

Our ref: PCS/127080  
Your ref: PIOP

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If telephoning ask for:  
[REDACTED]

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By email only to: [PFOWmarinespatialplan@scotland.gsi.gov.uk](mailto:PFOWmarinespatialplan@scotland.gsi.gov.uk)

Dear Ms McCollin

### **Pilot Pentland Firth and Orkney Waters Marine Spatial Plan Planning Issues and Options Paper**

Thank you for formally consulting SEPA on the above *Planning Issues and Options Paper* by way of your email of 17 June 2013. We welcome the opportunity you have previously provided us with to engage with the drafting of the Paper to help ensure that the issues in which we have a specific interest are highlighted for wider consideration as part of the consultation process.

We now provide you with our views on how we consider the plan and related strategy should develop in the requested Respondent Information Form, which is attached. There are a small number of questions where we have not provided comment. While we appreciate these cover very important issues they are not directly within our remit.

We have provided our response to the accompanying Environmental Report direct to the Scottish Government SEA gateway. However should you wish to discuss this letter please do not hesitate to contact me on [REDACTED] or [REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]

#### *Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue.*

## 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?

We are content that the Table and Annex covers nearly all the relevant legislation, policies or plans in relation to our interests.

While reference to the Water Framework Directive and Water Environment and Water Services (WEWS) Act is included, we note that River Basin Management Planning is not explicitly included in the Table of Annex; however we are sure you will consider this information as part of the plan-making process. As minor issues in relation to page 118 we highlight that shellfish waters and bathing waters are not water bodies and in relation to WEWS on page 119, reference should be made to ecological status rather than environmental status. We could not find reference to the Aquaculture and Fisheries (Scotland) Act 2013, which you may also wish to consider.

### 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?

Through previous engagement we have already provided you with all the information we consider is relevant but please feel free to approach us if you consider there is other information we hold which may be helpful.

### 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?

Through previous engagement we have already provided you with all the information on other stakeholders which we consider may be relevant.

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?

We agree with the identified purposes and uses of the marine spatial plan as set out in section 6.

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)

We suggest that it would be better if the existing Pilot Pentland Firth and Orkney Waters Marine Spatial Plan boundary was realigned with the boundaries of the proposed Scottish Marine Region. This will help reduce the number of different boundaries that marine planners and managers will need to consider. It may also be helpful when it comes to collecting data and monitoring to have the same boundary.

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).

We agree that it is important that marine and terrestrial plans are integrated as fully as possible. This is especially important where terrestrial development supports marine development or where proposals are located in the intertidal area, where both consenting regimes may apply.

While we appreciate it is difficult to achieve in practice, developing and consulting on the relevant local development plans and marine plan at the same time would help ensure consistency of approach. It may also encourage members of the public and developers to engage in the process more fully and have a better understanding of the interrelationship between marine and terrestrial planning.

Integration between the marine and terrestrial planning systems could be facilitated based on the Shoreline Management Plan approach which aims to ensure sustainable 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?](#)

Principle 1: To ensure integration we consider that it is very important that the adjoining terrestrial areas are appropriately mapped in the marine plan, but agree with the principle of avoiding unnecessary duplication.

Principle 2: We support this principle.

Principle 3: To ensure full integration between the terrestrial and marine environment we consider that it will be necessary to map coastal land use allocations and any other strategic proposals (for example in relation to the National Planning Framework or National Renewables Infrastructure Plan) which have not yet been integrated into local development plans. Without this mapping it will not be possible to get a complete picture of what is already proposed for the area and what further marine development would be achievable. For example a local development plan may propose a development which includes land reclamation works, an industrial allocation may have a number of associated marine discharges and abstractions and a new sub-station could have associated under-sea cabling. All these terrestrial developments could influence what would be a suitable use for the surrounding marine environment. Such information quickly goes out of date and to counteract this you could consider only producing an online version of the maps; this may allow easier update.

Principle 4: We support principle 4. In line with our comments above we also suggest that the Plan needs to consider the location of key proposed coastal infrastructure.

## **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?](#)

Generally we consider the guiding principles and themes identified in this section as appropriate.

We would suggest that meeting the requirements of the Water Framework Directive and associated River Basin Management Plan should also 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?](#)

All water bodies in the area are currently at good or high ecological status. SEPA's vision for 20 years time is for the good quality of the water environment in the area to be maintained. Opportunity for enhancement and improved working practices will have been taken wherever possible, for example in relation to reducing litter on beaches from shipping and visitors and ensuring that the spread of marine non native species has been avoided.

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.](#)

We consider that fisheries need to be safe guarded against the impacts of marine non native species.

Although there are only two designated bathing beaches in the area (Thurso and Dunnet) there are a number of other small beaches used by both locals and visitors which you may specifically wish to highlight for protection.

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

Any proposals put forward in the Plan should not result in a downgrade in status of any associated water bodies. Not only would this be contrary to the requirements of the Water Framework Directive, but is likely to have negative consequences on other existing and proposed marine (and terrestrial) developments. For example the shellfish sector is reliant on good local water quality.

When appraising each development proposal for inclusion in the Plan, consideration should be given to whether it presents an opportunity for any related restoration or enhancement and if so this should also be outlined in the Plan.

