National Marine Plan Review 2018:

Questionnaire Analysis Report

Contents

INTRODUCTION

The National Marine Plan

Marine planning in Scotland's waters is governed out to 12 nautical miles by the Marine (Scotland) Act 2010, an Act of the Scottish Parliament, and from 12 – 200 nautical miles by the Marine and Coastal Access Act 2009, an Act of the UK Parliament. The two Marine Acts establish a legislative framework for marine planning to enable demands on marine resources to be managed in a sustainable way across Scotland's seas.

Scotland's first statutory marine plan, the National Marine Plan ('the Plan'), was adopted and published in March 2015. The policies and objectives of the Plan set out how Scottish Ministers intend marine resources to be used and managed. The Plan supports development and activity in Scotland's seas while incorporating environmental protection into marine decision making to achieve sustainable management of the marine environment.

The policies and objectives of the Plan will also be reflected in the development of Regional Marine Plans which will be developed by Marine Planning Partnerships within Scottish Marine Regions and which will implement national policies at a regional level, taking account of local circumstances and issues.

The Marine Acts require that public authorities must take authorisation or enforcement decisions in accordance with the Plan unless relevant considerations indicate otherwise. They must also have regard to the Plan in taking decisions which do not relate to authorisation or enforcement and which are capable of affecting the Scottish marine area. This applies to Marine Scotland and wider Scottish Government, current and forthcoming Marine Planning Partnerships, Local Authorities and other public authorities including statutory advisors, regulators and agencies.

Monitoring and review of the National Marine Plan

Section 16 of the Marine (Scotland) Act 2010 requires Ministers to keep under review and publish a report on:

a)   the effects of the policies in the plan

b)   the effectiveness of the policies in securing that the objectives for which the plan was prepared   and adopted are met

c)   the progress being made towards securing the objectives

d)   the progress being made towards securing that the objectives in any regional marine plan secure the objectives in the national marine plan.

Section 61(3) of the UK's Marine and Coastal Access Act requires a) to c) above and also

d)   if a MPS [**Marine Policy Statement**] governs marine planning for the marine plan authority's region, the progress being made towards securing that the objectives for which the MPS was prepared and adopted are met in that region.

At this time no regional marine plan has been adopted under the Marine (Scotland) Act 2010. Therefore the review of the Plan in 2018 excludes requirement 16(1) d of the Marine (Scotland) Act.

The approach to monitoring and review

Ministers must prepare and publish a report on the above matters. The Scottish Act requires a report for the area out to 12 nautical miles to be published within 5 years of adoption of the Plan; the UK Act requires a reporting interval of no more than three years of plan adoption for the area 12-200 nautical miles. In order to satisfy the requirements of both pieces of legislation, and to ensure lessons are learned in the early stages of marine planning in Scotland, Scottish Ministers committed to an initial review of the Plan within three years of adoption i.e. March 2018.

The document entitled *National Marine Plan – Monitoring and Reporting*, published in 2016 by Marine Scotland provides an outline of the proposed approach to the review of the Plan. It identifies that in addition to the requirements of the Marine Acts, there are other areas which are helpful to building a wider picture of whether the Plan is still relevant and whether it is being implemented effectively. These include how the Plan is being implemented by public authorities, what barriers there are to effective implementation, what activities are emerging which future marine plans will have to take into account and how changing circumstances may affect future plans.

The document stated that the review would consist of:

- Monitoring implementation of the Plan and its policies through recording and feedback by Marine Scotland Licensing Operations Team and other public authorities

- Qualitative assessment of implementation and effectiveness of policies through engagement with public authorities and wider stakeholders to determine the success of policies, identify policies for which revision may be required in future, identify barriers to successful implementation, and identify areas of the Plan where change would be beneficial

- Consideration of existing monitoring programmes and other available data and statistical information for relevance to Plan objectives, and evaluate which of these may provide evidence on effectiveness of policies

- Consideration of the extent identified effectiveness of policies can be attributed to the Plan and which other factors may be exerting influence.

