



National Marine Plan 2

Planning Position Statement

Autumn 2024



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Acronyms

CES	Crown Estate Scotland
CPP2030	Clean Power Plan 2030
EIA	Environmental Impact Assessment
EU	European Union
FMEC	First Minister's Environment Council
GES	Good Environmental Status
GVA	Gross Value Added
HLO	High-Level Objective
HLMOs	High Level Marine Objectives
HRA	Habitats Regulation Appraisal
IMO	International Maritime Organization
INNS	Invasive Non-Native Species
INTOG	Innovation Targeted Oil and Gas
IPR	Iterative Plan Review
IROPI	Imperative Reasons of Overriding Public Interest
JEAP	Joint Environment Accelerator Programme
JFS	Joint Fisheries Statement
LCP(s)	Local Coastal Partnership(s)
MCAA	UK Marine and Coastal Access Act 2009
MPA(s)	Marine Protected Area(s)
MPP	Marine Planning Partnership(s)
MRF	Marine Recovery Fund
MSA	Marine (Scotland) Act 2010
MSFD	Marine Strategy Framework Directive
NESO	National Energy System Operator
NMP	National Marine Plan (2015)
NMP2	National Marine Plan 2
NPF4	National Planning Framework 4
PMF(s)	Priority Marine Feature(s)
SDG	Sustainable Development Goals
SEA	Strategic Environmental Assessment
SEIA	Socio-Economic Impact Assessment
SMP-OWE	Sectoral Marine Plan for Offshore Wind Energy
SSEP	Strategic Spatial Energy Plan
UK MPS	UK Marine Policy Statement
UNCLOS	United Nations Convention on the Law of the Sea

Ministerial Foreword

Planning Position Statement

With over 18,700 km of coastline and a marine area seven times greater than our landmass, our seas are precious - providing the basis for our marine economy, supporting the wellbeing of communities across Scotland, for our precious marine species and ecosystems, and delivering action on climate change.

Scotland's marine economy provides an important source of income and employment across Scotland, particularly in rural and island communities, generating £4.5 billion in gross value added, and employing 69,800 people in 2021¹.

Scotland's seas, like other nations', face growing pressures from the twin crises of climate change and nature loss. Without halting and reversing this marine environmental decline, we risk our ability to harness economic and social benefits from our marine resources now and in the future. There is growing evidence of the impact of climate change on the marine environment, including on the ocean's ability to adapt to climate change.

In September we published our 2024/25 Programme for Government, setting out our four main priorities for this parliamentary term, which included 'growing our economy' and 'tackling the climate emergency'. Encouraging economic growth across both developing and existing marine sectors is a key priority. A new planning framework must help facilitate this, alongside the essential action required to tackling the climate and nature emergency.

A just transition to a net zero society by 2045 will require transformation in the use of our seas; including decarbonisation across marine sectors and their supply chains, and an energy transition delivered through carbon capture and storage, hydrogen production and storage, and realising the opportunities from offshore renewables including ScotWind. Scotland will play a role a vital role in driving ongoing change in the energy mix across the UK and supporting our transition to net zero.

In 2022 work began to create an updated national marine plan to better reflect how the sea is currently being used, and to plan for its continued and sustainable future use. Marine planning is a powerful tool for managing multiple use of our seas by bringing together different interests so that decisions about what goes where in our seas can continue to benefit future generations and protect our iconic marine industries who have served Scotland's economy and people for many decades. Marine planning seeks to balance the needs of people and our environment through informed and evidence based decision-making.

As the intensity and range of human activities continues to increase in response to demand for marine products, energy and transport, managing co-existence in the same shared marine space requires a new approach. Effectively managing how we use our marine space is not only crucial in our transition to net zero but will also help our delivery of national and international biodiversity commitments.

1 [Scotland's Marine Economic Statistics 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/statistics/marine-economic-statistics-2021/)

This means taking difficult decisions on the use of our marine space, guided by the need to address the twin crises of climate change and nature loss to foster sustainable growth in the marine economy. In this way, marine planning provides a strong platform for sustainable development of existing and emerging marine sectors. NMP2 will provide a clear direction for the sustainable development of our marine space and create a new planning framework to support future licensing and consenting decisions.

This Planning Position Statement (PPS) is the culmination of our work to date on the development of Scotland's National Marine Plan 2 (NMP2) and consolidates stakeholder feedback, setting out the latest development of high-level objectives and policy ideas for NMP2, in line with legal requirements and commitments related to Scotland's seas.

Widespread stakeholder participation has been and will continue to be essential to successfully deliver our ambitious commitments to reach net zero and restore biodiversity, whilst delivering a just transition so that our communities and society can keep enjoying the many benefits we get from our incredible marine environment. By inviting many voices around the table, we can work in partnership to create a national marine plan that works for and with the people of Scotland.

1. Purpose Of Planning Position Statement

1.1 Outline

The National Marine Plan 2 (NMP2) will provide a new planning framework to further sustainable development and use of our seas, support protection and recovery of our marine environment and support our varied and unique communities.

What: This Planning Position Statement (PPS) summarises our work to date on the development of Scotland's NMP2. Here we consolidate stakeholder feedback and set out the latest in the development of high-level objectives and policy ideas for NMP2, in line with legal requirements and commitments related to Scotland's seas.

Why: In accordance with our Statement of Public Participation and Stakeholder Engagement Strategy², and as part of our commitment to just transition principles³, we are sharing draft outputs as they become available and seeking stakeholder feedback throughout the marine planning process. This statement provides an early opportunity for comment on the proposed policy ideas to be included in NMP2, ultimately helping to shape the plan from the outset.

The development of NMP2 is being supported by an extensive programme of engagement. A series of 14 online and in-person sector workshops took place from April to August 2024 to gather feedback on the draft high-level objectives for the plan and potential policy ideas. Over 100 organisations were represented across marine sectors, government, statutory advisors, non-governmental

organisations and young people. This position statement summarises key themes emerging from the feedback provided during this engagement programme.

Who: The PPS is for consideration by anyone with an interest in the future of Scotland's seas.

1.2 Consultation Questions

Consultation questions

When thinking about your response to the questions below, please consider how policy ideas could be implemented. Please include any evidence or information that could support your response.

High-Level Objectives

1. Do you agree with the updated wording for the high-level objectives (HLOs) and the focus they set out for policies in the NMP2? Please state which HLO(s) you are referring to in your response.
2. Please add any additional comments on the HLOs in the space provided below.

Climate Change Mitigation and Adaptation

3. What are your views on the policy ideas proposed under the Climate Change Mitigation and Adaptation section?

2 [Scotland's National Marine Plan 2 - Stakeholder Engagement Strategy and Statement of Public Participation. - gov.scot \(www.gov.scot\)](https://www.gov.scot/national-marine-plan-2-stakeholder-engagement-strategy-and-statement-of-public-participation/)

3 [Just Transition - A Fairer, Greener Scotland: Scottish Government response - gov.scot \(www.gov.scot\)](https://www.gov.scot/just-transition-a-fairer-greener-scotland-scottish-government-response/)

Nature

4. What are your views on the policy ideas proposed under the Nature section?
5. Considering the definition of 'Nature Positive' included in the [Scottish Biodiversity Strategy \(SBS\)](#), what are your views on how this could be implemented by different sectors and types of development and use? (Definition of 'Nature Positive' - "reversing the downward curve of biodiversity loss so that levels of biodiversity are once again increasing, bending the curve of biodiversity loss".)

Sustainable Marine Economy

6. What are your views on both the cross-sector, and sector-specific policy ideas proposed under the Sustainable Marine Economy section?
7. What are your views on the definitions being proposed for 'co-existence' and 'co-location' as set out below:

Co-existence: "co-existence is where multiple developments, activities or uses can exist alongside or close to each other in the same place and/or at the same time."

Co-location: "Co-location is a subset of co-existence and is where multiple developments, activities or uses coexist in the same place by sharing the same footprint or area or infrastructure."

Please provide any alternative suggestions.

8. Do you think the policies relating to the Management of Pressures should be updated, retained or accompanied by clearer implementation guidance? Please include any suggestions and/or changes, stating which policy you are referring to.

Wellbeing and Accessibility

9. What are your views on the policy ideas proposed under the Accessibility and Wellbeing section?

Implementation

10. What are your views on the proposed policy ideas under the Implementation section? Please consider the role of the decision-maker and the potential introduction of prioritisation when responding.
11. If you agree that NMP2 should include prioritisation, which outcome do you prefer i.e. space for a specific use given priority, space for nature given priority? Should additional outcomes also be considered?

Please include any supporting information in your response.

12. What are your views on policy ideas suggested in relation to community informed decision-making?

Impacts of Proposed policies

13. In responding to the questions below it may be helpful to consider the potential implications on international or national competitiveness and Scotland as a destination for global investment.
 - Do you think the policy ideas in the NMP2 will impact, either positively or negatively on any of the following:
 - Marine sectors/businesses, consenting authorities, local authorities or any other planning decision makers?
 - Please provide details.

1.3 How To Respond To This Consultation

We would value your thoughts on the proposals within this planning position statement to help inform the development of the draft NMP2. Please respond to the consultation using the Scottish Government's consultation hub, [Citizen Space](#) before the closing date of 28 January 2025.

If you are unable to respond using our consultation hub, please complete the [Respondent Information Form](#). Please send the completed form with your response to:

Nationalmarineplanning@gov.scot

Or

National Marine Plan 2 Team
Scottish Government
Area 1B North
Victoria Quay
Edinburgh
EH6 6QQ

If you have any enquiries, please direct them to Nationalmarineplanning@gov.scot

Handling your response

If you respond using the consultation hub, you will be directed to the 'About You' page before submitting your response. Please indicate how you wish your response to be handled, and if you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential and will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2022 and would therefore have to consider any request made to it under the Act for information relating to the responses made to this consultation exercise.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

1.4 Next Steps In The Process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Disclaimer

The current National Marine Plan (2015) remains "legally effective" and will therefore remain in force until formally withdrawn in accordance with the processes set out in the Marine (Scotland) Act (MSA) 2010 and Marine and Coastal Access Act (MCAA) 2009.

2. Why We Need A New Plan

Under the Marine (Scotland) Act 2010 and Marine and Coastal Access Act 2009, commonly referred to as the “Marine Acts”, Scottish Ministers are required to prepare and adopt a marine plan for the Scottish marine area. Scotland’s first National Marine Plan (“NMP”) was adopted in 2015 and, in line with statutory requirements, was reviewed in 2018 and 2021. Drawing on the recommendations and conclusions presented as part of the NMP reviews, Ministers announced in October 2022 the intention to update the NMP to better support statutory commitments to net zero and help tackle the twin crises of climate change and biodiversity loss through marine planning.

The updated National Marine Plan (“NMP2”) will provide clear direction for the sustainable development and use of our seas to benefit Scotland’s economy, society and marine environment. It will set out an updated planning framework that:

- supports future licensing and consenting decisions
- sets the context for regional and sectoral planning
- aligns with terrestrial planning.

Planning is a powerful tool for delivering change on the ground in a way which brings together different interests, so that decisions reflect the long-term public interest. Past, present and future challenges mean that we will need to make choices about how we use our marine space. There will be difficult decisions ahead in how we plan the use of our marine space. NMP2 will set out an updated planning framework that will help

inform decisions to be made that take account of the experiences and perspectives of those who use and depend on Scotland’s seas.

2.1 Key Feedback On National Marine Plan 2015

Feedback gathered through statutory reviews of the current NMP in 2018 and 2021, and the ongoing NMP2 engagement has been key to influencing the direction and scope of the NMP2.

Feedback on the current NMP highlighted key challenges to plan implementation as:

- the number of policies and objectives required to be considered in decision-making
- the lack of primacy or hierarchy in the policies
- the lack of clarity on how policies interact with one another.

Furthermore, as NMP is structured using separate chapters for individual marine sectors, the structure makes it challenging to apply or use policies where sectors interact, or where there is competition for marine space. Users of the NMP have also highlighted the lack of guidance on how to use the NMP as a barrier to its implementation.

General feedback received has emphasised the need for planning policy to support the transition to net zero, food production, mitigation of climate change impacts and the realisation of opportunities for adaptation to climate change within the marine environment and marine sectors. Furthermore, emerging sectors such as hydrogen, seaweed harvesting, and cruise tourism also need to be considered.

Recent engagement has also highlighted concerns that the growth in some sectors, combined with ambitions for enhanced marine protection, is impacting on the space available for established marine activities. Potential opportunities for co-location of activities and challenges around the interaction between sectors, mitigation or compensation for impacts on other marine users have been raised. We have also heard requests for further spatial planning and a desire for inclusive approaches to marine planning decision-making and engagements with communities.

3. Vision

As with the current National Marine Plan and in line with requirements under the Marine Acts, NMP2 will continue to support the UK Marine Policy Statement (“UK MPS”)⁴ vision: ‘clean, healthy, safe, productive and biologically diverse oceans and seas’ and our Scottish Government vision for the marine environment: ‘clean, healthy, safe, productive and diverse seas; managed to meet the long term needs of nature and people’.

As the marine planning framework, NMP2 is a key delivery mechanism for our Blue Economy Vision⁵:

‘By 2045 Scotland’s shared stewardship of our marine environment supports ecosystem health, improved livelihoods, economic prosperity, social inclusion and wellbeing’

The report ‘Delivering Scotland’s Blue Economy Approach’⁶ (November 2022) identifies six, equally weighted, outcomes, and looks to transition away from conventional thinking that stipulates we must always trade off economic production against environmental protection. Instead, it recognises that one relies on the other – economically productive and thriving marine sectors require a biologically healthy marine environment.

We are adopting a “blue economy” approach to NMP2; considering the environment, social wellbeing and economy together. The NMP2 objectives and policies will be mapped against our six blue economy outcomes to support their delivery (Figure 1). These outcomes provide the framing for how NMP2 will contribute to our national performance framework⁷ and the UN Sustainable Development Goals.

The NMP2 and National Planning Framework 4 (NPF4) will act as companion documents, setting out a coherent vision for the future development of Scotland’s land and seas.

In Spring 2024 a series of “Future Scenario” workshops were held to explore (with representatives from marine sectors, non-governmental organisations, statutory advisors and Scottish and UK regulators) what factors may influence the delivery of our blue economy vision for 2045, and how the vision can be supported through the development of NMP2. The recommendations from the workshops will be used in the development of the draft NMP2.

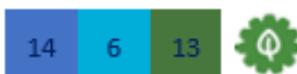
4 [UK Marine Policy Statement - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

5 [A Blue Economy Vision for Scotland - gov.scot \(www.gov.scot\)](https://www.gov.scot)

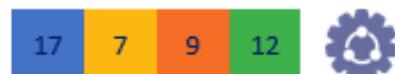
6 [Delivering Scotland’s Blue Economy approach - gov.scot \(www.gov.scot\)](https://www.gov.scot)

7 [National Performance Framework | National Performance Framework](https://www.gov.scot)

Scotland's marine ecosystems are healthy and functioning, with nature protected and activities managed using an ecosystem-based approach to ensure negative impacts on marine ecosystems are minimised and, where possible, reversed.



Scotland's blue economy is resilient to climate change, contributing to climate change mitigation and adaptation, with marine sectors decarbonised, resource efficient and supporting Scotland's Net Zero and Nature Positive commitments



Established and emerging marine sectors are innovative, entrepreneurial, productive and internationally competitive



Scotland is a global leader in healthy, quality, sustainably harvested and farmed Blue Foods, for our own population and beyond



Thriving, resilient, regenerated, healthy communities have more equal access to the benefits ocean resources provide



Scotland is an ocean literate and aware nation



UN sustainable development goal

National performance framework outcome

3.1 Role Of NMP2

3.1.1 Requirement To Develop A Marine Plan

3.1.1.1 UK Marine & Coastal Access Act 2009 and Marine (Scotland) Act 2010 (Marine Acts)

Scotland's waters are governed under a series of legislative frameworks. Marine Planning in Scotland's waters is governed by two Acts – the UK Marine and Coastal Access Act 2009 (“MCAA”) and the Marine (Scotland) Act 2010 (“MSA”), often referred to as the “Marine Acts”. The Marine Acts set out the requirement for the development of marine plans.

The MCAA requires that marine plans are prepared for the UK marine area, covering both inshore and offshore waters (0 to 200 nautical miles) (Section 51). The devolved administrations (the Scottish Government, the Welsh Assembly Government, and the Northern Ireland Executive) have jurisdiction over marine planning matters in their respective waters from 0 to 12 nautical miles (inshore waters). Under the MCAA, marine planning for offshore waters from 12 to 200 nautical miles is executive devolved to marine planning authorities in the Devolved Administrations, which for Scotland is Scottish Ministers.

The MSA requires Scottish Ministers to prepare and adopt a National Marine Plan for the Scottish marine area, covering Scotland's inshore waters (0-12 nautical miles).

3.1.1.2 EU Maritime Spatial Planning Directive 2014

In recognition of the increasing pressures on European Seas and noting the need for an integrated approach to planning and management of marine and coastal resources, Directive 2014/89/EU of the European Union Parliament, and of the Council, establishes a framework for maritime spatial planning to promote sustainable development and use of European Seas.

The framework provides for Member States to establish and implement maritime spatial planning (Article 4(1)) and to consider economic, social and environmental aspects to support

sustainable development and growth, applying an ecosystem-based approach which promotes the co-existence of relevant activities and uses (Article 5(1)). As the UK is no longer a member of the EU, EU legislation, as it applied to the UK on 31 December 2020, is now a part of UK domestic legislation as set out in the EU (Withdrawal) Act 2018 as modified by the Retained EU Law (Revocation and Reform) Act 2023 and the principles set out in the Directive will be enacted through NMP2.

3.2 Purpose Of Plan

The MSA requires that the NMP2 furthers the achievement of ‘sustainable development’, including the protection and, where appropriate, enhancement of the health of the Scottish marine area. The NMP2 will help to tackle the twin crises of climate change and nature loss; supporting our transition to net zero through the sustainable management of our shared marine space, while considering just transition principles in the marine planning process. The NMP2 will provide an updated marine planning framework to address the increasing competition for marine space and resources in Scottish waters. Balancing the need for protection and enhancement of the marine environment and the sustainable economic development of existing and emerging sectors.

The NMP2 will be produced in conformity with the UK Marine Policy Statement (“UK MPS”) (unless relevant considerations state otherwise) and has regard to NPF4 to ensure consistency across the planning regime. It will provide an updated planning context for marine decisions; setting out the policy and legislative landscape and will support the delivery (through planning) of outcomes in existing strategies and commitments which manage our seas, such as Scotland's Biodiversity Strategy, Scotland's Fisheries Management Strategy 2020-2030, Offshore Wind Policy Statement and Scotland's Vision for Sustainable Aquaculture.

The updated planning context will help marine planners and decision-makers to deliver, through planning, on duties set out in wider legislation such as the biodiversity duty, Marine Strategy Regulations or requirements on marine planning

within the Joint Fisheries Statement. Annex C contains a list of example relevant matters, (legislation, policies and plans) which will be considered in the development of NMP2 and has been used to identify outcomes which can be supported through marine planning.

The NMP2 will provide a decision-making framework to guide future licensing and consenting decisions and support streamlining of the licensing and consenting process. It will set the context for regional and sectoral planning. Regional marine plans must be in conformity with the NMP2 (unless relevant considerations state otherwise). Under the Marine Acts (MSA, Section 15(1); MCAA, Section 58(1)), decisions such as policy, plans (e.g. sectoral marine plans or fisheries management plans) or strategies which affect the marine area must have regard to NMP2.

The NMP2 will not replace or remove existing regulatory regimes or legislative requirements. As a planning document NMP2 will inform if, where, when and how development takes place and provide guidance on reaching those decisions. The regulation and management of activities are covered by sector-specific regulations outside of planning; such as the Fisheries Act 2020 or the Health and Safety at Work Act 1974.

We are taking an ecosystem-based approach⁸ to marine planning, in support of sustainable development and ecosystem-based management of human activities. We seek to do this through our coordinated approach to management of the marine environment and marine resources across a range of different policies and commitments. This includes putting in place appropriate restrictions on human activity in areas which need additional protection, minimising risk and interaction of human activity with key sensitive marine species, and management of activity to

enable the sustainable use of marine goods and services.

NMP2 will cover Scottish territorial waters (0-12 nautical miles) and Scottish offshore waters (12-200 nautical miles) for which Scottish Ministers have planning responsibility. It will include provisions for reserved functions such as shipping and telecommunications. Licensing for reserved functions such as oil and gas is carried out by the UK Government.

The UK, Scottish and Welsh Governments are jointly commissioning the National Energy System Operator (NESO) to create a Strategic Spatial Energy Plan (SSEP) for the energy system, land and sea, across Great Britain. The SSEP is focused on the generation and storage of electricity and hydrogen, and will enable better planning of the power grid. The Scottish Government is also engaging on development of the UK-wide Clean Power Plan 2030 (CPP2030⁹.) Following publication of the SSEP and CPP2030, the Scottish Government will consider whether it would be appropriate to amend any adopted marine plans, as the planning authority for our seas.

