

## CONSULTATION QUESTIONS

Please identify the main area of interest you identify with :

- |                               |                          |
|-------------------------------|--------------------------|
| Nature Conservation           | <input type="checkbox"/> |
| Fisheries                     | <input type="checkbox"/> |
| Industry/Transport            | <input type="checkbox"/> |
| Energy                        | <input type="checkbox"/> |
| Aquaculture                   | <input type="checkbox"/> |
| Recreation/tourism            | x                        |
| Academic/scientific           | <input type="checkbox"/> |
| Local authority               | <input type="checkbox"/> |
| Community group               | <input type="checkbox"/> |
| Public sector/Regulatory body | <input type="checkbox"/> |
| Local Coastal Partnership     | <input type="checkbox"/> |

Other (Please state)

While our interest is in recreation it is focussed on sport and active recreation.

**Q1. Does the NMP appropriately guide management of Scotland's marine resources?**

Comments

**Q2. Does the NMP appropriately set out the requirement for integration between marine planning and land use planning systems?**

Comments

**Q3. Does the NMP appropriately guide development of regional marine planning? What, if any, further guidance is required for regional marine planners in terms of implementation and how to interpret the NMP?**

It would be useful to clarify the status of RMPs in relation to the NMP. From a policy perspective it would be useful to understand which policy position would take precedence in decision making and to clarify, if this is the case, that RMP policy is to sit within the context of the more strategic NMP policy.

**Q4. The Marine Regional Boundaries Consultation proposed that in addition to regional marine planning, further integrated management of key marine areas would be achieved by designating the Pentland Firth; the Minches and the mouth of the Clyde as Strategic Sea Areas.**

**Should the NMP set out specific marine planning policies for Strategic Sea Areas?**

It would be useful for the NMP to define what SSAs are, avoiding the need to refer to other documents, and what their purpose is. To this end it would also be useful for the NMP to set a policy context for SSAs. The relationship between SSAs and RMPs needs to be made clear, including their policy relationship and the NMP could usefully clarify this.

**Q5. Are the objectives and policies in the NMP appropriate to ensure they further the achievement of sustainable development, including protection and, where appropriate, enhancement of the health of the sea?**

We are concerned that the sector specific chapters do not include a social analysis. Each sectoral chapter includes an economic and an environmental assessment of the sector but not a social analysis. Given society is the third pillar of sustainability we do not consider that the NMP will effectively deliver sustainable development without this social analysis. A social analysis is particularly relevant to sport and recreation interests (e.g. allowing sports development needs and aspirations to be explored, understood and recognised, as well as the significant health and well-being benefits they deliver) and one we would like to see developed at the sectoral level in the NMP. The case for social analysis in the sectoral chapters is supported by policy GEN 3 which stresses the importance of social benefits.

**Q6. Chapter 3 sets out strategic objectives for the National Marine Plan and Chapters 6 – 16 sets out sector specific marine objectives.**

**Is this the best approach to setting economic, social and marine ecosystem objectives and objectives relating to the mitigation of and, adaptation to climate change?**

Comments

**Q7. Do you have any other comments on Chapters 1 – 3?**

Page 16 makes reference to the use of sound science as a strategic objective. We are fully supportive of this and that impacts on the environment should not be assumed. We fully agree with the second bullet point that sound evidence underpins effective management. We note the reference to the precautionary principle in the third bullet and the need for this to be applied consistently in accordance with devolved administrations' sustainable development policy. It is not clear what Scotland's sustainable development policy is and whether that policy actually includes a definition (and an agreed definition) or explanation of the precautionary principle and how it is to be applied. This is an important point given the status attached to the precautionary principle in the NMP. It is crucial that the precautionary principle is fully understood and applied consistently and that decision making based on precaution and uncertainty is limited in the marine environment. The NMP should make reference to the relevant sustainable development policy in Scotland including an agreed definition of the precautionary principle.

