

# Streamlining the Licensing and Permitting Processes for Marine Habitat Restoration in Scotland

## Workshop report

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**Date and location:** Thursday 28<sup>th</sup> September, 2023, Edinburgh

**Workshop facilitated by:** Fauna & Flora

**Background:** There is an urgent need for marine restoration at scale in Scotland, coupled with a real appetite to deliver. However, delivery comes with its challenges. A recurring challenge expressed by those delivering projects on the ground relates to delays and barriers associated with the current regulatory framework governing licenses and permits. There is a need to streamline and simplify the regulatory system, to better enable marine restoration. With this in mind, Fauna & Flora brought together the relevant authorities and stakeholders to discuss some of the challenges hindering delivery. Fauna & Flora see an opportunity for marine habitat restoration efforts to be scaled up, with community groups at their centre.

**Workshop objective:** The objective of the half-day workshop was to share aspirations, identify challenges and develop initial solutions to streamline the licensing and permitting process for marine habitat restoration in Scotland. The workshop will focus on addressing the complexity, fragmentation, and lack of clarity in the current regulatory framework.

**Agenda:**

Time	Topic	Description
12:00 - 12:30	Arrival and lunch	Sandwiches will be provided on arrival
12:30 – 13:00	Introduction	The purpose of the meeting. Where do we want to be? Outline government goals and community aspirations, and progress towards marine restoration targets so far.
13:00 – 13:45	Identifying key challenges	Do Breakout groups will identify and document challenges faced by project delivery teams and the government bodies responsible for permitting and licensing processes
13:45 – 14:15	Sharing and consolidating challenges	Reconvene as a larger group. Invite each breakout group to present their challenges. Consolidate them so that we can then try and find solutions
Break 30 mins	Tea, coffee, biscuits.	Followed by Coastal Communities Network video at 14:45
15:00 – 15:45	Brainstorming solutions	Divide participants into small breakout groups to come up with possible solutions
15:45 – 16:15	Sharing and consolidating solutions	Reconvene to hear proposed solutions from breakout groups, and then compiling them into a list of potential priorities
16:15 – 16:45	Next steps and conclusions	Summarise workshop outcomes, define next steps, discuss collaboration opportunities, pinpoint stakeholders, timeline for next meeting, share ways for participants to remain engaged in the process.

## Introduction

Fauna & Flora outlined the objective of the workshop (see above) and provided a background on government and community ambitions, e.g.,

- [Scottish Biodiversity Strategy](#)
- [Blue Economy Vision](#)
- [Marine Restoration in Scotland: Defining potential for a shared vision](#)
- [The Coastal Communities Network Vision for marine restoration](#)

