Pilot Pentland Firth & Orkney Waters Marine Spatial Plan

Lessons Learned

March 2016

marine scotland

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Report prepared by the Pilot Pentland Firth and Orkney Waters working group

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FOREWORD

This document outlines the steps taken to develop the non-statutory pilot Pentland Firth and Orkney Waters Marine Spatial Plan and the lessons learned during the process. It aims to provide guidance to support the development of subsequent statutory Regional Marine Plans in Scotland, which will be developed by Marine Planning Partnerships. The report explains what worked well and the various challenges faced through the pilot marine planning process.

ACKNOWLEDGEMENTS

This document has been produced taking into account the input from the project working group, advisory group, local communities, numerous Scottish Government staff, academic collaborations, various public engagement events, stakeholder meetings and best practice events on marine spatial planning. We are therefore grateful for all the help, support and enthusiasm from the people that have contributed to this project and hope this document is useful to marine spatial planning practitioners, developers and local coastal communities around Scotland and beyond.

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TABLE OF CONTENTS

TABLES, FIGURES, MAPS AND PHOTOGRAPHS

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Summary of Key Points

Governance

- Small core working group works well: requires full-time staff with a mix of expertise including planning, project management, stakeholder engagement and environmental disciplines
- Need at least one qualified/experienced planner in the core group
- Need one person with good organisational skills to manage the whole project, supported by dedicated administrative staff
- Governance Paper helps clarify roles, authority and approval processes
- Wider advisory group helps keep process on track, adherence to legal requirements and provides a range of expertise
- Ensure it is clear from the outset who is dealing with the various additional statutory documents required and what decision-making powers the actual plan-makers have
- Setting up sub-groups to deal with specific topics would be helpful for detailed input and was perhaps lacking in this marine plan process
- Ensure clarity on the intended status of the marine spatial plan from the outset

Project Management

- Be clear from the outset who has overall responsibility for managing the plan making process and who is responsible for providing administrative support
- Set out clear steps to achieve outcomes desired with realistic timescales
- Recording and addressing consultation responses requires significant time which should be appropriately built into the work programme
- Be aware of how much staff time will be required and build in flexibility to accommodate delays
- Ensure software used is accessible/compatible for all core users
- Have a secure, shared electronic space for documents
- Ensure compliance with the National Marine Plan and related documents
- There is a need to build in the Strategic Environmental Assessment and related requirements
- Make use of digital media to reduce need for face-to-face meetings
- Need ongoing, quality Continuing Professional Development
- Define workloads based on individual team member strengths
- Define how commercial aspirations will inform the process
- At the outset, undertake a skills audit to identify the appropriate skills required to produce the plan

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Resources

- Be clear from the outset what funding is available and where it will be allocated
- Staff costs are the most significant resource therefore need to be aware of how much staff time will be required
- From May 2012 when the Council's joined the MSP project until Spring 2016, it took the equivalent of 2 Full Time Equivalent staff to prepare the Plan and associated documents
- Need access to GIS expertise either within the working group or with time allocated to the project
- Significant value can be obtained from in-kind donations e.g. staff time
- Local knowledge is a significant resource that must be harnessed effectively
- Public consultation (and associated printing costs and publicity) can be relatively expensive and resource intensive
- Significant input from numerous Scottish Government staff was required to prepare the many supporting documents

Plan making process

- Ensure existing 'Lessons Learned' reports and wider experiences of marine spatial planning are studied from the outset
- Start data gathering exercise early to provide an evidence base and to identify data gaps from the outset
- Work with appropriate partners to address these data gaps (where possible), identify resources and prioritise future data collection activities
- Establish a web based GIS system to support the marine spatial plan and provide up to date spatial data e.g. National Marine Plan interactive (NMPi)
- Carrying out a planning issues and options stage in the plan making process was beneficial for this project
- Identify the spatial approach at an early stage e.g. will the Plan identify opportunities for future development
- Agree consistent terminology for plan policies and supporting text and formatting and reference styles early on in the process to save time and effort later on
- Ensure sufficient time is allowed for the plan-making process, building in suitable allowance and flexibility for all committee/sign-off requirements
- Determine the evaluation methods to be used relatively early on in the process

Preparing supporting documents

- Be clear from the outset what is required and who will lead on the various support documents required

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- Producing Regional Locational Guidance provides a useful starting point for providing baseline evidence
- Additional studies at plan or sub-plan level may be required to address data gaps therefore need to ensure appropriate time and resources are allocated to them
- Significant data are now available on NMPi to provide baseline evidence
- The Sustainability Appraisal is a significant undertaking, requiring detailed specialist knowledge
- Be clear about the intended status of the supporting documents and their relationship to the Plan
- Consultation and Modifications reports provide transparent evidence on the process and are useful *aide de memoirs* for the plan making staff
- Agree efficient processes for responding to consultation and documenting the outcomes
- As the Marine Planning Partnerships (MPP) will be working on long-term statutory plans, the Lessons Learned process will help their plans evolve efficiently

Engagement

- Have at least one person dedicated to stakeholder engagement activities e.g. a Plan Communications Officer
- Establish and continually update a stakeholder contacts database
- Provide regular, short updates on progress via email or newsletter
- Keep website up to date
- Promote collaboration with academic research to help ensure most up to date information is utilised
- Ensure most popular local media channels are used e.g. local websites, blogs, Facebook groups
- Ensure all MPP members use every opportunity to promote the Plan at every stage
- Consider innovative engagement methods to involve wider stakeholders beyond the 'useful suspects'
- Measurable targets are yet to be developed to support how well-being, quality of life and amenity will be determined
- Use of Citizen Science coastal and marine projects may be a good way to involve local communities

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General discussion

- Subsequent Marine Planning Partnerships should explore ways to streamline their plans and their plan making process e.g. overarching national guidance on generic issues
- Absence of agreed specific measurable targets for marine planning requires further research
- Explore ways in which data gaps can be addressed, including citizen science
- Ensure close collaboration with neighbouring marine regions and local authorities to ensure effective integration
- Prior to the development of statutory Regional Marine Plans, the pilot Pentland Firth and Orkney Waters Marine Spatial Plan can be used as a significant resource to support projects and activities

Future considerations

- From the earliest stage, determine what the partnership wants their plan to deliver, taking time to establish a joint vision and set of objectives
- Identify which data gaps can realistically be addressed and associated resources
- Expectations of what can realistically be delivered needs to be carefully managed as the process of marine spatial planning evolves

Summary of what worked well

- Partnership between Marine Scotland and local planning authorities
- Developing a plan that reflects the aspirations of local communities as well as national policy priorities
- Good small core team with an appropriate mix of expertise
- Willingness of core agencies to actively participate in advisory group
- Planning Issues and Options stage to engage stakeholders to shape the plan early in the process to gauge priorities, inform vision, aims and objectives, and scope the policies
- Engaging stakeholders in identifying the scope of what policies should cover and policy drafting
- Use of National Marine Plan interactive as a web based mapping tool
- The substantial resources produced i.e. in the form of the Plan and all its supporting documents, which will help support fragile local communities in North Caithness and Sutherland and Orkney by providing a wealth of marine data on a variety of issues and sectors

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Summary of challenges

- Initial largely marine renewable energy focus of the plan
- Stakeholder database crashed (June 2013)
- Managing decision making across multiple organisations
- Not always clear on sectoral priorities from the outset
- Needed a more structured approach to engage sectoral interests
- Differing stakeholder expectations of what the project could realistically deliver
- Difficult to develop a clear direction for future development and activities within a non-statutory plan
- Resource constraints restricted ability to address some identified data gaps and to deliver a spatial strategy for future development
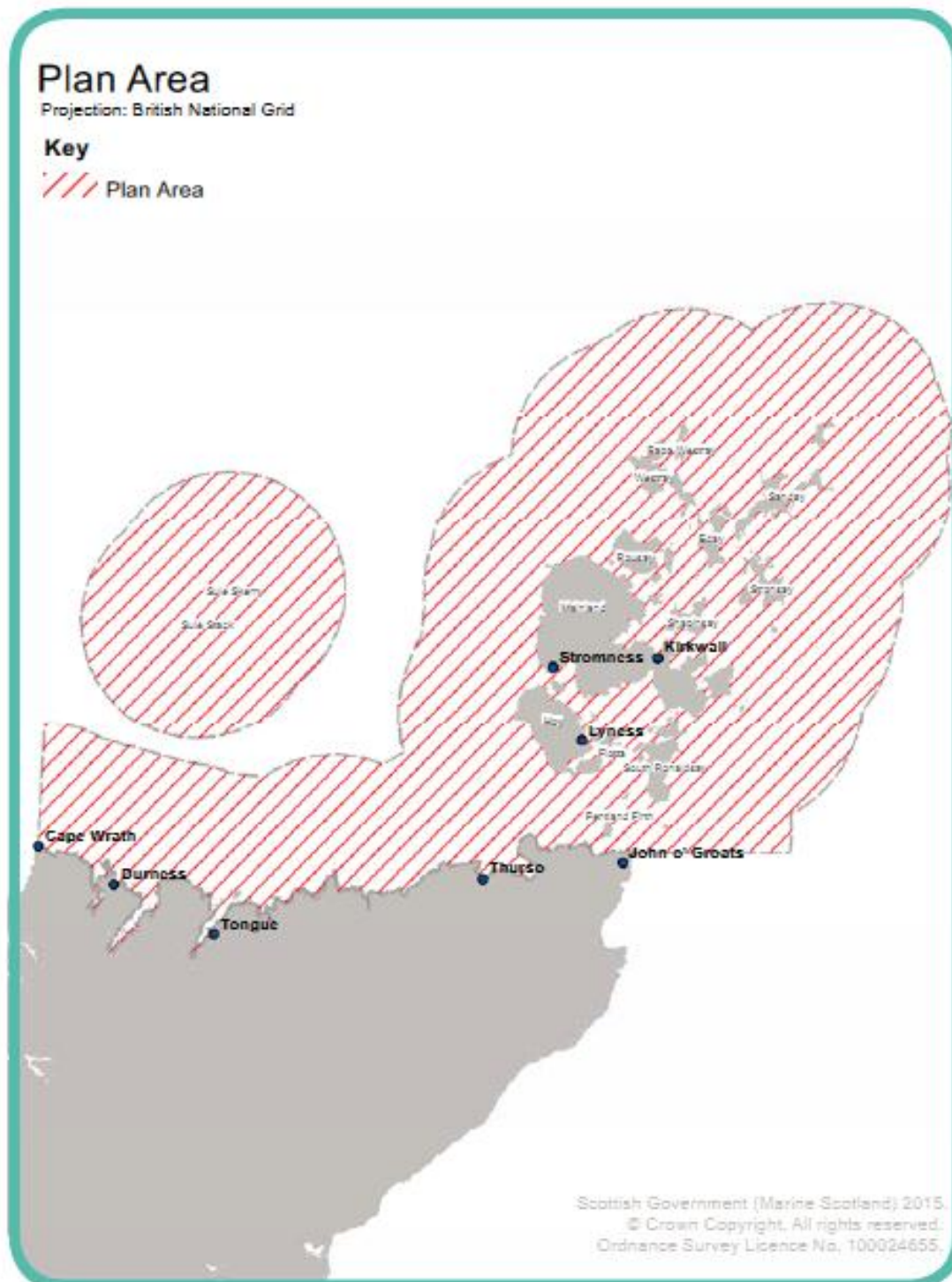
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1   Introduction

Context

1.1   This document outlines the 'Lessons Learned' from the process of developing a non-statutory pilot marine spatial plan for the Pentland Firth and Orkney Waters (see Map 1). The pilot project was developed to provide a framework in advance of statutory regional marine planning to support sustainable decision-making on marine use and management. It was also an opportunity to trial the processes and stages required to develop a regional marine plan.

1.2   The Pentland Firth and Orkney Waters area was initially chosen as the pilot area due mainly to the potential growth of marine renewable energy projects in the area, which already supported a wide variety of marine industry in a high quality environment. The pilot process would allow, as far as practically possible, the processes required to develop a marine spatial plan to be trialled in line with the requirements of the Marine (Scotland) Act 2010, whilst allowing the flexibility of a non-statutory plan making process. As also acknowledged in the Shetland marine spatial plan making process (Kelly et al. 2012) this Plan may not 'get it quite right' at the first attempt in this evolving arena of marine planning (Ehler, 2008) but it provides a comprehensive basis from which to develop subsequent regional marine plans.

1.3   Through this pilot marine planning process, effective ways have been considered on how to:

- Consult stakeholders and communities to develop a strategic vision, objectives and plan policies
- Where possible and practical, streamline the processes for input from stakeholders
- Document the process of developing a pilot Marine Spatial Plan so that it can then be utilised by future marine spatial planners i.e. to develop regional marine plans across Scotland
- Consider appropriate governance arrangements
- Develop an integrated marine and land use planning policy framework
- Develop effective and productive joint working relationships across Scottish Government and Local Authority staff
- Identify lessons learned to effectively deliver marine plans at the regional level

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Plan Area
Projection: British National Grid

Key

/// Plan Area

Scottish Government (Marine Scotland) 2015.
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Map 1: Geographic coverage of the pilot Pentland Firth and Orkney Waters marine spatial plan. This area combines the two Scottish Marine Regions of Orkney and the North Coast

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2   Background to marine planning

Background

2.1   The development of a marine spatial plan is a complex process, combining science, management and politics (Olsen *et al.*, 2014). Undertaking marine spatial planning incorporates ecological, economic and social data to mitigate human impacts on the marine environment and to inform decision-making (Jarvis *et al*, 2015). It is starting to be introduced from an almost zero baseline (Glegg, 2014). The last fifteen years or so has seen a marked change from management of individual marine sectors, e.g. shipping, military zones, aquaculture, to a more integrated strategic approach (see Douvere, 2008). The evolution of marine spatial planning has therefore been developed out of the need to manage growing use, and therefore at times conflict, between different marine users. This has been coupled with the growing recognition that the marine environment requires protection measures to ensure its ecological quality is maintained and where required, enhanced.

2.2   A key driver for marine planning in Europe is the Marine Strategy Framework Directive (MSFD)[1] (2008). This set eleven 'Good Environmental Status Descriptors' that aim to achieve Good Environmental Status (GES) of the EU's marine waters by 2020. It also aims to protect the resource base upon which marine-related economic and social activities depend. It is the first EU legislative instrument related to the protection of marine biodiversity, as it contains the explicit regulatory objective that "biodiversity is maintained by 2020", as the cornerstone for achieving GES. The Directive enshrines in a legislative framework the ecosystem approach to the management of human activities having an impact on the marine environment, integrating the concepts of environmental protection and sustainable use. In addition, this was more recently followed by the EU Directive on establishing a framework for maritime spatial planning[2] (2014). This requires member states, other than those landlocked, to produce a maritime spatial plan by March 2021. At UK level, these

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[1] MSFD http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0056
[2] EU Marine Spatial Planning Directive http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.257.01.0135.01.ENG

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aims are supported by High Level Marine Objectives (HLMO) in the UK Marine Policy Statement[3] (2011).

2.3   At the Scottish level, marine planning was trialled in 2006 – 2010 via the Scottish Sustainable Marine Environment Initiative (SSMEI) project, which was a unique and innovative approach to marine planning in Scotland. It aimed to develop and test new approaches to improve the sustainable management of Scotland's marine environment through the establishment of pilot projects. Designed to build upon and complement existing UK marine initiatives such as the Marine Management Organisation (MMO) marine planning projects, it aimed to gain an understanding of the nature, value, and management needs of Scotland's marine environment. It also aimed to identify alternative management approaches, with a view to ensuring new management initiatives and possible future legislation resulting in a truly sustainable framework. Four pilot areas were involved: The Firth of Clyde, Shetland Isles, The Sound of Mull and the Berwickshire coast[4].

2.4   The main driver for regional planning in Scotland is the Marine (Scotland) Act 2010[5], which in turn led to the production of Scotland's National Marine Plan[6] in March 2015. The Pentland Firth and Orkney Waters Marine Spatial Plan (PFOW MSP) was developed in line with these documents and was also able to draw upon the progress already made by other work in this evolving field of work. Some of the most useful examples are shown in Table 1 below, showing both theoretical and practical examples of marine planning.

