Minutes of the CMPP Members Meeting

4th March 2025

Online Meeting

Chair: Anthony Gallagher (AGa)

Present: Voting Members

Jan Brooke (JBr), Peel Ports
Zoe Clelland (ZC), RSPB
Gary Doyle (GD), Clydeport
Calum Duncan (CD), Scottish Environment LINK
Kieron Green (KG), Argyll and Bute Council
James Hall (JH), South Ayrshire Council
Michael Hill (MH), Bakkafrost
Lucy Kay (LK), COAST
Willie Kennedy (WK), SSACN
Catherine Lambert (CL), GCR Place
Mark Lodge (ML), Argyll and Bute Council
Thom Ledingham (TL), North Ayrshire Council
Alex McIntosh (AM), Peel Ports
David Nairn (DN), Clyde Coastal Community Councils
Ruth Rice (RR), CMAL
Graham Russell (GR), Royal Yachting Association Scotland
Kerry Wallace (KW), NatureScot
Elaine Whyte (EW), Individual

Present: Non Voting Members

Ruaridh Anderson (RA), Marine Directorate
Jill Bunyan (JBu), CMPP Staff
Chris Cutts (CC), CMPP Staff
Claire Jones (CJ), Marine Directorate
Alex Watson-Crook (AWC), Board

Apologies:

Paul Bancks, Crown Estate Scotland
Kevin Braidwood, South Ayrshire Council
Sandy Downie, SEPA
Allan Finlayson, North Ayrshire Council
Lorraine Holdstock, Argyll and Bute Council
Elke Scheibler, Field Studies Council

1. Welcome and Apologies

The Chair welcomed all attendees and read out the apologies as listed above. ML from Argyll and Bute Council attended in place of LH. The Chair also welcomed RA and CJ from Marine Directorate.

2. Chair's Report

The new staff in the Regional Marine Planning team at Marine Directorate have now been in post for a few months. CMPP staff have had monthly meetings with RA and CJ since December.

The RMP was submitted to MD in November. CMPP received feedback from MD at the end of January. CMPP staff have been working on the Plan since then and making amendments. CMPP and MD met on 13th February to discuss the feedback. A draft of the RMP was circulated to members in the meeting papers, however the staff have been working on the Plan since then, and an updated version was circulated on the 3rd March.

CMPP and MD met on the 18th February to discuss the inclusion of fisheries in the Plan which was an issue that was raised in February '24 but had not been addressed since then due to staff changes within MD and other priorities.

A lot of work has been done on the governance structure and constitution over the past year. However, CMPP need to reach a decision on the legal structure of the Partnership post adoption before any further work can continue on the constitution. NatureScot will not continue to host CMPP post adoption of the Plan. CMPP need to either find an alternative host, or choose a legal structure that would allow CMPP to become incorporated and fulfill its functions. There have been some initial conversations with MD on this topic, but CMPP needs a formal response from them on what options would be suitable for an MPP moving forward, and if there are any limitations.

MD provided a response on the question of liability which was circulated to Members.

CMPP has volunteered to organise and chair the next RMP Forum which will take place at the end of March, online. There will be a minimum of two Forums held per year, with each MPP and LCP taking a turn to organise and chair.

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

3. Review of action points from the last meeting

Reference	Summary	Status
01/26/11/2024	CMPP staff to meet with MD and report back at next members' meeting.	See Item 6
02/26/11/2024	Members to send any comments or questions to CMPP staff regarding the draft regional marine plan.	Ongoing

03/26/11/2024	CMPP staff to produce an updated version of the 'CMPP Housing and Legal structure options' and circulate with Members.	See Item 7
04/26/11/2024	Members to send any comments or questions to JBu regarding the latest draft of the constitution and the operational documents.	Ongoing

4. TRACC Update

The Transformative Research Actions for Resilient Coastal Communities (TRACC) Project has initiated some of the work, however it has been a slow setup in its first year. There is an initial report on the development and facilitation of a transdisciplinary approach in which each of these approaches will be operating within a different case study area in the UK. We will receive a copy of this report soon. There has been a stakeholder mapping exercise and CMPP have contributed to this, which will be completed by the end of the week.

This work so far represents the formative part of the TRACC Project, and is leading to the development of a TAP which needs to be completed for each of the case study areas by Summer 2025.* The 2nd of the TRACC retreats is being held at the University of Greenwich w/c 10th March. The 3rd TRACC retreat is being planned for the Clyde in June. It is likely that this will be a two day event in early June.* Members will be kept informed about the development of this retreat and CMPP staff will be in touch if there is anything to discuss prior to the next Members Meeting.

*Since the meeting, it has been decided that the focus of the TAP in the Firth of Clyde will be Climate Change.

