

Pentland Firth and Orkney Waters Marine Spatial Plan: Planning Issues and Options paper

Thank you for the opportunity to submit comments on the Pentland Firth and Orkney Waters (PFOW) Marine Spatial Plan Planning and Options paper.

The PFOW area is a crucially important area for the development of Scotland's burgeoning marine renewable energy industry and therefore request we are involved in the future plan development process. We welcome the development of the plan, but request that further consideration is given to exactly how it will relate to the statutory regional plan when it is published. It is also important that this plan supports the offshore renewable energy sectoral plans as developed by Marine Scotland.

Please find our more detailed comments below.

Legal and Policy Context

Question 1: Reference should be made to the Scottish Government's Offshore Wind and Marine Energy Route Maps, and the Electricity Generation Policy Statement.

Knowledge and Evidence to Underpin the Plan

Question 2: There is a huge volume of research which could help with the development of the plan beyond the stage 2 studies. The paper states further information can be found in section 15 yet there does not appear to be a section 15. Inclusion of a full list of the data sets used to develop the plan would be useful.

In the absence of a full list of data sets used it is not possible to give a detailed answer to consultation question 2, however, we suggest studies listed in the [Scottish Marine Renewables Research Group's Detailed Environmental Research Programme](#) may be of use.

It should also be recognised that the Scottish Government's survey, deploy and monitor policy technically remains in draft form, and the draft Marine Renewable Licensing Manual sets the context for the SDM policy.

The Purpose, Users, Status and Spatial Extent of the Pilot Plan

Question 3: Scottish Renewables supports using the pilot plan to develop experience for the future regional plans. In particular, we support the desire to learn lessons for streamlining future processes and governance arrangements for Marine Planning Partnerships.

Question 4: Scottish Renewables supports the purposes of the plan as set out in section 6.

In addition, the plan must also help to deliver the policies outlined in the National Marine Plan, the Marine Policy Statement and the sectoral marine plans. A direct reference to the plan's need to help address climate change should also be included.

Scottish Ministers should be added to the list of users as they are the ultimate decision makers in relation to awarding of marine and s36 licences.

Question 5: Given the potential for the PFOW area to be subject to seven separate plans (National Marine Plan, Sectoral Wave Energy Plan, Sectoral Tidal Energy Plan, Sectoral Offshore Wind Energy Plan, 'North Coast' Plan, 'Orkney' Plan and pilot PFOW Plan), we believe the boundaries of the proposed marine regions should be amended to match the pilot plan area. This would enable the pilot plan to be adopted as the statutory regional plan for the PFOW area, subject to the requirements of the Marine (Scotland) Act. Creating a single PFOW region would mean the area is eventually subject to just five plans (National Marine Plan, the three sectoral plans and Regional Plan), rather than the currently proposed seven. This would also mean only one Marine Planning Partnership (MPP) would need to be created to manage the regional planning of the PFOW area.

We accept this would involve a slight extension to the west of the current pilot PFOW plan but believe this would involve fewer resources than the creation of two new plans and two separate MPPs.

We understand that if the pilot plan is approved by the Scottish Ministers it will become a material consideration in the determination of marine licensing applications and consideration will also be given to the pilot by the Scottish Ministers when they make relevant decisions even if it is not subsequently approved by them. There is also potential for Highland Council and Orkney Islands Council to adopt the pilot plan as Supplementary Planning Guidance or

as Supplementary Guidance to the appropriate Local Development Plan. Given the pilot plan will most likely constitute a material consideration, we request further clarity on whether it will actually be adopted as supplementary guidance by the Councils or if there is any mechanism open to the Scottish Government to direct the Councils to do so.

We also believe the relationships between the pilot PFOW spatial plan, the regional plan, the National Marine Plan and the sectoral plan (currently being developed by Marine Scotland) is still unclear. Clarification that if there are discrepancies between the plans, the sectoral plans and the statutory regional plans (when developed) will take precedence over the non-statutory pilot plan is required.

Question 6: It is important the relationship between the terrestrial planning regime and the marine planning regime is clear, especially in light of the overlap between the mean high and low waters spring tide mark area.

All marine renewable developments have elements of onshore works which are crucial to each development. The terrestrial planning regime should support these works for developments identified in marine plans. As recognised in the issues paper, there are other associated onshore works which will support the industry as a whole, including port and harbour facilities. The terrestrial planning regime must also recognise and support these works to facilitate developments envisaged by the marine planning system.

To this end we support the partnership approach to the development of the plan which includes both Highland and Orkney Islands Council.

