

Planning Scotland's Seas: Scotland's National Marine Plan

Analysis of Consultation Responses

**PLANNING SCOTLAND'S SEAS:
SCOTLAND'S NATIONAL MARINE PLAN**

ANALYSIS OF CONSULTATION RESPONSES

**Sue Granville, Shona Mulholland, Jo Fawcett and Rory Hunter
Why Research**

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The views expressed in this report are those of the researcher and do not necessarily represent those of the Scottish Government or Scottish Ministers.

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1 EXECUTIVE SUMMARY

1.1 Planning Scotland's Seas: Scotland's National Marine Plan was published for consultation in July 2013 setting out the Scottish Government's vision for Scotland's marine environment. The document set marine planning in context, presented key objectives and planning policies related to achieving sustainable development and use of the marine area. The aim is to provide a single framework to manage all activity in Scottish waters, offering clarity to developers and decision makers on Scotland's priorities for sustainable use of the sea.

1.2 The consultation ran from 25th July 2013 until 13th November 2013; respondents were invited to submit their opinions and views.

Overview of respondents

1.3 The consultation attracted 124 responses. This comprised of 16 from individuals and 108 from organisations.

Overview of analysis

1.4 The consultation posed a series of general questions on the Draft National Marine Plan, followed by questions on the different sectoral chapters.

1.5 Responses were examined and key themes i.e. similar issues raised in a number of responses, were identified at each question. Sub-themes; including reasons for opinions, supporting arguments, alternative suggestions or other related comments; were also noted. The key themes were then examined to identify whether any particular theme was specific to any respondent group or groups, or from individuals.

Summary of key themes emerging

1.6 In general, respondents welcomed the opportunity to respond to this consultation, and were broadly supportive of the vision within the NMP and the principles behind this. There were a number of requests for better alignment or linkage between objectives and policies. A number of respondents provided details of changes to objectives or policies or made suggestions for additional policies that should be incorporated in the sectoral chapters

1.7 There were a number of requests for the NMP to link into other relevant Scottish, UK and EU legislation, policies and guidance. There is a perception at present that the NMP is not fully compliant with all requirements of the Marine (Scotland) Act 2010 and other relevant legislation.

1.8 Allied to this, there were requests for the same terminology to be used across different legislation, policies and guidance to provide linkage, consistency and clarity.

1.9 There was criticism of the Draft NMP for its interchangeable use of the terms 'sustainable development' and 'sustainable economic growth'. These two terms are perceived to mean different things and their interchangeable use is seen to be confusing and lacking in clarity. Furthermore, there were requests for a

consistent definition and use of 'sustainability' throughout the NMP, in line with the Draft Planning Circular which was consulted on alongside the Draft NMP.

- 1.10 While the approach adopted is broadly welcomed, there are some concerns that there is not enough integration across sectors, or enough detail on how integration will be brought about. A number of respondents requested further clarity on sectoral priorities and how to deal with conflicts that may arise between different marine users. Allied to this, there were requests for greater consideration to be given to the cumulative impact that differing and sometimes competing sectors will have on the marine environment.
- 1.11 There were calls across a number of the sectors for increased use of research and data to back up information within the NMP; particularly to ensure that data used is as up-to-date as possible. In line with this, there were also requests from a small number of respondents for further consultation on development of the NMP and greater involvement of a wide range of stakeholders.
- 1.12 A number of respondents requested a timescale for the implementation, delivery, management and review of the NMP, with some suggestions that this should be reviewed on the same cycle as the Draft Planning Circular. There were also a number of suggestions that the NMP will need to produce additional and/or revised guidance over time.
- 1.13 Integration between land and marine planning systems was mentioned often, with attention drawn to interactions and developments which involve both land and marine planning systems.
- 1.14 While there is an acknowledgement that balancing competing interests presents specific challenges for the marine environment, there were some concerns that the Draft NMP focuses too heavily on economic uses of the environment and not enough on the marine environment, climate change or biodiversity.
- 1.15 Finally, a number of respondents noted their interest in being involved in a further iteration of the NMP.
- 1.16 Overall, while this is seen to be an improvement on the pre-consultation version of NMP, there are still a number of requests for greater levels of detail and clarity throughout the NMP.

Key findings

Marine planning in context

- 1.17 A greater number of respondents (37) considered the Draft NMP appropriately guides management of Scotland's marine resources, than did not (12), albeit that a number of responses then provided qualified commentary and suggestions for changes or additions to the NMP.
- 1.18 Many respondents welcomed the opportunity to respond to this consultation and were generally supportive of the vision within the NMP and / or the principles behind this. That said, there were some requests for clarification or further development of some of the policies' and/ or linkage between objectives and

policies. There were a number of requests for consideration and clarification as to how objectives that have the potential to conflict with each other will be managed and reconciled.

- 1.19 A number of respondents commented on the need for stronger links between the NMP and all other relevant legislation, guidance and policy, with some comments that as it stands at present, it does not comply with the Marine (Scotland) Act 2010.
- 1.20 While the approach adopted was generally supported, there were comments that a greater level of integration across all sectors is needed.
- 1.21 While there is an acknowledgement that balancing sustainable economic growth with environmental management will be a challenge, some respondents considered that the Draft NMP focuses primarily on economic uses of the marine environment, with less focus on people, the environment and biodiversity.
- 1.22 There were requests for consistent use of any references to 'sustainability', with comments that the NMP interchanges the phrases 'sustainable development' and 'sustainable economic growth' throughout the NMP, thus creating confusion.
- 1.23 There were a number of instances where further clarification was requested, for example, on timescales for implementation, delivery and review of the NMP.
- 1.24 Views were relatively polarised between those who felt the Draft NMP appropriately sets out the requirements for integration between marine planning and land use planning.
- 1.25 A key issue for respondents was that while there is support for the integration, it was felt that the Draft NMP does not provide enough detail on how this will be achieved. Some respondents cited instances where further guidance will be required.

Key objectives and approach to policies

- 1.26 Of those providing a definitive response, all agreed the Draft NMP sets out the best approach to setting economic, social and marine ecosystem objectives relating to the mitigation of, and adaptation to, climate change. That said, a number of respondents provided qualifying commentary in their response.
- 1.27 There were requests for compatibility between strategic objectives and sector-specific objectives, and for the NMP to set out how prioritisation of conflicting objectives will be reconciled.
- 1.28 There were a number of references to the need for consistency between the NMP and relevant UK and EU legislation.
- 1.29 While respondents were generally welcoming of the approach adopted in the NMP, some commentary noted that marine planning needs to examine the cumulative impact across sectors and that a sectoral approach works against this. Allied to this, there were some requests for better linkage across sectors.

- 1.30 A number of respondents focused on climate change, with requests for consistency to ensure each sector mitigates or adapts to climate change.
- 1.31 There were some concerns over timescales, implementation and review of the NMP, with some suggestions the NMP should be reviewed on the same cycle as the Draft Planning Circular.
- 1.32 The consultation process was raised by some respondents, with requests for a higher level of consultation and engagement with all interested in the marine environment. There were also requests for a clarification of definitions used and an alignment of language with other forms of guidance and legislation.

General policies

- 1.33 The policies in Chapter 5 of the Draft NMP were broadly welcomed; in particular respondents supported the presumption in favour of sustainable development and use. There were a number of suggestions for changes to the general policies including further detail in some policies.
- 1.34 There were comments that many points are in need of clarification and that clear definitions throughout are important to ensure there is no room for interpretation of their meaning.
- 1.35 Respondents saw a lack of guidance or detail on how the policies would be put into practice. Stronger guidance in general and more directive policy wording were seen as necessary.
- 1.36 In relation to whether the policy for landscape and seascape is an appropriate approach, respondents wanted to see more detail and clarification on various elements and some considered there was not enough protection afforded for landscapes and seascapes.
- 1.37 Respondents suggested a wide range of possible alternative general policies for inclusion.

A guide to sector chapters

- 1.38 Many of the respondents who commented on this question simply said that the sectors covered are adequate. There was general support for the approach to the sectoral policies.
- 1.39 Respondents commented that this chapter does not have a strong spatial focus which should be addressed.
- 1.40 There were suggestions for improvement to the format of the sector chapters.
- 1.41 Respondents identified some sectors which could be broken down further.

Fisheries

- 1.42 A number of respondents noted the need for more investment in marine research.

- 1.43 The fisheries sector felt the Draft NMP does not give adequate support and protection, and prioritises sustainable development over the long term fishing sector.
- 1.44 There were also some requests for the fisheries sector to be managed nationally and not within regional planning
- 1.45 There were some concerns over the potential for conflict between the fisheries sector and other marine users with requests that the NMP should not include a presumption in favour of sustainable development, particularly as this may cause fishing displacement and have a negative impact on fragile coastal communities.
- 1.46 Some respondents commented that setting levels of MSY implies a degree of scientific certainty that does not actually exist.
- 1.47 Some respondents within the environment sector felt that some of the objectives are not achievable or that some are outwith the remit of the NMP.
- 1.48 Other issues raised by fisheries interests included the need for marine planning to reflect that between 6-12 nautical miles only EU member states with historic fishing rights have access to Scottish waters; that mobile and static gear should be referred to separately in terms of the species being fished.

Aquaculture

- 1.49 More respondents disagreed than agreed that this chapter appropriately sets out the relationship between land use planning and marine planning for aquaculture. Respondents in the environment and fisheries sectors commented that the document currently provides no indication that aquaculture is regulated under the land use planning system. There was a preference for aquaculture to be integrated into marine planning processes to help clarify and create consistency across all marine activities and to create a more strategic approach to aquaculture.
- 1.50 There were some comments that the Draft Planning Circular provides greater detail of marine/ land use planning integration and that there should be better linkage between this and the NMP. There were also calls for the NMP to better reflect the terminology and context set out in other strategic documents.
- 1.51 Some respondents noted the need to be able to balance competing interests; and the potential for spatial constraints to impact negatively on the aquaculture sector.
- 1.52 There was a degree of support for the presumption against marine fish farms on Scotland's east coast; much of this support was qualified.
- 1.53 There were requests for a section on 'interactions with other users' in this chapter in line with other sectoral chapters.
- 1.54 Views were relatively polarised on the objective targets, with some comment that it is inappropriate to set sector-specific targets.

1.55 A number of respondents commented on the 3 year project being undertaken by Marine Scotland to identify areas of opportunity and constraint for both finfish and shellfish sectors, with the suggestion from some that targets for growth should not be set without completion of this work. There were also references to recent work undertaken by the Rivers and Fisheries Trusts of Scotland (RAFTS) and the need for this to be referenced within the NMP.

1.56 There were some comments on the need to give greater consideration to sustainability issues.

Wild salmon and migratory fish

1.57 A key theme emerging was agreement that improved data is needed, for example data on migratory routes, stock structure and distribution. There were some suggestions that there is potential to gather data through partnership work.

Oil and Gas

1.58 A key theme emerging was the need for more recognition of the impact of this sector on climate change, with some queries as to the compatibility of the oil and gas policies with the strategic objectives and climate change policies.