*Since the meeting, it has been decided that the retreat will now take place in September.

5. Update on Regional Marine Plan

A draft version of the Plan was sent out with the meeting papers on the 18th February.

A 2nd draft version of the Plan was sent out on the 3rd March with further amendments made following a meeting with MD.

<u>Points raised by MD as needing amended/considered</u>

- **Use of 'should demonstrate' in policies:**
  - The use of should demonstrate has been amended throughout the Plan in the most recent iteration
  - MD have said that some uses of should demonstrate will be appropriate
  - The obligation created by the policy would have to be based in legislation in the NMP or the MSA, RMP cannot create new obligations

    - The use of the word ‘demonstrate’ is still creating an obligation even if the word ‘should’ is used in front
    - We need to evaluate all the policies where ‘should demonstrate’ has been used, and find if the obligation is in NMP, if it is not, we cannot use ‘should demonstrate’
- **Policy CC 1 (d) ‘where appropriate, promote climate justice and help society and the environment to be more resilient to the current and future likely impacts of climate change’**
    - could be viewed as too high level and not really actionable by decision makers;
    - can be included as an objective (would need to create a measurement) or a recommendation
- **Policy CP 4:**
    - Unusable as policy text since it is almost entirely terrestrial
    - Text has been removed from policies and moved to context section
- **Policy ML 1:**
    - MD’s comments on this one said we were being too prescriptive and it reads as if we are telling the consenting authority to tell a developer if a Litter Management (LM) plan is needed
    - All the requirements can be kept but we need to make the language softer
    - Need to check this with Local Authorities and what they say about LM Plans in their LDPs
    - Text still needs to be amended
- **Policy ML 3**
    - Too prescriptive towards public authorities so recommend it is moved to a recommendation
    - This has been amended and moved to become a recommendation (rML4)
- **Policy CONNECT 2:**
    - MD questioned the use of ‘are encouraged’ in a policy
    - CMPP response was that in our Nov ’23 feedback we were told ‘are encouraged’ was suitable to be used in policies as it provides guidance without requirements or obligations
    - The language has been maintained
- **Policy AQUA 3**
    - MD questioned referring to a specific pilot project report from 2019, that could be out of date in a few years, very specific information that’s in a policy
    - Remains unchanged as need to decide if we want to remove it, move it to recommendations or change the wording so that the report isn’t referenced
- **Policy AQUA 4:**
    - This policy was updated last year to include a specific policy from A&B LDP
    - MD questioned the Plan rephrasing a specific LDP policy, and referencing only one local authority when there are multiple LA’s in the Clyde Region
    - Remains unchanged as need to get an LA view on its inclusion

- **RDEF 1:**
    - MD questioned why we have a defense policy at all in the Plan
    - Remains unchanged as we need a view from members
- **Use of marine and coastal developments**
    - Marine and coastal development is used throughout the Plan
    - Our definition is in footnote 1 - The term 'marine and coastal' within this Plan applies to all parts of the Clyde Marine Region and all types of coastline, including the Clyde estuary and any developed coastal edge which may be referred to as the 'River Clyde' area within Local Development Plans.
    - MD have said 'coastal' is a terrestrial term and should consider removing it
    - MD have highlighted the specification of 'marine', in 'marine and coastal' developments' as odd as well, given it's a regional marine plan
    - MD would recommend removing 'marine and coastal' altogether when talking about developments, and just say developments
    - Remains unchanged throughout the Plan as need a view from members on it
- **Use of 'development and activities'**
    - We use 'development and activities' throughout the Plan
    - Shetland have agreed with MD to use 'development and use' which covers everything in the marine environment
    - For continuity, would we like to change to 'development and use' or continue using 'development and activities?
    - This remains unchanged at this point as need a view from members
- **Use of 'where appropriate'**
    - If we included 'where appropriate' in a policy, we have to be able to point towards guidance or issue guidance ourselves to support decision makers on deciding if it is appropriate to do something (i.e. the policy)
    - If there is no guidance and we do not want to write guidance ourselves then we cannot have it in the policy/have the policy altogether
    - This has been reviewed and changes have been made in the Plan following this feedback, however still needs to be checked by MD again
- **Overstepping into terrestrial territory in some policies**
    - MD have highlighted that in some of our policies we are encroaching into terrestrial planning and overstepping our remit.
    - For example:
    - **Objective HE 1:** Marine and coastal historic environment and cultural assets in the Clyde Marine Region, whether visible, buried, submerged or intangible, are protected and enhanced.
      MEASUREMENT: Monitoring of how this objective and related policies are taken into account in scheduled monument consent and listed buildings consent determination processes and planning applications affecting listed buildings, gardens and designed landscapes and scheduled monuments as applicable below the mean high water level.

