision makers when amending language.
- The use of ‘aim to’ or ‘encourage to’ in policies that are not a legal requirement is agreeable.
- The use of the amended text ‘Public authorities are required by the Marine (Scotland) Act 2010 to take authoritisation or enforcement decisions in accordance with the appropriate marine plans…’ necessitates that the appropriate public authorities who would have that requirement are reflected on the permanent delivery group seat list in the constitution.
- Most of the suggested amendments are a significant weakening of the current text in the draft Plan and how can CMPP have confidence that this Plan will help deliver the NMP with weakened wording that gives an option to do something or not?
- MD response to the point above – even if a statement appears to be optional or aspirational, the Act gives it the strength that it has to be considered. If the decision maker doesn’t consider an aspirational statement they have to justify why.
- The onus shouldn’t be on the decision maker, it should be on the applicant to present the relevant information and justify why they have or haven’t complied with a policy.
- Concern that the suggested amendments removed clarity from the policies.
- If the purpose of the RMP is to help deliver the NMP then that should be a test used as to whether wording in the RMP will actually achieve that and help deliver the aims and objectives of the NMP.

- The RMPs should provide local context that help decision makers in making decisions and understand the impact of proposals in local areas.
- Think it's more than just providing local context, the RMP and the NMP should be contributing to the framework outlined in the UK Marine Policy Statement (MPS), and some of the changes we are considering making to the Plan would not support that.
- Any comments or questions for MD to be sent through Chris and Jill.
- Suggest removing 'aim to' and 'encourage to' from the suggested amendments list.
- Looking at the MPS would be useful and other relevant policy and legislation.
- 2-pronged approach - we continue to amend the draft Plan, consider the feedback from MD and suggest alternate wording, and do that through an iterative process. But we also add on an approach that outlines an argument and justification for using particular wording in the policies based on our interpretation of the legal and policy landscape that is relevant to the Plan for e.g. the MPS, NMP, English marine plans, that can be presented to MD for their consideration.
- The language that is used in the current draft Plan is very similar to the language used in the English marine plans.
- Still haven't received a firm answer from MD on the role of the RMPs and what MD see them achieving, and how they relate to the wider Scotland and UK context of marine planning. CMPP would like clarity on that.
- Plans are easier to read when the language is consistent.
- In land use planning, sometimes the policy position can change, but the statutory position doesn't change, which is why the word 'should' is used instead of 'must', but it doesn't mean the policies are less successful. For CMPP, we need to look at the statutory position and use that to justify why 'should' would not work for particular policies.
- Need to be mindful of creating aspirational policies that are tricky to enforce and Ministers could be held legally accountable for. See Judicial Review of NMP.
- Adding another column to the table that forms a critique of the feedback, looks at documents such as the MPS and the NMP and outlining the justification for using particular wording in the policies and the need to have stronger wording rather than aspirational wording.
- We still need to go to public consultation, and we can't protect everybody from every risk possible. We need the opinions of others.
- Fisheries discussion
- Surprise at the comments from MD about fisheries and at receiving them at this stage in Plan development. Hope there is no more surprise feedback to come.
- Email mentioned from April '23 about fisheries from MD, don't believe that was circulated to members.
- Concern over the impact this may have on other policies in the Plan that have not been identified.
- We can take the same approach outlined above for this piece of feedback.
- Taking MD up on their offer to workshop some of the feedback would be useful, once we have a more settled view as a partnership on how we want to proceed.

