

PENTLAND FIRTH AND ORKNEY WATERS MARINE SPATIAL PLAN: PLANNING ISSUES AND OPTIONS PAPER

Consultation Response: Highland Council

CONSULTATION QUESTIONS

Section 4 - Legal and policy context

Question 1: *Are there other legislation, policies or plans not identified in Table 4.1 and Annex 3 that should be considered in the development of the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan?*

The Highland Council has recently begun preparation of the Caithness and Sutherland Local Development Plan, which will be relevant; we anticipate publishing the Main Issues Report in early 2014. For the time being, reference should be made to the Caithness Local Plan (2002) and the Sutherland Local Plan (2010) both "As continued in force (2012)". All of these documents should be added in to Table 4.1.

Noting that Table 4.1 includes the Orkney Local Biodiversity Action Plan, it would be appropriate to add in reference to the Highland Biodiversity Action Plan, Caithness Biodiversity Action Plan and Sutherland Biodiversity Action Plan.

The Marine Spatial Plan should therefore be prepared in a way that is consistent between the two Council areas.

We assume that it is not intended to include within Table 4.1 various Supplementary Guidance documents of the two Councils; these documents are referred to in the Local Development Plans which are in the table already. However, if you wish to add in Supplementary Guidance documents, we would be happy to assist in identifying those most relevant.

The Caithness & North Sutherland Regeneration Partnership (CNSRP - of which The Highland Council is a partner) works on a three-year Delivery Plan, and a Vision for the area in 2020. Both of these documents would be relevant to the Plan. See www.cnsrp.org.uk

Section 5 - Knowledge and evidence to underpin the plan

Question 2: *Is there other information that you think should be used to inform the development of the marine spatial plan for Pentland Firth and Orkney Waters?*

The Marine Spatial Plan should be informed not only by existing activities but also by those that are being planned. This includes, for example, current proposals for energy developments, electricity grid and ports/harbours which have yet to be built. It is noted that within the accompanying Environmental Report a number of assumptions have been made about planned developments going ahead (e.g. see

paragraph 4.4 of the Environmental Report).

Additional information that may be relevant to take into account could include Landscape Character Assessments (SNH), landscape capacity studies (by/for Councils e.g. to inform Onshore Wind Energy Supplementary Guidance) and citations relating to local/regional landscape designations (by/for Councils e.g. Highland's Special Landscape Areas). These may be able to inform the plan at a strategic issues and strategy level, rather than just informing consideration of individual proposals. See also our response in respect of Proposed Policy 3E (Landscape and Seascape).

A further document that may be useful to refer to is The Crown Estate's "Pentland Firth and Orkney waters onshore infrastructure information note", and indeed other projects and publications under TCE's 'enabling actions' which are available at: <http://www.thecrownestate.co.uk/energy-infrastructure/wave-and-tidal/pentland-firth-and-orkney-waters/enabling-actions/projects-and-publications/>

The Caithness & North Sutherland Regeneration Partnership works on a three-year Delivery Plan and a Vision for the area in 2020. Both of these documents would be relevant to the Plan. See www.cnsrp.org.uk

Section 6 - The purpose, users, status and spatial extent of the pilot plan

Question 3: *Considering paragraph 6.5, are there other stakeholder engagement and governance related issues that should be investigated through the pilot marine planning process?*

The Highland Council welcomes being part of the Working Group that is developing the Plan. The Council also welcomes the efforts being made to engage with stakeholders in preparation of the Plan, and encourages continued efforts and the provision of timely feedback to those involved on how the issues raised have been considered in developing the Plan.

The CNSRP's Advisory Board might offer a useful additional mechanism to gather views from (and disseminate information to) a range of local organisations (eg Community Councils, Trades Unions, Chamber of Commerce, College etc).

Question 4: *Do you agree with the identified purposes and users of the marine spatial plan set out in Section 6? Are there additional or alternative purposes or users of the plan that should be considered?*

In terms of the identified purposes of the Plan, we welcome that one of the main purposes is to establish a coherent strategic vision, and objectives to achieve sustainable development. Enabling and accommodating sustainable economic growth and regeneration is of vital importance, particularly in the context of achieving the vision of the Caithness and North Sutherland Regeneration

Partnership.