- **Policy SRT 2:** Proposals should be supported for the introduction, maintenance and improvement of the network of public slipways[1] and shoreside infrastructure, along with supporting facilities where appropriate, below the Mean High Water Line, across the Clyde Marine Region.
- **Policy ML 1:** Development(s) and/or activities should consider the inclusion of a litter minimisation and management plan for its lifespan including construction, active use and any decommissioning/remediation required, unless directed by the consenting authority or regulator that this is not required. Where a plan is not required, proposals will still be required to explain the measures that will be applied to avoid release of litter. Where a plan is required it should illustrate initiatives to contribute to the circular economy and, where appropriate, indicate measures to avoid and mitigate for the accidental release of plastic nurdles, flakes or powder. Development(s) and/or activities that contribute to the circular economy will be supported provided that proposals highlight any associated implications (e.g. increased storage facilities required or increased road traffic to facilitate recycling). Disposal of marine litter at sea is prohibited.
- We need to check with LAs on these points.

Discussion (the conversation was less linear than presented below, but for ease of understanding, comments are set out under the point they are relevant to in the same order as above)

- **Use of 'should demonstrate' in policies:**
  - 'should demonstrate that they have considered' can this be used instead? A decision maker can utilise that;
  - Demonstrate allows the decision maker to see the applicant has considered something;
  - Using 'should consider' how does the decision maker know that applicants then have considered it, how would they evidence it;
  - From a consultee POV we need to go further than 'should consider';
  - MD accepted that 'should demonstrate that they have considered' is suitable. The use of the word demonstrate is not the issue, it's the context in which the word demonstrate is used and 'should demonstrate' creates an obligation
- **Policy CC 1 (d) 'where appropriate, promote climate justice and help society and the environment to be more resilient to the current and future likely impacts of climate change'**
  - This can be an objective
- **Policy CP 4:**

- It’s the area of where the two Plans overlap, marine and terrestrial, we need to be absolutely clear about what we are able to do, and what the alternatives are for people who are considering things;
- Is the Mean High Water Tide Line is the one mapped as by the Hydrographic Office or whether it is changing as sea level is rising, so some areas that are terrestrial right now but may be marine in the future, this is a dynamic issue and we need to be clear about this;
- Community land forum in the Clyde as part of ICZM, the Plan could engage better in that context so that all stakeholders can come to community meetings, including marine and terrestrial planners, and discuss at the one forum, this could be reflected in the Plan better;
- Could the above point be identified in a policy about the dysconnectivity, as it is relevant to the management of the marine region and integration, it is not acceptable to recognize that interaction between the marine and the terrestrial, could we find appropriate wording to reflect this point about the land sea interface;
- MD - at the high level this is going to be a planning document, the policies need to inform when if and how development or use takes place, that needs to be specific within the remit of RMP. RMP needs to be in accordance with NMP, any policies cannot go above and beyond what is in NMP. The point of producing a plan is to prioritise local issues, but because of how the legislation sits currently a lot of that info will have to go into context and recommendations. As actual policy text that decision makers are reading through, certain wording and text cannot be included. It’s not that the CP4 text is irrelevant, it’s just not appropriate for an RMP policy to state things that are covered by terrestrial planning;
- NMP does cover coastal zone approaches and the land sea interface. But for the policy text it needs to be within the remit of what NMP and terrestrial planning already says, RMP cannot add in anything extra;
- Rural Planning Framework that is being developed is asking questions about the marine environment in their consultation, so would like to see an obligation developed in the policy for better integration as its one of the biggest issues;
- The wording of this policy that has been moved into the context still reads like a policy so it needs to be amended – suggestion ‘in order to improve coastal resilience…’
- Interface between land and marine environment is important, in terms of land use planning we are looking at coastal erosion and flooding, these issues are being taken into consideration and issues that are currently land based may become part of the marine environment in due course, and vice-versa. Having it in the context is appropriate rather than a policy as it is just stating what land use development plans have to do;