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?](#)

While we appreciate this is an important issue it is not directly within our remit so we have not provided comment.

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?](#)

While we appreciate this is an important issue it is not directly within our remit so

we have not provided comment.

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?](#)

We have no specific comments to make on the Table but when developing the Plan we would wish you to continually consider potential impacts on local water bodies.

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?](#)

By the very nature of the Plan, we agree that "Water and Marine Environment" will have a major interaction with all aspects of the Plan.

## 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?](#)

We agree that it is important to have an overarching spatial strategy. Such an approach mirrors that recommended for terrestrial planning and as a result would result in greater integration with local development plans.

We suggest that the strategy should identify the most appropriate location for new development, taking into consideration all the available constraint and opportunities information. Such an approach will give greater confidence to developers that developments in such areas is likely to be acceptable and hence help support sustainable economic development.

## 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 Policies 1A, 2A, 3A, B, C and D and 7A**

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

In relation to our interests we can confirm that we support the preferred options.

In relation to Proposed Policy 3D we remind you that consideration of introduction of marine non native species via attachment to construction plant, as well as in ballast water, needs to be considered.

Would you suggest an alternative approach?

No.

### **Proposed Policy Options - Response Box 2**

Please indicate which proposed policy you are commenting on:

**Policy Area 5 and Proposed Policy 5A: Water Environment**

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

We support the preferred option. It is especially important to us that the water environment is protected and that opportunity for improvements and enhancements are taken where ever possible.

Would you suggest an alternative approach?

No.

### **Proposed Policy Options - Response Box 3**

Please indicate which proposed policy you are commenting on:

**Policy 6A: Coastal Erosion and Flooding**

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

We are supportive of a policy approach which supports assessment of development for flood risk and ensures that it does not add to existing problems or introduce new problems. In line with the Flood Risk Management Act, opportunities for reducing existing flood problems should be identified as well.

Would you suggest an alternative approach?

Covered above.

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?

We have not identified any.

## 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 Policies 11, 12, 14, 15 and 18**

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

We support the proposed preferred options.

Would you suggest an alternative approach?

No.

### Proposed Policy Options - Response Box 7

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:

We are supportive of the preferred option however we suggest that consideration is given to developing both the preferred option and the option currently suggested as an alternative; we suggest these could be complementary approaches.

Would you suggest an alternative approach?

No

### Proposed Policy Options - Response Box 8

Please indicate which proposed policy you are commenting on:

**Proposed Policy 17: Development of Coastal Protection and Flood Defence Infrastructure**

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

We support the proposed approach but highlight the requirement for any subsequent policy to ensure that any protection or flood defence works do not result in additional flood risk elsewhere.

Would you suggest an alternative approach?

No.

### **Proposed Policy Options - Response Box 9**

Please indicate which proposed policy you are commenting on:

**Proposed Policy 19: Commercial Fisheries**

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

Commercial fishermen are amongst the longest established users of the water environment in the area of the pilot. This use can generally be considered sustainable and supports a considerable number of downstream jobs in the wider economy. It is important that the interests of this sector are protected while the opportunities for others are considered and developed.

It is often the case in such circumstances that fishermen are reluctant to share precise details of areas of interests – understandably because this may alert other fishermen to those opportunities. The proposed approach where the requirements of fishermen are collected through a number of different routes will be useful in protecting their interests but it is perhaps questionable how useful they will be in gathering information about the inshore crustacean fisheries – a very important component of both the Orkney economy and the fishery sector in the islands. It is not clear which further engagement routes would be available to yield useful outputs and this may require further consideration.

The protection of spawning grounds of any population of fish or shellfish is fundamental to the survival of the species and therefore serious consideration should be given to the alternative approach in connection with these receptors where further development is excluded from such areas. This should especially be the case if they represent a significant or important local or national area for the reproduction of any individual species or group of species.

Would you suggest an alternative approach?

No

### **Proposed Policy Options - Response Box 10**

Please indicate which proposed policy you are commenting on:

**Proposed Policy 20: Aquaculture**

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

We agree with the proposed preferred option but highlight the need for the Plan to refer to the related local development plan policies and spatial strategies.

We consider that if there is any likelihood of commercial cultivation or extraction of



seaweed within the plan area then the Plan should address this issue. The Scottish Government and Marine Scotland are currently in the process of producing a policy statement on seaweed farming, this should also be highlighted in the Plan.

The Paper discusses the potential for aquaculture sites to be developed further offshore in the future. While it is not possible to state with certainty that such developments will not occur, we suggest that the probability is quite low for waters around Orkney. This is especially the case given the exposure and wind environment of the area making the development of such sites challenging in an engineering context.

There has been some discussion around this issue within Orkney and nationally, for example the potential for aquaculture sites developing in conjunction with renewables – amongst the turbine towers at an offshore wind site. Synergies may not exist and there may be strong practical reasons why such developments will not be prudent. Thus while it is possible that aquaculture sites – most probably for finfish - could develop beyond 3 nautical miles the likelihood is low and the need for detailed examination of such developments within the Plan is limited.

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?](#)

We have not identified any other sectoral policies which we consider should be developed.

#### **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?](#)

None at this stage, expect that we are happy to provide further advice and guidance in relation to our interests.