

Table 1 Overview of main activities and regulators in the marine and coastal environment

Issue or Activity	Regulator/s	Relevant legislation	Possible approaches to the powers and functions of a coastal and marine National Park *		
			NPA as planner, enabler, manager and regulator		
			NPA as planner, enabler and manager		
			NPA as planner and enabler		
Natural heritage	SEERAD, SNH, local authorities and public bodies	Habitats/Birds Directives Wildlife & Countryside Act 1981 Nature Conservation Scotland Act 2004	<ul style="list-style-type: none"> Address issues through Park Plan Support to local biodiversity group Prepare NSA management strategies 	<ul style="list-style-type: none"> Marine byelaw making powers from WCA Act 1981 Use of byelaws and management agreements Statutory consultee 	<ul style="list-style-type: none"> Land management order powers (from NCA 2003)
Cultural heritage	Historic Scotland	Ancient Monuments & Archaeological Areas Act 1979 Protection of Wrecks Act 1973 War Graves	<ul style="list-style-type: none"> Address issues through Park Plan 	<ul style="list-style-type: none"> Use of byelaws and management rules Statutory consultee 	
Access, recreation and tourism	SEERAD, local authorities, SNH, MCA	Bathing Water Directive Countryside Acts Scotland 1967 & 1968 Civic Government (Scotland) Act 1982 (includes byelaw making powers) Land Reform (Scotland) Act 2003	<ul style="list-style-type: none"> Address issues through Park Plan Support to local access forum Support for local ranger services 	<ul style="list-style-type: none"> Provision of Park ranger service Use of byelaws and management rules Statutory consultee 	<ul style="list-style-type: none"> Access Authority
Inshore Fisheries (up to 6nm)	SEERAD, (SIFAG), FRS, SFPA	Inshore Fishing (Scotland) Act 1984 Sea Fisheries (Wildlife) Act 1992 Sea Fisheries (Shellfish Act) 1967 Sea Fisheries (Conservation) Act 1967 & 1992	<ul style="list-style-type: none"> Address issues through Park Plan Support to non-statutory IFGs Support to regulating order organisations 	<ul style="list-style-type: none"> Statutory consultee 	<ul style="list-style-type: none"> Powers to request regulating and several orders
Aquaculture	Local Authorities, <i>The Crown Estate</i> , SEPA	Fisheries Act 1981 Control of Activities Regulations 2005 Coast Protection Act 1949 Food & Environment Protection Act 1985 Water Environment and Water Services (Scotland) Act 2003 EIA (fish farming in marine waters) Regulations	<ul style="list-style-type: none"> Address issues through Park Plan Support for preparation of local aquaculture frameworks Support to Area Management Groups 	<ul style="list-style-type: none"> Statutory consultee 	<ul style="list-style-type: none"> Full planning authority (once WEWS comes into play) Delegation of lease arrangements from <i>The Crown Estate</i>