    - If we take MD's point, it has to be a plan for the planning unit, how does the terrestrial planning system have to take account of this plan. If we can't get a policy in our plan about integration because we are talking about separate marine and terrestrial planning units, could there be a recommendation in the RMP that this plan takes account of terrestrial plans, and they should adhere to each other;
    - Terrestrial planning goes down to Mean Low Water Springs, and it is covered in the LDPs that they need to take into consideration any RMPs;
    - From a community perspective, in theory, the coastal zone should have double the protection as it should be covered by marine and terrestrial plans, however that is not seen to be the case. Developers can exploit the coastal zone to their own benefits, so there needs to be a policy rather than a recommendation for the protection of the coastal zone;
    - NFP4 has text of what LDPs should consider when it comes to coastal development and alignment with marine planning.
- **Policy AQUA 3:**
    - The inclusion of this specific report was something related to the economic viability of mussel farms, the report says something about it being more viable over 250 tonnes, rather than less than that, and many farms were a lot smaller, but it is very specific;
    - At the time when the policy was drafted, the report was fairly recent and deemed to be helpful, but it does seem out of place now;
    - If the point is viability, then just review and reword it;
    - Remove it, don't think it's our position to comment on the financial viability, leave that to CES and local authorities.
- **Policy AQUA 4:**
    - Agree that it is not suitable to refer specially to a policy in a specific LDP as they will potentially change in the future. Not sure if the current text can be seen as a policy, might be better in the context of the chapter;
    - This policy is specifically under the 'shellfish' headings in the policy text, but should it be applicable to all aquaculture developments?
    - Some debate within the NA Local Authority team about whether they will have such a detailed Aquaculture policy in LDP3 because of the policy that exists in NPF4, which is very similar to the current NA LDP2 Aquaculture policy, so would it be worth referencing that NPF4 policy as that will be part of the LDP3 going forward;
    - We should have a policy of not duplicating anything that is elsewhere. That leads to an issue with updating. We should cross reference (state that it exists and is relevant, can put this in the context);

- Probably not suitable as a policy, maybe better in the context, saying marine plan will need to be in accordance is probably better, it may be replaced before the RMP will be, say proposals will be considered in accordance with all relevant LDPs;
- The way that it is worded just now says ‘proposals will be supported where’, however we are trying to say is where there are other policies, then that is the minimum, so its more that -proposal won’t be supported where they don’t accord with the LDP policies, perhaps LDPs might contain less detail, so we expect them to comply with LDP but also expect them to comply with what’s in the RMP;
- Important to not say that applications will be supported solely if they meet the wording in other Plans.

- **RDEF 1**
  - Acknowledge it is reserved but think we should have more policies on defense so that communities can better engage with MOD for the communities, marine plan should facilitate engagement and would suggest there’s a lot of unnecessary impacts from some of the MOD activities;
  - Better integrate the community land forums with the emerging community marine forums or there is still going to be a dysfunctional approach in the management of the marine space and the land space;
  - Support the referencing of what’s happening on the ground and where the Plan, without crossing boundaries, would be expected to be seen by people locally within the Plan and supporting facilitating things that are happening within the regional marine environment;
  - Don’t support removing the chapter altogether, but if it’s not acceptable to have a policy, then have a recommendation that references the relevance of the issue;
  - Removing it completely would not be helpful, it is a use of the area that is significant. Understand that as it is a reserved matter it cannot be a policy that directs however there are environmental and community impacts so how that interacts with other uses needs to be captured;
  - Thinking how we use different parts of the Clyde for habitat restoration and the way the MOD interacts with parts of the Clyde is relevant and significant, so we need to understand and build that in so the information is needed in the Plan as a minimum;
  - MOD does have exemptions for certain Scottish laws, nevertheless they have a policy of putting in shadow applications so there is a certain level of goodwill. Can see that the CMPP might perform a useful facilitation role by speaking to the King’s Harbor Master and raise some of the issues, and then they could go in the Plan as a statement, not as a policy, to help explain the interaction;
  - Whether reserved or not, I think it is appropriate for MoD as a major land/sea user to help facilitate the policies in the plan adequately engage local stakeholders and respect their views;

- Request for members to provide feedback on the issue of defense.

ACTION: CMPP Staff to amend the Plan based on the discussions and circulate an updated version of the Plan to members with some accompanying questions.

Fisheries

CMPP received an email in February ’24 outlining that we were not to include any fisheries policies in our Plan and to remove them as their inclusion was outside our remit. This was following on from an email received in April ’23 from the Cab Sec outlining that fisheries management measures fall within the remit of the RIFG network and at a national level FMAC. CMPP discussed this at the Members Meeting in February ’24 and there were differing opinions. There was a majority ask that CMPP staff issue an email response to MD outlining why fisheries policies should be retained in the Plan and the email was sent to MD in March ’24. Due to staffing issues within MD and then a subsequent focus on getting Orkney to consultation, this issue was not picked up by MD for the rest of the year. Now that progress is being made with the Plan, CMPP staff requested that we use one of our monthly catch up calls with MD to discuss this issue. CMPP and MD met on 18th February. At that point, MD had not consulted with fisheries colleagues, so CMPP gave an overview of the discussions that had taken place one year ago and the view that for the majority of members, there was still a push to include fisheries policies in the Plan, whilst on the other hand there are a few members that are content with MD’s view and wish to see fisheries policies removed from the Plan. MD consulted fisheries colleagues and met with JB on 27th February. MD’s advice has not changed and CMPP should remove all fisheries policies from the Plan. There is already a system set up for fisheries management and there is no need to replicate, duplicate or create anything new in the Plan. It was acknowledged that Marine Planning and Fisheries need to work together better and there needs to be an established way to do that, however marine planning partnerships are not the vehicle by which that should happen. A lot of Fisheries legislation still comes from the UK level, even though it is a devolved issue, and SG do not want to overstep. MD are content with the Plan containing a chapter for Fisheries, but it would need to focus on reiterating the networks and the policy frameworks that already exist and referencing the importance of Fisheries in the Clyde. It was acknowledged by MD that the current system does not allow for IFGs and MPPs to work together very well.

