

## CONSULTATION QUESTIONS

Please identify the main area of interest you identify with :

- |                               |                                     |
|-------------------------------|-------------------------------------|
| Nature Conservation           | <input type="checkbox"/>            |
| Fisheries                     | <input checked="" type="checkbox"/> |
| Industry/Transport            | <input type="checkbox"/>            |
| Energy                        | <input type="checkbox"/>            |
| Aquaculture                   | <input type="checkbox"/>            |
| Recreation/tourism            | <input type="checkbox"/>            |
| 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)

Comments

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

The government is to be commended on the progress made in developing this draft plan and the underlying data gathering as presented within the marine atlas and the online NMPi, which are a great resource for Scotland and the UK.

However it is felt the statement of National Objectives should place more emphasis on sustainability and sustainable development, and there is concern particularly in relation to the NW area that the information on aquaculture in its present and proposed form (Q14) requires some greater scrutiny.

The draft NMP recognises key overarching objectives but would benefit from the inclusion of more forward-reaching and proactive proposals to actively guide integrated management of the increasing interaction between sectors.

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

While the need for integration between the marine and land use planning systems is adequately recognised within the NMP, potential mechanisms for achieving this are not.

The sectoral approach adopted within the NMP has highlighted issues that are key to understanding sector needs, but the plan does not go far enough towards identifying how these key sectoral interests and all other relevant interests can be managed in an integrated way.

This is particularly the case for fisheries, which are already subject to very complex legislation and management measures, as a further layer of potential controls at local level would prove difficult to implement.

We appreciate feedback from the ongoing consultation on the links between terrestrial and marine planning but consider that further detail could be provided on available mechanisms and protocol for integration.

**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 is clear that any Regional Marine Plans must conform to the NMP guidelines, but it is not sufficiently apparent from the current draft :-

- a) how or when the marine planning partnerships are to be set up or regional marine plans are to be developed;
- b) how will planners be able to adequately assess the needs, relative socio-economic values and potential impacts of different sectors on a scientific and objective basis when deciding between development proposals by competing interests.
- c) It is not clear how work on the Marine Regional Plans will be resourced or timescales within which they will be forwarded. It would be helpful to have some additional guidance within the plan as to how this may be achieved.
- d) how Inshore Fisheries Groups, who will be implementing area Fisheries Management Plans (0-6 Nautical Miles), and the Inshore Fisheries Management Conservation group (iFMAC) covering 6-12 Nm, can best input to the process (We presume that IFGs would need to be represented on any Marine Planning Partnership.)
- e) the extent to which, and means by which, IFG "Fisheries Management Plans" (in the process of being agreed) will in future be subject to regional marine plans, and vice versa.
- f) The mechanisms by which regional marine planning might seek to impact on the activities of fishing vessels, which are licensed under separate legislation, not under the Marine (Scotland) Act 2010.

For energy, the Sectoral Marine Plan for Wind, Wave and Tidal Energy in Scottish Waters (currently being consulted on) will establish nationally

important sites. For fisheries interests, there needs to be a mechanism to help identify key areas for different species, issues re seasonal stock availability, and potential impacts of displaced fishing effort on other areas.

The stated presumption in favour of development of energy sectors (which may have significant knock-on effects on local fisheries and biodiversity) needs to be offset by a clearer recognition of the economic and food security value of the fisheries sector.

**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?**

This issue requires further consideration and information on how SSAs could be most effective within the overall planning system. Of particular interest to the NW IFG are the Minches and the adjacent areas of the Pentland Firth and Clyde Estuary identified in the Plan as Strategic Sea Areas. It speaks of a “more integrated approach” but there is no definition of what that “more integrated approach” might be.

Given the national recognition of key areas for energy, natural heritage and aquaculture, the case should be made for the designation of Strategic Seas Areas critical for fisheries, or the inclusion of fisheries interests within one or more SSA. Furthermore in regard to a Minches SSA, there is no reference to tourism, or the effect of over development and the possible threat to that industry.

**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?**

The objectives and policies appear appropriate, and are well set out under “strategic objectives”, but more guidance, and a national overview, may be needed by marine planners when evaluating competing proposals with potentially equivalent economic value, but which would meet different objectives such as employment, food security or energy security.

Of particular and **ongoing** concern in the restricted waters of the Minches is the pollution risk from mishap to tanker and cruise ship traffic.

