

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

Consultation Response: Scottish salmon Producers Organisation

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?](#)

Yes

- (i) Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- (ii) "A Fresh Start" The Renewed Strategy for Aquaculture in Scotland.
- (iii) The Scottish Government's Food Strategy.
- (iv) Building a sustainable future for aquaculture - EC COM(2009)162
- (v) Scotland's National Marine Plan consultation Draft

Section 5 - Knowledge and evidence to underpin the plan

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

The presumption against all marine fin fish farming on the north and east coasts of Scotland has no scientific basis or other justification and is outdated on any basis of logic. It derives from a policy decision based on Recommendation 61 of the Report of the Scottish Salmon Strategy Task Force (1997). That recommendation was made at a time when there were limited planning controls on fish farm development and it advised a precautionary position until such controls were instituted. Planning controls are now in place and it is illogical to prohibit the farming of all species of finfish. If the PFOWMSP is to truly support the growth of finfish aquaculture it must have a more appropriate policy which reflects the advances in fish farming technology, and in fish husbandry, already achieved over the past 20 years and those likely to be achieved within the plan period.

(See also the SSPO comments on the Scottish Planning Policy and the National Planning Framework Main Issues Report.)

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?

In terms of governance arrangements for the future Regional Marine Plans it is vital that the private sector is fully involved and represented on any working, advisory and decision making groups and bodies.

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?

Given that one of the primary objectives of marine planning is to encourage and enable sustainable economic growth' it is essential that those who wish to invest and develop in the marine area are recognised as prime users of the plan. Without them there would be no decisions for the regulators to make. The plan should therefore be designed and written primarily with investors/developers in mind and in a way that increases certainty and confidence. Wherever possible the plan should seek to presume in favour of development and minimise constraints. The choice of language is key to this.

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

Yes

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).

The unique position of aquaculture in marine and terrestrial planning means it is important that the Pilot Plan addresses the issue of 'primacy'. Out to 3NM the Town and Country Planning (Scotland) Acts apply to aquaculture, both in terms of planning policy and decisions on planning applications. However the Pilot Plan will also have policies relating to aquaculture within the 3NM limit and out to 12NM. There is therefore an overlap of plans dealing with aquaculture from the HWMS to 3NM. The potential for confusion and inconsistency abounds.

The issue has been raised consistently with Scottish Government, Marine Scotland and the Local Authorities in the context of objections to Local Development Plans. SSPO is aware of the Circular in preparation on the interface between the two planning systems. Our understanding is that Scottish Government would prefer to see marine plans take primacy over terrestrial plans in terms of marine development, and we fully understand and support that preference. As this only relates to aquaculture, which is currently being planned for by the local authorities in their Local Development Plans, there is a need for the Pilot to reflect the general principle of this preferred approach.

(See also SSPO comments on the Scottish Planning Policy and the National Planning Framework Main Issues Report.)

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

Yes

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?

(i) Yes (ii) No

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?

SSPO would wish to see the PFOW area as one in which the salmon farming industry has confidence to invest, to create jobs and to create sustainable economic growth in remote rural and island communities, as it has been doing for the past 40 years with great success.

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

Yes

Existing fish farming sites, sites that have been granted permission and areas suitable for marine salmon farms should be safeguarded and the plan should have policies that achieve this. The plan should have policies that either identify marine areas where salmon farming will be accepted or, if this is not scientifically or technically possible, have a presumption in favour of salmon farming in all areas other than those specifically identified as areas that are constrained in some way.

(See also the SSPO representations/objections to the Orkney Islands LDP, the Outer Hebrides LDP, the Highland Wide LDP and the Argyll and Bute LDP).

Consideration should be given to developing systems or data that can identify marine areas that are suitable for finfish, especially salmon, farming and protect these areas from other forms of development, i.e. develop a system for the marine area for aquaculture similar to the agricultural land classification system. Highland Council has already accepted this principle by including, in the Adopted Highland Wide Local Development Plan, areas suitable for marine aquaculture, alongside forestry, mineral reserves and prime agricultural land, as being resources worth protecting from other forms of development.