### **General Planning Policies**

**Q8. Are the general policies in Chapter 4 appropriate to ensure an approach of sustainable development and use of the marine area? Are there alternative policies that you think should be included? Are the policies on integration with other planning systems appropriate? A draft circular on the integration with terrestrial planning has also been published - would further guidance be useful?**

In relation to GEN1 we note the reference to sustainable development being that which delivers multiple benefits and that while these include economic benefits they also include social benefits related to quality of life and well-being. We are fully supportive of this and consider that this supports the point we make above about the importance of the sectoral chapters including a social analysis. In addition we note the reference to the importance of the promotion of Scotland's key growth sectors and that tourism is one of these sectors. It is important for the NMP and RMPs to recognise that sport and recreation is integral to the Scottish tourism product and its growth and for this to be reflected in policy.

We are fully supportive of GEN3 and the recognition that is given to social benefits. This relates to the point we make above about the importance of social benefits being addresses in the sectoral chapters. We support the specific reference made to sport and recreation as components of social benefits. We also strongly support the recognition given to the fact that social benefits don't just apply to or derive from *local* communities but are equally relevant to communities outwith a locality and who travel from elsewhere to use the marine and coastal environment.

While we support GEN4 the reference to *local* communities should be revised in recognition of the point made above on GEN 3 that relevant communities are not just *local*. It may be useful to note the definition of

community given in the glossary of the Scottish Planning Policy, which recognises that communities are not just local. The SPP states:

Community	the term community includes individuals and groups, and can be based on location (for example people who live, work or use an area) or common interest (for example the business community, sports or heritage groups).
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We are concerned by the approach outlined in paragraph 2 of page 26 which suggests a zoned approach to different sectors. While we recognise that this will work for some sectors it should not mean the creation of no go areas for sport and recreation. Sport and recreation is by its nature mobile and we would not like to see zones identified where recreational activity would potentially be unjustifiably restricted.

GEN6 should also make reference to the facilitation of access *along* the shore this being an important component of coastal sport and recreation and Scotland's access rights. It would be useful to make a specific reference to Scotland's access rights in recognition of these rights and the range of activities they include that will take access to and within coastal areas.

We are fully supportive of GEN8.

We recommend that GEN 10 should be amended to remove the word 'reasonable' from the second sentence of the boxed text. Instead we consider that where evidence is inconclusive *sustained* efforts should be made to fill evidence gaps. It is crucial that decision making is based on evidence rather than precaution and uncertainty. The current use of the word reasonable in the policy underplays the importance of removing precaution and uncertainty as the basis for decision making.

GEN10 appears, in footnote 28, to give a loose definition of the precautionary principle. No indication is given as to where this definition comes from and that it is an agreed approach. It is contrary to the definition, for example, provided in paragraph 132 of the Scottish Planning Policy. It also appears to contradict the approach to the application of the precautionary principle outlined on page 16 of the NMP which recommends that its application should be consistent with and based on the Scottish Government's sustainable development policy (although it is not clear what that is). **sportscotland** has set out its approach to the precautionary principle (derived from SNIFFER advice) in our policy document *Out There*. Please see section 3.4 page 40 of the link below which outlines our approach to the precautionary principle and how we would like to see it applied.

[http://www.sportscotland.org.uk/resources/resources/out\\_there/](http://www.sportscotland.org.uk/resources/resources/out_there/)

While we are fully supportive of GEN12 it is crucial that decision making is evidence based and that impacts on the environment are not assumed.

We are supportive of GEN17 although consider that the policy could be more explicit in its application to sediment shift in addition to coastal erosion and accretion. Sediment shift can impact on moorings and on surf sports where shore breaks are dependent on sand bars. In addition recognition needs to be given to the potential impact of development on wind and wave patterns and on currents (e.g. tidal streams) – elements of the marine environment that are integral to the practice of a number of marine sports. We recognise that understanding of the impact of development on such elements is limited but urge research to increase the understanding of the impact of development on wind, wave and current patterns and the consequent impact this could have on sport and recreation interests.

We are supportive of GEN18 but recommend that impacts on the quality of water in areas particularly important for immersion sports should also be an area that should be taken into account. We appreciate that there may be a correlation between such areas and bathing waters but that this will not always be the case.

**Q9. Is the marine planning policy for landscape and seascape an appropriate approach?**

We fully support the recognition given to the importance of landscape and seascape to the enjoyment of sport and recreation.