In terms of the identified users of the Plan, it is appreciated that the list is not intended to be exclusive or exhaustive. However, under the category of businesses and individuals that wish to deliver new development in the marine area there should be specific mention of the oil and gas sector and electricity grid provider, given the significant development interest that is expected in the Plan area. There should also be specific reference to Port Authorities/ Harbour Trusts/ Highland Council Harbours (eg Scrabster, Gills, John O’Groats). Also, under the category of existing marine users there should be specific mention of defence (Ministry of Defence). The inclusion of terrestrial planning activity of the two Councils is welcomed, but should not be limited to use in the consideration of planning applications: it should also include use informing spatial strategies in terrestrial planning (e.g. in Local Development Plans) and in informing pre-application advice. There could also usefully be reference to the Department of Energy and Climate Change (DECC), who should have regard to the marine spatial plan in so far as it could be relevant to matters regulated by DECC rather than Marine Scotland e.g. decommissioning.

Question 5: Should the existing Pilot Pentland Firth and Orkney Waters Marine Spatial Plan boundary be realigned with the boundaries of the proposed Scottish Marine Regions or do you think the existing ‘strategic area’ boundary is appropriate? (Refer to Figures 5 and 6)

Yes, the boundary should reflect the boundaries for the proposed Scottish Marine Regions. It makes sense to align to this boundary now and achieve a marine spatial plan, albeit a pilot, which uses the proposed Scottish Marine Regions as ‘building blocks’ to create the area covered. This should simplify and streamline matters later on in the marine spatial planning process.

Question 6: How should the pilot plan and/or marine planning process facilitate and support integration between the terrestrial and marine planning systems? (See paragraphs 6.16 – 6.17).

Achieving the effective national-level integration between marine and terrestrial planning is vital in order to facilitate regional/local integration. Integration should be promoted not only through plan-making but also in terms of the provision of pre-application advice and the application (‘consenting’) processes. Continued liaison between Marine Scotland, Highland Council and Orkney Islands Council is crucial. Integration (via Highland Council) with its Local Development Plan for Caithness and Sutherland, and with the CNSRP’s Plan, will ensure better integration. See also our comments on Policy area 2 (Integrating marine and coastal development).

Question 7: How should the adjoining terrestrial areas be mapped in the pilot marine spatial plan? Do you agree with the proposed key principles set out at paragraph 6.18?

Yes, agreed. The proposed key principles set out a pragmatic way forward. We would however add the following:

Firstly, the marine spatial plan should make it clear which constraints are mapped in the plan and importantly which are not, with reference made to where information about the latter may be found e.g. Local Development Plans;

Secondly, key coastal infrastructure to be identified under Principle 4 should include onshore electricity grid for offshore operations, such as interconnectors, hubs and converter stations.

Thirdly, the Marine Spatial Plan should be prepared in a way that is consistent between the two Council areas, therefore the key principles should be applied consistently.

Section 7 The guiding principles and themes that will inform the development of the marine spatial plan

Question 8: *Are the guiding principles and themes identified in Section 7 appropriate? Are there other guiding principles and themes that should inform the development of the pilot marine spatial plan?*

Yes, agreed. The Council particularly welcomes the inclusion of Sustainable Development amongst the guiding principles and themes and the recognition within that of the need to support economic growth and job creation whilst ensuring environmental protection. However, the Plan could refer more overtly to the sectors which it is anticipated will be seeking significant growth within the Plan area (or outwith the Plan area but dependent upon marine facilities such as ports and harbours within it) and to the importance of accommodating growth. This is particularly relevant given the context of other work already undertaken or in progress to plan for these sectors, for regeneration and for a post-Dounreay economy, such as: the work of CNSRP, the John O'Groats Masterplan, Harbour expansions, Scrabster Enterprise Park, and Call for Sites for land for employment uses to support marine renewables sector in North Highland.

Section 8 Strategic Vision, Aims and Objectives

Question 9: *What is your vision for the future of the Pentland Firth and Orkney waters area? What would you like the area to be like in 20 years time?*

Whilst terrestrial planning does not extend across the greater part of the marine spatial plan area, the vision of the terrestrial plans (e.g. Local Development Plans) will be relevant.