Discussion

- Content with what has been said by MD. The chapter needs to be an overall pointer to the overarching legislation that exists and how we can work with it. In support of having a chapter on Fisheries but the information needs to be factual and can this please be approved by all partners to ensure there is no subjective views.
- Agree with the point above. Not our place to say the wording that is currently in policy 1, the policy doesn’t make sense.
- Ridiculous to remove fisheries policies from the plan, the plan is worthless without it due to the interaction of Fisheries and other stakeholders. Why are MD insistent to remove this? Can we see sight of the legal advice MD have received on this issue?

- Really concerned about this, we are moving towards a plan that is a lowest common denominator plan. If we have a plan that describes the status quo and points people to other things, then we are not creating a RMP that we all agreed we would do, which was to recognise where the existing system doesn't help us to manage the gaps between existing systems and plans and the areas of conflict or disparity. Will be a huge failing if we remove a crucial sector, interaction between the different sectors is huge in the marine plan and fail to see how we can address interaction and use of the space if we remove an important sector like Fisheries.
- Understand the argument that geographically the marine plan shouldn't be trying to address things that are terrestrial, but it's not that another plan exists outwith the physical scope of the marine plan, and here we have a system of planning which doesn't have the level of democratic accountability and involvement in consultation that for example land use plans have, so think this is the place we need to capture some of these issues.
- Object to this proposal. The whole purpose of the Plan is to look at the interactions between the development and use of a space, we are looking at the ecosystem and what is happening to it, fisheries activities have had major interactions with the ecosystem and that has implications not just for fisheries interests but other interests too, fisheries activities in the Clyde context is very important and it needs to be considered as one of the issues that affects the system as a whole and the other activities that interact with it and affect fisheries. There is no mechanism in place that allows for consideration of fisheries within the sectoral context of the CMR. Do not think it's acceptable to say for some mechanism to exist before we can say anything. Fisheries is a public resource and it is within the public interest to have it considered as to how it is interacting within the space, think we will have massive kickback at consultation if it is removed from the Plan. Would also like to see the legal advice from MD. Feels counter productive to the NMP.
- SG does not provide legal advice, any feedback SG provides to us as an MPP is the position of the SG and they will not disclose where that came from. MD suggest we take legal advice if we have any concerns over our legal duties and responsibilities. RMP is a planning document (reiterating the point made in the previous policies discussion above), the regulation and management of activities outwith that should take place in sector-specific regulations, not in the RMP. Marine planning cannot replace, remove or change existing regulatory regimes or legislative requirements. Whilst there are references in NMP and across government documents about MPPs engaging with all stakeholders, ensuring the shared marine environment takes into consideration all interests, everything including commercial fishing, SG do not view the RMP as the vehicle as which to drive or deliver that. In reference to Policy 1, it is not within the power of the CMPP of SG to comment or legislate on stock assessments via an RMP. That is UK level legislation. It is not within the RMP's or CMPP's prerogative or jurisdiction to comment on stock assessment via statutory consultee process as per the 2011 Directive which is what the MPP will act as post publication. Referring back to the CMPP minutes from 27th February '24, the minutes state '*decision makers should understand what is going on at a legislative level for*

fisheries, and should sign post existing management measures. The national direction of fisheries management does change quite often at a regional level, information about fisheries and this plan may change thereafter so the partnership shouldn't be looking to create other fisheries management measures'. Cannot put it any more clearly than that. The place we want to be is not where we are now. Acknowledgement that NMP doesn't perhaps do justice, and there is ongoing work to review this in the NMP2. For this plan we cannot go beyond NMP and we will not bring in measures that aren't currently in existence. We can only do what the current legislation allows us to do at this moment in time. Reading the Plan as if you were a decision maker, you have to ask yourself how is this policy deliverable, and if you can't answer that, the policy cannot exist in this Plan. The Ministerial Directive appoints the MPP to produce a marine plan on behalf of Scottish Ministers. The Scottish Ministers then choose to adopt this plan. If the plan contains fisheries policies, SG won't progress this plan.

