

# Marine Scotland

## Lessons Learned Report for Scotland's first National Marine Plan

March 2016



marinescotland

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# EXECUTIVE SUMMARY

This document provides information about the lessons learned from the process of developing Scotland's first National Marine Plan.

The National Marine Plan was adopted and published in March 2015. It provides a statutory planning framework to enable sustainable use and development of Scotland's seas. The Plan was developed in accordance with the Marine (Scotland) Act and the Marine and Coastal Access Act and provides a comprehensive planning framework for all activity both inshore and offshore, devolved and reserved, at a national and regional level.

## Lessons learned process

The Plan was developed over a period of five years in three stages.

**Part one** of the process covered the period from 2009 to 2011 during which time UK and Scottish legislation was established for marine planning and the UK Marine Policy Statement was developed. An assessment of the marine environment was also carried out through Scotland's Marine Atlas and the Statement of Public Participation was published in accordance with the Marine Acts. This first stage also included the development and publication of the pre-consultation draft National Marine Plan.

**Part two** covered the period from the pre-consultation to formal consultation between March 2011 and December 2013. It covered activities including the analysis of the pre-consultation responses and the carrying out of assessments to support the Plan, such as the sustainability appraisal. This second stage also included the development and publication of the consultation draft of the National Marine Plan, including the statutory political clearance processes

**Part three** covered the process from the end of the consultation in December 2013 to the adoption of the Plan in March 2015. This stage encompassed the statutory processes to finalise the Plan which included: the analysis of the consultation; the appointment of Planning Aid Scotland to carry out an independent investigation; Scottish and UK Ministerial clearance of the final Plan; and laying of the Plan in Parliament before its adoption. Alongside this, a modification report was published with the updated assessments of the Plan.

A lessons learned process was undertaken to review the success of the delivery of each of the stages of development. This report has been informed by those who were involved in the development of the National Marine Plan. Feedback was sought in the form of internal and public consultation via a series of workshops and an online public consultation on Citizen Space.

### For each of the stages of development respondents were asked what they thought:

- Went well;
- Was less successful; and
- Could be done differently for the next National Marine Plan.

The feedback will be used when the time comes to review the Plan in 2018 and to inform the process of developing regional marine plans.

## Summary of feedback

### Part One: The ‘Pre-consultation stage’

Not many comments were received on the process to establish the **Marine Acts**, most likely as it is now some time ago and broadly accepted as a suitable basis for planning. The main aspects valued were the level of engagement and the consequent broad ‘ownership’ of the legislation. Similarly, no concerns were raised regarding the **Marine Policy Statement** as it stands, but there was recognition that any further redrafting should be carefully considered.

**Scotland’s Marine Atlas** was widely welcomed and seen as a good way of carrying out the required assessments of condition, summary of significant pressures and impact of human activity. The publication of the **Statement of Public Participation** was seen as a useful overview of engagement opportunities and gave the message that Government was open to engaging at the community level. The importance of keeping people informed throughout the process was highlighted. Feedback suggested that there could be opportunities in the future to promote greater alignment with other related processes and to utilise emerging technologies.

The **pre-consultation draft National Marine Plan** was welcomed as an early attempt to provide an overarching framework, surface key issues and provide a platform for engagement. The process for developing the pre-consultation draft was felt to be overly industry focussed although others noted that it contained ambitious wording on environmental issues. The varying level of detail and lack of clarity around integration between the pre-consultation draft Plan and the Strategic Environmental Assessment and other emerging policies was criticised. The Sectoral Interactions Matrix contained in the pre-consultation draft Plan was not seen as helpful at a national level. It was felt that an equivalent of the pre-consultation stage would be helpful in future planning but that this may consist of a main issues report or gap analysis rather than a repeat of the original process. Early engagement around this stage was seen as important, learning from the peaks and troughs experienced and using a range of methods/interlocutors. The need for robust environmental and economic analysis at this early stage was also highlighted as was the need for updates on progress throughout the process.

### Part Two: The Consultation – “Planning Scotland’s Seas”

The opportunity to feed in views and the way in which these were taken on board was welcomed at this stage.

Generally it was felt that the environmental and socio-economic **assessments** were useful and guided the Plan development. However, it was also said that more could have been done to make these accessible to a broader audience and to improve the transparency of some of the processes. For future work, the National Planning Framework approach was felt to provide an example of good practice and it was also suggested that greater transparency and more active engagement with a broad range of stakeholders would be beneficial.

The **political clearance process** worked well within usual Government protocols which were well supported by officials. The inherent length of time taken slowed down overall amendment of the draft Plan as significant changes could not be incorporated during this time. It was suggested that a formal network of relevant policy officials would be useful in future planning.