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[3] UK Marine Policy Statement
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69322/pb3654-marine-policy-statement-110316.pdf
[4]SSMEI summary http://www.gov.scot/Topics/marine/seamanagement/regional/activity/SSMEI
[5] Marine (Scotland) Act http://www.gov.scot/Topics/marine/seamanagement/marineact
[6] National Marine Plan http://www.gov.scot/Publications/2015/03/6517

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Table 1: Examples of marine plans & guidance

Document/Date	Comment	Link
BaltSeaPlan Findings: Experiences and Lessons 2013	This concisely and clearly outlines the findings of 8 MSP pilot projects covering the Baltic Sea.	http://www.baltseaplan.eu/index.php/Reports-and-Publications;809/1#findings
MMO East Inshore and East Offshore Marine Plans 2014	These are the first statutory English marine plans, which cover Flamborough Head to Felixstowe. Offshore wind is a key consideration for these plans.	https://www.gov.uk/government/publications/east-inshore-and-east-offshore-marine-plans
Shetland Marine Plan	This Plan has undergone a number of iterations as knowledge of the area & the MSP process increased. It is one of the first of two statutory regional marine plans currently being developed in Scotland.	http://www.nafc.uhi.ac.uk/departments/marine-science-and-technology/strategy/marine-spatial-planning
Firth of Clyde Marine Spatial Plan 2010	The Firth of Clyde Marine Spatial Plan will be revised in phase 1 of the statutory regional marine plans in Scotland.	http://clydeforum.com/marine-planning
National Marine Plan 2015	The National Marine Plan (NMP) was published in March 2015. It provides the overarching guidance to the regional Marine Planning Partnerships.	http://www.gov.scot/Topics/marine/seamanagement/national
Scotland's Marine Atlas 2011	The atlas provides a wealth of baseline data that helped shape the National Marine Plan.	http://www.gov.scot/Topics/marine/science/atlas
NMPi	This extensive GIS database provides up to date map layers of physical, ecological and economic data to help inform all aspects of marine planning in Scotland.	https://marinescotland.atkinsgeospatial.com/nmpi/

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Stages undertaken to develop the plan

2.5   In order to develop the Plan, the following stages were undertaken as discussed below and summarised in Figures 1 & 2. Marine Scotland initiated a project to pilot marine spatial planning in the PFOW area after discussions between Scottish Government, the Crown Estate, Highland Council and Orkney Islands Council. The main issue discussed was the emerging potential for wave and tidal energy developments and the need to explore marine planning as a tool to minimise conflict and promote sustainable use of the seas.

2.6   The first stage of the project developed a marine spatial plan framework[7] (2010/2011), which defined the overall three stage process used to develop the Plan (see Section 6). This included an interactions matrix that aimed to identify where an interaction was likely to occur between different marine sectors and activities. It also identified the likely extent of the interaction as small, medium or large but did not provide any assessment of whether an interaction was positive or negative.

2.7   The framework was accompanied by regional locational guidance. This aimed to provide guidance to marine renewable energy developers on potential areas of opportunity and progress the marine spatial planning process to enable stakeholders and decision makers to consider wider marine issues.

2.8   In April 2012, a working group was set up that included Marine Scotland and the two local planning authorities, Orkney Islands Council and the Highland Council to progress Stages 2 and 3 of the framework. The aim having the local authorities as part of this group was to provide local knowledge and bridge the gap between national government and local communities. Within a few months, a Plan Scheme (a proxy for a Statement of Public Participation as required by the Marine (Scotland) Act 2010) was produced. It set out the proposed indicative timeline and processes for developing the marine spatial Plan. This was circulated via a data base of stakeholders, which was set up and added to throughout the plan-making process. It was made up of over 250 representatives from a wide range of organisations and individuals with an interest in at least one element of the marine activities covered in the Plan.

2.9   Before the Plan was drafted, a series of options for the type of issues that should be covered were consulted upon in July 2013. This was in the form of a Planning Issues and Options Consultation Paper (known as the 'PIOP'). This was

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[7] Marine plan framework
http://www.gov.scot/Topics/marine/seamanagement/regional/activity/pentlandorkney/one

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circulated to all the stakeholders and a series of public events were held in Caithness and Orkney. These included round-table workshops with representatives of many of the key industries, statutory agencies, local councillors, environmental and leisure non-governmental organisations (NGO) and interested individuals. The information gathered greatly helped in shaping the draft Plan and ensured public engagement from an early opportunity (see Section 8 for further information).

2.10   The marine plan was then drafted by the working group which consisted of one full time member of staff from Marine Scotland and two 0.5 full-time equivalent (FTE) staff from Orkney Islands Council and Highland Council respectively (see Section 3). It was underpinned by a series of documents, including those statutorily required and others developed to inform the plan-making process. These included a Sustainability Appraisal consisting of a Strategic Environmental Assessment, Socio-Economic Assessment and a Habitats Regulations Appraisal Record; a Business and Regulatory Impact Assessment (BRIA), an Equality Impact Assessment (EQIA), a Socio-Economic Baseline Review, Regional Locational Guidance and a Post Adoption Statement. These were produced with significant input from other Scottish Government staff (see Sections 3 & 7 & Appendix 4 for more details).

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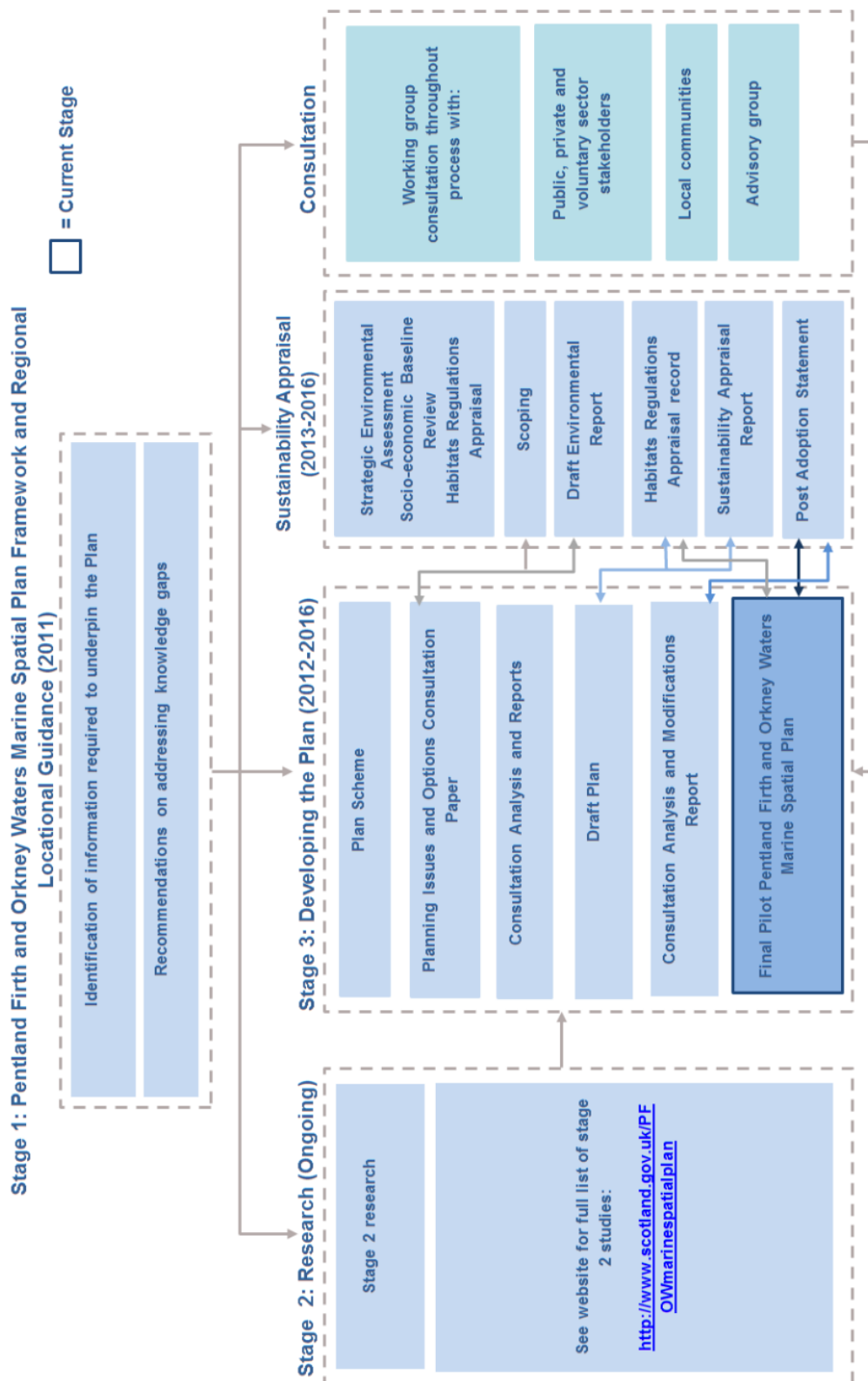
Figure 1: Plan preparation and policy development process.

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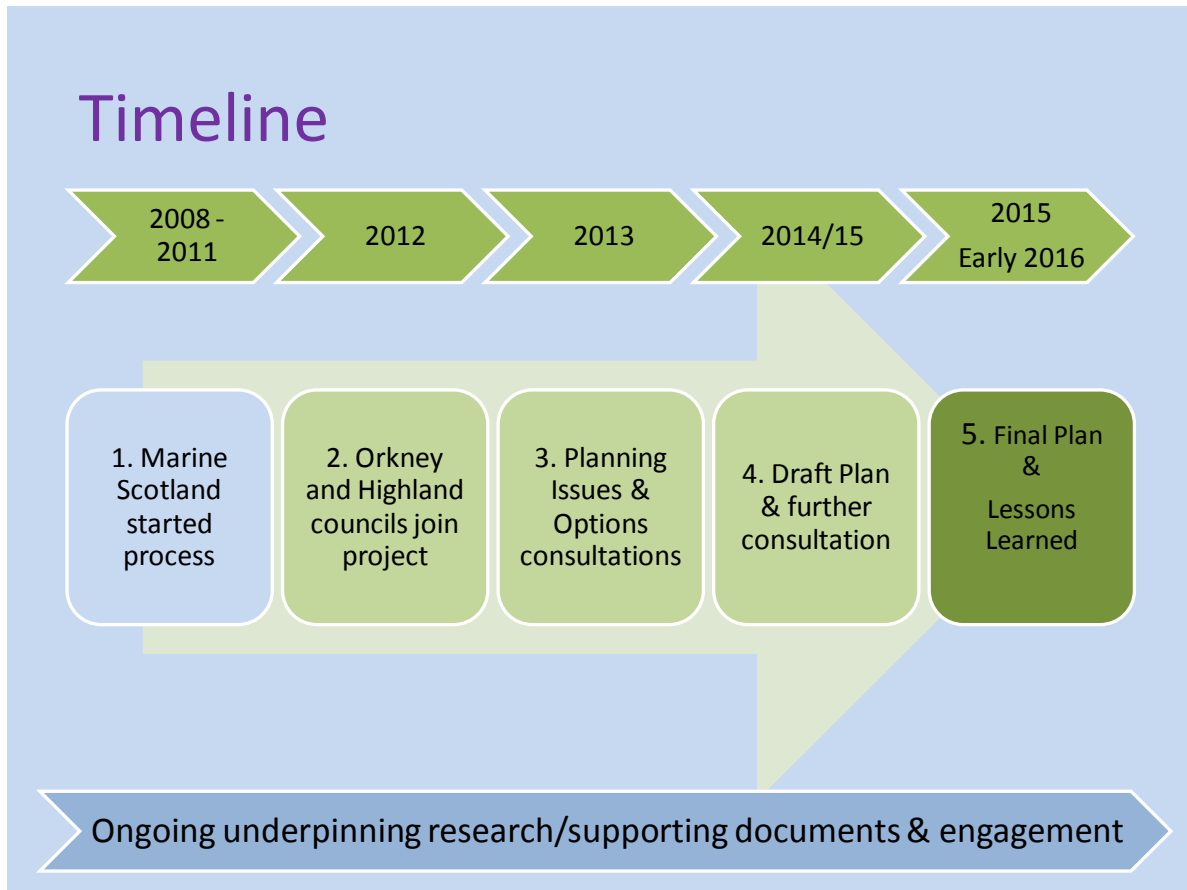
Figure 2: Summary of timeline to produce the Pentland Firth & Orkney Waters Marine Spatial Plan

Key Themes

2.11   The following Sections 3-8 provide information about the lessons learned from developing this marine spatial plan, split by key themes that should be considered when developing a subsequent statutory regional marine plan. Each section lists then discusses the detailed processes and effectiveness of each of these elements and general considerations. This is followed by a wider discussion then a list of supporting evidence: where applicable, details of this evidence can be found in the appendices. Given the integrated nature of the process of developing a marine plan there will be an element of cross-over in the topics covered. However, this only highlights the need for careful planning of all the elements required to produce an effective, integrated marine plan with appropriate stakeholder and community engagement.

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2.12   Sections 9-10 discuss the lessons learned in relation to the effectiveness of the overall plan-making process and future considerations, followed by conclusions and a summary of key challenges and what worked well in Section 11.

Photographs of PFOW Marine Spatial Planning in action:

Clockwise from top left: Working group, Reaching out to international audiences in Reykjavik, Engaging audiences of all ages in Stromness.

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3   Governance

Topics covered:

a) Working group   c) Additional staff input
b) Advisory group

3.1   The initial project was led by a member of Marine Scotland, who worked mainly on the production of the Marine Spatial Planning Framework and Regional Locational Guidance. When they moved on to other work in April 2012, the process of preparing the plan was allocated to another member of staff who took the project forward to completion. This included the management of the project and managing elements of funding (see Section 5 for more details). Local authority staff also joined the project in April 2012 to form a working group; these three staff formed the core group tasked with the delivery of the project.

3a) Working group

3.2   The three core staff were:

* a Renewables Manager from Marine Scotland, based in Aberdeen (full-time);
* a Senior Policy Planner from Orkney islands Council based in Orkney (0.5 FTE) and
* a Coastal Planner from Highland Council, based in Inverness and Wick (0.5 FTE).

Each staff member had a good variety of marine scientific, ecological and planning skills (see Table 2). This ensured there was a balanced mix of expertise that helped drive the project forward.

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Table 2: Summary of working group's skills

Renewables Manager	Senior Policy Planner	Coastal Planner
BSc Environmental Studies MSc Biology of Water Resource Management Previous role as scientific lead on non-native species in Marine Scotland Science	MA (Hons) Town Planning Chartered member of the Royal Town Planning Institute In the process of completing MSc Marine Spatial Planning 2014-16	BSc (Hons) Coastal Marine Biology MSc Ecology PhD Urban Ecology Previous roles with Scottish Environment Protection Agency and Scottish Natural Heritage provided a mix of policy and ecological skills and knowledge

3.3   A governance paper was drawn up in December 2012 to ensure clarity on the roles of the participating organisations within the working group (see Appendix 1). It highlighted that Marine Scotland was the lead organisation, set out decision making processes for all participating organisations and clarified that the final decision-making authority was Marine Scotland. This document was useful as it provided clarity on the roles and expectations of participants, including Council elected members and associated committees.

3.4   Feedback from the advisory group (see below) highlighted that the small size of the core group and the mix of skills and expertise each brought to the project worked very well, led by the MS project manager. It became evident relatively early on however that additional administration support was required to manage day to day tasks. This was provided within Marine Scotland from June 2014. Subsequent Marine Planning Partnerships (MPP) should ensure they have dedicated administrative support from the outset and an identified project manager (see Section 4).

