

## CONSULTATION QUESTIONS

Please identify the main area of interest you identify with :

- |                               |                                     |
|-------------------------------|-------------------------------------|
| Nature Conservation           | <input type="checkbox"/>            |
| Fisheries                     | <input type="checkbox"/>            |
| Industry/Transport            | <input checked="" 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?**

No comments.

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

No 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 helpful to Regional Marine Planners and industries operating in the marine environment if those parts of the plan which are mandatory were clearly separated from those which are aspirational.

**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?**

No comments.

**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?**

No comments.

**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?**

No comments.

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

No comments.

### **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?**

Comments specific to GEN5. While opportunities for the co-existence of industries are likely to be plentiful and should be encouraged, in certain circumstances, it will be desirable to separate uses. The relationship between shipping and leisure activity can be particularly fraught at times and decision makers must recognise this when encouraging mixed uses. The NMP does acknowledge the issue, but stops short of identifying a method by which decision makers can balance competing interests against

one another. We believe the NMP should refer to this, and that the chosen method should have regard to the social, environmental and economic attributes of the conflicting uses.

Comments Specific to GEN6. While the terms of Policy GEN6 are generally supported, clarity is required to ensure that facilitation of access to the shore and sea (e.g. at ports), upon which sustainable economic activity depends, is balanced with competing activity/development. For example, the development of port infrastructure in isolation will not lead to delivery of the NMP's objectives unless supporting terrestrial infrastructure is protected and improved.

Comments Specific to GEN12. While supportive of the general thrust and understanding of the need for the NMP to define a high-level approach to nature conservation, we are concerned that the current wording of this policy 'gold-plates' conservation in a way that could stifle sustainable economic activity, particularly in marginal economic areas. This is mostly because, unlike approved and emerging terrestrial planning policy, the draft policy in the NMP offers no flexibility in balancing conservation against social and economic benefit, nor does it reflect the varying degrees of protection afforded to the different tiers of conservation designation.

Moreover, the draft policy will require proposals for development which straddle the high and low mean water mark (e.g. ports) and therefore regulated both under the terrestrial and marine consenting regime to be assessed and considered against two sets of different criteria – adding to the already formidable regulatory hurdles faced by such developments.

Scottish Planning Policy takes a more responsive approach to these matters. For example, developments that could have a significant effect on a Natura site can only be permitted where an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site; or there are no alternative solutions and imperative reasons of overriding public interest, including those of a social or economic nature. SPP goes on to set out similar criteria for developments affecting national and local designations and protected species, reducing in rigour with the level of designation afforded to the biodiversity interest. These have been carried forward in to the latest draft of the document.

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

No comments.

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

Comments Specific to GEN12. The approach set out in the draft NMP for

the historic environment in GEN13 and its subtext represents an example of a proportionate, high-level response to the conservation of heritage. A similar approach could be applied to GEN 12 for nature conservation or, alternatively, the terms of the NMP policy could be amended so as to be consistent with the requirements of Scottish Planning Policy.

### **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?**

No comments.

**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 comments.

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

No comments.

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

No comments.

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

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

No comments.

**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?**

No comments.

**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?**

No comments.

**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?**

Yes, we believe that the value of SMPs is dramatically enhanced by the addition of spatial information.

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

The risk of collision with offshore renewable energy equipment is only

mentioned insofar as it affects birds, marine mammals and fish. Given the degree of potential risk attached to collisions involving a vessel, the NMP should more clearly acknowledge the potential for interaction with shipping activity and require robust navigational risk assessments that particularly address periods of low/nil visibility (especially at night).

It would be helpful if the subtext were to acknowledge that offshore renewable energy equipment can also increase the risk of collision with other features by constraining 'sea-space' and requiring vessels to move in dangerous proximity to each other (or other obstructions). I.e. Collision risk can be significantly increased, even if there is little likelihood of colliding with the energy devices themselves.

### **Recreation and Tourism**

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

No comments.

**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?**

Comments on the Nationally Significant Ports in general. We are supportive of the aspiration to designate nationally significant ports, and believe these should form part of a wider package of economically critical infrastructure/utility assets.

However, the NMP should further acknowledge that all ports - irrespective of their national significance - are economic multipliers that make a crucial socio-economic contribution to their hinterland, and without which, very few of the NMP's other objectives can be delivered. This is particularly important in Scotland's marginal communities where the 'port' may be no more than a slipway, but is a facility allowing a vital import and export lifeline to sustain a functional economy.

Comments on the Designation of Aberdeen Harbour as a Nationally Significant Port. While it is accepted that the Regional Marine Plans will be more focussed on spatial distribution of marine activity and proposals than the NMP, it would be prudent - given the status of the expansion of Aberdeen Harbour as an emerging National Development - for specific policy support to be included within the NMP. This would ensure that the terrestrial and marine plans at a national level are suitably aligned, as is

required by the Marine (Scotland) Act 2010.