For example, pages 13-17 of the Highland-wide Local Development Plan set out a vision for Highland followed by vision and spatial strategy for Caithness and Sutherland; see <http://www.highland.gov.uk/NR/rdonlyres/93148364-903F-48D3->

[AA7C-81468BC05C95/0/HwLDP_WEB.pdf](#)

Additionally the Council is in the early stages of preparing the Caithness and Sutherland Local Development Plan and one of the outputs from the Wick and Thurso Charrettes held in February 2013 is an early draft 'Caithness Vision' which will be further developed and consulted upon as we move forward with preparation of the LDP; see <http://www.highland.gov.uk/NR/rdonlyres/4BB3DB50-7844-4501-90E6-C796488DF942/0/ReportoftheWickandThursoCharrettes4CaithnessMEDIUMRES.pdf>

Furthermore the CNSRP's vision for Caithness and North Sutherland will also be relevant; see <http://www.cnsrp.org.uk/wp-content/plugins/download-monitor/download.php?id=82>

The vision to be prepared for the future of the Pentland Firth and Orkney Waters area should align with and fit these.

Question 10: Are there existing marine activities that you think should be safeguarded now and into the future? For example, commercial fisheries, ferry services and recreational activities.

Broadly speaking, all existing marine activities should be safeguarded to a degree. The Plan needs to safeguard these as sectoral interests rather than necessarily providing a high degree of protection to every instance of each activity. On some occasions a balance must be struck between competing uses. Some of the existing activities are also subject of future growth potential (e.g. marinas) and such potential should be safeguarded within reason, where it would contribute towards the plan's vision and strategy.

Question 11a: How should the protection and/or enhancement of the natural environment be considered in the marine spatial plan?

Many of the features of the natural environment are subject of specific statutory requirements for the consideration of any impacts of development proposals upon them. Terrestrial plans (e.g. LDPs) contain policies which reflect these requirements and it would be appropriate if consideration in the marine spatial plan were consistent with these.

Question 11b: Is the protection of the natural environment important? How important is it?

Please indicate on a scale of 1-5 (1 = Not important at all, 5 = The highest importance)

1 2 3 4 5

Question 12a: How should the protection and/or enhancement of historic and culture resources (e.g. Scapa Flow wrecks) be considered in the marine spatial plan?

Many of the historic and culture resources are subject of specific statutory requirements for the consideration of any impacts of development proposals upon them. Terrestrial plans (e.g. LDPs) contain policies which reflect these requirements and it would be appropriate if consideration in the marine spatial plan were consistent with these.

Question 12b: Is the protection of the historic and culture environment important? How important is it?

Please indicate on a scale of 1-5 (1 = Not important at all, 5 = The highest importance)

1 2 3 4 5

Question 13a: How should the promotion and support of economic growth be considered in the marine spatial plan? If any, which economic activities would you like to see grow and develop?

CNSRP's Delivery Plan for the Caithness and North Sutherland area provides a framework for onshore economic development support, and integration with this framework would substantially enhance the currency of the marine spatial plan.

The Plan needs to provide for growth and development of a wide range of sectors, supporting existing activities whilst accommodating growth in renewable energy (particularly marine renewables), the oil and gas sector (bearing in mind future activity west of Shetland) and tourism (both marine-based and terrestrial-based tourism).

Question 13b: Is promoting and supporting economic growth important?

Please indicate on a scale of 1-5 (1 = Not important at all, 5 = The highest importance)

1 2 3 4 5

Section 9 Identifying strategic issues and interactions

Question 14: Having considered Table 9.1, do you have any views on the identified aspirations for growth, strategic issues and opportunities to address the strategic issues in the pilot marine spatial plan?

Cultural Heritage and Historic Environment – In Table 9.1, “the wider area of Caithness and north Highland” would better read “Caithness and the wider area of north Highland”. In referring to potential damage to archaeological assets, reference should be made to consideration of significant adverse impacts on features, including on setting of features where relevant.

Marine Renewable Energy – The reference in Table 9.1 to lack of grid infrastructure might better refer to “lack of grid infrastructure and/or limited current grid capacity”. The reference to cooperation between Orkney and Caithness might better refer to “cooperation between Orkney and North Highland”, bearing in mind the Plan area proposed.