3.2.1 Furthering Sustainable Development

Scotland's marine economy includes activities dependant on the marine environment. They provide an important source of income and employment across Scotland. In 2021, the marine economy (excluding offshore wind) generated £4.5 billion in gross value added (GVA), (3% of the overall Scottish economy) and employed 69,800 people (headcount), 2.7% of the total Scottish employment¹⁰. In 2021 fishing and aquaculture combined accounted for 17% of Scotland's marine economy GVA.

8 The UK MPS defines this as "A practical interpretation of the ecosystem approach is set out in regulation 5 of the Marine Strategy Regulations 2010 which transpose the Marine Strategy Framework Directive. An ecosystem-based approach to the management of human activities means an approach which ensures that the collective pressure of human activities is kept within the levels compatible with the achievement of good environmental status; that does not compromise the capacity of marine ecosystems to respond to human-induced changes; and that enables the sustainable use of marine goods and service." (Footnote 6)

9 [Clean Power 2030 | National Energy System Operator \(neso.energy\)](https://www.nesogen.com/)

10 [Scotland's Marine Economic Statistics 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/statistics/marine-economic-statistics/)

The need to clarify sustainable development within marine planning has been raised and we have received suggestions pointing towards the three pillars of sustainability (economy, society and environment)¹¹, Brundtland Commission Report¹², recent Dasgupta Review¹³ (2021), and existing definitions and ambitions set out in recent strategies and visions for Scotland.

National Performance Framework:

Sustainability is defined by the Scottish Parliament as: "Going forward our societies should improve the capability of all people to meet their needs while not reducing the ability of subsequent generations or those who live outwith Scotland to meet theirs."¹⁴ The definition sets out two essential conditions of sustainability:

1. "We cannot damage the environmental systems that make human and all other life possible and bearable."
2. "Our economic, political and cultural systems cannot favour some people while harming others."

These conditions form the basis of a framework for sustainable development, alongside three supporting conditions: 1) an economy that doesn't damage the environment and benefits all people; 2) public policy that is based on sound evidence; and 3) governance systems that are open, democratic, and participatory.

This definition guides policymaking across the Scottish Government, with a view to ensuring delivery against the UN Sustainable Development Goals through Scotland's National Performance Framework.

Scotland's National Strategy for Economic Transformation¹⁵: sets out a vision that by 2032 Scotland will be a wellbeing economy – an economic system which serves the collective wellbeing of current and future generations within safe ecological limits, placing people and the planet at its core. Underpinning this is a commitment to work across society to deliver lasting action that secures a just transition ensuring that economic change is managed in a way that is fair for all.

Our Blue Economy Vision¹⁶ acknowledges that our marine, coastal and interlinked freshwater resources are national assets and part of Scotland's cultural identity that has shaped our economy. For these habitats to continue to play this important role in lives and livelihoods, we must manage, protect, and enhance these ecosystems to achieve long-term health and economic sustainability.

Programme for Government 2024-25: Serving Scotland¹⁷, "Boosting fair, green economic growth is central to our priorities." "The twin crises of climate change and biodiversity loss represent the existential threat of our times ... We must reduce emissions and our vulnerability to the future impacts of climate change and restore our natural environment."

Furthering sustainable development through NMP2

Marine planning seeks to balance the needs of people and our environment through decision-making. Our marine economic sectors provide a vital source of economic and social benefit to Scotland's communities, low carbon food production and energy generation which makes a vital contribution to the energy mix across the UK. Our marine environment provides essential ecosystem goods and services including provision

11 [Guiding Principles for Sustainable Development](#)

12 [Report of the World Commission on Environment and Development : \(un.org\)](#)

13 [Final Report - The Economics of Biodiversity: The Dasgupta Review - GOV.UK \(www.gov.uk\)](#)

14 [A guide to outcomes focused policy making | National Performance Framework](#)

15 [Scotland's National Strategy for Economic Transformation - gov.scot \(www.gov.scot\)](#)

16 [A Blue Economy Vision for Scotland - gov.scot \(www.gov.scot\)](#)

17 [Programme for Government 2024-25: Serving Scotland - gov.scot \(www.gov.scot\)](#)

of food and regulation of the climate. A healthy and resilient marine ecosystem will underpin future sustainable growth and our ability to mitigate the impacts of climate change.

Managing and developing our marine economy sustainably requires protecting and enhancing our marine environment to support our economic productivity and social wellbeing. This requires an ecosystem-based approach to the management of existing and emerging human activities.

This has been reflected in the objectives and policy ideas for NMP2 including expectations for developments to go further in support of action to tackle the twin crises of climate change and biodiversity loss.

3.2.2 Supporting A Just Transition

For the Scottish Government a just transition is both the outcome – a fairer, greener future for all – and the process that must be undertaken in partnership with those impacted by the transition to net zero and nature positive. A just transition supports a net zero and climate resilient economy in a way that delivers fairness and tackles inequality and injustice. We are committed to taking an approach that is informed by a just transition:

- By conducting engagement using a staged approach; sharing information as it becomes available then gathering feedback and views to update the proposals, so we can build and develop the plan with those who use and depend on our seas.
- By building a robust and transparent evidence-base through our impact assessments, including a full socio-economic impact assessment (SEIA) to identify potential impacts on marine sectors and communities and the mitigation measures that could be built into NMP2.
- In our policy for NMP2 – working towards developing solutions for those impacted by change.

3.2.3 Advice From First Minister's Environment Council

The First Minister's Environment Council (FMEC) has produced advice on National Marine Planning; noting key factors to consider for achieving optimal use of Scotland's marine space and the development of NMP2 such as:

- Establishing a small number of national-level strategic objectives and subobjectives which are relevant and targeted both sectorally and regionally. The activities of various actors should aggregate to achieve the national objectives.
- Establishing a decision-making framework which supports ministerial decisions on prioritisation of specific marine activities or spaces, where required, to support the sustainable use of Scotland's seas.
- Defining measurable outcomes and targets around the objectives of the national plan and measuring progress towards these through an appropriate indicator framework.

3.3 Proposed Structure

The NMP2 will set national objectives which state the ambition for marine planning in Scotland and supportive planning policy to deliver on these objectives. In line with recommendations from FMEC it is intended that high-level, national objectives will be supported by area and sector-specific policies, where required, and that the policies developed under each high-level objective directly contribute to the delivery of that objective (Figure 1).

Furthermore, the interaction of policies and objectives will be defined with NMP2 setting out the key planning policies and signposting decision-makers to relevant legislation and strategies, plans or guidance where available.

The NMP2 will adopt an area-based structure, aligning with the place-based approach taken in NPF4 to promote cohesion between the marine and terrestrial planning regimes. This structure will allow for the unique communities and industries around the coast of Scotland to be more easily reflected in policy development, better supported in regional planning, and will allow for streamlining and improved implementation of the plan.

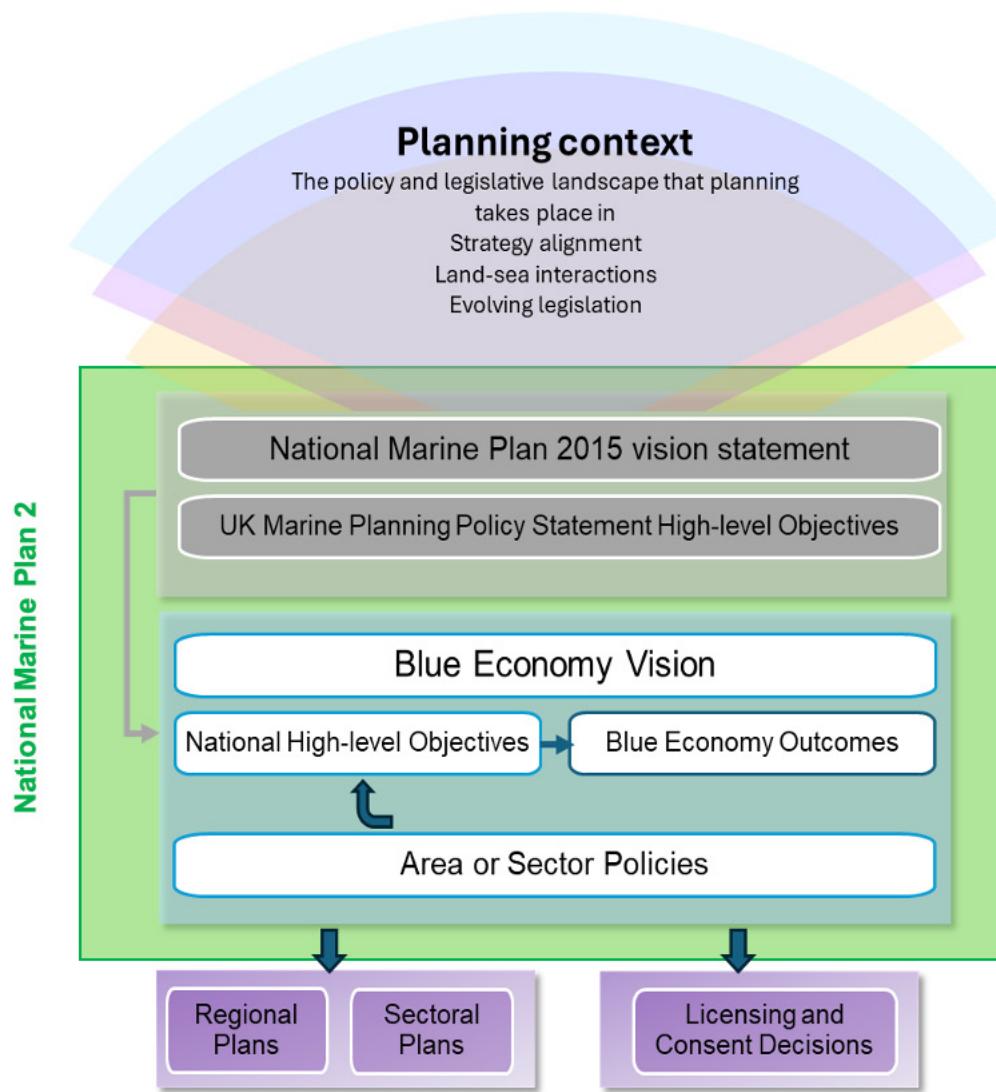


Figure 1: Proposed structure of NMP2 (shown in green), highlighting the influence of wider relevant matters, including policy and legislative context, in informing planning.

3.4 The Marine Planning Framework In Scotland Today

The Marine Acts set out a tiered approach to developing marine planning in the UK and Scotland. The framework includes the following elements:

UK Marine Policy Statement (UK MPS): The UK MPS is the framework for preparing Marine Plans and taking decisions affecting the marine environment. Joint adoption of a UK-wide MPS provides a consistent high-level policy context for the development of marine plans across the UK to achieve the vision. The UK MPS supports the formulation of Marine Plans, ensuring that marine resources are used in a sustainable way to promote sustainable economic development, enable the UK's move towards a low-carbon economy, healthy and functioning marine ecosystems and contribute to the societal benefits.

Scottish National Marine Plan (NMP): The NMP (2015) sets out strategic policies for the sustainable development of Scotland's marine resources out to 200 nm. It is required to conform with the UK MPS and ensure compatibility with marine plans or development plans for areas related to the marine plan area, including English plans. The NMP is created under the Marine Acts and the MSA sets out that, a public authority must take any authorisation or enforcement decision in accordance with the appropriate marine plan (unless relevant considerations indicate otherwise). Similarly, section 58(1) of the MCAA requires a public authority to take any authorisation or enforcement action in accordance with the appropriate marine policy documents, unless relevant considerations indicate otherwise.

Regional Marine Plans: The MSA provides that the Scottish Ministers may prepare and adopt regional marine plans for Scottish marine regions defined in the Scottish Marine Order 2015 in the Scottish inshore region. Certain Regional Marine Planning functions may be delegated by a direction issued by the Scottish Ministers. No statutory Regional Marine Plan for any given region has yet been adopted but three are currently under development in Shetland, Orkney and the Clyde.

Sectoral Marine Plans: The National Marine Plan sets out that proposals for commercial scale offshore wind and marine renewable energy development should be sited in Plan Option areas. The Sectoral Marine Plan for Offshore Wind Energy (SMP-OWE) was published in 2020 and identified the most sustainable plan options for the future development of commercial-scale offshore wind energy in Scotland. Scottish Ministers concluded that the SMP-OWE needed to be updated and re-assessed as part of the Iterative Plan Review following the ScotWind leasing award by Crown Estate Scotland (CES) of 27.6 GW of generation capacity. In addition to the ScotWind outputs, the Iterative Plan Review (IPR) will also consider the further 5.5GW of potential offshore wind capacity from the INTOG leasing round. The IPR will consider the outputs of both the ScotWind and INTOG leasing rounds, as well as the mitigation and management that will be required to support the ambitious scale of development.

The Fourth National Planning Framework (NPF4) was adopted in February 2023. NPF4 sets out our vision for working towards a net zero Scotland by 2045 through planning. NPF4 signals the key priorities for 'where' and 'what' development should take place at a national level and is combined with national planning policy on 'how' development planning should manage change. There is overlap in the geographic scope of marine and terrestrial plans at our coasts. Planning Circular 1/2015 sets out the relationship between the statutory land use planning system and marine planning and licensing.

4. High-Level Objectives

4.1 Process To Develop Draft High-level Objectives And Policies For NMP2

Development of draft NMP2 high-level objectives (HLOs) has been informed by the legal requirements set out in the Marine Acts and other existing legislation and strategies (as noted in Section 3). The plan, and therefore its objectives, must be in conformity with the UK MPS and must comply with the requirements of the Marine Acts and have regard to the Marine Strategy developed under the Marine Strategy Regulations 2010 (see Annex B).

A set of 12 draft objectives were developed in line with the requirements in the Marine Acts and mapped against the 19 High Level Marine Objectives (HLMOs) set out in the current UK MPS (2011), the 11 Good Environmental Status (GES) descriptors set out in the Marine Strategy Framework Directive (MSFD), and the six Blue Economy Vision Outcomes, to ensure alignment (see Annex B).

The set of 12 draft high-level objectives (see Annex A for previous iteration of draft HLOs) and policy ideas have been subject to review and comment by representatives from across government, marine sectors and non-governmental organisations through an extensive engagement programme from April – August 2024.

4.1.1 Key Feedback

- Objectives cover appropriate issues, including specific needs of island communities.
- Some objectives difficult to separate and should be delivered in tandem, e.g. climate and nature.
- Food production should feature prominently in the objectives.
- Clearer, stronger and more active wording is preferred.
- Wording must align with that of wider, relevant frameworks, including GES descriptors and UK HLMOs.
- Wording should recognise both opportunities and potential trade-offs.
- Too many objectives make implementation challenging.

4.1.2 Proposal

- The number of draft HLOs will be reduced to five to improve plan usability and reduce duplication or incompatibility across other plans and strategies.
- Thematic areas covered by the objectives will align more closely with the duties of Scottish Ministers and requirements under the Marine Acts, specifically:
 - Climate Change Mitigation and Adaptation
 - Nature
 - Sustainable Marine Economy
 - Accessibility and Wellbeing
 - Implementation

- More “active” and “direct” wording has been incorporated into the updated draft objectives to improve clarity on how they can be delivered. Efforts have been made to ensure alignment of wording with wider strategies.
- Updated draft HLOs do not reference individual sectors as many of the potential actions supported by marine planning are relevant to multiple sectors.
- Updated draft HLOs represent the national-level ambition for what marine planning can do to support sustainable development and use in line with wider strategic outcomes, including those set out in the Blue Economy Vision.
- Policies will be grouped under the most relevant HLO, recognising that some may cut across multiple objectives.

4.2 Climate Change Mitigation And Adaptation HLO

4.2.1 Key Feedback

- Require clarification on role of marine planning and decisions in supporting net zero.
- Mixed opinion on if mitigation and adaptation should be two separate objectives.
- Need to give significant weight to global climate emergency. Recognition for the role of nature in supporting climate resilience and adaptation also needed.
- Need to think about proportionality in the application of the objective and supporting policies to different sectors.
- Clearer, stronger and more active wording is preferred.
- Need to integrate mitigation hierarchy.

4.2.2 Proposal

Feedback received highlighted the need for clearer language outlining the role of marine planning when supporting action towards addressing the climate emergency. The wording of the HLO should be clear and concise, recognising that much of the feedback provided was also relevant to the supporting policies too, for example integration of the mitigation hierarchy. The updated wording for the climate change mitigation and adaptation HLO is proposed below:

Mitigate and adapt to the impacts of climate change in Scotland’s seas.

4.3 Nature HLO

4.3.1 Key Feedback

- Support to merge nature-based objectives to cover protection and restoration, and enhancement.
- Mention of Scottish Biodiversity Strategy is not needed.
- Need to improve consistency in terminology used and use “biodiversity” in the objective.
- Clarity needed on the baseline against which this objective would be measured.
- Recognise the importance of environmental condition in delivering ecosystem services.
- Broad recognition that healthy, resilient ecosystems support climate mitigation and adaptation.

4.3.2 Proposal

There is a need to be clearer and more consistent on the intention of this HLO. The suggestion to consider protection, restoration and enhancement together has been taken into consideration, alongside feedback to streamline the number of overall HLOs. As above, much of the feedback on this HLO is relevant to the supporting policies. The updated wording for the Nature HLO is proposed below:

Protect and enhance Scotland's marine nature to support functioning and resilient ecosystems.

4.4 Sustainable Marine Economy HLO

4.4.1 Key Feedback

- Clarity needed on the term “multi-use” and suggestions to use “co-existence” instead.
- Suggestions to use “prioritisation” instead of “safeguarding”.
- Consider how best to reflect different sectoral priorities and potential needs for compromise.
- Combine ‘net zero sectors’ and ‘climate mitigation’ HLOs, clarifying the term “net zero sectors”.
- Sustainable marine food production should be clearly reflected in the objective.
- Best evidence must be used to support decisions, and the absence of new evidence should not block development.

4.4.2 Proposal

Scotland's ambitions for economic growth across marine sectors are set out in the Scottish Government's Programme for Government and sector-specific strategies and targets, such as the National Strategy for Economy Transformation and forthcoming Energy Strategy and Just Transition Plan.

NMP2 needs to reflect and support the balance between the many interests in Scotland's Seas, recognising the importance of the range of sectors in supporting our marine economy. As such, we propose that the Sustainable Marine Economy HLO remain broad enough to capture all sectors;

setting out supporting policies for the sustainable use and development of different marine sectors, such as food production and energy.

Support sustainable economic development and use of Scotland's seas.

4.5 Islands, Wellbeing And Accessibility

4.5.1 Key Feedback

- Inclusion of specific island economies is supported and should align with National Islands Plan.
- Greater consideration of “blue health and wellbeing” and mention of “ocean literacy”.
- Cultural heritage could be merged with social and cultural wellbeing, noting overlap around “access”.
- Inclusion of “shared stewardship” needs to be clear to prevent implication that stewardship is the sole responsibility of communities rather than a shared effort.
- Clarity needed on “equitable access”.

4.5.2 Proposal

Feedback received suggested that there was potential overlap across the three HLOs: island and coastal communities, cultural heritage and wellbeing and that support for island and coastal communities cuts across multiple objectives. Our marine economy provides a vital source social benefit to Scotland's communities supporting our social wellbeing. We recognise the important role that fair access to a healthy and productive marine space can play in supporting wellbeing. As such, it is proposed that the three previous draft high-level objectives be combined into the following:

Enable safe and fair access to Scotland's coast and seas, whilst protecting and promoting valuable cultural assets.

4.6 Implementation

The HLOs for NMP2 have been designed to support the delivery of our vision for Scotland's seas, and the requirements set out in the Marine Acts. To support the delivery of the HLOs in practice, and that of the plan as a whole, there is a need for a specific implementation-focused HLO.

To date, limited feedback has been received on the proposed wording of the draft HLOs focused on implementation. However, stakeholders have indicated general support for the inclusion of an implementation-specific HLO, recognising its importance for tracking plan use and delivery.

4.6.1 Proposal

The purpose of an implementation HLO is to support decision-making that balances environment protection and enhancement, with economic use and development in Scotland's seas. Delivery against this objective would be supported by policy(ies) on consistent and comprehensive monitoring and evaluation of the plan, and adaptive management.

Enable consistent and transparent decision-making to ensure sustainable use of Scotland's seas.

5. Policy Ideas

Policy ideas to accompany the draft HLOs have been derived from feedback received from the 2018 and 2021 statutory reviews of the existing NMP, stakeholder meetings, and workshops, including those from the National Planning Forum (held June 2023) and the ScotMER Symposiums (held in 2023 and 2024). Feedback has also included specific suggestions to utilise policies from the existing NMP, NPF4 and other adopted marine plans from across the UK in NMP2.

These policy ideas were tested alongside the draft HLOs via an engagement programme with representatives from different marine sectors. Feedback received so far has been used to further the initial policy ideas into the proposals outlined in the sections below. Please see Annex A for further details on the feedback collected to date.