1.59 There were some requests for more detail on the decommissioning or re-use of oil and gas infrastructure.

1.60 There were some concerns on the impact of the oil and gas sector, particularly with regard to the environment, such as the provision of safeguards for the historic environment.

1.61 There were also a number of calls for greater consideration of the interactions between the oil and gas sector and other sectors.

1.62 There were also a small number of requests for references to the need for co-ordination between marine and land use planning, or for other relevant legislation to be considered; for example, the UK implementation of the EU offshore safety directive.

Carbon Capture and Storage (CCS)

1.63 A number of respondents noted their support for specific elements of this chapter or for CCS in general, with some agreement that CCS has the potential to play a key role in helping to meet climate change targets, and for Scotland to be recognised as a key player in the development of CCS technology. That said, some other respondents noted a degree of caution, given the relative newness of the development of CCS, which has yet to be proven on a commercial scale. Additionally, it was stated that impacts on the environment are unknown.

1.64 There were references for the need to integrate marine and land use infrastructures, with some requests for more reference to National Planning Framework 3 and identified National Developments.

1.65 There was some support for the re-use of suitable existing redundant oil and gas pipelines.

Offshore Renewable Energy

- 1.66 A large majority of those responding to this chapter considered the NMP should incorporate spatial information for Sectoral Marine Plans for Offshore Wind, Wave and Tidal Energy; that the NMP needs to lead this system; and that it needs to provide an overview of spatial areas identified in Sectoral Marine Plans. Furthermore, the incorporation of Sectoral Marine Plans is seen as helping to integrate policies and interactions between the offshore renewable sector and the marine environment.
- 1.67 There were suggestions from some respondents for the Sectoral Marine Plans to be seen as background information to the NMP rather than as stand-alone documents.
- 1.68 There were some requests for additional information in the NMP, for example, an explanation of the nature of the spatial information provided or how data management and decision making at a sectoral level would interact with marine planning.
- 1.69 The small number opposed to spatial information of Sectoral Marine Plans being incorporated within the NMP focused primarily on the need for the NMP to signpost and provide links to relevant documents.
- 1.70 There were requests for greater consistency between land use planning and marine planning in terms of offshore renewables, along with greater links between NPF3 and NMP. There were also comments that better integration between offshore and onshore renewables is needed.
- 1.71 There were a small number of comments related to the need to ensure that sustainability and the cumulative impact of developments upon the environment are taken into account. There were also references to maintaining a balance between new offshore developments and existing sectors.
- 1.72 The need for consultation across all interested stakeholders was highlighted by a small number of respondents; as was the need for more research to be undertaken.

Recreation and Tourism

- 1.73 Some respondents considered that this chapter of the NMP is not clear on the intended extent of the marine planning policies, for example, whether these policies are intended to address only development and activity requiring consent and/ or licence.
- 1.74 There were requests for more data to be referenced throughout the chapter and for more research to be undertaken, for example to identify key areas for activities, to ascertain how different sectors interact and the relative benefits of any interaction. There was some concern over the potential for conflict between different sectors.
- 1.75 A number of respondents referred specifically to coastal walking, with some requests for this to link to the NPF3 for a National Network of Long Distance Paths and Trails and for greater recognition of the social and economic benefits

of a coastal path. There were concerns that new coastal developments might compromise the integrity of coastal access paths.

1.76 There were some references to the National Tourism Plan /Strategy and for this to feed into future land use and marine planning; allied to this there were calls for a consistent application across Local Authorities.

1.77 There were calls for the need to ensure the sustainable development of this sector; and the need to balance the economic benefits of tourism and recreation against the need to protect habitats and species, or the environment more generally.

Transport

1.78 Views were relatively polarised as to whether the NMP should specifically designate national significant ports/harbours. There was a degree of concern that some ports and harbours which are not designated will suffer; this in turn could have a knock-on impact on more fragile communities or tourism.

1.79 There were requests to align any designations with those already designated as National Developments in NPF3 or to consider the land use planning system to ensure consistency.

1.80 Respondents requested cross-sectoral linking, with policy integration between land use planning, marine planning and transport strategies.

Telecommunications Cables

1.81 Some of those responding to this chapter simply noted their overall support, or their support for specific elements.

1.82 Key comments were that offshore energy and telecoms infrastructures should be able to co-exist in relatively close proximity; and that there is a need to pay heed to geodiversity.

Defence

1.83 Most comments in relation to this chapter came in the form of requests for additional information such as more guidance on reserved matters or how Regional Marine Partnerships should interact with this sector.

Aggregates

1.84 Very few issues were raised by more than one respondent to this chapter. There were requests to include reference to the recent Crown Estate study conducted to identify aggregate deposits in Scottish waters and to include the extraction of aggregate from coastal locations using the marine environment for transportation.

Business and regulatory

1.85 Only nine respondents directly addressed potential impacts of proposals in the Plan. Of those who did, most pointed out potential negative economic and regulatory impacts.

1.86 There were also some mentions made about the relative emphasis of types of economic or regulatory impacts, without identifying these impacts as positive or negative.

Equality

1.87 Only two respondents felt the creation of a Scottish National Marine Plan discriminated in any way.

Sustainability Appraisal

1.88 Only a small number of respondents expressed either positive or negative views on the Sustainability Appraisal (SA) document, with similar numbers commenting favourably and unfavourably.

1.89 There were some comments of the need for recognition of the incompatibility of some activities and the need for mitigation. A key issue was the growth of aquaculture.

1.90 Some respondents found the models and assertions regarding the interface between economic development and environmental protection contradictory and confusing, and liable to give rise to conflicts between competing stakeholders.

1.91 There were references to the use of the word 'sustainable' and concerns over interchangeable use of the terms 'sustainable development' and 'sustainable economic growth'.

1.92 There were concerns that the SA does not address the duty in the Marine (Scotland) Act 2010 to enhance the health of the Scottish marine area.

2 INTRODUCTION

Background

2.1 In 2013, the Scottish Government consulted on a range of marine issues under the Planning Scotland's Seas consultations. Individual consultations looked at:

- A Draft National Marine Plan;
- Draft plan options for Offshore Renewable Energy;
- Priority Marine Features;
- Integration between marine and land use planning in a draft Planning Circular; and
- Marine Protected Areas network.

2.2 This report presents the findings from the responses to the consultation 'Draft National Marine Plan'.

2.3 The Scottish Government's vision for our marine environment is for 'clean, healthy, safe, productive, biologically diverse marine and coastal environments, managed to meet the long-term needs of people and nature'.

2.4 The National Marine Plan covers Scottish inshore waters (out to 12 nautical miles) and offshore waters (12 to 200 nautical miles) and applies to the exercise of both reserved and devolved functions. Marine planning in Scotland's inshore waters, and for devolved matters, is governed by the Marine (Scotland) Act 2010, and in offshore waters, and for reserved matters, by the Marine and Coastal Access Act 2009. Together, these two Acts establish a legislative and management framework for the marine environment, so that competing demands on the sea can be managed sustainably.

2.5 Under the Marine (Scotland) Act 2010, Scottish Ministers are required to prepare and adopt a National Marine Plan covering Scottish inshore waters. The Marine and Coastal Access Act 2009 required Scottish Ministers to seek to ensure that a marine plan(s) is in effect in the offshore region when a Marine Policy Statement is in effect.

The consultation

2.6 The Draft National Marine Plan (NMP) sets marine planning in context, presents key objectives and approaches to policies and specific marine planning policies related to 10 sectors including fisheries, aquaculture, oil and gas, and renewables. This will provide a single framework to manage all activity in Scottish waters, offering clarity to developers and decision makers on Scotland's priorities for sustainable use of the sea.

2.7 The consultation contained 40 questions, set out in a series of general and sectoral chapters. The consultation questions are listed in Appendix 1.

- 2.8 The consultation ran from 25th July 2013 until 13th November 2013. Responses received after this date are also reflected in this report.
- 2.9 In addition to the invitation to respond to this consultation, interested parties also had the opportunity to participate through associated events. Reports from events are provided on the Scottish Government website.
- 2.10 Responses to this consultation will inform Scottish Ministers, and the development of the National Marine Plan will help shape the development of a long term strategy for Scotland's marine environment and contribute to the Scottish Government's national objectives.

Overview of responses

- 2.11 Responses were submitted using the consultation questionnaire, by email or in paper copy. Submissions were received from 124 individuals and organisations.

Respondent profile

- 2.12 As part of the analysis process, responses were assigned to groups. This enabled analysis of whether differences, or commonalities, appeared across the various different types of organisations and / or individuals that responded. The following table shows the numbers of responses in each group.
- 2.13 As can be seen in this table, the groups with the greatest number of respondents were Local Authorities, fisheries organisations, energy organisations and individuals.

Table 2.1 Profile of those responding to the Draft NMP consultation

Respondent group	
Individuals	16
Academic / scientific	7
Aquaculture	5
Energy	12
Environment / conservation	9
Fisheries	13
Historic / Heritage	5
Industry / transport	9
Local Authority	15
Local coastal partnership	7
Local group	5
Other public sector	10
Recreation / Tourism	7
Other	4
Total	124

2.14 A list of all those organisations who submitted a response to the consultation is included in Appendix 2.

Analysis and reporting

2.15 Comments given at each question were examined and main themes, similar issues raised or comments made in a number of responses, were identified. In addition, we looked for sub-themes such as reasons for opinions, specific examples or explanations, alternative suggestions or other related comments.

2.16 Where possible, we looked at whether respondents said they agreed or disagreed with specific proposals. However as some questions did not specifically ask for this information, it was not possible to ascertain support or disagreement for all respondents; this should be borne in mind when reading any proportions mentioned in the reporting. Furthermore, there were instances where respondents did not provide enough information to ascertain agreement or otherwise with a specific proposal.

2.17 The main themes were looked at in relation to respondent groups to ascertain whether any particular theme was specific to one particular group, or whether it appeared in responses across groups. When looking at sub-group differences, it must be also borne in mind that where a specific opinion has been identified in relation to a particular group or groups, this does not indicate that other groups agree or disagree with this opinion, but rather that they have simply not commented on that particular point.

2.18 This exercise was a consultation and not a survey. While the consultation gave all those who wished to comment an opportunity to do so, given the self-selecting nature of this type of exercise, any figures quoted here cannot be extrapolated to a wider population.

2.19 The following chapters document the substance of the analysis and present the main issues and views expressed in responses. These chapters follow the ordering of questions in the consultation document, followed by an analysis of other comments received. In many instances respondents provided suggestions for modifications to existing text in each of the sectoral chapters (6-16) in the draft NMP. Although these have not been detailed in this document, they will be considered alongside the findings of this report in developing the National Marine Plan.

2.20 Appropriate verbatim comments, from those who gave permission for their responses to be made public, are used throughout the report to illustrate themes or to provide extra detail for some specific points.