It is unclear to what degree the seascape is protected by NSA, National Park designation and by core wild land mapping. How much of the seascape for example is integral to and protected by an NSA or core wild land? It would be useful to have clarity on this to ensure the full protection of seascape assets. It may be that a new seascape designation is needed to protect our most important areas. This said it is unclear how quality of seascape is assessed and how one area of sea might be considered to be of more seascape value than another. To this end it would be useful if a recognised seascape quality assessment mechanism existed or was developed along with some form of seascape impact assessment tool.

**Q10. Are there alternative general policies that you think should be included in Chapter 4?**

It would be useful for the NMP to provide clarity on where management activity outwith a planning, licencing and consenting regime sits. In relation to recreation, there are a number of mechanisms used to manage the way recreation is practiced and how it integrates with other uses and interests. These include byelaws, management rules and agreements, codes of conduct, good practice guidance, signage, user forums etc. It is not clear what role the NMP has for setting a policy context for such management

and it is unclear who would have responsibility for such management in the marine environment? Would this, for example, be a role for the Marine Planning Partnerships? We note the reference in GEN 12 to the non native species code of practice and the advocacy for its use. There are a range of sport and recreation codes and advice that it would be relevant to make reference to in the Tourism and Recreation chapter.

### **Guide to Sector Chapters**

**Q11. Do you have any comments on Chapter 5?**

**Are there other sectors which you think should be covered by the National Marine Plan?**

Comments

### **Sea Fisheries**

**Q12. Do you have any comments on Sea Fisheries, Chapter 6?**

Comments

**Q13. Are there alternative planning policies that you think should be included in this Chapter?**

Comments

### **Aquaculture**

**Q14. Does Chapter 7 appropriately set out the relationship between terrestrial and marine planning for Aquaculture? Are there any planning changes which might be included to optimise the future sustainable development of aquaculture?**

Comments

**Q15. Do you have any comments on Aquaculture, Chapter 7?**

Comments

**Q16. Are there alternative planning policies that you think should be included in this Chapter?**

Comments

### **Wild Salmon and Migratory Fish**

**Q17. Do you have any comments on Wild Salmon and Migratory Fish, Chapter 8?**

Comments

**Q18. Are there alternative planning policies that you think should be included in this Chapter?**

Comments

### **Oil & Gas**

**Q19. Do you have any comments on Oil and Gas, Chapter 9?**

Comments

**Q20. Are there alternative planning policies that you think should be included in this Chapter?**

Comments

### **Carbon Capture & Storage (CCS)**

**Q21. Do you have any comments on Carbon Capture and Storage, Chapter 10?**

Comments

**Q22. Are there alternative planning policies that you think should be included in this Chapter?**

Comments

### **Offshore Renewable Energy**

**Q23. Should the NMP incorporate spatial information for Sectoral Marine Plans?**

Comments

**Q24. Do you have any comments on Offshore Renewable Energy, Chapter 11?**

Comments

**Q25. Are there alternative planning policies that you think should be included in this Chapter?**

Comments

### **Recreation and Tourism**

**Q26. Do you have any comments on Recreation and Tourism, Chapter 12?**

The first objective should be revised to make reference to *coastal* as well as marine recreation.

Is the NMP clear what is meant by term sport development (does it need to be)? Would it be useful for the plan to include some explanation of what is meant by sport development? To us sport development is about encouraging participation and then development in sport with a focus on schools and clubs participation and development by way of training, coaching, leadership and qualification and through competition and events. This could usefully be explained in the text or in a glossary to the NMP.

In relation to the objective on improved data on marine resources it is important to define what is meant by a key resource. It is crucial to appreciate the difference between a popular resource for sport and an important resource for sport, in carrying out this work. A resource only used or capable of being used by a small number of users, because of its technical challenge or perhaps its remote location, may still be very important for a sport, e.g. the wave at Thurso East, windsurfing at Tiree or climbing the Old Man of Hoy. Both popular and important resources can be key resources.

We note the reference on page 97 to research on participation levels and key areas and we would be keen to be involved with this.