We were pleased to see the clear expression in the third National Planning Framework (NPF3) that it should complement marine planning by addressing the significant onshore development requirements arising from offshore wind, wave and tidal energy. We believe that greater coordination between NPF and the National and Sectorial Marine Plans can be achieved. Therefore, we encourage the Scottish Government to set out in greater detail the process for engagement as both national plans are taken forward.

To this end, the Scottish Government is preparing a planning circular on marine and terrestrial planning. This circular should help develop the plan and its relationship with the

relevant onshore plans.

Question 7: We support the proposed key principles outlined in paragraph 6.18

The Guiding Principles and Themes that will inform the development of the marine spatial plan

Question 8: We support the guiding principles as set out in section 7. Principle 3 should also contain reference to the Scottish Government's own climate change targets as introduced under the Climate Change (Scotland) Act 2009 and the Scottish Government's energy decarbonisation target as proposed in the offshore wind route map and set out in 'Meeting the Emissions Reductions Targets 2013-2027: The second report on proposals and policies' (RPP2).

Strategic Vision, Aims and Objectives

Question 9: Scotland is home to some of the best offshore renewable energy resources in the world and the Pentland Firth and Orkney Waters are the jewel in the crown of our huge marine energy resource. A recent study by Oxford University confirmed that the Firth is the best site in the world for tidal energy.

We would like to see the area fully utilizing this huge resource and securing the full range of benefits that flow from it.

Recent work by Baringa has shown that with the right policy and financial support, the development of renewable generation in the PFOW area could secure significant socio-economic benefits to the local economies through the creation of direct, indirect and induced jobs. The analysis suggests that by 2020 some 416 full time jobs could be created in Orkney, and by 2030, that number could rise to over 4,500.

According to the report, the vast majority of these jobs in Orkney would flow from wave and tidal generation which is labour intensive in the early years, providing the opportunity to develop local supply chains and export expertise.

In addition, the development of the wave and tidal energy in the PFOW area will play a crucial role in the achievement of both the Scottish Government's decarbonisation and

climate change targets.

Question 10: For the reasons set out above we strongly believe the continued development of marine energy should be safeguarded now and into the future.

Question 11a: Spatial information regarding existing protected areas and proposed MPAs should be contained in the plan. Any policies contained within the plan in relation to protected areas must be consistent with the legislative requirements of the particular designations and the plan's proposed policy to facilitate the sustainable development of the marine renewable energy sector. In particular the plan should be clear that designated areas, including Natura sites, do not necessarily mean 'no-go' areas for renewable energy development. All developments which may impact on protected sites must already meet the legislative requirements laid down in the relevant legislation before they can proceed.

The marine spatial plan also supports the 'wider seas' pillar of the Scottish Government's marine nature conservation strategy and to this end, the sectoral plans already take account of environmental sensitivities to ensure developments proceed in the most appropriate locations.

A healthy marine environment underpins all the socio-economic benefits that we enjoy from our seas, including eco-system services such as climate regulation. As recognised by the Marine Atlas, climate change is one of the most pervasive threats to the health of the marine environment. The development of renewable energy, including offshore renewables, to support the decarbonisation of the electricity system is therefore key to any strategy aimed at the protection and/or enhancement of the natural environment and the plan should reflect this.

Question 11b: 4

Question 12a: Spatial information relating to historic protected areas or other designations relating the historic and cultural resources should be included in the plan. Any restrictions imposed by these designations should also be referenced. A guide to dealing with historic and cultural resources in relation to marine energy developments is being prepared for Historic Scotland. This guide should be referenced.

Energy developments strive to undertake projects in a manner which is compatible with the appropriate preservation of the historic and cultural environment.

Question 12b: 4

Question 13a: The plan must support and promote sustainable economic growth. In particular, the plan should support the growth of offshore renewable energy. It should do this by supporting the sectoral planning process and prioritising the areas identified within it by introducing a presumption of use for renewable energy development in these areas. By doing this, the plan will also support the Scottish Government's decarbonisation, renewable energy and climate change targets.

As stated above, Scotland is home to some of the best offshore renewable energy resources in the world and the Pentland Firth and Orkney Waters are the jewel in the crown of our huge marine energy resource. A recent study by Oxford University confirmed that the Firth is the best site in the world for tidal energy.

Recent work by Baringa has shown that with the right policy and financial support, the development of renewable generation on the island could have significant socio-economic benefits to the local economies through the creation of direct, indirect and induced jobs. The analysis suggests that by 2020 some 416 full time jobs could be created in Orkney, and by 2030, that number could rise to over 4,500.

According to the report, the vast majority of these jobs in Orkney would flow from wave and tidal generation which is labour intensive in the early years, providing the opportunity to develop local supply chains and export expertise.