3 MARINE PLANNING IN CONTEXT

Chapter summary

- A greater number of respondents (37) considered the Draft NMP appropriately guides management of Scotland's marine resources, than did not (12), albeit that a number of these responses were qualified.
- Many respondents welcomed the opportunity to respond to this consultation and were generally supportive of the vision within the NMP and /or the principles behind this. That said, there were some requests for clarification or further development of some of the policies; or linkage between objectives and policies.
- There were requests for consideration and clarification as to how objectives that have the potential to conflict with each other will be managed and reconciled.
- A number of respondents commented on the need for stronger links between the NMP and all other relevant legislation, guidance and policy, with some comments that as it stands at present, it does not comply with the duties in the Marine (Scotland) Act 2010.
- While the approach adopted was generally supported, there were comments that a greater level of integration across all sectors is needed. Allied to this, there are concerns as to how different sectoral priorities (and possible areas of conflict) will be managed.
- While there is an acknowledgement that balancing sustainable economic growth with environmental management will be a challenge, some respondents considered the NMP focuses primarily on economic uses of the marine environment, with less focus on people, the environment and biodiversity.
- There were requests for consistent use of reference to 'sustainability', with comments that the Draft NMP interchanges 'sustainable development' and 'sustainable economic growth' throughout, thus creating confusion.
- From a logistical perspective, there were requests for timescales for implementation, delivery and review of the NMP to be included in the NMP.
- Views were relatively polarised between those who felt the NMP appropriately sets out the requirements for integration between marine planning and land use planning, and those who did not. A key issue for respondents was that while there is support for the integration, it was felt that the Draft NMP does not provide enough detail on how this will be achieved. Some respondents cited instances where further guidance will be required.
- Allied to this point, some respondents noted the need for clarity of objectives and policy in the final NMP and National Planning Framework (NPF3) so that issues in common are dealt with consistently.

- There were some requests for greater levels of consultation and engagement in development of the NMP; and for more data to be fed into development of regional planning.
- Some respondents commented on Marine Planning Partnerships (MPPs) specifically, with requests for Local Authorities to be the MPP or lead body for the MPP; along with requests for greater clarity on the structure and governance of MPPs.
- When asked if the NMP appropriately guides development of regional planning, very few respondents provided a definitive answer. There were some suggestions that the NMP should act as an umbrella policy guide, with requests that Regional Marine Plans (RMPs) are developed alongside the NMP.
- There were some requests – primarily from the environment/ conservation sector that further information is needed, particularly in relation to nature conservation legislation and policy.
- A few respondents commented on the wider geographical implications of the NMP and the need to ensure that MPPs interact with other public authorities.
- When asked if the NMP should set out specific marine planning policies for Strategic Sea Areas (SSAs), most respondents did not provide a definitive response. Instead, many responses queried the need for SSAs, and asked how these would be managed if covered by different marine regions.
- There was majority support that the objectives and policies in the NMP are appropriate to ensure they further the achievement of sustainable development, including protection and where appropriate, enhancement of the health of the sea. That said, there were requests for further clarity and queries over how conflict would be managed. Greatest opposition to this came from organisations in the environment/ conservation sector.
- There were some concerns that the NMP currently misrepresents the guiding principle of sustainable development; along with requests to clarify the definition of sustainable development. There were also comments, primarily from the environment/ conservation sector that there is limited reference to Scotland's three pillar approach which forms the basis of the Strategy for Marine Nature Conservation in Scotland's seas. They also felt that the objectives and policies should be cross-referenced to ensure they are in line with High Level Management Objectives (HLMOs) and Good Environmental Status (GES).

3.1 Chapter 2 of the Draft National Marine Plan noted that marine planning will interact with other planning and consenting regimes within the Scottish marine area and asked a series of question in relation to this.

Guiding management of Scotland's marine resources

3.2 Respondents were asked:

Question 1: Does the NMP appropriately guide management of Scotland's marine resources?

3.3 As shown in table 3.1, 71 respondents provided a response to this question. Not all respondents provided a definitive 'yes' or 'no' response, but where it has been possible to ascertain whether or not respondents agreed or disagreed with the question posed, this has been incorporated into the analysis.

3.4 In addition, some respondents provided an answer of yes but then qualified this in additional commentary and these responses have been noted as 'yes, qualified' in the table.

3.5 Where it was not possible to ascertain whether or not a respondent agreed with the question posed, they are noted below as 'neither yes or no'. This convention has been adopted throughout this report.

3.6 As the table shows, there was a significant level of support that the NMP appropriately guides management of Scotland's marine resources, albeit that some of these responses were qualified. Strongest opposition came from organisations within the environment/ conservation sector. No organisations in the environment/ conservation or fisheries sectors agreed that the NMP appropriately guides management of Scotland's marine resources.

Table 3.1 Question 1: Does the NMP appropriately guide management of Scotland's marine resources?

Respondent group	Yes	Yes, qualified	No	Neither yes or no
Individuals (16)	2	1	2	3
Academic / scientific (7)	1	2	-	-
Aquaculture (5)	1	1	-	1
Energy (12)	5	1	-	1
Environment / conservation (9)	-	-	6	1
Fisheries (13)	-	-	3	4
Historic / Heritage (5)	-	1	-	-
Industry / transport (9)	2	-	-	1
Local Authority (15)	3	5	-	3
Local coastal partnership (7)	1	1	-	5
Local group (5)	-	2	-	-
Other public sector (10)	1	4	-	1
Recreation / Tourism (7)	-	1	-	2
Other (4)	2	-	1	-
Total (124)	18	19	12	22

3.7 A number of respondents welcomed the opportunity to respond to this consultation and many also welcomed the publication of the Draft National Marine Plan. Various respondents were supportive of the vision within the NMP and / or the principles behind this vision. As noted by one public sector organisation:

“We are very supportive of the vision for an NMP that provides a framework for regional scale marine planning. In particular, the overarching objectives provide a comprehensive foundation through adoption of the High Level Marine Objectives from the UK Marine Policy Statement, the Good Environmental Status (GES) descriptors associated with the Marine Strategy Framework Directive (MSFD) and additional objectives relating to climate change.”

3.8 A small number of respondents, mostly in the environment/ conservation sector also noted that this document is an improvement on the pre-consultation draft previously put out for comment.

Policies and objectives of the NMP

3.9 Where comments were made about the objectives, views were that these were generally good but there were some requests for consideration and clarification of how objectives that have the potential to conflict with each other will be managed and reconciled.

3.10 Some respondents, mostly in the fisheries sector commented that the NMP presents the High Level Management Objectives but that there needs to be more definitive content to explain how these will be met, for example, by using an integrated management approach.

3.11 Again, where many views on the policies were positive, a small number of respondents, whilst welcoming the inclusion of land, seascape and the historic environment as general policies, felt their importance and the need to protect these should be reinforced throughout the NMP. A public sector organisation noted that the Draft NMP as it stands does not provide policies that are effective in servicing the strategic objectives for environmental enhancement. It requested a new section that focuses on proactive policies designed to enhance the ecosystem. A respondent within the academic sector requested more focus on co-operation between sectors which they felt is currently weak in the Draft NMP.

3.12 There were also a small number of requests for more clarification or further development of some of the policies. For example, an organisation in the recreation/ tourism sector requested the need to consider their sector and sea angling in more detail. A Local Authority felt that while they were in broad agreement with the policies, there was a need for the general policy on landscape/ seascape and for parts of the aquaculture chapter to provide more information.

3.13 A small number of respondents commented on the linkage between objectives or policies and issues raised in different chapters. For example, a respondent in the environment/ conservation sector asked for clarification as to how each policy will be addressed; another respondent within a local group noted that the objectives appear to be all encompassing but that individual policies have gaps in how to achieve these objectives.

3.14 A small number of respondents within Local Authorities commented that they would like to see section and paragraph numbering to make it easier to reference specific elements of the NMP.

Links with legislation and other work

3.15 A key theme, emerging across all types of organisation was the need for the NMP to link in with EU, UK and Scottish legislation. Legislation referred to by respondents included:

- EU Sustainable Development Strategy;
- The Marine and Coastal Access Act 2009;
- The Marine (Scotland) Act 2010;
- NPF3;
- Regional Marine Plans;
- The Scottish Government strategy document '2020 Challenge for Scotland's Biodiversity'.

3.16 There were some concerns that information contained within the Draft NMP is not explicit enough in relation to legislation. For example, one respondent in the environment/ conservation sector requested that the duties within the Marine (Scotland) Act 2010 are explicitly stated within the NMP.

3.17 Furthermore, there were concerns from some respondents, mostly within the environment/ conservation sector, that the Draft NMP fails to implement the duties of the Marine (Scotland) Act 2010 or contribute to the achievement of relevant national and European legislation. There were requests for greater clarity on how the NMP delivers marine protection and enhancement duties required by the 2010 Act. There were a small number of comments that, as it currently stands, the Draft NMP does not contain SMART objectives and that at times it presents information that is subjective rather than objective in nature.

3.18 As well as alignment with other legislation, there was also some reference for the need to align to other work. For example, another public sector body noted the need for Regional Marine Plans (RMP) to align fully with the NMP so that there is a consistent approach to Scottish Marine Regions. There was also reference to the need for RMPs to be consistent with local river basin plans under the River Basin Management Plan (RBMP) process.

3.19 Some respondents also commented on the need for the NMP to clarify at the start of the document that references to planning authorities and planners related to both land use and marine and the interrelations between the two. There were also calls for the document to fully integrate land use planning and marine planning.

The need for integration across sectors

3.20 A number of respondents, while supportive of the Draft NMP, requested a greater level of integration between and across sectors. There were some comments that the sectoral chapters presented in the Draft NMP do not sufficiently emphasise the need for integration. One public sector body also noted that plan-led decisions will need to be adequately supported by the NMP and specific sectoral plans.

3.21 Allied to this, a number of respondents referred to the use of an ecosystem-based approach as this helps to integrate the objectives of the NMP, integrate all relevant sectors and take into account the cumulative impacts across all sectors.

It was suggested that the ecosystem-based approach should drive policy, rather than economic growth. As noted by a respondent in the academic/ scientific sector:

“The document represents a welcome attempt to draw together national objectives for the marine environment, with the recognition that to maximise the benefits for society from the marine area, there needs to be a cross-sectoral approach driven by sustainable development goals. Further work is needed, however, if it is to bring about improvement in the management of the Scottish marine environment to meet the needs of Scotland, as it currently underrepresents the bold ambition needed to move away from sector-specific planning approaches. The challenges involved in understanding socio-ecological systems to support integrated ecosystem-based management should be explicitly recognised to establish credibility, to reflect current best practice and engender the proactive attitudes needed to realise this approach.”

3.22 Linked to this, there were some concerns over how different sectoral priorities will be managed and that there needs to be clear mechanisms and processes for conflict resolution throughout the NMP. Some respondents focused primarily on their own sector and requested more consideration to the issues facing them. For example, a respondent in the recreation/ tourism sector noted the need for planning policies in aquaculture to consider the potential impacts on recreation; some respondents in the fisheries sector requested more information to be provided on their sector; another respondent in the fisheries sector noted the need for the NMP to recognise that some geographic areas have specific vulnerabilities and that there is a need to consider the potential for serious economic repercussions.