Electricity Grid Infrastructure – The current wording might suggest that all Grid upgrades are dependent upon Orkney links, when there is already substantial work planned for the north mainland irrespective of Orkney links, plus there are plans for sub-sea links southwards to the Moray coast, as illustrated in the recent consultation on National Planning Framework 3. Table 9.1 needs rewording to reflect this. Also, whilst it is appreciated that the Table is not attempting to describe all types of electricity grid infrastructure, it would be worth mentioning converter stations in addition to substations and power cables as these are likely to be a significant feature of development proposals in or near the Plan area. In referring to the need to consider the impact of cables making landfall on coastal areas, it would be useful to mention cumulative impacts of multiple landfalls.

Shipping and Navigation – Table 9.1 should more clearly reflect that passage in the Pentland Firth is not only through the firth but also across it e.g. ferry routes, and mention could also be made here of visiting cruise ships. With regard to the recognition that the economic and strategic importance of shipping is required to support almost all other marine sectors, Table 9.1 could also acknowledge that it also is required to support some key terrestrial sectors/activities.

Ports and Harbours – Gills harbour should be mentioned, both in terms of its role in marine energy and as a ferry port.

Oil and Gas – Scrabster Harbour will be the site for an Oil Supply Base for West of Shetland fields and this should be referred to. See <http://www.norseagroup.com/media-center/news-archive/norsea-group-invests-in-its-first-supply-base-in-scotland.aspx> Indeed whilst Table 9.1 correctly acknowledges longterm contraction of the sector, it should also refer to short/medium term activity and new business opportunities in the sector. With regard to the reference to subsea telecommunications links, this may more appropriately be considered as a sector in its own right, and in that regard we note that the consultation document has identified it for a proposed sectoral policy.

Question 15: Having considered Table 9.2, do you have any views on the identified potential for interaction between the various sectors, what these interactions might be and how these interactions should be addressed in the pilot marine spatial plan?

Defence should be added in to Table 9.2 as an additional, discreet sector.

In Table 9.2, if Marine Renewables is intended to cover not only wave and tidal but also offshore wind then this should be made clear.

Section 10 Spatial strategy and information

Question 16: Do you think it is important to have an overarching spatial strategy? If so, what should the strategy include and why?

It is important to include a spatial strategy in the marine spatial plan. We agree with the aim and broad intentions for this as set out in paragraph 10.3 of the Planning Issues and Options consultation paper. The strategy can usefully raise awareness of marine uses and users in a spatial context, although it is accepted that the spatial strategy will not be so detailed – and should not be so rigid – as to be a masterplan for future development. The spatial strategy should be informed by the spatial strategies in the terrestrial plans and by that being set out in National Planning Framework 3.

Section 11 Crosscutting or overarching marine planning policies

This section of the Consultation Questionnaire seeks your views on the proposed policy options set out in Section 11 of the Planning Issues and Options Paper. Please indicate in the proposed policy option response boxes below which proposed policy you are commenting on and provide any comments on the preferred option and/or alternative approach, as appropriate. The proposed policies are:

- Proposed Policy 1a: Sustainable Development
- Proposed Policy 2a: Integrating marine and coastal development
- Proposed Policy 3a: Nature conservation designations
- Proposed Policy 3b: Protected species
- Proposed Policy 3c: Wider biodiversity and geodiversity interests
- Proposed Policy 3d: Non-native species
- Proposed Policy 3e: Landscape and seascape
- Proposed Policy 4a: Cultural and Historic Environment
- Proposed Policy 5a: Water environment
- Proposed Policy 6a: Coastal erosion and flooding
- Proposed Policy 7a: Waste management and marine litter
- Proposed Policy 8a: Safeguarding existing pipelines, electricity and telecommunications cables
- Proposed Policy 9a: Hazardous development and Health and Safety Executive consultation zones
- Proposed Policy 10a: Defence

Proposed Policy Options - Response Box 1

Please indicate which proposed policy you are commenting on:

Proposed Policy 1a: Sustainable Development

Please provide your comments on the proposed preferred option and/or alternative approach:

The preferred option is broadly supported but requires amendment. Firstly the policy should explicitly support sustainable development. Secondly the policy should include, in the policy tests, criteria relating to the contribution of development to social objectives and to economic objectives (the criteria, as proposed, already including environmental tests). The Council's view is that these additional criteria should be within the same policy rather than in separate policy; sustainable development includes all three considerations.