The **consultation process** was seen by some as an example of good practice and the range of materials and forms of engagement available were welcomed. The use of the Marine Strategy Forum and availability of NMPi were particularly mentioned. The bringing together of the three consultations was welcomed by some who thought it put the proposals in context, made good use of resources and reduced stakeholder fatigue. However, others felt that the draft Plan was overshadowed by the spatial proposals and that the sequencing of sectoral planning with the national process was unhelpful. The labour intensive nature of the process and the amount of information which respondents had to absorb were highlighted as issues of concern. It was also noted that the management of some of the public meetings could have been improved. There was some criticism of the content of the draft Plan – on the basis that there was not a clear enough steer for future regional plans, the underlying rationale was not convincing and there were some perceived issues with the presentation of spatial data. It was felt that more could have been done to give clear messages about regional marine planning and to link back to previous pilots. There was also felt to be a notable tension between a sectoral focus and a broader ecosystem focus presented by the draft Plan.

In terms of lessons for the next Plan, it was noted that the starting point would be inherently different given the existence of the first Plan and the implementation of the Marine Spatial Planning Directive. The next Plan would also have to take account of a changing policy context – for example changes to the Common Fisheries Policy and the development of marine plans in the rest of the UK. It was suggested that engagement with stakeholders and communities could be more targeted, especially as regional planning also develops. The identity and role of experts at public meetings and the extent to which proposals could be changed at the consultation stage should also be clarified.

A more realistic awareness of timing and potential bottlenecks should allow for a more considered approach and the potential to align with terrestrial planning processes. It was felt by some that there could be a reduction in duplication but others noted that it was important not to sacrifice detail for the sake of brevity. Specific comments on improving the accessibility of spatial data, capturing fishing data, explaining the scientific underpinning and justifying the rationale for planning were also made. It was also noted that it would be beneficial to have greater consistency across and between different planning exercises and clearer information on who is responsible for implementation.

### **Part Three: Publishing the Final Plan and looking forward**

The **Independent Investigation** was generally welcomed as an additional analysis of the consultation responses on the draft National Marine Plan. It was seen as a good example of Government listening to and addressing stakeholder feedback. For future processes, it was suggested that consideration should be given to allow more time to incorporate an Independent Investigation into the overall process.

Whilst there was no specific feedback on the **political clearance of the final Plan**, it was agreed that the comments reported for the clearance process for the draft Plan were relevant here.

The **modifications report** received widespread positive feedback and was seen as a useful process to take forward in future planning processes.

Feedback on the process to **update assessments** criticised the timing of the Habitats Regulations Appraisal process and noted that consideration should be given to the align this with the other assessments in future processes.

Response to **Parliamentary scrutiny** was generally seen as positive although the initial feedback during the process had been critical. The timing of the process over the Christmas break had been inconvenient. It was suggested that further engagement with the Parliamentary Committee and perhaps more widely within Parliament would have been useful earlier in the process.

The **final Plan** was broadly welcomed as effectively taking on board comments made during the consultation process and reflecting the significant effort that went into producing it. The Plan was seen to recognise the appropriate range of interests and the benefits of publicity around implementation were noted. The addition of regional policies and the development of NMPi were specifically mentioned as positives. The 'hybrid' nature of the Plan - i.e. incorporating spatial and non-spatial aspects and strategic/detailed policy - was seen as a weakness by some. For the next Plan, it was suggested there could be a greater focus on regional implementation, awareness raising and capacity building and further consideration given to monitoring and review in advance of the Plan being finalised. It was felt that the spatial components could be improved and the detail and volume of policies revisited following review, to allow the Plan to focus on key issues.

## **Lessons learned for future marine planning**

This Lessons Learned document provides a record of processes that worked well and the key issues that arose at each stage of the development of the Plan. The lessons learned will be used to inform the review of the National Marine Plan and the development of the regional marine plans. For future planning processes, it might be useful to undertake a lessons learned process at the end of each of the key stages rather than wait until after adoption.

Most respondents to this lessons learned process acknowledged that this was the first time a statutory marine planning process has been undertaken in Scotland and therefore the development of such a comprehensive framework will evolve and improve as it is implemented and through future iterations.

**LESSONS LEARNED REPORT  
FOR SCOTLAND'S FIRST  
NATIONAL MARINE PLAN**

# INTRODUCTION

This document provides a summary of the outputs from a lessons learned process carried out for the development of the Scotland's National Marine Plan.

The National Marine Plan was published in March 2015, following a commitment to create a single planning framework to manage both Scottish inshore waters (out to 12 nautical miles) and offshore waters (12 to 200 nautical miles). The Plan applies to the exercise of both reserved and devolved functions.