The expansion of Aberdeen Harbour has already been identified by the Scottish Government in their draft NPF3 as a National Development. This states (Paragraph 2.61, Page 25) that:

“We consider that the proposed expansion of Aberdeen Harbour merits designation as a national development, partly due to its contribution to the renewables sector, but also in recognition of its wider role in supporting international trade, links with Orkney and Shetland, and the importance of its contribution to the economy of the North East and Scotland as a whole.”

NPF3 goes on to state (Paragraph 5.31, Page 60) that:

“We believe that the potential for growth at Aberdeen Harbour is nationally significant. Opportunities will arise from the expected growth in cargo over the coming years, and the port will continue to play a vital role in the oil and gas and renewable energy sectors, as well as providing key links to the Northern Isles. Given the significance of the North East and Orkney and Shetland to our long-term strategy for growth, there is a clear need to support expansion of the harbour and associated development to overcome the current limits of its capacity. Any potential impacts on the River Dee Special Area of Conservation will need to be appropriately addressed. We consider that the expansion of Aberdeen Harbour should be designated as a national development in NPF3, to reflect its importance to the spatial strategy as a whole.”

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

Objective 6. This objective states that increasing the availability of shore power for ships will help combat climate change – but this is far from clear. Due to the Scottish Energy mix, one kWh of grid electricity may not have a lower carbon cost than one generated in a modern, demand/load-managed set of diesel generators aboard a ship.

Comments specific to Map 19. This shows the National Developments identified in NPF2. NPF3 will be laid before Parliament in advance of the Revision to the Draft NMP being published, and Map 19 should be amended to include reference to new the National Developments.

Transport Policy 1. There is reference here, and elsewhere in the chapter, to ‘shipping routes’. The concept of a ‘shipping route’ is a misnomer and the NMP should shy away from enshrining in policy the belief that ships operate in this way. While we understand that it is helpful to think of designated ‘paths’ through the sea and acknowledge that ships often follow identical tracks repeatedly, the freedom of navigation is well established in international law and ships can, do and must be able to continue operating wherever it is safe and prudent to do so.

Transport Policy 3. This policy satisfactorily acknowledges and protects the

importance of sea links to remote communities. We understand and agree with the spirit of the final sentence - affording additional, absolute protection to lifeline services - but fear that the current wording could create problems.

For example, if works on a berth used by a lifeline link were needed, taking it out of service, Marine Scotland would not be able to licence the activity without breaching Government policy and opening themselves and the licence decision to legal challenge. There is also the possibility that such a statement is contrary to European law because it gives unfair protection to a state-owned monopoly, particularly should the legal interpretation of 'interference' include the financial/commercial impact of a competing private service on a publicly owned one to be taken in to account in related licencing infrastructure decisions.

Transport Policy 4. This policy appears to provide support for port maintenance and improvement only if it benefits other industries identified in the plan. Policy makers should be aware, and the NMP should acknowledge, that general cargo and freight links in the service of terrestrial economic activity are the primary source of income for Scottish ports and the key way they act as multipliers for the wider economy. This will remain the case even if the new, novel and niche trades encouraged by the NMP develop as hoped.

Transport Policy 7. While we acknowledge that ship-to-ship transfers of oil are a particularly emotive issue, we do not feel the NMP needs to contain a policy that states little more than 'people should comply with the law'. Moreover, we are concerned that singling out ship-to-ship transfers in this way detracts from the remainder of the formidable legislative framework to regulate the environmental and safety impacts of shipping.

The Future, Bullet 2. We are supportive of the aspiration to improve the availability of shore power in Scottish ports and recognise that there are some limited circumstances where the technology may be useful now, but the NMP should acknowledge that, in the majority of cases, there is little economic justification for widespread use of the technology as it stands.

If the Scottish Government is minded to include it, it should also commit to the provision of subsidy to support the installation costs (a little less than £1m per berth and per ship), the expensive and disruptive improvements to the electricity distribution grid (which may need to stretch up to a hundred miles inland) as well as the higher per-kWh energy costs.

We suggest that the Scottish Government's aspirations with regard to air quality and emissions can also be served by involvement in the EU's work to introduce cleaner fuels and emissions control systems on ships, the IMO's work to standardise shore power technology (pending future improvements in the economic and environmental cost of grid energy) and facilitating the availability of LNG fuels for ships visiting Scotland.

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

We believe it is essential that the NMP acknowledges the statutory duties and responsibilities of Port Authorities, particularly where they refer to measures needed to ensure the safe movement of vessels in their waters. To that end, we also wish the following to be included:

- A clause that requires marine decision makers to have regard to, and refrain from interfering with, the statutory duties and responsibilities of Port Authorities.
- A clause to require marine decision makers to consult port authorities on development and activity consent applications that have the potential to affect their operations or property.

We would also support the inclusion of the following policies in Chapter 13 to help ports contribute to achieving the high-level objectives identified at the beginning of the chapter.

- A policy to require terrestrial planners and decision makers to have regard to the need for the preservation and improvement of access to ports by road and rail.
- A clause to require utility companies to have regard to the government's aspirations for shore side power when planning and improving grid infrastructure.

**Telecommunication Cables**

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

No comments.

**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?**

No comments.

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

No comments.