

# Marine Scotland

## Planning Scotland's Seas

Scotland's National Marine Plan: Draft Equality Impact  
Assessment (EQIA)



marinescotland

<b>Title of policy/ practice/ strategy/ legislation etc</b>	<b>National Marine Plan</b>	
<b>Minister</b>	<b>Richard Lochhead</b>	
<b>Lead official</b>	<b>Anna Donald</b>	
<b>Officials involved in the EQIA</b>	<b>name</b>	<b>team</b>
	<b>Lynsay Ross</b> <b>Kevin Brady</b>	<b>Marine Planning Policy</b> <b>Marine Analytical Unit</b>
<b>Directorate: Division: team</b>	<b>Marine Scotland: Marine Planning and Policy Division</b>	
<b>Is this new or revision to an existing policy?</b>	<b>New</b>	

## **Introduction**

1. The public sector equality duties on race, disability and gender require that equality considerations are integrated into all the functions and policies of Scottish Government Directorates and Agencies.

2. A key part of these duties is to impact assess all of our policies to ensure that we do not inadvertently create a negative impact for equality groups. It is the Scottish Government's policy that the equality groups we consider extends beyond those three areas covered by a public sector equality duty and includes the six equality strands of age, disability, gender, race, lesbian, gay, bisexual and transgender, and religion and belief.

3. We would like your views on this draft impact assessment, which is part of the consultation on the National Marine Plan; available electronically on the Scottish Government website at:

[www.scotland.gov.uk/marineconsultation](http://www.scotland.gov.uk/marineconsultation) .

4. Your responses to the questions included will help us to carry out a full equalities impact assessment of the proposals. Responses by email should be sent to [marineplanning@scotland.gsi.gov.uk](mailto:marineplanning@scotland.gsi.gov.uk) and responses in writing should be sent to the address below by 13 November 2013:

Marine Planning  
Marine Scotland  
Area 1A-South  
Victoria Quay  
Edinburgh  
EH6 6QQ

## **Screening**

## ***Policy Aim***

5. The National Marine Plan is intended to help ensure Scotland's seas are developed in a sustainable manner. Its purpose is to provide a framework for managing increasing demands for the use of our marine environment, encouraging economic development of marine industries and incorporating environmental protection into marine decision making. It will provide clarity for marine decision making thus creating an environment of certainty for marine investment, such as renewables, while ensuring appropriate environmental protection is achieved.

6. In meeting these goals, the National Marine Plan will contribute towards the Scottish Government's Purpose. The Purpose, as explained in the Government Economic Strategy, is to create a more successful country with opportunities for all of Scotland to flourish through increasing sustainable economic growth. It will also contribute to the following National Outcomes:

- We realise our full economic potential with more and better employment opportunities for our own people.
- We live in a Scotland that is the most attractive place for doing business in Europe.
- We live in well-designed, sustainable places where we are able to access the amenities and services we need.
- We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.
- We value and enjoy our built and natural environment and protect it and enhance it for future generations.
- We reduce the local and global environmental impact of our consumption and production.

7. In meeting its goals, the National Marine Plan will also support the Scottish Government's vision for the marine environment: clean, healthy, safe, productive and biologically diverse oceans and seas, managed to meet the long term needs of nature and people.

## ***Who will it affect?***

8. The National Marine Plan (NMP) may affect a diversity of people with an interest in the marine environment in Scotland's seas. The NMP sets out planning policies to inform and guide marine users and developers on how marine resources should be used/managed/located etc. As such marine planning policies will have implications on:

- The preparing of and consultation on marine plans by marine planning authorities;
- The preparation of applications by developers and assessment of these applications by marine licensing authorities and other decision makers;
- The choice of location of marine developments and activities; and
- The requirements placed on the construction, operation and expansion of marine developments.

A number of sectors/groups of people will be affected by the adoption of a National Marine Plan including:

- Marine activities/businesses: oil and gas, renewable energy, ports & harbours, aquaculture, aggregates and coastal defence.
- Developers of licensed activities in Scotland's Marine Area (all such activities listed above).
- Activities in Scotland's Marine Area that do not require licences or that have licences that do not have a spatial component to them (including fishing, shipping, tourism, leisure and recreational activities).
- Marine nature conservation, coastal defence, and marine heritage activities/conservation.
- Coastal communities
- The Scottish Government (through Marine Scotland's Planning and Licensing functions)
- Local Planning Authorities
- The Crown Estate
- Regional Marine Planning Partnerships (including Local Authorities)
- The Ministry of Defence

Marine activities have the potential to affect these groups in many ways. For example, coastal communities may benefit economically and socially from the success of coastal and marine economies in their area; such as fishing, port infrastructure or tourism. Similarly, communities can suffer high levels of social and economic deprivation as a result of industrial decline. Coastal communities may benefit from improved coastal recreation opportunities and environmental improvements whereas they may suffer from possible adverse effects of marine air quality, visual intrusion, coastal erosion and flood risk.