The Plan was developed over a period of five years in three stages -

## **Part One: The 'Pre-consultation stage'**

### **(Assessment to pre-consultation, 2009 – March 2011)**

- UK and Scottish legislation
- UK Marine Policy Statement
- Scotland's Marine Atlas
- Statement of Public Participation
- Pre-consultation draft

## **Part Two: The Consultation – 'Planning Scotland's Seas'**

### **(Pre-consultation to formal consultation, March 2011 – December 2013)**

- Analysis
- Assessments – Sustainability (SEA, HRA, Impact assessment)
- Political clearance
- Consultation alongside Marine Protected Areas, Sectoral Marine Plans for Offshore Wind and Marine Renewables

## **Part Three: Publishing the Final Plan and looking forward**

### **(Post-consultation to Finalisation - December 2013 – Present)**

- Consultation
- Analysis
- Independent investigation
- Political clearance
- Modifications report, updated assessments
- Parliamentary scrutiny
- Adopted Plan



## Lessons learned process

Following the adoption of National Marine Plan this lessons learned process was undertaken to review the success of the delivery of each of the stages of development. The lessons learned will feed into the review of the Plan, the process for developing regional marine plans and any future National Marine Plan.

### Seeking feedback

Scotland's National Marine Plan was the first national Marine Plan published in the United Kingdom and so the process by which it was created was a new one.

We wanted to seek feedback and views from those who were involved in the process, and those who have an interest, and ask for each stages of development what they thought -

- **Went well;**
- **Was less successful;**
- **Could be done differently for the next National Marine Plan.**

### Consultation

This lessons learned report has been informed by those who were involved in the development of the National Marine Plan. Feedback was sought in the form of internal and public consultation via a series of workshops and an online public consultation on **Citizen Space**<sup>1</sup>. Further details are provided in **Table 1**.

A total of 90 internal and external stakeholders provided feedback in the lessons learned process as identified in Table 1.

Most respondents provided verbal comments which were recorded during the Lessons Learned workshops or by completion of a survey as part of the Citizen Space consultation. The same questions as set out above were asked throughout the consultation activities.

Consultee	Type of engagement	Number of respondents	Date
Marine Planning Team	Workshop	15	May 2015
Marine Strategy Forum	Workshop	26	July 2015
Public consultation	Citizen Space	19	August - October 2015
Government officials (internal stakeholders)	Workshop	30	December 2015

<sup>1</sup>Responses to the Citizen Space consultation are available online:  
[https://consult.scotland.gov.uk/marine-scotland/national-marine-plan-how-did-we-do/consultation/published\\_select\\_respondent](https://consult.scotland.gov.uk/marine-scotland/national-marine-plan-how-did-we-do/consultation/published_select_respondent)

# FEEDBACK FROM LESSONS LEARNED PROCESS

## Part One: The 'Pre-consultation stage' (Assessment to pre-consultation, 2009 – March 2011)

### UK and Scottish legislation

**Introduction:** The legislative basis for marine planning in Scottish waters stems from the Marine and Coastal Access Act 2009 and the Marine (Scotland) Act 2010. There was close working between the Scottish and UK Governments to devise a legal framework which provided for agreement to comprehensive planning powers. Much of the content of the legislation was informed by wide ranging discussions with stakeholders, formalised through the Advisory Group on Marine and Coastal Strategy and subsequently the Sustainable Seas Task Force.

#### Feedback received from this process:

##### Went well

- Legislation has been influential in how marine planning has been or is being legislated for in other parts of the UK.
- Sustainable Seas Task Force – overall was a beneficial process. Although time consuming, positive feedback was received about this engagement process which gave individuals a personal investment in both the development of the legislation from an early stage and future progress.
- Extent to which historic environment was covered in the draft and final legislation – well received by stakeholders.

**Conclusion:** Not many comments were received on this part of the process, most likely as it is now some time ago and broadly accepted as a suitable basis for planning. The main aspects valued were the level of engagement and the consequent broad 'ownership' of the legislation.

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### UK Marine Policy Statement

**Introduction:** The Marine and Coastal Access Act 2009 introduced a power to prepare and publish a UK Marine Policy Statement. This was published in March 2011 and sets a framework for marine planning and decision-making throughout the UK.

#### Feedback from this process:

##### Went well

- Good base from which to build a marine planning system for Scotland whilst retaining consistency with the rest of the UK where required.
  - Joined up approach useful for plan process and benefits outweigh the sometimes challenging process of reaching agreement.
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## Could be done differently for the next National Marine Plan

- Careful consideration of any redrafting of the Marine Policy Statement required, based on experience of using it to inform planning and decision making, including detailed interpretation of wording.

**Conclusion:** No concerns were raised regarding the Marine Policy Statement as it stands, but there was recognition that any further redrafting should be carefully considered.

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## Scotland's Marine Atlas

**Introduction:** Scotland's Marine Atlas was published in March 2011 and is the primary evidence base for the National Marine Plan. The Atlas built on previous reporting on the state of Scotland's seas but was the first time the information had been mapped in this way. The Atlas was also published as an e-book and the underlying spatial information has subsequently been made available online via National Marine Plan interactive (NMPi).

### Feedback received from this process:

#### Went well

- Widespread positive feedback received. The creation of the Marine Atlas as a background assessment was regarded as an excellent first step towards developing a plan.
- Seen as easy to use and accessible.
- The investigative style embracing many experts was seen as robust and impressive.

