

# Marine Scotland

## Scotland's National Marine Plan Sustainability Appraisal Post Adoption Statement

March 2016



marinescotland

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# 1 Introduction

- 1.1.1 Marine plans for the waters around Scotland are required by:
- in inshore waters, the Marine (Scotland) Act 2010<sup>1</sup>, an Act of the Scottish Parliament; and
  - in offshore waters, by the Marine and Coastal Access Act 2009<sup>2</sup>, an Act of the UK Parliament.
- 1.1.2 The Scottish and United Kingdom Governments agreed that the required marine plans for Scotland's inshore and offshore waters would be published in one document and collectively referred to as the 'National Marine Plan'.<sup>3</sup>
- 1.1.3 Scotland's National Marine Plan was adopted in March 2015.
- 1.1.4 In Scotland's inshore waters, the Environmental Assessment (Scotland) Act 2005 requires that public plans, programmes and strategies be assessed for their potential effects on the environment. In Scotland's offshore waters, The Environmental Assessment of Plans and Programmes Regulations 2004 apply the same requirement to public plans and programmes. Strategic environmental assessment (SEA) is the process used to fulfill this requirement, and includes public consultation.
- 1.1.5 In addition, the Marine and Coastal Access Act 2009 requires that the proposals for inclusion in the plan for offshore waters be subject to an appraisal of sustainability (Schedule 6, Paragraph 10).
- 1.1.6 An SEA and a sustainability appraisal (SA) were undertaken jointly to fulfil these requirements; the SEA comprised the environmental component of the SA.
- 1.1.7 Section 18 of the Environmental Assessment (Scotland) Act 2005 requires that a statement be prepared following, in this case, the adoption of the National Marine Plan. The "post-adoption statement" explains:
- how environmental considerations have been integrated into the plan;
  - how the environmental report has been taken into account;
  - how the opinions expressed in response to the public consultation have been taken into account;
  - the reasons for choosing the plan, as adopted, in the light of the other reasonable alternatives considered; and
  - the measures that are to be taken to monitor the significant environmental effects of the implementation of the plan.
- 1.1.8 The purpose of this report is to set out the post-adoption statement.

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<sup>1</sup> Marine (Scotland) Act 2010. <http://www.legislation.gov.uk/asp/2010/5/contents>

<sup>2</sup> Marine and Coastal Access Act 2009. <http://www.legislation.gov.uk/ukpga/2009/23/contents>

<sup>3</sup> However, it is recognised that the 'National Marine Plan' still comprises two plans made under two separate pieces of legislation.

## 2 Plan Preparation and Sustainability Appraisal

### 2.1 The Process

2.1.1 Plan preparation commenced in summer 2010, and the finalised plan was adopted in March 2015. The sustainability appraisal was undertaken as an integral component of this preparation. The process is summarised in Table 2.1.

### 2.2 Plan Amendments

2.2.1 As noted in Table 2.1, the plan went through a number of iterations. Details of all the changes, and the reasons for them, are set out in the Modifications Report (March, 2015)<sup>4</sup>.

2.2.2 These changes were made in response to:

- views expressed during the public consultation;
- recommendations made by the independent investigation;
- the Parliamentary scrutiny process; and
- internal review.

2.2.3 The way in which the results of the SA/SEA were taken into account in the plan preparation and finalisation are set out in the Modifications Report. It should be noted that the changes to the draft plan, resulting from the consultation and the independent investigation, were assessed and the results reported in an addendum to the SA report<sup>5</sup>. The addendum also addressed key comments made about the SA/SEA by consultees.

2.2.4 Views of consultees on the Sustainability Appraisal Report and Marine Scotland's responses are also provided in the Modifications Report.

### 2.3 Reasonable Alternatives

2.3.1 The Environmental Assessment (Scotland) Act 2005 requires that reasonable alternatives to the draft NMP were assessed as part of the SEA. Alternative approaches to the preparation of the draft NMP were considered at the start of and during the marine planning process, and these were grouped into three tiers of alternatives:

- Do nothing
- Use of alternative approaches:
  - A high level strategic plan
  - A high level spatial plan
- Use of alternative priorities
  - An economically-focused plan
  - An environmentally-focused plan

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<sup>4</sup> Scotland's National Marine Plan Modifications Report. available from <http://www.gov.scot/Topics/marine/seamanagement/national/modifications>

<sup>5</sup> Addendum available from <http://www.gov.scot/Topics/marine/seamanagement/national/MPSA>.