3b) Advisory group

3.5   To provide expertise and guidance, an advisory group was set up from a range of statutory, business and leisure organisations (see Appendix 2). The advisory group was composed to reflect the requirements of Section 12 of the Marine (Scotland) Act 2010 with representation of public authorities, commercial, recreational and commercial interests. Members were drawn from agencies based across Scotland, from Glasgow to Orkney. This vast geographic spread presented

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some logistical issues for participants; it is possible that subsequent MPPs would be more likely to have a higher percentage of local representatives. However, it is worth noting that some MPP areas e.g. West Coast and the Moray Firth Scottish Marine Regions, cover over 3,500 km of coastline. The use of digital media, tele- and video-conferencing may be useful to help ensure reasonable access to participation. The use of a shared web-based document system is also recommended so that participants can view and amend documents remotely.

3.6   Through discussions within the lead authorities and various stakeholders, it was decided that the size of the advisory group should be kept relatively small. It was felt that involving representatives of every sector and interest would be too cumbersome and would reduce the efficiency of the group. To this end, along with the statutory bodies representing their remits, the economic sectors were represented by Highlands and Islands Enterprise and Ports representatives as they could advise on a range of marine interests, to help ensure appropriate legal and policy requirements were met. In addition, the leisure and recreation interests were represented by the Royal Yachting Association. Feedback from some noted that a wider range of stakeholders on the advisory group may have been more appropriate e.g. fishing interests. However, engagement with individual sectoral and specific interests was undertaken on a policy by policy basis where appropriate. Subsequent MPPs may wish to consider developing more formalised policy development sub-groups to ensure all appropriate stakeholders are more fully engaged in the process.

3.7   Terms of reference were defined for the advisory group to help ensure the group members were clear on their remit (see Appendix 3). A number of key agencies went above and beyond this to help out with scheduled meetings, providing timely guidance and expert input whenever asked. This pro-active approach on their behalf was both much appreciated and helped at key 'pinch-points' in document production.

3.8   A questionnaire circulated to the advisory group members towards the end of the pilot project provided valuable feedback regarding their involvement in the process. Of those that responded, their comments have been incorporated throughout this document and all stated their organisation would be likely to be involved in some way in the subsequent eleven Scottish Marine Planning Partnerships. One agency considered that more effective and proactive use could have been made of the advisory group (see also Section 9).

3c) Additional staff input

3.9   In addition to the above staff, significant input was received from other Scottish Government staff at key stages in the development of the various

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documents supporting the Plan e.g. Draft Strategic Environmental Assessment (SEA) Environmental Report, Sustainability Appraisal including the SEA, Socio-Economic Assessment and Habitats Regulations Appraisal Record (HRA), Socio-Economic Baseline Review and Regional Locational Guidance.

3.10   Some members of the advisory group asked for a skills audit of the working group and advisory group to identify any gaps then identify how these may be filled. Whilst there are insufficient resources to do this, it is considered in Section 10. It is recommended that a skills audit would be a useful tool when considering the appropriate membership of Marine Planning Partnerships.

General Discussion: Governance

3.11   The working group arrangements worked effectively for this project, as discussed above.   However, governance arrangements for subsequent MPPs will vary but given the particular circumstance of this project i.e. Marine Scotland led, it is likely that they will be very different in structure and leadership. It is acknowledged however, that some common core stakeholders are more likely to be participants in most MPPs; these include Scottish Natural Heritage, Scottish Environment Protection Agency and Local Authorities. Collaboration between adjoining MPPs and local authorities will also require careful consideration to ensure coherent marine and terrestrial planning outcomes. The National Marine Plan[8] and Marine Planning Circular[9] provide useful guidance in this regard.

3.12   Those tasked with drafting a marine plan should be very clear on their remit and their degree of decision-making powers. Day to day running of the project should not have to be constrained by repeated delays caused by having to wait for (relatively minor) decisions to be made by a project board, as was the case for one of the preceding SSMEI projects (see paragraph 2.3). Managing decisions across multiple organisations therefore requires careful consideration and management.

3.13   Preparing a Governance Paper and Terms of Reference for the project officers and advisory boards or groups should help ensure clarity of roles and responsibilities from an early stage. Short-term stakeholder subgroups may also help during key stages of plan development; these may be theme or sector specific e.g. tourism or fishing.

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[8] http://www.gov.scot/Publications/2015/03/6517
[9] http://www.gov.scot/Publications/2015/06/5851

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Evidence/Supporting Documents

3.14   Staff qualifications; Governance Paper; advisory group Terms of Reference

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Key points: Governance

- Small core working group works well: requires full-time staff with a mix of expertise including planning, project management, stakeholder engagement and environmental disciplines
- Need at least one qualified/experienced planner in the core group
- Need one person with good organisational skills to manage the whole project, supported by dedicated administrative staff
- Governance Paper helps clarify roles, authority and approval processes
- Wider advisory group helps keep process on track, adherence to legal requirements and provides a range of expertise
- Ensure it is clear from the outset who is dealing with the various additional statutory documents required and what decision-making powers the actual plan-makers have
- Setting up sub-groups to deal with specific topics would be helpful for detailed input and was perhaps lacking in this marine plan process
- Ensure clarity on the intended status of the marine spatial plan from the outset

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4   Project management

Topics covered:

a) Managing project stages
b) Document management & I.T.
c) Meetings
d) Continuing Professional Development
e) Defining workloads

4.1   Effective project management lies at the heart of any marine plan-making process. The Marine Scotland project manager undertook the bulk of the project management tasks, but also had to do much of the administrative duties from April 2012 to June 2014. It soon became very evident that additional administrative support was required; this was provided by an additional member of Marine Scotland staff (employed on a temporary contract) in June 2014. A significant part of that role was spent providing updated maps for insertion into the Plan. The remainder of the tasks included arranging meetings, formatting the documents and maintaining the stakeholder distribution list and project website.

4a) Managing project stages

4.2   The rationale for managing the project was to estimate how much time each set of documents would take to produce and when they would need to be ready to be published. This was dependent on timescales out with the control of the working group in many cases e.g. the need for council committee approval at specific meetings (see below). A timetable was then established working backwards from these dates, taking into account the time needed to approve and print the documents. These timetables were then discussed and agreed with all the people responsible for tasks within the project. The project manager then allocated tasks and kept track of progress.

4.3   When the working group formed, one of the first tasks completed was to set out Plan Scheme (see paragraph 2.8 & Appendix 4). This outlined the indicative timeline and steps proposed to develop the Plan and therefore helped ensure all participants and wider stakeholders had a clear understanding of the proposed process. This type of document should be kept up to date so that wider stakeholders are aware of any changes in the work programme.

4.4   Given the project was a collaboration between three core organisations, this meant at each key stage the documents had to undergo scrutiny through at least three committees or sign-off processes. This had the potential to add significantly to the project timescales, particularly during summer recesses and periods of purdah.

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This effect is demonstrated by the original ambitious timetable given in the Plan Scheme i.e. Plan to be produced by summer 2014 compared to the actual completion deadlines of spring 2016. However, it is not only compliance with committee meeting dates that can cause delay; due to the complexity of the process and the time required for public consultation and subsequent analysis of the responses received, timescales may require flexibility. Subsequent MPPs should ensure therefore they build in sufficient time, depending on the make up of their particular partnership, to accommodate these requirements.

4.5   The development of the pilot Plan ran alongside the development of the National Marine Plan (NMP). The NMP was not published until quite late in the pilot process, so it was important to ensure that the marine spatial plan was being developed in accordance with the NMP. As the project lead was based within Marine Scotland, this was not a significant issue as they had access to early draft stages. As the final NMP is now published, this will not be an issue for subsequent MPPs; they will have to ensure their plan conforms to the NMP and any subsequent related guidance and is compatible with neighbouring regional marine plans and local development plans.

4b) Document management & I.T.

4.6   Documents were stored on a Marine Scotland hosted facility called "Sharepoint", which allowed access to all members of the working group. This ensured that all minutes and agendas, along with all the various documents for publication were hosted in one place. This also helped safeguard version control i.e. only one person could work on a document at a time, ensuring that only one version was drafted and updated. I.T. problems with access to *Sharepoint* towards the crucial end stages of the project caused some difficulties for the local authorities regarding lack of access to all the documents.

4.7   Feedback from the advisory group suggested that it would have been helpful if they could also have worked on a single document held centrally so that all members could see each other's comments. This would allow members to determine if comments made overlapped significantly or if each member focussed on different parts of the document. Setting up a shared electronic space, such as that used by the working group in *Sharepoint* (as discussed above), would be more effective than each person providing comments individually, resulting in multiple versions. This would however require varying degrees of access privileges to ensure suitable data confidentiality of the documents.

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4c) Meetings

4.8   Given the wide geographic spread of the working group, use of tele- and video-conferencing, email and phone calls were used extensively. However, face-to-face meetings were also required on a relatively regular basis; this was done on rotation of office locations i.e. Aberdeen, Inverness, Kirkwall.

4d) Continuing Professional Development (CPD)

4.9   Scottish Marine Spatial Planners Group: Whilst developing the Plan, it was identified that it would be helpful if marine planners from around Scotland could get together to discuss wider marine planning issues. The PFOW was one core element, along with the National Marine Plan (NMP) and the Shetland and Clyde Marine Plans acting as a starting point. Therefore to promote collaboration, the working group organised two annual informal meetings commencing in 2014; it evolved into the informal Scottish Marine Spatial Planners Group. (This group is separate from the academic Marine Alliance for Science and Technology for Scotland (MASTS) Marine Spatial Planning forum, which focuses mainly on academic research.) These events included representatives from Marine Scotland, academics, coastal partnerships, local authorities and Non Governmental Organisations (NGO). The meetings provided an opportunity to discuss the current situation and the way forward for regional marine planning. They also provided the chance for collective practical problem solving by holding mini workshops based on topical themes. Key points discussed, aside from the re-occurring resource constraint issues, included:

- lessons learned from the NMP and the pilot PFOW MSP project will be useful
- determining appropriate and effective governance is going to be complex but an essential element to get right
- having a central team to work on the Strategic Environmental Assessment or Geographic Information Systems aspects would be the most cost-effective and most efficient way forward for the 11 MPPs
- integration across marine and terrestrial boundaries can be difficult and time-consuming
- early effective engagement essential: possibly having at least one person dedicated to this in each MPP, would leave others free to get on with task of preparing the core documents.

4.10   The local authority planners from the working group also organised a number of CPD training events for Royal Town Planning Institute land-use planners and local authority councillors and PhD students, using a variety of scenario-based exercises.

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These were particularly useful in highlighting the need for integrated planning and co-operation between key agencies.

4e) Defining Workloads

4.11   This was done taking into account individuals' areas of expertise. The Marine Scotland renewables manager led and managed the whole project. The senior policy planner took the lead with drafting the Planning Issues and Options Consultation Paper (known as the 'PIOP') and the introductory sections of the Plan due to his experience with these types of documents. The drafting of the general and sectoral polices were divided up among the three staff. Where there was a gap in knowledge for e.g. a particular sector, initial plans were for a consultant to be brought in to assist. However, at relatively short notice, the funding for consultancy was no longer available. To compensate for knowledge gaps on these areas, and to strengthen the other policies in the drafting process, sector specific stakeholders were consulted by the working group for their direct input. It is worth noting however, that that the bulk of the feedback on the draft plan consultation related to the supporting text rather than the policies. Subsequent MPPs may however find it helpful if partners such as Scottish Natural Heritage could lead on the drafting the natural heritage polices, Scottish Environment Protection Agency on the water environment and so on or significant resource could be identified for specialist consultant input. As noted above, these sub-groups could be set up in a more formal setting. However, overall management of the plan-making process would be retained by the core group of marine planners with the powers to make decisions on the drafting of the plan policies.

4.12   The Strategic Environmental Assessment (SEA) was started by the coastal planner who prepared the scoping report and the initial draft of the Environmental Report. The process was continued by the Scottish Government's Environmental Assessment Team, who prepared the Sustainability Appraisal (SA) Report, incorporating SEA, Socio-Economic Assessment and Habitats Regulations Appraisal (HRA) processes. The importance of ensuring that these processes are considered early in the plan-making process and that sufficient resource is provided to undertake this assessment work within the programme was noted.

4.13   The working group relied on the following expertise from within Marine Scotland and wider stakeholders:

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- Legal services

- Geographic Information Systems (GIS)

- Graphic design

- Fisheries science

- National policy advice

- Consenting and licensing

- Navigation and shipping

General Discussion: Project Management

4.14   Due to careful management by the project manager, the whole process was administered in an effective and efficient way. Subsequent MPPs will need to ensure that sufficient resources are allocated to both management and administration.

4.15   There is a need to ensure that those involved with the marine spatial planning process have the necessary skills and continuing professional development (CPD) opportunities. Glegg (2014) has identified three different groups of participants:

- the planners who will be responsible for creating the plans;
- those with a statutory responsibility to participate;
- those representing a particular interest or sector.

4.16   Research has shown that whilst those involved in any of the three groups above may have detailed knowledge in their own field of work and a working knowledge of statutory requirements, they appear to lack basic information about commercial industrial activities (Glegg, 2014). There may therefore be a gap that could be filled by the various marine sectors, helping to ensure others in MPPs have a grounding in the basic operational requirements of the various sectors (see e.g. Sams, 2015). This could be delivered through a marine forum in which commercial sectors to provide training / presentation about their activities to plan makers, as part of the policy development sub groups discussed above.

Evidence/Supporting Documents

4.17   Plan Scheme; Council Committee Reports

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Key points: Project Management

- Be clear from the outset who has overall responsibility for managing the plan making process and who is responsible for providing administrative support
- Set out clear steps to achieve outcomes desired with realistic timescales
- Recording and addressing consultation responses requires significant time which should be appropriately built into the work programme
- Be aware of how much staff time will be required and build in flexibility to accommodate delays
- Ensure software used is accessible/compatible for all core users
- Have a secure, shared electronic space for documents
- Ensure compliance with the National Marine Plan and related documents
- There is a need to build in the Strategic Environmental Assessment and related requirements
- Make use of digital media to reduce need for face-to-face meetings
- Define workloads based on individual team member strengths
- Define how commercial aspirations will inform the process
- At the outset, undertake a skills audit to identify the appropriate skills required to produce the plan

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5   Resources

Topics covered:

a) Working group staff costs   d) Plan production costs
b) Advisory group input   e) Consultation events
c) Stage 2 Studies

5.1   As noted in Section 4 above, careful project planning is required from the outset. This includes the budget available to develop a marine plan. Unless sufficient resources are identified at the outset, the project is unlikely to progress effectively. In addition to core project costs, resources also need to be allocated for specialist input such as GIS mapping and Sustainability Appraisal requirements, which require detailed expert knowledge. Marine Planning Partnerships should take account that having external contractors to carry out much this additional work would cost considerably more than being able to carry out the work within the partnership. A summary of costs for this pilot process are set out in Appendix 5.

5a) Working group staff costs

5.2   Unsurprisingly, staff costs formed the bulk of the total costs of the project. The only non-Marine Scotland funded elements were in-kind funding provided by the Highland Council in the form of staff time for the first three years of their involvement.

5b) Advisory group

5.3   Costs of attendance by the members of the advisory group were met by each organisation. Meetings were about once a year so their travel commitment was not onerous; the bulk of their input was via email and phone. When required, individual advisory group members participated in working group meetings to discuss specific topics.

5c) Stage 2 studies

5.4   These were projects undertaken to fill knowledge gaps generally identified at the start of the project (see Section 7b). A number of the studies were specific to the PFOW area whilst others were PFOW case studies within a Scotland-wide project. Costs have therefore not been provided for the Stage 2 studies as in many cases the work in the PFOW area was part of Marine Scotland's wider research programme and it is not possible in all cases to accurately assess the cost of the specific PFOW work. Marine Scotland carries out a wide range of research to support its work and in

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many cases has used the PFOW area as a case study to ensure more region specific data are available to inform the on-going work in this area. For example, a PFOW specific tourism and recreation study was originally planned, though due to resource constraints, this was undertaken as part of a nationwide study. Many of these studies were undertaken by consultants on behalf of Marine Scotland who had a corresponding project management role as well as financial input. As marine planning has evolved over the life-time of the PFOW pilot project, substantially more data are available for MPPs. However, there are likely to be some smaller scale data gaps in most regions, or region specific issues, that would have to be carefully budgeted for e.g. data on nursery grounds for commercial fisheries.