## Could be done differently for the next National Marine Plan

- Consider alternative options for the Atlas, for example – an online version on eBook and NMPi.

**Conclusion:** Scotland's Marine Atlas was widely welcomed and seen as a good way of carrying out the required assessments of condition; summary of significant pressures and impact of human activity.

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## Statement of Public Participation

**Introduction:** The Marine Acts require a Statement of Public Participation to be published, setting out a timetable for consultation and engagement on the Plan.

### Feedback received from this process:

#### Went well

- First time that stakeholders felt engaged in process and was important for Government to be seen going into communities – rather than expecting people to come to them.
- Trust and openness were crucial to the process.

## Could be done differently for the next National Marine Plan

- Consider potential to align with other planning cycles (e.g. MSFD).
- Consider using apps and other online technologies alongside NMPi and other existing mechanisms.
- The communication of progress at all stages is important to keep stakeholders engaged.

**Conclusion:** The SPP was seen as a useful overview of engagement opportunities and gave the message that Government was open to engaging at the community level. The importance of keeping people informed throughout the process was highlighted. There could be opportunities in the future to promote greater alignment with other related processes and to utilise emerging technologies.

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## Pre-consultation draft

**Introduction:** A pre-consultation draft of the Plan was published in March 2011. This set out the key challenges and objectives for marine sectors and invited initial comment.

### Feedback received from this process:

#### Went well

- The pre-consultation stage added significantly to the overall success of the whole process and allowed for a trial approach.
- It was helpful that there was an early start to the introduction of the concept of the Plan, which was quite new to many people.
- Opportunity to informally discuss issues (without need for dual political clearance as for later stages) and to put forward a wide range of options even if still a work in progress.
- Good coverage of sectors. Pulled together a lot of complex information in one place and allowed for issues to be weeded out.
- Undertaking of developing single, consistent framework.
- Stakeholder engagement throughout the Plan development process was well managed; there were a number of opportunities to be engaged.
- Clear Scottish Government direction around policy areas enabled them then to be taken forward in the Plan.
- Availability of reference material online.
- Welcomed the attempt to align the Plan with MSFD GES descriptors.
- More confidence in decisions/process. Learning by doing.
- Where Licensing Operations Team had been involved this was felt to lead to improved outcomes in terms of application of policy to licensing.

## Was less successful

- Timing - a long gap between pre-consultation and formal consultation although it was acknowledged that this was a learning process. Timing of process in electoral cycle.
- Communication at this stage was fairly good although possibly narrowly focused on 'target groups' and there was felt to be a lack of progress updates. Stakeholders had to be alive to the progress to maintain constructive dialogue in the process.
- During 2010 (up to pre-consultation), there was a series of bilateral meetings to derive sectoral objectives for the Plan. This process was not very focused and resulted in a range of questions and wish-lists (many out with the ability of marine planning to address) which then seemed difficult to incorporate meaningfully in the Plan. Some elements therefore read like an industry sales brochure.
- It wasn't obvious how the SEA process informed the content of the developing the Plan, only becoming apparent in the later stages.
- It was difficult to understand the Plan's significance and relevance in the context of other emerging policy and legislation.
- Process was repetitive; however, this was necessary at the early stages of the process.
- No reference to earlier studies available e.g. SSMEI pilots.
- Scant on detail in some elements or too vague to be helpful. Some gaps in pre-consultation drafting (e.g. did not take into consideration overlap of legislation between statutory port areas and new proposals).
- Pre-consultation draft contained some ambitious wording and policies on marine environment.
- Sometimes there was a little too much on what appeared to be very small topics, though with hindsight, it was clear why - a little more explanation would have been helpful.
- Sectoral Interaction Matrix - not feasible to produce at a national level.
- Over emphasis on biological and technical information for fundamental species and their lifecycle. Better to focus on means and methods of sustaining marine life and fish stocks.

## Could be done differently for the next National Marine Plan

- Pre-consultation stage should be retained for future reviews but consideration given to a different process e.g. abbreviated, more focussed, using an advisory group.
- Pre-consultation could include a main issues report and options to inform policies.
- Undertake gap analysis - sectors not covered by existing practice and setting a clear pathway for applicants and decision makers to follow. The review of the Plan should be implementation-led with the input of decision makers should be seen as central.
- The nature of the Plan process meant that there were certain time periods where activity was very hectic with short deadlines attached followed by long fallow periods. Considering this timetable in detail, may help to plan engagement more effectively.