To take this forward, the review process consisted of two main work areas. Firstly, existing data monitoring programmes and other data sources were considered for their relevance to informing the effectiveness of policies and progress towards objectives. Secondly, a questionnaire was developed upon which all engagement with relevant sectors, public authorities and marine interests were based.

The questionnaire and stakeholder engagement

The questionnaire (Annex 1) was used to explore implementation and to gain comparative qualitative, and in some cases quantitative, information on which policies were useful or otherwise to decision making. The questions focused on:

- implementation of the Plan, and barriers to effective implementation

- monitoring use of the Plan to identify information sources to help evaluate effectiveness

- effectiveness of the plan, its policies and how the policies contribute to delivering Plan objectives

- what activities or uses of the marine area are emerging which may not be adequately covered by the current Plan

- what factors may influence marine planning policy, or the timing of the next iteration of the Plan

Marine Scotland also took the opportunity ask about awareness and use of the Marine Scotland Open Data Network (MSODN), a suite of three online resources displaying Maps (Marine Scotland Maps NMPi), Data (Marine Scotland Data) and Information (Marine Scotland Information). The feedback gathered will be used to inform future development cycles for each of the MSODN systems, but does not focus in this analysis or the final review report.

The questionnaire was available online for 6 weeks and was sent to all Local Authorities with a marine border, relevant regulators and advisors, key marine sectors, Local Coastal Partnerships, marine industries and non governmental organisations. It formed the basis for bilateral meetings with a number of organisations and Marine Scotland departments including the Marine Scotland Licensing Operations Team. It also informed the structure for a multi-stakeholder workshop hosted by the Scottish Coastal Forum which helped gather feedback as evidence for the review.

In total 27 responses to the questionnaire were received. Annex 2 lists the organisations which responded. This analysis report focuses on the information in the responses to the questionnaire, supplemented by that gathered in bilateral meetings and discussions within Marine Scotland. This report sits alongside the Report of the Scottish Coastal Forum's National Marine Plan Review Workshop 2018 and the information collated on the relevance of monitoring programmes to the review. Collectively they provide the evidence base for, and are reported on, in the National Marine Plan Review Report 2018.

A number of responses included comments on issues related to marine planning but which were out with the scope of the review in that they did not relate specifically to implementation or effectiveness of the Plan or its policies. These mostly related to the regional marine planning framework, the establishment of Marine Planning Partnerships and opportunities for participation within the regional planning processes. While these may not be within the scope of the current review, the comments are valid responses to ongoing work and will be considered within that context.

ANALYSIS OF RESPONSES TO THE QUESTIONNAIRE

Part 1: Implementation of the National Marine Plan

For the Plan and its policies to be effective, implementation by relevant public, regulatory and decision making authorities is essential. Understanding whether the Plan is being implemented, and what barriers exist, is an important step to understanding effectiveness of the Plan. Information on whether users of the Plan monitor their use is also helpful as it can identify whether there is evidence to explore.

Implementation and use of the Plan

Fourteen of the respondents confirmed that they do implement the Plan. Those interviewed also confirmed implementation in a number of areas. Of those who confirmed that that they do not implement the Plan, a number do not have a statutory requirement to do so.

Implementation was not restricted to public authorities; a variety of marine users and industries stated they used the plan for a wide range of non statutory purposes.

Planning authorities

Of the nine planning authorities[1] which responded to the questionnaire, five stated they implemented the Plan. In addition to using it to inform planning decisions and the creation of Development Plans, other applications included:

- using the Plan as a reference point when responding as a consultee to offshore wind development proposals

- using the Plan within a Marine Planning Partnership as a basis for discussion and direction on regional marine plan development

- to encourage pre-application processes and engagement between stakeholders in advance of planning applications

- to inform advice on marine and coastal issues to other areas of the organisation

- to encourage the development of fishing mitigation measures in relation to development proposals and to encourage synergistic planning applications

A proportion of planning authorities indicated that rather than apply the Plan directly they complied through consistency with their own policies or because of the common goal of sustainability shared between marine and terrestrial planning frameworks. Only some provided detailed information on the relationship between the Plan's policies and those within their own development plans. It could not be ascertained whether the others assumed compliance or whether there been any objective assessment of the Plan's policies in relation to their own.