We are committed to developing NMP2 with stakeholders and are seeking views on the proposals below to help inform the planning policy development. All draft planning policies will be subject to assessments to understand the potential impacts on communities, the marine environment, and marine sectors to help identify any mitigation measures.

5.1 Climate Change Mitigation And Adaptation

Sector representatives were asked to consider how the following existing climate policies could be translated or updated to demonstrate marine planning contributions towards climate change mitigation and adaptation, and in support of addressing the twin crises:

NPF4 Policy 1 which requires decisions on development proposals to give significant weight to the global climate and nature crises.

NPF4 Policy 2 on reduction of lifecycle greenhouse gas emissions and adapting to current and future risks of climate change.

English Northwest Marine Plan Climate Change Policy 2 on climate smart / resilient development.

NMP 2015 Transport Policy 5 on climate resilient design of ports and harbours.

NPF4 Policy 22 on flood risk management and resilience to climate change impacts.

5.1.1 Key Feedback

- Support for policy aimed at tackling the twin crises in tandem, going beyond giving “significant weight”. Need agreement on strength of wording to ensure it is feasible to deliver and consideration of how to demonstrate contributions towards both climate and nature.
- Options for lowering emissions limited for some sectors and so play a limited role in decarbonisation, with some food production being low emissions.
- Difficult to consider twin crises at plan level and may lead to trade-offs between climate and biodiversity action, as well as those for some communities.
- Support for favourable consideration of applications demonstrating lowering emissions and inclusion of policy test for energy-efficient design.

- Clarity on the term and implementation guidance for “significant weight” are needed.
- Recognition of role of nature-based solutions and nature-inclusive design in building climate resilience.
- Support for principle of building resilience and requests for specific guidance on potential options for adaptation and use of local data.
- Mixed opinions around including decommissioning of activities within a climate policy.

5.1.2 Proposal

NMP2 will include dedicated policy(ies) on climate change mitigation and adaptation, setting out specific implementation criteria to guide decision makers.

Significant Weight To Climate And Nature Crisis:

NMP2 could include a translation of NPF4 Policy 1, giving significant weight to the climate and nature crises, with wording to reflect marine decision-making and setting out criteria for implementation. This policy recognises the need to tackle the climate and nature crises in tandem and the important role of nature in supporting climate resilience and adaptation. This policy sets out a high-level ambition, and we recognise that it will be delivered through a series of other specific policies. As such, implementation criteria will relate directly to such policies, covering topics such as emissions reduction, shoreline adaptation, planning for nature and nature enhancement etc. This policy could introduce a level of prioritisation into decision-making under NMP2, which is detailed section 5.7.

Climate Change Design, Siting And Decarbonisation:

NMP2 could set out a policy that requires proposals for activities or developments to demonstrate climate change mitigation and adaptation in their design and/or siting.

For example, similarly to NPF4 Policy 2, applications could be required to demonstrate steps to reduce lifecycle greenhouse gas

emissions or adaptations in their design to be resilient to the impacts of climate change, e.g. sea level rise, increased frequency and intensity of storms and flooding, including through greenhouse gas assessments. For the siting of projects, proposals could demonstrate how they seek to avoid or protect habitats with important functions in supporting resilience and mitigation to climate change, such as blue carbon stores and habitats that provide shoreline protection, similarly to NPF4 Policy 10 on coastal erosion.

Recognition of the differences in application across different types and sizes of decisions, and sectors, will be set out in the policy description to ensure proportionate application. Opportunities for supplementary guidance for individual sectors can be explored, as has been done for NPF4.

5.2 Nature

Policy ideas for ecosystem health, protection and restoration, and enhancement include suggestions to consider NPF4 Policy 3 on nature positive developments and nature-inclusive design, policy on enabling space for nature (including restoration, recovery and enhancement) and priority habitats and Priority Marine Features (PMFs).

General feedback on each policy idea / topic and proposed responses are outlined below.

5.2.1 Key Feedback

- Nature-based solutions are supported, including protection and restoration of space for nature, to build climate resilience and deliver nature enhancement.
- Could nature positive measures be delivered collectively on a sector-wide basis?
- NMP2 should contain a policy on PMFs, that is clear and supported by implementation guidance and supports improved understanding of location and extent of PMFs.
- The concept of “nature positive” needs clear definitions and terminology and should be supported by sector guidance and examples of good practice. It requires clarity on potential “nature positive” measures and the valuation, monitoring and acceptability of such measures in decision-making.

- The underpinning role of marine habitats in supporting marine sectors and food production should be recognised.
- It is unclear how nature positive measures could be practically delivered by marine sectors and delivery at the site of development would be challenging.
- Proposals for restoration or enhancement need to be based on an agreed baseline and definitions of “enhancement”, “restoration”, “degraded” are needed.
- Requirements for nature positive should be at the development site, proportionate to the size and scale of proposals and should be separate from mitigation of impacts and compensatory measures.
- Nature-inclusive design that is separate from nature enhancement and has clear, guiding principles to enable delivery is supported.

5.2.2 Proposal

Supporting Marine Protection And Enhancement

Scottish Government is working on the development of management measures of Marine Protected Areas (MPAs) under a wider programme of work.

Proposals for fisheries management measures in Scottish inshore waters (<12 nm), for those existing MPAs where management is required but not already in place, will be available for public consultation on completion of the required impact assessments. An eight-week public consultation on proposed fisheries management measures for existing MPAs in the Scottish offshore region (12-200 nm) launched on 19 August 2024.

NMP2 will reflect the outcomes from wider ongoing work to develop a restoration plan for Scotland's seas and to map areas of blue carbon potential. NMP2 will also signpost to any available enhancement guidance.

We will explore how NMP2 can support outcomes from the recent consultation on streamlined licensing of restoration project.

NMP2 could support opportunity mapping for

restoration, enhancement, or nature-based solutions for climate mitigation and adaptation and set out a requirement to consider this evidence in decision-making.

NMP2 could introduce a policy that preserves restoration and enhancement sites from wider activity that may have an adverse impact on the site.

Such a policy is contingent on the development of clear and comprehensive guidance to support implementation, which could include clear terminology around opportunity mapping and examples of nature-based solutions.

Please see section 5.5 on related policy ideas on management of pressures.

Priority Marine Features

NMP2 could include an updated policy for PMFs that sets out how to consider the relative sensitivity and locations of PMFs in decision-making, based on available data.

NMP2 could also set out requirements for use and the design and siting of developments to demonstrate that they will, in order of preference: a) avoid, b) minimise, or c) mitigate adverse impacts on PMFs and the protected site network so that they are no longer significant.

Nature Inclusive Design

NMP2 could set out expectations for developments and use to be nature-inclusive, following design practices that deliver the best outcomes for nature.

For example, consideration of nature throughout infrastructure design, supply chain, and development lifespan; including selection of material types that prevent long-lasting effects on biodiversity (e.g. chemical leaching, entanglement or plastic pollution) or support for innovation in design.

Such a policy is contingent on a clear definition of nature-inclusive design, implementation guidance and monitoring and evaluation to inform future design practices.

NMP2 will signpost to relevant biosecurity measures to prevent the spread of invasive species and diseases in Scotland's seas.

Nature Positive Use And Development

NMP2 could include a requirement for nature positive use and development to support action on tackling the biodiversity crisis. Beyond application of the mitigation hierarchy (avoid, minimise and mitigate impacts) for use and developments, (section 5.7.4), this policy could encourage the delivery of positive measures for nature, such as, but not limited to, supporting a species or habitat enhancement project, supporting monitoring and research to progress towards marine nature enhancement outcomes, innovation projects or ocean literacy projects.

Such a policy would require clear definitions and understanding of the 'nature positive' terminology. Clarity is needed on the application of a nature positive policy across different scales and sectors, including on the mechanism through which this may be delivered, identification of nature positive actions, monitoring and supporting implementation guidance.

Our understanding of how nature positive policies can be applied in the marine area is evolving and approaches to implementation across the different scales and sectors needs to be carefully considered. This includes considering existing measures and approaches to determine when a development, activity, or use can be regarded as 'nature positive', the acceptability of actions needed, and the subsequent monitoring requirements.

5.3 Sustainable Marine Economy – Cross-sectoral Policies

5.3.1 Key Feedback

Several policy ideas for NMP2 were identified from available feedback and tested with sector representatives. Policy ideas covered topics including, updates to general planning policies 1, 2 and 3 from the existing NMP, support for sectoral planning for marine renewables, consideration of existing users and reducing displacement (e.g. safeguarding policies such as SAF01 and SAF02 in the Welsh National Marine Plan) and alignment across the land-sea interface. Collated feedback from the Summer 2024 engagement programme for NMP2, including sector workshops can be found in Annex A.

Please note the compensatory measures policy ideas and associated feedback in section 5.4.1 and 5.4.2 specifically relates to the requirements for projects seeking derogation from the Habitats Regulation Appraisal (HRA).

- Sector policies need to be supported by assessment of cumulative impacts; opportunity mapping; consideration of socio-economic impacts and spatial data; implementation guidance. They should also work with nature positive policies.
- Compensatory measures should be delivered centrally through a small number of larger scale projects (strategic compensation) and measures to be kept local to the site of impact and target species negatively impacted by the development.
- Principle of safeguarding opportunities or space for existing users to prevent displacement or impact by a new development is supported by some. This assumes that the existing use is the most sustainable for a given site.
- Compensatory measures should be evidence based, consider ecosystem functioning and services and the social and economic impacts on others.
- Current NMP policy on 'encourage' co-existence requires strengthening, clear definitions, allocation of responsibilities and

should set out mechanisms to support the achievement of sectoral co-existence. Co-existence and safeguarding policies should be combined.

- A clear policy on compensatory measures for HRA derogation (not just offshore wind) is required and marine space should be prioritised for the delivery of compensatory measures.
- Continued support for sectoral planning in NMP2 is welcomed by some. Sector plans have the potential to create efficiency in the consenting system. Strategic planning is needed to support infrastructure for marine renewable expansion, such as ports and harbours or grid. Future sectoral planning should consider opportunities for co-location of activities and should not be applied to sectors where applications are considered at the local level.

5.3.2 Proposal

Requirements for evidence-based decision-making, including information on socio-economic impacts and displacement, the use of spatial data (e.g. opportunity mapping) and consideration of ecosystem services are proposed for NMP2 (section 5.7.4), along with options for potential prioritisation section 5.7.4.1). This would support the implementation of the following cross-sector proposals.

Promoting Co-Existence

To provide clarity within any future co-existence policy in NMP2 the following definitions are proposed:

- Co-existence: “co-existence is where multiple developments, activities or uses can exist alongside or close to each other in the same place and/or at the same time.”
- Co-location: “Co-location is a subset of co-existence and is where multiple developments, activities or uses coexist in the same place by sharing the same footprint or area or infrastructure.”

Planning policy for NMP2 could include requirements to demonstrate consideration of

co-existence in applications and / or preference for proposals which facilitate co-existence as part of the design (for example smaller spatial footprint or avoidance of areas). We will consider if policy for co-existence can be combined with support to existing users. We will also consider how co-existence policy could be supported by additional policies on engagement and collaboration between sectors and between licensing authorities (recognising that some licensing activities remains reserved to UK Government), to encourage cooperation on spatial planning for future leasing and licensing rounds.

Support For Sectoral Planning

The NMP2 will maintain support for sectoral planning for marine renewables and a plan-led approach to leasing. Sectoral planning for other sectors could be brought forward as appropriate.

The plan will provide clarity on the planning framework and how national, regional and sectoral plans fit together and are used in decision-making. This includes being clear that future sectoral plans will continue to provide the spatial framework for activities and must be in conformity with the NMP2, supporting the delivery of its objectives. Future sectoral plans must have regard to the policies within NMP2 and would require consultation and assessment, including SEIA, as part of the marine planning process. The NMP2 will reference any updated offshore wind policy statement.

Any future sectoral plans should make use of best available spatial evidence, for example opportunity mapping, and consider opportunities for co-location of activities.

NMP2 will focus on better use of spatial data in decision-making (section 5.7.4) and encourage / stimulate improvements in the spatial evidence base. For example, collation of spatial data on pressures, sensitivities, and management measures in place, including those which result in appropriate spatial restrictions on human activity.

Supporting Strategic Compensation

There is extensive work ongoing within Scottish Government on this topic that will influence the development of NMP2. The Scottish Government is engaging with the UK Government on implementation of the Energy Act 2023. Through the Joint Environment Accelerator programme (JEAP) we are working to develop policy, guidance and secondary legislation to implement reforms to the Scottish Government's approach to compensatory measures and this will be subject to separate public consultation. We are also actively considering ways to implement a Marine Recovery Fund (MRF) to deliver compensatory measures in a streamlined way. These changes have the potential to maximise the benefits of offshore wind development to Scotland and provide a more effective compensatory measures regime for addressing the environmental impacts.

NMP2 will consider how the agreed approach to strategic compensation will interact with other planning policies. For example, by enabling the use of marine space for compensatory measures should this be necessary.

As a planning document, NMP2 will not cover financial compensation. This is considered a commercial negotiation between developers and other activities, e.g. fishers.

Consideration Of Defence

In line with marine plans across the UK, it is proposed that a concise updated policy is introduced in NMP2 requiring agreement with Ministry of Defence for proposals for development or use, in or affecting Ministry of Defence areas.

5.4 Sustainable Marine Economy – Sector Policies

In line with the recommendations from the FMEC, NMP2 will not contain sector-specific objectives. The sector-specific objectives in NMP were reviewed as part of the strategic appraisal process and have been considered as part of the policy ideas for NMP2. Following stakeholder calls to reduce the repetition and number of policies within the plan, NMP2 will contain a smaller number of policies which deliver against the HLOs and aim to apply across sectors. Additional sector-specificity or context can be added where this is relevant to do so.

The sector policies within the current NMP have been reviewed as part of the strategic appraisal and in the recent sector workshops. We would value your feedback on proposals for sector-specific consideration in NMP2.

5.4.1 Key Feedback

- Aquaculture and Fisheries are important to our marine economy, to communities as an employer and way of life, and as a lower carbon food source. There should be support for growth in food production sector and realisation of the opportunities this brings.
- Sectoral marine planning for offshore renewables should adopt a strategic approach to compensatory measures, be updated as new evidence comes to light through project Environmental Impact Assessment (EIA) and HRA and inform the scope of project-level EIA and HRA.
- Safeguarding of existing users is required; displacement of fisheries should be taken into account and developments causing financial impacts on other users pay financial compensation. Industry guidance would be welcomed.
- Support for small-scale renewable energy generation to enable communities, islands or businesses to become energy independent and net zero.
- Alignment with any Energy Strategy and Just Transition Plan and support for hydrogen production and carbon capture and storage ambitions would be welcome.

- Streamlined consenting should be supported and clarity on the approach in decision-making on HRA derogation would be welcome.
- Re-use of uncontaminated dredged material from marine dredging activities for land reclamation or coastal defence projects should be promoted. This would need to be supported by the licensing framework, identification of suitable sites, and re-use schemes.
- Subsea cables are important to the Scottish economy and offshore wind ambitions. Engagement and consideration of existing marine users in cable routeing and leasing proposals and encouragement for smaller spatial footprint through use of cable corridors is required.
- Spatial planning for fisheries and area-based fisheries management is requested.

5.4.2 Proposal

The potential policies in NMP2 on nature protection and nature positive (section 5.3.2), co-existence (section 5.3.2), and engagement, application of the mitigation hierarchy, opportunity mapping and cumulative effects (section 5.7.4) would apply across marine sectors and it is hoped help to address challenges raised. Policies to support island and coastal communities are covered in section 5.6.

Aggregates

Aggregate Policy 01 in the existing NMP could be covered by proposed safeguarding and co-existence policies in NMP2 and Aggregate Policy 02 by the updated Nature Protection policy and consistent use of the mitigation hierarchy in NMP2 (section 5.7.4). NMP2 could introduce a new policy to encourage or require re-use of uncontaminated dredged material from marine dredging activities. This could be captured under the potential nature restoration or nature positive policy (section 5.2.2) or as a standalone policy in NMP2. Re-use of dredged materials would require clarity and support through the licensing regime and could be supported by additional guidance, including on-site identification.

Aquaculture

The NMP2 will support the Vision for Sustainable Aquaculture and use of marine space for sustainable aquaculture development. Aquaculture Policy 02 could be amended to align with similar policy in NPF4 and included in NMP2 to protect wild fish migration. This may be reviewed in light of new evidence in the future. We are working with SEPA to consider NMP Aquaculture Policy 03 and Aquaculture Policy 04, to reflect our improved understanding of the marine environment and nutrient enhancement and modelling tools.

We will further consider how policies in NMP2 could help to support delivery of the outcomes of the Vision for Sustainable Aquaculture. The NMP2 will build upon requirements for consideration of spatial data, including sensitivity and pressures, into decision-making and potential areas of constraints mapping (see section 5.8.4).

Cables

We propose to maintain NMP cables policies 2, 3 and 4, and update cables policy 1 in NMP2. Aspects of early engagement in cables policy 1 would be reflected in the updated proposal for community-informed decision-making and engagement in section 5.8.4.

Energy

The NMP2 will seek to align with the Energy Strategy and Just Transition Plan and consider how planning can support ambitions for hydrogen production and carbon capture and storage.

There is wider ongoing work to update the Sectoral Marine Plan for Offshore Wind Energy (“SMP-OWE”) within the Offshore Wind Directorate. As part of this, Scottish Government will consider opportunities to enable strategic compensation through anticipated plan level derogation for the SMP-OWE. Consultation on a draft SMP-OWE and supporting assessments will provide early and effective opportunities for stakeholder input.

In NMP2, we will look at evolving approaches to sectoral planning and associated evidence requirements (see Section 5.3.2 in sectoral marine

planning). This includes consideration of principles for co-location and future co-location opportunities for different types of compatible development, such as between Carbon Capture and Storage, hydrogen and offshore wind. This would require identification of co-location opportunities.

Potential project derogation cases will follow the legislative requirements for Habitats Regulation Appraisal, including the reasonable alternatives and Imperative Reasons of Overriding Public Interest (“IROPI”) tests. As part of the development of NMP2, we will consider further support for derogations cases for offshore wind as set out by UK Government in the National Policy Statement for Energy Infrastructure January 2024.

The implementation of NMP2 is being considered alongside the policy development this includes how it can support streamlined consenting (section 5.7).

Fisheries

The management of fisheries in UK waters is carried out in line with UK fisheries legislation, such as the Fisheries Act 2020, Joint Fisheries Statement (JFS), UK and Devolved Administration secondary legislation and licence conditions where appropriate. The overarching aim of fisheries management in the UK is to preserve the long-term sustainable use of fisheries resources whilst minimising potential negative environmental, social or economic impacts. Zonal planning for fisheries in NMP2 is not currently appropriate as there are a range of policies in development, or in the process of being delivered, across the UK. These are multi-year improvement projects that will take time to deliver and take effect. Evaluation of the outcomes and evidence from these projects is required to inform future marine planning policies.

The NMP2 will support the outcomes in the fisheries management strategy and use of marine space for sustainable fisheries. The NMP2 will support improvements in spatial data, for example, species location, activity data and where protections and restrictions are in-place, and requirements for consideration of this data in planning decisions.

Ports And Harbours

NMP2 will align with NPF4 and the national developments set out in NPF4 including ports and harbours and support access for the safe operation of ports and harbours, by including an updated Transport Policy 02 from the current NMP “Marine development and use should not be permitted where it will restrict access to, or future expansion of, major commercial ports or existing or proposed ports and harbours which are identified as National Developments in the current National Planning Framework.”

NMP2 will explore further requests for ports and harbours to consider opportunities for sectors which depend on them.

Reuse Of Infrastructure And / Or Sharing Of Infrastructure

OSPAR decision 98/3 sets out requirements on disposal of disused offshore installations.

In line with OSPAR decision 98/3, we will consider how NMP2 could support consideration of opportunities for reuse of existing infrastructure or shared infrastructure in decision-making to support sustainable development of marine sectors, including emerging sectors such as hydrogen production.

Shipping And Transport

The rights of innocent passage and freedom of navigation are contained in UN Convention on the Law of the Sea (UNCLOS) and set out International Maritime Organization (IMO) routeing and strategically important shipping routes. The NMP2 will continue to support safe navigation and sustainable shipping, and consideration of these routes in decision-making by including an updated Transport Policy 6 from the current NMP: “Marine planners and decision makers and developers should ensure displacement of shipping is avoided where possible to mitigate against potential increased journey lengths (and associated fuel costs, emissions and impact on journey frequency) and potential impacts on other users and ecologically sensitive areas.” For example, this could entail setting out a requirement to demonstrate the effects on shipping from a development or use.

“Furthermore, the current Transport 3 policy in the NMP will be transferred into NMP2. This states ‘Ferry routes and maritime transport to island and remote mainland areas provide essential connections and should be safeguarded from inappropriate marine development and use that would significantly interfere with their operation. Developments will not be consented where they will unacceptably interfere with lifeline ferry services.”

5.5 Sustainable Marine Economy – Management of Pressures

The current NMP contains a series of policies which focus on the management of marine pressures.