- More regular communication on progress. Use of contact information already on file to share information.
- Early and regular stakeholder workshops or bilateral meetings.
- Improve sectoral engagement to reconsider ecosystem approach.
- Go beyond stating sectoral aspirations.
- Greater effort to raise awareness amongst those who might currently be struggling to see the benefits of marine planning, including local authority planning departments and other local authority departments.
- Retain overarching consultation strategy for future Plans and review processes, identifying existing information and key issues.
- Scottish Coastal Forum and Local Coastal Partnerships provide useful mechanisms through which to route any future activity. Review the future of existing (national and regional) coastal partnerships and forums to ensure that governance structures are fit for purpose.
- Expedite the Plan development by committing to timelines with milestones and dates for adoption.
- Develop the planning framework prior to the completion of industry specific policy within which it ultimately fits.
- Lessons around ways of working should be embedded in how plan reviews are conducted.
- Ensure all environmental assessments, including HRA, are publicly consulted upon as a matter of best practice.
- Add summing up discussion at the end of pre-consultation documentation.
- Financial implications for each area should be considered in more detail, including knock on effects.
- Fisheries management plans and IFGs should be better integrated into the marine planning process, ensuring that governance mechanisms support efficient plan delivery.

**Conclusion:** The pre-consultation version was welcomed as an early attempt to provide an overarching framework, surface key issues and provide a platform for engagement. The process for developing the pre-consultation draft was felt to be overly industry focussed although others noted that it contained ambitious wording on environmental issues. The varying level of detail and lack of clarity around integration between the Plan and SEA and other emerging policies was criticised. The Sectoral Interactions Matrix was not seen as helpful at a national level. It was felt that an equivalent of the pre-consultation stage would be helpful in future planning but that this may consist of a main issues report or gap analysis rather than a repeat of the original process. Early engagement around this stage was seen as important, learning from the peaks and troughs experienced and using a range of methods/ interlocutors. The need for robust environmental and economic analysis at this early stage was also highlighted as was the need for updates on progress throughout the process.

## **Part Two: The Consultation – ‘Planning Scotland’s Seas’ (Pre-consultation to formal consultation, March 2011 – December 2013)**

### **Analysis of responses to the pre-consultation draft**

*Introduction: Responses to the pre-consultation draft were analysed within Marine Scotland.*

#### **Feedback received from this process:**

##### **Went well**

- Positive feedback on the way in which comments considered and taken on board. Industry advice appeared to be valued.
- Bringing everything together in one plan was an advantage.
- Interested parties were given the opportunity to make submissions for amendments.
- Sectoral approach while maintaining ecosystem approach.

##### **Was less successful**

- Officials and stakeholders often focussed on one chapter only and not on overall Plan.

##### **Could be done differently for the next National Marine Plan**

- More time up front to construct a better overall document and reduce the need for significant comment and alterations between initial draft and final draft phases.

**Conclusion:** The opportunity to feed in views and the way in which these were taken on board was welcomed. There was felt to be a tension between a sectoral focus and a broader ecosystem focus.

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## **Assessments**

*Introduction: As the National Marine Plan developed it was informed by a series of assessments including Sustainability Appraisal which includes Strategic Environmental Assessment (SEA), Equality Impact Assessment and a Business and Regulatory Impact Assessment.*

#### **Feedback received from this process:**

##### **Went well**

- SEA - guided development of the Plan and policies throughout process.
  - Most of the work undertaken was technically sound and proficient and was presented in ways that were accessible to those with a professional interest.
  - Good coverage of scientific research.
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- Assessments were useful.

### Was less successful

- Less accessible and useful to the general public.
- Elements of the environmental assessment lacked open and transparent consultation. Specifically, Habitats Regulations Appraisal although recognised that this was not compulsory.

### Could be done differently for the next National Marine Plan

- Better record how the SEA informed the Plan.
- The review of the National Planning Framework and Scottish Planning Policy included presentation of the HRA and is a good practice example of how to consult on this aspect of Plan development.
- Have a consistent approach to establishing baseline data, assessing what reasonable alternatives might be and the most assessment methodologies.
- Engage with NGO's/stakeholders in the SEA process more effectively.
- Explain how the assessments fed into the Plan and increase buy-in.
- Bring stakeholders into the early stages of the SEA process e.g. through consideration of alternatives and continue this throughout the process.
- Consider impact of more spatial policies.

**Conclusion:** Generally it was felt that the assessments were useful and guided Plan development. However more could have been done to make these accessible to a broader audience and to improve the transparency of some of the processes. For future processes, the National Planning Framework approach may provide good practice and greater transparency and more active engagement with a broad range of stakeholders would be beneficial.

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## Political clearance

**Introduction:** *The National Marine Plan is subject to agreement by both Scottish and UK Ministers. This is a process internal to Government.*

### Feedback received from this process:

#### Went well

- Engagement between officials in both Governments.

#### Was less successful

- Bureaucratic process can be seen as confusing.
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- Difficult for policy officials contributing on a specific topic to keep track of overall changes to the Plan.
- Intense periods of activity followed by long periods when changes cannot be accommodated as subject to political clearance.

### Could be done differently for the next National Marine Plan

- Consider creating a policy network/forum for marine planning.

**Conclusion:** The clearance process worked well within usual Government protocols which were well supported by officials. The inherent length of time taken slowed down overall amendment of the draft Plan as significant changes could not be incorporated during this time. It was suggested that a formal network of relevant policy officials would be useful in future planning.

