

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 | <input type="checkbox"/> |
| Academic/scientific | <input type="checkbox"/> |
| Local authority | <input checked="" 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 draft NMP accords with the UK Marine Policy Statement and as such broadly addresses management of Scotland's marine resources. More detailed comment on its effectiveness is detailed in the responses below on specific objectives and policies.

It is disappointing to note that no reference is made to the Shetland Marine Spatial Plan (SMSP), the first in Scotland and recognised internationally as a good example of how to approach marine spatial planning particularly as the draft NMP and SMSP are extremely similar in concept, layout and content. In developing Regional Marine Plans it is essential to consider a number of options to spatial planning as the marine environment and its resource management varies considerably from area to area. The SMSP and the two other spatial plans developed under SSMEI should be referenced alongside the pilot Pentland Firth and Orkney Waters plan when considering approaches to developing RMPs.

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

Whilst acknowledging the importance of integration between marine and land planning, the NMP itself is very brief on the means of achieving this. The integration between the two goes well beyond the simple fact that some developments may have both marine and terrestrial components in infrastructure terms – it also applies where there is no physical connection or structure. Marine developments will almost certainly have wider implications for service provision in adjacent coastal areas and on local communities for a range of reasons, e.g. visual amenity, recreational activity, conflict with existing use(s), etc. The draft Circular being consulted on concurrently with the NMP is useful in that it provides more clarity on this aspect, although it too is relatively brief on how integration could be achieved. The NMP should at least make a clear reference to the Circular.

The NMP suggests that integration will be achieved by Local Authorities being represented within Marine Planning Partnerships (MPPs). Shetland Islands Council would go further than this and state that in Shetland (and Orkney and the Western Isles) the Local Authority should be the MPP or at least the *lead body* with an ‘advisory group’ of stakeholders with an interest in the SMR sitting below this. A clear lead is required as the MPP will be a decision making body with respect to the development of its RMP and as a consultee on marine developments. This may be difficult to achieve or do by ‘committee’ particularly where it has competing interests in the use of the marine resource. It allows the expertise developed by Local Authorities in authoring Local Development Plans (and associated Supplementary Guidance) to be fully utilised and also facilitates better integration, local accountability and transparency, and improved community planning.

In addition to the transfer of marine planning functions, the Council also advocates the transfer licensing powers and functions to the Local Authority/MPP to maximise effectiveness and efficiency for the same reasons.

Both of the above approaches are facilitated by sections 12 and 51 of the Marine (Scotland) Act 2010 respectively. The Council recognises that this approach may not be appropriate for all MPPs as a ‘one size fits all’ approach will not be appropriate for all situations. However it would be effective in the single unitary authorities of Shetland, Orkney and the Western Isles. Whatever approach is taken there are resource implications. Again the Marine Act allows for the transfer of those resources that Scottish Government would itself be required to expend in the development of RMPs down to the MPP (Section 12[6]) in the form of grants.

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?

On the whole the vision and objectives within the NMP provide a useful context for regional marine planning. In addition the general and sectoral policies provide a framework for RMPs and it is heartening to note that those of the NMP and Shetland MSP accord very closely throughout both documents.

Specific comments on general and sectoral policies are provided in the relevant sections below.

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?

Whilst acknowledging that there might be benefits in identifying Strategic Sea Areas, it is recommended that any policies for such areas should be developed at the local rather than national level. This is to ensure both compatibility with RMPs developed by adjacent SMRs and that policies are developed with local community and stakeholder input. Thus the proposed SSA for the Pentland Firth should be undertaken by the Orkney and North Coast Marine Regions.

The Shetland Islands Council strongly supports the existing proposal for the three Island groups to be stand alone SMRs.

The lack of reference to the three spatial plans developed under SSMEI is baffling as these and the pilot PFWO plan should all be utilised to inform regional marine planning.

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 incorporation of High Level Marine Objectives and Good Environmental Status indicators along with climate change and sector specific objectives underpin sustainable development approaches. However it may be appropriate for the NMP to clarify the difference between sustainable development and sustainable economic growth in a marine context and how the two can be balanced. This approach would mirror that of Scottish Planning Policy.

