



**Scottish Natural Heritage**

All of nature for all of Scotland



Mr James Green  
c/o PFOW Consultation  
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Your ref: Pilot PFOW Marine Spatial Plan – Issues and Options Paper Consultation  
Our ref: NAT/MAR/MSP/BP/ PFOW Marine Spatial Plan Pilot (CPP124176)

By e-mail to [PFOWmarinespatialplan@scotland.gsi.gov.uk](mailto:PFOWmarinespatialplan@scotland.gsi.gov.uk)

Date: 23 July 2013

Dear Mr Green

**PILOT PENTLAND FIRTH AND ORKNEY WATERS MARINE SPATIAL PLAN  
ISSUES AND OPTIONS PAPER CONSULTATION**

Thank you for this opportunity to comment on the Issues and Options Paper for the pilot Pentland Firth and Orkney Waters Marine Spatial Plan (PFOW MSP). We have provided advice on the SEA Environmental Report for the PFOW MSP separately.

This Issues and Options report is a very useful and well-written document which is an important step in the development of an inclusive and comprehensive marine plan.

We consider the range of policy areas proposed to be appropriate and we broadly support the direction of the preferred policy options identified with respect to those topics relevant to our remit. We offer some suggestions to inform further development of the Plan policies in your consultation proforma, attached at Annex A.

We welcome the opportunity to continue to be involved in the development of the pilot PFOW MSP. Please contact [REDACTED] if you have any queries about the advice provided here.

Yours sincerely,

[REDACTED]

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INVESTOR IN PEOPLE

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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?](#)

We are generally content with this list, but refer you to our response of 15<sup>th</sup> February to the SEA scoping report in which we detailed some additional regional/local policies relevant to consideration of landscapes/seascapes and coastal zone development.

### 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?](#)

As highlighted in our response to the SEA Environment Report, we are concerned that insufficient reference is being made in the development of this Plan to the considerable wealth of information about the environment, and in particular biodiversity of the Plan area. Key aspects that should be included are: locations of seal breeding sites; use of the area by cetaceans; use of the area by breeding seabirds and wintering waterfowl; locations of proposed Marine Protected Areas; and, occurrence of Priority Marine Features. We have previously provided advice to the Working Group<sup>1</sup> on key data sources with respect to these interests and are happy to assist further.

Please also see our comments on the development of a landscape and seascape policy (response box 5)

### 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 proposed topics are all very relevant and potentially valuable to the process of learning lessons on stakeholder engagement. Explicit consideration might also be given to how other statutory consultees activities (e.g. with respect to TCE and leasing rounds and to HIE and National Renewables Infrastructure Plan (NRIP) sites) are informed by or inform the Plan. We would suggest that when considering and analysing the lessons to be drawn within these broad topics particular consideration be given to the differing capacity and constraints issues that may affect various types of stakeholders (e.g. statutory consultees, commercial bodies, and voluntary and community groups) and to the optimal timing for inputs from these groups within the planning process. Consideration of these issues should help to inform future resource needs for regional marine planning, in terms both of team structures and expertise and time allowed for plan development.

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<sup>1</sup> Including at the "Planning for the Edge" Workshop on 4<sup>th</sup> May 2012 and at a meeting with James Green on 21st June 2012 as well as in subsequent e-mails.

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?

Our view is that marine planning should:

- guide the location of all marine uses and activities and ensure they occur in the most suitable and least sensitive areas;
- minimise conflicts of interest and encourage compatible uses;
- be guided by clear sustainable development objectives and respect environmental limits to ensure healthy and productive seas in the future; and
- identify and safeguard important natural and cultural heritage features and complement the role of Marine Protected Areas.

Hence, we broadly support the identified purpose of the Plan as outlined in sections 6.1 to 6.4 and in particular the emphasis on clarity for decision makers and marine users and on maximising beneficial interactions and synergies. However, we consider that the wording at 1.1 more explicitly captures the importance of safeguarding the environment and of considering the needs and aspirations of local coastal communities, while also enabling commercial development. This more closely aligns with our view of the wider objectives of marine planning.

We suggest that The Crown Estate and NGOs be added to the list of potential users and that more focus is given to the strategic role of the Plan, as well as to its use with respect to decision making for individual projects.