- Thank you to MD for that explanation. Been my understanding since the start (member). We are talking about how the public wants to influence fisheries management, and agree it is a public resource. We have consultations at national and regional level, so to say there isn't a way to feed into the process isn't true. A lot of regulating management goes into fisheries outside this arena which includes socioeconomic policy and scientific stock assessments, that people can get involved in. See the IFGs being a link into feeding into advice and there will always be a link to fisheries in this plan but agree that it's not to be in the context of management because there are other ways to do that. Always been concerned about things such as judicial review and that's not just to do with fisheries, but all sectors. With mission creep and if we are setting objectives across any sector that we cannot achieve, given the history with judicial review at SG, we cannot leave ourselves or SG open to that either. It is not necessarily what we would like to see, but we have a task to do.
- Concerns about no fisheries policies in the plan. The concern is how to properly integrate fisheries management into wider management, and there's an advantage for the fisheries sector as well to have the plan acknowledge the work of fisheries and for there to be some sensible policy mechanism for linking the two things. There isn't decent integrated management and agree that the RMP isn't the appropriate place to set quotas and catch limits. It would be helpful to have a policy that doesn't suggest the partnership is setting fisheries management measures and doesn't go beyond the legislation, but a policy that acknowledges the importance of integrating fisheries management with wider planning. It would be unfortunate if we couldn't agree on a policy that would be beneficial for the fisheries industry too. Concern for us (member) is IFGs don't adequately take onboard some of the environmental concerns, think it would be a big step back if we don't think carefully about how we make use of the planning system and this plan to get an outcome that both acknowledges the requirements for nature and climate but also the benefits for fisheries by suitably citing activities that don't impact on them. NMP Objective 5 (*Management of fisheries on a regional sea-basin ecosystem basis with appropriate stakeholders empowered in the decision making process and, where appropriate, ecosystem-*

based management of inshore fisheries at local level, on the basis of participative management with interested stakeholders and involving both Marine Planning Partnerships and Inshore Fisheries Groups.) is a good objective and would hope that we can get some wording, ideally in a policy but failing that in a firm recommendation, that seeks to reflect and enshrines that, without overstepping what the RMP does and its remit.

- The views from the Cab. Sec. response that were provided last year and the views being presented by MD, is that overriding the NMP document? Within the regional policy section of the fisheries chapter in NMP, it is expected that regional marine plans will have a very explicit role in considering fisheries within the regional context. Can we still have an objective relating to fisheries in the RMP?
- MD are not going against the current NMP. NMP refers to MPPs, not to RMPs as draft documents. We are in support of everything that has been said about integration and very keen to see that, we would like this document to identify the issues of fisheries in the Clyde but they cannot be policy specific as the SG wouldn't have the powers to apply it. Include what is relevant to the Clyde, the stakeholders and the community and highlight through recommendations where things should be achieved, what integration should be in place, what is best practice. As a planning document the policies need to be implementable and deliverable and unfortunately the current policies aren't.

6. Legal Structure and Liability

Liability

At the last Members Meeting on 26th November 24, the Members discussed the topic of liability and which body would hold liability for the Clyde Regional Marine Plan once it is adopted. The CMPP staff drafted an email to Marine Directorate outlining the discussions that had taken place concerning the issue of liability, and the wider context of CMPP governance which is ongoing. CMPP asked MD to provide clarity on liability and what it is limited to via an email response. MD responded on the 7th February. The full response was attached as part of the meeting papers. MD clarified that liability does not lie with the MPPs:

With regard to the publication of any regional marine plan (RMP), and any decisions relating to the approval or refusal of licensing applications, responsibility for decision-making does not lie with Marine Planning Partnerships. While the CMPP is responsible for drafting the RMP on behalf of the Scottish Ministers, the decision to publish and adopt the RMP rests with the Scottish Ministers. Similarly, while the CMPP may make a recommendation as to whether a licence application is in accordance with the relevant marine plan, the decision to approve or refuse a licence application lies solely with the relevant authority.

Legal Structure

The work on the constitution over the past year has taken place in the context that CMPP will continue as an unincorporated association. However, with concerns raised by a few members about the suitability of that structure, and the end of CMPP's hosting arrangement with NatureScot post Plan adoption, CMPP need to make a decision on which legal structure we will

move forward with once the Plan is adopted. As a result, no more work on the constitution or operational documents will take place until CMPP make a decision, with the most recent draft circulated in October ’24.

The CMPP Governance Discussion Paper was shared as part of the meeting papers. The paper outlined the current objectives and role of the CMPP and the proposed objectives and role of the CMPP post Plan adoption. The paper also outlines the reasons for the need to change the legal structure. NatureScot have hosted CMPP since 2016, and previously the Firth of Clyde Forum since 2004, with the intention being that this arrangement would be in place during the development phase of the Regional Marine Plan. This has worked very well and has greatly benefited CMPP over the years. NatureScot have made it clear that they will not host CMPP once the Plan is adopted and CMPP needs to look at alternative arrangements.