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## Consultation alongside Marine Protected Areas, Sectoral Marine Plans for Offshore Wind and Marine Renewables

**Introduction:** *A consultation draft of the National Marine Plan was published in July 2013, for comment by November 2013. It was published alongside the relevant assessments but also consultation on proposals for Marine Protected Areas and Sectoral Marine Plans for Offshore Wind, Wave and Tidal Energy. This joint process was labelled 'Planning Scotland's Seas'. Written comments were invited and 712 responses and 14, 814 campaign responses were received and published. A series of consultation events were also held around Scotland and feedback received through these events was also published. A number of bilateral meetings with particular interests were also taken forward.*

### Feedback received from this process:

#### Went well

- Overall widespread positive feedback on the consultation process. Recognised as a good example of stakeholder engagement.
- Inclusion of drop-in sessions, detailed workshops and willingness to meet with stakeholders throughout the process was seen as good practice.
- Good to see everything in context. Less fatigue for public and reduced duplication of events. This enabled stakeholders who were likely to have an interest in all of these areas to coordinate their responses better.
- Spatial elements made it easier for respondents to focus on potential impacts.
- The Marine Strategy Forum recognised as good engagement tool.
- Consultation documentation useful to stakeholders, comprehensive and detailed. Shorter summary documents also useful.
- A strong supportive planning portal (NMPi) aided the process, meaning that spatial data was easily accessible.

- Consultation identified as genuine and it was recognised that responses would have an impact.
- Good use of resources.

## Less well

- Consultation draft seems to leave a lot of the issues to be dealt with at regional plan level but without any steer as to how these issues would be tackled.
- Balance of setting out strategic issues, local issues at workshops and how spatial policies impact on this.
- MPAs/renewables took focus from the Plan.
- There was a risk of over consultation/repetition – streamline process next time.
- It is unfortunate that the Sectoral Marine Plans were prepared in parallel with the Plan rather than after its adoption. Effectively the Sectoral Plans progressed independently of the Plan and were not guided by this emerging overarching national policy framework. It would have been helpful to have a clear link between how these two documents related to one another, including in a legal context, in order to reduce ambiguity.
- The focus on progressing the Plan meant that the development of regional marine planning was greatly delayed. Whilst resource constraints are recognised, it would have been helpful for stakeholders if clear guidance on the proposed approach (boundaries, governance, and planning process) for regional marine plans could have been provided alongside the Plan consultation process.
- Timing with MPAs and sectoral plans was good but made for a labour intensive consultation exercise for both officials and respondents.
- Significant amount of information that came through at the one time due to combining certain consultations, which may have put off some of those sectors/communities previously effectively engaged putting in a response.
- Draft appeared to be quite poorly constructed and required significant comment.
- Possible lack of expertise on preparing co-ordinates and different types of datum.
- Lack of reference to previous studies / pilots of SSMEI.
- There remained a problem of the underlying policies and purposes of the process not being entirely convincing. This left people with the question: ‘Why are we doing this?’ This question gains momentum in areas where the Plan is envisaged to disadvantage or constrain the lawful activities of citizens who are affected.
- Better management and attention to detail of public meetings and support from external agencies at meetings.

## Could be done differently for the next National Marine Plan

- Recognised that many lessons will have been learned from this initial process and that the starting point would be fundamentally different.
- More time to draw up a good initial draft would reduce the likely requirements for significant changes between the documents. Better timing and more awareness of potential bottlenecks (e.g. committees, recess, pre-election period etc.) and how these fit into the overall consultation and publication process. Also potential to align with terrestrial planning strategies and their review processes.
- Not seeing an immediate need to restructure or fundamentally change the approach.
- Consider different needs of stakeholder engagement (e.g. for spatial policies).
- Consider the changing roles of communities and engage them directly in process and earlier.
- At events – all officials/experts present to be introduced to audience.
- Target different sectors with the information they need and which is relevant to them. E.g. engage directly with fishermen from licence details.
- Need to be more clear and transparent as to the extent to which consultees could influence or change the proposals on the table, and whether or not the input given at open public meetings will be fully taken into consideration, or whether people must submit separate, written responses to the consultation.
- MSP Directive now in place therefore next Plan will be produced in a different context.
- The information on GIS could have been more accessible. At times it was temperamental. Involve professional mariner or cartographer to sense check co-ordinates.
- Reduction in duplication.
- There is a very important initial step to convince people that the policies and purposes underlying the exercise are fully justified and necessary.
- Don't sacrifice detail for the sake of brevity.
- Capture the fishing data.
- More effort/time spent on explaining the scientific underpinning of the decisions taken.
- Greater consistency between planning approaches. Both in methodology and presentation – consider set template for text/maps for example.
- More focused discussion with key stakeholders, such as the Marine Planning Partnerships, forums and targeting practitioners could change as regional planning develops.
- Clearer information on whom is responsible for specific elements of implementation and how the Plan expects policies to be implemented.
- Need to reflect changes to the Common Fisheries Policy.
- Make links and reference to other UK marine plans. At future iterations other UK plans and processes will be in place to allow more dialogue on these.