Would you suggest an alternative approach?

No.

Proposed Policy Options - Response Box 2

Please indicate which proposed policy you are commenting on:

Proposed Policy 2a: Integrating marine and coastal development

Please provide your comments on the proposed preferred option and/or alternative approach:

As well as referring to the Highland-wide Local Development Plan, there should also be reference to the forthcoming Caithness and Sutherland Local Development Plan (and in the interim, reference should be made to the Caithness Local Plan and Sutherland Local Plan, each as currently continued in force).

There will be some challenges presented by the relative timelines for preparation of various plans. The Caithness and Sutherland Local Development Plan (CaSPlan) is not expected to be in place until after the Pilot Marine Spatial Plan; however, the Highland-wide LDP is already in place, providing some strategic context and there will be opportunity in preparing CaSPlan to ensure that it refers to and integrates with the Pilot MSP. Having marine spatial planning and terrestrial spatial planning actively occurring in the area will enable us to have focussed discussions about opportunities for integration and on potential areas of interaction (and potential resolution of any conflict).

The preferred option identifies that there is potential for the pilot marine spatial plan to become a material consideration in the determination of planning applications. We would support that approach. We will also consider adopting the pilot marine spatial plan as statutory Supplementary Guidance in so far as it relates to areas covered by the Council's Development Plan and subject to the inclusion of suitable cross-reference and policy 'hook' within the forthcoming Caithness and Sutherland

Local Development Plan.

Would you suggest an alternative approach?

No.

Proposed Policy Options - Response Box 3

Please indicate which proposed policy you are commenting on:

Proposed Policy 3e: Landscape and seascape

Please provide your comments on the proposed preferred option and/or alternative approach:

We agree with the preferred option. It would be useful if, in association with this, a set of key viewpoints could be established which would be used for purposes of visualisations for individual developments and to maintain a representation of the cumulative effect of multiple proposals.

However, if the possible alternative is pursued further, care must be taken to ensure that the potential research study outlined would add value. If it is undertaken then as far as possible use should be made of existing studies and assessments, including those with a terrestrial focus but which could be relevant in considering impacts of development in the marine area on the wider landscape, and cumulative impacts. Recent experience with offshore wind proposals in the Moray Firth and current work by Marine Scotland on sectoral plans could also help inform this.

Would you suggest an alternative approach?

No.

Proposed Policy Options - Response Box 4

Please indicate which proposed policy you are commenting on:

Proposed Policy 4a: Cultural and Historic Environment

Please provide your comments on the proposed preferred option and/or alternative approach:

Where the policy and supporting text refer to "unprotected marine and coastal

archaeology”, this should be amended to read “non-designated marine and coastal archaeology”.

There would be scope to reduce the length of this section of the plan, by not listing each individual feature type in both policy and supporting text but in just one location and/or placing some detail in an appendix, as in the Highland-wide Local Development Plan (Policy 57 and Appendix 2).

Would you suggest an alternative approach?

No.

Proposed Policy Options - Response Box 5

Please indicate which proposed policy you are commenting on:

Proposed Policy 10a: Defence

Please provide your comments on the proposed preferred option and/or alternative approach:

It is suggested that the proposed policy test for development proposals should relate to fit with “established Ministry of Defence activities”, rather than “Ministry of Defence activities” which could be overly constraining on development.

We note that the proposed Plan area, extending westwards along the Sutherland coast to Cape Wrath, will assist in taking into consideration as part of the Plan the defence uses in that area.

Would you suggest an alternative approach?

No.

Should you wish to respond to further proposed policy options please provide your response on an addition page(s) and submit with your completed Consultation Questionnaire.

Further crosscutting / overarching policy areas

Question 17: [Are there other crosscutting / overarching policy areas that should be addressed in the marine spatial plan?](#)

Consideration should be given to having a policy in the Plan that specifically seeks high quality design and positive contributions to place-making.

