

Marine Scotland

National Marine Plan – Monitoring and Reporting

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Introduction

Marine planning in Scotland's waters is governed by the Marine (Scotland) Act 2010, an Act of the Scottish Parliament, and by the Marine and Coastal Access Act 2009, an Act of the UK Parliament. The two 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 out to 200 nautical miles.

Scotland's first statutory marine plan, the National Marine 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 will support development and activity in Scotland's seas while incorporating environmental protection into marine decision making to achieve sustainable management of the valued resource.

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, forthcoming Marine Planning Partnerships, Local Authorities and other public authorities including statutory advisors, regulators and agencies.

Legal requirement for monitoring of and review of marine plans

Section 16 of the Marine (Scotland) Act 2010 requires Ministers to keep under review

- a) the effects of the policies in the plan
- b) the effectiveness of the policies in securing that 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

Ministers must prepare and publish a report on these matters. The first report must be within 5 years of adoption of the Plan, after which successive reports must be published at intervals of no more than 5 years. After publication of the report, Ministers must decide whether or not to amend or replace the Plan. Section 61 of the UK Act relates to offshore waters covered by the National Marine Plan. It requires reporting at intervals of no more than three years of plan adoption. Intentions to amend plans and prepare and adopt further marine plans must be reported on at intervals of no more than six years until January 2030.

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.

Implementation of the National Marine Plan

Effective implementation of the Plan and its policies will be important to achieve the outcome of sustainable marine management. Monitoring implementation of the National Marine Plan will be the first step in meeting requirements for review. This will provide an opportunity to consider

- whether the National Marine Plan is being implemented as required, or what obstacles there are to effective implementation
- whether the Plan is being implemented consistently across decision makers
- what further support is needed from Marine Scotland to facilitate implementation

Marine Scotland is working with relevant public authorities to make them aware of the Plan as well as their responsibilities with regards to decision making which may affect the marine area. The Marine Scotland Licensing Operations Team has incorporated the requirements of the National Marine Plan into its decision making process and is monitoring this on an ongoing basis. Other public authorities will also be encouraged to record how the National Marine Plan has been used in decision making and provide feedback. This will be collated by Marine Scotland and used to help assess implementation of the Plan and use of its policies.

A variety of other methods will be used to supplement recorded information on how the National Marine Plan has been used. As part of the review process public authorities will be consulted about the use of the Plan and its policies, possibly via questionnaires, meetings and workshops. This approach will be particularly beneficial in areas where recording is difficult, for example out with enforcement and authorisation decision making and where decision making processes are less prescriptive. As a more subjective technique it may also give insight into the effectiveness of policies as oppose to simply determining usage. Dialogue and questioning will be extended to users and developers of the marine environment, recognising that the policies of the Plan may have affected how they have taken their own decisions or influenced how they have conducted their activities.

Effectiveness of the National Marine Plan policies

The effectiveness of Plan policies will be evaluated. This is required to determine the effects of policies, the progress made towards securing the Plan's objectives and the relationship between the policies and the objectives. The process of understanding how a policy has been used and what effect it has had will also help to determine whether or not policies are delivering as planned. It will also help policies to be improved if needed.

As outlined previously, feedback from dialogue with public authorities and stakeholders regarding Plan implementation will provide some information on effects of policies. Marine Scotland will also review existing monitoring programmes to assess whether these are relevant to reviewing effectiveness of policies and the progress towards securing objectives. This process will help to identify gaps in

information which may need to be addressed, keeping in mind the need to prioritise resources and remain proportionate to the matter to be evaluated.

Review of the Plan policies and their effectiveness will involve considering how much change observed through monitoring can be attributed to a particular policy. This will involve comparing baseline data with that collated from monitoring programmes across the life of the Plan, and an assessment of the mechanism of policy implementation. Evaluation and review of effectiveness will be complex given the range of such influencing factors such as other policies and regulation, market forces or demographic change. Where specific linkage between a policy and an outcome cannot be made, the possible contribution of the Plan can be made can be explored and reported.

A number of other work streams will inform the review process including ongoing work in the achievement of Good Environmental Status under the Marine Strategy Framework Directive, and the work of the Joint Assessment and Monitoring Programme under the OSPAR convention.

Sustainability Appraisal, undertaken to inform the development of marine plans, can be considered as offering an evaluation, prior to implementation, of possible outcomes and effects. The information contained within the National Marine Plan Sustainability Appraisal could also provide potential baseline information against which plan effectiveness can be evaluated.

The way forward

In summary Marine Scotland will undertake an initial review of the National Marine Plan within three years of its adoption. The review will consist of

- Monitoring implementation of the Plan and its policies through recording and feedback by Marine Scotland Marine 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 success of policies, identify policies for revision, identify barriers to successful implementation, and identify areas of the Plan where change would be beneficial.
- Consider 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.
- Consider to what extent identified effectiveness of policies can be attributed to the Plan and which other factors may be exerting influence.

Opportunity to collaborate with other Administrations on monitoring and evaluation methodology will also be explored.