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)

As per our response of 28<sup>th</sup> February to the Consultation on The Draft Scottish Marine Regions Order 2013, we would favour realignment of the boundaries of the pilot PFOW Plan to accommodate the whole of the North Coast and Orkney Waters proposed SMRs (i.e. Figure 6). We would also strongly support amalgamation of these two proposed SMRs into a single marine planning region.

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 consider effective integration of marine and terrestrial planning to be essential, especially with respect to effective safeguard of intertidal and coastal biodiversity, landscapes and access. There are particularly pressing challenges for safeguard of the coastal zone in PFOW arising from growth of the marine renewables sector and associated demand for terrestrial sites to accommodate infrastructure such as cable landings, electricity substations, and ports and harbours facilities for installation,

servicing or repair of devices. We suggest that SEA processes for both marine and terrestrial plans could provide one means of cross-referencing between Plans to ensure that policies are aligned in order to minimise potential cumulative impacts of development in the coastal zone. However, in order to achieve such a vision for coherent marine and terrestrial planning outcomes across multiple (here two) local authority areas, we suggest that collaboration on process and governance issues (such as membership of Regional Planning Partnerships and scheduling of relevant LA Committees' meetings) will be critically important. Effective delivery of policies will also require cross-authority collaboration.

Consideration is also needed as to how marine planning should be integrated with other public sector aspirations and / or plans that drive development (e.g. TCE leasing rounds and NRIP). As with terrestrial development plans, there may be opportunities for integration through the SEA process, but this needs to be clearly articulated.

This pilot offers opportunities to consider such issues and how they might be addressed in future statutory marine plans.

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?](#)

We would support principles 1, 2 and 4. However, information on zoning of coastal land may be directly relevant to development of realistic (spatial) options for marine developments, so we consider that summary information on coastal land use allocations should ideally be mapped within the MSP, with cross-referencing to the relevant LDP to enable users easy access to more detailed information (i.e. we do not support principle 3).

## **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?](#)

We support the inclusion of the sustainable development, the ecosystem approach, climate change, partnership working and stakeholder involvement, and supporting coexistence and multiple use as key principles to guide Plan development. However, we note that sustainable development is implicit in the ecosystem approach (as defined by the Malawi principles<sup>2</sup>). Hence, one option would be to adopt the ecosystem approach as an overarching principle and sustainable development as a key cross-cutting policy area (see our responses below to cross-cutting policies).

We suggest that an additional overarching principle could be developed

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<sup>2</sup> With respect to the ecosystem approach, we suggest that you may find it helpful to examine the work carried out by SSMEI Clyde Pilot to inform application of the ecosystem approach to marine spatial planning – see [http://www.clydeforum.com/images/stories/doc/ssmei/ecosystem-approach-marine-planning\\_key-findings.pdf](http://www.clydeforum.com/images/stories/doc/ssmei/ecosystem-approach-marine-planning_key-findings.pdf)

around the theme of “quality of life” to encapsulate safeguard of the wider natural (including landscapes and seascapes), historic and cultural heritage that contribute to the distinctive experience of living in the coastal zone within PFOW. This aspiration is implicit in the introductory text to the vision (8.1, and also in section 11.7 setting out policy context for biodiversity and natural heritage) but is not explicitly captured in the current overarching principles.

## 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?*

We consider that the specific vision for the Plan area should be developed primarily through consultation with local communities. However, in line with our mission statement (All of Nature for All of Scotland) and remit, our aspiration would be that the vision developed for PFOW should value the area’s valuable and distinctive natural heritage and enhance opportunities for this to contribute to the well-being of local residents and visitors. More specifically, we refer you to our updated Natural Heritage Futures prospectus for Orkney and North Caithness (see original 2002 document at <http://www.snh.gov.uk/docs/A306319.pdf> with 2009 update at <http://www.snh.gov.uk/docs/A306318.pdf>). This prospectus describes what is distinctive to this region, provides a vision for the natural heritage for 2025, and sets out objectives and actions required to pursue that vision.