**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?**

Scotland's Marine Atlas provides broad brush information on the status of fish stocks and the impacts of fishing on different types of environment. Fishing is however recognised within the NMP in Chapter 6 *"as an important source of sustainable protein and essential nutrients, often caught with lower associated carbon emissions than the rearing of meat."*

The impacts of climate change on sea temperatures, currents, species availability, migration etc are only just beginning to be understood, and ongoing changes can be expected. Any regional marine planning mechanisms and guidance (including MPAs) will need to have built in flexibility so they can be adapted to meet changing circumstances where fish and shellfish species move out of the areas designated for their protection.

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

Although fishing vessel-licensing is outwith the Marine (Scotland) Act 2010, the impacts of vessel activities will fall within the overall NMP or regional marine plan policies and objectives. There needs to be further consideration as to how these two systems can be integrated in a way that is clear and fair, along with the potential role of the Inshore Fisheries Groups and /or the Inshore Fisheries Management And Conservation Group in advising on requirements for variations of licence, perhaps on a spatial or temporal basis.

It is unclear from these chapters how integration with terrestrial planning systems will be undertaken and on what timescale both will be (collectively) reviewed.

### **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?**

Gen 1. This presumption in favour of sustainable development where consistent with the plan is held to be important for fisheries (food and drink), and will be particularly relevant for some more remote areas of Scotland.

Gen 6. We would wish to see inclusion within the general guidelines of a clearer reference to the principles contained in Fisheries Policy 6. i.e. that terrestrial planners (and not just ports) should engage with key stakeholders regarding any proposed changes in existing infrastructure that might affect the viability of dependant fishing fleets, and that there should be a presumption in favour of maintaining necessary infrastructure.

Gen10. Data gathered as part of ongoing EIA processes and subsequent monitoring should be held centrally and made widely available so a clearer picture can emerge of what is in the marine environment, and the potential impacts and cumulative impacts of proposed developments.

The availability of current data and the collection of new national data will also be key for inshore fisheries groups and marine planning decision makers to meet the needs for maintaining healthy fish populations.

*Gen 12 states "Marine planning and decision making authorities should ensure that development and use of the marine environment complies with legal requirements for protected areas and protected species and does not result in a significant adverse effect on the national conservation status of other habitats or populations of species of conservation concern."*

The wording of this policy seems to suggest that significant adverse effects on habitats or species not of conservation concern could be acceptable. This policy needs to be clarified in line with the Strategy for Marine Nature Conservation et al.

The list of Priority Marine Features includes commercial species, and habitats that support these. Further guidance may be appropriate regarding integrating and ensuring the compatibility of the fishing (particularly inshore fishing) and other marine planning activities and objectives.

Gen 16. When considering the effects of anthropogenic noise etc on sensitive species, account must be taken also of the potential impacts on spawning grounds, migration routes etc of priority species, including the effects of electromagnetic fields, particularly in regard to shellfish (nephrops etc) from sub sea power cables.

GES 9 should help safeguard fisheries in relation to pollution events. See response to Q5

GES 11 may have particular relevance for fisheries in relation to the siting of renewables developments and infrastructure including sub-sea cabling.

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

As previously mentioned, land- based and marine tourism is of prime importance to the Western seaboard of Scotland. This asset must be protected and extreme care must be exercised to guard against inappropriate development.

It has been a concern of the fishing industry that the cumulative effect of various types of development can impact detrimentally on traditional fishing grounds and practices.

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

As in response to Q9

### **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?**

As stated previously, the requirements of the fisheries sector(s) need to be fully recognised within the NMP, given that the spatial and temporal distributions of fish stocks and nursery areas are not uniform and may be subject to major change due to climate change and other factors.

The loss of fishing opportunity in one area may not be able to be met by increased effort in another area. Recognised as the “domino effect” and as referred to in Q9 above, as the cumulative effect of multiple development strands.

### **Sea Fisheries**

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

The work of the Inshore Fisheries Groups ( IFGs) and the Inshore Fisheries Management Conservation group (iFMAC) as outlined in Q3 are critical to fisheries integration of this entire process, and the following issues raised will be common to all.

The NMP would benefit from the inclusion of a map showing all fishing - dependent communities and all ports, with data on the scale and type of fish landings etc, to show marine

planners their comparative values in relation to other activities.

The draft NMP notes that the Scottish fishing fleet comprises four broad sectors:-

- The pelagic fleet
- The demersal / whitefish fleet
- The mixed demersal and shellfish fleet
- The shellfish fleet

### **Commercial, wild salmon fishing also needs to be recognised**

Whilst the individual NMP fisheries objectives seem appropriate, we consider they provide **too incomplete an explanation of fishing activities** and environmental impacts to be used as planning policy guidance for regional marine planning.