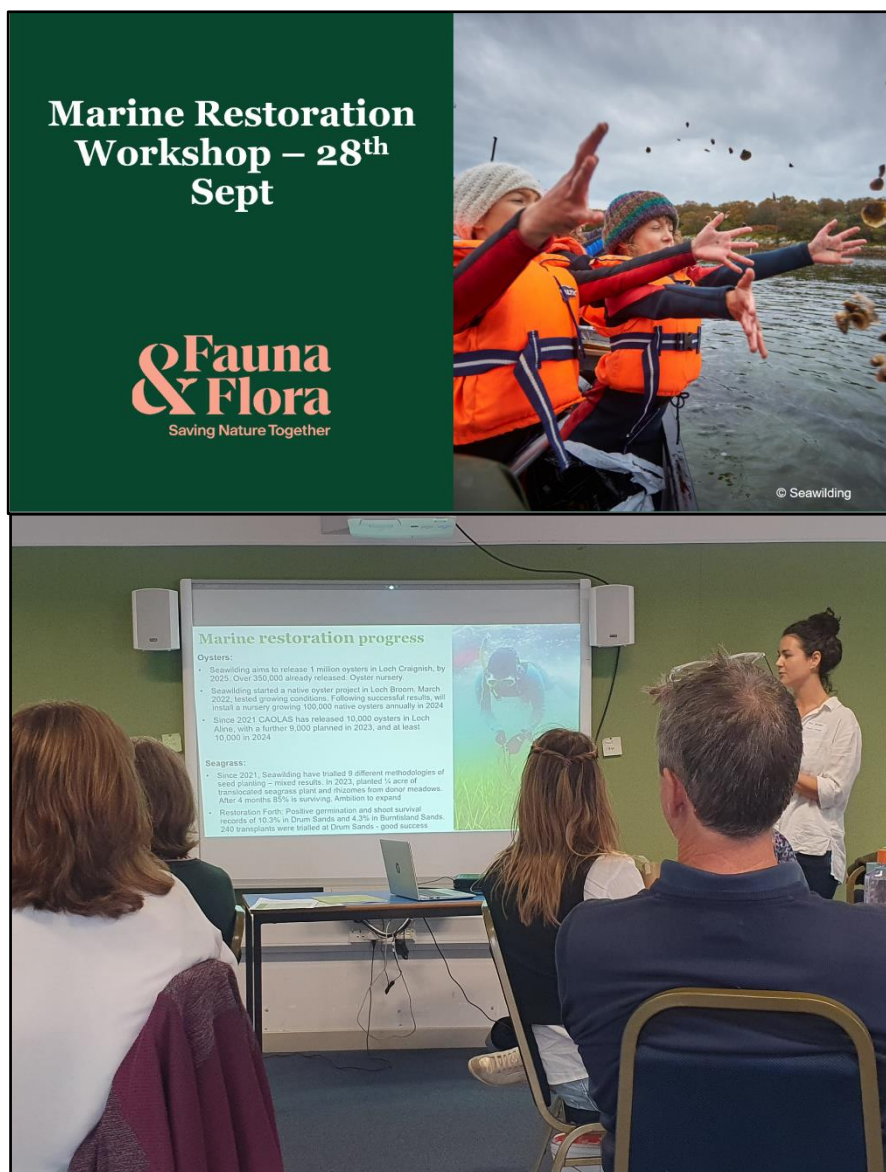



Figure 1. Introduction and presentation by Fauna & Flora



A summary of marine restoration progress was presented, outlining oyster and seagrass restoration underway. Native oysters are being restored through projects delivered by community-based groups such as Seawilding and The Community Association of Lochs and Sounds (CAOLAS), as well as the partners under the Restoration Forth project. Seagrass restoration is also being delivered by Seawilding and Restoration Forth partners.

 **Scottish Government's Marine Directorate**  
#024 followers  
21h

**Cabinet Secretary Mairi McAllan** marked a historic moment as she joined partnership project #RestorationForth to return the first native oysters to the Firth of Forth in 100 years.


Previously holding a huge cultural significance in the area, native oysters disappeared over a century ago due to overfishing and industrial development. Now, thanks to the partnership working of more than ten organisations they have been reinstated and will play an important role in restoring and protecting the local marine environment.

Ms McAllan said: "Communities in Scotland are, as they should be, at the forefront of our nature restoration efforts, and it has been very encouraging to see the drive and enthusiasm of people involved in this project to take action to restore and protect their local marine environment."

"In the midst of a nature and climate crisis, we all have a responsibility to support the recovery of our natural environment."

WWF Fife Coast & Countryside Trust Heriot-Watt University Marine Conservation Society Project Seagrass Royal Botanic Garden Edinburgh Scottish Seabird Centre The Ecology Centre

## Marine Restoration progress



3,917 oysters are now in the Firth of Forth, as of 18<sup>th</sup> Sept!

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## Marine restoration progress

**Oysters:**

- Seawilding aims to release 1 million oysters in Loch Craignish, by 2025. Over 350,000 already released. Oyster nursery.
- Seawilding started a native oyster project in Loch Broom. March 2022, tested growing conditions. Following successful results, will install a nursery growing 100,000 native oysters annually in 2024
- Since 2021 CAOLAS has released 10,000 oysters in Loch Aline, with a further 9,000 planned in 2023, and at least 10,000 in 2024

**Seagrass:**

- Since 2021, Seawilding have trialled 9 different methodologies of seed planting – mixed results. In 2023, planted ¼ acre of translocated seagrass plant and rhizomes from donor meadows. After 4 months 85% is surviving. Ambition to expand
- Restoration Forth: Positive germination and shoot survival records of 10.3% in Drum Sands and 4.3% in Burntisland Sands. 240 transplants were trialled at Drum Sands - good success



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Figure 2. Marine restoration progress presented



## Challenges and Solutions

This session focused on documenting the challenges faced by those working on delivering marine restoration projects on the ground, and those in government or advisory bodies who work on advising and providing licenses and permits.

