

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 type="checkbox"/> |
| Community group               | <input type="checkbox"/> |
| Public sector/Regulatory body | <input type="checkbox"/> |
| Local Coastal Partnership     | X                        |

Other (Please state)

Comments

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

The Moray Firth Partnership supports the key aims and objectives outlined within the Planning Scotland's Seas consultation and development of a National Marine Plan and subsidiary regional marine plans that embody the general principles of Integrated Coastal Zone Management (ICZM).

Although mention is made within the draft NMP of ICZM principles, the plan would benefit from inclusion of some more detailed, proactive and time-related measures to help guide the development of integrated management particularly in the near shore area where we are already experiencing increasing interaction and competition between sectors.

The NMP provides the opportunity for a long-term plan. Although no timescale is indicated, we suggest this should be a minimum 15 - 20 years (as for ICZM), and perhaps 20 - 30 years as for the National Planning Framework proposals.

As well as the overarching, long-term visions, the plan would benefit from the inclusion of SMART objectives. E.g. the section on national objectives proposes a future where "we live in a Scotland that is the most attractive

place for doing business in Europe”, which is largely subjective and is not measurable.

The inclusion of additional information (within background sectoral information to the NMP) regarding the fisheries sector would help provide a clearer economic as well as environmental evaluation of the strategic importance of these ecosystem elements to guide future decision making.

Given the rapid changes and developments likely in Offshore Renewable Energy and other sectors, as well as potential changes in location of mobile species, the NMP and regional marine plans may need to include some form of ‘supplementary guidance’ to ensure that the plans can stay up to date.

## **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, it would be helpful to have more detail regarding processes and protocols to achieve it. Further guidance will be required where one area has a regional marine plan / Marine Planning Partnership in place and the neighbouring area doesn't, especially given the extended timescale likely for roll-out of MPPs.

Some guidance should be included on the harmonisation of review dates for terrestrial and marine plans. The review period for the National Marine Plan is five years, so it may be some years before terrestrial plans can be aligned, particularly where there are multiple authorities in one Marine Region. Also, if there are disparities between current terrestrial plans and the National Marine Plan, guidance on which takes precedence will be required, e.g. on aquaculture or on presumed planning consent.

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 other relevant interests that don't have a specific plan, can be managed in an integrated way.

Although nature conservation is recognised as a key element of various strategies on sustainability, clean and healthy seas etc., it could be argued that it should be considered as a separate sector, given its wider socio-economic impact. There would be benefits in clearly outlining the strategies for nature conservation, as well as restoration and enhancement alongside the objectives for the other sectors identified.

Fisheries, which are already subject to separate, complex legislation and management measures, will add a further layer of complexity and potential controls at local level that will prove difficult to implement.

We appreciate that the plan will continue to evolve in future iterations, but consider that some additional guidance should be added at the outset.

**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?**

- a) It is disappointing that there is still no clear indication of boundaries for the new marine regions, and how or when the marine planning partnerships are to be set up, as this would have removed one layer of uncertainty from the plan.
- b) The NMP should include clear proposals covering at least the first five years of the plan, regarding how regional marine plans are to be developed and resourced, as well as any longer-term objectives;
- c) 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? What resources will be provided to support the decision making process until the new plans are established, and there are personnel available in local authorities or within MPPs that are sufficiently experienced in both terrestrial and marine planning?
- d) Although decisions will require to be made on a case by case basis with consideration of all local factors, there will also need to be a Scotland, or UK wide strategic overview as well as collaboration between areas on issues of national importance. It would be helpful to have some additional guidance within the plan as to how this may be achieved .
- e) To what extent will Inshore Fisheries Group “Fisheries Management Plans“ (in the process of being agreed) be subject to regional marine plans, and vice versa?
- f) For energy, the Sectoral Marine Plan for Wind, Wave and Tidal Energy in Scottish Waters (currently being consulted on) will establish nationally important sites. Consideration should be given to providing similar recognition for key fisheries areas for different species, issues re seasonal stock availability, and potential impacts of displaced fishing effort on other geographic areas. The work done by ScotMap is providing much needed data, albeit on the basis of limited input in some areas, and could usefully be extended for inclusion within NMPi .
- g) The stated presumption in favour of development including 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.
- h) It is not clear how Strategic Seas Areas would be treated within the

proposed planning hierarchy, or what designation as a SSA would mean in practical terms for its ongoing management.