Another factor that will impact our decision on legal structure is funding. CMPP is completely funded by a Marine Directorate annual grant. From 2016-2023 the annual grant was £119,000. In 2023 there was a reduction to the grant, with the funding for the facilitation of the C2020 group removed. Since 2024 the annual grant has been £107,000. Expenditure has increased over the years as general costs have risen, and CMPP staff have received salary increases in line with NatureScot’s agreed paid deal. Approximately, CMPP expenditure per year is between £125,000-£130,000. Instead of receiving an uplift in grant funding to reflect this increase in costs, CMPP has seen a reduction. CMPP has been relying on its reserves to fund the difference that is not covered by the grant. CMPP staff anticipate that our reserves will only see CMPP through to the end of the 25/26 financial year, as we anticipate the statutory consultation will take place this year which will increase our outgoings for the year. It is expected that Marine Directorate will continue to fund the core statutory functions of the CMPP, but this is not confirmed. With a change in legal structure, this would open up the ability to apply for other funding and allow the CMPP to look at delivering non-statutory initiatives.

The legal structure options presented in the discussion paper were Unincorporated Association, Company Limited by Guarantee, and a Community Interest Company (CIC). CMPP is not eligible to become a registered charity in Scotland as it does not meet the requirements of the charity test, and the option to become a Trust is considered to be unsuitable for policy orientated bodies with a wide membership. These two options have not been taken forward for consideration.

There were four discussion questions included in the paper for the members to consider. It was requested at the meeting that members disregard question 2 as NatureScot have made it clear that continuing the current housing arrangement post Plan adoption is not suitable and there will be no further discussion.

1. What are Members views on the appropriate legal structure of the CMPP post Plan adoption?

2. How do Members feel about the current housing arrangement with NatureScot, and would they like to see this arrangement continue/discontinue? (Taking in account that NatureScot have indicated that this arrangement would not continue post Plan adoption and would need to be discussed).

3. Would Members like CMPP to explore other housing arrangements with another organisation such as a local authority, University, or a CMPP member? (This would apply if an unincorporated association was considered to be the most appropriate legal structure)

4. Are any Members in a position to consider housing the CMPP as an unincorporated association (if this is considered to be the most appropriate legal structure)?

Discussion

- NatureScot are still willing to host CMPP whilst the Plan is in the development phase, but will not continue post Plan adoption, so arrangements need to be put in place now for what happens moving forward. Perhaps the Glasgow City Region could be explored as a possible host.
- When considering hosting arrangements, potential hosts need to consider the undertaking of HR, Finance etc. for the CMPP staff, but also if they can offer CMPP any office space.
- RYA have recently given up their office space, and just rent rooms as needed.
- Noted that it is not just the costs of the paid staff, it is all of the in-kind support and work that is given by the members.
- The option to explore Argyll and Bute Council is possible. In principle this could work, however it would be subject to further discussions with management and ensuring there isn't a disproportionate burden on the Council. Argyll and Bute have the longest coastline in the Region, and the Council have their own marine planning region on the West coast which is larger than the area the Clyde Region covers so there is synergy for marine planning.
- Need to consider the security of the staff salaries and ensure if CMPP moves to a new host organisation that the current salaries are maintained and not subject to a salary reduction due to different pay scales of the host organisation.
- Glasgow City Region are willing to explore being the host organisation and will discuss with Head of Place and the wider management team.
- Peel Ports position that they would like CMPP to become a company limited by guarantee to ensure that no liability for decisions falls to the members. Peel Ports would also like to have the core functions of the CMPP reiterated for post-Plan adoption and what additional work/projects may be undertaken, to ensure that the correct legal model is progressed.
- Comment in the chat from RSPB is a compelling argument. The current hosting arrangement is working so if we can find another host and continue as an unincorporated association that would work. However, if there are compelling reasons to try another model then we need to consider the extra costs that may accompany that.
- Argyll and Bute is not part of the Glasgow City Region, however GCR has taken on responsibility for Clyde Mission which does include Argyll and Bute.
- A Local Authority does seem like an ideal host in terms of neutrality.
- We need to take in account what the CMPP is going to do in the next 5 years and that should dictate what legal structure we choose. We should be looking to put together a

Business Plan to figure out if CMPP are just going to be delivering the core statutory functions or looking into applying for external funding to undertake other projects.