5d) Plan production costs

5.5   Publishing and advertising the various documents formed a core element of the Plan production costs. Aside from the legal requirements to publish adverts relating to the Strategic Environmental Assessment process and the costs involved in producing both hard and electronic copies of the documents, consultation flyers in local newspapers and posters were produced. Feedback from the consultation events showed that a number of attendees had come along as a direct result of the flyers, therefore justifying the cost.

5e) Consultation costs

5.6   The organising and delivering consultation events were an essential but costly part of the plan-making process (see Appendix 5). Local knowledge and in kind contributions of effort are generally significant assets to any plan making process and should be harnessed effectively. Considerable staff time and effort i.e. resources, went into trying to ensure these events were as successful as possible: see Section 8. Analysing and responding to consultation comments was very resource intensive in terms of staff time.

General Discussion: Resources

5.7   During the consultation phases it was suggested that the Plan could provide information on how potential strategic opportunities identified in Table 9.1 of the PIOP[10] (such as further sectoral mapping and research work), could be funded. However, it was considered beyond the scope of the non-statutory pilot project to be able to fund and deliver these aspirations to support marine sectoral growth. There is scope for statutory regional marine plans to specifically articulate where future

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[10] http://www.gov.scot/Publications/2013/06/9672

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sectoral development might take place and facilitate research to underpin the identification of these areas.

5.8   Feedback from Scottish Natural Heritage considered that the actual plan making element of the project was under resourced in comparison to the PFOW Framework stage and better use could have been made of the advisory group and other stakeholders. It was also noted that as well as resources, there is a need for good leadership from national bodies and host institutions and appropriately skilled or trained planning staff.

5.9   A paper produced by the Scottish Environment LINK Marine Taskforce workshop, which included members of the PFOW working group, noted that the [Scottish] government must take action to address the widely recognised lack of resources for marine planning and prioritise spending on it (Brooker *et al*, 2015). It noted that this should start with a review of resource requirements to support national and regional marine planning and include staffing and training needs, funding and equipment. For comparison, the Marine Management Organisation, which carries out marine planning in England, has increased its core team from six at inception to over 20 people within the organisation to undertake the bulk of the plan preparation for the east and south coast marine plans and will undertake all subsequent English marine plans in due course.

Evidence/Supporting Documents

5.10   Spreadsheet in Appendix 5

Key points: Resources

- Be clear from the outset what funding is available and where it will be allocated
- Staff costs are the most significant resource therefore need to be aware of how much staff time will be required
- From May 2012 when the Council's joined the MSP project until Spring 2016, it took the equivalent of 2 Full Time Equivalent staff to prepare the Plan and associated documents
- Need access to GIS expertise either within the working group or with time allocated to the project
- Significant value can be obtained from in-kind donations e.g. staff time
- Local knowledge is a significant resource that must be harnessed effectively
- Public consultation (and associated printing costs and publicity) can be relatively expensive and resource intensive
- Significant input from numerous Scottish Government staff was required to prepare the many supporting documents

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6 Plan-making process

Topics covered:

a) Baseline evidence
b) Spatial information
c) Use of the plan policies and policy terminology
d) Formatting
e) Referencing
f) Planning Issues and Options stage
g) Draft Plan/Plan
h) Approval stages
i) Timescales
j) Resource library
k) Evaluation

6.1   One of the first tasks in any marine plan making process should be to ensure that the core team in particular all review existing 'Lessons Learned' type documents, such as this one and those listed in Table 3 below. Depending on the area and the type of plan proposed, it is likely there will be many common elements but also some where previous recommendations may not apply or need to be adapted, so a flexible approach should be taken. The various planning stages for the pilot PFOW Plan, as outlined in Section 2, are summarised in Figure 3 below and discussed in Sections 6 & 7.

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Table 3: Sources of information for lessons learned for marine planning.

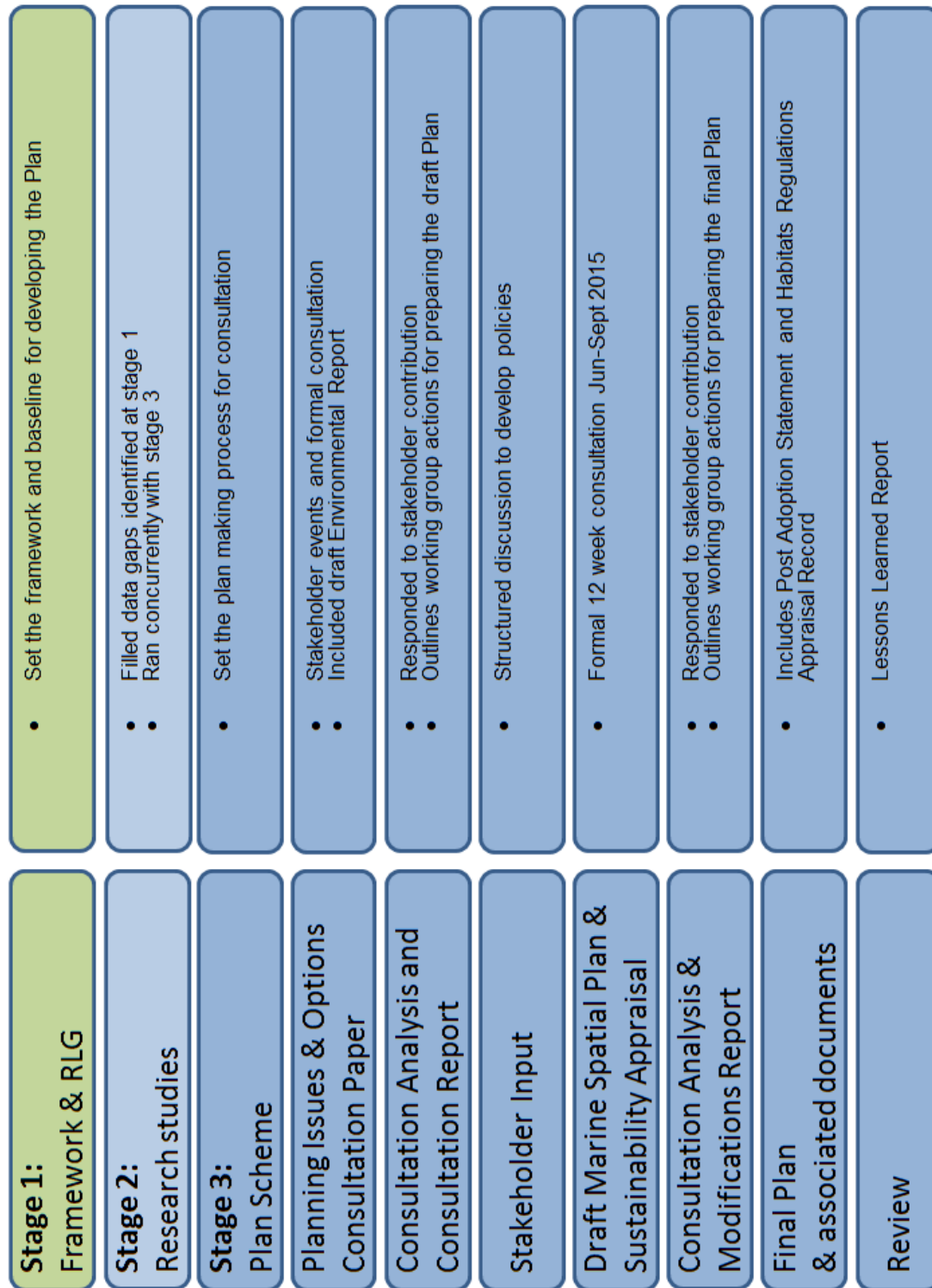| Name	Date	Link
BaltSeaPlan Findings: Experiences and Lessons This concisely and clearly outlines the findings of 8 MSP pilot projects covering the Baltic Sea.	2013	http://www.baltseaplan.eu/index.php/Reports-and-Publications;809/1#findings
Review of the Marine Spatial Plan for the Shetland Islands This is an appraisal of the 3rd Edition of the Shetland MSP and an overview of the achievements to date.	2012	http://www.nafc.uhi.ac.uk/departments/marine-science-and-technology/strategy/marine-spatial-planning
SSMEI: Project Evaluation Marine Scotland's short review of the four SSMEI projects.	2010	www.gov.scot/Resource/Doc/295194/0100906.doc
SSMEI Clyde Pilot: Lessons Learned for Marine Spatial Planning in Scotland The report makes observations and recommendations concerning future RMPs in Scotland.	2010	http://www.clydeforum.com/marine-planning

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Stage/Step	Details
Stage 1: Framework & RLG	• Set the framework and baseline for developing the Plan
Stage 2: Research studies	• Filled data gaps identified at stage 1 • Ran concurrently with stage 3
Stage 3: Plan Scheme	• Set the plan making process for consultation
Planning Issues & Options Consultation Paper	• Stakeholder events and formal consultation • Included draft Environmental Report
Consultation Analysis and Consultation Report	• Responded to stakeholder contribution • Outlines working group actions for preparing the draft Plan
Stakeholder Input	• Structured discussion to develop policies
Draft Marine Spatial Plan & Sustainability Appraisal	• Formal 12 week consultation Jun-Sept 2015
Consultation Analysis & Modifications Report	• Responded to stakeholder contribution • Outlines working group actions for preparing the final Plan
Final Plan & associated documents	• Includes Post Adoption Statement and Habitats Regulations Appraisal Record
Review	• Lessons Learned Report

Figure 3: Steps used to develop the PFOW marine spatial plan

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6a) Baseline evidence

6.2   The PFOW MSP Framework formed the initial baseline (Stage 1) and identified the main gaps in knowledge. The Framework was supported by Regional Locational Guidance (RLG) for the offshore wind, wave and tidal energy sector, initially published in March 2010, in advance of the Marine Atlas (March 2011). Updated versions of the RLG were produced in March 2011[11] and June 2015[12]. The Stage 2 studies outlined in Table 4, Section 7, were identified through the initial Framework process and these studies enhanced the baseline evidence throughout the plan making process.

6.3   A key lesson from the Stage 2 studies is that the collection of baseline data to fill data gaps requires significant financial and staff resources. Many of these studies ran concurrently with Stage 3 i.e. the plan making process. It should also be noted that data gaps still exist and an ongoing process of data collection is required to support the development and monitoring of a marine spatial plan.

6.4   As part of Stage 3, a Plan Scheme[13] (2012) set out the step by step process on how the pilot Plan would be prepared. The Plan Scheme was based on the original strategic area identified by the Crown Estate as the development area for offshore marine renewable energy, prior to the identification of the Scottish Marine Regions. The area extended to incorporate the two Scottish Marine Regions of Orkney and the North Coast following feedback from the consultation process during July 2013 and on-going development of the process of defining the Scottish Marine Regions. The Plan Scheme was in effect a Statement of Public Participation, as required in by the Marine (Scotland) Act 2010, Schedule 1, which set out the proposed steps, timescales and likely public engagement opportunities. This was subsequently followed by regular stakeholder updates (see Section 8a).

6.5   Data from National Marine Plan interactive (NMPi) (see below) also provides significant, up to date data, which should provide the initial baseline for all Scottish regional marine plans.

6b) Spatial Information

6.6   A key theme throughout the plan making process for some stakeholders related to how spatial the Plan should be in terms of future development and

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[11] http://www.gov.scot/Topics/marine/seamanagement/regional/activity/pentlandorkney/one
[12] www.gov.scot/pilotpentlandfirthandorkneywatersmarinespatialplan-regionallocationalguidance
[13] http://www.gov.scot/Publications/2012/11/4241

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activities. The Planning Issues and Options Consultation Paper[14] suggested an overarching spatial strategy with some maps identifying key features such as natural heritage designations and mapping existing use. This was generally supported by the majority of respondents and throughout the process, respondents made it clear that a strict zoning approach was not required; nor was it achievable at this stage. Most commercial sectors however thought their sector should be given priority, whilst others thought the protection of the marine environment should be given priority.

6.7   One of the key questions that emerged through the Pentland Firth and Orkney Waters pilot plan making process is whether the plan should identify areas for future marine developments, uses and activities. The primary focus of the PFOW pilot plan has been to establish a coherent strategic vision, objectives and policies to guide the regulation, management and use of the plan area. This policy framework is supported by spatial data to identify existing use, infrastructure, sensitivities and potential constraints. To guide marine developments, uses and activities to the most suitable areas, it has been suggested that the plan should go one step further by identifying areas of use for specific economic sectors.

6.8   The PFOW Regional Locational Guidance (RLG) (2011) set out baseline information on existing use, sensitivities and constraints and was updated in 2015 (see Section 7a). This approach aimed to provide specific spatial guidance to the offshore wind, wave and tidal sector to assist with locating their developments. The PFOW RLG provides further regional guidance to support the Sectoral Marine Plans and the development of the Plan Option areas which are identified within the pilot Plan.

6.9   The pilot Plan refers aquaculture developers and interested stakeholders to the Orkney Aquaculture Planning Policy Advice that contains a spatial strategy for aquaculture development through the identification of a Broad Area of Search and Area of Potential Sensitivity.

6.10   The Scottish Environment Protection Agency advocated identifying areas most appropriate for development whilst the Royal Yachting Association suggested each case needs to be considered on its merits within the current licensing system. Scottish Natural Heritage suggested, that whilst it would not favour prescriptive zoning, there may be scope to provide broad indications of areas of higher or lower levels of opportunity or constraint for particular types of development i.e. 'soft zoning'. In order to try and determine how this could be achieved, a workshop

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[14] http://www.gov.scot/Publications/2013/06/9672

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exercise was undertaken at a Scottish Marine Spatial Planners Group meeting. This involved trying to consider how a soft zoning approach could be applied to a particular sector and raised a number of points, including:

- The need for recognition that zoning a particular activity can imply nowhere else is available for it and no one else can use it; both of these assumptions are incorrect
- Discussing zoning options at an early stage of plan consultation is a good way to engage people in the process and can aid constraints mapping
- The need to be realistic and reasonable about what can go where; some activities are easier to map than others
- The approach does not adequately consider mobile species
- It may be appropriate to small sub-regions with a regional marine plan area, where the integration within land use planning should be considered to ensure there are no conflicts in policy approaches
- Detailed zoning is very resource intensive

6.11   This exercise demonstrated that a zoning approach, or identification of broad areas of opportunity and further constraints mapping i.e. soft zoning, were unrealistic within the resources of this pilot project. However, it may be appropriate for some MPPs to consider identifying some sectors that may benefit from a zoning or similar approaches at a sub-plan level, potentially identifying areas of conflict and mitigation required. Now that NMPi is well established, it provides a significant resource to underpin Regional Marine Plans.

6.12   For purposes of comparison the PFOW pilot plan adopted a similar policy and spatial approach to the Shetland Islands Marine Spatial Plan (SIMSP). The SIMSP has a policy framework that applies to all developments and activities under the sections 'Clean and Safe' and 'Healthy and Diverse' to implement its vision. The PFOW pilot Plan's comparable policy framework is set out under the General Policies. Both plans have a set of sector specific policies to support the sustainable development and management of key economic sectors. The policies in both plans are supported by spatial information to identify existing use, infrastructure, sensitivities and potential constraints. The SIMSP has a more comprehensive range of spatial information within the plan including more data on the location of habitats, species and the nature of the physical environment.

6.13   The Shetland Regional Locational Guidance for Wave and Tidal Energy takes a different approach to the PFOW RLG. The Shetland guidance uses a spatial model to map the areas of lowest constraint for wave and tidal energy developments and associated coastal onshore infrastructure. The guidance is designed as a decision support tool to inform decisions about where developments are likely to be

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successful and where they are not. The level of constraint associated with identified features and activities was determined through a process of stakeholder engagement enabling areas of low constraint to very high constraint to be identified. The PFOW RLG identifies a range of resources, features, activities and potential constraints without attributing any weighting to these factors.