Four planning authorities stated they did not implement the Plan. The reasons given included lack of awareness of what the key issues of relevance were, resource implications at a time of local authority constraint, and the time required to develop an appropriate response to marine planning as a new entity. One authority also noted that the Plan was not currently embedded within their Local Development Plan (LDP) because of the nature of the terrestrial planning cycle, but that it would be included in a revision of the LDP at a later date. The fact that some LDPs were adopted before the

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[1] The term 'planning authority' encompasses Local Authorities, Strategic Planning Authorities, Marine Planning Partnerships, Marine Scotland and National Park Authorities

National Marine Plan was also given as a reason, with the expectation that future plans would align with marine planning when revised.

Within the relatively small group of responding Local Authorities there was a notable difference between those with a particular maritime focus or a history of non statutory marine planning and those for which the concept of marine planning was new. The former provided the clearest examples of integration of marine and terrestrial policy, and also provided the most detailed evidence of applying the Plan's policies to their own and to decision making.

Other public authorities

Other public authorities use the Plan for a variety of purposes in relation to the discharge of their statutory functions. In addition to determining licence and planning consents, river basin management planning, provision of advice, and leasing the seabed for commercial marine renewable energy were all specifically mentioned. The following provides an overview of additional uses:

- to provide guidance and advice e.g. in relation to consultations on planning and licensing applications

- to assess marine licence applications and to use as a referral document to encourage the provision of relevant information in applications

- to inform amendments to planning guidance and other internal policy documents to reflect the policies and objectives of the Plan

- to promote development of voluntary measures by stakeholders to help deliver Plan policy

- to determine funding of projects/work in support of policy aims

- to use in the assessment and consenting of activities within Sites of Special Scientific Interest

- to refer to as a demonstration of the Scottish Government's emphasis on ecosystem health and the value of ecosystem services within marine planning and wider marine management.

It was suggested that in the case of some public authorities there may be a need for Scottish Government to use service delivery arrangements to influence the implementation of the Plan. This approach could help drive cultural change across larger organisations as opposed to relying on dissemination of information from a relatively small number of staff or departments who are aware of the marine planning framework.

Marine sectors and users

Other marine industries, tourism and recreational users and representatives, port authorities and coastal partnerships identified a range of circumstances where they use the Plan. Some stated they aligned with the Plan's policies where possible to support policy aims and objectives. Uses of the Plan include:

- as reference material when responding to consultations on planning and marine licence applications and offshore renewable energy proposals

- to use in discussion with other sectors and bodies to emphasise principles of shared access to coastal and marine areas and shared infrastructure to ensure access and use by marine recreation and tourism interests

- to reference within planning applications to demonstrate compliance with the Plan's policies

- to demonstrate compliance with the Plan's policies within delivery of services

Summary

The Plan is used for a range of purposes by public authorities, marine users, sectors and industries. It is applied to a wide variety of circumstances, many of which extend beyond the statutory uses of informing licence and consent decisions and other areas of regulation, plan development and provision of statutory advice.

Information provided suggests that not all public authorities which have a statutory obligation to implement the Plan are doing so, or are applying it consistently. Although this applies mostly to Local Authorities, it should be noted that only a small number participated in the review process and therefore further engagement is needed to better inform this conclusion.

Barriers to implementing the Plan

Understanding barriers to effective implementation is important to establish what, if any, additional information and support is needed to ensure that those with a statutory requirement to use the Plan are doing so.