It is suggested that marine planning policy guidance needs a **clearer demarcation between the type of gear used, and the implications in terms of its potential effect on the environment**, e.g.

- Towed gear (pelagic)
- Towed gear (whitefish / shellfish)
- Static gear.

### **Hand gathered and dived fisheries should also be recognised.**

Smaller fishing communities are often reliant on small scale, seasonal and niche fishing opportunities, potentially including both shellfish and finfish. The proportionality of the effect of planning decisions on local communities should be adequately taken into account.

Activities such as scallop dredging are recognised as having the most significant impacts on the seabed habitats within Scotland's waters. Fishing using mobile gear can also cause damage to features and habitats, which must be weighed against their significance in economic terms.

The addition of "*on sensitive habitats or locations*" may give the policy context more objectivity i.e.:- "Scallop dredging is recognised as having the most significant impact on sensitive habitats or locations within Scotland's waters".

However, it should also be noted that scallop grounds can recover within a relatively short period of time, confirmed by the fact that commercial scallop fisheries keep returning to the same areas. Scallop fishing can therefore be sustainable, as evidenced by the Marine Stewardship Council (MSC) accreditation already granted to a Shetland scallop fishery.

A variety of benthic habitats support important demersal fisheries, providing essential habitats and nursery, feeding and recruitment areas for fish species. Nephrops also rely on a specific muddy habitat to construct burrows. Both water depths and currents are key in the distribution of fish stocks and sufficient weight needs to be given to this within planning policy

guidance, since most conflicts over resource-use are likely to occur between marine industry-users in the shallower, inshore areas or shallower reefs and sandbanks.

The translation of the NMP's stated objectives into practical marine planning proposals will require clearer information and understanding regarding the different types of fisheries prosecuted, their seasonality and the competitive interactions between sub-sectors, particularly between the inshore vessels and the pelagic and whitefish offshore sectors.

Mobile and static gear fisheries have different issues and should be referred to separately in terms of the species being fished and the size of vessel (over 10m and 10 metres or under).

The scenarios for inshore fish stock management based on typical fishing activity needs to be recognised within the planning process where it is significantly different from the offshore position. E.g. regarding discards, where shellfish discards may primarily be returned to the sea alive.

The type of information marine planners will require to obtain an accurate impression of activity (e.g. that around 70% of the '10 metre or under vessels' are currently creelers) is complex and rapidly changing. As suggested elsewhere, sectoral information like this should be considered as background information and not embedded within the NMP.

The Inshore Fisheries Groups' current area of remit only extends to 6Nm. The Inshore Fisheries Management and Conservation Group currently has responsibility for fisheries management in the 6 – 12 Nm area. The relationship of intertidal fisheries and the differentials between marine and terrestrial planning all require examination and clarification.

Marine planning policy guidance needs to reflect the fact that between 6 – 12 Nautical miles (Nm), only EU states with historic fishing rights have access to Scottish waters and these rights relate to pelagic species.

Marine measures such as sea area closures are often managed at EU level or through the North East Atlantic Fisheries Commission. National measures may be put in place by Scottish ministers, but outside the 6 Nm zone, other EU member states are not obliged to observe these closures.

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

One of the Plan's Objectives is

- Support the sea fisheries industry to:
  - Maximise annual quota opportunities across Scotland's stocks

That will not be achieved in future unless there is not only a recognition of the impact of seals on fish stocks but also a management plan put in place to regulate the growth of the grey seal population to what may be agreed as acceptable levels. This is again common to seas all around Scotland's coast.

## 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?**

Aquaculture is an extremely important industry in west coast waters, giving employment in some of the more remote communities.

It is not without its problems in relation to other fisheries, and in particular in finfish aquaculture, and to its perceived impacts on wild salmonid stocks and sport fisheries interests.

It is widely considered that this would be a perfect opportunity to examine thoroughly the reporting and monitoring mechanisms which should be set to protect the future of finfish aquaculture, **but as importantly** to protect those wild salmonid populations that traverse inshore waters on their way to and from rivers and streams along the coast.

The current “footprint” of fish farms that requires to be declared within planning applications does not include the full area around the farm that may be “blighted” in terms of other activities. E.g. there are often anchor cables, exclusion zones and supply vessel activity in the area around the fish farm that preclude other fishing activity taking place. This current loophole should be closed and the full extent of the impact of all aquaculture sites, or any other marine development, in other sectors should be declared and taken into account as part of the marine planning process.

