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Marine Planning  
Marine Scotland  
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EH6 6QQ

Sent via email to [marineplanning@scotland.gsi.gov.uk](mailto:marineplanning@scotland.gsi.gov.uk)

13<sup>th</sup> November 2013

Dear Sir / Madam,

I am responding on behalf of Associated British Ports to the above consultation. ABP is the UK's largest port operator, and owns and operates 21 ports across the UK, 2 of which are in Scotland. The ports of Ayr and Troon are strategically located at the entrance to the Firth of Clyde on Scotland's West Coast. Annually, they handle approximately five hundred thousand tonnes of dry bulks, forest products and on-shore wind farm components. ABP is statutory harbour authority for all its main ports and we are committed to effective environmental management across all its activities.

We have no issue with the majority of the plan's policies in Scotland's National Marine Plan, but we do have some concerns, which can be summarised as follows. Please also refer to our detailed comments on the draft policies appended to this letter.

- I note your comments on pg 16 of your consultation documents relating to the MSFD good environmental status descriptors whereby you state that non-indigenous species introduced by human activities are at levels that do not adversely alter the ecosystems, however you contradict this later in the document (page 29) under policy GEN12.
- We are pleased to see that you recognise that regional plans should be aligned with terrestrial development plans and reflect coastal areas likely to be suitable for development.
- We note that the objectives in the Transport section of the document, which we very much welcome, are not echoed in the policies in the subsequent pages.
- We note that you refer to the IMO Convention for Ballast Water Management, however please observe that the UK has not yet signed up to this convention. We do not feel that it is appropriate for Scotland to be mandating the conventions' requirements prior to its enactment – especially when the practicalities of this, including any technical difficulties have not yet been ironed out. We are conscious that once finalised, Scotland's Marine Plan will be legally binding therefore we would recommend that any reference to this convention is removed from the document.
- We have identified that there are no policies providing for the protection of future interests in the marine transport and merchant shipping sector, and that no commitment has been made to ensure that charts are to be maintained identifying navigational routes, access channels and important shipping routes that need to be safeguarded. We would be reassured to see some mention of this in the final version of Scotland's Marine Plan.



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Yours sincerely



**Ian Schofield**  
**Technical Director**

**Cc:** Stuart Cresswell – Port Manager, Ayr and Troon  
Nick Ridehalgh – Port Director, Short Sea Ports

**Appended:** Scotland's National Marine Plan Respondent information form



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## National Marine Plan - Consultation Draft

### Chapter 13 - Transport (Shipping, Ports, Harbours & Ferries)

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

1. We would like to see your Objectives (as listed below) better reflected in the Policies which you list later in the chapter
  - *To maintain and grow business in Scottish Ports.*
  - *To encourage and support development of port and harbour infrastructure.*
  - *To safeguard essential maritime transport links to island and remote mainland communities.*
2. We feel that your final objective (*To contribute to climate change mitigation and improve air quality by increasing the availability of shore based electricity when in port, supporting efficiencies in fleet management and technology advances, and ensuring port infrastructure and shipping services are able to adapt to the consequences of climate change*) should not be imposed on ports where this is not commercially viable and that this should only be promoted when and where there is a market drive for this. Such technology is often not cost effective or viable and alternatives to shore-side energy are



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usually more effective in resolving air quality issues i.e. ship-board fuel quality or efficiency, which is already being driven from an international perspective via the IMO.

3. We note your comments relating to habitat loss/damage caused by capital and maintenance dredging, however we would like to remind you that these activities are licensed and any environmental impacts would be taken into consideration by the regulator as part of the dredging license application process. This needs to be made clear in the text so as not to give an overly negative impression of this operation.
4. We are pleased to see that you recognise the efforts and progress that the international shipping community has made in lowering shipping emissions and decreasing the carbon, nitrogen and sulphur pollutants emitted to the atmosphere.
5. With reference to pollution and the contamination of water and sediments and accidental release of oil and other hazardous substances, please note that these risks are strictly controlled under the statutory duty that has been imposed on harbour authorities, ports and oil handling facilities to respond to marine pollution incidents which take place in their waters, and on their structures and on the land that they own. Please be assured that the Maritime and Coastguard Agency (MCA) take the lead responsibility for ensuring that port and harbour authorities plan for, and are able to respond to pollution incidents and spills and that all ports have an Oil Spill Contingency Plan which is regularly exercised and updated. This existing control is not recognised in the plan and we do not see there is any residual issue that the plan needs to seek to address in this respect.
6. We note that you refer to the IMO Convention for Ballast Water Management, however please observe that the UK has not yet signed up to this convention. We do not feel that it is appropriate for Scotland to be mandating the conventions' requirements prior to its enactment – especially when the practicalities of this, including many technical difficulties have not yet been ironed out. We are conscious that once finalised, Scotland's Marine Plan will be legally binding therefore we would recommend that any reference to this convention is removed from the document.
7. Whilst you have not recognised the impact of emissions from air transport upon climate change, we agree with your Transport Policies 1-3.
8. We feel that the wording in Transport Policy 6 should be stronger in support of not making shipping routes longer than necessary. We would suggest an amendment to read along the following lines: *'Consent should not be granted to proposals that would result in increased emissions caused by longer shipping journeys or would divert important shipping routes (we would support important shipping routes to be defined on a map within the plan) should be avoided taken into account in whilst considering proposals for marine activity and development that would result in increased existing shipping route length.'*
9. We do not feel that Transport Policy 7 is required in Scotland's Marine Plan as this is covered by the Merchant Shipping (Ship-to-Ship Transfer) Regulations 2010, and the MCA is currently drafting a [Marine Guidance Note](#) for all Shipowners, Agents, Masters & Officers on Ships, Harbour Masters, Ship-to-Ship Transfer Operators and Bunkering Operators on this. We do not see this as an issue that the plan needs to address.
10. Please see our comments in Item 6 above relating to Transport Policy 8.



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

1. Please see comments in Items 1, 2, 8, 9 and 10 above.
2. We have identified that there are no policies mention the protection of future interests in the marine transport and merchant shipping sector, and that no commitment has been made to ensure that charts of navigational routes are maintained for access channels and important shipping routes. We would be reassured to see some mention of this in the final version of Scotland's Marine Plan and policies designed to afford them protection from encroachment e.g. from cabling, offshore developments etc.
3. We believe it is more than appropriate for the Plan to include a positive policy statement and positive supporting text for the development, redevelopment or expansion of ports and navigation channels i.e. a requirement for a new policy, such that the effect is a presumption in favour of development subject to certain criteria. We have this in land side plans, so feel it is wholly appropriate in the Marine Plan, even if there are caveats e.g. for the protection of conservation interests. The objectives within the transport section go someway to provide this positive planning context (i.e. the objective the maintain and grow business in Scottish ports and to encourage the development of port infrastructure) but this is not mirrored within a specific 'positive' planning policy for the future development of ports, apart from in transport policy 4 where it benefits other marine sectors.



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