- i) The lack of information as to how or when (or even whether) regional marine planning partnerships are to be set up and how they are to be managed and resourced, the timescales within which marine plans are to be implemented etc., adds a significant degree of uncertainty to the plan. It is not sufficiently clear how national objectives are to be taken forward within local plans, and how different sectoral interests are to be managed in an integrated way.
- j) There needs to be greater clarity on expectations within the first five years of the plan, as well as measurable objectives, rather than the somewhat utopian objectives stated, such as “
- k) Whilst we appreciate that it would be easier to defer consideration of some issues by Marine Planning Partnerships, there is no guarantee that these will be set up, and more guidance should be included within this initial NMP.

**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?**

If SSAs are designated, there should be clear guidance on the policies to be applied and a streamlined procedure identified for managing them alongside other areas.

While it would seem appropriate to reserve the power to create SSA's, it is not clear that this further designation is required for each of the three areas mentioned in order to ensure an integrated approach. (Unless designation is intended primarily as an additional safeguard or an interim measure while MPPs are being formed.) Marine Scotland will have the right to direct or guide Local Authorities or Marine Planning Partnerships when considering issues arising that are of national importance, whether an SSA or not.

The Clyde area has already benefited from the SSMEI project and is understood to be in line as one of the first areas to develop a Marine Planning Partnership / marine plan, building on the significant input of the Local Coastal Partnership in that area. The Pentland Firth and Orkney Waters Management Plan is also in preparation and would seem to reflect the policies necessary given the importance of the area both for offshore energy and as a key shipping route.

The Minches are of significant importance as a seaway, for recreation and tourism interests and for fishing and aquaculture, but the area is also under pressure from potential over-fishing, pollution risk from tanker collisions etc.,

so some additional, interim guidance for this area may be more appropriate.

If Strategic Seas Areas are to be adopted, Aberdeen Harbour and the adjacent coastline may also merit inclusion, given its growing national importance as regards energy, fisheries, tourism, cetacean and other competing interests.

A case could be also made for the designation of Strategic Seas Areas critical for fisheries, national food security etc., or the inclusion of fisheries interests within one or more SSA.

Do the proposals for SEAs draw on lessons learned from the terrestrial National Planning Framework provision for “areas for co-ordinated action” ?

**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, but are set at such a high strategic level that it is not clear how regional decisions can be assessed or evaluated in terms of achieving these

E.g. 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, energy security or enhancement of natural heritage and environment.

We support the call within the plan for developing and using sound science as the basis of management, but would like to see this backed up by a commitment to provide resources for further research and data-gathering of to help meet key data gaps already identified.

**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?**

We support in principle the objectives and approach as outlined. However, there is currently insufficient guidance on how to evaluate different ecosystem services and their component parts, or the cumulative effects that potential developments may have on these.

The impacts of climate change on sea temperatures, currents, species, 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 mobile 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, reflecting the probable temporal and spatial variations.

**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. There appears to be some duplication between Gen1,2 and 3.

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. Further data on existing sectoral activities, including fishing, is seen as necessary to help guide future developments, and also to help ensure future food and energy security.

Gen11. It is not clear from the NMP how future Regional Marine Plans /MPPs will be able to measure their local objectives in relation to the much wider scale objectives for regional seas under the MSFD.

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 etc..

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.

GEN14 This general policy only requires planning and decision-making authorities to take landscape and visual impact “into account”. It is important that the coastline, and Scotland’s landscapes / seascapes which are a key resource for tourism and local quality of life are not gradually eroded by development that is inappropriate in terms of location, scale, or design. The cumulative effects of potential developments across MPP areas should also be taken into account, so some further guidance may be appropriate to protect areas other than those that have National Scenic Area or other recognised designation.