These effects may impact equalities target groups embedded within these communities both positively and potentially negatively. However, at the scale of the National Marine Plan there is no clear differentiation between the potential effects upon target groups and non-target groups.

***What might prevent the desired outcomes being achieved?***

9. The main aim of the National Marine Plan is to manage the competing demands for use of marine resources and support sustainable development of Scotland's seas.

10. The key challenge for the National Marine Plan will be supporting economic growth of marine industries and activities whilst ensuring growth occurs in balance with the protection of the marine environment and historic heritage.

11. The National Marine Plan embodies a sustainable approach to planning, development and use of the marine area. The NMP promotes the presumption in favour sustainable development and use, along with other

policies which are considered important in achieving a sustainable approach to sustainable economic growth.

## **Stage 1: Framing**

### ***Results of framing exercise***

12. The preparation of the NMP is being accompanied by a Sustainability Appraisal (SA) which includes a Strategic Environmental Assessment (SEA), this report has been published for consultation alongside the NMP. The framing exercise has been informed by workshops held with key stakeholders and officials in 2011 to consult on the Sustainability Appraisal scoping report and assess marine planning policies. These workshops were used to identify potential equality impacts posed by the NMP and the potential scope of influence i.e. to determine whether a full EQIA assessment is required.

13. A pre-consultation of the draft National Marine Plan was held from 15 March 2011 to 07 June 2011. This consultation received 77 responses from a wide range of marine sectors and stakeholders. The consultation included the equality question: “Do you believe that the creation of a Scottish National Marine Plan discriminates disproportionately between persons defined by age, disability, sexual orientation, gender, race and religion and belief?” ; a supplementary question allowed respondees to expand if answered ‘yes’. **Table 1** summarises the various groups responding to this consultation.

<b>Table 1: National Marine Plan Pre-Consultation Responses</b>	
<b>Stakeholder / Sector</b>	<b>Number of Responses</b>
Marine Transport	10
Nature Conservation	9
Local Authorities	13
Energy	8
Fisheries	8
Recreation / Tourism	5
Historic	5
Academia	5
Public Sector	7
Local Coastal Partnership	3
Community Group	1
Individuals	3

14. The analysis of responses to the pre-consultation draft NMP did not indicate that the National Marine Plan will have a potential impact on groups of people who share the relevant protected characteristics.

### ***Extent/Level of EQIA required***

15. It was determined as part of the framing exercise that a light touch assessment will be taken with this EQIA as current evidence shows that the NMP has insignificant potential impacts and minimal relevance to equality. However, further evidence is required on the views of people potentially affected by NMP across all protected characteristics.

Further evidence gathering and engagement will take place as part of the consultation on the NMP. The following questions are contained in the Respondent Information Form that will be used to record responses to the consultation:

***Consultation Questions from Respondent Information Form***

**Q38.** Do you believe that the creation of a Scottish National Marine Plan discriminates disproportionately between persons defined by age, disability, sexual orientation, gender, race and religion and belief?

**Q39.** If you answered yes to question 38, in what way do you believe that the creation of a Scottish National Marine Plan is discriminatory?

**Stage 2: Data and evidence gathering, involvement and consultation**

This stage includes results of our evidence gathering (including framing exercise), including qualitative and quantitative data and the source of that information, whether national statistics, surveys or consultations with relevant equality groups.

Characteristic <sup>1</sup>	Evidence gathered and Strength/quality of evidence	Source	Gaps identified and action taken
AGE	<p>Conservation: The human impacts arising from enhanced environmental protection can be quantified in terms of personal interest, NGO activity and marine environmental/wildlife related businesses such as wildlife tour operators. No information is available regarding the social compositions of such groupings.</p> <p>Tourism/Recreation: There is no information available regarding social composition of persons involved in marine/coastal sports and recreational activity. There is no low level information available which identifies the social composition of marine related tourists.</p> <p>Pre-Consultation: Approximately 180 people/organisations were invited to comment on the pre-consultation draft national marine plan. Overall we received 78 responses to the pre-consultation draft. Of those who responded, no comments suggesting the proposals for a National Marine Plan would have a differential or discriminatory impact against any persons defined by age were received.</p>	Pre-consultation responses and engagement.	<p>There are data gaps in the social composition of marine tourism and recreational activities, Separate research is planned to collate such data.</p> <p>The consultation will be used to gather views on views any potential impacts that the NMP may have on this characteristic.</p>

<sup>1</sup> Refer to Definitions of Protected Characteristics document for information on the characteristics