6.14   As the pilot project evolved, a major source of mapping data was Marine Scotland's National Marine Plan interactive (NMPi). This interactive tool has been designed to assist in the development of national and regional marine planning. NMPi allows you to view different types of information for all of Scotland's marine waters and, where appropriate, links have been provided to the related parts of Scotland's Marine Atlas and will also be provided to the National Marine Plan in due course. These data are constantly updated therefore will be a major resource for MPPs.

6c) Use of the plan policies and policy terminology

6.15   It is important to establish agreed principles as to how the policies in a plan will be implemented and by whom (e.g. through consenting decisions, through direct projects, through management measures, wider initiatives etc). If this is clear from the outset, stakeholder engagement can be more effective and appropriate policies can be developed. For the PFOW pilot, the working group were careful to ensure that the plan policies did not over step the plan's non-statutory remit.

6.16   The weight attributed to each policy in decision making and how the policies relate to each other should be clarified. The PFOW pilot plan was developed so that all policies had equal weight in decision making and should be applied proportionately to any given development and/or activity depending on the particular circumstances including type, scale, location and any potential impacts.

6.17   It is also important to agree definitions of terminology as earlier as possible in the plan making process e.g. development, activities, marine users etc., along with providing a glossary in the early consultation stages. This assists with consistent wording of policies and supporting text and also provides a shared and transparent understanding of meaning. The terminology used in policies should reflect any relevant legal or policy requirements.

6d) Formatting

6.18   Formatting can take up a significant amount of time when preparing the documents. It would therefore save time and effort if a basic format was agreed and adhered to from the outset. For example, consistency in the use of font size, justification of paragraphs, use of headings/style, bullet points and information boxes

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can save a lot of time later on; setting up a Word template can help with this. It is also helpful if key terms and how they are formatted are determined from an early stage, for example, how the draft plan is referred to (draft Plan, draft plan, Draft Plan). A crib sheet of all these issues can be useful, particularly when there are several people drafting different sections of the documents. However, developing a template early on may be too restrictive when the important factor is capturing the text. The level of administrative support available may dictate what works most efficiently.

6e) Referencing

6.19   To what extent supporting documents are referenced and the format used should be determined from an early stage to ensure conformity between all the people working on different parts of the marine spatial plan. It would also help ensure key evidence and information quoted from these documents are not lost. Using hyperlinks in the body of text may be helpful but also may make documents harder to trace if external web-links are broken as the document ages.

6f) Planning Issues and Options stage

6.20   The Planning Issues and Options Consultation Paper (known as the PIOP) aimed to facilitate consultation on the vision, strategic objectives, key themes and policy areas in advance of drafting the marine spatial plan. The document outlined the key strategic development issues, and potential interactions between marine users, and set out a range of policy options for sustainable development and marine management. Preferred policy options, and potential alternatives, for tackling key marine planning issues were presented alongside consultation questions seeking stakeholder views. It was followed by a consultation analysis and report (see Section 7d).

6.21   The PIOP provided stakeholders with information on the following topics:

- The plan preparation process and the approach to policy development
- Legal and policy context
- Knowledge and evidence underpinning the plan
- The purpose, users, status and spatial extent of the pilot plan
- Guiding principles and themes
- Strategic Vision, Aims and Objectives
- Identified strategic issues and interactions
- Spatial strategy and information
- Proposed crosscutting or overarching marine planning policy areas e.g. nature conservation, coastal erosion and flooding

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- Proposed sectoral policy topics e.g. marine renewable energy and aquaculture and
- Monitoring and review suggestions

6.22   Similar to the 'Main Issues Report' process in land use planning, the PIOP stage aimed to 'front load' the consultation process so that the plan makers could take cognisance of stakeholder views in the drafting the marine spatial plan. Whilst this step in the process is not legally required in the preparation of marine plans, it was considered very beneficial for the following reasons:

- It facilitated a debate on the purpose and function of the MSP and enabled the working group to be aware of the expectations and aspirations of stakeholders before drafting the Plan
- To build consensus on the purpose and function of the MSP
- It facilitated the consideration of a range of alternative approaches to marine spatial planning and policy development
- It helped to consider any potential limitations of the pilot MSP and to manage expectations appropriately
- It enabled the plan makers to make early decisions on the overall approach to the Plan and provide reasons for these decisions to stakeholders and
- It helped to reduce the potential for fundamental objections later in the process

6.23   Feedback from some of the advisory group members suggested that the process could be much more simplified at this stage by producing a short newsletter style approach outlining key policy themes and discussion topics, including a response form, which may lead to a more helpful response from stakeholders. This approach would be both cost effective and less time consuming, especially given there would be no accompanying draft Environmental Report at that stage. However, for this Plan process, it was felt that the PIOP stage saved a lot of time and effort at later stages and allowed for detailed stakeholder engagement. It is worth noting however, that as the marine planning process is so new, some people may have felt they may not have had sufficient knowledge to contribute effectively.

6g) Draft Plan/Plan

6.24   Preparation of the draft Plan and the final Plan was shaped by all the information gathered in the stages and processes outlined throughout this document. Key tasks and policies were divided among the working group members, each of whom acted as policy or section lead, as appropriate. This entailed consulting colleagues, key stakeholders and individual members of the advisory group, as required. Significant help and advice was given in particular by various Marine

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Scotland and Scottish Government staff; this included mapping input, sense checking of documents, specialist advice and the production of many of the supporting documents (see Section 7). Given the nature of the document, there was also considerable discussion within the working group to try and reduce the need for excessive cross-referencing throughout the Plan.

6.25 The draft Plan went out to public consultation between June and September 2015. During this time, it was circulated to the stakeholders on the database, publicised in the local press and presented to local authority committees. It was also presented to local communities at consultation events in Stromness, Thurso and Durness: details on the various engagement activities can be found in Section 8. The subsequent responses, along with further input from the advisory group and Marine Scotland, were collated in a Consultation and Modifications (CAM) Report (see Section 7) and used to prepare the final Plan. Again, it was presented to Orkney Islands Council and Highland Council committees prior to final sign off by Scottish Ministers, as discussed below.

6h) Approval stages

6.26 As noted in Section 4a, the Plan and its associated documents were considered at a number of local authority committees, as well as sign off from Scottish Ministers, which affected timescales. Other MPPs may vary significantly in the approval stages required, depending on their core decision-making group and governance arrangements. In particular, MPPs which include several local authorities may wish to delegate one lead representative authority. However they are set up, timings of committee (and other key organisations) meetings should be considered when planning the initial timetable of the project.

6i) Timescales

6.27 This project started in 2008 and resulted in the publication of a Framework & Regional Locational Guidance document in 2011. This document did not set out a timetable for the rest of the project but did provide the three stage process that was adopted i.e. Framework, Stage 2 Studies and Plan preparation. The Plan Scheme (see Appendix 4) showed that the initial timescale for completion of the project was summer 2014. This was clearly overly ambitious, as was highlighted at an early stage by some members of the advisory group. It has taken four years to produce the draft Plan, which is commensurate with the development of land-use Local Development Plans. Given the relative novelty of preparing marine spatial plans in Scotland, and the resources available, and the inclusion of the POIP stage, this is a considerable achievement with a core team of 2.0 FTE staff.

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6j) Resource Library

6.28   Throughout the plan-making process around 200 documents were consulted and added to a background database library. The types of literature consulted included scientific reports, sectoral publications, academic journals, government guidance and legislation.

6k) Evaluation

6.29   Evaluation is generally recognised as an essential step for learning and improvement in marine spatial planning (Carneiro, 2013). For the PFOW process, this started with the commitment in the Plan Scheme to undertake a review of the pilot plan making process. As the project developed, notes were made on key lessons learned to inform this document, which forms a key part of the evaluation processes. However, as this is a non-statutory pilot plan, it will not undergo the same review process as is required for the subsequent statutory regional marine plans that will replace it in due course.

6.30   Schedule 1 of the Marine (Scotland) Act 2010 sets out the legal steps required for the preparation and adoption of a statutory marine plan. This includes setting out:

- A Statement of Public Participation
- A Timetable
- How it conforms with the National Marine Plan and other guidance
- How people can engage with the process
- A draft plan on which presentation can be made
- Independent examination procedures, if required
- The final plan along with a report detailing any modifications made to the draft plan and reasons for these modifications

6.31   The PFOW Plan conformed with all of these actions other than the independent examination, as this was not deemed necessary for this non-statutory pilot process.

6.32   Ehler (2014) has produced a detailed guide that outlines an eight step procedure to effective evaluation. MPPs may find this a helpful approach and should ensure that it is considered from an early stage, which in turn helps ensure quality evaluation.

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General Discussion: Plan-making process

6.33   The methodology used to develop the Plan adapted a number of steps borrowed from land use planning to help ensure the process was open and transparent. The two-step consultation process i.e. the PIOP and the draft Plan, along with the initial framework, Plan Scheme and regular updates, provided several opportunities for stakeholders to engage in the process. Whilst some felt the PIOP stage was too detailed, it proved to be valuable in helping to shape the draft Plan. The PIOP helped ensure that the major policy areas and issues had been identified at an early stage, reducing the risk of a major re-write following public consultation on the draft Plan. It was also beneficial to build a general consensus on the purpose, implementation and limitations of the Plan through consideration of a range of options.

6.34   Members of the advisory group commented that the consultation on the vision, aims and objectives at the PIOP stage should have been supported by separate 'visioning' workshops with stakeholders. The working group saw merit in this approach but were unable to carry out these workshops due to constraints on time and staff resources. As discussed in the project management and resources section of this report, consultation and wider stakeholder engagement will be a resource intensive element of any marine spatial planning project.

6.35   It was noted that the main Plan text ends with the sectoral policy on defence. The Plan may have been improved if a short summary or conclusions section was added, therefore the MPPs may wish to consider this for their plans.

6.36   Marine Scotland and the local authorities all intend to set up a system of recording how the Plan is used in licensing decisions and planning applications and it would be useful to provide information to MPPs on how this is set up. This monitoring process may help MPPs evaluate which policies are being applied most often and how the Plan is contributing to making such decisions.

Evidence/Supporting Documents

6.37   The PIOP, the draft Plan, final Plan.

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Key points: Plan making process

- Ensure existing 'Lessons Learned' reports and wider experiences of marine spatial planning are studied from the outset
- Start data gathering exercise early to provide an evidence base and to identify data gaps from the outset
- Work with appropriate partners to address these data gaps (where possible), identify resources and prioritise future data collection activities
- Establish a web based GIS system to support the marine spatial plan and provide up to date spatial data e.g. National Marine Plan interactive (NMPi)
- Carrying out a planning issues and options stage in the plan making process was beneficial for this project
- Identify the spatial approach at an early stage e.g. will the Plan identify opportunities for future development
- Agree consistent terminology for plan policies and supporting text and formatting and reference styles early on in the process to save time and effort later on
- Ensure sufficient time is allowed for the plan-making process, building in suitable allowance and flexibility for all committee/sign-off requirements
- Determine the evaluation methods to be used relatively early on in the process

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7 Preparing supporting documents

Topics covered:

a) Framework & Regional Locational Guidance (RLG)
b) Stage 2 studies
c) Sustainability Appraisal (SA)
d) Consultation Analysis and Consultation Report
e) Socio-economic baseline
f) Business & Regulatory Impact Assessment (BRIA)

g) Equalities Impact Assessment (EQIA)
h) Consultation Analysis and Modifications Report
i) Habitats Regulations Appraisal (HRA) Record
j) Post Adoption SEA Statement
k) Plan Summary
l) Lessons Learned
m) Miscellaneous

7.1   Preparing a marine spatial plan also requires a number of other documents to be produced. These generally need to be considered from the earliest planning stages as they can be complex documents that require extensive specialist input. In developing this marine Plan, most of these were undertaken by Scottish Government staff or were sub-contracted. If these are done by consultants for subsequent MPPs, it could add to the budget significantly (see Section 5). If done in-house, sufficient staff time and resources should be allocated.

7.2   The information below discusses the process of producing these documents; lessons learned from them are outline below but further details on their content can be found in Appendix 4. The information contained within them is another source of material from which can help inform future MPPs.

7a) Framework & Regional Locational Guidance (RLG)

7.3   This combined Framework and RLG document was published in 2010 and finalised in 2011. It provided a framework that defined the 3-stage process to develop the Plan. It also provided, in the form of regional locational guidance, a snap-shot of the baseline data and maps of the ecological, geological and man-made features in the original pilot area (The Crown Estate strategic area of PFOW, which did not include a section of the north Sutherland coast). It also identified the main research and data collection priorities required to address knowledge gaps. As the draft Plan was developed, the RLG was updated again to reflect new data available. Now that NMPi has been developed (see paragraph 6.14) subsequent MPPs will be able to draw upon this comprehensive resource, especially when

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determining their baseline evidence and hosting online GIS data to support their regional marine plans.

7b) Stage 2 studies

7.4   The various Stage 2 studies were commissioned to fill the data gaps as outlined above; most ran in parallel with the preparation of the draft Plan (see Table 4). Many of the early studies commissioned were based on the original PFOW area discussed above. Once the draft Scottish Marine Region boundaries were known, the pilot Plan area was extended to cover the full extent of the north Sutherland coast and subsequent studies included the full coastline of the North Coast and Orkney Scottish Marine Regions (see Section 1, Map 1). Additional studies at plan or sub-plan level may be required to address data gaps and therefore there is a need to ensure appropriate time and resources are allocated to them.

Table 4: Pilot Pentland Firth and Orkney Waters Marine Spatial Plan Stage 2 Research Studies[15]

Title	Overview	Report Status
ScotMap Inshore Fishing Study	A ScotMap pilot study mapped fishing activity and provided related economic data in the Pentland Firth and Orkney Waters based on an interview methodology. The ScotMap project was then rolled out throughout Scotland and the information in the pilot study updated.	Draft report published June 2012 and final results published June 2013.
Commercial shipping and recreational boating	A study of shipping activity to better inform the plan. The aim of this process is to ensure there is good knowledge of the use of these waters by all stakeholders so that future developments do not inadvertently impact on important existing activities.	Published Dec 2012.
Sea birds strategic monitoring	Surveying and monitoring sea bird populations in relation to Marine Protected Areas.	Information and data available from Marine Scotland.
Marine mammals strategic monitoring	Surveying and monitoring marine mammals in relation to Marine Protected Areas.	Information and data available from Marine Scotland.

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[15] http://www.gov.scot/Topics/marine/seamanagement/regional/pentlandorkney/two

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Marine electric cable influence on migratory fish	A study to explore the response of diadromous fish to alternating current electromagnetic fields.	Report under peer review, due to be published 2016.
Survey, deploy and monitor strategy	Provides an efficient risk based approach for taking forward marine renewable energy (wave and tidal) developments.	Draft guidance published Sept 2011.
Hydrodynamic model of physical oceanographic environment and energy resources	The aim of this project is to produce a computationally stable, properly validated hydrodynamic model that provides an accurate 3-D model of the circulation and water characteristics on the Scottish Shelf, i.e. including shelf sea areas and sea lochs.	Work currently underway, will finish in May 2015.
Commercial fish valued added	Examination of the value added to commercial fish landing as a result of processing and branding.	Report published with supporting information in December 2014.
Tourism and recreation	Baseline and economic value study of current tourism and recreational activities and key sites.	PFOW case study completed. Scotland wide results to follow.
Aquaculture	Review of future development opportunities.	Work on-going and will be published in 2016.

7c) Sustainability Appraisal

7.5   This process is a significant undertaking. The Scottish Government's Environmental Assessment Team undertook a Sustainability Appraisal that considered the potential for social, economic and environmental effects for the draft Plan and the reasonable alternatives to it. The Sustainability Appraisal Report incorporated the requirements for an Environmental Report as part of the Strategic Environmental Assessment (SEA) process, alongside a socio-economic assessment and a draft Habitats Regulations Appraisal (HRA) Record, set out in one report. The Sustainability Appraisal Report took forward the work of the draft SEA Environmental Report prepared for, and published alongside, the PIOP, and was informed by the preparation of other documents including the Socio-Economic Baseline Review (see Appendix 4 for full document list).