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Offshore Renewables	DTI, SE	Electricity Act 2004 Coast Protection Act 1949 Food & Environment Protection Act 1985	<ul style="list-style-type: none"> Address issues though Park Plan 	<ul style="list-style-type: none"> Statutory consultee 	
Oil & Gas	DTI, SE	Petroleum Act 1998 & Regulations Coast Protection Act 1949 Food & Environment Protection Act 1985 EIA/SEA regulations	<ul style="list-style-type: none"> Address issues though Park Plan 	<ul style="list-style-type: none"> Statutory consultee 	
Shipping & transport (ferries)	DfT SE MCA	IMO regulations Merchant Shipping & Maritime Security Act 1997 Merchant Shipping Act 1995	<ul style="list-style-type: none"> Address issues though Park Plan 	<ul style="list-style-type: none"> Statutory consultee 	
Submarine cables & pipelines	<i>The Crown Estate</i> SEERAD (FRS)	Lease arrangements Food & Environment Protection Act 1985 Coast Protection Act 1949 Petroleum Act 1998 & Regulations	<ul style="list-style-type: none"> Address issues though Park Plan 	<ul style="list-style-type: none"> Statutory consultee 	<ul style="list-style-type: none"> Delegation of lease arrangements from <i>The Crown Estate</i>
Moorings	<i>The Crown Estate</i>	Lease arrangements Coast Protection Act 1949	<ul style="list-style-type: none"> Address issues though Park Plan 	<ul style="list-style-type: none"> Statutory consultee 	<ul style="list-style-type: none"> Delegation of lease arrangements from <i>The Crown Estate</i>
Aggregate extraction & dredging	<i>The Crown Estate</i> SEERAD, SEDD Ports Division	Coast Protection Act 1949 Government View Procedures Possibly FEPA pt II (1985) in some cases	<ul style="list-style-type: none"> Address issues though Park Plan 	<ul style="list-style-type: none"> Statutory consultee 	
Military activities	MOD	Land Powers (Defence) Act 1958 Military Lands Act 1990	<ul style="list-style-type: none"> Address issues though Park Plan 	<ul style="list-style-type: none"> Statutory consultee 	

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Discharges & disposals	SEPA SEERAD (FRS)	Controlled Activities Regulations 2005 Food & Environment Protection Act 1985 Part II (Deposits in Sea) Bathing Waters (Classification) (Scotland) Regulations 1991 Urban Waste Water Treatment (Scotland) Regulations 1994 Shellfish Water (Classification) (Scotland) Regulations 1997	<ul style="list-style-type: none"> Address issues through Park Plan 	<ul style="list-style-type: none"> Statutory consultee 	
Ports & harbours	Harbour & port authorities	Harbours Act 1964 (including Harbour Empowerment and Harbour Revision orders) Harbour Works (EIA) Regulations (as amended) 1999 Coast Protection Act 1949	<ul style="list-style-type: none"> Address issues through Park Plan 	<ul style="list-style-type: none"> Statutory consultee 	<ul style="list-style-type: none"> Port or Harbour Authority powers
Coastal development	Local authorities, SEED, SEERAD, FRS	Town & Country Planning Act (Scotland) 1997 Food & Environment Protection Act 1985	<ul style="list-style-type: none"> Address issues through Park Plan Statutory consultee 	<ul style="list-style-type: none"> Statutory consultee (with call-in powers for NPA or SMs) 	<ul style="list-style-type: none"> Full planning authority (development plan and development control)
Coastal Defence and Coastal flood prevention	Local authorities SEERAD, SEPA	Coast Protection Act 1949 Flood Prevention Scotland Act 1961 Controlled Activity Regulations 2005	<ul style="list-style-type: none"> Address issues through Park Plan Support to local flood prevention groups 	<ul style="list-style-type: none"> Statutory consultee 	<ul style="list-style-type: none"> Coastal protection powers
Beach cleaning	Local authorities, SEPA	Environment Protection Act 1990	<ul style="list-style-type: none"> Address issues through Park Plan 	<ul style="list-style-type: none"> Statutory consultee 	<ul style="list-style-type: none"> Beach cleaning powers

Works licensing scheme in Shetland & parts of Orkney apply to aquaculture, oil & gas, etc. UK bodies are indicated by italics. Separate legislation and regulations apply to offshore fisheries beyond 6nm.

In addition to the specific powers and functions suggested above, the National Parks (Scotland) Act 2000 also provides the Park Authority with a number of 'core' powers and functions. These include the ability to: employ staff; make charges; provide advice and assistance; undertake research; give grant; purchase and manage land; promote or oppose private legislation; make and enforce National Park bylaws; develop management rules; enter into contracts; carry on any business or undertaking; form or promote private companies and partnerships; and accept gifts or contributions etc.

* These approaches to the powers and functions of a coastal and marine National Park Authority are described further in paragraphs 7-12 .