<p><b>DISABILITY</b></p>	<p>Approximately 180 people/organisations were invited to comment on the pre-consultation draft National Marine Plan. Overall we received 78 responses to the pre-consultation draft. Of those who responded, no comments suggesting the proposals for a National Marine Plan would have a differential or discriminatory impact against any persons defined by disability were received</p> <p>We currently have no information to suggest that the National Marine Plan will have any significant impact on people who have this protected characteristic.</p>	<p>Pre-consultation responses and engagement.</p>	<p>The consultation will be used to gather views on views any potential impacts that the NMP may have on this characteristic.</p>
<p><b>SEX</b></p>	<p>Approximately 180 people/organisations were invited to comment on the pre-consultation draft National Marine Plan. Overall we received 78 responses to the pre-consultation draft. Of those who responded, no comments suggesting the proposals for a National Marine Plan would have a differential or discriminatory impact against any persons defined by gender were received.</p> <p>We currently have no information to suggest that the National Marine Plan will have any significant impact on people who have this protected characteristic.</p>	<p>Pre-consultation responses and engagement.</p>	<p>The consultation will be used to gather views on views any potential impacts that the NMP may have on this characteristic.</p>
<p><b>GENDER REASSIGNMENT</b></p>	<p>Approximately 180 people/organisations were invited to comment on the pre-consultation and the draft national marine plan. Overall we received 78 responses to the pre-consultation draft. Of those who responded, no comments suggesting the proposals for a National Marine Plan would have a differential or discriminatory impact against any persons defined by gender reassignment were received.</p>	<p>Pre-consultation responses and engagement.</p>	<p>The consultation will be used to gather views on views any potential impacts that the NMP may have on this characteristic.</p>



	<p>We currently have no information to suggest that the National Marine Plan will have any significant impact on people who have this protected characteristic.</p>		
<b>SEXUAL ORIENTATION</b>	<p>Approximately 180 people/organisations were invited to comment on the pre-consultation draft National Marine Plan. Overall we received 78 responses to the pre-consultation draft. Of those who responded, no comments suggesting the proposals for a National Marine Plan would have a differential or discriminatory impact against any persons defined by sexual orientation were received.</p> <p>We currently have no information to suggest that the National Marine Plan will have any significant impact on people who have this protected characteristic.</p>	<p>Pre-consultation responses and engagement.</p>	<p>The consultation will be used to gather views on views any potential impacts that the NMP may have on this characteristic.</p>
<b>RACE</b>	<p>Approximately 180 people/organisations were invited to comment on the pre-consultation draft National Marine Plan. Overall we received 78 responses to the pre-consultation draft. Of those who responded, no comments suggesting the proposals for a National Marine Plan would have a differential or discriminatory impact against any persons defined by race were received.</p> <p>We currently have no information to suggest that the National Marine Plan will have any significant impact on people who have this protected characteristic.</p>	<p>Pre-consultation responses and engagement.</p>	<p>The consultation will be used to gather views on views any potential impacts that the NMP may have on this characteristic.</p>

<p><b>RELIGION OR BELIEF</b></p>	<p>Approximately 180 people/organisations were invited to comment on the pre-consultation draft National Marine Plan. Overall we received 78 responses to the pre-consultation draft. Of those who responded, no comments suggesting the proposals for a National Marine Plan would have a differential or discriminatory impact against any persons defined by religion or belief were received.</p> <p>We currently have no information to suggest that the National Marine Plan will have any significant impact on people who have this protected characteristic.</p>	<p>Pre-consultation responses and engagement.</p>	<p>The consultation will be used to gather views on views any potential impacts that the NMP may have on this characteristic.</p>
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### Stage 3: Assessing the impacts and identifying opportunities to promote equality

This section will be further assessed following the current public consultation.

#### Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.
Advancing equality of opportunity			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.
Promoting good relations among and between different age groups			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.

#### Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.
Advancing equality of opportunity			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.
Promoting good relations among and between disabled and able bodied people			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.

#### Do you think that the policy impacts on men and women in different ways?

Gender	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.

Advancing equality of opportunity			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.
Promoting good relations between men and women			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.

**Do you think your policy impacts on transsexual people?**

<b>Gender reassignment</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.
Advancing equality of opportunity			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.
Promoting good relations			✓	

**Do you think that the policy impacts on people because if they are lesbian, gay or bisexual?**

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.
Advancing equality of opportunity			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.
Promoting good relations			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.

**Do you think the policy impacts on people on the grounds of their race?**

<b>Race</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.
Advancing equality of opportunity			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.
Promoting good race relations			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.

**Do you think the policy impacts on people because of their religion or belief?**

<b>Religion and Belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.
Advancing equality of opportunity			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.
Promoting good relations			✓	Based on absence of concerns raised in the pre-consultation exercise, it is considered that there are no potential impacts.