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.*

Our view is that marine planning has a key role in integrating and managing all legitimate activities in the marine and coastal environment while safeguarding the natural heritage. A central challenge in achieving this is to ensure that the balance arrived at takes account of all such activities, and we would be particularly concerned to ensure that opportunities for informal recreational activities (e.g. walking, snorkelling, kayaking) are not compromised by the drive for increased commercial use and, where possible, are enhanced through the Plan policies (e.g. through identification of opportunities to improve coastal and marine access).

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

Key aspects include:

- Clear description of the natural environment within the Plan area and identification of the most important elements (e.g. European sites and species, other natural heritage, including landscape, designations, Priority Marine Features etc) and of their sensitivities to various types of development or activity.
- Development of robust policies that clearly establish which aspects of the natural environment may constrain development and inform decision making with reference to associated legal requirements (e.g. Habitats Regulations Appraisal).

- Provision of up to date spatial data (e.g. via a GIS portal) on those aspects of the natural environment that will inform application of the policies and so affect decision making.

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?](#)

We have no comments to offer on this aspect

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?](#)

We consider that a central purpose for marine planning, in support of sustainable economic development is to provide clarity at a strategic level with respect to key constraints, and opportunities to enable robust decision making by both developers and regulators at project level. Please also refer to our answer to question 11a.

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?](#)

Table 9.1 is very helpful to understanding the basis for identification of key issues and associated opportunities that will inform policy development within the Plan. We broadly agree with the information presented in it, but suggest that there are some omissions and areas where greater detail would be helpful, as follows:

Biodiversity and Natural Heritage: suggest that the section on drivers for change explicitly mentions provisions for designation of Marine Protected Areas under the Marine (Scotland) Act and for designation of marine SPAs under the Birds Directive. Additional strategic issues include declining regional populations of common seals and many species of seabirds and the risk of introduction or spread of marine invasive non-native species (INNS). INNS risk should also be highlighted as an issue with respect to expansion of Shipping and development of Ports and Harbours (and linked to, for example, the provisions of the Ballast Water Management Convention). We note that INNS are explicitly considered within proposed cross cutting and sectoral policies (e.g. see our response below at Proposed Policy Options - Response Box 3 , so presume their omission in this table is an unintended oversight.

The Marine Renewable and Energy and Aquaculture sections correctly identify the need to comply with legislation designed to safeguard the environment. However, this also applies to Ports and Harbours developments (particularly during the construction phase) and in all instances should be reflected in an associated Opportunity for the marine plan to provide a policy framework and associated spatial information to guide development to those locations where compliance may be most readily achieved (and hence risks both of significant impacts on the natural heritage and of added costs or delays for developers minimised). Electricity Grid Infrastructure: in addition to impacts of cables (and associated infrastructure) at landfalls, routing at sea, in particular in relation to Marine Protected Areas and Priority Marine Features is also an important consideration.

Marine Dredging: the development of the Plan provides an opportunity for strategic review of existing dredge disposal sites to assess their suitability for further disposal of spoil, particularly given likely increase in volumes of such material if aspirations for ports and harbours developments are met.

Commercial Fisheries: the statement that there is no clear guidance on acceptable activities within protected areas is somewhat misleading. Under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) Marine Scotland is the Competent Authority with respect to management of fisheries activities that might affect the integrity of a European marine (Natura) site (EMS).

With respect to the development of Marine Protected Area (MPA) proposals, efforts have been made in advance of the anticipated consultation to provide stakeholders with an indication of the management implications for all proposed sites. The consultation will be supported by Management Options papers in relation to all activities, including fisheries where relevant. Stakeholders have already been engaged in this process via national representatives and at local meetings at a variety of locations from April this year.

Other infrastructure: should include potential for creation of fixed links

between some of the islands in Orkney; such proposals could exert significant impacts on the marine environment.

Other activities: there is already some commercial harvesting of seaweeds in Orkney waters and we anticipate future proposals for new enterprises. Extraction of marine algae, including maerl, has potential to significantly impact the natural heritage and may also increase the risk of coastal erosion. The potential for future cultivation of seaweeds should also be included (under aquaculture).

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?](#)

We support the use of interactions matrices to inform marine planning and agree with the scoring in Table 9.2 with exception of the interaction between ports and harbours and biodiversity and the natural heritage which we would class as major, rather than intermediate (on basis of potential significance of interactions during construction [e.g. with respect to noise impacts on cetaceans] and also of secondary impacts associated with increased shipping activity). We also question the inclusion of ICZM in this matrix as we would view it as a tool to address interactions rather than as a sector or cross-cutting issue.