Gen 16. As well as “considering” the effects of man-made noise, vibration etc on sensitive species, account must be taken also of the effects of other issues, such as electromagnetic fields from sub- sea power cables on sensitive and migratory species.

“Consider” seems to be an inadequate term here, particularly in relation to animals listed in Annex IVa to the Habitats Directive. Relatively recent changes to legislation make it an offence to deliberately or recklessly disturb species, such as cetaceans, which needs to be reflected.

Gen 18. (and other policies including those that refer to the Water Framework Directive) should reflect an objective to restore and / or improve current conditions where feasible, not just to avoid further deterioration.

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

See Answer to Question 8 - Gen 14 above.

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

Coastal erosion and options for minimising future impacts from rising water levels, managed realignment etc could be more clearly reflected .

**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?**

Chapter 5 would benefit from the inclusion of more SMART objectives, if only covering the initial five years of the plan.

There are some inconsistencies in references to policies, some of which are headed up as “Marine Planning Policies” and others just as “Planning Policies”. The policy for Wild Salmon and Migratory Fish has no number or identifier.

It is not clear how fisheries issues are to be managed in practice under regional marine planning, given :-

- (a) the already complex legislation governing fishing
- (b) 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
- (c) the loss of fishing opportunity in one area may not be able to be met by increased effort in another area.

Also, policies guiding the interactions between sectors and those enabling multiple, cross-sector activities need to be further developed. The current NMP does not have a strong spatial focus so this aspect will need to be addressed more fully within the next iteration and / or the regional marine planning proposals.

As mentioned in the answer to Q2, the NMP could benefit from the inclusion of a clearer strategy for the conservation and enhancement of marine natural heritage, alongside policies for the development of other sectors.

Seaweed Harvesting, which appears to be a developing industry (and now subject to a separate consultation) should be reflected, given the potential effects on the near shore area, conflicts with other sectors, and also the potential removal of a major carbon sink. Kelp beds also help diffuse the effects of waves, so may be an important mitigation feature for some low-lying coastal communities faced with increasing coastal erosion and wave incursion.

## **Sea Fisheries**

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

The NMP would benefit from the inclusion of a map showing all ports with some data on the scale and type of fish landings and other key commercial activities to show marine planners their comparative values in relation to other activities.

Commercial, wild salmon fishing and hand gathered and dived fisheries should also be recognised.

The development of practical, regional marine planning proposals will

require clearer information and understanding regarding the different types of fisheries, their seasonality and the competitive interactions between fisheries sectors, as well as the competition between fisheries and other sectors, particularly in shallower, inshore waters.

Whilst the individual NMP fisheries objectives seem appropriate, it has been suggested they provide too incomplete an explanation of fishing activities and environmental impacts to be used as planning policy guidance for regional marine planning. For example, the statement that “Fishing using mobile gear also adversely affects the sea bed” should be restated to relate to gear likely to come in contact with the seabed, rather than pelagic or other trawls

Activities such as scallop dredging are recognised as having the most significant impacts on the seabed habitats within Scotland's waters. Their potential damage to sensitive features and habitats must be weighed against their value in economic terms.

The type of information marine planners will require to obtain an accurate impression of fishing activity is complex and rapidly changing. 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, so both need to be recognised within the composition of any Marine Planning Partnership. The activities of foreign fishing fleets in offshore waters also needs to be reflected

Fisheries 5. While we recognise the importance of development plans reflecting potential impacts on fishing and identifying mitigation measures etc., where would the proposed “fisheries management plan” sit in relation to the NMP, future Regional Marine Plans, and existing Fisheries Management Plans developed by Inshore Fisheries Groups? If there is a future likelihood of Inshore Fisheries Groups' areas of remit being extended to 12Nm, would it be practicable for these development plans to be included as a special addendum to the existing IFG Fisheries Management Plan for the area, rather than as a separate plan? This might help streamline and consolidate the range of sources of information relative to local fisheries, and ensure the active involvement of the Inshore Fisheries Groups.