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?

Establishment of both national and sectoral strategic objectives is appropriate. It also allows economic, social and environmental objectives to be set at a relevant level whilst incorporating objectives that relate to the mitigation of, and adaptation to, climate change. This will provide a useful context for RMP policy development.

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

The last paragraph on page 14 states that the strategic objectives should ensure that key components of ecosystem structures and processes are protected to 'an appropriate extent'. Some clarification of 'appropriate' would be welcome – is this to the extent that they can be exploited before collapsing or to the extent that economic growth can continue even after a collapse? This also links to the third and fourth bullet points under 'The Future' heading in reference to 'tipping points' and 'particularly important' functions, species or habitats in maintaining ecosystem services. It has to be borne in mind that all aspects of an ecosystem are important – an alteration to a so termed 'unimportant' aspect will result in a change to that ecosystem to the extent that 'important' aspects are consequently altered, perhaps irrevocably.

Reference to other plans and policy documents (e.g. NPF3, RBMP, Sectoral Plans for Renewables) are scattered throughout the draft NMP. It would be beneficial if these references were collected into a single, comprehensive section of its own that clearly shows the relationship between them. The same section could also include details of relevant EU and national legislation.

Box A contains a number of oversimplified statements. For example the impacts from the pressure of marine litter are well understood due to the work of such organisations as KIMO, an influential and international local authority organisation that lobbies on marine pollution matters. Similarly there is a growing body of work on the impacts of marine noise. It is unclear as to what is meant by 'certain habitats' being impacted by fishing or aquaculture under 'healthy and biologically diverse'. Where these activities occur there will be impact on all habitats, it is the level of impact, sensitivity of habitat, etc that is key. Declines in the populations of some sea birds, seals and fish species can also be a result of a combination of the reasons listed plus regular natural temporal shifts as occurs with oceanic currents.

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?

As an overall comment it should be made clear that developers also need to consider the policy statements and their implications, not just marine planners and decision makers. There would be some benefit in relating the general policies to specific sector sections and policies where appropriate, e.g. climate change.

GEN 1: The NMP tends to interchange sustainable development and sustainable economic growth. This is somewhat confusing as they are slightly different concepts – a clear definition of what is meant by both would be useful. Some of the sectoral growth targets do not represent sustainable economic growth through sustainable development. GEN 1 should state that a presumption in favour of sustainable development requires consistency with all policies and objectives within the NMP.

GEN 2: This policy should highlight that the objectives as outlined would be best achieved through RMPs.

GEN 3: Whilst acknowledging the purpose of this policy and the social benefits that may accrue, the justification should include more detail on how these have to be balanced against impacts on existing activities that promote the health and well being of communities.

GEN 4: As scenario mapping is a useful tool for engaging local communities, more detail on this and its benefits would be helpful. A scenario mapping approach is particularly useful where several developers are seeking to undertake infrastructure projects of a similar nature in close proximity and allows local communities to get a handle on what the combined impacts and outputs might be.

GEN 5: Rather than refer to 'multiple use of marine space' this policy would be more appropriate if it referred to 'co-location and synergistic use'. This would be more in line with the policy justification. The identification of areas for preferential use by specific sectors within RMPs may not be possible for spatial or technological reasons. This approach may not fit where a RMP has been established using a criteria based approach.

GEN 6: The need to fully integrate marine and terrestrial development plans is recognised and supported. To fully achieve this the Shetland Islands Council advocates the transfer of all functions relating to marine planning and consenting to the Local Authority in the three Island Groups and the MPP in other SMRs. The policy would be more relevant if the word 'appropriate' was replaced with 'and/or maintained' in the second line.

GEN 7: In the response to Q7 comment was made that both the NMP and consequent RMPs need to comply and integrate with other statutory plans which should ideally be outlined in a section within the NMP and be

referenced by this policy. Reference to any existing non-statutory plans available within any SMR will clearly aid RMP policy development.