- MD – The MPPs are their own entity and MD cannot direct CMPP on what legal structure to choose. In reference to the 2017 Direction, the statutory duties outlined in the Direction need to be core to the work of the CMPP and CMPP are required to notify Scottish Ministers of any governance changes as soon as they become applicable. It is then for Scottish Ministers to decide to maintain the delegation or revoke it. If CMPP goes down the route of becoming a CLG or CIC, in which CMPP would be looking to undertake other activities and projects and deprioritising the statutory duties, Scottish Ministers would need to take that into consideration. The Local Authority environment has worked well for Orkney and Shetland, but MD understand that with the Clyde there are several Local Authorities and it may not be as straightforward. The point raised previously about financing staff is extremely important. Acknowledge that the current grant does not cover the staff costs and that is due to NatureScot's policies and their commitment to salary increases. RA is working on grant funding but does not have a clear answer on how this will work in the future.
- Producing a business case seems like the next logical step to evidence what we want to do post Plan adoption, what costs would be involved, the benefits and the risks.
- It would be ideal if an indicative timeline could be circulated with members on when we need to make a decision by on this issue.

ACTION: Members to explore with their organisations if there is potential to host CMPP and get in touch with the staff to discuss. Initial discussions to have taken place by the next Members Meeting on 3rd June.

7. Regional Marine Planning Forum Update

The first Regional Marine Planning Forum was organised by MD and took place on the 13th November. It is a mechanism by which the MPPs, LCPs and MD to meet, share updates and ideas and progress any suitable work. The onus is on the members to carry forward the running and organisation of the meetings, and CMPP volunteered to chair the first meeting of 2025, which takes place on 28th March, online.

8. Members Updates

RYA

The main item to report is that we were fortunate that there was so little damage caused by Storm Éowyn. Some boats in boat yards toppled over but there appears to have been not much more on the Clyde although pontoons were damaged elsewhere. The red warning which was issued meant that few people were in vulnerable situations and some areas seem to have escaped the worst of the wind due to local shelter. However, a storm surge of 2.0 metres was recorded at Millport. This was an inevitable consequence of the low atmospheric pressure and the impact of strong winds blowing into the Firth. It was fortunate that this surge coincided with a neap tide. Had it occurred during spring tides, the level would have been about 0.60 m higher and the damage correspondingly greater. There have been suggestions that the storm was a once in a lifetime event. However, it was similar to the January 1968 storm which caused so

much damage in Glasgow, and the way the climate is changing means that we should expect similar storms to occur.

RYA Scotland has been working with others to address the proposed Peel Ports conservancy fee for the Clyde. We have been in touch with the Port Director as we recognise that there are issues of mutual interest that we can work together with Clydeport on. These would include, for example dealing with derelict and abandoned boats, a topic we have been working on for some time.

The fish farm company Mowi has bought the island of Sanda. RYA Scotland and Mowi have been discussing their proposals which should benefit cruising sailors. Mowi intend to develop a fish farm on the east side of the island but will also renovate the properties, provide access to the pier and perhaps lay moorings for visiting boats. It is hoped that eventually the pub will be re-opened.

RYA Scotland no longer has a base in Caledonia House in Edinburgh, which has been sold by SportScotland. Staff members now largely work from home with rooms being hired where necessary. This new way of working has many benefits including better geographic representation and a reduced carbon footprint.

GR, as a representative of RYA Scotland, sits on the steering group of the Scottish Seaweed Industry Association which is producing a Code of Good Practice for seaweed farming developments. This may be relevant to one of the RMP's AQUA policies.

GCR Place (formerly Clydeplan)

All staff at Clydeplan and Glasgow and the Clyde Valley Green Network have now transferred their employment under TUPE arrangements from Renfrewshire Council to Glasgow City Council. The staff are now part of Glasgow City Region (GCR) and form the GCR Place Team under the management of Ross Nimmo (Head of Place). The governance of Clydeplan is also being revised with the Glasgow and the Clyde Valley Strategic Development Authority Joint Committee being wound down and replaced by the Regional Spatial Planning Sub-Committee. The latter will now report to the GCR Cabinet. The GCR Place Team will be responsible for the development of the new Regional Spatial Strategy for Glasgow City Region. The GCR Place Team will now embark on a scoping exercise engaging with key stakeholders and agencies to consider the form and content of the new RSS. Clyde Mission also falls under the remit of the GCR Place Team.

9. AOB

No AOB.

10. DONM

Tuesday 3rd June.

11. Close

The meeting ended at 1pm.

Actions Summary

Reference	Summary	Status
01/04/03/2025	CMPP Staff to amend the Plan based on the discussions and circulate an updated version of the Plan to members with some accompanying questions.	
02/04/03/2025	Members to explore with their organisations if there is potential to host CMPP and get in touch with the staff to discuss. Initial discussions to have taken place by the next Members Meeting on 3rd June.	