After documenting the challenges on post it notes, a few informal presentations were given by delegates who have already made some headway in developing **solutions**:

1. **SMEEF have developed a toolkit: [www.smeef.scot/restorationtoolkit](http://www.smeef.scot/restorationtoolkit)**
2. **Marine Directorate have developed a marine licensing guidance: [Marine licensing - marine habitat restoration projects: supplementary guidance - gov.scot \(www.gov.scot\)](http://www.gov.scot/resources/consultation-published/marine-licensing-guidance)**
3. **Crown Estate Scotland will soon publish a report on marine restoration potential in Scotland**
4. **WWF have commissioned a report researching the relevant regulatory frameworks for seagrass restoration and seaweed farming across the UK. The report, which will be published soon, will outline licensing requirements and identify gaps, barriers and areas in which the regulatory regime can be reformed to work better for these projects in future**

The delegates proposed possible solutions to the specific challenges that were outlined in the previous session. Each delegate then voted for their top three priorities – those that they felt were the most crucial solutions to implement. In addition, they voted for the solutions that they considered ‘quick wins’.



Figure 4. Group work to document challenges and solutions

**Table 1** below outlines a summary of these sessions, documenting the challenges, solutions, priorities and quick wins, transcribed verbatim from the post it notes in the session. The solutions highlighted in green were those that received 3 or more ‘votes’ as priorities, quick wins, or a combination of both. These can help guide priority action after the workshop.

**Table 2** below outlines some challenges and solutions transcribed verbatim from the post it notes in the session, but that lie outside of the licensing and permitting processes that the workshop focused on.

Table 1. Challenges, solutions, and priorities suggested in the workshop. Each bullet point has been transcribed verbatim from the post it notes during the workshop, and have not been amended or interpreted.

Challenges	Solutions	Number of votes for priorities	Number of votes for quick wins
<b>1. Land/seabed/foreshore ownership</b> <ul style="list-style-type: none"> <li>○ Who owns what?</li> <li>○ Who owns the foreshore?</li> </ul>	None suggested	N/A	N/A
<b>2. Biosecurity</b> <ul style="list-style-type: none"> <li>○ Very human intensive processes -e.g., seagrass seed collection, planting, oyster bio-security</li> <li>○ Scrubbing oysters – biosecurity too stringent</li> <li>○ Securing bio-secure native oyster stock (spat and grown oysters)</li> <li>○ The demands of scrubbing oysters, almost prohibitive and causes oyster mortalities (approx. 4 mins per oyster)</li> <li>○ How is deposition of cultch regulated?</li> <li>○ Difficult for government to assess impacts, e.g. HRA/PMF</li> <li>○ Government need to ensure statutory/legal protection measures/biosecurity</li> <li>○ Attitude to risk</li> </ul>	Local hatcheries or nurseries that are taking in from bio-secure hatchery	5	0
	eDNA to overcome the oyster scrubbing issue	4	2
	Visual inspection and eDNA testing and validation	4	2
	Research into alternative methods for biosecurity, e.g., eDNA	0	0

<b>3. Process</b> <ul style="list-style-type: none"> <li>○ Lack of flexibility available in regulation/policy/processes</li> <li>○ Prescriptive in terms of what is regulated</li> <li>○ Simplifying processes is not easy – there are many routes, depending on what is being proposed</li> <li>○ Not a defined process from start to finish</li> <li>○ Intimidating process</li> <li>○ Unclear timings</li> <li>○ Complexity</li> <li>○ Lack of guidance when projects started 3-4 years ago, so we are playing catch up</li> <li>○ Lack of template</li> <li>○ Not clear which permit is needed</li> </ul>	Document shared experience and knowledge of restoration projects that have happened, e.g., cultch used, processes to do this	0	0
	SMEEF toolkit, MD-LOT guidance, NatureScot guidance	0	0
	Form a working group with reps from all government agencies, and communities	1	2
	Clarity on what ‘guidance’ is mandatory/legally required vs what is just advice	0	6
	Better documentation/understanding of monitoring requirements	0	5
	Provision of better guidance to clarify government function	0	2
	Update licensing system to treat restoration/enhancement differently to commercial/development activities	2	1