Possible barriers to implementation were suggested by those who use the Plan and those who do not. General reasons given included:

- a lack of awareness of the Plan, its content, its statutory nature and its role in decision making

- a perceived lack of relevance to local issues and to terrestrial issues within local development planning

- limited resource availability, including the time necessary to learn, understand and apply a new decision making framework

- the Plan's size (number of policies) and accessibility (length of plan) can be difficult for people to absorb, find and implement the most relevant parts of the Plan. This applies to both applicants seeking consents/licences and to regulators

- applicants for marine licences for relatively small activities such as moorings find it difficult to assess the relevance of the Plan policies to their activity

- application of the Plan needs to be proportionate in terms of balancing possible burden to working practices with the benefit gained as a result and therefore the Plan may not always be applied thoroughly

A number of respondents commented on attributes of the Plan or specific policies which are considered to hinder effective implementation and are therefore considered barriers to implementation. Because of their relevance to the discussion of effectiveness these issues are presented in Part 2: Effectiveness of policies and progress towards objectives.

Summary

A number of barriers to effective implementation were identified, including a lack of awareness of the statutory nature of the Plan and the time required to become familiar with a new planning framework. Integration within existing processes was noted as a possible barrier; using the examples of development planning there may be a significant time lag before development plans align with marine planning policy due to the nature of the planning cycle.

Monitoring use of the Plan

Although there is no statutory obligation on public authorities to monitor use of the Plan, information relating to monitoring or recording was requested to identify an evidence base that would help determine how policies are used and under what circumstances.

Few respondents indicated that they were actively monitoring use of the Plan. Details provided by 14 respondents suggest that while use of the Plan is not monitored, it is documented within existing procedures such as case handing reports. In the majority of cases extraction of information would be resource intensive, and therefore while it could be made available it was not requested for this review. However the records of use by Marine Scotland Licensing Operations Team were accessed and analysed in some detail. The analysis is presented and discussed in detail in the Review Report.

Some of the reasons given for not monitoring included:

- no guidance is available on what level of monitoring is required, when, and by whom, although there is a general awareness of the requirement for Scottish Ministers to review certain matters and report upon them

- use of the Plan is noted through review meetings, internal audits and reporting processes, but since these are not specifically designed to monitor the Plan it is difficult to extract information

- as a volunteer or non-public authority which uses the Plan to respond to consultations on licences there is no need or resource available to monitor

- the UNIFORM recording system used within Local Authorities to record policies used in local development decisions has not been adapted to record plan policy usage. This could be undertaken but with associated cost

Summary

Responses suggest there is little direct monitoring being undertaken although information provided indicates that the application of policies is sometimes audited within existing processes. While some information is available, it is not easily accessible and with the exception of Marine Scotland Licensing

Operations Team records it was not accessed for review purposes. While some internal recording processes could be altered, the benefit of the output would have to outweigh the cost of doing so.

How the plan is used in authorisation and non authorisation decisions

The Marine Acts require that public authorities must take authorisation or enforcement decisions in accordance with the Plan unless relevant considerations indicate otherwise. They must also have regard to the Plan in taking decisions which do not relate to authorisation or enforcement and which are capable of affecting the Scottish marine area. Questions were asked to explore the use of the Plan by different authorities in different situations.

Authorisation and enforcement decision

There was considerable overlap with responses to questions on implementation. Public authorities with consenting or regulating roles confirmed their main use of the Plan was in relation to the determination of various licences, exceptions, consents and permits. Marine licences, Controlled Activities Regulations licences, Pollution Prevention and Control permits. aquaculture planning consents and leasing of the seabed for commercial offshore wind energy were all referred to.

How the Plan is used to within decision making was detailed by one Local Authority. It had requested that Environmental Management Plans were submitted as part of fish farming planning applications, where appropriate, as a demonstration of how Plan policies are addressed. Similarly fisheries mitigation plans had been requested in relation to proposed development and use in accordance with Sea Fisheries policy 3.

Using the Plan to promote coexistence, explore social and economic benefits of a development and consider climate change assessment adaptation and resilience criteria were also referred to.

Non authorisation and enforcement decisions

Information was provided which demonstrated that the Plan was reflected in the development of statutory advice and guidance and in response to consultation on the Plan was reflected in statutory advice and used in consultation responses in relation to new developments. The latter was also referred to by non statutory marine users and sectors in terms of justifying responses to consultations or informing applications for licences.