We strongly support the recognition given in paragraph 3 of Part 1 to the health and social benefits of participation in recreation. As outlined in our comments on the General policies we consider it important for all the sectoral chapters to provide a social assessment of the relevant sector. Chapter 12 provides an economic and environmental assessment of tourism and recreation but does not provide a social analysis. Without this analysis we do not see how the NMP can be taking a comprehensive approach to sustainable development, identified as a key objective in GEN1. It is important for Chapter 12 to give a full assessment of the value of recreation for health and well-being, important national outcomes in Scotland Performs. As part of this we would like to see specific reference made to sport development and the value of the marine environment to participation, development and performance in sport and the need to recognise these qualities and promote and protect them.

It is not clear what the sporting network is that is referred to in that last sentence of paragraph 3 Part 1. We suggest that the last sentence should be revised to read *This extends to the considerable sporting success Scotland has had in a number of marine disciplines.*

In relation to the activities with potential to contribute to the economy as set out on pages 98 and 99, it might also be useful to make reference to the training and coaching and qualifications industry through centres such as the national watersports centre at Cumbrae and the contribution this can make to the economy.

In relation to the paragraph on coastal walking it would be useful for the plan to make a reference to access rights in general and not just to walking. Cycling and to a lesser degree horse riding are all popular on the coast and on coastal paths. Scotland's access rights apply to walking cycling and horse riding. Local Authorities have a statutory duty to uphold access rights. Likewise, it would be useful for the table on page 97 to make reference to coastal access rather than just coastal walking.

In addition it might be useful, in the paragraph on coastal walking, to make reference to Long Distance Routes and the aspiration for these to become a National Development in the NPF3. Many of such routes are located on the coast e.g. Fife Coastal Path, Kintyre Way, Ayrshire Coastal Path, Moray Coast Trail, with significant potential for economic return.

It might also be relevant to make reference to links golf.

In relation to the section on 'Interactions with other users' and particularly the section on inter-recreational activity, this is where it would be useful to address the point we make in response to Question 10 and what role the NMP might have in relation to other planning and management options outwith a consenting and licencing regime. There will be a need to address positive marine management through the use of e.g. education or codes of conduct, good practice guidance, signage etc. but it is not clear from the plan where this sits and who will or should or does have responsibility for this.

The section on 'Living Within Environmental Limits' seems a bit forced. Compared to other sectors the impact of sport and recreation on the environment will be limited and it is important to highlight this point and not to overplay impacts. It is crucial that impacts of recreation on the environment are not assumed and that decision making is evidence based.

### Part 3 – Marine Planning Policies

It would be useful to have clarity in the NMP (and apologies if this is already detailed) on the intended extent of the marine planning policies. Are they intended to address only development and activity requiring consent and/or licence or is their reach intended to go further than that and extend to the

planning and management of activity beyond a consenting regime (again this would address our response to Question 10)? Is there any limit e.g. within the Marine Planning Act, on what the NMP policies can address?

It is not clear to what degree the NMP can influence activity outwith a licencing and consenting regime. Rec and Tsm 4 for example, talks of recreation activity, but it is unclear how much recreation activity actually requires licence or consent and to what degree therefore the policy is applicable or relevant to recreation activity. It is not clear what degree of control can be exerted over recreation activity where no licence or consent is required.

In the same way it is not clear that policy Rec and Tsm 7 can actually require you to comply with a code of conduct, as opposed to encouraging compliance?

Rec and Tsm 1 – the first bullet point should make reference to access along the shore as well as to the shore. It would be useful to make a reference to avoiding negative impacts on access rights generally.

We suggest the following revision to bullet 2 of Rec and Tsm 1–

'The extent to which the proposal is likely to adversely affect *the physical and experiential* qualities important to recreational users'

We support the references in bullets three and four of Rec and Tsm 1 to looking at reasonable alternatives and to considering mitigation where proposals will impact on recreation interests. There may however be circumstances where alternatives and mitigation are not possible or acceptable. The policy should make clear that there may be some circumstances where a proposal should not proceed where mitigation can't be agreed and the impact of a proposal will be significant on a recreation interest of particular importance. It is important that the value of marine recreation is fully appreciated (world class in some locations) and to accept that in some probably very rare circumstances it may be that the importance of recreation should take precedence where appropriate mitigation cannot be agreed.