Fisheries 7. Recreational sea anglers are currently recognised as stakeholders within the wider advisory groups for Inshore Fisheries Management plans, but we are aware of concerns raised by IFGs relating to the activities of hobby fishermen, whose activities are not closely regulated. Some individuals are reported as having as many as one hundred creels, or undertaking other fishing in significant quantities, but it is difficult for Fisheries Officers to prove whether they are (unlawfully) profiting from or selling their catch or whether the catch is genuinely for their own use.

Some future consideration of limits on individual catch allowances may be desirable

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

No comment.

### **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?**

The presumption against marine fish farms in the north and east coast areas is generally considered appropriate. Any north or east coast areas of opportunity for aquaculture that may be identified through the current 3-year project being conducted by Marine Scotland Science (mentioned in part 4: The Future) should only be progressed if the industry's growth aspirations can be reconciled with the need to safeguard wild fish populations, particularly in areas where these populations are already seen as fragile. Biosecurity also needs to be taken into account.

In general, any plans to increase salmon farming need to show a clear intention to put this on a sustainable basis and restore wild fish populations

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

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.

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

## **Wild Salmon and Migratory Fish**

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

We suggest the NMP should include a commitment to developing a strategy for safeguarding and restoring wild salmon and sea trout populations rather than just a commitment to undertaking a review of the management of salmon and freshwater fisheries in Scotland. It should also indicate a timescale for this.

Details of heritable and other fisheries need to be recognised and mechanisms outlined for managing these as part of the marine planning process.

More research requires to be completed regarding migration patterns and the possible effects of electromagnetic radiation from sub-sea cabling etc.

**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 or other sensitive areas.

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

Guidance on decommissioning and the potential use of structures as artificial reefs would merit further consideration within the plan.

## **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?**

Specific spatial information on renewable energy developments should be included within the NMP. The sectoral marine plans could be referred to as background information for the NMP rather than being part of the plan

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

There is potential for confusion by those reading the NMP re the use of the term **offshore** energy within the NMP (meaning non-terrestrial) as opposed to offshore meaning outwith the 12Nm limit.

The plan should include a commitment to gather information on the effects of electromagnetic fields on salmonids and other key species, and also to recognise the potential cumulative effects of cables both between arrays and the main power transmission cable to onshore sub stations before networks of cables criss- cross the Moray Firth.

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

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

Displaced fishing or other activities are likely to put increased pressures on resources / fish stocks in other areas (including other marine region plan areas). Some means to identify and recognise such knock-on and cumulative impacts on a cross-area basis will be helpful, especially given the likely long-term effects of the installation, maintenance and exclusion zones round energy development sites.

**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, (such as hobby fishing mentioned above), which can have significant impacts on the environment, may also need to be subject to controls as part of an integrated marine and coastal management strategy.

Reference should be included to the proposal within the draft NPF3 for Long Distance Paths , including significant lengths of paths at the coast, to have national development status.

Responsible access to and along the coast is embodied within Scottish outdoor access legislation, so we are not clear why this section focuses strongly on 'coastal paths endorsed by local authorities' rather than wider access opportunities.

**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?**

It is not entirely clear what benefits designation would give in practical terms.

Smaller ports and harbours also provide invaluable services to our national industries like fishing, albeit on a smaller scale. They are also significant for recreation and tourism as part of a string of ports of call within a day's sail for smaller vessels. Income generated by smaller ports can provide a significant benefit to vulnerable local communities, so require appropriate recognition alongside larger ports and harbours

Depending on the significance of "designation" in marine planning terms, the proposed list of nationally significant ports and harbours should be consulted on separately.

Fraserburgh is of national significance in fishing terms and should potentially be added to the list. New developments, and other inner MF ports should also potentially be considered.

The inclusion within the NMP of a map / diagrams showing the main types and quantities of cargo and fish landings for ports would help to establish their relative importance across different sectors.

**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?**

There are potential issues relating to anchorages used by large vessels and the scouring actions of anchors and cables on the seabed. (an issue raised

within the Moray Firth SAC management plan.) Once more local data on fisheries / sensitive marine areas has been included, there may be opportunities to designate other recommended anchorage areas that will cause least impact on fisheries or sensitive habitats. (e.g. area off Buckie recently included on Admiralty Charts following local consultation.)

### **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?**

No comment

**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