The use of the Plan in promoting alignment between marine and terrestrial plans was referred to by Local Authorities with one authority stating it had implemented Aquaculture policies 1-14 of the Plan through its Supplementary guidance: aquaculture and supporting spatial strategy. A tourism and recreation interest used the Plan to demonstrate to terrestrial planning authorities how marine tourism and recreation development fits into the wider planning context. The Plan's use as a compliance tool to frame policies, procedures and internal company management systems was also mentioned by a respondent.

Summary

Overlap of responses with those to previous questions on implementation, or because of their relevance to future questions on effectiveness, means that little additional information on the specific nature of use is presented in this section. However, a wide range of consents and licences were named as authorisation decisions which were informed by the Plan and this was illustrated with examples of specific policies which had been used in the decision making process.

Part 2: Effectiveness of Plan policies and progress towards securing objectives

Evaluation of policies will help determine their effects, progress being made towards securing the Plan's objectives and the relationship between policies and objectives.

The process of understanding how a policy has been used and what effect it has had will help to determine whether or not policies are delivering as required. It will also help inform where policies could be improved in future plans. A number of questions were asked to help evaluate effectiveness and to identify where improvement may be required.

A small number of public authorities suggested that the time interval between the adoption of the Plan and the reporting requirement was too short to allow effectiveness to be clearly understood. In some cases internal procedures are still being aligned with the Plan and its impact is not yet clear.

How useful the Plan is to decision making or plan development

A considerable proportion of responses related to general attributes of the Plan which are thought to contribute to its effectiveness or otherwise. Other responses provided detailed information relating to specific policies and objectives. These are presented below and have been supplemented by information provided in response to previous questions where there is relevance to the issue of effectiveness.

Policies considered useful to decision making

A number of general attributes of the Plan were identified which are considered to be of value to the decision making processes and to wider marine management.

Examples include:

- the adoption of a National Marine Plan for the marine environment was a significant milestone in itself and there are benefits to having a Plan in place

- text in the Plan which states the importance of ecosystem health and taking an ecosystem approach to policy development is valuable as an indicator of government direction and policy

- information on sectors is helpful as compatibilities and incompatibilities between sectors can be understood by those developing proposals for development or use of the marine environment. Encouraging different sectors to take account of one another in advance of proposals for development or use is helpful

- the Plan provides a welcomed statutory basis for taking into account land-sea interactions into Local Development Plans. It adds most value to decision making where its detail extends beyond existing Local Development Plan policies.

A number of more specific examples were provided which demonstrated the effectiveness of particular policies or objectives. These included:

- new policies given statutory status by the Plan, such as cables policy in Chapter 14 and Priority Marine Features in General Policy 9 (natural heritage) are effective by providing clear direction to decision makers for the first time

- Priority Marine Feature elements in General Policy 9 (natural heritage) is central to the emergency action taken in the Loch Carron to protect features of importance following damage by fishing activity

- marine litter and marine invasive non-native species are given a focus within planning and decision making which is important as awareness of their impact on the natural environment and on marine activities is better understood

- Sea Fisheries policy 3 is helpful in that it requires an assessment of the impact of a development proposal on fishing activity. This has led to the cumulative impact of existing and proposed fish farm development in an area being considered; this influenced the decision made

- engagement between different stakeholders often has to be encouraged by regulators. General policies 4, 17, 18, 19 and Sea Fisheries policy 3 are all helpful in this regard

- Recreation and Tourism and Transport policies in chapters 12 and 13 have influenced the business plan of a ferry operator

Policies considered challenging to decision making

A number of general attributes of the Plan were identified as challenging to the decision making processes. These include:

- the Plan would benefit from setting clearer priorities or introducing a hierarchy to the policies to provide clarity to the decision making process

- many of the policies in the Plan signpost other legislative or statutory requirements and so do not add value to the decision making process other than by providing relevant policies in one place

- the structure of the Plan may prevent some key policies being readily evident to all users of the Plan. Sea Fisheries policy 3 is important as it considers the impact of activities on fisheries, but its place in a sectoral chapter may mean it is overlooked. Also, this policy does not take into account the scale of a project

- the wording of some policies is not directive enough to influence decision making; words such as 'should' introduce ambiguity for regulators