We recommend that Rec and Tourism 1 should also make reference to the importance of involving sport and recreation interests in the decision making process and for them to be fully involved in consultation as proposals come forward.

Rec and Tsm 2 should make it clear that the policy is referring to prospects for significant *tourism and recreation* development when the policy refers to 'prospects for significant development'. It is important that the policy cannot be misinterpreted to allow significant non recreation development in sites important for recreation.

Rec and Tsm 2 should also be revised to make clear that it is not just

recreational areas *with prospects for significant development* which should be identified. Sites that are important for recreation regardless of their development potential should also be identified to ensure that these are protected from development pressure and incorporated into positive marine planning.

Rec and Tsm 3 should make reference to the need to protect etc areas important for tsm and rec generally, in addition to protection of access and facilities.

In relation to Rec and Tsm 4, impacts from recreation should not be assumed and should be evidence based. And the assessment of impacts should take into consideration the abundance or extent of a particular resource (locally and nationally) e.g. sea grass and salt marsh, in deciding on the degree of impact and the appropriate response.

The final sentence in Rec and Tsm 5 should be amended as follows –

‘Co-operation and sharing infrastructure or facilities with complementary sectors will be supported *where appropriate* by decision makers.’

It is unclear why Rec and Tsm 6 is included just for the recreation and tourism sector and not for other sectors that would potentially have more of an impact on coastal residents. The policy is also ambiguous lacking clarity on what sort of impact on residents is of concern. We recommend that the policy be removed.

#### Part 4 - The Future

Bullet five needs to be addressed. This is a real concern and perhaps the bullet should instead be about recognising that this is a concern and trying to avoid it happening. In combination with the work MS will be doing on data gathering on marine recreation the bullet could usefully say something like – *a fuller understanding of marine and coastal recreation including of the impacts of renewable energy development on the sector resulting in more informed and positive planning for the sector.*

It might be useful to make reference in Part 4 to the work RYA(S) are carrying out, with support from **sportscotland**, on the development of their facilities strategy, which will strategically plan for future facility needs for the sport over the next 12 years.

#### **Q27. Are there alternative planning policies that you think should be included in this Chapter?**

Please see our earlier comments on a social analysis of the recreation sector. This will give the full picture of the value of recreation and ensure its protection and promotion for the contribution it makes to sport development,

health and well being, as well as the economy.

It is important for policy to recognise the difference between recreation and tourism. We recognise that the two sectors are linked but they are also different and policy needs to be clear what a resource is being protected for. A resource may be important for local club use for example, which may contribute nothing to the tourism sector.

### **Transport (Shipping, Ports, Harbours & Ferries)**

**Q28. Should the NMP specifically designate national significant ports/harbours as described in Chapter 13: Marine Planning Policy Transport 2?**

Comments

**Q29. Do you have any comments on Transport, Chapter 13?**

Comments

**Q30. Are there alternative planning policies that you think should be included in this Chapter?**

Comments

### **Telecommunication Cables**

**Q31. Do you have any comments on telecommunications, Chapter 14?**

Comments

**Q32. Are there alternative planning policies that you think should be included in this Chapter?**

Comments

### **Defence**

**Q33. Do you have any comments on Defence, Chapter 15?**

Comments

**Q34. Are there alternative planning policies that you think should be include in this Chapter?**

Comments

### **Aggregates**

**Q35. Do you have any comments on Aggregates, Chapter 16?**

Comments

**Q36. Are there alternative planning policies that you think should be included in this Chapter?**

Comments

### **Business and Regulatory**

**Q37. Please tell us about any potential economic or regulatory impacts, either positive or negative, that you think any or all of the proposals in this consultation may have.**

Comments

### **Equality**

**Q38. Do you believe that the creation of a Scottish National Marine Plan discriminates disproportionately between persons defined by age, disability, sexual orientation, gender, race and religion and belief?**

Yes  No

**Q39. If you answered yes to question 23 in what way do you believe that the creation of a Scottish National Marine Plan is discriminatory?**

Comments

### **Sustainability Appraisal**

**Q40. Do have any views/comments on the Sustainability Appraisal carried out for the NMP?**

Comments