Air quality: NMP GEN 14 – “Development and use of the marine environment should not result in the deterioration of air quality and should not breach any statutory air quality limits.”

Invasive non-native species (INNS): NMP GEN 10 – “Opportunities to reduce the introduction of invasive non-native species to a minimum or proactively improve the practice of existing activity should be taken when decisions are being made.”

Marine litter: NMP GEN 11 – “Developers, users and those accessing the marine environment must take measures to address marine litter where appropriate. Reduction of litter must be taken into account by decision-makers.”

Noise: NMP GEN 13 – “Development and use in the marine environment should avoid significant adverse effects of man-made noise and vibration, especially on species sensitive to such effects.”

Water quality and resource: NMP GEN 12 – “Developments and activities should not result in a deterioration of the quality of waters to which the Water Framework Directive, Marine Strategy Framework Directive or other related Directives apply.”

Wild salmon and diadromous fish: NMP Policy Wild Fish 1 states – “The impact of development and use of the marine environment on diadromous fish species should be considered in marine planning and decision-making

processes. Where evidence of impacts on salmon and other diadromous species is inconclusive, mitigation should be adopted where possible and information on impacts on diadromous species from monitoring of development should be used to inform subsequent marine decision-making.”

5.5.1 Key Feedback

- There is a lack of available data and measurement for underwater noise and so difficult to undertake cumulative effects assessment.
- Source-to-sea considerations are required to improve management of pressures, including water quality, marine litter, and pressure on diadromous fish etc.
- Improved monitoring is required at development sites to inform spatial mapping of noise and there are limitations in modelling impacts on sensitive species.
- Guidance needed around consideration of effects of / pressures from developments and activities on ecosystem services, such as water quality, coastal protection.
- Suggestions that restoration should include reduction of – or limits to – underwater noise, but this needs measurement of noise levels.
- Value in linking to circular economy and marine litter strategies to guide design and reduce waste outputs as part of development and use.
- Existing INNS policy is broadly appropriate. Need to link INNS and biosecurity considerations, including linking to updated guidance and biosecurity plans where available.
- Nature-inclusive design can include following biosecurity regulations and good practices to help to mitigate the risk of INNS.

5.5.2 Proposal

Marine plan authorities will also need to take into account, once developed, any relevant targets, indicators or measures aimed at achieving good environmental status under the MSFD (Marine Strategy Regulations, 2010, UK MPS, 2011). Marine planning is one way in which we can support the achievement of good environmental status.

There are many measures underway to manage pressures through environmental impact assessment or other processes aimed at managing human activities.

To support the legislative requirements, such as those in the Marine Strategy Regulations, NMP2 could set out planning policies to support the management of pressures in development and use of seas.

NMP2 could maintain the specific policies on providing planning support to the management of individual pressures from NMP 2015, looking to clarify and strengthen language where required. The interlinkages between such policies on pressures and any wider policies on climate mitigation and adaptation, nature protection and enhancement and sustainable marine economies would be made clear. This would apply across sectors.

5.6 Accessibility And Wellbeing

From the available feedback, we identified potential policy ideas for exploring with sector representatives, including preserving cultural heritage, supporting coastal communities, facilitating appropriate access to the sea (e.g. responsible access codes), minimising impacts on seascape character and visual amenity.

5.6.1 Key Feedback

- The existing cultural heritage policy in NMP 2015 is supported but needs to recognise that cultural heritage also covers intangible cultural benefits, such as local customs, languages or livelihoods.
- Appropriate access is challenging in light of existing competition for space, and some

activities may be unable to relocate. There is a specific role for local authorities to deliver and support access.

- Communities play an important role in informing decision-making and provide a valuable source of local data.
- Potential for a co-existence policy to support tourism and recreation if this is a priority for island and coastal communities.
- Island and community policies could incorporate community wealth building or wellbeing economy principles, as NPF4 has done in Policy 25.
- It is important to assess and mitigate impacts on key infrastructure or services that serve communities.
- Ocean literacy could be included in this policy area to support improve education and decision-making.
- Seascape character plays a role in wellbeing, providing a sense of place and protection of landscape/seascape qualities cuts across multiple policy areas. Clear definitions and guidance on how to consider “seascapes” in decision-making are needed.

5.6.2 Proposal

We have updated the policy ideas to reflect recent feedback from sector representatives, as set out in the below proposals.

Cultural Heritage

NMP2 could include an updated version of the existing cultural heritage policy from the existing NMP. Updates would seek to incorporate suggested wider intangible heritage and would be supported by guidance on what is considered under this policy.

Supporting Island And Coastal Communities

Scottish Government is working to update the existing National Islands Plan. NMP2 will consider how best to support the outcomes of the updated National Islands Plan, recognising the need to consider local priorities in decision-making and integrating Just Transition approaches.

Our marine economy provides vital social benefits to Scotland's communities supporting our social wellbeing and this is supported by appropriate access to the shore and sea. We would look to integrate wellbeing elements across any policy that supports island and coastal communities and 'access' policies. To do this, this policy could require consideration of community needs and priorities; and assessment of potential socio-economic impacts on communities and community wellbeing as a common element within the decision-making framework, outlined in section 5.7.2. Supporting guidance could set out key impacts and priorities for consideration in decision-making to support community benefits. We also recognise the need to align such a policy with any potential policies on early engagement and community-informed decision-making.

Facilitating Appropriate Access, Including Recreation And Tourism

NMP2 could include a policy dedicated to facilitating appropriate access to the shore and sea. This would apply to new development or use and proposals for retrofit to existing infrastructure. Such a policy would be inherently linked to any policy on co-existence, and this linkage would be made clear. For instance, such a policy could cover elements of safeguarding, including lifeline ferry services to support local economies and sectors, such as tourism. The policy could also make specific reference to supporting local recreation, tourism and access, through identification of opportunities for co-existence and/or shared infrastructure or in design of developments.

Landscape / Seascapes

NMP2 could include a policy requiring consideration of potential impacts on landscape/seascape qualities or character and visual amenity in decision-making. This policy could be adapted from existing General Policy 7 in NMP 2015, with explicit recognition of the role of seascapes to community wellbeing. To support the policy, contextual information, including definitions, and specific guidance, including linkages to existing Landscape or Coastal character assessment methodologies, could be provided.

This policy could be included as part of a set of common elements within the decision-making framework set out in section 5.7.2.

5.7 Implementation

5.7.1 Requirement To Use A Marine Plan

The Marine Acts require that public authorities must take authorisation or enforcement decisions in accordance with the appropriate marine plans unless relevant considerations indicate otherwise (MSA, section 15(1); MCAA, section 58(1)). Public authorities must also have regard to the appropriate marine plans in taking any decisions which relates to the exercise by them of any function of affecting the marine area and which are not authorisation or enforcement decisions (section 15(3) of MSA and section 58(3) of MCAA). This applies to decision makers such as the Marine Directorate and wider Scottish Government, Local Authorities or other public authorities including statutory advisors, regulators, and agencies.

5.7.2 Decision-making framework

NMP2 will support decision-makers to take decisions in accordance with the plan. In line with feedback, and the outcomes of the statutory reviews, the implementation of NMP2 is being considered alongside the policy development. This includes considering and identifying the relationships and interdependencies across each of the policies in the plan. We will consider the practical and proportionate use of the requirements in the plan to different types and scales of decisions (e.g. vessel name changes, moorings, ports developments or sectoral plans) covered by the NMP2.

As we build the plan, we will also develop the monitoring and evaluation framework, an implementation and resourcing plan for NMP2, and identify any supporting guidance required.

We have evaluated different approaches to the decision-making framework for NMP2 and how this could be used to manage increasing conflict for space. Options include the following.

- The planning policies provide the framework for decision-making on sustainable management of our seas.
- A full spatial plan is developed for all sectors, uses and nature for the Scottish Marine Area.
- A natural capital approach to decision-making is adopted, underpinned by natural capital asset and risk identification and valuation for the Scottish Marine Area.

The evaluation concluded that spatial mapping could help alleviate pressure for space at the application stage. However, it has been found that at this time, there is not sufficient data available to meet the requirements for comprehensive spatial mapping or practical use of a natural capital approach to decision-making in the plan. It was also concluded that the NMP2 development process should be used to strengthen this evidence base. We are supporting this through the development of a natural capital asset and risk register for the marine area in the Strategic Environmental Assessment (SEA), which will highlight data gaps, assess policy proposals for evidence-based decision-making and draw out opportunities for improvement. We are also exploring options for opportunity mapping and related policies in NMP2 that make better use of available spatial data.

In response to feedback on NMP 2015, around engagement throughout the development of the plan, and in line with our commitment to a just transition approach, we have sought additional feedback on how best to engage stakeholders throughout the development of NMP2. In addition, we have begun exploring policy ideas around community involvement in decision-making once NMP2 is adopted.

5.7.3 Key Feedback

- Fewer policies, which are more easily understood and can be applied across marine sectors. Clarity in the decision-making process, as well as the need for proportionate, non-burdensome and *de minimis* approaches is required.
- Consideration of cumulative effects, land-sea interactions, and ecosystems services is welcome and socio-economic benefits derived

- from nature-positive approaches should be included.
- Application of the mitigation hierarchy is welcome but requires supporting explanation, definition of terms, and / or guidance. Understanding of impacts relies on the quality and availability of evidence and the design of any mitigation measures should include those affected.
- Not all communities speak as one, so acknowledging the different groups within communities is vital and there are different interpretations of the term “community”. Proposals for community engagement should set reasonable expectations with and provide clarity on what is proportionate and reasonable. Engagement needs to be participatory and accessible and should cover the implementation of the plan as well.
- Consideration of socio-economic impacts on existing users and island communities in marine decisions is welcome. This relies on cooperation across sectors and sharing to make evidence available and clarity on how it is used in the decision-making process.
- There is a need for meaningful pre-application engagement with communities and marine users, and commitment for collaboration to resolve conflict for space
- Decision-making should be underpinned by transparent evidence, and use of spatial data on pressures and sensitivities is recommended.
- Prioritisation in decision-making should be clear, with clear outcomes and supported by a policy test and / or criteria
- Opportunity mapping would need to be underpinned by constraint mapping (and constraints are sector-specific, there are limitations to the available spatial data and constraints would need to be updated in future). Communities should be involved in identification of opportunity areas and there needs to be flexibility for regional marine plans to undertake spatial mapping.
- Support to tackle the twin crises on climate and nature should be a priority. Prioritisation of different sectors (including national infrastructure, renewable energy, existing users and low-carbon food production) could

help in cases of conflict or pressure for marine space. Sectoral marine plans should establish a principle of development in areas identified within the sectoral plan.

5.7.4 Proposal

The NMP2 will introduce a new decision-making framework to support streamlined consenting and implementation by improving evidence on the impacts and benefits of individual decisions. It will include a series of planning policies designed to increase transparency of impacts on other marine users and local communities; and explore trade-offs, e.g. displacement, bringing these considerations directly into the decision-making process. It will promote the inclusion of marine users and the communities in strategic decisions on the use of marine space, the design of mitigation proposals and consideration of a just transition. To do this we have identified key characteristics of the decision-making framework which could be set as specific policies within NMP2 that could apply to decisions. These characteristics are in addition to the potential policies set out in previous sections in this chapter.

Existing policies that we have considered updating or building upon include:

NMP 2015 Gen 19 Sound evidence – Decision-making in the marine environment will be based on sound scientific and socio-economic evidence.

NMP 2015 Gen 20 Adaptive Management – Adaptive management practices should take account of new data and information in decision-making, informing future decisions and future iterations of policy.

NMP 2015 Gen 21 Cumulative impacts – Cumulative impacts affecting the ecosystem of the marine plan area should be addressed in decision-making and plan implementation. A summary of the potential characteristics of the NMP2 decision-making framework is provided below. These characteristics aim to support the decision-maker and further consideration is required on their proportionate application to different decisions.

Application Of Mitigation Hierarchy In Decision-Making

Consistent application of mitigation hierarchy – the requirement to avoid, minimise and mitigate impacts on the marine environment or other uses or communities in decision-making. This would include reference to best practice.

Evidence-Based Decision-Making

Similar, to the current General Planning Principle 19, sound evidence, in the current NMP the NMP2 could set out the requirement to demonstrate consideration of best available evidence (data, knowledge, and evidence) in decision-making, and further encourage collaborative approaches and sharing of data and engaging with experts. This could include (where appropriate and proportionate to the decision):

- **Spatial data in evidence-based decision-making** – requirements to consider available spatial data on sensitivities, pressures and / or future opportunities **in** the decision-making process to inform the siting of developments or activities. This would need to be supported by improvements to spatial data for example, identification of potential restoration or blue carbon sites or wider potential opportunity areas for existing or future marine sectors such as tidal energy or the evidence from The Crown Estate Whole of the Seabed project.
- **Socio-Economic impacts in evidence-based decision-making** – requirements to consider the socio-economic impacts from a decision **in** the decision-making process. This would encourage use of SEIA and require supporting guidance. It could include consideration of impacts from use or development on community priorities in the prospective area.
- **Ecosystems services in evidence-based decision-making** – requirements to consider contribution to ecosystem services from the development or impact on the provision of ecosystem services by the application for example, flood risk mitigation or fish spawning areas. Ecosystem to include 'humans' and socio-economic benefits.

- **Cumulative effects in evidence-based decision-making** – improved understanding of cumulative effects across different activities or applications to inform decision-making including future strategic planning.
- **Land-sea interactions in evidence-based decision-making** – consideration of land-sea interactions, terrestrial decisions which may impact on our seas, and marine decisions on management of our seas that may also impact communities across Scotland, e.g. water quality.
- **Engagement at pre-application stage** – applicants to engage across sectors and with communities specifically to identify uses and community priorities. This engagement should shape the development and design of their project, including the design of any mitigation measures and must evidence this for consideration by decision maker.
- **Engagement at application stage** – including engagement across government, sectors and with communities by the decision maker and/ or by the applicant. The views expressed in pre-application and consenting phases is a consideration in decision-making and all marine interests, including those of the public, are treated fairly and transparently. This would require an update to the General Planning Principle 18 in the current NMP.
- **Community informed decision-making at plan level** – decision-makers are to consult with communities at an early stage on plans which support application decisions, community knowledge and experience to be used to support plan development. Approaches to engagement to be participatory and inclusive.
- **Community supported implementation** – marine planning is used to improve ocean literacy and understanding of marine planning processes to empower communities to take part in engagement and have a say in the decisions relating to their local area.

This requires clarity in definitions of “community”. We recognise the need for engagement to be appropriate, proportionate and meaningful and this would be reflected in the policy development.

5.7.4.1 Introducing An Element Of Prioritisation

The decision-making framework in NMP2 could introduce an element of prioritisation to guide decision-making. The need for prioritisation has been highlighted in feedback as a means to alleviate increasing competition for space.

In the context of marine planning, “prioritisation” represents a deliberate policy and / or decision-making process through which a particular outcome / activity / use is given priority.

Prioritisation In Decision-Making: NMP2 could introduce prioritisation through a new policy, via the following options:

Option (Priority Outcome): Alignment with National Planning Framework 4 (NPF4) - introduce a policy for ‘significant weight’ to be given to the global climate and nature crises when considering marine decisions.

- The relative weighting could be as a matter of judgment for individual decision-makers; OR
- The relative weighting could be as a matter of judgment for individual decision-makers AND the NMP2 could set out the need to consider applications against the climate and nature policies first and then progress to consideration against the sustainable marine economies and wellbeing policies in NMP2.

Option (Prioritisation of Space): introduce a policy for ‘significant weight’ to be given to the global climate and nature crises when considering marine decisions and additional policies that support the prioritisation of marine space.

- Where there are known areas of resource for a given activity, this should be considered in decision-making and proposals from others should consider impacts on future potential resource opportunities and look for opportunities for colocation. Development or use does not have to occur within an area of potential resource.
- Where there are areas of resource captured in maps of sites within an adopted sectoral marine plan, then there would be a

presumption that the areas identified will be used for this purpose in the first instance, with expectation that compatible co-existence opportunities with other marine uses are explored where possible.

Such a policy would require clarity on the definition and identification of areas of resource outside the sectoral marine planning process. This would be supported by policies on community informed decision-making and evidence-based decision-making. All options require projects to go through consenting and licensing processes. There will always be discretion for decision-makers as they consider the plan alongside other relevant considerations. Both are potential policies that could be introduced into the NMP2 decision-making framework and do not result in spatially defined maps or zoning in NMP2.

5.7.5 Linkages To Regional Marine Planning

We have received feedback on the need for NMP2 to better support the development of regional marine plans. We are working with Marine Planning Partnerships (MPPs) and Local Coastal Partnerships (LCPs) to develop proposals for what this support could look like, including where area-specific context could be set out in NMP2 to support places where there are no regional marine planning processes underway at present.

5.8 Monitoring And Evaluation Plan

The Marine Acts require regular review of adopted marine plans and publication of reports (section 61(1)(b) of MCAA stipulates every three years and section 16(5) MSA every five years after the publication of the first report). This review should cover the effects of the policies in the marine plan; the effectiveness of those policies in securing that the objectives for which the marine plan was prepared and adopted are met and the progress being made towards securing those objectives. After publishing a report, the Scottish Ministers must decide whether or not to amend or replace the marine plan.

Scottish Ministers must also keep relevant matters under review which may be expected to affect the exercise of its functions (MCAA Section 54 and MSA Section 11). This relates to the designation of any area of as a Scottish marine region and the preparation, adoption, amendment or withdrawal of marine plans.

Furthermore, Scottish ministers must publish a report every six years (MCAA Section 61(1)(c)) identifying any marine plans which have been prepared and adopted and any intentions to amend these plans or intentions to prepare and adopt new plans.

5.8.1 Development of Monitoring And Evaluation Framework For NMP2

The UK Government Green Book and Magenta Book show us that good monitoring and evaluation are built into the design of a policy and thought about throughout its development and implementation. This allows both the programme and the evaluation to be tailored to maximise the potential for robust, useable findings that can help future decision-making. The design of a policy will affect how rigorously it can be evaluated.

The monitoring and evaluation framework of the 'plan' will seek to do both:

Monitoring that intends to check progress against NMP2 objectives and can be defined as the tracking of – and reporting on – indicators of change related to specific plan policies and objectives. This gives an indication as to whether the policies and objectives are being delivered against through decision-making. This enables evaluation of progress towards securing our objectives and vision for Scotland's Seas.

Evaluation is the assessment of the policy effectiveness and efficiency in supporting achievement of the plan objectives during and after implementation. Typically, this will look at the effect of planning policies in decision-making. The outcomes of evaluation will inform further action.

Monitoring and evaluation are closely related, and a typical evaluation will rely heavily on monitoring data. To be done well, both monitoring and evaluation should be developed during the

policy development stage. Frequent monitoring and evaluation outputs allow an assessment and explanation of progress towards realising the intended objectives and outcomes.

The development of the Monitoring and Evaluation Framework for the NMP2 is being carried out alongside the planning policy and objective development. It will meet the legal obligations set out in the Marine Acts. In line with the Scottish Government Evaluation Action Plan, the methodology to develop the NMP2 Monitoring and Evaluation framework will involve theory of change/logic modelling and the selection of a set of indicators to monitor progress and evaluate impact of the policies in the NMP2, and it will be developed with the engagement of stakeholders. A governance framework for the monitoring and evaluation of NMP2 will also be established.

5.8.2 Adaptive Management

Adaptive management refers to the ability for plans to adapt in response to change. The World Development Bank defines adaptive management in this way “Adaptive marine spatial plans that prepare for and dynamically respond to changes in resource distribution and abundance, and ecosystem services resulting from climate change impacts.” We will work with experts and sector representatives to explore opportunities for integrating adaptive management principles into NMP2, including clarification on definitions and different approaches to plan adaptation, taking into account lessons from elsewhere.

Annex A

Stakeholder Feedback

Draft High-level Objectives (HLOs) Tested In Summer 2024

A set of 12 draft objectives were developed in line with the requirements in the Marine Acts and mapped against the 19 High Level Marine Objectives set out in the current UK Marine Policy Statement (2011), the 11 Good Environmental Status descriptors set out in the Marine Strategy Framework Directive, and the six Blue Economy Vision Outcomes, to ensure alignment.

The set of 12 draft high-level objectives (outlined below), alongside associated policy ideas have been subject to review and comment by representatives from across government, marine sectors and non-governmental organisations through an extensive engagement programme from April – August 2024

Table 1: Set of Draft NMP2 high-level objectives tested in Summer 2024. HLOs have been developed to outline Scotland's ambition for marine planning, and in alignment with wider commitments and requirements.

*Note: Numbers shown are to ease review and do not indicate any hierarchy or prioritisation in the objectives.

**The food production objective was derived from specific feedback from food producing sectors as an addition to the set of objectives proposed and was tested with food producing sectors.