Securing these economic benefits is extremely important for the communities in the Pentland Firth and Orkney Waters area.

Question 13b: 5

Identifying Strategic Issues and Interactions

- Healthy and Biologically Diverse Seas

Levels of protection should be in some way linked with the findings of the Marine Atlas. For

example, the Marine Atlas finds that the PFOW area (North Scotland Coast) has no significant concerns in relation to the 'clean and safe' parameters assessed and habitats are in a relatively good condition. However, seabird, harbour seals and some commercially exploited fish are highlighted as species of concern. The decline in seabird numbers is suggested to be linked to a shortage of key prey species associated with changes in oceanographic conditions.

We fully support further research being carried out to aid the development of the plan.

We seek further guidance on 'research, deploy and monitor' in relation to the development of marine renewables, specifically on whether this refers directly to Marine Scotland's 'survey, deploy and monitor' policy?

We would support standard methods for data collection and surveying from Marine Scotland. However, care must be taken in relation to setting standards for data collection from the marine renewables industry. Recent discussions through SMRRG highlighted that survey methods are maturing and developing with the industry and therefore it was not appropriate to stipulate exactly 'how' surveys should be carried out. More beneficial is guidance on exactly what outputs regulators require to see from surveys, and regulators should be less prescriptive on exactly *how* those outputs are achieved.

We seek further detail on what a policy framework for assessing developments may contain.

- Marine Renewable Energy

The pilot plan must be consistent with the sectoral plans. In relation to timescale requirements for data, reference should be made to Marine Scotland's survey, deploy and monitor policy. In particular, we support the aims of promoting PFOW as a centre of excellence for renewable energy, taking advantage of energy export opportunities, the development of wider socio-economic opportunities and the recognition of the need for improved local infrastructure. We also welcome the recognition of the importance of access to grid.

- Shipping and Navigation

The work of NOREL must be considered if policies related to marine renewable energy

developments and shipping are to be developed.

- Ports and Harbours

We support the intention to establish appropriate policy support for ports and harbours that can support the growth of marine renewables. The plan should therefore take account of the outputs of the N-RIP process.

- Tourism

We are pleased to see PFOW's lead in marine renewable energy recognised as a potential tourism opportunity and an aim to maximise the benefits from this.

Question 15: It is unclear how table 9.2 has been developed and how the proposed level of interaction has been decided. Many of these interactions are already considered and addressed through the RLG and the sectoral marine planning process. Further, through groups including NOREL, FLOWW and the Scottish Government's Fishing Focus Group, guidance to help with potential interactions between the marine renewables industry and other sectors, including shipping and fisheries, is being developed. The plan should not try to duplicate the work of these groups and should instead refer to where industry wide guidance has been, or is being, developed.

Spatial Strategy and Information

Question 16: We support the development of an overarching spatial strategy. However, we are pleased the consultation document states it is intended to be an 'indicative high level strategy as opposed to a master plan for future development'.

The sectoral plans indicate potential areas of development for offshore renewables, and as stated above, we believe there should be a presumption of use for renewable energy development in these areas. The sites are identified through the Iterative Plan Review process which enables the plans to be developed in light of the most up to date technical and environmental data. It is therefore essential the pilot plan is able to adapt to emerging data which will help to secure the best developments.

Further, the sectoral plans do not prevent developers coming forward with propositions for projects out with areas identified in the sectoral plans. This flexibility must also be retained

through the pilot plan.

Crosscutting or Overarching Marine Planning Policies

Sustainable Development: we support a principle of sustainable development. However, the [established principles of sustainable development](#) should be referenced.

- Living within environment limits
- Ensuring a strong, healthy and just society
- Achieving a sustainable economy
- Using sound science responsibly
- Promoting good governance

Integrating Marine and Coastal Development: please refer to our answer to question 6 above.

Nature Conservation Designations: the legal requirements developers must adhere to in relation to nature conservation designations are understood and developed at a national level. It is not appropriate for the pilot plan to develop separate policies in this regard. The policy must be consistent with national level guidance and legislative requirements.

The policy option set out for protected species should also apply in relation to protected sites and we question why they are proposed to be treated differently. The policy in relation to protected species sets out to identify legal requirements and identify the protected species which will likely be encountered in the area. The protected areas in the PFOW should be identified and the legal requirements in relation to those sites should be made clear.

Wider Biodiversity and Geodiversity Interests: we support using the pilot plan to focus the development of further research.

Cultural and Historic Environment: As stated above, developing guidance in relation to best practice and marine renewables should be referred to.