**Conclusion:** The consultation process was seen by some as an example of good practice and the range of materials and forms of engagement available was also welcomed. The use of the Marine Strategy Forum and availability of NMPI were particularly mentioned. The bringing together of the three consultations was welcomed by some who thought it put the proposals in context, made good use of resources and reduced stakeholder fatigue. However, others felt that the Plan was overshadowed by the spatial proposals and that the sequencing of sectoral planning with the national process was unhelpful. The labour intensive nature of the process and the amount of information which respondents had to absorb were highlighted as issues of concern. It was felt that more could have been done to give clear messages about regional marine planning and to link back to previous pilots. There was some criticism of the content of the draft Plan – on the basis that there wasn't a clear enough steer for future regional plans, the underlying rationale was not convincing and there were some perceived issues with the presentation of spatial data. It was also noted that the management of some of the public meetings could have been improved.

There was some criticism of the content of the draft Plan – on the basis that there was not a clear enough steer for future regional plans, the underlying rationale was not convincing and there were some perceived issues with the presentation of spatial data. It was felt that more could have been done to give clear messages about regional marine planning and to link back to previous pilots. There was also felt to be a notable tension between a sectoral focus and a broader ecosystem focus presented by the draft Plan.

In terms of lessons for the next Plan, it was noted that the starting point would be inherently different given the existence of the first Plan and the implementation of the Marine Spatial Planning Directive. The next Plan will also have to take account of a changing policy context – for example changes to the Common Fisheries Policy and the development of marine plans in the rest of the UK. It was suggested that engagement with stakeholders and communities could be more targeted, especially as regional planning also develops. The identity and role of experts at public meetings and the extent to which proposals could be changed at the consultation stage should also be clarified.

A more realistic awareness of timing and bottlenecks should allow for a more considered approach and the potential to align with terrestrial planning processes. It was felt by some that there could be a reduction in duplication but others noted that it was important not to sacrifice detail for the sake of brevity. Specific comments on improving the accessibility of spatial data, capturing fishing data, explaining the scientific underpinning and justifying the rationale for planning were also made. It was also noted that it would be beneficial for there to be greater consistency across and between different planning exercises and clearer information on who is responsible for implementation.

## Part Three: Publishing the Final Plan and looking forward (Post-consultation to Finalisation, December 2013 – Present)

### Analysis and Independent investigation

**Introduction:** *Under the Marine Acts, Ministers can appoint an independent person to investigate the proposals in the Draft Plan. Planning Aid Scotland were appointed by Ministers to consider key issues from the consultation responses and make recommendations in an Independent Investigation Report.*

#### Feedback received from this process:

##### Went well

- Overall consultation analysis, benefitted from the additional investigation.
- Good communication.
- Listening to sectors and taking the constructive feedback (when presented) on board.

##### Less well

- Independent investigation process carried out quickly. Allow more time for this in future iterations.

**Conclusion:** The independent investigation was generally welcomed as an additional analysis of the consultation responses on the Draft National Marine Plan. It was seen as a good example of Government listening to and addressing stakeholder feedback. For future processes, consideration should be given to allow more time to incorporate an Independent Investigation into the overall process.

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### Political clearance

**Introduction:** *As carried out for the Draft Plan Consultation, the National Marine Plan is subject to agreement by both Scottish and UK Ministers. This is a process internal to Government.*

**Conclusion:** Whilst there was no specific feedback here, it was agreed that the comments reported for the political clearance of the draft Plan were relevant here.

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### Modifications report and updated assessments

**Introduction:** *The Sustainability Appraisal, BRIA and EQIA were updated to reflect the comments received during the consultation process. A modifications report was published which reflected the revisions to the draft Plan and the assessments following the consultation and independent investigation process.*

## Feedback received from this process:

### Went well

- Summary of modifications was very useful.
- The final revision of the Plan was carried out very efficiently and rapidly and we could see where comments had been taken into account.
- Has been influential in subsequent processes – e.g. Pentland Firth and Orkney Waters Plan.

### Less well

- The delay in the publication of the HRA process was criticised.

**Conclusion:** The modifications report received widespread positive feedback and was seen as a useful process to take forward in future planning processes. The timing of the HRA process was criticised and consideration should be given to align this with the other assessments in future processes.

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## Parliamentary scrutiny

**Introduction:** *The Marine Scotland Act requires Ministers to lay any marine plans in Parliament for a period of 40 days prior to adoption. The Plan was scrutinised by the Rural Affairs, Climate Change and Environment Committee which published their **report** in January 2015. A Parliamentary **debate** was also held. Scottish Ministers laid a **statement** in response before Parliament in March 2015.*

## Feedback received from this process:

### Went well

- Being comprehensive and thoroughly engaged on the Plan meant that it stood up to scrutiny.
- Drafting team and stakeholders responded positively to the Committee's critical commentary and an improved document was published as a result.