- the Plan does not take account of the cumulative effects of sectoral policies, for example there is no process to track accumulation of impacts on the national status of Priority Marine Features (General Policy 9)

- social and economic policies need to be more explicit and more directive for use within regulatory processes

The legislative basis for effectiveness of the Plan was raised. It was suggested that if activities which do not have their management delivered through licensing and are therefore not captured by legislation as 'authorisation and enforcement decision', the relevant authorities must only 'have regard

to' rather than make decisions 'in accordance with' marine plans. It was queried that if the relevant legislation differentiates between licensable and non-licensable activities on different footings, then the intention of a fair and level planning framework could be undermined and hinder the potential to deliver policies and objectives.

Specific examples of policies or objectives which are more challenging to apply or which are considered less effective include:

- some policies and objectives appear incompatible e.g. oil and gas objectives and policies to maximise recovery and prolong production, and climate change policies and objectives to facilitate a transition to a low carbon economy

- voluntary measures may not be sufficient and/or regulatory tools may not be available to effectively implement policies; examples include General Policies 10, 11, 21 and Aquaculture 12

- some policies would benefit from guidance to be more effective; examples include General Policies 9c and 21.

- there is a focus on policies as the delivery mechanism to achieve objectives, but this risks not delivering objectives where there is no directly associated policy

A number of matters were raised in relation to aquaculture. The reflection of industry growth targets within an objective was considered by a number of respondents to contradict the sustainable approach to marine management outlined in the Plan and some of its environmental policies. It was also thought to contradict some of the High Level Marine Objectives for which the Plan was developed (see next section). In contrast another respondent suggested that the presumption against aquaculture sites on the east coast (Aquaculture policy 2) should be revised in order to allow fish farming to expand elsewhere. In relation to shellfish farming a respondent noted that Aquaculture 4 places a presumption on locating shellfish farms in areas designated as shellfish waters if these have sufficient capacity to support such development. A number of these currently have downgraded water quality and so there is a concern that directing shellfish farms to those particular areas would be disadvantageous for the sector.

Summary

In general, respondents were positive about the effectiveness of the Plan, welcoming it as a progressive step in the management of marine resources. The Plan's references to the importance of ecosystem services and ecosystem health provides a useful basis for dialogue between users; sector information is equally useful. The Plan is used in a range of authorisation and non authorisation decisions and specific examples of how policies had helped decision making have been provided.

However, a number of issues were raised about the ambiguity of language used in some policies, conflict between policies and the need for more prioritisation within the Plan to provide clarity to decision makers. It was also queried whether the delivery mechanisms of some policies lead to effective implementation, for example those which rely on voluntary measures.

Policies which contribute to meeting the objectives of the Plan

Respondents were invited to consider how effective the Plan's policies are in delivering the objectives for which the Plan was prepared. These strategic objectives are outlined in Annex B of the Plan and are a combination of the EU Marine Strategy Framework Directive Good Environmental Status descriptors and the High Level Marine Objectives presented in the Marine Policy Statement.

The majority of the respondents indicated that responses to previous questions were relevant so many of the matters raised have been captured elsewhere in this analysis. A lack of familiarity with the strategic objectives of the Plan may also have contributed to the relatively small number of responses which referred to a connection between the policies and objectives of the Plan. Examples include:

Policies which have contributed to meeting sectoral objectives of the Plan

- The designation of the emergency Marine Protected Area in Loch Carron using Policy General 9 had contributed to meeting the High Level Marine Objective (HLMO) category 'living within environmental limits'.

Policies which are counterproductive to objectives of the NMP

- Apparent inconsistencies between the industry targets reflected with aquaculture objectives and the Plan's environmental policies were highlighted with specific reference to HLMO 2, 4, 11, 13, 15 and 20, general policies and sectoral policies relating to Wild Salmon and diadromous fish.

- Objectives relating to maximising oil and gas exploration and recovery of fossil fuel are in conflict with Scotland's commitment to mitigating and adapting to climate change. This was seen to be contrary to HLMO 2.