The perceived focus of the NMP

3.23 A number of respondents noted that the Draft NMP focuses primarily on economic uses of the marine environment, and with less focus on people, the environment and biodiversity. A public sector organisation noted that balancing sustainable economic growth with environmental management will be a challenge.

3.24 Linked to this point, there were some calls for a greater focus on sustainability and sustainable development. A number of respondents commented that the use of the phrases ‘sustainable development’ and ‘sustainable economic growth’ are used interchangeably throughout the document and that they should be used consistently, and that wording used should reflect the duties in the Marine (Scotland) Act. Some respondents also felt that the principles of sustainable development are not integrated throughout the Draft NMP. One respondent in the public sector noted that there is a need for greater identification in the sectoral chapters on opportunities where the enhancement of natural assets supports long term economic prosperity or stability.

3.25 In line with this, there were also some comments that the Draft NMP fails to give full consideration to climate change mitigation and adaptation; with one respondent in the environment/ conservation sector commenting that the climate

change sections focus on the impact climate change will have on the sector, rather than assessing how the sector will impact on climate change.

A need for clarity throughout

3.26 A number of respondents asked for further clarification of information presented in the Draft NMP. Requests included clarification on:

- Objectives and deliverables;
- More guidance on how to manage the marine environment in a way that achieves sustainable development;
- More guidance for marine planning practitioners;
- Information on some policies that are considered to be ambiguous in the way they are currently presented;
- How to manage conflict resolution between different sectors;
- Some of the terminology used. For example, a better definition of the term 'adaptive management';
- How different policies will be implemented.

3.27 Some respondents suggested that it would be useful to provide some scenario testing in order to help organisations understand how policies might be interpreted in real life situations. Another respondent suggested offering workshops for practitioners.

Logistical issues

3.28 A number of respondents raised what might be termed 'logistical issues' in their responses, and these focused on a number of specific issues. There was some concern over the resources needed by key agencies to implement the NMP, as well as by Marine Scotland in overseeing development of regional marine planning. There were also a number of queries in relation to the timescales for delivering actions and plans, with some respondents commenting that they would like to see a time period over which the Plan will operate.

3.29 Allied to this, there were also some requests for an outline of its implementation, with one public sector organisation commenting that the Plan would benefit from more clarity over how the NMP and Regional Marine Plans will be implemented. Some respondents also queried what arrangements there will be for monitoring and review, and how performance will be measured. One respondent in the academic/ scientific sector suggested that performance should be linked to High Level Marine Objectives and Good Environmental Status objectives. A small number of environment/ conservation organisations also noted that there will need to be revised and effective governance systems in place.

Other issues

3.30 A number of other issues were raised, each by small numbers of respondents, and these included:

- A need to consider various options for spatial planning as the marine environment and resource management varies considerably from area to area;

- There will be a need for supplementary guidance to be provided to ensure that the NMP and Regional Marine Plans stay up-to-date;
- A need for interaction with other countries or states that border Scotland's marine areas;
- The NMP should be more strategic in setting out clear policies on issues of national importance including Strategic Sea Areas (SSAs) and what should be addressed more locally in Regional Marine Plans;
- Different levels of protection may be required in different areas;
- Spatial management plans need to address the potential cumulative issues at a national level;
- There is the potential to develop a Natural Capital Asset Index for the marine environment as a tool to monitor progress;
- Because regional marine planning only extends to 12 nautical miles (Nm), plan-led decisions in offshore areas will need to be supported by the NMP and specific sectoral plans.

3.31 Finally, a small number of respondents within the fisheries sector who had answered 'no' to this question, gave this as a response because they did not see management of fisheries as a function of the NMP.

Integration between marine planning and land use planning systems

3.32 Respondents were asked:

Question 2: Does the NMP appropriately set out the requirements for integration between marine planning and land use planning systems?

3.33 As table 3.2 shows, 67 respondents provided an answer to this question; the majority of whom did not provide a definitive 'yes' or 'no' response. The highest levels of negative responses to this question came from respondents within the aquaculture and environment/ conservation sectors, and Local Authorities, although no respondents within the fisheries sector gave a positive response.

Table 3.2 Question 2: Does the NMP appropriately set out the requirement for integration between marine planning and land use planning systems?

Respondent group	Yes	Yes, qual	No	Neither
Individuals (16)	1	1	1	4
Academic / scientific (7)	1	-	-	1
Aquaculture (5)	-	-	3	1
Energy (12)	3	-	-	5
Environment / conservation (9)	-	1	3	1
Fisheries (13)	-	-	2	4
Historic / Heritage (5)	1	-	-	-
Industry / transport (9)	1	-	1	2
Local Authority (15)	2	-	5	4
Local coastal partnership (7)	-	1	1	4
Local group (5)	-	1	1	-
Other public sector (10)	2	-	-	4
Recreation / Tourism (7)	-	-	-	2
Other (4)	-	-	1	2
Total (124)	11	4	18	34

A need for further detail

3.34 A large number of respondents were supportive of integration between marine planning and land use planning systems. However a significant number of those responding suggested that while the Draft NMP recognises the need for integration between marine planning and land use planning systems, it is lacking in detail as to how this will be achieved. There were requests for further elaboration as to how this will be achieved, with some respondents commenting that the Draft NMP does not go far enough in identifying how key sectoral interests and other relevant interests can be managed in an integrated way. As noted by one Local Authority:

“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 land 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.”

3.35 Some respondents went on to comment that the Draft Planning Circular, which was also consulted on, provides more clarity on integration and better explores the linkages between the marine and land use planning systems. There were a number of requests for clear reference to be made to the Draft Planning Circular, with a summary within the NMP of the key points contained within the Circular; and for the relationship between the two to be made clear.

3.36 In line with requests for further information and clarification on the integration of marine and land use planning systems, there were also calls for more guidance. For example, a local coastal partnership requested guidance on how land use planning and marine planning will converge, or for guidance where one area has an Regional Marine Plan or Marine Planning Partnership in place but a neighbouring area does not.

3.37 A number of respondents requested details of ways to handle differences or conflicting statements within land use planning and marine planning or between different planning systems, and to provide an indication of where the priorities lie in instances where systems overlap.

Consistent presentation of issues

3.38 Allied to this point, there were requests for clarity of policy and objectives in the final NMP and National Planning Framework 3, so that issues covered jointly are presented in a consistent way.

3.39 There were also references to the need for integration across Marine Planning Partnerships and a variety of plans such as Regional Marine Plans, Scottish Planning Policy, Strategic Development Plans and Local Development Plans; and for the relationship between these to be made clear. There were also some references to the need for the NMP to have regard to Integrated coastal zone management (ICZM) and River Basin Management Plans. A respondent in the

recreation/ tourism sector noted the need for synergy between the NMP and the National Tourism Development Plan. A public sector organisation noted the need for the development of coastal issues reports, to ensure consistency across marine and land use plans, particularly where the timing for development of plans is difficult to align. This respondent also noted that locations identified as 'Areas of Coordinated Action' within the Draft NPF3 should be priority areas for ensuring effective integration of planning systems. They commented:

“Under the heading “Marine Planning, Consents and Authorisations” greater clarity could be brought to the role of the NMP, the MPP and the role of decision makers in relation to port and harbour consenting and marine planning and licensing in particular. This section should make clear the role of the NMP, the role of the MPP and the role of Marine Scotland and Local Authorities.”

Sector-specific issues

3.40 There were some calls for further emphasis on integration within the sectoral chapters of the Draft NMP.

3.41 Some respondents made reference to issues impacting upon specific sectors and the need for guidance on what to do if policies are inconsistent or in conflict, or what should be given priority. For example, a small number of respondents noted there are specific issues for aquaculture, which has a complex relationship with marine and land use planning; as one respondent in the aquaculture sector noted:

“Aquaculture is unique from other marine users because it will be covered by two different planning regimes. At present we feel that the wording in the Draft NMP does not clearly identify this fact, nor does it clearly explain how decisions relating to aquaculture are to be made with the existence of both Local Plans and Marine Plans dictating the development of aquaculture.”

3.42 A small number of respondents (mostly from the fisheries sector) also referred to the difficulties of managing sectoral interests in an integrated manner; particularly for fisheries which are already subject to complex legislation and management measures, noting that another layer of potential controls at local level could prove difficult to implement.

3.43 There were also concerns over phrasing in the Draft NMP which notes that land use planning authorities have responsibility to prepare planning policy covering aquaculture in the marine area, but that they are only required to 'give consideration' in doing so. This raised queries over how effective integration will be and how priorities or conflicts will be managed.

Involving others

3.44 There were some comments on the need for the NMP to allow for the involvement of local organisations; one example given was allowing for community councils to be a consultee in the marine planning process as they are already in the onshore planning process. A public sector organisation suggested there is a need for a more collaborative approach across planning jurisdictions,

with a need for more consistent communication. One Local Authority noted that there is a need for fully integrated community, service and development planning as an essential element of major marine developments.

3.45 There were comments from some energy companies over the need to present a clear vision in relation to the process for early engagement of land use planning and marine planning to ensure timeframes and identification of risks. There was also a suggestion from another energy company that it would be useful to have one licensing regime for offshore projects, with an onshore interface, as the uncertainty in aligning different consenting regimes along with a Compulsory Purchase Order system poses risks to developers.

Marine Planning Partnerships (MPPs)

3.46 A number of respondents, mostly Local Authorities, commented on Marine Planning Partnerships specifically. There were some suggestions that rather than have Local Authorities represented within a MPP, consideration should be given to Local Authorities being the MPP or lead body for the MPP, with an advisory group of stakeholders. These Local Authorities also suggested that as well as the transfer of marine planning functions, licensing powers and functions and the resources for these should also be transferred; they considered this is sanctioned under sections 12 and 51 of the Marine (Scotland) Act 2010.

3.47 There was also comment that there is currently a lack of clarity on the structure and governance of Marine Planning Partnerships and any legislative requirements for implementation of their plans. This was cited by a public sector body and two Local Authorities. The two Local Authorities also felt that membership and governance arrangements for MPPs should reflect local circumstances.

3.48 A number of elements were identified for inclusion within the NMP. These included:

- The potential requirement for a marine licence and planning permission within the intertidal zone;
- Diagrams to illustrate the hierarchy, and areas where integration is of particular importance, to identify links between statute and policy under marine planning, consents and authorisations;
- Greater coverage of Integrated Coastal Zone Management as a coastal and marine planning tool;
- A separate section on nature conservation, given its wider socio-economic impact;
- The importance of adopting an ecosystem-based approach that will consider the interrelationship between land use and marine activities and the effects both can have on the marine environment;
- Progress of integrated planning should be jointly steered and evaluated by the River Basin Management Plans National Advisory Group and the Marine Strategy Forum;
- There need to be long term integrated monitoring programmes and protocols to measure and report on the outcomes of the NMP;
- Resources, including what will be needed by Local Authorities that will engage in new approaches and what will be available from the Scottish Government

to develop the necessary guidance and regulatory framework to underpin the NMP.