<p><b>4. Roles and responsibilities (e.g. who is responsible for what permit)</b></p> <ul style="list-style-type: none"> <li>○ Nuance with government function of different departments e.g., biosecurity vs invasive species</li> <li>○ Unclear who to approach for licenses and permits</li> <li>○ There is a need for steer</li> </ul>	Early contact with Marine Directorate, and their Licensing and Operations team	0	3
	Record a series of interviews/conversations with experts, and host on SMEEF toolkit – biosecurity, licenses, consent, eDNA oysters etc.	0	0
	Knowledge hub – similar to seaweed academy at SAMS	0	2
	SMEEF guidance website	0	2
	Centre of excellence to provide best practise on restoration in Scotland – linking to things like NORA – but incorporating all enhancement species/habitats (future proof)	5	0
<p><b>5. Differences between commercial/development and restoration criteria/regulations</b></p> <ul style="list-style-type: none"> <li>○ Difference between regulatory role of Fish Health Inspectorate (for shellfish farms) and biosecurity measures and other less regulated areas of governance, e.g., Invasive non-native species (INNS)</li> <li>○ Inconsistencies between oyster aquaculture and native oyster restoration re: non-native invasive release</li> <li>○ Marine construction license for restoration is disproportionate</li> <li>○ Need to get a marine license to use a paddle board or a boat to do restoration</li> <li>○ Same requirements as aquaculture movements</li> <li>○ HRA response is disproportionate – removing oysters, not recognising other impacts</li> </ul>	Exemption orders (marine licenses)	3	4

<p><b>6. Capacity, skills, knowledge gaps (both)</b></p> <ul style="list-style-type: none"> <li>○ Limited capacity, time and knowledge from volunteers</li> <li>○ Limited capacity to apply and follow through when complex processes</li> <li>○ Accessibility/inclusivity to do restoration – need skills, time, money</li> <li>○ When is the data/monitoring enough?</li> <li>○ Cost and expertise of monitoring (e.g. for INNS) at local level</li> <li>○ Getting experienced people</li> </ul>	Engage academic institutions for ongoing monitoring and research	1	1
	Shared experts who support community projects across Scotland	0	4
	Collaboration with academic institutions to use scientific expertise to gather baseline data, undertake long term monitoring and robust biosecurity (without high cost)	0	2
	Cohesive, long term and funded programme of research alongside restoration projects to build evidence and lessons learned – feeding into GES/wider targets and indicators and reporting	2	0
	Community data being gathered and inputted (and quality assurance) by students	0	1
	Increase community capacity	0	0
	Incentives, e.g., net gain	1	0
	<p><b>7. Data gaps</b></p> <ul style="list-style-type: none"> <li>○ Lack of data</li> <li>○ Data validation, verification, analysis, capacity</li> <li>○ Government getting information from projects in order to properly assess. Things can take a long time, e.g. HRA</li> </ul>	Address data gaps	0
Ensure data recorded for restoration is stored in the appropriate database and that people collecting data are trained and upskilled to do this		2	0

<ul style="list-style-type: none"> <li>○ Data existing to help with site selection, but unclear where it is held or how to make it more accessible e.g. NatureScot ROV surveys?</li> <li>○ Projects having to collect INNS data instead of government bodies having that information</li> </ul>	<p>Monitor for adaptive management of the site – not just for the sake of collecting data</p>	<b>1</b>	<b>0</b>
	<p>Guidance on where to put data – NMPI or FEAST? There are tools online, but sensitive information</p>	<b>0</b>	<b>0</b>
<p><b>8. Funding/costs</b></p> <ul style="list-style-type: none"> <li>○ Lack of funding and increased demands on government bodies, e.g., limited survey resources</li> <li>○ Costly process for those delivering projects on the ground</li> <li>○ Cost for HRAs/EIAs</li> </ul>	<p>Matching with industry and funders/SMEEF-like organisations</p>	<b>2</b>	<b>0</b>
	<p>Use natural capital approaches to valorise or monetise restoration projects – could use expertise from internationally or elsewhere in the UK. Use CivTech pilot projects, Fauna &amp; Flora research on nature-based solutions</p>	<b>1</b>	<b>0</b>

Table 2. Challenges, solutions and priorities that were documented, that lie outside of the focus of licensing and permitting. Each bullet point has been transcribed verbatim from the post it notes during the workshop, and have not been amended or interpreted.