Summary

Few examples were provided of the contribution policies make towards achieving strategic or sectoral objectives. There may be several reasons for this, such as limited familiarity with the Plan's strategic or overlap with existing responses.

Where specific examples were highlighted they stated inconsistencies between sectoral specific objectives/policies and High Level Marine Objectives. This was specifically highlighted in relation to oil and gas policies and aquaculture objectives where industry growth targets are reflected.

Part 3: Emerging Activities

The General Policies of the Plan set out overarching environmental, social and economic policies which apply to all decisions regarding development and activity which may affect the marine area. Questions sought to identify emerging or new activities which would not be adequately addressed by the General Policies, and which would require additional specific policies in the future to ensure their sustainability.

Emerging activities which are not adequately addressed by General Policies

The majority of respondents suggested activities which would require specific policies in the future to ensure their sustainability. A range of activities were suggested including those not currently underway in Scottish waters, existing activities which are thought to be increasing in prevalence and those which may become prevalent in the future.

Impacts on the natural environment upon which many activities rely and the need to manage these within environmental limits were the most common concern.

Emerging activities which were identified the most frequently are:

- Wild seaweed harvesting and cultivation

- Decommissioning of oil and gas infrastructure, and other infrastructure such as cables

- Shifts in the marine and coastal tourism sectors, increases in some activities, emergence of others including 'swim with' activities and the need to give some, such as sea angling, more prominence

- Changes in the balance between oil and gas usage and a transition to carbon zero economies

- Possible changes in aquaculture innovation such as deep water sites

- Marine renewable energy technologies e.g. floating wind, kites, technological advances in wind energy including deep water activity and variations in tidal technologies

- Transmission grid

- Implications of implementation of the Ballast Water Management Convention

- Marine products with niche markets

- Deep sea mineral extraction

- Electrofishing for razor clams

- Shore to ship energy

As well as identifying new activities, respondents provided comment on what a future Plan should deliver. Examples included:

- benefits to the local community and making sure marine profits stay and benefit the coastal communities that support them

- an ability to address the fact that some development will have different impacts on landscape and socio economics depending on local characteristics

- enhanced flood risk management with a requirement to consider natural flood risk management, and coastal resilience and adaptation

- marine litter - types of material used in development of projects and to ensure developments do not result in an increase of litter

- the consideration of well being and quality of life

- recognition of the importance of partnership working between business, government, research and communities

- a priority for ship to ship oil transfer to occur in ports

- addressing current unregulated activity such as wild shellfish harvesting, biosecurity for recreational users, wild biota harvesting for commercial use

Part 4: Changing Circumstances

Respondents were asked to consider what changes could be expected in the short and long term that will influence marine planning, the timing of the next Plan or how use of the marine environment will change.

Influence on the use of marine environment and marine planning policy

A large number of the issues raised overlapped with those new or emerging activities and have not been repeated here. The legislative or policy changes most commonly referred to were:

- The UK's exit from the European Union

- Scottish Government's commitments to UN Sustainable Development Goals, OSPAR, UNCLOS, Aichi 2020 and the Marine Strategy framework Directive

- Scottish independence or changes to the devolution agreement

- Community Empowerment Act

- The Islands Bill

- The Ballast Water Management Convention

- Emerging Scottish Government policy on energy

- Oil and Gas extraction and sale price fluctuations

- Adoption of regional marine plans

- Better alignment of marine and terrestrial planning frameworks

- Transition to low carbon economy and climate change targets

NEXT STEPS

This analysis provides information gathered in response to the stakeholder engagement undertaken to inform the report on the National Marine Plan Review 2018. In accordance with the Marine Acts, Scottish Ministers will consider the review report and then determine whether or not to replace or amend the Plan.

The issues raised in the report on the review of the National Marine Plan Review 2018 and in its supporting documents will be considered in detail to inform future national or regional marine plans and also research and development.

ANNEX 1

NATIONAL MARINE PLAN REVIEW QUESTIONNAIRE

Implementation of the National Marine Plan

1. Has your organisation implemented the NMP or any element of the Plan?

    a. If yes, can you provide information on how you use the Plan?

    b. If no, what are the barriers to implementing the Plan?