7.6   These documents helped to ensure that the social, economic and environmental impacts of the proposed Plan were identified and considered in the development of the Plan, including providing an indication of region-specific considerations that required specific analysis. Undertaking a HRA of the Plan, presented as a Draft HRA Record in the Sustainability Assessment Report, allowed for the Plan and its policies to be screened for the likelihood of significant

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environmental effects (LSE) on designated habitats or qualifying species in accordance with the HRA regulations. Whether the findings of these assessments are presented separately or combined into a Sustainability Appraisal, it was noted that all should be considered at the start of the plan-making process.

7d) Consultation Analysis (2013) and Consultation Report (2014)

7.7   Following with consultation on the Planning Issues and Options Consultation Paper (PIOP), the working group prepared both a Consultation Analysis Report[16] and a Consultation Report[17]. The Consultation Analysis Report summarises the findings of the formal written comments received in response to the PIOP Consultation Paper (see Section 6f) and the findings of the workshops and drop in sessions in Kirkwall and Thurso. The Consultation Report contained a table which listed all the comments received and any action requested by the consultees, a working group response to each individual comment and a list of 371 action points to take forward in the drafting of the marine spatial plan. The action points were monitored during and following the drafting of the marine spatial plan and an internal record was kept regarding implementation of the action points. The preparation of the reports combined standard consultation approaches used by Scottish Government and by Local Authorities.

7.8   For the sake of comparison it is useful to consider how and why local planning authorities respond to consultation on local development plans. The terrestrial Development Plans process has specific prescribed steps and requirements; subject to complying with those, there are different detailed practices amongst Planning Authorities. In comparison to the relatively novel marine spatial planning, the terrestrial development planning process might be described as a mature one. It is also set up with the intention to provide open consultation, give careful consideration to key issues and transparent, reasoned decision-making.

7.9   For example, the Orkney Islands Council Local Development Plan process, a Participation Statement and Consultation Report was produced following the consultation on the Proposed Plan. The report included a table which listed all the comments received and action requested by the consultees. It also included the response opinion of the local planning authority, any action taken by them and whether the action requested constitutes a notifiable modification to the Plan i.e. if the change was made, would the authority have to re-consult on the Plan?

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[16] http://www.gov.scot/Publications/2013/12/6618
[17] http://www.gov.scot/Publications/2014/04/5576

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Generally, only very minor changes can be made to the Plan at this stage. If notifiable modifications are requested by the consultee at this stage, a determination on this unresolved representation needs to be made by the Reporter as part of the Examination. The Reporter then simply adds their conclusions and any recommendations as to how the plan should be modified. The authority then has to make these recommended changes to the Plan.

7.10   As outlined in paragraph 6.30, the legal steps for preparing marine plans are quite different; Schedule 1 of the Marine Act provides more flexibility than the Town and Country Planning Acts and Regulations in terms of settling the text of a Plan following consultation. However, valuable lessons can be drawn from the land planning process to make the consultation process clear and transparent.

7e) Socio-economic baseline

7.11   This report reviews marine sectors and provides a socio-economic baseline for each of them. It discusses economic value and employment, historic trends and further projections, along with data gaps and limitations. This is a very useful document as this baseline information can be used to monitor the effectiveness of delivering the MSP objectives by comparing how, for example, the economic value of a sector has changed or how employment figures have changed. It also informed the Socio-Economic Assessment and the findings set out in the SA Report.

7f) Business and Regulatory Impact Assessment (BRIA)

7.12   The Business and Regulatory Impact Assessment helps policy makers to use available evidence to find proposals that best achieve the policy objectives while minimising costs and burdens. This exercise involved face-to-face consultation with eight businesses in the Plan area to establish a qualitative assessment of costs and benefits to business.

7g) Equality Impact Assessment (EQIA)

7.13   This document provides a record of information on whether the creation of the Plan, or of any policy contained within, discriminates disproportionately between persons defined by age, disability, sexual orientation, gender, race, religion or belief. It was determined that a light touch assessment could be taken with the Equalities Impact Assessment as evidence showed that the Plan has minimal relevance to equality.

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7h) Consultation Analysis and Modifications Report (CAM) 2016

7.14   Following the consultation of the draft Plan, a further consultation report was prepared[18]. This combined an analysis of the comments received, along with suggested modifications and the changes made by the working group in response to these suggestions. These modifications show how the Plan evolved, so the lessons learned from that process will not be repeated here. For comparison, the National Marine Plan process also produced a modifications report[19], but used a different analysis approach. Either way, this ensures the plan making process is open and transparent; an important consideration to help ensure stakeholders know how their input has been considered. The preparation of this Report was developed to complement that of the SEA Post Adoption Statement, which was prepared to show how the Sustainability Appraisal and the comments received in the consultation process helped to inform the development of the Plan.

7i) Habitats Regulations Appraisal (HRA) Record

7.15   The Habitats Regulations Appraisal (HRA) Record documents the findings of the HRA process undertaken to determine whether the Pilot Plan is likely to have a significant effect on a European site, if implemented. Prepared in consultation with Scottish Natural Heritage (SNH) and using guidance provided by the Scottish Government and SNH, the HRA Record describes the methodology used in the appraisal process of the Pilot Plan. It includes the steps undertaken in considering the Pilot Plan and determining the likelihood of significant (LSE) effects on European sites and discussion on the findings of the HRA process. It explains that this review of the general and sectoral policies set out in the Plan found that they would have no LSE on any European sites.

7j) SEA Post Adoption Statement

7.16   The preparation of a Post Adoption Statement concludes the Strategic Environmental Assessment (SEA) process undertaken on the draft pilot Plan. Prepared in accordance with the Environmental Assessment (Scotland) Act 2005, this Statement outlines the findings of the Sustainability Appraisal which included a SEA, socio-economic assessment and HRA. It explains how these findings and the views of respondents to the consultation on the Sustainability Appraisal have been

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[18] http://www.gov.scot/pilotpentlandfirthandorkneywatersmarinespatialplan-consultationanalysisandmodificationsreport
[19] National Marine Plan: Modifications report
http://www.gov.scot/Topics/marine/seamanagement/national/modifications

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taken into account in the development of the Plan. As noted in Section 7h, this Statement was designed to complement the development of the Consultation Analysis and Modifications Report.

7k) Plan Summary

7.17   The working group received feedback that the breath and volume of the pilot Plan and supporting documents was considered overwhelming by a number of stakeholders. To provide a concise summary of the Plan and the lessons learned, a summary document has been published[20]. This will be accompanied by an updated Topic Sheet, a simple two page update on the Plan[21].

7l) Lessons Learned

7.18   Preparation of this Lessons Learned document was identified as an essential output of the project. It provides a record of issues arising and should ideally be started from the early stages of the project to help inform subsequent iterations of a marine plan and to aid Marine Planning Partnerships. This would help ensure key points from the early planning and development phases of the project are not lost and may save both time and resources at later stages. It is recommended that a 'lessons learned' log is set up at the start of the plan making process and updated as issues emerge; this was the intention for this project but staff resources limited input at the earlier stages.

7m) Miscellaneous

7.19   Additional outputs are also likely to be required and may have to be prepared at relatively short notice e.g. committee reports, press releases, stakeholder updates, briefing notes, blog updates and tweets, as was the case for this project.

General Discussion: Preparing supporting documents

7.20   The work required for these elements of the plan making process can easily be under-estimated. As shown by the extensive list of documents highlighted in Appendix 4, other than the final marine plan itself, significant time and expertise is required to ensure the evidence base, stakeholder engagement and legal requirements (e.g. Strategic Environment Assessment) are as comprehensive as possible. Significant data are now available on NMPi to provide baseline evidence.

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[20] www.gov.scot/pilotpentlandfirthandorkneywatersmarinespatialplan-summary
[21] http://www.gov.scot/Topics/marine/Publications/TopicSheets/MarineSpatialPlan

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The project had considerable input from various Scottish Government staff, as discussed above, to ensure these were produced effectively. Section 9 discusses suggestions for potentially centralising the production of some of these documents to a single team that would undertake some of these elements for all of the MPPs. The intended status of the supporting documents and their relationship to the Plan needs to be made clear to stakeholders to ensure appropriate input and engagement.

Evidence/Supporting Documents

7.21   This Lessons Learned document, see Table 4 and Appendix 4 for list of project outputs, NMPi

Key points: Preparing supporting documents

- Be clear from the outset what is required and who will lead on the various support documents required
- Producing Regional Locational Guidance provides a useful starting point for providing baseline evidence
- Additional studies at plan or sub-plan level may be required to address data gaps therefore need to ensure appropriate time and resources are allocated to them
- Significant data are now available on NMPi to provide baseline evidence
- The Sustainability Appraises is a significant undertaking, requiring detailed specialist knowledge
- Be clear about the intended status of the supporting documents and their relationship to the Plan
- Consultation and Modifications reports provide transparent evidence on the process and are useful *aide de memoirs* for the planning making staff.
- Agree efficient processes for responding to consultation and documenting the outcomes
- As the MPPs will be working on long-term statutory plans, the Lessons Learned process will help their plans evolve efficiently

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8   Engagement

Topics covered:

<table>
<tr><td>a) Stakeholder database and updates</td><td>d) Workshops/Presentations</td></tr>
<tr><td>b) Website</td><td>e) Press/Social media</td></tr>
<tr><td>c) Committees</td><td>f) Academic</td></tr>
</table>

8.1   It has been acknowledged from the earliest days of marine planning in Scotland that stakeholder engagement is one of the most important elements of marine spatial planning (e.g. see Scottish Executive, 2004). Effective stakeholder participation encourages ownership of a plan and must include empowerment to engage effectively (Pomeroy & Douvere, 2008). However, marine planning is in 'uncharted waters, without easily recognisable structure of management and with a markedly different stakeholder community' (Glegg, 2014).

8.2   The working group tried to ensure wide engagement in the plan-making process, within the limited staff and resource limits (see Sections 3 & 5). Feedback suggests that the regional engagement worked well. However, it is inevitable given the large and remote geographic spread of the Plan area that not everyone who wanted to be involved in the process was. Some others felt they should have been involved at an earlier stage; this generally applied to sectoral organisations. A realistic approach must be taken: it is challenging to engage with everyone within, or otherwise affected by, issues within a marine plan area.

8.3   The various activities discussed below to try and engage as wide an audience as possible was very resource intensive (also see Section 7). Future MPPs should therefore consider having at least one person dedicated to stakeholder engagement activities e.g. a Plan Communications Officer.

8a) Stakeholder database and updates

8.4   This database was built up throughout the plan-making process. It formed the primary source of information provision but had to be re-constructed after an I.T. failure in June 2013. Regular updates, usually in the form of a single A4 update sheet, were emailed out in between document release stages. This was a cost-effective way of ensuring interested parties were kept up to date with progress and knew when the next opportunity for involvement would be. It would likely be even more beneficial if subsequent Marine Planning Partnerships could produce a regular newsletter instead, that included photographs and articles linked to wider marine

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issues in the area concerned. This would of course have resource implications but would help further community engagement as copies of the newsletter could be promoted at wider public events. This is evidenced by the popularity of the Topic Sheets[22] produced by Marine Scotland, which were readily taken at the public events. Future MPPs may find it helpful to have volunteer students on a fixed placement to produce newsletters and other publicity materials.

8b) Website

8.5   All the information relating to the development of the Plan was hosted on the Scottish Government website. This provided easy access and links to wider marine planning information in Scotland, including the National Marine Plan and NMPi. As there was a constant web presence, anyone could contact the working group at any stage in-between more formal consultation periods, thus providing an important, up-to-date source of information. Subsequent MPPs are likely to also factor in building and maintaining their own web presence, including consultation software.

8c) Committees

8.6   Key outputs of the plan-making process, e.g. Planning Issues & Options Consultation Paper and the draft Plan, were presented at the appropriate Orkney Islands Council and the Highland Council committees for consideration, followed by final sign off from Scottish Ministers where required. As the Plan was led by Marine Scotland, the Council committees were invited to propose changes to all key documents and endorse the Plan before and after formal consultation stages.

8d) Workshops/Presentations

8.7   A process that worked particularly well was the use of workshops during the consultation events that involved a range of sectoral, NGO and wider public groups. The PIOP workshops were particularly effective for stakeholders to debate key issues but also for raising awareness of the planning process. It was especially welcome that a number of local school children were able to participate at the workshops and at other public information days.

8.8   Shared events, such as marine information days run by the Crown Estate and joint public workshops with International Centre for Island Technology, Heriot-Watt University (Stromness campus) helped promote and share the work with a wider

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[22] http://www.gov.scot/Topics/marine/Publications/TopicSheets

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audience and significantly helped reduce costs. The project was also promoted with presentations at a number of other events at including the International Council for the Exploration of the Sea Annual Science Conference 2013, Local Coastal Partnership meetings and public information days tied in with other marine consultations (see Table 5 below).

8e) Press/social media

8.9   Managing press releases and social media is crucial to ensure that as wide an audience as possible is aware of consultation events. In particular, it is important to ensure that all key local media channels for a Marine Planning Partnership area are used. For the PFOW, this included community and local authority websites and local radio i.e. BBC Radio Orkney and BBC Radio Scotland. Main events had press releases accompanied by posts on various Marine Scotland and council web and Facebooks pages, tweets and blogs. As new media channels evolve, it will be important for MPPs to utilise them effectively.

8f) Academic

8.10   Academic collaborations (separate from those discussed in Section 7 regarding the Stage 2 studies) and presentations added significant value to the project, by promoting it both national and internationally. Table 5 outlines the main collaboration opportunities taken to promote the plan process and to gain knowledge to improve it. These events both generated interest in our approach and allowed the team to gain useful contacts that helped improve the Plan. It was during these collaborations that it was suggested by a Shetland colleague that there should be opportunity for Scottish marine planners to meet to discuss the way forward for regional marine plans. This led to the formation of the informal Scottish Marine Spatial Planners Group (see Section 4d).

Table 5: Main academic and other presentations of the PFOW pilot project

Event	Location/Date	Summary
International Council for the Exploration of the Sea (ICES) Annual Science Conference	Reykjavik, Sept 2013	Poster and short presentation outlined the development of the project.
Environmental Interactions of Marine Renewable Energy Technologies (EIMR) Conference	Stornoway, April 2014	Paper presented highlighted the local authority perspective on marine planning.
Principles for Effective Stakeholder Engagement in Marine Planning webinar	Online (USA based), May 2014	Participation in webinar

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European Maritime Day	Inverness, May 2014	Presentation outlined the status of MSP in Scotland.
International Centre for Island Technology (ICIT) PhD training day	Stromness, June 2014	Presentation given to students on the SuperGen Doctoral Training Programme at Heriot-Watt, Stromness.
Centre for Environmental Change and Human Resilience (CECHR) Resilient Coasts & Flourishing Seas	Dundee, April 2015	Presentation for Resilient Coasts and Flourishing Seas symposium.
Moray Firth Partnership Annual General Meeting	Inverness, May 2015	Presentation of the PFOW process to local coastal partnership.

General Discussion: Engagement

8.11   The development of '*The well-being, quality of life and amenity of coastal communities*' policy was a direct result of feedback from local communities. It provides a commitment to helping ensure that these factors are safeguarded. Whilst it is acknowledged that measurable targets are yet to be developed to support this policy, research on these topics is likely to progress at marine planning evolves.

8.12   Feedback from the Scottish Marine Spatial Planners group highlighted that there is a lack of social and cultural data in most marine plans and this should be scoped out at early stage to establish what information is required. This would need input of local knowledge and could be a key way of engaging local stakeholders into the process.

8.13   It is worth considering the use of engagement methods that reach beyond the 'usual suspects' and those stakeholders with very specific interests e.g. developers, Non-Governmental Organisations, government agencies etc. Examples could include undertaking concise straw polls on the street on key issues, involving local schools and wider use of social media. Given greater time and resources, the working group would have considered these wider engagement methods.