Theme	Draft High-Level Objective wording
Climate Mitigation and Adaptation	1.1 Respond to the Global Climate Emergency, achieving net zero by 2045 and realising adaptation opportunities.
Ecosystem health, protection and restoration	2.1 Respond to the Global Biodiversity Crisis, protecting Scotland's marine and coastal biodiversity. 2.2 Restore and enhance Scotland's marine and coastal ecosystem services in line with Scotland's Biodiversity Strategy.
Sustainable marine economy	3.1 Enable multi-use of Scotland's seas to reduce conflict for marine space. 3.2 Safeguard opportunities for marine economic sectors to operate, based on available evidence and in line with Scotland's ambitions. 3.3 Enable use of Scotland's seas to support the development of Net Zero sectors in line with Scotland's ambitions.
Island and coastal community development	4.1 Enhance and safeguard opportunities for sustainable, resilient and diverse marine economies within Scotland's island and coastal communities.
Cultural Heritage	5.1 Protect, and where appropriate, enhance access to – and appreciation of – Scotland's marine and coastal cultural heritage.
Social and Cultural Wellbeing	6.1 Facilitate equitable access to Scotland's seas and shared stewardship to benefit wellbeing and to support thriving communities.
Implementation	7.1 Use evidence-based decision-making to manage marine space in line with Scotland's wider ambitions. 7.2 Contribute to monitoring and evaluation of NMP2 implementation.
*Food production	Support the growth and development of sustainable marine food production which supports thriving and resilient communities across Scotland.

Climate Change Mitigation And Adaptation

Feedback On Draft Climate Change Mitigation And Adaptation HLOs

There was support for the inclusion of a climate change mitigation and adaptation high-level objective in general, with broad agreement that further explicit detail and clarification was needed on the role of marine planning and marine decisions in helping to achieve net zero in practice. There is a need for affording significant weight to tackling the global climate emergency in the plan, and suggestions to introduce prioritisation into the objectives to operationalise this need through decision-making (section 5.7.2).

This is a need for stronger, more active language to highlight the severity of the global climate emergency and drive urgent action through planning. Just Transition needs to be better reflected, including by incorporating Just Transition outcomes directly into the wording of the objective.

There was general agreement that the inclusion of the timeframe (by 2045) was helpful, however there were concerns around changing timeframes for climate targets and whether these would date the plan prematurely.

There was a mix of feedback around whether climate change mitigation and adaptation should be two separate objectives, with requests for clarification on the phrase “realising adaptation opportunities” and to integrate the mitigation hierarchy and outline scale and proportionality of the requirements for adaptation.

Feedback On Climate Change Mitigation And Adaptation Policy Ideas

Twin crises

Sector representatives were asked to consider NPF4 policy 1, which requires decisions on development proposals to give significant weight to the global climate and nature crises. Specifically, stakeholders were asked if this policy was suitable to include in NMP2, and if so, how it could be translated for marine planning and to better support implementation

You said:

There was strong support for including a policy on tackling the twin crises. However it was noted that action on climate change and biodiversity loss should take place in tandem and that this is difficult to implement via one policy. Some feedback indicated the need to go beyond significant weight in decision-making. The need for wider buy-in from all parties on the importance of addressing both crises simultaneously and that this would require tangible mechanisms and tools to support delivery was noted. There was also recognition that such a policy would cut across all other policies in NMP2 and that this should be acknowledged.

It was noted the general wording of the policy was open to interpretation by different users and that it potentially reads as more of an objective or vision statement that provides a steer on consideration of other specific policies in decision-making. Some feedback indicated that it was difficult to consider the twin crises at plan level and this was already covered in wider strategies. It was noted that this may lead to different, potentially competing, priorities and trade-offs between mitigation and adaptation for climate change and biodiversity loss, as well as with local priorities for communities. There was mixed feedback on use of the word “will” as some liked that this indicated more of a priority than language such as “should”, whereas others felt that policy wording should be aspirational. There is a need for clarity around the term “significant weight”, as this is subjective. For instance, some suggested that giving “significant weight” could imply that decisions should consider the likely impacts of climate change and biodiversity loss as a starting point, followed by consideration of other policies in the plan. Feedback noted the potential for NMP2 to outline potential opportunities for different sectors to support or capitalise on achieving climate and nature targets and adapting to climate change impacts.

There was broad agreement on the need for clearer guidance on how such a policy could be implemented, including the scale at which impacts of climate change and biodiversity loss

are considered, e.g. at plan or project / site scales. Suggestions included specific implementation criteria and minimum requirements; guidance on how this policy would interface with other relevant plans and strategies, including Regional Marine Plans, Climate Change Action Plan(s), flood risk management plans and local development plans; the introduction of policy tests for favourable consideration (e.g. of activities that demonstrate mitigation and adaptation roles or low carbon emissions); zoning, spatial mapping and potential safeguarding of uses and habitats in support of this policy and the use of trajectories of improvement informed by sound evidence.

Climate change design, siting and decarbonisation

We asked representatives at the workshops to consider existing policies relating to emissions reduction, such as NPF4 policy 2, and policies around flood risk and resilience to climate change impacts, namely NMP 2015 Transport 5, NPF4 Policy 22 and England's Northwest Plan Climate Change policy 2. We asked how these policies can be translated or updated to demonstrate deliverable marine planning contributions towards climate change mitigation and adaptation and in support of addressing the twin crises.

You said:

Feedback indicated general support for the inclusion of policy around reducing emissions and building resilience to climate change impacts. It was outlined that such a policy must recognise the different roles and challenges in adopting and implementing this type of policy across individual sectors.

Lowering Emissions: Feedback around this policy idea was mixed across the different sectors. Suggestions were made for preferential consideration of applications demonstrating use of cleaner technologies and lower emissions, or that priority be given for marine renewables deployment, potentially through further sectoral planning. It was suggested that a policy test offering favourable consideration of energy efficient design could be used and that any such policy should consider that a renewables project

would maximise the use of available space, which may in turn have trade-offs for co-location.

Contrasting feedback noted that for some sectors, options for lowering emissions are limited and that there are potentially greater roles for some sectors to play than others. It was also noted by some that food production could constitute a low emissions activity and that this should be recognised in the policy making.

The need for guidance to support use of any policies, including clarity on definitions and thresholds of energy efficiency and information on how emissions have been assessed.

Resilience To Climate Change / Climate

Smart Design: Feedback demonstrated broad agreement with the principle of improving resilience to climate change impacts. Again, feedback noted the importance of supporting guidance on specific adaptations required and scales of opportunity, impact assessment, consideration of future scenarios and any form of prioritisation for specific proposals. There were mixed opinions around including decommissioning, with some in favour and some noting the challenges associated with doing so.

There was recognition of the importance of localised understanding of climate change impacts and coastal changes to support implementation of this policy and some concerns as to whether we have the necessary data. However, the Dynamic Coast project / tool was noted extensively as a source of essential data and some requested specific requirement to use this tool in decision-making. The need to consider and demonstrate alignment with local authority coastal change adaptation plans and relevant NPF4 policies was noted.

It was raised that there is a need to consider biodiversity and climate change together, including space for nature, utilising biodiversity / nature-inclusive design and supporting nature-based solutions to build resilience (e.g. of communities, infrastructure, businesses and natural assets) and as climate mitigation and adaptation opportunities.

Nature

Feedback On Draft Nature HLOs

The potential to merge the two nature-based high-level objectives has been suggested, combining protection and restoration, and enhancement into one. However, there were questions around the baseline against which progress towards the objectives would be measured and that this would need to be communicated clearly in the plan.

Feedback indicated a need to improve consistency in terminology used across the two objectives, noting the need to incorporate wording on “biodiversity” and “ecosystem health” (and vice versa), to recognise the importance of underpinning environmental condition in delivering ecosystem services. There were also multiple suggestions to recognise and incorporate wording around geodiversity and environmental characteristics, noting that they underpin biodiversity and ecosystem health.

There was general agreement that explicitly mentioning the Scottish Biodiversity Strategy is not needed in the wording of the restoration objective, with some feedback noting that it may date the plan and narrow the focus too much.

Feedback On Nature Policy Ideas

Protecting of areas of importance and nature-based solutions

You said:

The importance of utilising nature-based solutions as a mechanism for building climate change resilience for coastal communities, developments and activities was raised. Nature-based solutions can deliver habitat enhancement and be delivered through habitat protection or in the design and siting of developments and activities. Nature-based solutions for flood risk management include accommodation of managed realignment and coastal processes and protecting space for coastal habitats which provide important ecosystem services. There is a need to align successfully with local development planning in coastal regions.

Feedback highlighted the protection of space for nature-based solutions and blue carbon habitats as a contribution to climate change mitigation. In addition, the importance of protecting areas where habitats have been restored through enhancement activity, and the ability to protect areas that are viable for enhancement, from future development and activity was highlighted. This would need to be supported by clear priorities for habitat restoration and identification of potential sites.

Priority Marine Features

You said:

Feedback was provided on the existing NMP 2015 General Planning Principle 09, which requires protection of priority marine features (“PMFs”). Notably, feedback highlighted that a policy on PMFs needs to be retained in NMP2, with recognition that the NMP 2015 PMFs policy could be strengthened to align more closely with ecosystem-based management. It was also noted that the policy needs to be clearer to support implementation and protection for PMFs. Improved understanding of the location and extent of PMFs, including their quality status is needed, and in the absence of this, the precautionary principles should be applied. There is support for spatial mapping of particularly sensitive PMFs to help guide decision-making.

Marine and Coastal Enhancement

You said:

The role of habitats in underpinning many marine sectors and food production should be recognised.

Clarity and agreed definitions are required for enhancement, restoration, degraded habitat, and baseline evidence. It was suggested enhancement can mean ensuring that the habitat is functioning naturally, and this is relatively easy to monitor. Enhancement efforts should be delivered to contribute to ecological coherence and need, not focussed on one or two habitats. Enhancement and restoration projects need to be supported through term long term monitoring and locations will require some level of future protection.

It was highlighted that any proposals for enhancement or restoration policies in NMP2 need to be based on baseline understanding, identification of sites and clear targets/aims which link to the Scottish Biodiversity Strategy. It requires practical mechanisms to enable enhancement and restoration projects; suggestions include financial contributions through a centralised fund and streamlined licensing of such projects. Guidance and support need to be highly accessible for communities actively looking to undertake marine enhancement or restoration projects.

Nature Inclusive Design

You said:

Promotion of nature inclusive design as good practice to make structures (e.g. sea defence) inclusive of biodiversity is welcomed. It was suggested that nature inclusive design is making the best of placing man-made structures into the marine environment but should not be held up as having limitless biodiversity benefits based on an artificial reef effect.

There were clear preferences for nature inclusive design to be kept as a separate concept from nature enhancement to prevent overpromising biodiversity benefits and seeking good practices in design that may reduce the overall impact of a development.

There has been feedback on the impact of decommissioning structures and potential biodiversity benefits or reef effects. It was suggested that on-going monitoring and evaluation will improve the evidence and help inform decommissioning plans and decisions.

Nature inclusive design requires clear guiding principles, consideration of invasive species, clear definitions and licensing requirements. Proposals for nature inclusive design need to consider both environmental benefit and feasibility.

Nature positive developments and activities

The Scottish Biodiversity Strategy has a nature positive vision for Scotland, where biodiversity is regenerating and underpinning a healthy thriving economy and society and playing a key role

in addressing climate change. It sets the goal for Scotland to be Nature Positive by 2030 and to have restored and regenerated biodiversity across the country by 2045. The term “Nature positive” is also captured within NPF4 ambitions to make Scotland net zero and nature positive, by managing natural assets to secure a sustainable future.

You said:

The concept of nature positive developments, activities or use was broadly welcomed. However feedback has focused on the challenge of implementation of any new planning policies requiring nature positive measures. Firstly, there is a need for clear definitions and mutual understanding of nature positive terminology. It has been suggested that the requirements for nature positive should be proportionate to size and scale of the proposed development, activity or use in the marine environment and should not add to consenting timeframes. Nature positive requirements should be separate from compensatory measures. There were requests for nature positive measures to be linked to impacts from a development or activity, and to deliver enhancement of similar habitats and ecosystem services to those impacted.

Marine sectors preferred deployment of nature positive requirements on a sector-wide basis and not through individual applications, as delivery of nature positive measures within the site footprint of a development could be challenging. Alternative feedback was also received suggesting nature positive measures should be delivered within the site footprint of a development.

Requests were made for the consideration of strategic approaches to deliver nature positive measures on a sector-basis. The benefits of a strategic approach may include stronger ecosystem benefits at an ecological scale, for example at water body or estuary scales. Uncertainties were raised on how strategic approaches could be delivered in practice and it was noted that supportive consenting would be required to enable delivery. The need for clear sector guidance, examples of good practice, and to build on experience of the implementation of

NPF4 was highlighted. There was support for a transition period for the introduction of nature positive requirements and preference for place-based nature positive solutions rather than a nature positive target-driven approach.

Sustainable Marine Economies

Feedback On Draft Sustainable Marine Economy HLOs

Multi-use

There was general support for the inclusion of an objective encouraging multi-use, however there is a need for clarity on the term “multi-use” and whether use of “co-existence” would be more appropriate. There was mixed feedback on the inclusion of “conflict for marine space”, with some in favour and some pointing to the need to demonstrate that there is conflict for marine space to justify inclusion. It was also suggested that space for nature should be referenced in the objective.

Safeguarding opportunities

There was some uncertainty around the term “safeguarding”, with feedback suggesting the use of “prioritising” instead. It was also noted that safeguarding in this objective should refer to both “existing and future opportunities”. There were requests to better reflect the different priorities across sectors and the potential need for compromise or trade-offs to deliver against this objective. Sustainable marine food production (see additional feedback on this below) was raised as equally important as energy and that this needs to be reflected in this objective, for example “safeguarding and sourcing of blue food”. Feedback recognised that “best evidence” must be used to support decisions in line with this objective and that the absence of new evidence should not block development.

Support for net zero sectors

Feedback indicated that this objective could be combined with or covered under the climate change mitigation and adaptation objective. Clarity on “net zero sectors” was also requested, recognising that there are high and low carbon sectors. There were some concerns around noting one type of sector in the objectives.

Food production

Feedback noted the need to include specific mention and/or prioritisation of marine food production within the set of draft high-level objectives. There was mixed opinion around which theme such an objective would best sit under, with suggestions for under Sustainable Marine Economy or Island and Coastal Community Development, and wider recognition that this also relates to cultural heritage and social wellbeing. Feedback highlighted the need for clarity on the role of marine planning in delivering / supporting marine food production and/or food security. It was also suggested that the wording could reflect that climate, biodiversity and sustainability objectives are not necessarily competing with marine food production, however specific wording was not provided.

Feedback On Sustainable Marine Economy Policy Ideas

Safeguarding

You said:

The principle of safeguarding an opportunity or space for existing users from displacement or impact by a new marine or coastal development, activity or use was supported by some. However, it was highlighted that safeguarding of existing uses requires spatial mapping of existing sectoral use, and of agreed potential future opportunity. Concerns were raised that safeguarding of existing use assumes that the existing use is the most sustainable for a given site and requirements to mitigate impacts from displacement of existing users would be challenging for smaller community-led projects. Feedback on safeguarding shipping routes, ferry services and the need for consideration of socio-economic impacts in decision-making have been captured separately under these topics. Suggestions were made on combining safeguarding with co-existence.

Co-existence

You said:

There is recognition that in parts of our seas there is pressure on marine space, and policies

to alleviate such pressure would be welcomed in NMP2.

The current NMP policy to 'encourage' co-existence requires strengthening, clear definitions, allocation of responsibilities and to provide mechanisms to support the achievement of sectoral co-existence. Proposals for co-existence must be cognisant of health and safety requirements for different uses, including safe navigation and search and rescue. They should be supported by criteria to enable consistent decision-making, for example, measures to support co-existence such as avoidance of key areas, reducing spatial footprints, considering layout to allow access, and compensation. Some felt that co-existence proposals must be economic, brought forward by the developer and considerate of the cumulative impacts on the marine environment. They would also need to address the requirements of different consenting regimes and supporting application EIA regimes. Furthermore, that co-existence policy should not include 'nature' and suggestions that a policy on co-existence could be combined with any policy on safeguarding existing uses.

Any potential co-existence policy in the NMP2 would need to be supported with guidance on co-existence measures and on assessment of cumulative impacts, supported by co-existence / co-location opportunity mapping, and work with both the safeguarding and nature positive policies.

Sectoral planning

You said:

Continued support for sectoral planning in NMP2 would be welcomed. Sector plans have the potential to create efficiency in the consenting system. The nature of support to future sectoral planning in NMP2 needs to make clear whether this is support for the production of sectoral marine plans, or to the implementation, and their use in decision-making, as targets, or as spatial planning guidance.

Strategic planning is needed to support infrastructure for marine renewable expansion, such as ports and harbours, grid, export cables,

hydrogen storage and tidal energy. Future sectoral planning should consider opportunities for co-location of activities e.g. hydrogen production and offshore wind. Some stakeholders expressed that sectoral planning should not be expanded to sectors considered at a local level in Local Development Planning, e.g. aquaculture, where spatial planning might be best considered in regional marine plans and identification of the least sensitive farming locations for aquaculture is taking place by other processes. Sectoral marine planning for offshore renewables should adopt a strategic approach to compensatory measures, be updated as new evidence comes to light through project EIA and HRA and inform the scope of project-level EIA and HRA. Concerns have been raised on how the 'areas of search' identified early in the sectoral marine planning process have translated into the offshore wind lease areas and licence and consent applications for offshore wind developments outside of the adopted Sectoral Marine Plan for OWE 2020.

Compensatory Measures

During the NMP2 sector workshops, the following feedback on compensatory measures for derogation cases under the habitats regulation appraisal was received.

You said:

Compensatory measures proposals should be evidence-based, consider ecosystem functioning and services being compensated for, and consider the social and economic impacts on local communities (including access and amenity impacts) and on other marine users. Preferences for centralised delivery of a small number of larger-scale projects (strategic compensation) and for measures to be kept local to the site of impact, target species negatively impacted by the development and to be delivered by the developer were raised. Further compensatory measures need to be spatially and temporally distributed to enable timely progress of developments. A 'marine exchange mechanism' and the recommendations for options (a catalogue) for compensatory measures including enhancement opportunities are required. A clear policy on compensatory measures (not just offshore wind) is required and

marine space should be prioritised for the delivery of compensatory measures.

Sector-specific Policies

Feedback from marine sectors on the support to climate and nature crisis, planning framework, co-existence, land-sea interactions, alignment with other plans e.g. NPF4, sectoral planning, evidence in decision-making including socio-economic impacts, prioritisation and safeguarding have all been collated and captured under this topic in sections 6.3.3 and 6.3.4 of this document. The below relates to targeted feedback on existing sector-specific policies in the NMP or requests for new sector-specific policies in NMP2.

Aggregates

You said:

Requests have been made for a new policy promoting re-use of uncontaminated dredged material on land perhaps for land reclamation or coastal defence projects; from marine dredging activities supported by licensing framework, identification of suitable sites, and re-use schemes deliver on the objectives.

Aquaculture

You said:

The importance of aquaculture to our marine economy, to coastal communities as an employer; and as low carbon food source compared to other protein sources has been highlighted. Requests have been made to support growth in food production sector and realise the opportunities this brings. Feedback on existing NMP Aquaculture Policy 02 has highlighted that presumption against finfish farming on the north and east coast may limit co-location opportunities with offshore wind and whether the policy should apply to open net pens only. Policy development could examine the evidence base for this policy, and if it is still a valid position to contribute to the protection of wild salmonid species. The improved understanding and modelling for nutrient enhancement was highlighted in feedback on Aquaculture Policy 03. The implementation of Aquaculture Policy 04 has raised concerns that it is restrictive and requires shellfish waters to have water quality suitable for

shell fish farming. Any change to this policy would have implications for monitoring by other bodies such as Food Standards Scotland and SEPA. In considering Aquaculture objective 05 and policy 01 and 02 from the NMP and NPF4 Policy 32 queries were raised on the evidence availability. Any change must be cohesive with the category 1-3 locational guidelines, progress following the Independent Review of Aquaculture Consenting and implementation of SEPA's finfish farming framework and must refer to comprehensive spatial data on sensitive species and sites.

Cables

You said:

The importance of subsea cables to our economy and offshore wind ambitions has been highlighted. The opportunity for engagement and consideration of existing marine users in cable routing and leasing proposals has been raised. Along with the need for cross-sector collaboration and requests to encourage smaller spatial footprint through use of cable corridors.

Fisheries

You said:

The importance of fisheries to our marine economy, to coastal communities as an employer and way of life and as a low carbon food source was highlighted. Requests have been made to support growth in food production sector and safeguard existing marine users, that displacement of fisheries should be taken into account **and** developments causing financial impacts on other users pay compensation. Recommendations for a code of practice and compensation guidance (similar to that for oil and gas) for fisheries and/ or conflict resolution process have been made. Requirements for and use of socio-economic impact assessment (SEIA) in decision-making was supported, and the need for meaningful pre-application engagement with communities and other users raised. Requests for marine spatial planning for fisheries and area-based fisheries management have been raised and also avoidance of concentration of activity within a specific area.