Whether the NMP appropriately guides development of regional planning

3.49 Respondents were asked:

Question 3: Does the NMP appropriately guide development of regional planning? What, if any, further guidance is required for regional marine planners in terms of implementation and how to interpret the NMP?

3.50 There were a total of 71 responses to this question, most of whom did not provide a definitive 'yes' or 'no'. Greatest support for this came from energy companies; least support came from those within the environment/ conservation sector.

Table 3.3 Question 3: Does the NMP appropriately guide development of regional planning? What, if any, further guidance is required for regional marine planners in terms of implementation and how to interpret the NMP?

Respondent group	Yes	Yes, qualified	No	Neither yes or no
Individuals (16)	1	-	-	6
Academic / scientific (7)	-	-	-	2
Aquaculture (5)	-	-	-	4
Energy (12)	4	-	-	3
Environment / conservation (9)	-	-	3	4
Fisheries (13)	-	-	-	6
Historic / Heritage (5)	2	-	-	-
Industry / transport (9)	-	-	-	3
Local Authority (15)	-	-	-	10
Local coastal partnership (7)	-	-	-	7
Local group (5)	-	1	-	1
Other public sector (10)	1	-	-	6
Recreation / Tourism (7)	-	-	1	4
Other (4)	-	-	1	1
Total (124)	8	1	5	57

3.51 A number of respondents noted that the NMP should act as an umbrella policy guide. A number of advantages to this approach were cited. First, guidance can be added to encourage integration in regional marine planning; second, that the general and sectoral policies in the NMP provide a framework for Regional Marine Plans; third, the NMP could be aligned with NPF3. Lastly, that the final NMP could be refined to confirm national issues and those which marine plans should consider as a priority of NPF3.

3.52 A small number of respondents within the recreation/ tourism sector noted the need for a common structure to the NMP and Regional Marine Plans; they also noted that the Pilot Pentland Firth and Orkney Waters (PFOW) Marine Spatial Plan will be a useful experience to guide development of regional plans. A respondent in the public sector requested an explanation of how the PFOW will interact with the NMP and regional plans.

3.53 There were calls from a significant number of respondents for Regional Marine Plans to be developed in line with the NMP, with a need for further guidance on the development and implementation of Regional Marine Plans to assist Marine Planning Partnerships (MPPs) and stakeholders in the formation of plans. There were concerns about a lack of guidance on how to inform the preparation of Regional Marine Plans so that, for example, developers can be provided with planning policy certainty and clarity.

3.54 Some respondents specifically raised the issue of reserved matters and for the need for clarity as to how these will be dealt with. As one Local Authority noted:

“Although it is understood that Marine Scotland is working with Local Authorities in the development of a spatial plan for the Pentland Firth and Orkney waters, the National Marine Plan does not describe clearly what will constitute a Regional Marine Plan, how a Marine Partnership will be formed, who will comprise or lead the Partnership, the extent of powers a Partnership might hold, or how it will be resourced. Nor does the NMP mention alternative arrangements for delivery of Regional Marine Planning which are provided by the Marine Act.”

3.55 Some respondents felt that the NMP should be indicating how work on regional plans will be resourced. Timescales for their preparation were requested, as well as a clear timetable for their roll out and the need to ensure that adequate resources are made available.

3.56 A number of respondents, mostly in the environment/ conservation sector requested further information on the duties, commitments and obligations of Marine Planning Partnerships and marine users, particularly in relation to nature conservation legislation and policy. They also wanted to see the principles of sustainable development, the ecosystem-based approach and the requirements of nature conservation hierarchy of designations and the requirements of national and international environmental legislation. Another public sector body noted the need to address cumulative environment effects within marine planning and licensing. A public sector organisation requested confirmation that the NMP will be subject to Habitats Regulations Assessment to maintain a coherent approach to marine planning throughout the UK.

3.57 Respondents requested further information on how conflicts would be managed where objectives conflict with each other. One Local Coastal Partnership queried how nationally important projects will be recognised and integrated into regional planning and what this will mean for strategic issues such as planning for defence activities. Respondents from the recreation/ tourism sector queried what functions can be devolved to regional planning. A public sector body asked for detailed guidance on how Marine Planning Partnerships should reconcile their plans with the measures, targets and monitoring related to Marine Strategy Framework Directive regional seas.

3.58 The issue of consistency was raised by some respondents, mostly in the recreation/ tourism sector. It was felt that a list of guiding national principles would ensure consistency across a number of aspects, including approaches to impact assessment and monitoring, data management and information sharing,

the legal framework and the consideration of open source spatial data infrastructure. An environment/ conservation organisation summarised a number of key points:

“The National Marine Plan should provide practical guidance on mechanisms for regional marine planning, and should address in more detail decision-making for marine planning and conflict resolution where there are competing demands on marine resources. A roadmap for delivery and timelines should be included. It should also require effective performance monitoring and evaluation of plans and management measures along with feedback mechanisms to allow adaptation as necessary.”

Sectoral issues

- 3.59 Some issues were raised by respondents within specific sectors, mostly by those within the fisheries sector. These included queries over how the national objectives will be taken forward within local plans, and how different sectoral interests will be managed in an integrated fashion. The same respondents highlighted the need for emphasis on the links and working relationships between Marine Planning Partnerships, River Basin Management Plan Advisory Groups, Flood Risk Management Plans and Inshore Fisheries Groups (IFG). Some queried what the relationship will be between IFG management plans and Regional Marine Plans.
- 3.60 There were requests, again mostly from fisheries organisations, for a mechanism to help identify key areas for different species, and potential impacts of displaced fishing effort on other areas. They also queried how Strategic Sea Areas would be treated within the proposed planning hierarchy. These respondents also commented that the presumption in favour of sustainable development and use as perceived to favour energy sectors, needs to be offset by a clearer recognition of the economic and food security value of the fisheries sector.
- 3.61 There were requests from a small number of fisheries organisations for the management of fisheries to be carried out at a national, rather than regional, level.
- 3.62 One public sector body commented that the NMP should provide a steer on decision rules and strategic priorities when balancing sectoral aspirations in Scottish Marine Regions (SMRs). This organisation also commented,
- ”A clear steer from the NMP would help regional marine plans to develop spatial policies that (a) facilitate co-location of sectoral activities where possible, (b) avoid the potential for conflict between sectors that cannot be co-located, (c) avoid impacts on sensitive natural heritage features, and (d) safeguard and, where possible, enhance Natural Capital assets in support of their contribution to sustainable economic development and ecosystem services.”
- 3.63 Whilst not a sectoral issue per se, there were some requests for a greater level of delegation to be given to island authorities. These included functions in

relation to preparation of Regional Marine Plans, marine licensing, and Section 36 of the Electricity Act consent for offshore energy generation.

Governance

3.64 Governance is an issue that has already been raised and some respondents also commented there needs to be a clear vision of the structure and governance of the MPPs, with some energy respondents noting that the representative management of Regional Marine Plans will be crucial in their implementation.

The wider geographical implications

3.65 A small number of respondents noted the need for Marine Planning Partnerships to interact with other public authorities such as those in England or Northern Ireland in a collaborative way, for example, to coordinate timings or to ensure there is a UK-wide strategic overview.

A need for data/ greater consultation

3.66 There were requests from a small number of respondents for more data to feed into development of regional planning or for more consultation across key stakeholders at a local level.

Strategic Sea Areas (SSAs)

3.67 The Draft NMP noted that The Marine Regional Boundaries consultation proposed 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 (SSAs). Respondents were asked:

Question 4: Should the NMP set out specific marine planning policies for SSAs?

3.68 Fifty-one respondents answered this question, although most did not give a definitive 'yes' or 'no' response. Of those that did, more were in favour of the NMP setting out specific marine planning policies for SSAs than were not in favour. Support came mainly from energy respondents and individuals.

Table 3.4 Question 4: “Should the NMP set out specific marine planning policies for SSAs?”

Respondent group	Yes	Yes, qualified	No	Neither yes or no
Individuals (16)	3	-	-	2
Academic / scientific (7)	-	-	-	-
Aquaculture (5)	-	-	1	1
Energy (12)	3	-	-	1
Environment / conservation (9)	1	-	-	5
Fisheries (13)	-	-	-	6
Historic / Heritage (5)	-	1	-	-
Industry / transport (9)	1	1	-	1
Local Authority (15)	-	-	1	6
Local coastal partnership (7)	-	-	-	5
Local group (5)	1	-	-	-
Other public sector (10)	-	-	-	6
Recreation / Tourism (7)	-	-	-	4
Other (4)	-	-	-	1
Total (124)	9	2	2	38

A need for Strategic Sea Areas (SSAs)?

3.69 Many of the responses to this question provided qualifying statements or queried the need to have SSAs. A key concern was the need for planning policies to ensure coherence and effectiveness at a national level, and the need for the NMP to set out specific marine planning policies for SSAs. As noted by one public sector body, whether SSAs are designated or not, there is a need for appropriate guidance for Marine Planning Partnerships on the integration of plans and key cross-border issues, with co-ordinated timing.

3.70 Regardless of whether or not respondents supported the designation of the SSAs, some respondents queried the management of an SSA if it is covered by different marine regions. For example, an energy company commented:

“[We] note that the Pentland Firth and Orkney Waters area is covered by three separate proposed Marine Regions and is also the subject of a pilot Marine Spatial Plan which straddles these 3 regions. It is unclear what the linkages will be between the pilot Marine Spatial Plan, the Marine Regional policies and the National Marine Plan policies. On this basis [we] wish to understand in greater detail what the legislative standing of Strategic Sea Areas would be and how the policies associated with these would relate to the policies of other plans. [We] therefore request clarity on which legislation would be used to designate an area with the title ‘Strategic Sea Area’.”

3.71 A number of respondents queried the need for SSAs and commented that this designation could simply provide unnecessary further complication; for example, whether identification of SSAs would lead to a strategic planning direction or simply another layer of bureaucracy. A Local Authority said that cross-border issues would be dealt with appropriately by the relevant Regional Marine Plan. Another public sector organisation commented that it is not clear what the rationale is for this additional level of planning for SSAs but felt that it would be better to focus efforts on ensuring that objectives and policies within the final

NMP reflect priorities in areas like the Pentland Firth. An 'other' organisation commented that if the NMP is developed so that it adequately guides developments in a strategic way within the ecosystem approach, there will be no need for SSAs.

3.72 Calls for greater clarification came primarily from those within the recreation/ tourism and fisheries sectors. Clarification was required on how best to define SSAs, or the relationship between SSAs and Regional Marine Plans. Respondents from the fisheries group wanted further consideration and information on how SSAs could be most effective within the overall planning system.

3.73 A few respondents made suggestions for other areas that could be considered for SSA designation. These included the Forth and Tay regions, Aberdeen Harbour and its adjacent coastline.

3.74 There were also a couple of comments that the three areas identified as SSAs require a more integrated approach, and these respondents requested information on what a 'more integrated' approach would entail.