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

Aquaculture 5 states that *“Shellfish waters will be protected in a proportionate manner by designation. Once shellfish waters are designated, there will be a presumption that future expansion should be located in designated areas.”*

We consider that this policy may have significant implications for other fisheries that currently use these designated areas, since access may become more difficult or restricted. The restricted areas for fisheries extend well beyond the footprint of aquaculture developments. See Q14

Chapter 7 part 4, The Future.

Longer Term. *“The potential to move to increasingly offshore or more exposed salmon farms may, in time, remove the main spatial constraint on the industry and could herald the next stage of aquaculture development. Potential sites could be much larger than existing sites and therefore represent a significant increase in the value of the Scottish industry. The Scottish Government will take a more proactive role to identify opportunities with the industry.”*

Any expansion of the aquaculture sector to more exposed or larger offshore

sites is likely to lead to more competitive interactions with the inshore fishing industry and / or the displacement of other fishing activity that could impact on other areas. The “domino effect” as referred to in Q11  
There is further an imbalance between east and west coasts with the continued blanket presumption against finfish farming on the east and north coasts.

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

In the past, aquaculture sites that have been decommissioned or become fallow have left disused equipment on the seabed that is capable of fouling fishing gear. We recommend a clear planning presumption in favour of the removal of redundant equipment including mooring systems.  
Additionally a compensation scheme should be considered where marine development of any kind is proven to impinge on, or deny access to, traditional fishing grounds.

**Wild Salmon and Migratory Fish**

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

Details of heritable and other fisheries also need to be recognised and mechanisms outlined for managing these as part of the marine planning process.  
The perceived problems of the effect of finfish farms are already highlighted at Q14.  
More research requires to be completed regarding migration patterns and the effects of electromagnetic radiation from sub sea cabling etc  
The detrimental effects of uncontrolled seal population increases and seal predation on salmon and trout as well as other species should be recognised as being an important factor in long term sustainable fisheries development.

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

No comment

**Oil & Gas**

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

Sea areas should be identified for mooring redundant rigs and structures awaiting decommissioning, that have least impact on fisheries areas.  
Presently not as great an issue on the west coast as on the east but this is expected to change and that expansion demands further attention in terms of seabed structure removal, decommissioning and compensation

schemes..

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

As at Q19

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

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

No comment

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

No comment

### **Offshore Renewable Energy**

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

The sectoral marine plans should be considered as background information for the NMP rather than being part of the plan. If specific spatial information on renewable energy developments is required, this should be included within the NMP.

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

Sub Sea Cabling – we need more information on effects of electro magnetic fields on different species and migratory species.

Cables that cannot be buried due to seabed conditions should be adequately covered by matting or other means to limit their effect on migratory and other species

Where rock armouring is required for seabed structures that destroys key areas of fishing ground or nursery areas, mitigation measures such as recreating lobster habitats and restocking with young lobster should be considered as a mitigation measure.

Compensation for displaced fishing activity should be considered, especially as the effects of the installation, maintenance and exclusion zones round structures may have long lasting impacts both for that area, and displaced

fishing effort will put increased pressures on stocks in other areas

Again these comments are common around throughout the entire Scottish inshore areas east, north and west.

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

No comments

### **Recreation and Tourism**

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

Recreational and tourism activities, which can have significant impacts on the environment, should also be subject to controls as part of an integrated marine and coastal management strategy.

In western coastal waters recreational marine usage is growing at a considerable pace, and will place new demands on port and harbour facilities.

It is important that fisheries interests are not marginalised at these facilities and that equitable provision and investment is available to all.

There is increasing concern in regard to the activities of “hobby fishermen” who currently enjoy unrestricted rights regarding the amount of fish they can catch, although not legally sell. It is considered that this activity is re-examined and while “one for the pot” is perfectly acceptable it is feared this amenity may be in some cases be misused.

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

No comment

### **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?**

What would designation entail and mean in practical terms?

Depending on the significance of “designation” in planning terms, the proposed list of nationally significant ports and harbours should be consulted on separately. Any designation of ports and harbours should not

deflect attention from smaller ports and harbours that provide invaluable services to our national industries like fishing, albeit on a smaller scale.

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

No comment

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

Potential for the expansion of new public transport routes complementing existing ferry operations

**Telecommunication Cables**

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

No comment

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

No comment

**Defence**

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

There are important bi annual defence exercises which take place in western inshore waters. While it is appreciated that our military must practice their roles, it is an added factor to the cumulative use of the marine environment and should therefore be taken into account when considering all component factors.

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

No comment

**Aggregates**

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

No comment

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

No comment

### **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.**

No comment

### **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?**

No Comment

### **Sustainability Appraisal**

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

No comment