Energy

You said:

Requests include alignment with the Energy Strategy and Just Transition Plan and support for hydrogen production and carbon capture and storage ambitions; streamlined consenting; clarity on the approach in decision-making on HRA derogation and support for small-scale renewable energy generation to enable communities, islands or businesses to become energy independent and net zero. Support for hydrogen would be welcomed including reference to reuse of infrastructure, sharing of infrastructure (transportation and storage) and potential for geological storage.

Ports, Harbours And Shipping

You said:

Ports and Harbour authorities are decision-makers and the NMP2 needs to be implementable in ports and harbours. Ports and harbour expansion should consider benefits to other marine users and opportunities e.g. hydrogen storage. Requests have been made for NMP2 to align with national infrastructure developments in NPF4 on ports and harbours, that safe navigation, IMO-adopted routing IMO measures and established shipping routes are safeguarded and recognition that lengthening routes for safe passage increases emissions.

Management of Pressures

You said:

Consider, how marine planning can support the outcomes in the Marine Litter Strategy, Circular Economy, Scottish Wild Salmon Strategy and implementation plan, the IMO Action plan on reducing underwater noise from ships, OSPAR regional action plan for underwater noise Scottish Biodiversity Strategy Delivery Plan and UK Marine Strategy for water quality.

Wellbeing and accessibility

Feedback On Draft Islands, Heritage, Wellbeing And Accessibility HLOs

Island and coastal community development

There was general support for the inclusion of an objective that recognises the differences in island and coastal community economies from mainland Scotland and that it should align with the strategic objectives in the National Islands Plan. Use of “enabling” wording was suggested due to the specific role of the plan in supporting sustainable development and to look to incorporating Just Transition wording. It was noted that this objective could potentially also fall under the Sustainable Marine Economy theme.

Cultural Heritage

Feedback indicated that this objective could be merged with the objective on social and cultural wellbeing, in particular noting the overlap around wording relating to ‘access’. On wording, it was suggested to remove “where appropriate” and that the wording should make reference to ecosystem heritage and historic environment.

Social and Cultural Wellbeing

It was noted that clarity is needed on what “equitable access” refers to, for example not preventing access to the sea, but encouraging smarter design to ensure the needs and uses of local communities are considered. Greater consideration of “blue health and wellbeing” and safeguarding of lifeline ferry services were also suggested for inclusion. Feedback on the inclusion of “shared stewardship” noted that this topic could be an objective in its own right. It noted that if included, careful consideration is needed to prevent the implication that this is solely the responsibility of communities rather than a collective / shared effort by government, communities and sectors. There were also suggestions to incorporate ocean literacy into this objective as it plays a direct role in supporting stewardship.

Feedback And Proposals For Accessibility And Wellbeing Policy Ideas

From previously collated feedback, we identified potential policy ideas for exploring with sector representatives, including preserving cultural heritage, supporting coastal communities, facilitating appropriate access to the sea (e.g. responsible access codes), minimising impacts on seascapes character and visual amenity.

Cultural heritage

There was general support for the existing cultural heritage policy in NMP 2015. Feedback noted that a cultural heritage policy should also include reference to ecosystem heritage and historic environment and assets. There should be explicit recognition that cultural heritage also covers intangible cultural benefits, such as local customs, languages and livelihoods, such as those generated from fishing. It was however noted that care must be taken to avoid the risk of environmentally problematic “traditional” practices being continued in the name of cultural heritage. Feedback noted the opportunities to align any cultural heritage policy with climate adaptation policies to address sites that are vulnerable to climate impacts and coastal change.

Supporting island and coastal communities

Feedback outlined the important role that communities play in informing decision-making on marine activities and that this should be derived from available local data. There were also suggestions around integrating the concept of community wealth building and supporting a wellbeing economy into any policy aimed at supporting island and coastal communities. There was recognition that there may be lessons to learn from terrestrial experiences with community benefits from onshore wind and that NMP2 could look to translating NPF4 Policy 25 on community wealth building. Feedback also suggested the inclusion of ocean literacy under this policy, looking to support improved education on the marine environment and issues impacting it, including achieving net zero, and linking to responsible access and use.

Facilitating appropriate access, including recreation and tourism

The strategic appraisal of the existing NMP 2015 suggested an update to some of the existing policies and objectives relating to supporting the development of sustainable tourism and recreation, improving data on such activities and improving education on responsible access. It was noted that any policy relating to tourism and access should align with the National Islands Plan and the Scotland Outlook 2030. It was recognised that in some marine and coastal areas, there are already many uses competing for space, including tourism and recreation, and that some sectors or activities may be unable to relocate. However, feedback noted the potential for a multi-use or co-existence policy to recognise/support tourism and recreation if a priority for coastal and island communities. The specific role of local councils/authorities in supporting / delivering access was also noted. Feedback noted the importance of assessing and mitigating any impacts on infrastructure and services that are critical to community economies, for example lifeline ferry services, which also support sustainable tourism. Access and rights, and amenity value, were also noted in relation to wider policy ideas on compensatory measures, with recognition that community needs should be considered.

Landscape / Seascapes

Ideas around improving alignment of plans across the land-sea interface and avoiding and mitigating impacts on landscape and seascapes character, including visual amenity were presented for feedback, including suggestions to update existing General Policy 7 from NMP 2015. Further ideas included the requirement to consider potential seascapes, landscape and visual impacts in decision-making. It was noted that seascapes character plays a role in wellbeing, providing a sense of place, and that protection of landscape/seascapes qualities cuts across multiple policy areas, with some suggestions to include this under a cultural heritage policy. There is a need for clear definitions and guidance on “seascapes” and how they are to be considered by plan users and decision-makers.

Implementation

Feedback on implementation draft objectives

To date, we have received limited feedback on the proposed wording of the draft high-level objectives focused on implementation. However, stakeholders have indicated general support for the inclusion of an implementation-specific high-level objective, recognising the importance of better tracking plan use and delivery.

Decision-making

You said:

Users of the current NMP have requested fewer policies, which are more easily understood and can be applied across marine sectors. There is a need for clarity in the decision-making process and the use of evidence, as well as the need for proportionate, non-burdensome and de minimis approaches.

The consideration of socio-economic impacts in marine decisions has been welcomed, and it was noted that this relies on cooperation across sectors to make evidence available and clarity on how it is used in the decision-making process.

The application of the mitigation hierarchy has been largely welcomed, although, some feedback indicated unfamiliarity with how the concept would operate and noted concerns on how distinct 'avoid', mitigate or 'minimise' are from each other. It was highlighted that supporting explanation, definition of terms, and / or guidance would be required. Furthermore, understanding of impacts relies on the quality and availability of evidence and the design of any mitigation measures should include those communities affected.

Feedback highlighted the importance of decision-making that is underpinned by transparent evidence, that gathering of data and evidence should be collaborative and use experts, and that data should be shared, considering the use of the five data principles. Decision-making needs to be based on data and science which is strong, structured, replicable and peer reviewed.

The use of spatial data on pressures and sensitivities has been recommended and welcomed by marine sectors, examples include the SEPA sea lice risk assessment.

We have received feedback on mapping potential areas of opportunity, highlighting that for offshore wind this is achieved through sectoral marine planning process. Opportunity mapping would need to be underpinned by constraint mapping (and that constraints are sector-specific and there are limitations to the available spatial data), for example shipping and navigation routes, requests for nature to be considered as a hard constraint, community involvement in identification of opportunity areas and flexibility for regional marine plans to undertake spatial mapping. There needs to be a way to 'review and update' constraint boundaries if and when they change in future.

Consideration of cumulative effects, land-sea interactions, and ecosystems services has been welcomed and requests made for tools and guidance in NMP2 and that socio-economic benefits derived from nature positive approaches should be included. The need for supportive monitoring has also been highlighted.

Requests have been made for pre-application engagement with communities in project decisions. Not all communities speak as one, so acknowledging the different groups within communities is vital. There will also be a need to set reasonable expectations with community engagement and clarity surrounding what is proportionate and reasonable. Engagement needs to be participatory and accessible. Requests have been received for support for companies and individuals to ensure discussions are civil and respect is shown for differing opinions.

Empowering local communities in decision-making requires engagement with communities in decisions, promoting inclusion in the plan-making process, supporting engagement around the implementation of marine plans, and encouraging participation across society by improving overall ocean literacy.

Support to tackle the twin crisis on climate and nature should be a priority.

Suggestions have been made for prioritisation of different sectors (including national infrastructure, renewable energy, existing users and low carbon food production) in cases of conflict or pressure for marine space.

The approach to prioritisation in decision-making should be clear, with clear outcomes and supported by a policy test and / or criteria.

Sectoral marine plans should establish a principle of development in areas identified within the sectoral plan. Where areas are identified in an adopted SMP, this should set a baseline presumption in favour of the type of development being acceptable in that area. Not all marine sectors are suitable for sectoral planning.

Adaptative management:

Feedback has noted the need for consideration of adaptive management principles in NMP2, to be able to better respond to changes through planning action in a timely fashion. However, it has been recognised that this can be particularly challenging to do in marine planning at a national scale.

Annex B

Marine Plan Requirements

Requirements for what to consider in developing a marine plan

The Marine Acts and wider relevant legislation set out several requirements for consideration when preparing and adopting a marine plan.

UK Marine and Coastal Access Act 2009

The MCAA requires the joint development of a 'Marine Policy Statement' by UK Government and Devolved Administrations to outline general policies for contributing to the sustainable development of the UK marine area. The Marine Acts also requires that any marine plans must be developed in conformity with any Marine Policy Statement in effect, unless relevant considerations indicate otherwise (Section 51(6) of MCAA and section 6(1) of MSA). A marine policy statement therefore provides the framework for preparing marine plans and taking decisions related to the marine area.

In 2011, the UK Government and Devolved Administrations prepared a joint Marine Policy Statement¹⁸ (MPS). The Statement outlines the UK vision for 'clean, healthy, safe, productive and biologically diverse oceans and seas' and sets out a series of 'High Level Marine Objectives' and policy objectives for key activities to fulfil this vision. There are nineteen High Level Marine Objectives covering the following themes:

- Achieving a sustainable marine economy
- Ensuring a strong, healthy and just society

- Living within environmental limits
- Promoting good governance
- Using sound science responsibly

Marine (Scotland) Act 2010

The MSA sets out several general duties for Scottish Ministers and public authorities to uphold whilst carrying out their functions, including when preparing and adopting a marine plan, requiring them to:

- further the achievement of sustainable development and protection and enhancement of the health of the Scottish marine area (Part 2, Section 3); and
- mitigate and adapt to climate change (Part 2, Section 4).

Specifically in preparing a marine plan, Scottish Ministers should consider the following:

- policies on the contribution of Nature conservation MPAs and other relevant sites
- objectives covering economic, social and marine ecosystem themes, as well as climate change mitigation and adaptation
- an assessment of the condition of the Scottish marine area
- a summary of significant pressures and the impact of human activity on the area.

EU Maritime Spatial Planning Directive 2014

The Directive sets out several articles outlining how maritime spatial planning should be undertaken, including minimum requirements and specific objectives. For instance, Article 5 (1) outlines that objectives should “consider economic, social and environmental aspects to support sustainable development and growth in the maritime sector, applying an ecosystem approach, and to promote the co-existence of relevant activities and uses.”

Article 5(2) notes that plans should aim to “contribute to the sustainable development (of different sectors) and to the preservation, protection and improvement of the environment, including resilience to climate change impacts.”

In addition, Article 6 sets out minimum requirements for maritime spatial planning, including the need to:

- take into account land-sea interactions
- take into account environmental, economic and social aspects, as well as safety
- aim to promote coherence between marine planning and plans with other processes (e.g. terrestrial planning)
- ensure involvement of stakeholders
- use best available data
- ensure cooperation, including transboundary cooperation.

These requirements have been considered in the development of NMP2, including the undertaking of engagement with stakeholders, and are reflected in the proposed high-level objectives and policy ideas outlined in Chapter 6.

Marine Strategy Framework Directive

The European Union (EU) Marine Strategy Framework Directive (Directive 2008/56/EC) establishes a framework for community action in the field of marine environmental policy. It aims to protect more effectively the marine environment across Europe, establishes the concept of Good Environmental Status (GES) of marine waters, and seeks to protect the resource base upon which marine-related economic and social activities

depend. The Directive was implemented in UK legislation by the Marine Strategy Regulations 2010 and the UK reports progress towards GES through its Marine Strategy. The UK continues to undertake regional co-operation with EU member states through the OSPAR Convention.

The Regulations set out the general duty “the Secretary of State, devolved policy authorities and each Northern Ireland body must exercise their functions, so far as they are relevant functions, so as to secure compliance with the requirements of the (Marine Strategy Framework) Directive, including the requirement in Article 1 to take the necessary measures to achieve or maintain good environmental status of marine waters within the marine strategy area...”

Marine planning activities would be considered as a relevant function, and so the process to develop NMP2 must consider and incorporate necessary policies (measures) to support the achievement of GES. The GES descriptors have been mapped against the proposed high-level objectives and policy ideas to ensure alignment and will be reflected in the associated monitoring and evaluation framework for NMP2.

Nature Conservation (Scotland) Act 2004

The Nature Conservation (Scotland) Act 2004 places a statutory duty on all public bodies in Scotland to further the conservation of biodiversity in exercising any functions. This is known as the “Biodiversity duty”. This Act also includes a requirement to report on compliance with this duty.

The duty aims to protect biodiversity through management of specific sites, habitats and species, as well as promoting consideration of all impacts on the natural world and building understanding around our connections to biodiversity.

In line with the Marine Acts, NMP2 must set out objectives relating to environment, economy and society, and under these objectives, associated policies will seek to support delivery of the biodiversity duty through topics such as nature-based solutions, protection of priority habitats, and restoration.

National Performance Framework for Scotland

Scotland's National Performance Framework translates the United Nations Sustainable Development Goals into localised action through 11 National Outcomes that are mapped against relevant goals. The outcomes cover a range of topics towards which marine planning can contribute, including but not limited to:

- We value, enjoy, protect and enhance our environment
- We have a globally competitive, entrepreneurial, inclusive and sustainable economy
- We live in communities that are inclusive, empowered, resilient and safe.

The outcomes set out in the National Performance Framework have been used to inform the development of draft high-level objectives and associated policies in NMP2, with mapping of potential contributions marine planning can make towards individual outcomes.

Requirement to keep relevant matters under review and statutory review

In accordance with the Marine Acts, there is a requirement to monitor and review the Plan, to publish a report on the findings at regular intervals (section 16 of the MSA, and section 61 of MCAA) and a duty to keep 'relevant matters' under review (section 11 MSA). Statutory reviews of the National Marine Plan have occurred every three years since its adoption, in 2018 and 2021 and a review is currently underway in 2024.

The 2018 review found that a number of policies and general aspects of the Plan were particularly effective or useful to decision-making. Uncertainties around the UK exit from the European Union were highlighted, and it was suggested that this meant that it was not the right time to amend or replace the plan.

The 2021 review found that there was a clear need to begin work to replace the National Marine Plan, to ensure that it is fully orientated to meet significant emerging challenges such as the Global Climate Emergency, Covid-19 Pandemic,

the UK's exit from the EU and the Scottish Government policy to achieve Net Zero targets by 2045.

The Scottish Marine Assessment 2020 ("SMA 2020") is a statutory prerequisite for preparing a new national marine plan (Marine Scotland Act (2010), section 5 (4)(b)), and covered all 21 Scottish Marine Regions and Offshore Marine Regions. The assessment considered both the state of Scotland's seas and the main activities and pressures in the marine regions. It concluded that progress is being made in improving the state of Scotland's seas, especially in relation to contaminants. However, the assessment paints a mixed picture for marine mammals, birds, fish, plankton and marine litter, and was unable to draw conclusions about benthic habitats and underwater noise due to limitations in current knowledge.

Climate change is the most critical factor affecting Scotland's marine environment and pressures associated with bottom-contacting and pelagic fishing continue to be the most geographically widespread, direct pressures across the majority of Scottish Marine Regions and Offshore Marine Regions. The SMA 2020 also sets out a number of key next steps with implications for the NMP2, in particular that future work should take an ecosystem-based approach to the protection of Scotland's seas in the management of human activities and involve closer collaboration and co-ordination with a range of national and international partners. A Strategic Appraisal of the current NMP has been conducted to review the policies and objectives in the current NMP and building on the outcomes of the statutory reviews, make recommendations to inform the scope and policies of new NMP2; and support the statutory Sustainability Appraisal.

Extensive review of 'relevant matters' including wider relevant legislative frameworks, strategies and plans across UK and Scotland has been undertaken to inform the development of NMP2. The review identified new duties, plans and sector-specific policies and any outcomes which could be supported through marine planning. The following non-exhaustive list highlights examples

of strategies, plans and legislative frameworks that have been reviewed.

- UK Marine Policy Statement
- Scottish Biodiversity Strategy to 2045 (in draft)
- Marine Strategy Framework Directive
- Scotland's Climate Change Action Plan
- Scotland's National Adaptation Programme 3
- EU Maritime Spatial Planning Directive
- Joint Fisheries Statement
- Scotland's Blue Economy Vision
- Scotland's Fisheries Management Strategy
- Scotland's National Planning Framework 4
- Vision for Sustainable Aquaculture
- The National Islands Plan
- Energy Strategy and Just Transition Plan (in draft)
- Scotland's National Performance Framework
- National Strategy for Economic Transformation

Annex C sets out further detail example relevant considerations from wider strategies and plans.

Annex C

NMP2 Alignment With Wider Scottish And UK Strategies

Marine planning takes place in the context of the following commitments and obligations set out in wider legislation and strategies and can support their delivery. Please note this list is illustrative, not exhaustive.