3.75 A small number of fisheries respondents commented that, if SSAs are designated, there will need to be clear guidance on the policies to be applied; and there were some calls for policies for each area to be developed at a local level to ensure compatibility with Regional Marine Plans that are developed by adjacent Scottish Marine Regions. A public body noted:

"The Draft Scottish Marine Regions Order 2013 establishes the Scottish Marine Regions out to 12 nautical miles and this would appear to ensure all relevant marine areas would be covered by a regional plan. [We] acknowledge that Strategic Sea Areas could potentially be useful where these locations cover areas in two or more Regional Plans. [We] recommend early discussions on any additional policies applicable above those required for the Scottish Marine Regional Plans.

Sustainable development

3.76 Respondents were asked:

Question 5: 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?

3.77 As the following table shows, 65 respondents provided a response to this question, some of whom reiterated points made at earlier questions.

3.78 Where a definitive response was provided, the most positive groups were aquaculture, energy, Local Authorities and industry/ transport. Least positive were respondents in the environment/ conservation, historic/ heritage and fisheries sectors.

Table 3.5 Question 5: 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?

Respondent group	Yes	Yes, qualified	No	Neither yes or no
Individuals (16)	1	-	2	2
Academic / scientific (7)	1	-	-	1
Aquaculture (5)	2	1	-	-
Energy (12)	3	3	1	1
Environment / conservation (9)	-	1	4	2
Fisheries (13)	-	2	3	1
Historic / Heritage (5)	-	-	2	-
Industry / transport (9)	3	-	-	-
Local Authority (15)	2	7	-	1
Local coastal partnership (7)	1	1	-	4
Local group (5)	-	1	-	-
Other public sector (10)	2	1	-	2
Recreation / Tourism (7)	1	-	1	3
Other (4)	-	1	-	1
Total (124)	16	18	13	18

3.79 A number of respondents referred to responses they had given at other questions, some consistent themes emerged in other responses.

3.80 A number of respondents welcomed different aspects of the objectives and policies, such as the commitment to sustainable development and the commitment to using and developing sound science as a basis for managing marine areas. That said, a few respondents felt that the objectives, while being broad and encompassing, would be difficult to realise and suggested the Draft NMP lacks tangible outputs. Indeed, a number of respondents commented that the Draft NMP misrepresents the five guiding principles of sustainable development; and an organisation in the environment/ conservation sector suggested that the Draft NMP should be consistent with the wording in the Scottish Government's draft Scottish Planning Policy document (paras 24 and 25, Page 8).

3.81 There were calls for a system to monitor, evaluate and review progress against each of the objectives, as well as reporting on the success of outcomes.

3.82 Some respondents also requested clarity on how to manage objectives that have the potential to conflict with each other. Two public bodies asked for a balanced approach where there are conflicting needs; as well as a balance between the cost of achieving environmental improvements and the overall impact achieved.

3.83 There was also a perception that the NMP should provide a clear steer on what the strategic priorities are when balancing competing sector proposals. There were calls from a small number of respondents for the NMP to be more clear about what is an acceptable development and what is not, with one commenting that land use planning forbids development of any sort within Scotland's national parks and that something similar should be applied in Scotland's marine areas.

A few respondents, primarily within the fisheries sector, commented on the need for more guidance and a national overview for marine planners to be able to evaluate competing proposals, which could feed into decisions at a regional level.

3.84 A number of respondents, primarily in the environment/ conservation and fisheries sectors commented that the Draft NMP misrepresents the guiding principle of sustainable development. Furthermore, there were some views that this does not deliver on the duties of the Marine (Scotland) Act 2010, the requirements of Marine Strategy Framework Directive and Water Framework Directive, or international and EU obligations regarding sustainable development and environmental protection.

3.85 There were queries over the use of the terms 'sustainable development' and 'sustainable economic growth' which some respondents felt mean very different things but are used interchangeably throughout the Draft NMP. This was perceived to confuse the meaning of both and create confusion. There were some calls for the term 'sustainable economic growth' to be removed from the NMP. Linked to this, there were some calls to define 'sustainable development' according to the key specific objectives of the Draft NMP.

3.86 There were some requests to provide a better definition of sustainability; or to clarify the definition of sustainable development and sustainable economic growth and provide an explanation as to how they both relate to environmental objectives laid out in other documentation or legislation, for example, in the EU Habitats Directive.

3.87 A number of respondents, primarily in the environment/ conservation and recreation/ tourism sectors, felt there is limited reference to Scotland's three pillar approach which forms the basis of the Strategy for Marine Nature Conservation in Scotland's Seas. This was of particular concern given the context of ecological concern and deterioration highlighted in Scotland's Marine Atlas.

3.88 The issue of a mismatch between sectoral objectives and policies, and the strategic outcomes and other sectoral policies was reiterated in a number of ways. For example, respondents in the recreation/ tourism sector commented that sustainable development is at risk from external factors and the success of some policies will be dependent on effective action within the land use area. Some respondents welcomed the incorporation of High Level Management Objectives (HLMOs) and Good Environmental Status (GES) indicators along with climate change and sector specific objectives and felt that these underpin sustainable development. However, there were also comments from others, primarily in the environmental/ conservation sector that the relationship between the objectives and following general and sectoral policies was not clear and that all should be cross-referenced to ensure they are in accordance with HLMOs and GES indicators. A public sector body commented that some sectoral objectives and policies have aspirational economic growth targets that may not be compatible with the strategic outcomes and other sectoral policies.

3.89 As noted by an organisation in the academic/ scientific sector:

“In general, there is a good articulation of policy objectives (e.g. those for Marine Strategy Framework Directive (MSFD) and High Level Marine Objectives (HLMOs)) however there could be more input on how these should be considered / integrated within a marine planning context. Solely mentioning them and that Regional Marine Plans must “have regard to” or “must be able to accommodate the measures [of MSFD]” isn’t sufficiently directive in proactively ensuring that national and consistent mechanisms are established to facilitate the achievement of these objectives in a cost-effective way. Explicit recognition of the overlapping objectives of MSFD and marine planning (and SEA, etc.) should provide for the development of national actions to ensure that, for example, monitoring activities are planned in a co-ordinated manner, ensuring that resources spent on data collection are rationalised and used efficiently.”

3.90 Other issues, raised by smaller numbers of respondents included:

- Acknowledgement in the Draft NMP for the potential to contribute to national renewable energy and climate change targets, and to have a clear presumption in favour of renewable energy and / or sustainable development in non-sensitive locations; this came from respondents within the energy sector;
- There needs to be full integration of the use and sustainable management of sea and coast, with strategically equal priority to all the objectives;
- A need for the Plan to make clear that environmental limits encompass the marine historic environment and demonstrate clearly how the management and protection of heritage assets is integrated into an ecosystems approach to the management of Scotland’s seas (this comment came from respondents within the historic/ heritage sector);
- There is a lack of scientific data within the Draft NMP, with a need for policies that explicitly support scientific research and monitoring;
- Sustainable developments needs to be underpinned by data and a better understanding of marine processes;
- Objectives and policies need to be rebalanced to meet the needs of the ecosystem-based approach; these comments came from respondents within the environment/ conservation sector;
- There should be a separate chapter in the final NMP to reflect the marine conservation objectives of the strategy; these comments came from respondents within the environment/ conservation sector;
- A need to clarify what is meant by community and better recognition of coastal communities;
- Specific sector chapters contain economic and environmental assessments of the sector but do not contain a social analysis, which is the third pillar of sustainability;
- The Draft NMP as it stands does not meet the needs of climate change legislation; these comments came from respondents within the environment/ conservation sector;
- A need for reference to ecosystem goods and services in general policies.

4 KEY OBJECTIVES AND APPROACH TO POLICIES

Chapter summary

- Of those providing a definitive response, all agreed this is the best approach to setting economic, social and marine ecosystem objectives relating to the mitigation of, and adaptation to, climate change, albeit more of these responses were qualified than were not.
- There were requests for compatibility between strategic objectives and sector specific objectives, and for the NMP to set out how prioritisation of conflicting objectives will be reconciled.
- There were a number of references to the need for consistency between the NMP and UK and EU legislation.
- While respondents were generally welcoming of the approach adopted in the Draft NMP, some noted that marine planning needs to examine the cumulative impact across sectors and that a sectoral approach works against this. Allied to this, there were some requests for better linkage across sectors.
- A number of respondents focused on climate change, with requests for consistency to ensure each sector knows how to mitigate or adapt to climate change.
- There were some concerns over timescales, implementation and review of the NMP, with some suggestions the NMP should be reviewed on the same cycle as the Draft Circular.
- The issue of consultation was raised by some respondents, with requests for a higher level of consultation and engagement with all interested in the marine environment. There were also requests for a clarification of definitions used and an alignment of language with other forms of guidance and legislation.

4.1 The draft NMP notes that under the Marine and Coastal Access Act 2009 and the Marine (Scotland) Act 2010, marine plans must set out policies for and in connection with the sustainable development of the area to which the plan applies. The vision the Scottish Government has for the marine environment is “clean, healthy, safe, productive and biologically diverse oceans and seas, managed to meet the long term needs of nature and people”. This chapter set out the National Marine Plan strategic objectives and its approach to policies.

Setting objectives

4.2 Respondents were asked:

Question 6: Chapter 3 sets out strategic objectives for the National Marine Plan and Chapters 6-16 set 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?

4.3 As can be seen in the table below, 59 respondents provided an answer to this question, and some of their answers reiterated points made to earlier questions. While a significant number of respondents did not give a definitive 'yes' or 'no' response to this question, there was support from all those who did give a definitive answer.

Table 4.1 Question 6: 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?

Respondent group	Yes	Yes, qualified	No	Neither yes or no
Individuals (16)	-	1	-	5
Academic / scientific (7)	-	-	-	3
Aquaculture (5)	-	-	-	-
Energy (12)	2	5	-	1
Environment / conservation (9)	1	-	-	6
Fisheries (13)	1	-	-	5
Historic / Heritage (5)	-	1	-	-
Industry / transport (9)	2	-	-	-
Local Authority (15)	4	3	-	2
Local coastal partnership (7)	-	4	-	1
Local group (5)	-	-	-	1
Other public sector (10)	1	4	-	-
Recreation / Tourism (7)	-	-	-	3
Other (4)	-	1	-	2
Total (124)	11	19	-	29

4.4 Many of these providing a positive response simply reiterated elements of this chapter that they were in agreement with.

4.5 Across other responses, a number of key themes emerged.

Compatibility between strategic objectives and sector specific objectives

4.6 There were requests from a few respondents for the Plan's strategic objectives to be compatible with sector specific objectives and policies, with one Local Authority asking for the NMP to provide guidance on priorities where needed. A respondent in the academic sector noted that the objectives are sector-driven and should be defined in accordance with wider policies and based on national objectives. Another organisation in the academic sector commented that sector policies lend themselves to a single sector approach rather than a more integrated approach.

4.7 Linked into this last point, a number of respondents focused on the need for the final NMP to set out how prioritisation of conflicting objectives will be reconciled to provide a clearer steer to planning partnerships; or noted that more consideration needs to be given to the incompatibilities and conflicts between sectors and associated sector specific and strategic objectives.

