

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

## Consultation Response: Orkney Renewables Energy Forum

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### 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?

None apparent. It is welcomed that the Proposed Orkney Local Development Plan is identified as being considered as this will no doubt form a key material consideration in the determination of the on-shore infrastructure / buildings required to serve the marine renewables development in Orkney.

#### 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?

There is a danger that the on-shore elements that will be required to support marine renewables in Orkney have not formed the basis of any study report cited in this plan. Aside from a single mention in one policy (SD6) of the Proposed Orkney Local Development Plan, there doesn't appear to have been much work done in this area. It is hoped that this will not impact on development progress if the on-shore elements are to experience delay in the planning consenting process as a result of this.

#### 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?

No.

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?

Specific mention should perhaps be made to marine energy support contractors -

the knowledge base that these companies can offer is extensive, only some of their activities are covered in the proposed wording. Furthermore business and industry forums would use and advise on the spatial plan.

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)

Whichever route is chosen, it is vital that the overlap in marine planning and land based planning jurisdictions concerning the intertidal area between mean low water springs and mean high water springs is fully clarified. If neither regulatory system is able to renege control of this specific area, the consenting process could be significantly delayed though this over-complication. What if both consenting bodies cannot agree on development proposals in this specific area?

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).

It needs to be made clear exactly who is responsible for what and if conflict arises over for example optimal landing points, an arbitrating body should be available with set procedures to resolve potential conflict between the marine and land based disciplines.

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?

As described, although the order of the principles and examples listed should in no way be interpreted as giving any rating of the level of consideration that will be assigned, for example potential impacts on marine archaeology should not by inference take precedence over impacts on housing land allocations.

## **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?

The importance of providing a supporting electricity transmission network sufficient to enable the realisation of Scotland's ambitious renewable generation target should be a guiding principle.

## 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?

That Pentland Firth and Orkney waters become established as the world leading location for the production of energy from the sea. And that this achievement is safeguarded by the continuous adoption of a positive approach to further exploitation of our sustainable resources to the benefit of Orkney and its neighbouring communities.

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.

Yes, all listed examples should be safeguarded.

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

As a priority but without subjectivity being allowed to take precedence. Objections to development from a natural environment perspective must be based on fact. It is not enough to simply infer that as there might be an impact that it is automatically justified that a development must be prevented from proceeding. Evidence must be provided from both sides of the 'fence' to ensure that undue costs and delay are not allowed to proliferate as a result of an assertion of any unevicenced potential impact on the natural environment.

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?

The exploitation of renewable marine energy resources is a continuation of mankind's historic relationship with the waters of Orkney and the Pentland Firth.

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?

The promotion of economic growth in this remote region of Scotland should take precedence– it must be the defining priority to ensure that the maximum benefits from the exploitation of our renewable resources are achieved.

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?

No further comments to make

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?

The interaction between marine renewables and recreation and tourism may be understated in being classified as 'minor'. Business tourism in Orkney in connection with marine renewables is a growth area of the tourism sector. Furthermore, many are known to have returned to the islands on holiday after initially visiting on business.

## 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?

Providing 'community assets' include established fishing grounds taking account of their locational specific economic contribution to the economies of Orkney and the North of Scotland, then the issues identified in para. 10.3 and sections 11 and 12 would appear to generally encompass what should be included.

## 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:

(Note: Typo in policy 1a 'with' should be 'should' in the opening sentence)

1a

'Safeguards or enhances' is a relatively new planning term that has been broadly adopted, but it is very subjective. Every development has various impacts and some of these impacts will be negative, so to say that it must 'safeguard or enhance' unnecessarily stacks the case against development proceeding. The terminology should take account of the balance of impacts i.e. an assessment that the benefits of proceeding with any development outweigh the negatives that would be endured by allowing it to proceed.

2a

See answers to question 5 & 6.

3a

The wording of the preferred policy option stacks the case against development insofar as those utilising the deploy and monitor approach would no doubt give rise to significant objections from natural heritage bodies with regard to the cumulative assessments required for all developments proposed in the plan area. Clear boundaries need to be set regarding to what extent cumulative impacts should be considered. Without these being defined in the policy document , the wording risks giving carte blanche to the natural heritage consultees to require cumulative assessments of all development proposals throughout the whole spatial plan area to be made for each and every development proposal submission.

3b, 3c & 3d

No comments to make.

3e

A study should be carried out to ensure that assessment is made from the same basis. Having only subjective policies in this area will result in the same undesirable situation that has arisen for on-shore wind developments with regards to the assessment of landscape impacts.

4a

Apart from the WHS designation around Skara Brae, the vast majority of the text concerning the Heart of Neolithic Orkney WHS is completely irrelevant. The central west mainland area of the WHS is not visible from any of Orkney's coast - there is no need to cite any of the monuments in the central west mainland within the policy as having any remote chance of being affected by off-shore elements of proposed marine renewables development. The WHS, comprising Maeshowe and the standing stones/ Ring of Brodgar, is designated for its monuments situated in a 'natural amphitheatre' which comprises a backdrop of a circle of hills.

Assessments would obviously be required for impacts on Skara Brae, coastal listed buildings etc but this policy needs fairly substantial redrafting.

5a

No comments

6a

No comments

7a

No comments other than marine litter is already governed by other legislation so

may not be required to be covered by the MSP.

8a

No comments.

9a

No comments

10a

No comments

### **Further crosscutting / overarching policy areas**

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

No comments.

### **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:

The sectorial policies are generally welcome and the approaches identified seem to pay appropriate credence to each of the issues raised. No further comments to make.

**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?

No further comments.