(See also the SSPO comments on the Scottish Planning Policy and the National Planning Framework main Issues Report.)

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

Consideration of the marine environment should be given the same weight as economic and social considerations.

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?

In a balanced way.

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 X 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?

(i) See Q4 above. (ii) Salmon farming.

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 X 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?

For SSPO one of the primary strategic issues in the PFOW area is the Scottish Government's contradictory policies whereby it seeks the substantial growth in the fish farming industry whilst at the same time maintains a ban on any new fish farms on the north and east coasts. As referred to above, there is no scientific basis or justification for such a ban on the farming of finfish generally on these coastlines.. Within the next 10-20 years, i.e. the plan period, it is likely that the farming of a number of species of fish will become not only feasible but essential as catch stock

reduces worldwide. To ban all forms of fish farming from approximately half of the Scottish coastline for no apparent reason therefore seems short sighted if not perverse.

Another strategic issue is the growing potential for fish farming to take place further out to sea, possibly beyond the 3NM point, and in conjunction with other forms of marine development. In order to encourage investment in research into such technologies as will be required, the Plan ought to be positively disposed to such developments.

A third strategic issue for the industry is the continuing uncertainty about where salmon farming will be accepted. The Plan ought to address this issue.

(See responses to Q4 and Q10 above.)

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?](#)

Yes. See second paragraph of response to Q14.

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?](#)

Yes. See SSPO representations and objections to the Orkney Island Proposed LDP, the Highland Wide LDP, the Outer Hebrides Proposed LDP and the Argyll and Bute Proposed LDP. Also see Q10 above.

(i) Protect marine areas suitable for salmon farming from other forms of development.

(ii) Presumption in favour of salmon farming development in all areas other than those specifically identified as being constrained.

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:

Policy 2A. See Q6 above.

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

Comments

Would you suggest an alternative approach?

Comments

Proposed Policy Options - Response Box 2

Please indicate which proposed policy you are commenting on:

Comments

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

Comments

Would you suggest an alternative approach?

Comments

Proposed Policy Options - Response Box 3

Please indicate which proposed policy you are commenting on:

Comments

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

Comments

Would you suggest an alternative approach?

Comments

Proposed Policy Options - Response Box 4

Please indicate which proposed policy you are commenting on:

Comments

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

Comments

Would you suggest an alternative approach?

Comments

Proposed Policy Options - Response Box 5

Please indicate which proposed policy you are commenting on:

Comments

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

Comments

Would you suggest an alternative approach?

Comments

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?](#)

Comments

12 Sectoral policies

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

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

Proposed Policy Options - Response Box 6

Please indicate which proposed policy you are commenting on:

POLICY 14 - PORTS AND HARBOURS - Scapa Flow Transshipment Hub.
See SSPO comments on NFP 3 MIR. Continuing uncertainty about whether or not the development will happen should not blight the area for other forms of development, e.g. fish farming

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

Comments

Would you suggest an alternative approach?

Comments

Proposed Policy Options - Response Box 7

Please indicate which proposed policy you are commenting on:

POLICY 20 – AQUACULTURE

(i) Para. 12.33 - should be Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

(ii) Para. 12.35 - See responses to Q2 and Q14 above.

(iii) Proposed Policy - See responses to Q6 and Q14 above.

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

Comments

Would you suggest an alternative approach?

Comments

Proposed Policy Options - Response Box 8

Please indicate which proposed policy you are commenting on:

Comments

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

Comments

Would you suggest an alternative approach?

Comments

Proposed Policy Options - Response Box 9

Please indicate which proposed policy you are commenting on:

Comments

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

Comments

Would you suggest an alternative approach?

Comments

Proposed Policy Options - Response Box 10

Please indicate which proposed policy you are commenting on:

Comments

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

Comments

Would you suggest an alternative approach?

Comments

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?

Comments

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?

Comments