Other challenges	Solutions	Priorities	Quick wins
<b>1. Oyster supply</b>	More hatcheries	<b>3</b>	<b>1</b>
<b>2. Seagrass seed collection (supply)</b>	Seed collection in the intertidal?	<b>0</b>	<b>0</b>
<b>3. Protection during and after enhancement</b> <ul style="list-style-type: none"> <li>○ How do we reduce pressures to allow natural enhancement, or to protect what has been enhanced?</li> <li>○ How do we reduce natural pressures to a) increase chance of natural enhancement, b) stop active restoration being pointless?</li> <li>○ How do we protect areas after enhancement?</li> </ul>	Marine Directorate PMF review	<b>3</b>	<b>4</b>
<b>4. Climate change</b>			
<b>5. Lack of ambition and scale</b>			
<b>6. Plans and reports prioritised over action</b>			
<b>7. Scaling up</b>			
<b>8. Gaps in knowledge</b>			
<b>9. Paid staff and increased capacity in community groups</b>			
<b>10. Long term funding</b>			
<b>11. Long term research</b>			
<b>12. Long term commitment</b>			
<b>13. We don't yet know what the restoration potential is</b>			
<b>14. Site selection – how to maintain environmental improvements by selecting optimal sites</b>			
<b>15. Lack of uptake of new technology</b>			



The proposed solutions below are those that received 3 or more 'votes' from delegates in the workshop. They are taken verbatim from post it notes written in the workshop, and have not been amended or interpreted. The figure in brackets is the number of votes that the proposed solution received during the workshop.

### **Top proposed solutions**

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1. eDNA to overcome the oyster scrubbing issue (6)
2. Visual inspection and eDNA testing and validation (6)
3. Clarity on what 'guidance' is mandatory/legally required vs what is just advice (6)
4. Local hatcheries or nurseries that are taking in from bio-secure hatchery (5)
5. Better documentation/understanding of monitoring requirements (5)
6. Centre of excellence to provide best practise on restoration in Scotland – linking to things like NORA – but incorporating all enhancement species/habitats (future proof) (5)
7. Exemption orders (marine licenses) (5)
8. Shared experts who support community projects across Scotland (4)
9. Form a working group with reps from all government agencies, and communities (3)
10. Update licensing system to treat restoration/enhancement differently to commercial/development activities (3)
11. Early contact with Marine Directorate, and their Licensing and Operations team (3)

The top solutions above have subsequently been categorised in box 1 on the next page, which outlines 4 priority areas. Each suggested solution is listed accordingly under each priority area (in bold italics). Further discussions will be needed on each of these priority areas, to better understand which solutions might be viable, and if so, how to move forward with them.

## Top 4 priority areas

### 1. Biosecurity

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*Biosecurity solutions are suggested as a top priority, e.g.:*

- ***eDNA testing to overcome the oyster scrubbing issue (solution 1)***
- ***Visual inspection and eDNA testing and validation (solution 2)***
- ***Local hatcheries or nurseries that are taking in from bio-secure hatchery (solution 4)***

### 2. Documentation and guidance

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*Guidance and documentation were suggested including the following topics:*

- ***Better documentation/understanding of monitoring requirements (solution 5)***
- ***Clarity on what 'guidance' is mandatory/legally required vs what is just advice (solution 3)***
- ***Early contact with Marine Directorate, and their Licensing and Operations team (Solution 11)***

### 3. Expert group development

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*Bringing experts/expertise together to support future efforts was considered a priority. Some of the ideas suggested:*

- ***Centre of excellence to provide best practise on restoration in Scotland (solution 6)***
- ***Shared experts who support community projects across Scotland (solution 8)***
- ***Form a working group with reps from all government agencies, and communities (solution 9).***

### 4. Updates/amendments to processes

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*It was considered an important solution to look into whether regulatory processes can be updated/amended in the future, e.g.,*

- ***Exemption orders (marine licenses) (solution 7)***
- ***Update licensing system to treat restoration/enhancement differently to commercial/development activities (solution 10).***

*Box 1. The top 11 proposed solutions (transcribed verbatim from the workshop post it notes) have been categorised under 4 main priority areas. Further discussions are needed on the priority areas and solutions, to provide further clarity, and better understand which solutions are viable.*

## Summary

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The workshop was an opportunity for those working on Scotland's marine restoration projects, and those advising or providing licenses and permits for marine restoration activities, to meet face to face. This was a chance to build new relationships, in order to support ongoing and future marine restoration efforts across Scotland.