GEN 8: This policy is strongly supported and is best achieved through local decision making, as outlined in the responses to Q2 and Q4.

GEN 9: The SIC strongly supports and advocates early engagement for all developments, whether in the sea or on land. The availability of some form of statutory process akin to Pre-Application Consultation on land for large (major) development projects is supported.

GEN 10: Clarification should perhaps be provided in the justification section as to who would be responsible for the provision of data to fill evidence gaps. The general presumption is that this lies with the developer. The need to take a risk based approach, through application of the precautionary principle, where evidence is inconclusive is accepted.

GEN 11: No comment other than to note that it is a requirement for new developments not to result in a lowering of the environmental status of a water body as indicated by policy GEN 18.

GEN 12: The policy justification highlights the main heritage aspects that should be considered in marine planning decisions. However it should be clarified that as well as complying with legal requirements, developers and decision makers also need to take account of all other habitats and species that constitute a particular marine ecosystem and not just those of conservation interest. The inclusion of biodiversity enhancement is welcome.

GEN 13: Support the general approach in the policy.

GEN 14: See the response to Q9 below.

GEN 15: No comment

GEN 16: No comment

GEN 17: It may be more appropriate to use 'soft or non-engineered' solutions at the start of paragraph 5 so it is in line with the use of 'hard engineered' solutions later in the same paragraph. Also note that Local Authorities are best placed to align terrestrial and RMPs as per the final paragraph of this section.

GEN 18: No comments

GEN 19: The rationale behind this policy is supported.

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

The importance of seascape, landscape and visual impact in considering marine developments is recognised and it is considered that more weight should be attached to the policy. Guidance on these aspects should not be confined to developments in NSAs, National Parks or adjacent to 'wilderness' areas. Many areas out with these are of significant value to local communities. Provision of guidance on assessing and characterising seascapes would be beneficial.

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

The inclusion of a general policy on safeguarding marine recreation would be appropriate given the role the marine environment plays in the health and well being of communities and visitors alike. This could be used to ensure that the benefits (social, economic and environmental) accruing from a development are assessed against the reduction or loss of existing amenity. Continued access rights to marine and coastal resource for recreational use should be maintained where reasonable and practical. Recreation and associated facilities are in addition an economic asset.

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?

No comments

Sea Fisheries

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

A stronger emphasis is required on the fact that direct impacts on the inshore fishing fleet from marine developments can have an equal or greater impact at the community level due to their generally remote/rural location.

The NMP should also acknowledge that energy (and telecom) developments can result in long term displacement of fishing activity with a resultant long term pressure on remaining fishing grounds. It is imperative that the evidence base for any such potential impacts is as relevant and as up-to-date as possible and, as a minimum, should include fishing effort data for the area under development consideration.

FISH 1: It is not considered that the purpose of the NMP is to manage fish stocks *per se* to ensure stock sustainability as the policy implies. This is

done through the EU Common Fisheries Policy, the setting of TACs and Member State quotas. This policy may be better worded to read: marine developers and planners should, where practical and feasible, support effective fisheries management to sustain fish stocks'. This links to FISH 5 and also GES3 of the MSFD.

FISH 2: Given the potential impacts outlined above and that this policy states the need to consider fishing in any marine development suggest removing 'where appropriate' from the end of the second sentence.

FISH 8: Needs a reword as the two halves of the policy are disjointed.

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

No 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?

NO. Other than AQUA2 the NMP does not touch on the integration of marine and land planning, indeed the NMP doesn't even mention that aquaculture falls under the Town and Country Planning (Scotland) Act 1997, as amended. This is considered an oversight. Even AQUA2 does not reference the draft Circular currently out for consideration on the relationship between land and marine planning and licensing.

Also, given the level of current aquaculture development in many areas, it may not be possible for some RMPs to identify areas potentially suitable for new development. Consideration should be given to including some reference to the integration highlighted in AQUA2. It is also noted that Scottish Planning Policy is somewhat 'woolly' on aquaculture as the industry is covered in six short paragraphs.