- Looking back at the NMP in relation to fisheries and the role of the RMP, what MD have said doesn't make sense.
- We could do a separate response to the fisheries comments from MD and do that more urgently. Agreement from members.
- Some confusion over the issue of stakeholder engagement. The IFGs, and the links between the IFGs and marine planning is where we will feed in fisheries issues, but that doesn't mean there isn't stakeholder engagement. People can have input through national consultations. Fisheries stakeholders do engage with other groups through meetings. Most members will most likely feed into fisheries policy through various channels such as FMAC, IFGs or national consultations.
- Stakeholder engagement was raised as one of the reasons why fisheries policies should be removed in the Plan.
- Already a voluntary structure in place (no legislative power) to feed into fisheries policy and legislation. Having a specific part of the Plan dedicated to fisheries may put us into conflict with MD.
- We could arrange for a workshop with MD before the next Members Meeting. The team could put together continue work on the document on part of the plan, taking the 2-pronged approach discussed earlier and then take that to a workshop to discuss with MD.
- Fisheries will be part of that process but think it's best to issue a separate response to MD on that matter.
- Mention specifically in our fisheries response, objective 5 section 6 of the NMP which talks about the basis of participative management with interested stakeholders involving both MPPs and IFGs. Ask for clarification on how their advice complies with that objective.
- Having fisheries policies in the Plan will be beneficial to decision makers and make them think about the impact of a license on fisheries, to remove them seems counterproductive. Some sort of signposting to fisheries policies is necessary.
- Decision makers should understand what is going on at a legislative level for fisheries and we should signpost to existing management measures. There will be national direction about fisheries management, but it does change quite often as IFGs will be identifying issues at a regional level regularly, so information about fisheries in the Plan may change the year after. So as a partnership we shouldn't be seeking to create other fisheries management measures. Fisheries is a dynamic landscape and the IFG and other fisheries stakeholders on the CMPP can keep the CMPP abreast of local policies that are coming through on a monthly/yearly basis.
- If there is disagreement between members on issues relating to Plan amendments, the Board would have final decision-making power. However, the CMPP have achieved a draft regional marine plan thus far so confident that we will be able to reach general agreement.

Action: Members to send comments pertaining to MD's fisheries feedback by Friday 1st March. A response will be written and circulated to members for comment. The response will be sent to Marine Directorate thereafter.

Action: CC and JBu to add an extra column to the policies and recommendations table addressing the feedback. This will be used to identify any critiques of the feedback relating to language and evidence from policy and legislation related to regional marine planning that supports the CMPP's argument for using or retaining certain language. This will be circulated with the members before being presented to Marine Directorate for their consideration.

Action: Any further comments or questions for MD from members about the feedback and amendment process to be submitted through CC and JBu.

5. Revised Constitution

A 3rd draft of the revised constitution was circulated in the meeting papers. JBu took members through the changes made from the 2nd to the 3rd draft, which included amending the language used in the articles outlining the monitoring and reporting process after Plan adoption to bring it in line with the wording in the Marine (Scotland) Act 2010, revision of the Delivery Group text based on members' feedback, and the addition of articles outlining the role and responsibilities of technical advisors.

Discussion:

- Could link the wording used in the Plan that 'public authorities are required to take authorisation of enforcement decisions in accordance with the appropriate marine plans' (new suggestion of wording for the role of the CRMP that is in the amendments document discussed in item 4), to the wording in the Constitution regarding the statutory bodies that are permanent DG seat holders and perhaps include an overarching sentence that links back to that text in the Plan. This could be included in art 81.
- 5(h) – be clear that the CMPP will not be reviewing and changing the Plan annually, could add 'will' or 'should be considered' to make it clear it's in the future, currently it reads as if this will be done every year.
- Non-permanent DG seats for knowledge and expertise – have to be specific and tightened up about who these seats would be for, otherwise could be risky.
- Permanent DG seat holders – the named members on that list seems comfortable.
- Non-permanent DG seats for knowledge and expertise – could be challenging, if we are trying to keep the DG small then it's important that DG partners could speak to a wider group e.g. the statutory body or a sector, could be risky.
- Could partners with specific knowledge and expertise be technical advisors? Not a non-permanent DG partner.
- Transfer of DG Partnership – art 117, need to be able to transfer partnership, the organisation is being represented not the person, an alternate person standing in at meetings for the designated DG partner needs to be able to speak at meetings

and vote on behalf of the organisation. This point was echoed by several members.

- 1(k) and 1(l) – 5-year period, reads as if CMPP can't start reviewing the Plan until after 5 years has passed from the date of adoption, so reasonably it could be 7 years before an amended Plan is adopted, clarity needed in the text. Instead have a revised Plan ready to go out to consultation at 5 years past adoption date.
- No community group representation, may feel excluded when there is community council representation.
- Constitution is getting too long, needs shortened.
- Unsure if it's necessary to have specialist technical advisors, the process of co-opting people with necessary skills as and when is commonly used in committees/boards.
- Wording in current constitution in 5(g), which is now 5(d) in the draft text, around transfer of CMPP's assets to another legal structure, if that could be tightened up or changed, that could resolve the issue around having individuals applying to sit on DG as a non-permanent partner for knowledge and expertise.
- Can take duplication out once members have agreed broadly on the text and any remaining issues.
- Could annex certain details for e.g. process of electing x/y/z
- Constitution has the high-level responsibilities, annex for explanations and processes.