Safeguarding Existing Pipelines, Electricity and Telecommunications Cables:

Exclusion zones should already apply around electricity cables to help secure safety of both the cables and other marine users. The plan should not seek to alter those requirements or

designations, however, there may be a role for the plan to further develop plans for enforcing existing legislation.

Sectoral Policies

Proposed Policy 11: Marine Renewable Energy

We are pleased to see the plan will develop policies to ‘facilitate sustainable development of the marine renewable energy sector’. However, the relationship between the plan, the role of MS LOT existing licensing guidance is unclear. The plan must be very clear about its relationship with the existing licensing regime which is carried out by the Marine Scotland Licensing and Operations Team on behalf of Scottish Ministers who are the ultimate decision makers.

We also support treating areas already subject to agreements for lease as ‘planned developments at the licensing stage’. We also believe there should be a presumption of use for marine energy developments in the new plan options identified in the Scottish Government’s sectoral plans.

Consideration should also be given to how the plan could contain policies in relation to the Marine Energy Park designation, particularly how it may help to facilitate and streamline the planning and licensing of renewable energy projects within the Park area.

The ability for renewable energy developments to co-exist with other marine sectors can only be considered on a case by case basis. We strongly believe areas suitable for renewable energy developments should be prioritised for this sector. As stated previously, the industry works closely with other users of the marine environment, through groups such as FLOWW and NOREL, to produce guidance which would enable coexistence. The guidance has to take account of differences between devices, between uses of the area and differences in the natural environment in that area which can affect how the various sectors interact. The plan should recognise these considerations and refer to the appropriate sectoral guidance.

It is important all sectoral and overarching policies are consistent with the policy of facilitating the sustainable development of the marine renewable energy sector.

Proposed Policy 12: Electricity Infrastructure to Support Marine Renewable Energy Projects

We support the recognition of the importance of electricity infrastructure to the growth of the energy sector and the wider economy. Grid infrastructure developments are absolutely crucial to the development of marine energy and the plan must facilitate them.

Direct, indirect or cumulative environmental effects and the requirement for mitigation measures are already assessed through the existing licensing processes. The plan must be consistent with current legislative requirements and not add additional burden to developments in the area.

Proposed Policy 13: Shipping, Navigation and Marine Safety

The plan should recognise the work of the Nautical and Offshore Renewable Energy Liaison Group (NOREL).

NOREL aims to ensure that the commercial and recreational shipping and ports industries can successfully co-exist with the offshore renewable energy industries and that the needs of both are taken into account in Government policies on shipping and offshore renewable energy. NOREL is in the process of developing guidance in relation to under keel clearance for marine renewable devices.

Proposed Policy 14: Ports and Harbours

As with the development of electricity infrastructure, the sustainable growth of port and harbour infrastructure is absolutely key for the growth of the marine renewable energy sector. The plan should therefore support and help to facilitate the port and harbour requirements for the marine energy sector as identified in the National Renewables Infrastructure Plan (NRIP).

As indicated in the N-RIP Stage 1 Report, infrastructure to support the Pentland Firth and Orkney Waters leasing area is an immediate need. NRIP Stage 2 highlights the developing infrastructure needs of the sector from now to beyond 2020.

A range of locations could support the marine renewable energy industry, including during installation, fabrication, and operations and maintenance phases. The report also highlights

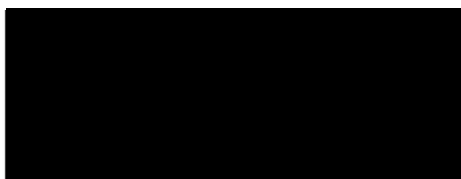
that all ports in both Caithness and Orkney that could host or are already hosting deployment activity have development plans with at least guideline costs for expansion of existing facilities. Lead times vary, but three years to delivery, including obtaining planning permissions and financing should be allowed for, and hence developer input on requirements for larger scale deployments scheduled from 2017 onwards will need to be determined by 2012-2013 at the latest and work needs to begin by 2014 at the latest. Further, it makes clear ‘...some decisions on port development and use may have to be made before there is any specific certainty in the market in order to meet the deployment timetables as they are currently planned.’

Proposed Policy 19: Commercial Fisheries

Again, we highlight the work of both FLOWW and the Scottish Government’s Fishing Liaison Group to aid co-existence. We are very supportive of the intention to include heat maps of activity levels, other areas of importance, spawning and nursery grounds as supporting spatial information. This information will be very useful to developers.

Once again, we thank you for the opportunity to comment and if you have any questions in relation to anything in this response, please do not hesitate to contact me.

Kind regards,



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