8.14   Citizen science could be another useful way to involve local people and gather valuable data (e.g. see the Highland Council 'Seashore Project' and the 'Capturing our Coast'[23] project). It can be an effective method to broaden engagement and inclusion in ecological research while building a cooperative space for planners, practitioners, researchers and participants to work together (Jarvis *et al*, 2015).

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[23] http://www.capturingourcoast.co.uk/partner/scottish-association-marine-science

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However, this is generally a resource intensive activity that requires careful management to ensure data quality.

Evidence/Supporting Documents

8.15   PIOP, workshops, Topic Sheets, Posters, Banners, Presentations, Conference proceedings.

Key points: Engagement

- Have at least one person dedicated to stakeholder engagement activities e.g. a Plan Communications Officer
- Establish and continually update a stakeholder contacts database
- Provide regular, short updates on progress via email or newsletter
- Keep website up to date
- Promote collaboration with academic research to help ensure most up to date information is utilised
- Ensure most popular local media channels are used e.g. local websites, blogs, Facebook groups
- Ensure all Marine Planning Partnerships members use every opportunity to promote the Plan at every stage
- Consider innovative engagement methods to involve wider stakeholders beyond the 'useful suspects'
- Measurable targets are yet to be developed to support how well-being, quality of life and amenity will be determined
- Use of Citizen Science coastal and marine projects may be a good way to involve local communities

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9   Overall Discussion

9.1   Overall, the pilot Pentland Firth and Orkney Waters project was a success as it delivered the main outputs i.e. the Plan and all its associated documents, in a relatively timely fashion compared to other local development plans. The various documents produced provide a lot of guidance on how to go about constructing a marine plan, which in turn built on the knowledge gained from previous projects in the UK, the EU and beyond. Some feedback from the advisory group suggests that given the time and budget constraints, the project as a whole went well and gives a good indication of the work required for subsequent Regional Marine Plans (RMP). Others in the group felt that the Plan could have provided much more detailed regional guidance.

9.2   Feedback from the advisory group showed that the members had sufficient opportunity to feed into the plan making process but greater use may have been made of the expertise available. While members acknowledged that the advisory group was effective, it may have benefited from a slightly larger, more balanced, membership. It was suggested that specific task groups chaired or facilitated by individual advisory group members could supplement advisory groups, including single representatives of statutory consultees, key sectors and communities. This could draw on a wider range of local stakeholders; for example Scottish Natural Heritage or Scottish Environment Protection Agency might be tasked with leading a group to advise on regional issues and priorities with respect to safeguarding the natural environment.

9.3   One query raised related to whether or not the Plan should have provided more detail on the variations between the areas, given that they will form two separate Scottish Marine Regions (SMR). It was felt however that the approach was appropriate, as it demonstrated how SMRs that encompass diverse geographic and local authority boundaries can work together to ensure an integrated approach. As acknowledged in the Plan, there is however an inherent degree of uncertainty surrounding the potential impacts of the Plan policies, particularly as many are likely to be influenced by a range of site and project specific factors. The absence of agreed specific measurable targets for marine planning highlights that further work is required to ensure effective delivery of both marine plans and marine planning.

Discussion themes

9.4   Following on from the detailed topics covered in Sections 3-8, a number of key themes are now discussed in a wider context.

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Length of Plan

9.5   One of the repeated feedback comments on the Plan was that it was too long or "intimidatingly long". Some stakeholders felt there should have been an accompanying document that summarised the policies only and much of the information they regarded as 'background' should have been put in appendices or cut down considerably e.g. legislative requirements. The short summary document and updated topic sheet (see Section 7k) addresses these concerns by providing a brief overview of the Plan and the wider project.

9.6   With hindsight, a number of policies could possibly have been combined into one e.g. Sectoral Policies 6 (Marine Transport) and 7 (Ports, Harbours and Dredging). However, there were quite a number of comments asking for additional, quite detailed, information to be added to various sections of the Plan (see Section 10). Several of these requests were for issues beyond the realistic scope of the Plan, including:

- How Regional Marine Plans and fisheries management will integrate in the future
- Ecological impacts of fishing
- Biological constraints and seabed bathymetry mapping of spawning, hatching and juvenile areas of fishing areas
- Identification of where land-based development is required to support recreational use of the marine environment
- Request for an action plan style approach included in the Plan (see also Brooker *et al*, 2015, p.10), which set out specific key actions needed to support the Plan objectives, particularly in relation to informing activity not subject to marine licensing. This could be linked to risk analysis principles, tools and methodologies. However, it is likely that a Regional Marine Plan would have to be developed in the first instance to provide the framework and evidence base before an action plan could be developed.
- Preparation of a Coastal Issues Report, to aid consistency with land use plans

9.7   As a pilot process, the document had to explain the processes involved in preparing the Plan. The planning policies needed to inform and be accessible to a broad range of plan users with a varying knowledge, sectoral interests, national and local interests and familiarity with the policy and legal framework. Therefore, reflecting statutory requirements in policy is essential to ensure compliance as well as aiding transparency in decision making. In addition, the National Marine Plan placed considerable reliance on the delivery of detail to regional Marine Planning Partnerships.

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9.8   Subsequent MPPs should explore ways to streamline their plans and their plan making process, without losing essential detail. For example, Marine Scotland could identify core policies or supporting text e.g. legislative requirements, enforcement mechanisms, which would be the same for all eleven Regional Marine Plans. This could be incorporated into one overarching regional guidance document or into National Marine Plan guidance to avoid replication e.g. nature conservation guidance and policies. It is likely that most regional marine plans would start out as quite detailed documents that could in time be slimmed down as the process evolves and experience of plan implementation develops.

9.9   The potential use of supplementary guidance to support core policies in the plan was raised by Orkney Islands Council. It is acknowledged that there is no current provision for statutory supplementary guidance within the Marine (Scotland) Act 2010. However, this approach may prove useful in future to support more streamlined regional marine plans.

Data gaps

9.10   Throughout the pilot process, it has been acknowledged that a number of data gaps remain. Some of these gaps are in the process of being filled by various research studies e.g. the Marine Recreation and Tourism study and ongoing marine renewables studies. Future MPPs should also consider if there is information that is already gathered routinely that, with some minor changes, could provide useful data for updating the regional marine plans.

Integration with land use planning

9.11   This pilot project demonstrated how close collaboration between the two local authorities in the Plan area and the project lead, i.e. Marine Scotland, can ensure cross-boundary integration of marine plan making. As a direct result of this pilot, the proposed new Caithness and Sutherland Local Plan includes a section on marine planning and makes a commitment to have regard to the PFOW Plan, as well a commitment to include stronger policy links in the revised Highland-wide Local Development Plan process.

9.12   The Orkney Local Development Plan is being revised through 2016 which has enabled the plan policies to be aligned with the marine spatial plan. This is particularly relevant to policies for coastal development, coastal processes and flooding, piers and harbours, the natural environment and onshore infrastructure for marine energy projects.

9.13   This joint process will also ensure the subsequent regional plans for Orkney and the North Coast have a significant base to build upon. It is likely that the Orkney

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RMP will proceed before the North Coast one and will be led by Orkney Islands Council. During 2016, Orkney Islands Council will engage with Marine Scotland, Elected Members and wider stakeholders to canvas views on the future delivery of statutory regional marine planning in Orkney. This will involve discussions with government, commercial, environmental and recreational interests seeking views on how they might engage in a future Marine Planning Partnership and the preparation of a statutory regional marine plan for Orkney. It is envisaged that this period of stakeholder engagement will be followed by a formal direction by Scottish Ministers to facilitate the delegation of functions in relation to regional marine plans to appropriate delegates in Orkney. In the meantime, stakeholders interested in projects or activities on the north Caithness and Sutherland coast can continue to use the non-statutory pilot PFOW plan and the statutory NMP to provide evidence and information to support their proposals.

Key points: General discussion

- Subsequent Marine Planning Partnerships should explore ways to streamline their plans and their plan making process e.g. overarching national guidance on generic issues
- Absence of agreed specific measurable targets for marine planning requires further research
- Explore ways in which data gaps can be addressed, including citizen science.
- Ensure close collaboration with neighbouring marine regions and local authorities to ensure effective integration
- Prior to the development of statutory Regional Marine Plans, the pilot Pentland Firth and Orkney Waters Marine Spatial Plan can be used as a significant resource to support projects and activities

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10 Future considerations

10.1   From the outset, the Marine Planning Partnerships should start the process by determining what exactly the partnership wants their regional marine plan to deliver. This should consider what is already delivered by the National Marine Plan i.e. how far the Regional Plans should stand alone rather than duplicate material in the National Marine Plan. These plans could therefore focus on identifying some key area-specific actions or objectives that could be delivered that are more than what is already required by other legislation, guidance or policy. Although each Marine Region is different, these plans will therefore be able to take advantage of the National Marine Plan. For example, the National Marine Plan policies could be listed, then interpreted to take account of the local situation.

10.2   As noted in Section 9, there were quite a number of comments asking for additional information to be added to the Plan. Whilst several of these requests were for issues beyond the realistic scope of the Plan, future plans could explore how guidance could be developed to:

- Prepare a skills audit of the core group (e.g. working group) and the advisory board/group to identify any gaps then identify how these may be filled
- Support developers on how best they could make effective use of the local supply chains and employment opportunities
- Assess the effectiveness of well-being and engagement measures: these are generally 'softer' issues that are not easily captured but are valuable elements for local communities. These aspects are likely to evolve with the emerging Regional Marine Plan processes
- Examine how RMPs and fisheries management will integrate in the future
- Provide data on the ecological impacts of fishing
- Use biological modelling in marine planning
- Provide more information on impact pathways between sectors
- Identifiy where land-based development is required to support recreational use of the marine environment, with better linkages to Local Development Plans
- Develop a scoring system to assess the sustainability of recreational activities e.g. fuel use, emissions, litter generated

Lessons Learned for plan evolution

10.3   It is likely that most plans will have to go through a relatively similar process to the PFOW project to provide the initial, potentially lengthy, background information. In due course, the plans could then be slimmed down as wider generic guidance

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becomes available. The Marine Management Organisation's head of marine planning provided helpful feedback from the 2015 International Marine Spatial Planning Symposium in Rhode Island, USA. The headline findings were[24]:

- the process of marine planning is as important as the project
- it is important to promote the benefits of marine planning through stories, early evidence, case studies and 'champions' (amongst stakeholders)
- marine planning is partly an exercise of 'invest to save' but there is a challenge in the time lag between effort exerted and benefits realised
- we should move from 'planning to plan' to 'planning to implement' : the Marine Management Organisation's approach of building in implementation into plan preparation was recognised as an example of best practice
- Marine spatial planning needs to be integrated into 'mainstream' coastal management, taking account of other plans and better 'signposting' to marine plans
- the Marine Management Organisation approach to monitoring and evaluation was considered to be ahead of most other programmes represented

10.4   Some of the findings discussed in the paragraph above show that marine planning in England is a few steps beyond the current status of regional marine planning in Scotland, but are useful indicators of how it is likely to evolve. In comparison, regional planning in Scotland is still at a relatively early stage therefore expectations of what can realistically be delivered needs to be carefully managed as the process of marine spatial planning evolves.

Key points: Future considerations

- From the earliest stage, determine what the partnership wants their plan to deliver, taking time to establish a joint vision and set of objectives
- Identify which data gaps can realistically be addressed and associated resources
- Expectations of what can realistically be delivered needs to be carefully managed as the process of marine spatial planning evolves

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[24] Marine Planning newsletter: Issue 3 Autumn 2015

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11 Conclusions

11.1   Marine Spatial Planning is evolving and should therefore focus on the actual planning elements rather than 'just' producing a plan (see Ehler & Douvere, 2009, p. 82). However, as an initial step, the plan-making process is required to allow key stakeholders to come together and develop the framework and evidence base on which to build the subsequent steps. The collaborative approach between Marine Scotland and the two local authorities facilitated the project effectively, bringing a mix of skills and knowledge to the process.

11.2   The Planning Issues and Options Consultation approach, prior to the draft Plan, along with the variety of engagement events and activities, allowed new audiences to become involved in this relatively new arena of planning. Future plans could explore ways to include action planning or more detailed sub-regional zoning and implementation, but would likely have to go through the process of developing a plan first in order to have a base to build upon.

11.3   Developing the Plan also highlighted that a significant amount of input is also required from specialist staff to produce a variety of supporting documents such as the Sustainability Appraisal, Socio-economic studies and research to address data gaps. As this is a pilot project, these will not be updated, but subsequent MPPs would likely have to review and update these documents as part of an agreed review cycle. The overall plan making process is therefore both time and resource intensive; ensuring effective management is crucial.

11.4   Any regional marine plan will need to have a clear picture of what each sectors' goal and priorities are, therefore early, active engagement and buy-in is required from an early stage. Industry sectors need to be shown the value to them of investing time and effort into the process (MEAM, 2015[25]). In addition, whilst any marine plan is being developed, it should be regularly sense checked to ensure that it can be used effectively by decision makers, developers and other stakeholders. It should build in an appropriate level of flexibility to accommodate changing trends and technologies but also be suitably robust.

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[25] MEAM (2015) Getting business on board: Engaging the business community in ocean planning. Vol 8, No. 5.

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Summary of challenges

- Initial largely marine renewable energy focus of the plan
- Stakeholder database crashed (June 2013)
- Managing decision making across multiple organisations
- Not always clear on sectoral priorities from the outset
- Needed a more structured approach to engage sectoral interests
- Differing stakeholder expectations of what the project could realistically deliver
- Difficult to develop a clear direction for future development and activities within a non-statutory plan
- Resource constraints restricted ability to address some identified data gaps and to deliver a spatial strategy for future development

Summary of what worked well:

- Partnership between Marine Scotland and local planning authorities
- Developing a plan that reflects the aspirations of local communities as well as national policy priorities
- Good small core team with an appropriate mix of expertise
- Willingness of core agencies to actively participate in advisory group
- Planning Issues and Options stage to engage stakeholders to shape the plan early in the process to gauge prioritises, inform vision, aims and objectives, and scope the policies
- Engaging stakeholders in the drafting the scope of what policies should cover
- Use of National Marine Plan interactive as a web based mapping tool
- The substantial resources produced i.e. in the form of the Plan and all its supporting documents, which will help support fragile local communities in North Caithness and Sutherland and Orkney by providing a wealth of marine data on a variety of issues and sectors

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Glossary

BRIA	Business & Regulatory Impact Assessment
CPD	Continuing Professional Development
EIMR	Environmental Interactions of Marine Renewables
EQIA	Equality Impact Assessment
FTE	Full Time Equivalent
GES	Good Environmental Status
HIE	Highlands & Islands Enterprise
HLMO	High Level Marine Objectives
HRA	Habitats Regulations Appraisal
ICES	International Council for the Exploration of the Sea
MMO	Marine Management Organisation
MPP	Marine Planning Partnerships
MS	Marine Scotland
MSP	Marine Spatial Plan
NGO	Non-Governmental Organisation
NMP	National Marine Plan
NMPi	National Marine Plan interactive
PFOW	Pentland Firth & Orkney Waters
PIOP	Planning Issues & Options Consultation Paper
RLG	Regional Locational Guidance
RMP	Regional Marine Plan
RTPI	Royal Town Planning Institute
SA	Sustainability Appraisal

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SEA	Strategic Environment Assessment
SEPA	Scottish Environment Protection Agency
SMR	Scottish Marine Region
SNH	Scottish Natural Heritage
SSMEI	Scottish Sustainable Marine Environment Initiative

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Appendix 1:   Governance paper

Note: This paper was written early in the process of developing the Plan and was updated as necessary throughout the process.

Pilot Pentland Firth and Orkney Waters Marine Spatial Plan

Governance Paper

Introduction

1. Ahead of future statutory regional marine spatial plans being developed around Scotland, Marine Scotland, Orkney Islands Council and Highland Council are developing a non-statutory marine spatial plan pilot in the Pentland Firth and Orkney Waters 'strategic area'. The purpose of this governance paper is to identify legislative and policy requirements for developing the pilot, and suggest appropriate working arrangements in response to those requirements.