However, we advise that more specific information will be needed on interactions to usefully inform the Plan. For example, the nature and likely significance of interactions between commercial fisheries and the natural heritage is highly dependent upon the type of fishing and gear and on its location in relation to sensitive habitats or species.

Information on some key potential interactions between marine activities and the natural heritage is available through our Managing Coasts and seas page on our website (<http://www.snh.gov.uk/land-and-sea/managing-coasts-and-sea/>) We also suggest that, with respect to Priority Marine Features, the ongoing work on development of management options for Marine Protected Areas (MPAs) proposals may provide valuable information on key interactions.

We consider that a spatial element to the Plan will be critical to refining understanding, and hence management, of interactions (both positive and negative) between interests (see response to Q16). In this context, while we support the general aspiration identified at 9.5 for the Plan to focus on identifying solutions rather than constraints, we would suggest that, in some instances the constraints on certain activities at particular locations may be sufficiently great to merit their explicit identification within the Plan (e.g. the use of narrow straits for passage by vulnerable populations of marine mammals is likely to constrain options for development of arrays of tidal turbines).

We are happy to provide further input to the consideration of interactions with the natural heritage and to advise on associated policy development via the Plan advisory group and/or other meetings or workshops.

## 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?

Following from Q15, we strongly support the need for an overarching spatial strategy within the Plan. With respect to natural heritage interests, particular consideration will be needed as to how to present spatial information on mobile species (e.g. cetaceans) and related concepts and potential constraints such as connectivity between European sites and the features for which they are protected (e.g. some types of development within PFOW may have potential to impact upon Natura sites outwith the Plan area.

While we would not favour prescriptive zoning and creation of fixed lines on maps there may be scope to provide broad indications of areas of higher or lower levels of opportunity/constraint for particular types of development (e.g. the use of narrow straits for passage by vulnerable populations of marine mammals may constrain options for development of arrays of tidal turbines).

We would also strongly support the use of a web-based GIS to provide up to date spatial information relevant to implementation of the Plan policies. This may be what is being proposed at 10.4, but we would welcome some clarification of the final sentence.

### **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:

General (cross-cutting and sectoral policies)

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

We consider the policy topics identified to be appropriate to this Plan, but would have welcomed further development of additional and more detailed

policy options. For some policies (e.g. Commercial Fisheries) the alternatives suggested for presentation of spatial information do not appear to be real alternatives.

Within the Plan, two-way cross-referencing between policies (both across and within overarching and sectoral policies) as well as reference to the guiding principles will be important to ensuring its overall coherence. A summary schematic in the Plan introduction could be helpful to assisting users to identify policies of key relevance to their particular interests.

We feel that the proposed range of crosscutting policy areas is appropriate to this marine plan, but suggest that Marine Safety (which is currently included in sectoral policy 13) might be considered an overarching policy area. We would also suggest that dredging be moved from sectoral policy 16 (Marine Aggregates) to sectoral policy 14 (Ports and harbours) as the main dredging activity is capital and maintenance dredging, and associated dredge spoil disposal, associated with ports and harbours. Dredging for any future aggregate extraction would by definition be about permanent removal of material from the seabed/intertidal zone. The Plan should also be cross-referenced to relevant policies in Orkney and Highland LDPs with respect to commercial extraction of sand.

We offer comments below on those cross-cutting policies (1a, 2a, 3a-e, 6a) of direct relevance to our core remit.

Would you suggest an alternative approach?

Not relevant

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

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:

Please see response to Q8. We broadly support the preferred option but feel that a policy around sustainable development will require use of very precise and consistent terminology. For example, at places in 11.2 and 11.3 there is reference to “sustainable economic growth” but it is not clear how this relates to “sustainable development”. We suggest that last bullet of preferred option be amended to “make efficient use of marine space and *sustainable use* of natural resources *within their carrying capacity*”. We also note that there is no explicit consideration of the socioeconomic conditions of coastal communities within the proposed policy.

Would you suggest an alternative approach?