Consistency with legislation

4.8 There were a number of references for the need for the NMP to be in line with legislation. Many of these comments came from respondents within the environment/ conservation sector. A Local Authority and an 'other' organisation

felt that the NMP should be structured in the same way as NPF3. Legislation that the NMP needs to align with included the Marine (Scotland) Act 2010 and the Marine Strategy Framework Directive. Some respondents also referred to the Scottish Natural Heritage (SNH) Commissioned Report 341 and felt this should be referenced in the NMP. An organisation in the environment/conservation sector suggested that as many objectives come from other strategic documents, it would be useful to summarise these to show how all fit together, perhaps as an additional graphic in the NMP.

The focus of the NMP

4.9 A number of respondents, while generally supportive of this chapter, cited ways in which they felt the focus of the Draft NMP should change. The key theme was a need for marine planning to look at the cumulative impact across sectors and not simply at each sector. For example, an energy company noted that the Draft NMP does not take into account the identification and management of cumulative effects. Allied to this point, three organisations in the environment/conservation sector asked for more linkage across sectors. Another respondent in the environment/conservation sector noted the need for the NMP to have a goal based on the two general duties set out in the Marine (Scotland) Act 2010.

4.10 There were one or two sector-specific comments with a few respondents, primarily in the fisheries sector, asking for more explanation of ecosystem services and how to evaluate these; and respondents within the energy sector noting concerns over GES11 and asking for further clarification to allow developers to understand the potential impacts of this policy.

4.11 Other issues raised by one or two respondents included:

- The final NMP must be much clearer in setting out marine ecosystem and climate change objectives, for example, a greater emphasis on the importance and value of Scotland's marine natural heritage and resource, to be integrated and reflected throughout the plan;
- The emphasis is on economic, social and marine ecosystem objectives and needs to be explicit on how the marine historic environment will be integrated into an ecosystem approach to achieve sustainable development;
- Need more reference to adaptive management of the sectors and to highlight the need for precautionary approaches in the absence of necessary information or data;
- Detail on how SG plan to approach adaptive management within the Draft NMP, and a request for this to be based on UK wide adaptive management;
- The definition of sustainable economic growth is unclear, and a preference to use the term 'sustainable development';
- Although tourism is defined as a growth sector by the SG, the Draft NMP has no strategic objectives that reflect this;
- Cross cutting themes should be incorporated into the NMP; this fits better within an ecosystem-based system;
- The chapter structure does not always reference the 3 pillar approach to marine conservation (species conservation, site protection, wider seas measures) i.e. this should be dealt with across all chapters and should be integrated as a thread through the general and sector specific policies;

- Each sector plan should be linked to the marine ecosystem objectives to illustrate how the NMP will deliver them and the marine ecosystem objectives should underpin social and economic objectives;
- The overarching aim should be the protection and enhancement of the Scottish Marine Area;
- The sector specific objectives are written from the perspective of industry rather than how industry can help Scotland achieve sustainable development;
- Need more focus on NMP's approach to engagement;
- There is too much emphasis on economic development;
- Need more consideration of coastal communities for example, more emphasis on the impact environmental designation has on economic prospects and resulting social changes within island communities;
- The NMP needs more detail on who decision makers will be in the development of Regional Marine Plans.

Climate change

4.12 A number of respondents commented specifically on the climate change section of this chapter, with some comments that consistency is needed to ensure that each sector will know how to act to mitigate or adapt to climate change. This comment came from respondents within the environment/conservation sector. There were also some requests for more policies that anticipate climate changes and provide guidance; with respondents in the fisheries sector also commenting that there needs to be flexibility built in to allow for adaptation to meet changing circumstances.

4.13 A public body commented that given the significance of climate change, strategic objectives should be developed to provide a framework for strategic level climate change policy implementation. They also said that the NMP focused more on climate change impacts on industry than industry's impacts on climate change.

4.14 There were comments from two respondents that the issue of coastal change is not adequately addressed and that there needs to be synergy between respective legislation for marine planning, flood risk management and adaptation to climate change.

Other comments on Chapters 1 to 3

4.15 The final question in this chapter went on to ask:

Question 7: Do you have any other comments on Chapters 1-3?

4.16 A total of 45 respondents offered commentary to this question; some referred back to answers they had given to previous questions, and many reiterated points made to earlier questions. A significant number suggested alternative wording at various points. The following paragraphs provide a brief summary of the key points emerging at this question.

4.17 A significant number of respondents reiterated their support for the Draft NMP or for various elements of it. The key theme to emerge, albeit only cited by a small number of respondents, was the frequency with which the NMP would be

updated or simply pointing out that the Draft NMP does not give the time period covered by the plan. Three of these respondents suggested that the NMP should be reviewed every five years as per the Draft Circular.

- 4.18 One other element related to timing and cited by a respondent in the public sector was that the timescales to achieve or maintain Good Environmental Status are very short.
- 4.19 Two Local Authorities referred to implementation of the NMP and said that when considering marine licence applications and renewable energy schemes, decision making should be transparent and information readily available to be shared with anyone wishing to access it; this could be in line with the land use planning system. Another Local Authority noted the importance of ensuring all relevant organisations are consulted on marine planning matters.
- 4.20 Another Local Authority also had some concerns over the set-up of MPPs because of the diversity of stakeholders that would be represented and their different interests, as well as the resources that would be needed for set up and ongoing management. A small number noted the need for consultation and engagement with all individuals and organisations with an interest in the marine environment.
- 4.21 Once again, there were suggestions that there needs to be alignment with other policies, legislation and guidance, including NPF3, the UK Marine Policy Statement (MPS) and the Draft Planning Circular. As noted by a few respondents (two of which were Local Authorities), the relationship of the NMP to other plans, policies, guidance national legislation, EU directives and international conventions should be addressed more clearly and comprehensively. There were also requests for a flowchart outlining the hierarchy and relationship between all of these. A Local Authority commented that the Draft NMP is unclear on how the consenting process will be affected and provided the example of Pentland Firth Orkney Waters pilot where there are already seven planning documents in force.
- 4.22 A public sector body asked for a link to research for marine planning and to reference the Scottish Marine Science Strategy, and also cross-reference to the policy GEN10. They also noted the need for the NMP to explicitly identify links to Scottish Government policy for conservation of biodiversity, particularly the three pillar approach. An environment/ conservation organisation asked for the NMP to “refer to the need of development or activities to actively adopt mitigation actions, and identify and then secure opportunities to enhance biodiversity, including recovery and / or enhancement of degraded habitats or species populations”.
- 4.23 There were requests for clarification of definitions in earlier chapters and a public sector organisation commented that the plan would benefit from a glossary or list of definitions of commonly used terms. Some other respondents also asked for more clarity in some of the definitions and/ or alignment of wording, terminology, approach and objectives with other forms of guidance, legislation and so on.

4.24 Once again, reference was also made to a need for more cohesion between the vision, objectives and policies of the NMP.

4.25 Three respondents, two in the fisheries sector and a local coastal partnership asked for further consideration to be given as to how the impacts of vessel activities will fall within the overall NMP or regional marine plan policies and objectives, and how to integrate these two systems. A small number of energy organisations suggested that adaptive management and monitoring should be achieved through a robust approach to EIA and consenting.

5 GENERAL POLICIES

Question 8 Summary

- The policies in Chapter 4 of the National Marine Plan attracted broad welcome from respondents; in particular respondents supported the presumption in favour of sustainable development and use. There were a number of suggestions for changes to these policies; respondents wanted to see more detail added.
- There were comments that the policies lack detail and that many points are in need of clarification. Clear definitions throughout were important to ensure there is no room for interpretation as to their meaning.
- Respondents saw a lack of guidance or detail on how the policies would be put into practice. Stronger guidance in general and more direct policy wording were also seen as necessary.

5.1 The policies are grouped under the following headings:

- General;
- Engagement;
- Using sound evidence;
- Good Environmental Status;
- Nature conservation, biodiversity, and geodiversity;
- Historic Environment;
- Landscape/seascape;
- Air Quality;
- Noise;
- Coastal processes and flooding;
- Water quality and resource;
- Climate change.

Appropriateness

Question 8 asked:

- 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 land use planning has also been published – would further guidance be useful?

5.2 Seventy-seven respondents commented on this question; some made general comments while others commented on each of the policies in turn. The following table shows the respondents who replied to Question 8.

Table 5.1: Question 8: Questions on the policies in Chapter 4

Respondent group	Number commenting
Individuals (16)	4
Academic / scientific (7)	4
Aquaculture (5)	4
Energy (12)	11
Environment / conservation (9)	7
Fisheries (13)	4
Historic / Heritage (5)	4
Industry / transport (9)	5
Local Authority (15)	11
Local coastal partnership (7)	5
Local group (5)	2
Other public sector (10)	7
Recreation / Tourism (7)	6
Other (4)	3
Total (124)	77

5.3 Several of the environment/ conservation respondents made the same or similar comments throughout the questions in this section. There were also similarities between comments made by some of the fisheries respondents.

5.4 Many of the points made here have already been seen in relation to earlier questions. A significant number of respondents suggested alternative wording at various points through these chapters and these have been provided in a separate document.

General comments

5.5 There were a number of general comments on the policies and on the format of this chapter.

5.6 Several respondents stated that, in general, they support or welcome the policies.

Format

5.7 Several respondents, from the 'other' and environment/ conservation group, made similar comments: "This section must be more explicit in stating that all text is planning policy. Policy text within the boxes will automatically be considered the more prevalent text and thus potentially misguide users of the Plan."

Other general comments

5.8 There was strong welcome for the presumption in favour of sustainable development, although some respondents asked for a clear definition of both 'presumption in favour' and of 'sustainable development'.

5.9 Respondents felt the phrase 'take into account' was not strong enough and that the language used should be more directive.

- 5.10 There were comments that the policies lack detail and that many points are in need of clarification. Clear definitions throughout were important to ensure there is no room for interpretation as to their meaning.
- 5.11 Respondents saw a lack of guidance or detail on how the policies would be put into practice. Stronger guidance in general and more direct policy wording were also seen as necessary.
- 5.12 However, a small number commented that there is too much detail and suggested that the policies should be streamlined. A public sector respondent suggested having development policies and procedure policies.
- 5.13 The need for guidance on the interaction between various policies and legislation was particularly important to respondents; a number of policies were seen as redundant as they are already covered by legislative requirements. The need for the policies to be consistent with, and to have adequate links with, other policies, guidance and legislation, and with the Environmental Impact Assessment process, was also mentioned.
- 5.14 Respondents wanted to see detail on integration of the NMP with neighbouring plans and with land use planning. Respondents asked for more explanation on the principles of Integrated Coastal Zone Management in relation to integration between marine and land use planning.
- 5.15 Respondents asked if areas similar to ‘areas for co-ordinated action’ within the National Planning Framework could be included in the NMP. These could be used, in particular, to “integrate the fisheries management and general marine management plans for key fisheries areas” (fisheries).
- 5.16 The need for clarity, and an indication of priority, where there is any tension between other plans and policies will also be required.
- 5.17 There was a call for the policies to make clear that they apply to developers as well as marine planners and decision-makers. There was also a request to clarify within the policies whether the terms ‘planning authorities’ and ‘planners’ apply to both marine and land use planning authorities and planners.
- 5.18 Guidance was sought on how marine spatial plans will be developed in relation to the NMP and on how the NMP will relate to land use Local Development Plans.
- 5.19 A Local Authority wanted to see “greater clarity around the issue of deemed planning permission for the onshore elements of offshore generation and the role of the land use development plan in that process”.
- 5.20 There was some concern amongst the fishing sector that the policies do not offer adequate protection to legitimate fishing activity. There were also calls for consideration of the economic impact of activities or developments on other sectors, for example the impact of offshore renewable development on shipping.
- 5.21 The following paragraphs outline the main themes from responses in relation to each of the policies.