Action: Members to send any further comments to JBu by Tuesday 12th March.

Action: JBu to circulate an amended draft of the Constitution before the next Member's Meeting.

6. Member's Updates

Clydeplan

There has been little progress in relation to the Clydeplan governance arrangements. Ross Nimmo, the new Head of Place, starts on Monday 4th March for the Glasgow City Region. Ross is keen to meet with other organisations who have an interest in the Glasgow City Region projects, and he is responsible for delivering Clyde Mission. It would be beneficial for CMPP to set up a meeting with Ross.

Argyll and Bute Council

The LDP2 has gone to the Council after revisions were made and it will most likely be adopted by the 1st March '24. Some policy wording used in the LDP2 may be useful to the CMPP and strengthening our argument on using certain language.

RYA

RYA Scotland are considering a campaign of encouraging beach cleans from remote places using boats. Speaking to Keep Scotland Beautiful about it. The issue is how you dispose of the litter because it depends on having a local authority who is able to provide facilities for disposal, as bringing it to shore incurs a landfill tax.

7. Resilient UK Coastal Communities and Seas Grant Application

There was no update regarding this item.

8. AOB

Strathclyde PhD Partnership Proposal

JBu informed the members that the CMPP staff team had been approached by Dr Mara Ntona and Dr Elaine Webster from the University of Strathclyde to enquire if the CMPP would be interested in partnering on a PhD studentship proposal they are working on. The project would explore whether, and how the combined application of an ecosystem-based approach and a human rights-based approach to marine spatial planning can support governance of Scotland's marine environment in a way that is more sustainable and inclusive. A 1 page overview of the proposal was circulated with members before the meeting. The contributions required of the CMPP would be:

a. The candidate would spend a minimum of 6 months and up to 18 months over the 3.5 year period hosted by the CMPP with no additional funding required during this time. The period of time can be adjusted to suit the CMPP e.g. 6 months all at once, or 1 or 2 days a week over a longer period of time.
b. CMPP would be required to fund £500 per year of the project over the 3.5 years. This funding is to demonstrate commitment from the partner to the funder.
c. A CMPP supervisor. This is in addition to 3 university supervisors.
d. The CMPP should provide opportunities for the candidate to gain first hand professional experience outside the university environment and offer employment enhancement skills.

Discussion

- Clarification that the £500 would be taken from the CMPP funds, not from individual members.
- This project would be added value, not core to the work of the CMPP.

- Problem with CMPP being asked to pay £500 to host a student when CMPP has had a grant cut.
- Hosting a student would also take up time and resource of CMPP staff that we would not be financially compensated for at a time when CMPP has a lot on its plate.
- From discussion with Mara and Elaine it is an option to ask the funder to waive the £500 payment if there is legitimate reasoning. JBu will follow up on this.
- Concern over bringing in a student during the development phase of the Plan.
- Concern about the topic and if it may be a distraction during a crucial period of the development phase.

Action: JBu to send an email with questions to Dr Mara Ntona and Dr Elaine Webster.

Action: JBu to send an email to members with the full draft proposal and the response from Dr Mara Ntona and Dr Elaine Webster.

Regional Marine Planning Forum

The first Regional Marine Planning Forum is scheduled to take place on Wednesday 20th March. AGa, CC and JBu will attend. The Forum will be led by MD. The first Forum will serve as an opportunity for the MPPs and LCPs to reintroduce themselves and their area of work. CC and JBu will circulate any important information to members after the meeting if applicable. A more substantial update will be provided at the next members' meeting.

Action: CC and JBu to provide an update on the Regional Marine Planning Forum.

9. DONM

The date of the next meeting will be Tuesday 7th May 2024, 10am-1pm.

10. Close

The meeting concluded at 12.55pm.

Action Point Summary

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03/27/02/2024	Any further comments or questions for MD from members about the feedback and amendment process to be submitted through CC and JBu.	
04/27/02/2024	Members to send any further comments on the constitution to JBu by Tuesday 12th March.	
05/27/02/2024	JBu to circulate an amended draft of the Constitution before the next Member's Meeting.	
06/27/02/2024	JBu to send an email with questions to Dr Mara Ntona and Dr Elaine Webster.	
07/27/02/2024	JBu to send an email to members with the full draft proposal and the response from Dr Mara Ntona and Dr Elaine Webster.	
08/27/02/2024	CC and JBu to provide an update on the Regional Marine Planning Forum.	