This workshop report documents the challenges and solutions that were outlined during the workshop, and categorises them in order to help provide some priorities moving forward. The challenges and solutions are transcribed verbatim from the post its notes written in the workshop by the delegates.

New [guidance](#) was published just before the workshop, and therefore some of the challenges outlined might be addressed by the guidance, once it starts to be used by those delivering projects on the ground.

Some challenges and possible solutions were suggested that lie outside of the scope of this workshop theme (licensing and permitting processes). They are listed in table 1, e.g., oyster and seagrass seed supply, how to reduce pressures to enhance natural restoration, etc. but have not been included in the priorities due to the fact that they lay outside of the focus of the workshop.

## Next steps

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Now there is an opportunity for the delegates to work together to investigate further some of the priority solutions suggested. There needs to be further discussions around the viability of the solutions that were suggested, as this was not covered sufficiently in the workshop itself.

The delegates (see next page) can also help to direct projects to the right individuals in other organisations/bodies.

Those already delivering projects, or thinking about starting projects, can consult the new [guidance](#), published by SMEEF and Marine Directorate, in addition to the existing NatureScot guidance. They should contact the relevant body/organisation with any questions, as early as possible in the planning stages. This could help towards addressing the 'documenting and guidance' priority above.

Some bodies/organisations that were not at this workshop should/could be engaged where relevant (e.g., SEPA, Marine Directorate's Fish Health Inspectorate, etc.).

## Delegates

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The following individuals participated in the workshop:

Participant	Organisation
Anni Mäkelä	Marine Directorate - Licensing Operations Team
Peter Sparrow	Marine Directorate - Licensing Operations Team
Kirsten Watson	Marine Directorate - Licensing Operations Team
Bernadette Moloughney	Marine Directorate
Annie Breden	Crown Estate Scotland
Toby Sandison	Crown Estate Scotland
Cass Bromley	NatureScot
Carol Hume	NatureScot
Ben James	NatureScot
Sarah Brown	SMEEF
Vasiliki Katsorida	SMEEF
Francis Williams	Moray Ocean Community and CCN
Lyndsey Dodds	WWF
Naomi Arnold	WWF
Danny Renton	Seawilding and CCN
Ailsa McLellan	Seawilding and CCN
Rosslyn Barr	Edinburgh Shoreline, Restoration Forth and CCN
Annabel Lawrence	CAOLAS and CCN
Texa Sim	CAOLAS and CCN

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*Marine Directorate marine licensing contact email: [md.marinelicensing@gov.scot](mailto:md.marinelicensing@gov.scot)*

## Useful links

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### Guidance

1. [SMEEF | Marine Restoration Toolkit](#)
2. [Marine Directorate | Marine licensing: Marine Habitat Restoration Projects: Supplementary guidance](#)
3. [Marine Directorate | Marine licensing: considerations before submitting an application](#)
4. [NatureScot | Marine and coastal enhancement projects within Scottish inshore waters - Guidance on scoping a proposal](#)



### Reports:

1. [The Coastal Communities Network shared vision for marine restoration](#)
2. [Marine Restoration in Scotland: Defining a potential for a shared vision](#)
3. Crown Estate Scotland will soon publish a report on marine restoration potential in Scotland
4. WWF have commissioned a report researching the relevant regulatory frameworks for seagrass restoration and seaweed farming across the UK. The report, which will be published soon, will outline licensing requirements and identify gaps, barriers and areas in which the regulatory regime can be reformed to work better for these projects in future

### Timeline example:

1. [Seagrass Restoration Permissions Timeline \(tiki-toki.com\)](#), from the Restoration Forth project

## Acknowledgements

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Thank you to all the delegates for travelling to Edinburgh for the in-person workshop and for contributing so much of your time and energy to these important discussions. [The Heart of Newhaven Community Centre](#) – a partner in the [Restoration Forth](#) project – kindly hosted the workshop, for which we are very thankful. Food was provided by [Xanders](#).