The inclusion of seaweed culture within the land planning system, at whatever scale, alongside all other forms of aquaculture will optimise sustainable development as it will allow the developments, including those associated with Integrated Multi-Trophic Aquaculture projects, to be considered holistically from an environmental and socio-economic perspective.

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

The objectives proposed for the industry give rise to a number of issues. It is questioned whether the setting of tonnage production targets before the

end of the decade constitutes sustainable economic growth. A more appropriate approach would be to have indicative annual percentage increases, perhaps in the range 3 – 5% and link this into increases in added value of both raw and finished product. The proposed increase in salmon production also raises issues with regard to sustainability of feed supply particularly with large increases in production in Norway and Chile. The feasibility of increasing ova production by 100%, and the space and facilities needed to do this, to satisfy current let alone future production needs further consideration.

For the shellfish sector it is questioned whether a 100% increase in production by the end of the decade is biologically feasible let alone spatially. In addition industry is saying that they do not require such a significant increase as the markets have flattened out. Competition on the spot market with dredged mussels through over production with its resultant significant drop in price has to be avoided.

Maximising benefits through added value should be emphasised but may require a change of mind set within industry. It is frustrating to see increased exports of the raw product returning to the UK as imported added value product. Little of the exported product is eaten raw, for example the Chinese do not consume large quantities of fresh salmon. However it is heartening to hear industry starting to think again about the quality of the product (as opposed to its volume) and this should be integrated with a drive to add the value in Scotland through exploitation of the world renowned 'Scottish smoked salmon' brand name.

Whilst acknowledging and supporting the benefit the aquaculture industry has brought to rural and island communities throughout Scotland some caution should be exercised in regard to the increased benefits from an increase in smolt production for the reasons highlighted in the first paragraph above. Similarly an increase in farm production at existing or new sites does not necessarily bring a causal or equivalent increase in jobs due to the increasing level of mechanisation in the industry.

With regard to environmental limits, it is the number of shellfish sites and/or production levels within a water body that impacts on biological carrying capacity, and therefore the potential for growth and/or increased production. As such the presumption that future expansion of the shellfish industry be located solely in designated waters (AQUA 5) should be reconsidered as this could lead to carrying capacity issues, lowered growth and production at existing sites and impacts on GES1, 4 and 5.

It is recommended that the presumption against fin fish developments on the north and east coasts of Scotland be revisited. The evidence that this policy has increased wild salmon survival and catches significantly in these two areas compared to the west coast is somewhat limited. The presumption also works against non-salmonid development that, if current pinch points could be overcome, could develop on the east coast without impacting spatially on existing developments (AQUA 3).

AQUA 9: It is unclear as to who would assume responsibility for developing emergency response plans for harmful blooms. Who will fund and undertake the vast amount of research work required to develop good predictive models for bloom occurrence? Even with such models being available what action could be taken that would not incur excessive costs? Bloom outbreaks this year indicate that they can occur over a 24 hour period whilst other forms of bloom (amoeba) are present year round at troublesome levels. It is considered that this policy be re-thought or even dropped.

AQUA 10: This is fully supported.

AQUA 12: The use of biological controls for sea lice is supported although it is considered that it is unlikely to come to fruition during the life time of the first NMP for biological, economic and spatial production reasons.

Looking to the future, it would be beneficial to define what is meant by 'offshore' aquaculture. In terms of the NMP this means sites beyond 12 nm from the coast. This is unlikely to happen in the short to medium term for technological reasons. Farms may move to or develop in more exposed locations but these will still be within the 'inshore' area. There will also be a need to re-evaluate existing models for assessing environmental impact before this could take place.

Seaweed farming is mentioned several times in this chapter as a standalone industry, as part of IMTA developments or, longer term, as a source of biofuels. It is imperative that this new sector is recognised as a form of aquaculture whatever its scale or purpose to allow assessment of potential impacts effectively and coherently. This is easily achieved by a minor amendment to the 1997 Planning Act so that it falls to be considered alongside other aquaculture developments.