### Less well

- Added value from the Committee scrutiny process unclear.
- Timing of the process over Christmas holidays.

## Could be done differently for the next National Marine Plan

- Consider informal political engagement at different stages
  - Further parliamentary debate.
  - More engagement with Committee.
  - Democratically, it would have been much more satisfactory if the Parliamentary Scrutiny had been at a much earlier stage of the process
-

**Conclusion:** It was noted that the response to Parliamentary scrutiny had been positive although the initial feedback had been critical. The timing of the process over the Christmas break had been inconvenient. It was suggested that further engagement with the Parliamentary Committee and perhaps more widely would be useful earlier in the process.

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## Adopted Plan

**Introduction:** *Scotland's National Marine Plan was adopted and published in March 2015. The modifications report was updated setting out the changes made since the draft was laid in Parliament. To accompany the Plan, online information and guidance was developed to support regional planners, decision makers and other stakeholders. This information was hosted on National Marine Plan online.*

### Feedback received from this process:

#### Went well

- Positive views on output of the Plan in general.
- The final draft was significantly different in format and content to the initial draft. This was welcomed as it showed that the comments were taken into account in formalising the document.
- Publicity that the Plan was being implemented.
- Recognition of the many interests that need / have access to the waters off Scotland.
- Recognise the amount of time, effort and thinking that was carried out by Marine Scotland staff and their consultees during the entire process.
- Pleased to see that guidance specifically for regional planners was included in the Plan in Chapters 3 and 4 and at the end of each of the sector chapters.
- NMPi.
- Useful to see the links between the high level objectives and the detail but also to highlight key pieces of information.

#### Less well

- Recognise that the Plan is a hybrid of a strategic and more detailed policy document and incorporates spatial and non-spatial aspects.

### Could be done differently for the next National Marine Plan

- Greater clarity on how regional marine plans would deliver in the context of an adopted Plan may have been useful - i.e. a clear route for regional partnerships with guidance etc. may have helped to speed up the process of development of regional planning and the implementation of the Plan.
- More consideration of the implementation, review and monitoring of the Plan in advance of publication.

- Take advantage of the new Common Fisheries Policy being in place and consider what this means for planning – potentially an opportunity to bring fisheries into planning.
- Better awareness raising and capacity building.
- Improve spatial components and direction for decision makers and regional marine planners.
- The amount of detail and volume of policies may be revisited in the next iteration – evidence from implementation would be very helpful in this regard.
- The Plan can prioritise and set the agenda rather than rehearse all the issues.
- Commitments on timing and scope of the review of the Plan are required to provide clarity and engender support for the process by stakeholders.

**Conclusion:** The final Plan was broadly welcomed as effectively taking on board comments made during the consultation process and reflecting the significant effort that went into producing it. The Plan was seen to recognise the appropriate range of interests and the benefits of publicity around implementation were noted. The addition of regional policies and the development of NMPi were specifically mentioned. The ‘hybrid’ nature of the Plan – i.e. incorporating spatial and non-spatial aspects and strategic/detailed policy - was seen as a weakness by some.

For the next Plan, it was suggested there could be a greater focus on regional implementation, awareness raising and capacity building and further consideration of monitoring and review in advance of the Plan being finalised. It was felt the spatial components could be improved and the detail and volume of policies revisited following review, to allow the Plan to focus on key issues.



## FORWARD LOOK

The feedback from the lessons learned process will be used to inform the review of the National Marine Plan and inform the stages of development of the regional marine plans.

### Reporting on the National Marine Plan

Monitoring and review of the effects of National Marine Plan policies and their effectiveness in securing the Plan objectives and progress is required by the Marine Acts. 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 have stated that the initial review of the Plan will take place within three years of adoption.

The aim of the Scottish Government is to take this forward an integrated review process by publishing a first report of the Plan in 2018. How this will be achieved is outlined in the document **National Marine Plan – Monitoring and Review**.

### In summary the review will consist of

- Monitoring implementation of the Plan and its policies through recording and feedback by public authorities.
- Qualitative assessment of implementation and effectiveness of policies through engagement with public authorities and wider marine stakeholders.
- Considering existing monitoring programmes and other available data and statistical information for relevance to Plan objectives and evaluate which may provide evidence on effectiveness of policies.
- Considering to what extent identified effectiveness of policies can be attributed to the Plan and which other factors may be exerting influence.

**Conclusion:** This Lessons Learned document provides a record of processes that worked well and the key issues that arise at each stage of the development of the Plan. For future planning processes it might be useful to undertake a lessons learned process at the end of each of the key stage rather than wait until after adoption.

Most respondents to this process acknowledged that this was the first time a statutory marine planning process has been undertaken in Scotland and therefore the development of such a comprehensive framework will evolve and improve as it is implemented and through future iterations.



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