12 Sectoral policies

This section of the Consultation Questionnaire seeks your views on the proposed policy options set out in Section 12 of the Planning Issues and Options Paper. Please indicate in the proposed policy option response boxes below which proposed policy you are commenting on and provide any comments on the preferred option and/or alternative approach, as appropriate. The proposed policies are:

Proposed Policy 11: Marine renewable energy
Proposed Policy 12: Electricity infrastructure to support marine renewable energy projects
Proposed Policy 13: Shipping, Navigation and Marine Safety
Proposed Policy 14: Ports and harbours
Proposed Policy 15: Oil and Gas
Proposed Policy 16: Marine aggregates and dredging
Proposed Policy 17: Development of coastal protection and flood defence infrastructure
Proposed Policy 18: Development of new telecommunication cables
Proposed Policy 19: Commercial fisheries
Proposed Policy 20: Aquaculture
Proposed Policy 21: Tourism and recreation

Proposed Policy Options - Response Box 6

Please indicate which proposed policy you are commenting on:

Proposed Policy 12: Electricity infrastructure to support marine renewable energy projects

Please provide your comments on the proposed preferred option and/or alternative approach:

This policy should relate to electricity infrastructure to support not only marine renewable energy projects but all energy requirements.

Would you suggest an alternative approach?

No.

Proposed Policy Options - Response Box 7

Please indicate which proposed policy you are commenting on:

Proposed Policy 14: Ports and harbours

Please provide your comments on the proposed preferred option and/or alternative approach:

Paragraph 12.18 should make reference to the recent agreement to build an Oil

Supply base at Scrabster to service the west of Shetland business.

Paragraph 12.19 recognises that, although it is outwith the Plan area, Wick Harbour supports activities in the Plan area. The Plan should also acknowledge that there are other facilities and service bases outwith the Plan area that could help to support activities in the Plan area, e.g. Subsea 7 (Wester, Caithness) and Nigg Yard (Easter Ross). Ongoing National Renewables Infrastructure Plan (NRIP) work is providing information on the potential role(s) of the facilities and service bases.

Would you suggest an alternative approach?

No.

Proposed Policy Options - Response Box 8

Please indicate which proposed policy you are commenting on:

Proposed Policy 15: Oil and Gas

Please provide your comments on the proposed preferred option and/or alternative approach:

There should be reference to the recent agreement to build an Oil Supply base at Scrabster. Also, the policy should note the use of Wick John O'Groats airport as an emerging transport hub for oil workers and ship crews.

Would you suggest an alternative approach?

No.

Proposed Policy Options - Response Box 9

Please indicate which proposed policy you are commenting on:

Proposed Policy 16: Marine aggregates and dredging

Please provide your comments on the proposed preferred option and/or alternative approach:

Paragraph 12.25 indicates that there is currently no identified development pressure for the extraction of marine aggregates in the Pentland Firth and Orkney Waters. Nevertheless, need could arise in the future, particularly bearing in mind

the number and size of construction projects that could occur in the area in coming years. Clearly any proposals for extraction would need to be considered carefully in terms of their likely impacts. The Council's support for the preferred option is on the understanding that it would not preclude appropriate marine aggregate extraction in the Plan area.

Would you suggest an alternative approach?

No.

Proposed Policy Options - Response Box 10

Please indicate which proposed policy you are commenting on:

Proposed Policy 21: Tourism and recreation

Please provide your comments on the proposed preferred option and/or alternative approach:

In terms of both the safeguarding of tourism and recreation interests and the consideration of proposals for tourism and recreation development, the Plan policy should address both land-based coastal interests/proposals and those that are marine-based.

Would you suggest an alternative approach?

No.

Should you wish to respond to further proposed policy options please provide your response on an addition page(s) and submit with your completed Consultation Questionnaire.

Further sectoral policies

Question 18: [Are there other sectoral policies that should be developed in the marine spatial plan?](#)

No suggestions.

Further comments or opinions

Question 19: [Do you have any further comments or opinions in relation to the preparation of the Draft Pilot Pentland Firth and Orkney Waters Marine Spatial Plan?](#)

Subject to any comments provided elsewhere in this response, The Highland Council is supportive of the stated 'preferred option' in respect of each of the proposed policies.

The Highland Council welcomes being part of the Working Group that is developing the Plan and has made significant commitment to this in terms of officer time. We look forward to continuing involvement in the Working Group and continuing engagement of the wide variety of Council interests as the development of the pilot marine spatial plan is taken forward. The Plan has potential to be a very useful document to help further sustainable economic development in North Highland. We are particularly keen to ensure that marine and terrestrial planning are appropriately integrated and aligned and would welcome further discussion on how that may be achieved.