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
Blue Economy Vision for Scotland to 2045 (2022)	<p>Outcome EN2 – Scotland’s blue economy is resilient to climate change, contributing to mitigation and adaptation, with marine sectors decarbonised, resource efficient and supporting Scotland’s Net Zero and Nature Positive commitments.</p> <p>Outcome EC1 – Established and emerging marine sectors are innovative, entrepreneurial, productive and internationally competitive.</p> <p>Outcome EC2 – Scotland is a global leader in healthy, quality, sustainably harvested and farmed Blue Foods, for our own population and beyond.</p>
British Energy Security Strategy (2022)	<p>Net zero compatible oil and gas sector, supplying the UK economy by 2050.</p> <p>Reducing the emissions of our offshore oil and gas further, by driving rapid industry investment in electrifying offshore production, to ensure our gas remains the low carbon choice.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
Climate Change Act 2008	<p>13(1) The Secretary of State must prepare such proposals and policies as the Secretary of State considers will enable the carbon budgets that have been set under this Act to be met.</p> <p>13(2) The proposals and policies must be prepared with a view to meeting—</p> <ul style="list-style-type: none"> a. the target in section 1 (the target for 2050), and b. any target set under section 5(1)(c) (power to set targets for later years). <p>13(3) The proposals and policies, taken as a whole, must be such as to contribute to sustainable development.</p> <p>13(4) In preparing the proposals and policies, the Secretary of State may take into account the proposals and policies the Secretary of State considers may be prepared by other national authorities.</p> <p>15(1) In exercising functions under this Part involving consideration of how to meet—</p> <ul style="list-style-type: none"> a. the target in section 1(1) (the target for 2050), or b. the carbon budget for any period, the Secretary of State must have regard to the need for UK domestic action on climate change. <p>15(2) “UK domestic action on climate change” means reductions in UK emissions of targeted greenhouse gases or increases in UK removals of such gases (or both).</p> <p>30(1) Emissions of greenhouse gases from international aviation or international shipping do not count as emissions from sources in the United Kingdom for the purposes of this Part, except as provided by regulations made by the Secretary of State.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
<p>Climate Change (Scotland) Act 2009, as amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019</p>	<p>A1(1) The Scottish Ministers must ensure that the net Scottish emissions account for the net zero emissions target year is at least 100% lower than the baseline (the target is known as the “net-zero emissions target”).</p> <p>A1(2) The “net zero emissions target year” is 2045.</p> <p>2(1) The Scottish Ministers must ensure that the net Scottish emissions account for the year—</p> <ul style="list-style-type: none"> (a) 2020 is at least 56% lower than the baseline, (b) 2030 is at least 75% lower than the baseline, and (c) 2040 is at least 90% lower than the baseline. <p>15 Attribution of emissions to Scotland For the purposes of section 17(1), emissions of a greenhouse gas are attributable to Scotland if—</p> <ul style="list-style-type: none"> (a) they are emitted from sources in Scotland; (b) they are attributed to Scotland by virtue of an order under section 16(1). <p>16(1) The Scottish Ministers may, by order, make provision regarding the emissions of greenhouse gases from international aviation and international shipping that are attributable to Scotland.</p> <p>16(2) An order under subsection (1)—</p> <ul style="list-style-type: none"> (a) must make provision for emissions from international aviation and international shipping of— <ul style="list-style-type: none"> (i) in the case of the first order under that subsection, each greenhouse gas; and (ii) in the case of any subsequent order under subsection (1), any gas added to the list of greenhouse gases in section 10(1) since the last such order was made, <p>to be taken into account as Scottish emissions of each such gas in the period starting with the 1 January following the order being approved by the Scottish Parliament and ending on 31 December 2050.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
Climate Change Action Plan Update 2018 - 2030 (2020)	<p>Commitment to a Just Transition.</p> <p>Commitment to deploy nature-based solutions at scale and in a sustainable and managed way.</p> <p>Commitment to maintaining or exceeding EU environmental standards after we leave the EU.</p> <p>Electricity Outcome 1: The electricity system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies.</p> <p>Electricity Outcome 3: Scotland secures maximum economic benefit from the continued investment and growth in electricity generation capacity and support for the new and innovative technologies which will deliver our decarbonisation goals.</p> <p>Transport Outcome 6: Proportion of ferries in Scottish Government ownership which are low emission has increased to 30% by 2032.</p> <p>Transport Outcome 7: By 2032 low emission solutions have been widely adopted at Scottish ports.</p> <p>Industry Outcome 1: Scotland's Industrial sector will be on a managed pathway to decarbonisation, whilst remaining highly competitive and on a sustainable growth trajectory.</p> <p>Industry Outcome 2: Technologies critical to further industrial emissions reduction (such as carbon capture and storage and production and injection of hydrogen into the gas grid) are operating at commercial scale by 2030.</p> <p>Negative Emissions Technologies Outcome 2: CCUS – the continued development of CCUS technologies and systems is prioritised to ensure these can be rolled out commercially and at scale by the late 2020s.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
<p>Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014: Establishing a Framework for Maritime Spatial Planning</p>	<p>Article 1(1) This Directive establishes a framework for maritime spatial planning aimed at promoting the sustainable growth of maritime economies, the sustainable development of marine areas and the sustainable use of marine resources.</p> <p>Article 2(1) This Directive shall apply to marine waters of Member States, without prejudice to other Union legislation. It shall not apply to coastal waters or parts thereof falling under a Member State's town and country planning, provided that this is communicated in its maritime spatial plans.</p> <p>Article 4(1) Each Member State shall establish and implement maritime spatial planning.</p> <p>Article 4(2) In doing so, Member States shall take into account land-sea interactions.</p> <p>Article 4(3) The resulting plan or plans shall be developed and produced in accordance with the institutional and governance levels determined by Member States. This Directive shall not interfere with Member States' competence to design and determine the format and content of that plan or those plans.</p> <p>Article 4(5) When establishing maritime spatial planning, Member States shall have due regard to the particularities of the marine regions, relevant existing and future activities and uses and their impacts on the environment, as well as to natural resources, and shall also take into account land-sea interactions.</p> <p>Article 5(1) When establishing and implementing maritime spatial planning, Member States shall consider economic, social and environmental aspects to support sustainable development and growth in the maritime sector, applying an ecosystembased approach, and to promote the co-existence of relevant activities and uses.</p> <p>Article 5(2) Through their maritime spatial plans, Member States shall aim to contribute to the sustainable development of energy sectors at sea, of maritime transport, and of the fisheries and aquaculture sectors, and to the preservation, protection and improvement of the environment, including resilience to climate change impacts. In addition, Member States may pursue other objectives such as the promotion of sustainable tourism and the sustainable extraction of raw materials.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
	<p>Article 5(3) This Directive is without prejudice to the competence of Member States to determine how the different objectives are reflected and weighted in their maritime spatial plan or plans.</p> <p>Article 6(1) Member States shall establish procedural steps to contribute to the objectives listed in Article 5, taking into account relevant activities and uses in marine waters.</p> <p>Article 6(2) In doing so, Member States shall:</p> <ul style="list-style-type: none"> (a) take into account land-sea interactions; (b) take into account environmental, economic and social aspects, as well as safety aspects; (c) aim to promote coherence between maritime spatial planning and the resulting plan or plans and other processes, such as integrated coastal management or equivalent formal or informal practices; (d) ensure the involvement of stakeholders in accordance with Article 9; (e) organise the use of the best available data in accordance with Article 10; (f) ensure trans-boundary cooperation between Member States in accordance with Article 11; (g) promote cooperation with third countries in accordance with Article 12. <p>Article 8(1) When establishing and implementing maritime spatial planning, Member States shall set up maritime spatial plans which identify the spatial and temporal distribution of relevant existing and future activities and uses in their marine waters, in order to contribute to the objectives set out in Article 5.</p> <p>Article 9(1) Member States shall establish means of public participation by informing all interested parties and by consulting the relevant stakeholders and authorities, and the public concerned, at an early stage in the development of maritime spatial plans, in accordance with relevant provisions established in Union legislation.</p> <p>Article 10(1) Member States shall organise the use of the best available data, and decide how to organise the sharing of information, necessary for maritime spatial plans.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
Draft Energy Strategy and Just Transition Plan (ESJTP) (2023)	<p>The renewable energy sector is a valuable and growing part of Scotland's wider economy in terms of gross value added (GVA), trade, supply chains, investment and prosperous businesses. Fossil fuel companies' operations in Scotland have successfully diversified and transitioned to compete and grow the net zero economy.</p> <p>The net zero energy economy is innovative and competitive in domestic and international markets, and has capitalised on the opportunities of growing and creating markets to develop intellectual property, supply chains, and exports.</p> <p>Communities have been supported to maximise their energy production potential, which will vary by geography, including increasing the number of community-owned energy assets, supporting their energy security and energy affordability.</p> <p>Communities have been empowered to shape their energy use, the infrastructure they host and to maximise the benefit they receive from that.</p> <p>Local content, local job creation and wider community benefit has been increased in major energy infrastructure projects, such as Scotwind and the development of larger wind and hydrogen projects.</p> <p>Recognising that the energy transition will not impact all communities equally, particular support and provision, such as the North East and Moray Just Transition Fund and the Energy Transition Fund, has supported the transition of those regions and communities most at risk.</p> <p>People and places have access to the energy needed for transport regardless of location and socioeconomic background.</p> <p>Power assets and the power system have reduced vulnerability to the impacts of climate change, including storminess, higher temperatures and flooding, and the most vulnerable people are identified and supported during and after instances of power failure to ensure a reliable and affordable power supply for all in a net zero economy.</p> <p>The energy transition supports Scotland's ambitions for restoring nature and biodiversity – including by carefully managing and avoiding potential negative impacts in Scotland and overseas – as part of our joined-up approach to tackling the climate and nature crises.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
Environment Strategy for Scotland (2020)	<p>Our healthy environment supports a fairer, healthier, more inclusive society.</p> <p>Our thriving sustainable economy conserves and grows our natural assets.</p> <p>We play our full role in tackling the global climate emergency and limiting temperature rise to 1.5°C.</p> <p>Scotland's nature is protected and restored with flourishing biodiversity and clean and healthy air, water, seas and soils.</p>
Flood Risk Management (Scotland) Act 2009	<p>9(1) SEPA must prepare a flood risk assessment for each flood risk management district providing an assessment of any flood risk for the district.</p> <p>9(4) A flood risk assessment must include—</p> <ul style="list-style-type: none"> (a) maps at the appropriate scale of the flood risk management district which show— <ul style="list-style-type: none"> (i) borders of any river basin, sub-basin and coastal area in the district, (ii) topography and land use, and (iii) such other information as the Scottish Ministers may specify by regulations. <p>3(1) SEPA must prepare and submit to the Scottish Ministers a document identifying for each flood risk management district any area in the district for which it considers that significant flood risk—</p> <ul style="list-style-type: none"> (a) exists, or (b) is likely to occur. <p>17(1) Every local authority must prepare a map which shows (or more than one map which, taken together, show) relevant bodies of water and sustainable urban drainage systems in its area.</p> <p>19(1) SEPA must, for each flood risk management district, prepare a map—</p> <ul style="list-style-type: none"> (a) showing artificial structures and natural features in the flood risk management district the removal of which SEPA considers would significantly increase the risk of flooding from a body of surface water,

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
Giant Strides: A strategy fit for 21st-Century Tourism	<p>Our businesses: profitable and sustainable.</p> <p>Our waters: clean and blue. (Aim: To be stewards of the natural environment we access; investing in natural capital, supporting wildlife and addressing our waste and emissions.)</p> <p>Our experiences: authentic and seamless</p>
Hydrogen Action Plan	5GW ambition by 2030 is for installed production capacity of hydrogen which includes both renewable and low-carbon hydrogen.

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
Islands (Scotland) Act 2018	<p>1(1) In this Act, “island” means a naturally formed area of land which is—</p> <ul style="list-style-type: none"> (a) surrounded on all sides by the sea (ignoring artificial structures such as bridges), and (b) above water at high tide. <p>1(2) In this Act, “inhabited island” means an island permanently inhabited by at least one individual.</p> <p>2 In this Act— “island community” means a community which—</p> <ul style="list-style-type: none"> (a) consists of two or more individuals, all of whom permanently inhabit an island (whether or not the same island), and (b) is based on common interest, identity or geography (including in relation to any uninhabited island whose natural environment and terrestrial, marine and associated ecosystems contribute to the natural or cultural heritage or economy of an inhabited island). <p>(3) Improving outcomes for island communities includes—</p> <ul style="list-style-type: none"> (a) increasing population levels, (b) improving and promoting— <ul style="list-style-type: none"> (i) sustainable economic development, (ii) environmental wellbeing, (iii) health and wellbeing, and (iv) community empowerment, (c) improving transport services, (d) improving digital connectivity, (e) reducing fuel poverty, (f) ensuring effective management of the Scottish Crown Estate (that is, the property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies), (g) enhancing biosecurity (including protecting islands from the impact of invasive non-native species).

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
	<p>7(1) A relevant authority must have regard to island communities in carrying out its functions.</p> <p>8(1) A relevant authority must prepare an island communities impact assessment in relation to a—</p> <ul style="list-style-type: none"> (a) policy, (b) strategy, or (c) service, <p>which, in the authority's opinion, is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) in the area in which the authority exercises its functions.</p> <p>8(2) Subsection (1) applies to the development, delivery and redevelopment of the policy, strategy or service (as the case may be).</p> <p>8(3) An island communities impact assessment prepared under subsection (1) must—</p> <ul style="list-style-type: none"> (a) describe the likely significantly different effect of the policy, strategy or service (as the case may be), and (b) assess the extent to which the authority considers that the policy, strategy or service (as the case may be) can be developed or delivered in such a manner as to improve or mitigate, for island communities, the outcomes resulting from it.

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
Just Transition: A Fairer, Greener Scotland (2021)	<p>Adaptation and resilience: identify key risks from climate change and set out our actions to build resilience to these risks, ensuring our economy is flexible, adaptable and responsive to the changing climate.</p> <p>Citizens, communities and place: support affected regions by empowering and invigorating communities and strengthening local economies.</p> <p>Environmental protection and restoration: commit to act within our planetary boundaries while protecting and restoring our natural environment.</p> <p>Fair distribution of costs and benefits: address existing economic and social inequality by sharing the benefits of climate action widely, while ensuring that the costs are distributed on the basis of ability to pay.</p> <p>Business and Economy: support a strong, dynamic and productive economy which creates wealth and high quality employment across Scotland, upholds the UN Guiding Principles on Business and Human Rights, and continues to make Scotland a great place to do business.</p> <p>Decarbonisation and efficiencies: contribute to resource efficient and sustainable economic approaches that actively encourage decarbonisation, support low carbon investment and infrastructure, and avoid carbon 'lock-in'.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
National Planning Framework 4 (2023)	<p>Policy 1 Outcome: Zero carbon, nature positive places.</p> <p>Policy 2 Outcome: Emissions from development are minimised; and our places are more resilient to climate change impacts.</p> <p>Policy 3 Outcome: Biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions.</p> <p>Policy 4 Outcome: Natural assets are managed in a sustainable way that maintains and grows their essential benefits and services.</p> <p>Policy 7 Outcome: The historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change; Recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity.</p> <p>Policy 8 Outcome: The character, landscape, natural setting and identity of settlements is protected and enhanced.</p> <p>Policy 10 Outcome: Coastal areas develop sustainably and adapt to climate change.</p> <p>Policy 11 Outcome: Expansion of renewable, low-carbon and zero emissions technologies.</p> <p>Policy 12 Outcome: The reduction and reuse of materials in construction is prioritised; Infrastructure for zero waste and to develop Scotland's circular economy is delivered in appropriate locations.</p> <p>Policy 17 Outcome: The distinctive character, sense of place and natural and cultural assets of rural areas are safeguarded and enhanced.</p> <p>Policy 18 Outcome: Infrastructure considerations are integral to development planning and decision-making and potential impacts on infrastructure and infrastructure needs are understood early in the development planning process as part of an evidenced based approach; Existing infrastructure assets are used sustainably, prioritising low-carbon solutions; Infrastructure requirements, and their planned delivery to meet the needs of communities, are clear.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
	<p>Policy 20 Outcome: Blue and green infrastructure are an integral part of early design and development processes; are designed to deliver multiple functions including climate mitigation, nature restoration, biodiversity enhancement, flood prevention and water management; Communities benefit from accessible, high quality blue, green and civic spaces.</p> <p>Policy 22 Outcome: Places are resilient to current and future flood risk; Wider use of natural flood risk management benefits people and nature.</p> <p>Policy 24 Outcome: Appropriate, universal and future-proofed digital infrastructure across the country.</p> <p>Policy 25 Outcome: Local economic development that focuses on community and place benefits as a central and primary consideration – to support local employment and supply chains.</p> <p>Policy 26 Outcome: Recovery within the business and industry sector is sustainable and inclusive; Investment in the business and industrial sector contributes to community wealth building.</p> <p>Policy 29 Outcome: Rural places are vibrant and sustainable and rural communities and businesses are supported.</p> <p>Policy 30 Outcome: Communities and places enjoy economic, social and cultural benefits from tourism, supporting resilience and stimulating job creation.</p> <p>Policy 31 Outcome: Locally distinctive places reflect the diversity of communities and support regeneration and town centre vibrancy; Cultural and creative industries are expanded, providing jobs and investment; Communities have access to cultural and creative activities.</p> <p>Policy 32 Outcome: New aquaculture development is in locations that reflect industry needs and considers environmental impacts; Producers will contribute to communities and local economies; Prosperous finfish, shellfish and seaweed sectors; Migratory fish species are safeguarded.</p> <p>Policy 33 Outcome: Sufficient resources are available to meet industry demands, making an essential contribution to the Scottish economy; Communities and the environment are protected from the impacts of mineral extraction.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
National Transport Strategy 2	<p>Improves our health and wellbeing: Implement measures that will improve perceived and actual security of Scotland's transport system.</p> <p>Improves our health and wellbeing: Ensure that transport assets and services adopt the Place Principle.</p> <p>Improves our health and wellbeing: Reduce the negative impacts which transport has on the safety, health and wellbeing of people.</p> <p>Improves our health and wellbeing: Provide a transport system that promotes and facilitates active travel choices which help to improve people's health and wellbeing across mainland Scotland and the Islands.</p> <p>Improves our health and wellbeing: Embed the implications for transport in spatial planning and land use decision-making.</p> <p>Reduces Inequalities: Everyone in Scotland will share in the benefits of a modern and accessible transport system.</p> <p>Helps deliver inclusive economic growth: Scotland will have a transport system that will help deliver sustainable and inclusive economic growth enabling the whole country to flourish.</p>
Nature Conservation (Scotland) Act 2004	<p>1(1) It is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.</p> <p>2(1) The Scottish Ministers must designate as the Scottish Biodiversity Strategy one or more strategies for the conservation of biodiversity (whether prepared by them or by one or more other persons).</p>
Offshore Wind Policy Statement (2020)	<p>We believe that as much as 11GW of offshore wind capacity is possible in Scottish waters by 2030.</p> <p>We will build on the launch of our ScotWind leasing round in June this year.</p> <p>We will continue to make every effort to maximise the economic benefit from developments in Scottish waters.</p> <p>We will continue to ensure that communities who host development, and those most affected by development, will also share in the benefits.</p>
OSPAR Decision 98/3 on the Disposal of Disused Offshore Installations	<p>2. The dumping, and the leaving wholly or partly in place, of disused offshore installations within the maritime area is prohibited.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
OSPAR Agreement 2021-01: North East Atlantic Environment Strategy 2030	<p>Strategic Objective 1: Tackle eutrophication, through limiting inputs of nutrients and organic matter to levels that do not give rise to adverse effects on the marine environment</p> <p>Strategic Objective 2: Prevent pollution by hazardous substances, by eliminating their emissions, discharges and losses, to achieve levels that do not give rise to adverse effects on human health or the marine environment with the ultimate aim of achieving and maintaining concentrations in the marine environment at near background values for naturally occurring hazardous substances and close to zero for human made hazardous substances</p> <p>Strategic Objective 3: Prevent pollution by radioactive substances in order to safeguard human health and to protect the marine environment with the ultimate aim of achieving and maintaining concentrations in the marine environment at near background values for naturally occurring radioactive substances and close to zero for human made radioactive substances</p> <p>Strategic Objective 4: Prevent inputs of and significantly reduce marine litter, including microplastics, in the marine environment to reach levels that do not cause adverse effects to the marine and coastal environment with the ultimate aim of eliminating inputs of litter.</p> <p>Strategic Objective 5: Protect and conserve marine biodiversity, ecosystems and their services to achieve good status of species and habitats, and thereby maintain and strengthen ecosystem resilience.</p> <p>Strategic Objective 6: Restore degraded habitats in the North-East Atlantic when practicable to safeguard their ecosystem function and resilience to climate change and ocean acidification.</p> <p>Strategic Objective 7: Ensure that uses of the marine environment are sustainable, through the integrated management of current and emerging human activities, including addressing their cumulative impacts</p> <p>Strategic Objective 8: Reduce anthropogenic underwater noise to levels that do not adversely affect the marine environment.</p> <p>Strategic Objective 9: Safeguard the structure and functions of seabed/marine ecosystems by preventing significant habitat loss and physical disturbance due to human activities.</p> <p>Strategic Objective 10: Raise awareness of climate change and ocean acidification by monitoring, analysing and communicating their effects.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
	<p>Strategic Objective 11: Facilitate adaptation to the impacts of climate change and ocean acidification by considering additional pressures when developing programmes, actions and measures;</p> <p>Strategic Objective 12: Mitigate climate change and ocean acidification by contributing to global efforts, including by safeguarding the marine environment's role as a natural carbon store</p> <p>Ensure that uses of the marine environment are sustainable, through the integrated management of current and emerging human activities, including addressing their cumulative impacts</p>
Planning Circular 1/2015 Relationship between the statutory land use planning system and marine planning and licencing	<p>43. There should be mutual support for specific development proposals in marine and terrestrial plans which relate to each other. Each plan should make appropriate provision for resource or infrastructure requirements which may be necessary to support a development proposal in the other plan.</p> <p>47. Marine and terrestrial planning authorities should aim, where appropriate, to share a common evidence base. This would form a foundation upon which policies, proposals and monitoring statements could be developed and would support assessments such as Strategic Environmental Assessment and Habitats Regulations Appraisal.</p> <p>63. Since marine licensing covers the marine area up to Mean High Water Spring and terrestrial planning control extends down to Mean Low Water Spring, there is an overlap of consenting regimes in the inter-tidal zone. This means that for some activities there may be a need for both a marine licence and planning permission. In addition, a works licence may also be required in relation to activity of statutory Harbour Authorities and in Shetland and certain parts of Orkney within waters of Local Authority jurisdiction.</p> <p>66. Development plans should provide consistent policy direction and appropriate allocations for the onshore infrastructure requirements which support offshore renewables, such as grid connections, sub-stations, interconnectors, converter stations, testing facilities, manufacturing and assembly facilities, and ports and harbours infrastructure. Development plans should also, as appropriate, recognise and provide for national development 4 - High Voltage Electricity Transmission Network and the coastal areas of coordinated action included in NPF3. Developers, when preparing schemes for off-shore developments, should engage with the appropriate terrestrial planning authority to ensure alignment with any relevant development plans.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
Scotland's Biodiversity Strategy to 2045 (2022)	<p>Ecosystems will be diverse, healthy, resilient and deliver a wide range of ecosystem services</p> <p>Protected areas will be larger, better connected and in good condition</p> <p>The abundance and distribution of species will have recovered and there will be no loss of diversity within species</p> <p>Scotland's internationally important species will have increased in numbers and have healthy resilient populations</p> <p>Natural capital will be embedded in policy making</p> <p>Nature-Based Solutions, such as tree-planting, peatland and blue carbon habitat restoration, will be central to our efforts to deliver NetZero and adapt to climate change</p> <p>Harmful invasive non-native species (INNS) will be managed so that established INNS no longer degrade native habitats and species or impede their restoration and regeneration and new introductions are managed quickly and effectively</p> <p>Biodiversity as a concept will be understood and valued across the population and embedded in educational curriculums</p>
Scotland's National Performance Framework	<p>We value, enjoy, protect and enhance our environment</p> <p>We have a globally competitive, entrepreneurial, inclusive and sustainable economy</p> <p>We have thriving and innovative businesses, with quality jobs and fair work for everyone</p> <p>We are open, connected and make a positive contribution internationally</p> <p>We tackle poverty by sharing opportunities, wealth and power more equally</p> <p>We live in communities that are inclusive, empowered, resilient and safe</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
Scotland's National Strategy for Economy Transformation (2022)	<p>Vision for A Wellbeing Economy: Thriving across economic, social and environmental dimensions.</p> <p>Ambition: Demonstrating global leadership in delivering a just transition to a net zero, nature-positive economy, and rebuilding natural capital.</p> <p>Project 5: Deliver on the ambitions of ScotWind and future renewable energy developments including on developers commitments to invest at least £1bn in the Scottish supply chain for each GW of capacity. The Scottish Offshore Wind Energy Council (SOWEC) has been identified by both industry and government as the key vehicle for taking forward the strategic supply chain opportunities from ScotWind. SOWEC is leading on the development of a Collaborative Framework Agreement to encourage the sector to come together and work collectively to support the delivery of the volume of offshore wind projects from the ScotWind leasing round</p> <p>Project 7: Establish a values-led, high-integrity market for responsible private investment in natural capital (see Box E) to build on Scotland's international renown for its nature and its environmental policy framework on land and sea, and supported by a national project pipeline for nature-based solutions.</p> <p>Project 8: Provide an efficient and resilient digital infrastructure. This includes continued investment in improved broadband, fibre and mobile coverage for residential and business premises. Enhance the resilience of digital infrastructure through direct international links to the internet and the development of data centres aligned with renewable power sources</p> <p>Project 10: Reinforce our commitment to regional collaboration through our Regional Policy Review and continue to work with Regional Economic Partnerships to deliver Regional Economic Strategies with strong regional economic policies and tailor interventions to evidenced regional strengths and opportunities.</p> <p>Project 10: Introduce Community Wealth Building legislation that builds on the successes and learnings of all of the Scottish Government community wealth building local and regional pilot areas in urban and rural Scotland.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
Scotland's Fisheries Management Strategy 2020 – 2030 (2020)	<p>Committed to moving to a net zero emissions economy in a way that is fair for all</p> <p>Commitment to co-management</p> <p>Action 5 - Address issues around shared marine space</p> <p>Deliver a Catching Policy in partnership with our stakeholders, linking stock management with responsive and proportionate technical and spatial measures</p> <p>Action 2 – Secure the resilience of the fishing industry, supporting diversification and exploring new fishing opportunities</p> <p>Action 4 – Support delivery of a strong relationship between the fishing industry and local communities with strengthened links to local supply chains, support for consumers to buy local / Scottish and recognising the importance of inward migration for remote and coastal communities.</p> <p>Action 5 – Address issues around shared marine space linking with wider developments through the Blue Economy Action Plan, considering how fishing interests can work alongside others marine users including offshore renewables.</p> <p>Action 6 – Strengthen our co-management processes and support transparent and responsive management to a local level wherever possible, in particular by strengthening the RIFG network. As part of this, we will always consider local community impact as part of our decision-making process.</p> <p>Action 7 – Deliver a robust licensing regime to manage domestic and foreign vessels fishing in Scottish waters and will improve quota management arrangements for the non-sector fleet which are not administered by a Fish Producer Organisation or a Quota Management Group.</p> <p>Action 11 – Deliver an ecosystem-based approach to management, including considering additional protections for spawning and juvenile congregation areas and restricting fishing activity or prohibiting fishing for species which are integral components of the marine food web (e.g. sandeels)</p> <p>Action 12 - Take action to...mitigate the impacts of climate change on our seas...including by reducing vessel emissions and encouraging shorter supply chains</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
	<p>Environment Outcome 1: Our fisheries are managed in a way that protects biological diversity and which ensures that marine ecosystems continue to provide economic, environmental, social and wider benefits based on best available scientific advice.</p> <p>Environment Outcome 2: We fish within limits based on the best available scientific advice, using the precautionary principle, and aligned with the delivery of fishing at Maximum Sustainable Yield (MSY).</p> <p>Economy Outcome 1: We have productive and resilient fisheries and we seek to optimise inclusive economic growth</p> <p>Economy Outcome 2: We provide equality of opportunity for fishing opportunities, with support for local jobs, new entrants and small family owned businesses to grow and contribute to the long term economic growth of the Scottish fishing industry</p> <p>Economy Outcome 3: We support fishing and onshore industries to grow sustainably, and be internationally competitive, through building and maintaining access to markets.</p> <p>Economy Outcome 4: We maximise the benefit of fishing to the local and national economy, with strong links between the marine and onshore sectors.</p> <p>Social Outcome 3: We protect and encourage the fishing industry to grow in a sustainable manner, and for the wider benefits that flow from fishing to be realised in these communities wherever possible.</p> <p>Social Outcome 4: We recognise and promote the heritage and culture of our fishing communities.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
Scottish National Adaptation Plan 2024-2029	<p>Objective: Nature-based solutions (NC1): Nature-based solutions (NBS) are protected, enhanced and connected to enable healthier, cooler, water resilient and nature-rich places.</p> <p>Objective: Development planning (NC3): Development planning (including Local Development Plans and associated delivery programmes) takes current and future climate risks into account and is a key lever in enabling places to adapt.</p> <p>Objective: Nature Networks (NC4): Nature Networks across every local authority area are improving ecological connectivity and climate resilience, alongside other transformative national actions to halt biodiversity loss by 2030.</p> <p>Objective: Marine ecosystems and the blue economy (NC5): Evidence-informed planning and management improves ecosystem health, values our marine environment and supports our Blue Economy.</p> <p>Objective: Natural Carbon Stores and Sinks (NC6): Resilient natural carbon stores and sinks (such as peatland, forests and blue carbon) are supporting Scotland's net zero pathway, alongside timber production, biodiversity gains, flood resilience and the priorities of local communities.</p> <p>Objective: Regional and place-based collaborations (C1): Regional collaborations are driving inclusive, effective and place-based adaptation action across all of Scotland.</p> <p>Objective: Locally-led adaptation (C2): Communities and individuals are supported, informed, and able to take locally led adaptation action, supporting local priorities and resilient, healthy, and equitable places.</p> <p>Objective: Culture and historic environment (C5): Scotland's historic environment is preparing for a future climate, and the transformational power of culture, heritage and creativity supports Scotland's adaptation journey.</p> <p>Objective: Coastal communities (C6): Coastal communities are preparing for and adapting to coastal erosion and sea level rise.</p> <p>Objective: Agriculture, forestry, fishing, and aquaculture sector support (B2): Farming, forestry, fishing, and aquaculture businesses are supported to adapt production and operations in a way that benefits livelihoods, resilience, and the economy in a changing climate.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
Scottish Wild Salmon Strategy (2022)	<p>Priority themes:</p> <p>Improving the condition of rivers and giving salmon free access to cold, clean water</p> <p>Managing exploitation through effective regulation, deterrents, and enforcement.</p> <p>Understanding and mitigating pressures in the marine and coastal environment</p> <p>Making a positive contribution through international collaborations</p> <p>Developing a modernised and fit-for-purpose policy framework.</p>
Sectoral Marine Plan for Offshore Wind Energy (2020)	<p>Contribute to the achievement of Scottish and UK energy and climate change policy objectives and targets, through the provision of a spatial strategy to inform the seabed leasing process for commercial offshore wind energy in Scottish waters, which;</p> <p>Minimises the potential adverse effects on other marine users, economic sectors and the environment resulting from further commercial-scale offshore wind development; and</p> <p>Maximises opportunities for economic development, investment and employment in Scotland, by identifying new opportunities for commercial scale offshore wind development, including deeper water wind technologies.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
SEPA's risk-based, spatial framework for managing interaction between sea lice from marine finfish farm developments and wild salmonids in Scotland (2023)	<p>SEPA is responsible for managing the risk from sea lice from fish farms and is developing its framework in line with the recommendations of the Salmon Interactions Working Group and Parliamentary inquiries on salmon farming in Scotland.</p> <p>The framework will mark a transition away from local authorities managing interactions through Environmental Management Plans and instead set conditions on the operator to manage lice levels on their farm within a licence under The Water Environment (Controlled Activities) (Scotland) Regulations 2011.</p> <p>The framework will provide a risk assessment modelling tool which identifies areas where developments have the potential to exceed sea lice exposure thresholds. These assessments will help inform where individual licence conditions are considered necessary to manage and protect the environment.</p> <p>SEPA will use environmental monitoring to refine the models that underpin the framework and to assess the effectiveness of the combination of actions taken to protect wild salmonids.</p> <p>The new framework will deliver a better decision-making framework, providing more certainty for developers, and to support the protection and recovery of salmon populations. SEPA will work closely with local authorities to ensure a smooth transition.</p>
The National Islands Plan (2019)	<p>Strategic Objective 2: To improve and promote sustainable economic development.</p> <p>Strategic Objective 3: To improve transport services.</p> <p>Strategic Objective 6: To improve digital connectivity.</p> <p>Strategic Objective 8: To improve and promote environmental wellbeing and deal with biosecurity.</p> <p>Strategic Objective 9: To contribute to climate change mitigation and adaptation and promote clean, affordable and secure energy.</p> <p>Strategic Objective 10: To empower diverse communities and different places.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
UK Clean Growth Strategy (2017)	<p>Demonstrate international leadership in carbon capture usage and storage (CCUS) by collaborating with our global partners, and investing up to £100 million in leading edge CCUS and industrial innovation to drive down costs.</p> <p>Work in partnership with industry, through a new CCUS council, to put us on a path to meet our ambition of having the option of deploying CCUS at scale in the UK, and to maximise its industrial opportunity.</p> <p>Improve the route to market for renewable technologies through: working with industry as the develop an ambitious Sector Deal for offshore wind, which could result in 10 gigawatts of new capacity, with the opportunity for additional deployment if this is cost-effective, built in the 2020s.</p>
UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021	<p>1(1) The Scottish Ministers may by regulations—</p> <ul style="list-style-type: none"> (a) make provision— <ul style="list-style-type: none"> (i) corresponding to an EU regulation, EU tertiary legislation or an EU decision, (ii) for the enforcement of provision made under sub-paragraph (i) or otherwise to make it effective, (iii) to implement an EU directive, or (iv) modifying any provision of law relating to the enforcement or implementation of an EU regulation, EU tertiary legislation, an EU decision or an EU directive, so far as the EU regulation, EU tertiary legislation, EU decision or EU directive has effect in EU law after IP completion day, or (b) otherwise make provision for the purpose of dealing with matters arising out of, or related to, the operation from time to time of— <ul style="list-style-type: none"> (i) any rights, powers, liabilities, obligations or restrictions created by regulations made under this subsection, or (ii) any remedies or proceedings provided for by those regulations. <p>2(1) The purpose of section 1(1) is, among other things, to contribute towards maintaining and advancing standards in relation to the following matters—</p> <ul style="list-style-type: none"> (a) environmental protection, (b) animal health and welfare, (c) plant health, (d) equality, non-discrimination and human rights, (e) social protection.