2. Is your organisation monitoring the use of the NMP?

    a. If yes, do you have an audit trail or records you can share?

    b. If you are not monitoring use of the Plan, is there a reason for this?

3. We would like to understand more about the circumstances in which the NMP is used. Can you provide any information on how your organisation uses the Plan in:

    a. authorisation or enforcement decisions?

    b. non authorisation/ enforcement decisions? e.g. terrestrial development plan development

4. Was it necessary to change your procedures to incorporate usage of the NMP?

    a. If yes, what changes were needed?

Effectiveness of the National Marine plan

5. Can you provide any information or evidence of implementation which illustrates how useful, or otherwise the NMP has been to your decision making or policy/plan development?

6. We are interested in knowing more about policies which have been used in decision making and the effectiveness of them. Can you give examples of policies which:

    a. Have been helpful to your decision making or plan development?

    b. Have caused difficulty in decision making or plan development?

7. We are interested about how policies contribute to meeting objectives of the Plan. Can you highlight policies you have used which:

    a. contributed to meeting the high level strategic objectives of the Plan (as set out in Annex B of the Plan)? If so, please explain

    b. have contributed to meeting the sectoral objectives of the Plan? If so, please explain.

    c. have been counterproductive or contradictory to meeting either the high level or sectoral objectives of the plan? If so, please explain.

New activities

The general policies of the NMP set out the overarching environmental, social and economic policies which apply to all decisions regarding development and activity which may affect the marine area.

8.   Do think there are emerging or new activities which are not adequately addressed by the general policies outlined in the Plan, which would require additional specific policies to ensure sustainability?

   a.   If yes, which activities are not adequately addressed?

Changing circumstances

We are looking to the future to consider what may influence marine planning in the short and long term, and what may influence the timing of a future plan. Influences may be legal, political or otherwise, or could include changes to the use of the marine area over time.

9.   What factors do you think will influence marine planning policy:

   a.   in the immediate to short term i.e. within the next five years?

   b.   over the longer term i.e. the next 20-30 years?

10.   What other issues do you think will arise that will affect how marine environment is used that may need to be planned for

   a.   in the immediate to short term i.e. within the next five years?

   b.   over the longer term i.e. the next 20-30 years?

Marine Planning Data

We would also like to ask you about your use or knowledge of the Marine Scotland Open Data Network (MSODN). Marine Scotland provides access to three online resources; Marine Scotland Maps NMPi offers an online interactive mapping tool, Marine Scotland Data offers access to open data and Marine Scotland Information provides supporting information and connections between Maps and Data.

11.   What type of data or information (maps, tabular data, reports etc.) do you most often require for marine planning?

12.   Were you aware of any of the three online resources offered by Marine Scotland? Please select all that apply.

   Marine Scotland Maps (NMPi)
   Marine Scotland Information
   Marine Scotland Data

13.   If were aware of any of the Marine Scotland Open Data Network sites, do you use them within your organisation and how?

14. What additional resources or functionality (individual datasets or web services) would be useful for your organisation, that are not included in the Marine Scotland Open Data Network?

15. Would you like to provide any other comments relating to Marine Scotland Open Data Network?

ANNEX 2

QUESTIONNAIRE RESPONDEES

Aberdeenshire Council

Argyll and Bute Council

Association of Scottish Shellfish Growers

CalMac Ferries Ltd

Crown Estate Scotland

Dumfries and Galloway Council

Dundee City Council

Fife Council

Forth Estuary Forum

Forth Ports Limited

Inverclyde Council

Loch Lomond & The Trossachs National Park

Marine Scotland

Named individual

Orkney Islands Council

Riskend Aggregates Ltd

Scottish Borders Council

Scottish Environment Protection Agency

Scottish Natural Heritage

Scottish Power Generation

Scottish Water

Scottish Environment LINK

SESPlan

Solway Firth Partnership

The City of Edinburgh Council

The Royal Yachting Association Scotland

VisitScotland

World Wildlife Fund Scotland