See comments above

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

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:

We regard this as a very important policy area, particularly with respect to management of cumulative impacts of marine-related developments within the coastal zone. We support the preferred option; our concerns are over how this will be implemented in compliance with this Plan's overarching principles (please refer to our response to Q6)

Would you suggest an alternative approach?

See comments above

#### **Proposed Policy Options - Response Box 4**

Please indicate which proposed policy you are commenting on:

Policy Area 3: Biodiversity and Natural Heritage  
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

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

We feel that this suite of proposed policies is necessary and appropriate to provide safeguard of key aspects of the natural heritage of PFOW. However, as currently presented the focus of these policies, particularly 3a, and 3b, is on the assessment and consenting of development. We would advocate inclusion of a clear policy at the outset to articulate the importance, and need for safeguard, of the area's natural heritage; this would create a strong baseline from which more specific policies on development management would then follow.

##### *Proposed Policy 3a: Nature conservation designations*

We are broadly content with the proposed preferred option, but offer the following comments.

Context (section 11.12): note that Ramsar sites are not Natura 2000 sites and that there is no specific legal framework in Scotland for their safeguard. However, all Ramsar sites in Scotland are also either Special Protection Areas (SPAs) or Special Areas of Conservation (SACs) and benefit from the measures required to protect and enhance these Natura sites and SSSIs which overlap them.

Context (section 11.13: the description of the status GCR sites is incorrect. GCR sites. Please see <http://www.snh.gov.uk/protecting-scotlands-nature/safeguarding-geodiversity/protecting/geological-conservation/> for description of GCR sites and SSSIs with geological and geomorphological

features.

Policy: in addition to mapping of designated sites within the Plan area, consideration will need to be given about how to provide information on potential connectivity to Natura sites outwith the area (as referenced in section 11.12) and to potential future designations (e.g. MPA proposals and areas of search for marine SPAs). The development of this policy (and other, including sector policies) should also be informed by the Habitats Regulations Appraisal of the Plan itself.

*Proposed Policy 3b: Protected species*

We are broadly content with the proposed preferred option, but feel that there are opportunities to provide Plan users with spatial information on the occurrence of protected species (e.g. locations of seal haul out sites) as well as providing guidance on where information may be found. Please refer to our response to Q16.

*Proposed Policy 3c: Wider biodiversity and geodiversity interests*

We suggest that the biodiversity duties under the Nature Conservation (Scotland) Act 2004 are referenced in the context to this policy. We support the general aspiration of the proposed preferred option but are unable to comment further pending further detail as to the definition of “due regard” within the wording of the draft policy.

The alternatives for presentation of spatial information are not entirely clear; we would welcome opportunities for further discussion of this aspect (see also Q16).

*Proposed Policy 3d: Non-native species*

We strongly support the inclusion of a policy on invasive non-native species (INNS) (please also see response to Q14) and the recognition of the particular importance of prevention of introductions in the marine environment. However, as with policy 3c, we are unable to comment further pending further detail on the wording of the proposed draft policy, but note that it needs to be cross-referenced to the Ports and Harbours and Oil and Gas policies within this Plan and to other relevant documents (e.g. Orkney Islands Council’s developing ballast water management plan). With respect to spatial data, we note that present occurrence of NNS within the Plan area provides context, but is of limited direct relevance to addressing risk of further introductions from elsewhere.

Would you suggest an alternative approach?

**Proposed Policy Options - Response Box 5**

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 strongly support the inclusion of specific policies for the management of change in the distinctive landscape and coastal character of the Orkney Islands and north Caithness coast.

However, as stated with respect to policies 3a and 3b, we would welcome inclusion of a clear policy with respect to the importance and protection where necessary of the coastal and seascape resource; this would provide a strong baseline against which policies on the assessment of development management would then follow.

Any assessment of development should be underpinned by a clear and robust assessment of landscape and seascape character. The SNH Orkney Landscape Character Assessment (<http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=299> ) assesses the landscape character of the Orkney Archipelago and could be used as a basis to include additional work on the coastal and seascape character of the PFOW area, in particular the landscape and visual relationship between the coast and the immediate seascape. Following on from this an assessment of sensitivity and/or capacity for different forms of development could be undertaken to inform the proposed policies on development management. In this context, an initial scoping contract has been recently let by SNH to develop a methodology for coastal characterisation; we would be interested in exploring with you the potential for this to be further developed and incorporated into the Stage 2 Research Studies informing the preparation of this Plan.