**Table 2.1 Plan Preparation Process<sup>6</sup>**

Stage	Period	Action
1	June - December 2010	Initial meetings to consult stakeholders on the scope and content of the National Marine Plan.
	October 2010	<ul style="list-style-type: none"> <li>SEA/SA scoping undertaken, including a scoping workshop with the Scottish Consultation Authorities.</li> <li>Scoping report submitted to SEA Gateway.<sup>7</sup></li> </ul>
2	October 2010 – March 2011	<ul style="list-style-type: none"> <li>Preparation of pre-consultation draft National Marine Plan.</li> <li>Undertaking of Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA).</li> </ul>
3	March 2011 - June 2011	Consultation on pre-consultation draft National Marine Plan and interim SA/SEA report (12 weeks).
4	July 2011 - June 2013	<ul style="list-style-type: none"> <li>Revision of the pre-consultation draft National Marine Plan in response to comments made.</li> <li>Undertaking of SA/SEA of revised NMP and preparation of the SA/SEA report. Scottish and UK Ministerial clearance process.</li> </ul>
5	25 July – 13 November 2013	Consultation on the Draft National Marine Plan, SA/SEA report and partial BRIA (16 weeks). <sup>8</sup>
6	November 2013 – October 2014	<ul style="list-style-type: none"> <li>Revision of the Draft National Marine Plan in response to comments made during consultation.</li> <li>Consultation analysis published 2014.<sup>9</sup></li> <li>Independent investigation report published June 2014.</li> <li>Scottish and UK Ministerial clearance process.</li> </ul>
		<ul style="list-style-type: none"> <li>Undertaking SA/SEA of revisions to plan.</li> <li>Addendum to SA/SEA report prepared and published on MS website in December 2015.</li> </ul>
7	11 December - February 2015	Proposed National Marine Plan laid before Parliament for Parliamentary consideration.
8	March 2015	Final considerations, adoption and publication of the National Marine Plan and Habitats Appraisal Regulations record.
9	March 2016	Publication of the SEA Post-Adoption Statement.
10	From March 2015	Keep National Marine Plan under review and report in line with the appropriate legalisation.

<sup>6</sup> based on Scotland's NMP Statement of Public Participation. Available from <http://www.gov.scot/Topics/marine/seamanagement/national/nmpspp>

<sup>7</sup> Scoping Report available from <http://www.gov.scot/Topics/Environment/environmental-assessment/sea/SEAG>

<sup>8</sup> Responses are available from <http://www.gov.scot/Publications/2013/12/2681>.

<sup>9</sup> Consultation analysis report is available from <http://www.gov.scot/Publications/2014/04/7284>.

2.3.2 These alternatives were assessed by the SA/SEA. In summary, the assessment showed that:

- **Do nothing:** Under the “do nothing” approach, environmental, economic and social policies and initiatives would not benefit from the integration and coordination that the NMP would provide, and this would result in a lack of direct benefits for the economy, communities, population and human health. The same would apply to environment, as without the NMP there would be a lesser degree of integration between environmental and economic considerations, and planners and decision-makers would need to rely on the comprehensive range of existing environmental protection legislation and policy in isolation<sup>10</sup>.
- **High-level strategic plan:** This option supported development of individual marine economic sectors, within environmental and social constraints. It provided some guidance on factors to consider in identifying preferred locations for different types of development (with a focus on marine renewables) but in the main set out policy considerations (environmental, social and economic) which need to be recognised by regional marine plans and project decision-makers. This option was largely positive across the three topics of environment, economy, communities, population and human health through the emphasis on economic development of the individual marine sectors and the inclusion of the mitigating policies<sup>11</sup>.
- **High-level spatial plan:** This option provided a clear indication of the locations where certain marine economic activities could take place, including where different activities would be compatible within the same locations. Key aspects of this approach included:
  - Availability and gathering of sufficient information to ensure sound decision making within the plan preparation process.
  - Weighting of environmental and economic considerations against each other to identify the best use of different areas.
  - Identifying the carrying capacity of different marine environments.
  - Understanding of market influences on different marine industries.

2.3.3 The high-level strategic plan (the preferred option) did not take a spatial approach, but set out the broad policy direction. The spatial approach did not bring particular benefits across the appraisal topic areas, and would have required a high degree of information gathering and analysis (which is a key purpose and benefit of regional marine planning). It was also considered that a spatially directive national plan could conflict with the regional marine planning process. As a result, there would be negative implications for communities, as there would be reduced opportunities for local planning/ decision making. Nevertheless, the plan was informed by nationally significant spatial outputs from other planning processes (e.g. Marine Protected Areas, draft plan options for offshore renewable energy)

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<sup>10</sup> Note: the “do nothing” option was not viable, since preparation of the NMP is a legislative requirement. It was included here for completeness.

<sup>11</sup> This was the preferred option identified for the NMP.

- 2.3.4 **Alternative priorities – economically focused plan:** This option explored the possible measures which would achieve greatest economic benefit. Although this option had a strong economic focus, it was not strongly positive in relation to the economic objectives which sought to reflect sustainability, balancing different marine economic interests, job creation and avoiding barriers. This option did not place sufficient emphasis on protecting the environmental quality and ecosystem services which are critical in supporting a large proportion of marine economic activities. It also did not reflect the complex interactions between different marine economic activities or recognise how one area of activity can adversely affect another.
- 2.3.5 **Alternative priorities – environmentally focused plan:** This option prioritised protection of all aspects of the environment including habitats and species, water, air, cultural heritage and landscape/seascape. It was therefore strongly positive in relation to environmental objectives, but only partly positive in relation to the economic objectives as there were some tensions between the benefits for marine economic industries which rely on good environmental quality and those which do not. The impacts on communities, population and human health were partially linked to the environmental objectives, where positive effects for environmentally dependent marine industries supported communities reliant on these.

## 2.4 Monitoring

- 2.4.1 Section 19 of the Environmental Assessment (Scotland) Act 2005 sets out requirements for monitoring the environmental effects of the implementation of the plan.
- 2.4.2 Marine Scotland's proposals for monitoring the implementation of the plan and its policies are set out in National Marine Plan – Monitoring and Reporting (March 2016)<sup>12</sup>.
- 2.4.3 The Sustainability Appraisal Report did not identify significant environmental effects, and therefore no proposals have been made in this regard. It is anticipated that unforeseen adverse environmental effects, should they occur, would be identified by the monitoring of the plan's implementation.

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<sup>12</sup> Monitoring and Reporting. Available from <http://www.gov.scot/Topics/marine/seamanagement/national/monitor>



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