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

It may be worth considering a policy on Area or Farm Management Agreements to encourage sustainable development with respect to disease control, fish welfare, etc.

Wild Salmon and Migratory Fish

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

The economic, social and recreational benefits that derive from wild salmonids are well described in the NMP. However the conservation value of both salmon and sea trout also requires consideration particularly as the former is listed on Annex ii and V of the Habitats and Species Directive, Appendix iii of the Bern Convention and is a UK BAP Priority Species.

The need for improved data on stock distribution, abundance, etc. as set out in Part 4 of this Chapter is fully supported.

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

No comments

Oil & Gas

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

Whilst acknowledging that marine renewable technology is developing, some early thought or consideration in the NMP (and RMPs) to the re-use of oil and gas infrastructure may be merited. For example existing facilities could be used as support structures for equipment or as a control/service hub for an array. In Part 4, decommissioning of oil and gas infrastructure will require co-ordination between land and marine planners to ensure the sustainable development of such facilities – the NMP should highlight this.

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

No comments

Carbon Capture & Storage (CCS)

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

The philosophy and concept behind CCS is fully supported as are the two policy statements.

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

No comments

Offshore Renewable Energy

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

Given the inclusion of the map on page 92, renewable policy 1 and the four paragraphs on page 91, the NMP already incorporates some initial spatial information for the Sectoral Marine Plans. It would be appropriate to expand on this to explain, inter alia, the process behind identification of

areas, that only a percentage of the identified options would be used for development and also that development can occur out with these areas albeit with less certainty than in the option areas. The NMP could also highlight that RMPs would be used to fine tune the final location of any developments within the outline areas so that views of local communities and stakeholders can be taken into consideration.

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

RENEW 7: As both rock dumping and trenching can result in significant environmental impact it may be more appropriate if this policy was qualified by adding 'where this is required for safety or stability reasons or where it will reduce potential conflict with other marine users'.

RENEW 6: This could perhaps be strengthened to emphasise the importance of grid connections to support the renewable industry particularly as developments are more likely to occur where existing grid capability is limited or connections to the main Scottish/UK grid don't exist.

RENEW 9: Include local communities in the definition of 'marine users'.

The NMP should also mention that Regional Locational Guidance is available in a number of the SMR areas, e.g. Shetland and Orkney, that provides more detailed data than the national RLG. NMP should also include reference to existing and emerging local marine spatial plans (e.g. SMSP, PFOW) which have policies relevant to renewable developments.

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?

The 'interaction with other users' section perhaps understates the potential for conflict between recreational use of the marine environment and other users of the resource. For example no mention is made of interactions with the aquaculture or fishing sectors when the physical infrastructure (cages/creel lines) can cause issues for sailing activities.

With the possible exception of surfing and kitesports, both of which require relatively specific locations, most activities listed in the table on page 97 occur all round the Scottish coastline and inshore waters. It may be more appropriate to simply list the activities and acknowledge that local expertise will identify those that are of significance in any particular SMR.

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

No comments

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?

There would be benefit in identifying nationally significant ports and/or harbours as described in TRANSPORT 2 along with the reason for their significance. RMPs would cascade this down to the regional/local level in due course.

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

No comments

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

No comments

Telecommunication Cables

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

It would be appropriate to include power cables in this section. Whilst new grid connections are covered to some extent in the Renewables chapter there is no discussion or policy covering existing power cables and their removal or replacement. Chapter could be re-titled 'Telecomm and Power Cables'.

It is assumed it should read 1500 mm in the last line of paragraph 2, Part 1 of this chapter.

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

No comments

Defence

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

Some consideration of sub-surface munitions testing impacts on CCS facilities should be included in the section covering MoD activity on infrastructure.

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

No comments

Aggregates

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

No comments

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

No 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.

No 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?

No comments

Sustainability Appraisal

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

Relevant comments have been included in the response to the above questions where appropriate.