Any such Research Study should draw upon the assessment of Special Qualities of the Hoy and West Mainland NSA and the SNH Mapping of Relative Wildness. Both the recent work undertaken by Orkney Islands Council on assessment and identification of a suit of Local Landscape designations, the majority of which are coastal, and the equivalent work by The Highland Council assessing Special Landscape Areas, should be incorporated.

Would you suggest an alternative approach?

Please see above comments

### **Proposed Policy Options - Response Box 6**

Please indicate which proposed policy you are commenting on:

Proposed Policy 6a: Coastal erosion and flooding

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

We strongly support the inclusion of specific policies for the management of coastal erosion and coastal flooding around the Orkney Islands and north Caithness coast.

Climate change projections suggest that future rates of sea level rise in this part of Scotland, may (in the coming decades) approach rates not experienced for several thousand years. This is expected to increase the risk of erosion and flooding on some sections of the coast. Although much of the coastline is resilient, there are areas vulnerable to either erosion, flooding or, in some cases, the effects of both. Given the variability of the coastline, we recommend the initial use of regional mapping of flooding (see SEPA's indicative flood maps) and erosion susceptibility (see SEPA/SNH Coastal Erosion Susceptibility Model). Follow-up, more detailed assessment could be undertaken if required. Given the largely un-interfered / natural state of much of the soft shoreline, the use of adaptive strategies may prove most sustainable. On the developed defended sections more interventionist approaches may prove more attractive.

For information, SNH overarching policy on coastal erosion states: As far as is possible within the constraints of public safety, SNH advocates approaches to erosion management which retain the natural coastal habitats, processes and landscapes and which enable Scotland's coastlines to evolve naturally with minimal human intervention.

Would you suggest an alternative approach?

As 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?](#)

## **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 7**

Please indicate which proposed policy you are commenting on:

Proposed Policy 11: Marine renewable energy

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

We support the development of offshore renewables as set out in our Marine Renewables Energy Policy statement 04/01 Policy Guidance Note. We recognise the importance that the Pentland Firth and Orkney Waters has with regard to the development of the new marine renewable energy sector. We welcome the development of the Sectoral Plans for offshore wind, wave and tidal and would recommend that these sectoral plans provide the basis for the recognition of sites suitable for offshore energy in the future, within this marine spatial plan framework.

We consider the option to set out the material planning considerations for the assessment of applications is appropriate, but we would also recommend that there is a commitment to review any policy on a frequent basis in the early stages of the development of these industries. This will enable good practice and lessons to be learned to be conveyed and communicated to all interested parties in a coherent and timely manner. It should be noted that, in setting out this policy, consideration should be given to the potential for cumulative and in combination effects between and within the marine renewables sector and other interests; this will be of relevance in particular for any suggestions for mitigation.

Would you suggest an alternative approach?

We would not support zoning *per se* as an alternative approach (p. 73). However, the MSP may wish to review the option areas identified within the Sectoral plans for offshore wave, tidal and wind energy developments against the other sectoral interests considered in the Plan and identify where there may be issues of compatibility and or competition. This, along with the (preferred) policy approach of setting out what aspects will be considered as a material planning consideration, may assist developers seeking to identify suitable sites for offshore renewables in the future.

### **Proposed Policy Options - Response Box 8**

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:

We support the preferred approach set out in Proposed Policy 12. However, given the similarity of potential impacts on the natural heritage,

and other sectors, we recommend that this be combined with policy 18 on development of new telecommunication cables. Consideration of all sub sea cable corridors should be required with respect to any proposed development of new electricity / telecoms etc. infrastructure. We also highlight the need for particular consideration of consequent impacts, including cumulative impacts, in the coastal zone and for effective integration with terrestrial planning to safeguard the natural heritage of the coast.

Would you suggest an alternative approach?

Please see above comments

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

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:

With respect to ports and harbours, we would welcome clarification within this policy and supporting information as to the proposed relationship between this Plan and other relevant plans, including the NRIP. While the NRIP is not a statutory development plan it is intended to encourage growth through investment in port and harbour sites favoured by the market and is strongly referenced in the National Planning Framework. It therefore has strong influence on decision making with respect to ports and harbours developments in PFOW and beyond. We would as a minimum anticipate clear cross-referencing between the SEA for this Plan and that for the NRIP.