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
	<p>Part 2 Environment, 13(1) ... references to the guiding principles on the environment are references to the following principles—</p> <ul style="list-style-type: none"> (a) the principle that protecting the environment should be integrated into the making of policies, (b) the precautionary principle as it relates to the environment, (c) the principle that preventative action should be taken to avert environmental damage, (d) the principle that environmental damage should as a priority be rectified at source, (e) the principle that the polluter should pay. <p>14(1) The Scottish Ministers must, in making policies (including proposals for legislation), have due regard to the guiding principles on the environment.</p> <p>15(1) A responsible authority must, in doing anything in respect of which the duty under section 1 of the Environmental Assessment (Scotland) Act 2005 (“the 2005 Act”) applies (requirement for environmental assessment), have due regard to the guiding principles on the environment.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
UK Fisheries Act 2020	<p>(2) The “sustainability objective” is that— (a) fish and aquaculture activities are— (i) environmentally sustainable in the long term, and (ii) managed so as to achieve economic, social and employment benefits and contribute to the availability of food supplies, and (b) the fishing capacity of fleets is such that fleets are economically viable but do not overexploit marine stocks.</p> <p>(3) The “precautionary objective” is that— (a) the precautionary approach to fisheries management is applied, and (b) exploitation of marine stocks restores and maintains populations of harvested species</p> <p>(4) The “ecosystem objective” is that— (a) fish and aquaculture activities are managed using an ecosystem-based approach so as to ensure that their negative impacts on marine ecosystems are minimised and, where possible, reversed, and (b) incidental catches of sensitive species are minimised and, where possible, eliminated.</p> <p>(5) The “scientific evidence objective” is that— (a) scientific data relevant to the management of fish and aquaculture activities is collected, (b) where appropriate, the fisheries policy authorities work together on the collection of, and share, such scientific data, and (c) the management of fish and aquaculture activities is based on the best available scientific advice.</p> <p>(6) The “bycatch objective” is that— (a) the catching of fish that are below minimum conservation reference size, and other bycatch, is avoided or reduced, (b) catches are recorded and accounted for, and (c) bycatch that is fish is landed, but only where this is appropriate and (in particular) does not create an incentive to catch fish that are below minimum conservation reference size.</p> <p>(7) The “equal access objective” is that the access of UK fishing boats to any area within British fishery limits is not affected by— (a) the location of the fishing boat’s home port, or (b) any other connection of the fishing boat, or any of its owners, to any place in the United Kingdom.</p> <p>(8) The “national benefit objective” is that fishing activities of UK fishing boats bring social or economic benefits to the United Kingdom or any part of the United Kingdom.</p> <p>(9) The “climate change objective” is that— (a) the adverse effect of fish and aquaculture activities on climate change is minimised, and (b) fish and aquaculture activities adapt to climate change.</p>

Legislation / Strategy / Policy	Example Provisions / Outcomes / Commitments of relevance to marine planning
UK Joint Fisheries Statement (2022)	<p>4.2.9.1 The fisheries policy authorities recognise there are multiple users of the sea, which can result in displacement of fishing activity, and may have negative social, economic and environmental impacts. The fisheries policy authorities will work with sea users, including the fishing industry, to identify and seek to address displacement issues.</p> <p>4.2.10.1 The fisheries policy authorities will ensure that marine plans include policies that consider fisheries, aquaculture and supporting habitats for fish stocks (nursery or spawning grounds).</p> <p>4.2.10.3 We will consider the relationship between marine spatial planning and fisheries management plans, and how these policies can work in a joined-up way to ensure more effective use of the marine space and resources.</p> <p>4.2.11.1 As part of delivering GES, the fisheries policy authorities will continue to develop the network of protected sites at sea to protect specific habitats and species of national or international importance.</p> <p>4.2.12.1 The fisheries policy authorities will continue to provide support to the industry to reduce its environmental impact, and also promote initiatives such as 'Fishing for Litter' undertaken by our fishing industry to increase sustainability across the sector and protect and conserve our marine environment.</p> <p>4.2.13.1 GES requires us to take an ecosystem-based approach to managing our marine environment in line with the ecosystem and sustainability objectives. As such, the UKMS includes a number of cross-cutting measures that reflect links between marine fish populations, and the management of coastal and riverine environments.</p> <p>4.2.14.1 Responding to climate change within the seafood sector requires consideration of both how the sector can mitigate climate change and how the sector can adapt to climate change.</p> <p>4.2.14.4 All nations in the UK agree that nature-based solutions are important to tackling climate change and averting its impacts.</p> <p>4.2.14.5 The national fisheries authorities will work together with the scientific community to identify gaps in the UK's blue carbon evidence base, and work to address them, including through the UK Blue Carbon Evidence Partnership established in 2022.</p>

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	<p>4.2.14.6 To help achieve the climate change objective, the fisheries policy authorities will also support and encourage voluntary industry initiatives to decarbonise and improve the production and marketing of low-carbon seafood.</p> <p>4.2.14.7 We acknowledge the positive role that aquaculture, in particular, can play in addressing climate change through providing sustainable sources of low-carbon and high-quality protein, the potential role of aquaculture sub-sectors such as seaweed and shellfish aquaculture in carbon capture, and the positive contribution aquaculture makes to the blue economy. As with all sectors, the aquaculture sector will be expected to adapt to environmental and climate change.</p> <p>4.2.14.11 The fisheries policy authorities will seek to collaborate to take advantage of the opportunities and address the challenges which may arise from climate change, such as the developments for new capture fisheries or diversification of aquaculture. Such opportunities should only be pursued where doing so is compatible with achieving GES and international commitments, and there is a market for the end product.</p> <p>4.2.15.1 Aquaculture is important at the UK level, and the fisheries policy authorities will work together to support sustainable growth, an ecosystem-based approach, and our climate change objectives.</p>

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UK Marine Policy Statement (2011)	<p>HLMO 1: Infrastructure is in place to support and promote safe, profitable and efficient marine businesses.</p> <p>HLMO 2: The marine environment and its resources are used to maximise sustainable activity, prosperity and opportunities for all, now and in the future.</p> <p>HLMO 3: Marine businesses are taking long-term strategic decisions and managing risks effectively. They are competitive and operating efficiently.</p> <p>HLMO 4: Marine businesses are acting in a way which respects environmental limits and is socially responsible. This is rewarded in the marketplace.</p> <p>HLMO 5: People appreciate the diversity of the marine environment, its seascapes, its natural and cultural heritage and its resources and act responsibly.</p> <p>HLMO 6: The use of the marine environment is benefiting society as a whole, contributing to resilient and cohesive communities that can adapt to coastal erosion and flood risk, as well as contributing to physical and mental wellbeing.</p> <p>HLMO 7: The coast, seas, oceans and their resources are safe to use.</p> <p>HLMO 8: The marine environment plays an important role in mitigating climate change.</p> <p>HLMO 9: There is equitable access for those who want to use and enjoy the coast, seas and their wide range of resources and assets and recognition that for some island and peripheral communities the sea plays a significant role in their community.</p> <p>HLMO 10: Use of the marine environment will recognise, and integrate with, defence priorities, including the strengthening of international peace and stability and the defence of the UK and its interests.</p> <p>HLMO 11: Biodiversity is protected, conserved and where appropriate recovered and loss has been halted.</p> <p>HLMO 12: Healthy marine and coastal habitats occur across their natural range and are able to support strong, biodiverse biological communities and the functioning of healthy, resilient and adaptable marine ecosystems.</p>

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	<p>HLMO 13: Our oceans support viable populations of representative, rare, vulnerable, and valued species.</p> <p>HLMO 14: All those who have a stake in the marine environment have an input into associated decision-making.</p> <p>HLMO 15: Marine, land and water management mechanisms are responsive and work effectively together, for example through integrated coastal zone management and river basin management plans.</p> <p>HLMO 16: Marine management in the UK takes account of different management systems that are in place because of administrative, political or international boundaries.</p> <p>HLMO 17: Marine businesses are subject to clear, timely, proportionate and, where appropriate, plan-led regulation.</p> <p>HLMO 18: The use of the marine environment is spatially planned where appropriate and based on an ecosystems approach which takes account of climate change and recognises the protection and management needs of marine cultural heritage according to its significance.</p> <p>HLMO 19: Our understanding of the marine environment continues to develop through new scientific and socio-economic research and data collection.</p> <p>HLMO 20: Sound evidence and monitoring underpins effective marine management and policy development.</p> <p>HLMO 21: The precautionary principle is applied consistently in accordance with the UK Government and Devolved Administrations' sustainable development policy.</p>

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UK Marine Strategy Regulations 2010	<p>Part 2, 4(1) The Secretary of State, devolved policy authorities and each Northern Ireland body must exercise their functions, so far as they are relevant functions, so as to secure compliance with the requirements of the Directive, including the requirement in Article 1 to take the necessary measures to achieve or maintain good environmental status of marine waters within the marine strategy area by 31st December 2020.</p> <p>5(1) The Secretary of State must, [in accordance with the requirements of Commission Decision (EU) 2017/848,] develop a marine strategy for the marine strategy area in order to—</p> <ul style="list-style-type: none"> (a) protect and preserve the marine environment, prevent its deterioration or, where practicable, restore marine ecosystems in areas where they have been adversely affected; and (b) prevent and reduce inputs into the marine environment, with a view to phasing out pollution, so as to ensure they do not give rise to any significant impacts on or risks to marine biodiversity, marine ecosystems, human health or legitimate uses of the sea. <p>(2) The marine strategy must apply an ecosystem-based approach to the management of human activities within the marine strategy area.</p>
Vision for Sustainable Aquaculture (2023)	<p>Improving aquaculture health and welfare is an ethical responsibility and a priority. Continuing ongoing work by businesses, government and researchers will lead to enhanced health, welfare, economic and environmental performance.</p> <p>A renewed national focus on innovation, supply chain and infrastructure development will support increased productivity across the sector and the growth of Scottish businesses contributing to Scotland's Wellbeing Economy.</p> <p>Understanding, mitigating and adapting to climate change impacts is essential for the future success of the sector. Aquaculture will play its part in Scotland achieving net zero emissions by 2045 and transitioning to a zero waste and circular economy.</p> <p>The aquaculture sector will continually work to minimise negative environmental impacts and collaborate with other stakeholders to protect and restore Scotland's biodiversity in the freshwater and marine environment.</p> <p>Aquaculture will play its part in Scotland halting biodiversity loss by 2030, and restoring and regenerating biodiversity by 2045.</p>



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