2. Effective governance can be defined, among other things, as decision-making mechanisms to provide participatory, transparent and accountable ways for public authorities or institutions to manage human activities, linked to specific outcomes.

Legislative requirements

Regional marine planning partnerships

3. The Marine (Scotland) Act makes provision for statutory regional marine plans to be developed, either by the Scottish Government or by regional marine planning partnerships. These partnerships must, so far reasonably practicable, include representatives from environmental, commercial, and recreational sectoral interests.

Working arrangements

Pilot working group

4. The non-statutory nature of this pilot means that its working arrangements do not necessarily have to mirror those set out in the legislation. As the pilot is designed to inform the roll out of regional planning there are advantages in not following the formal process and convening a regional marine planning partnership. A more informal approach will help the pilot to be developed quickly in response to

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current pressure for the proposed development of marine renewables, and other sectors, as well as inform the future roll-out of regional marine planning. Therefore, the pilot will be carried out by a small working group comprising officials from each of the relevant organisations; Marine Scotland (MS), Orkney Islands Council (OIC) and Highland Council (HC).

5. This working group will make its own arrangements to meet regularly as required. It is expected that each of the host organisations/employers of the working group will pay any costs associated with these meetings.

Linkages with appropriate processes in 'parent' organisations

6. Marine Scotland will have overall responsibility for the pilot plan and the working group will aim to obtain consensus on issues whenever possible. However, where this cannot be achieved Marine Scotland will decide on what action the group should take. Each of the three organisations taking forward the plan will need to identify the most appropriate processes to ensure oversight (and where necessary sign-off) of the relevant outputs by their management structures. The local authorities will want to provide briefing notes and/or committee reports which will give councillors the opportunity to comment on the various stages of the pilot process, and where appropriate, to sign-off the work before it goes to consultation.

Oversight by an advisory group

7. In order to ensure effective links between the development of the pilot and other relevant policy development (e.g. on marine spatial planning) at national level the working group will be overseen by an advisory group comprising officials from Marine Scotland, OIC, HC and representatives with an interest in the protection and enhancement of the area and the commercial and recreational use of the area. Its remit will be to advise on the tasks required to take forward the pilot, as identified in the project plan, as well as advise on draft and emerging outputs. As work on the plan progresses, this group may need to consider the efficacy of this remit. It may also consider formalising its remit, for possible future consideration by regional marine planning partnerships when they develop their own remits.

Stakeholder engagement

8. One of the first tasks of the working group is to draft a 'plan scheme'; a public document which explains how stakeholders and local communities will be

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involved and consulted. The document identifies the following methods of stakeholder engagement:

- formal periods with documents deposited for consultation;
- public consultation events at key stages;
- focussed discussion groups;
- one to one stakeholder meetings, and
- meetings/presentations with key stakeholders.

These methods mirror those used for the development of land-based plans and the pilot plan process may need to use all these methods or just some of them.

9. It is likely that the development of the pilot plan will require smaller sub-groups to be set up to deal with specific technical issues. The need for, and membership of, these groups will be developed and identified through the ongoing consultation process.

10. The Plan Scheme 2012 sets out the key stages in the plan making process. Stage 2 of the process consists of a set of studies designed to fill information gaps identified in stage 1. Key studies are ScotMap; the inshore fishing study (completed) and the commercial shipping and recreational boating study (completed). Both of these studies were overseen by steering groups which included key stakeholders.

Costs of the working group

11. Some of the tasks of the working group, such as consultation and communication with stakeholders and communities, will require funding. The working group will be required to estimate the likely future costs, and work with the advisory group to identify sources of funding. Marine Scotland will meet the core costs of communication and consultation. Marine Scotland have made a grant contribution towards the officer staff cost for OIC since 2012 and to HC since 2015.

Spatial extent of plan

12. The Act makes provision for the boundaries of future statutory regional marine plans to be defined in secondary legislation. The Scottish Marine Regions Order came into force in 2015. The Order has identified a Marine region for Orkney and a Marine region for the North Coast of mainland Scotland. The subsequent Regional Marine Plans will therefore be informed by the pilot plan. There will

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need to be an explanation of how the non-statutory pilot will progress/feed in to the statutory plans in this region provided within the plan.

13. However, the pilot will consist of a single plan for the whole of the PFOW region i.e. encompassing the Orkney and North Coast Scottish Marine Regions, because there is value in enabling the local authorities and Marine Scotland to work together to develop common aims and policies. More specifically, the trigger for the pilot is the ongoing commercial development of the marine renewable energy sector. There will be common issues, for example, the possible impact of marine renewables upon ferry routes across the Firth, requiring solutions to be agreed and applied across the whole region.

14. The statutory marine planning regime has a landward boundary at the Mean High Water Spring tide mark, overlapping with the land planning regime (which has a seaward boundary at the Mean Low Water Springs). This is intentional in the drafting of legislation to ensure consistency in treatment of issues in common with both marine and land planning, such as coastal infrastructure. There are advantages for the pilot to have the same landward boundary as the statutory regime, to ensure that processes for joining up with land planning are developed and can be applied to future regional plans.

15. There will also be a need to consider the local authorities approach to coastal areas in their planning guidance and policies, and ensure consistency between the pilot marine plan and those land planning documents in its approach for the areas of overlap. The working group will have to ensure that they work closely together and with land planning colleagues to provide consistent advice and information.

Policy requirements:

Sectoral wave and tidal energy plans

16. National sectoral wave and tidal plans have been developed by the marine renewables team in Marine Scotland; the purpose of these plans is to identify strategic areas (i.e. on larger scales than individual development areas) of resource for development of wave and tidal energy, along with any environmental and socio-economic constraints upon that development. As with the existing offshore wind plan, these plans should enable interested developers to identify sites that are most suitable for development with the fewest constraints.

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17. These sectoral plans are material to the marine licensing process, and will inform the statutory national marine plan. In order to ensure a consistent approach the work on the non-statutory pilot plan will need to be closely linked with the development of the sectoral plans as both deal with aspects of wave and tidal energy developments.

18. There are seven areas proposed for wave and tidal energy development that are subject to the Crown Estate's agreements for lease which give the relevant developers exclusive rights to a sea bed area for purposes including physically surveying the site, collecting resource and environmental data and preparing an application(s) for statutory consent(s). Agreements for lease generally do not allow permanent installations on the seabed. A lease (different from an agreement for lease), contingent on the developer obtaining all necessary statutory consent, allow the developer to construct and operate a project, including permanent installations. Given that developers have now started the legal process of gaining marine licences and converting the agreements for lease into full leases, these areas will be excluded from the sectoral wave and tidal plans.

19. The work on the pilot plan will be carried out in conjunction with the emerging sectoral wave and tidal plans and planning issues around the associated infrastructure required for renewables developments (such as cable routes, cables coming onshore, substations, and ports and harbours), will also be considered as part of this plan.

20. Care will therefore be required for communications relating to the public consultation on the pilot, sectoral wave and tidal plans and onshore planning issues. These will have to be carefully worded to explain exactly what is within the scope and what is not, and the relationship between the various plans.

21. Overall the process for developing the pilot plan will need to keep in step with the process for developing the sectoral wave and tidal plans, to ensure consistency. The best approach would be to take into account the existing regional locational guidance for the PFOW (which was published as part of the stage 1 document in March 2011) and the ongoing work on the national regional locational guidance for wave and tidal energy.

Use/applicability of the pilot plan

22. HC and OIC will be provided with the option to adopt the final pilot Marine Spatial Plan as non-statutory planning guidance, acknowledging the status of the Plan as

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a material consideration in the determination of relevant planning applications. OIC will also be provided with the option to approve the Final Plan as a material consideration in the determination of works licence applications.

23. Together with the sectoral renewables plans (which are also non-statutory), the Licensing and Operations Team in Marine Scotland can use the pilot plan (if approved by the Scottish Ministers) as a material consideration in the determination of marine licensing and section 36 applications.

Summary of the stages of approval and consultation of the PFOW pilot plan

Key Outputs 2012 - 2016	Delivered
Pentland Firth and Orkney Waters Stage 2 Research Studies	2012 - 2016
The Plan Scheme (including Participation Statements)	November 2012
SEA Scoping Report	March 2013
Planning Issues and Options Consultation Paper and draft Environmental Report	May 2013
Consultation Analysis on Planning Issues and Options Consultation Paper and draft Environmental Report	November 2013
Consultation Report on Planning Issues and Options Consultation Paper and draft Environmental Report	April 2014
Draft Pilot Pentland Firth and Orkney Waters Marine Spatial Plan	June 2015
Sustainability Appraisal incorporating a Strategic Environmental Assessment (SEA) a Socio-Economic Assessment draft HRA Record.	June 2015
Consultation Analysis and Modifications Report on Draft Pilot Pentland Firth and Orkney Waters Marine Spatial Plan	March 2016
Final Pilot Pentland Firth and Orkney Waters Marine Spatial Plan including SEA Post Adoption Statement and HRA Record	Spring 2016
Pilot Pentland Firth and Orkney Waters Marine Spatial Plan Lessons Learned Report	March 2016

Marine Scotland
January 2016

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Appendix 2:   List of advisory group members

Name	Organisation
Alasdair McKenzie	Historic Environment Scotland
Norma Hogan	Highland & Islands Enterprise
Roger May	Marine Scotland
David Sawkins	Orkney Harbour Trust
Graham Russell	Royal Yachting Association
Susan Haslam	Scottish Environment Protection Agency
Kate Thompson	Scottish Natural Heritage
Sandy Mackie	Scrabster Harbour Trust

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Appendix 3: Terms of Reference for the advisory group

TERMS OF REFERENCE

PILOT PENTLAND FIRTH AND ORKNEY WATERS MARINE SPATIAL PLAN ADVISORY GROUP

BACKGROUND

Marine Scotland, Highland Council and Orkney Islands Council have established a working group to develop a pilot non-statutory Pentland Firth and Orkney Waters (PFOW) Marine Spatial Plan (MSP). The pilot plan will promote the sustainable management and development of the marine environment and will incorporate economic, environmental and social considerations into marine development decision making.

An advisory group has been set up to oversee the work of the working group and to provide advice and guidance on the outputs from the group. The members of the advisory group are representative of organisations with an interest in the protection and enhancement of the PFOW, and the use of the PFOW for recreational and commercial purposes.

MEMBERS OF THE WORKING GROUP

Marine Scotland (MS)	Tracy McCollin
Highland Council (HC)	Shona Turnbull
Orkney Islands Council (OIC)	James Green

MEMBERS OF THE ADVISORY GROUP

Scottish Natural Heritage (SNH)	Kate Thompson/Chris Leakey
Scottish Environment Protection Agency (SEPA)	Susan Haslam
Historic Environment Scotland	Alasdair McKenzie
Royal Yachting Association (RYA)	Graham Russell
Orkney Harbour	David Sawkins
Scrabster Harbour	Sandy Mackie
Highlands and Islands Enterprise (HIE)	Norma Hogan

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ORGANISATION OF THE ADVISORY GROUP

Marine Scotland will lead on the secretariat of the advisory group. A paper outlining the governance of the Marine Spatial Plan will be provided to the advisory group. As attendance will be at the members own cost, MS will try to ensure that, when meeting in person, the location of the meetings ensure travel is minimised as much as possible. It is likely there will be at least two face to face meetings a year with the group meeting by video or telephone conferencing as necessary during the rest of the year. The meetings will likely be arranged around key milestones during the development of the pilot MSP. The group is likely to last until the completion of the MSP.

Other people may be invited to join forum meetings on a one-off basis to aid discussion of a particular topic, for example as speakers, observers or invited guests.

Working methods

The advisory group will meet face to face at least twice a year and by video and telephone conferencing as necessary during the year to;

1. Review and provide advice on the output of the working group e.g. on documents such as the Governance Paper and the Plan Scheme;

2. Provide guidance on the proposed work plan of the working group;

3. Ensure that the interests represented by the advisory group are taken into account during the development of the pilot MSP;

4. Provide guidance on the Strategic Environmental Assessment and Habitats Regulations Appraisal process;

5. Where appropriate, provide relevant specialist advice to develop appropriate policies approaches in the MSP;

6. Provide guidance on further engagement with additional specialists and interest groups.

Sharing of information and resources

- Through the advisory group meetings and electronic communications, members will be able to share information and resources.

- Members should be able to choose what they share and when they share it.

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- It is each member's responsibility to make it clear where a matter shall remain entirely confidential and not for discussion outside the advisory group.

- When sharing documents, members should make it clear if there is a restriction as to:

  o Circulation of the documents beyond the advisory group;

  o Copyright/use of the contents

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Appendix 4:   List of documents produced

Document	Date	Link
PFOW Framework & RLG	2011	http://www.gov.scot/Topics/marine/seamanagement/regional/activity/pentlandorkney/one
Stage 2 studies	various	See section 7
Plan Scheme	2012	http://www.gov.scot/Publications/2012/11/4241
Planning Issues and Options Consultation Paper (PIOP)	2013	http://www.gov.scot/Publications/2013/06/9672
Draft Environmental Report	2013	http://www.gov.scot/Publications/2013/06/3988
Analysis Report (PIOP)	2013	http://www.gov.scot/Publications/2013/12/6618
Consultation Report (PIOP)	2014	http://www.gov.scot/Publications/2014/04/5576
Draft Plan	2015	http://www.gov.scot/Publications/2015/06/3393
Socio-Economic Baseline Review Consultation Draft	2015	http://www.gov.scot/Publications/2015/06/9524
Sustainability Appraisal Consultation Draft	2015	http://www.gov.scot/Publications/2015/06/8421
Regional Locational Guidance	2015	www.gov.scot/pilotpentlandfirthandorkneywatersmarinespatialplan-regionallocationalguidance
Partial Business and Regulatory Impact Assessment (BRIA)	2015	www.gov.scot/pilotpentlandfirthandorkneywatersmarinespatialplan-businessandregulatoryimpactassessment
Equality Impact Assessment Record (EQIA)	2015	www.gov.scot/pilotpentlandfirthandorkneywatersmarinespatialplan-equalityimpactassessment
Final Plan	2016	www.gov.scot/pilotpentlandfirthandorkneywatersmarinespatialplan
Consultation & Modifications Report	2016	http://www.gov.scot/pilotpentlandfirthandorkneywatersmarinespatialplan-consultationanalysisandmodificationsreport

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Habitats Regulations Appraisal record	2016	www.gov.scot/pilotpentlandfirthandorkneywatersmarinespatialplan-habitatsregulationsappraisalrecord
Post Adoption Statement	2016	www.gov.scot/pilotpentlandfirthandorkneywatersmarinespatialplan-strategicenvironmentalassessmentpost-adoptionstatement
Business and Regulatory Impact Assessment (BRIA)	2016	www.gov.scot/pilotpentlandfirthandorkneywatersmarinespatialplan-businessandregulatoryimpactassessment
Equality Impact Assessment (EQIA)	2016	www.gov.scot/pilotpentlandfirthandorkneywatersmarinespatialplan-equalityimpactassessment
Regional Locational Guidance	2016	www.gov.scot/pilotpentlandfirthandorkneywatersmarinespatialplan-regionallocationalguidance
Pilot Plan Summary	2016	www.gov.scot/pilotpentlandfirthandorkneywatersmarinespatialplan-summary
Lessons Learned	2016	www.gov.scot/pilotpentlandfirthandorkneywatersmarinespatialplan-lessonslearned

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Appendix 5: Financial summary of project costs

	Cost (£)	VAT (£)	Total (£)
Publicity	3288.01	522.43	3810.44
Publishing	46586.79	3872.40	50459.19
Consultation events	2575.75	205.17	2780.92
Strategic Environmental Assessment	18000.00	n/a	18000.00
Staff costs	222374.00	n/a	222374.00
Council posts*	90000.00	1800.00	91800.00
PFOW Marine Spatial Plan Framework and RLG	50000.00	n/a	50000.00
Grand total	**432824.55**	**6400.00**	**439224.55**

* No VAT but 2% management charge from Solway Firth Partnership. No contribution made for first 3 years of Highland Council staff costs.

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