At a project level, the consenting mechanism of port and harbour works can vary depending on what the applicant wants to do. Any individual proposal can involve one or all of three main consenting mechanisms, namely: 1) Town and Country Planning, 2) Harbour Empowerment Orders or Harbour Revision Orders, and 3) Marine Licences. The development of this Plan provides an important opportunity for decision making to be done in a joined up fashion between the marine and land planning systems and we would welcome a clear statement of intent on this policy to attain such a joined up approach. This can be facilitated, for example, by requiring developers to prepare environmental impact assessments that cover all the required (terrestrial and marine) consenting mechanisms in a single document.

We support the identification within the Plan of slipways and assessment of their usage but consider that this should include consideration of informal recreation as well as commercial use.

Would you suggest an alternative approach?

We note the proposed alternative approach of developing fine scale planning around key ports to manage potential congestion in surrounding waters. We would be supportive of this where there was evidence of unresolved conflicts between users/wider interests (including natural



heritage) but would see this as an additional element to more strategic policies rather than an alternative policy approach.

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

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:

We suggest that there appears to be scope for further involvement of fisheries policy staff in Marine Scotland in the development of fisheries policies in this Plan, to ensure appropriate integration of Scottish Government policy goals in relation to fishing and other sectors, such as renewables, within the Plan area.

In particular, the role of Inshore Fisheries Groups (or equivalent structures) should be reflected in this Plan and there should be cross-referencing, through iterative development of fisheries policies, between marine plans and relevant IFG management plans.

A particular opportunity for the Plan is to consider the implications for other interests (including PMFs) of any potential displacement of fisheries (e.g. by marine renewables) from currently used areas.

As outlined in our response to Q14 (above), a key strategic issue for both IFG management plans and marine spatial plans is the need to reflect fisheries interactions (positive or negative) with existing or future MPAs and European marine sites (SPAs and SACs).

We support the need identified in this paper to gather spatial information on fisheries activity and on locations of spawning grounds for commercially important species. However, we consider that safeguard of spawning grounds should be part of the preferred policy option, rather than an alternative to it.

Would you suggest an alternative approach?

Please see above

### **Proposed Policy Options - Response Box 11**

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:

### Preferred Option

We support the proposal for the Plan to utilise existing plans and policies as the basis for encouraging sustainable aquaculture development. However, some additional considerations might be taken in to account that have not been considered in previous plans and policies. For example, as far as we are aware, the plans and policies referenced in preferred option do not currently consider Priority Marine Features and Marine Protected Areas and we would advise that these should be considered in relation to aquaculture within this Plan.

### Alternative Approaches

Future offshore development: as far as we are aware the technologies required to locate aquaculture developments beyond the 3 nautical mile limit are unlikely to be developed within the foreseeable future.

Commercial seaweed cultivation: the commercial cultivation of macroalgae is an emerging industry and considerable interest in the area has been expressed. As such it is likely that this industry will expand considerably in the foreseeable future. The Scottish Government is currently in the process of developing a national Seaweed Policy Statement (SPS) and accompanying Strategic Environmental Assessment (SEA) to support the sustainable development of this industry. It seems likely that this overarching national policy will provide a basis on which to develop a more detailed policy within the Plan. Both the SPS and SEA are expected to go out to consultation shortly.

As indicated in our response to Q14, within the aquaculture policy we would also recommend specific consideration of harvesting of (uncultivated) seaweeds as there is current interest in possible future commercial harvesting within the Plan area. We can provide additional advice on associated natural heritage considerations as you take forward development of policies on this topic.

Would you suggest an alternative approach?

Please see comments above

### **Proposed Policy Options - Response Box 12**

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:

We would like to see any policy developed in this area give greater weight to the importance of informal opportunities for recreational access to the sea and coast for the benefit of both local residents and visitors, irrespective of the potential commercial value of such activities. This links to our suggestion that safeguard of quality of life for residents and visitors should be a core principle within the Plan.

Would you suggest an alternative approach?

Please see comments 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 sector policies**

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

Please see responses to previous questions

**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