General Policies

5.22 Several respondents commented on General Policies 1, 2 and 3, with a number saying that there is duplication across these and that they could be combined into a single policy.

5.23 A number of responses contained the same comments (from the 'other' and environment/ conservation groups) on the need for the first three policies to be reviewed and amended to reflect "the five guiding principles of sustainable development¹ as set out in the UK's shared framework for sustainable development". These respondents said that at present:

- The policies contravene the duty of the Marine (Scotland) Act;
- The current approach is contrary to achieving sustainable development as it suggests support for activities which achieve economic and social objectives over environmental objectives.

5.24 These respondents recommended that "reference is made to the current draft Scottish Planning Policy document as it presents appropriate wording that could be used in this General Policy section (see paragraphs 24 and 25, Page 8 of the SPP)." This group also commented that the Draft NMP "omits a vital reference to any effort to work within marine environmental limits".

5.25 Respondents wanted to see parity between policies that support developments and activities offering social and economic benefits and those that only look for assurance that the law will not be broken.

General Policies – specific comments

GEN 1: There is a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of this Plan.

5.26 Several respondents said that they support or agree with this general policy; others said that they welcome the presumption, or commented on its importance.

5.27 There were a number of comments on the need for a definition of sustainable development and use, with a Local Authority commenting: "Various definitions of sustainable development are set out in the Draft NMP (pages 14 and 19), the appropriate definition should be included within GEN 1." Another Local Authority also wanted to see definitions and commented that the terms sustainable development and sustainable economic growth are interchanged within the Draft NMP.

5.28 One public sector respondent commented on the need for the policies to recognise that support and service sectors need to be able to operate in a sustainable manner within the marine environment, while an individual commented that 'sustainable' appears to apply to anything that fits Scottish Government objectives, even if this is not recognised by others.

¹ 1: living within environmental limits. 2: ensuring a strong, healthy and just society. 3: achieving a sustainable economy. 4: promoting good governance. 5: using sound science responsibly.

5.29 A Local Authority suggested that the policy should also state that a presumption in favour of sustainable development and use requires consistency with all of the policies and objectives in the NMP. An environment/ conservation respondent suggested that the precautionary principle should apply in any cases where the sustainability status of an activity is not clear.

5.30 Commenting that the policy identifies key growth areas as oil, gas and renewables, an energy respondent wanted to see carbon capture and storage added to this list.

5.31 Recreation/ tourism respondents wanted to see acknowledgement that sport and recreation is integral to tourism.

GEN 2: Sustainable developments and marine activities which provide economic benefit to Scottish communities are encouraged when consistent with the objectives and policies of the Plan.

5.32 There was support for this policy and for the recognition of the importance of economic benefits to Scottish communities. There were requests for clarification and definition of sustainable development and of communities.

5.33 One Local Authority felt that the policy should highlight that the objectives would be best achieved through Regional Marine Plans; others from this group said the role of Regional Marine Plans “in balancing local community and national level benefits/impacts should be explained and supported within this policy”.

5.34 An academic/scientific felt this and GEN 3 unnecessary as “It detracts from building a definitive approach to sustainable development to draw distinction between ‘sustainable developments’ and activities which provide economic or social benefits”.

GEN 3: Sustainable developments and marine activities which provide social benefits are encouraged when consistent with the objectives and policies of the Plan.

5.35 There was broad welcome for this policy and for the recognition given to social benefits.

5.36 A public sector respondent wanted to see guidance on interpretation of the policy, especially in respect of appropriateness and proportionality in taking account of social benefits of development.

5.37 Respondents from the historic/ heritage group said this policy fails to identify social benefits associated with the marine environment and the marine historic environment.

5.38 Local Authorities felt there should be more focus on, or a separate policy for, assessing the impact of development on existing activities and the well-being of local communities.

GEN 4: Community impact – Government, planning authorities and stakeholders should consider the need for Scenario Mapping where there is potential for development to impact on communities.

5.39 There was some support for this policy but several respondents said that it is unclear or that it is not actually a policy.

5.40 There were comments that developments likely to cause alteration to socio-economic conditions would require an Environmental Impact Assessment and that therefore the policy is not required.

5.41 Respondents commented that there is no equivalent policy in the Scottish Planning Policy and suggested that the detail from GEN 4 would fit better within GEN 9 on Engagement.

5.42 There were requests for a definition of, and guidance on, Scenario Mapping and for a definition of 'community'. Respondents asked that other communities, such as communities of interest, should be included along with communities of place.

GEN 5: Development proposals which enable multiple uses of marine space are encouraged where possible in planning and decision making processes, when consistent with policies and objectives of the Plan.

5.43 Again, there was broad welcome for this policy but several respondents asked for clarification or guidance on some issues. Several respondents wanted to see detail on responsibilities; who would be responsible for deciding if an activity is identified for preferential use? More clarity in respect of the reference to Regional Marine Plans was also requested.

5.44 A number of respondents felt that multiple use may not be possible in some cases. For example, an environment/ conservation respondent commented: "Dredging and trawling for instance are incompatible with many conservation and restoration objectives and should certainly not be allowed in marine protected areas." This respondent felt such activities should not be allowed in in-shore waters; they felt creeling and scallop diving would be more suitable in these waters. An industry/ transport respondent felt that shipping and leisure activities might not be compatible.

5.45 Energy respondents, in particular, would like to see more detail as to how this policy would work in practice; one said they were unable to support co-location without knowing the full implications including economic activities and conservation objectives; others asked for detail on conflict resolution.

5.46 Others from this group asked for more discussion on activities that could co-locate, looking at planning and regulation, streamlining of infrastructure and an economic assessment of the benefits of co-location. These respondents felt that it may be necessary to prioritise activities according to high-level policies and objectives and thought it would be useful for the NMP to reference national policies and objectives.

5.47 Local Authority respondents felt that 'co-location' and 'synergistic use' would be a more appropriate phrase than 'multiple use', or that these should be referred to.

5.48 A number of respondents from the environment/ conservation group asked for clear guidance on which activities might be compatible with which designation and stressed the importance of ensuring compatible projects and activities are sited in the least sensitive areas. These respondents also suggested that the policy should consider development proposals within designated natural heritage sites.

5.49 Respondents also commented on the need for the NMP to identify the method decision-makers should use to balance competing interests; this method should take social, environmental and economic attributes into account. Some respondents stressed the need for representation for all sectors to be included in the decision-making process.

5.50 There was a request, from an aquaculture organisation, for further research in relation to multiple use.

5.51 A public sector respondent suggested a separate general policy that "avoids one activity unreasonably jeopardising other uses/interests".

5.52 Another from this group noted that the Marine Policy Statement encourages co-existence rather than co-location and added "We see that there is significantly more opportunity to facilitate the co-existence of activities as it allows for temporal factors to be considered more easily".

5.53 Other suggestions from this group included: "a comprehensive masterplan led approach is required for the long term planning of those areas which are considered to be appropriate for multiple uses and co-located development".

GEN 6: Through integration of marine and land use development plans, planning authorities should seek to facilitate appropriate access to the shore and sea and support marine and land based components required by development and activities.

5.54 This policy was supported by many respondents; however, there were many queries, suggestions and requests. These mainly related to the need for more detail and included:

- A definition of appropriate access was requested;
- The policy should contain reference to maintaining access
- The need for detail on the duties and powers of planning authorities within the marine planning system; and associated resource implications;
- Details on partnership working between marine and land use planning authorities and with the wide range of agencies and organisations involved;
- Detail on how the policy will apply to Marine Planning Partnerships;
- The need for more explicit reference to developer-led proposals;
- The words 'where these are sustainable' should be added to the end of the sentence; Detail on how conflict between marine and land use plans will be dealt with;

- Detail on how any differences between the marine and land use planning systems will be dealt with and a clear statement on prioritisation between the two systems;
- Detail on how timeframes will be aligned so that one element does not delay the other;
- “The policy must include criteria for handling differences or conflicting statements within the land use and marine plans, or between different planning systems, and should clearly indicate which plan takes priority where the two systems overlap” (environment/ conservation).

5.55 There were several comments on the wording ‘appropriate access’, with requests for: a requirement to consider environmental impacts when facilitating appropriate access to the shore and sea; for the policy to ensure a balance between access and competing activity or development; and the need for a definition of ‘appropriate access’.

5.56 Several fisheries respondents wanted to see “clearer reference to the principles contained in Fisheries Policy 6. i.e. that land use planners (and not just ports) should engage with key stakeholders regarding any proposed changes in existing infrastructure that might affect the viability of dependant fishing fleets, and that there should be a presumption in favour of maintaining necessary infrastructure”.

5.57 There was some concern, particularly from energy respondents, that the policy covers access requirements and infrastructure components straddling marine and onshore and there was a suggestion that these be dealt with in separate policies.

5.58 An energy respondent felt there should be “a requirement on Local Authorities to develop policies which facilitate appropriate access to the shoreline for development integral to projects with a significant marine component”.

5.59 Recreation/ tourism respondents wanted to see “specific reference to Scotland’s access rights in recognition of these rights and the range of activities they include that will take access to and within coastal areas”.

GEN 7: Integration and compliance with other statutory plans, such as River Basin Management Plans, should also be undertaken; planners should take into account the objectives and policies of relevant non statutory plans where appropriate to do so. <applies to inshore waters only>

5.60 A small number simply voiced support for this policy.

5.61 A Local Authority wanted to see a section on compliance and integration with other statutory plans within the National Marine Plan; this policy should then reference this section. Other Local Authorities asked for clarity as to which plans need to comply and integrate with others.

5.62 In relation to non-statutory plans, a Local Authority felt this requirement would aid policy development while aquaculture respondents felt it should only be required for non-statutory plans that have gone through proper statutory processes.

5.63 Aquaculture respondents were concerned about multiplicity, with developers having to reference many different documents and plans.

5.64 The example of River Basin Management Plans would be better replaced by other examples; several respondents suggested that Strategic Development Plans and Local Development Plans would be more appropriate. Other respondents suggested that all considerations should be listed, perhaps in an appendix. One public sector respondent welcomed the policy setting out the integrated approach with River Basin Management Plans.

5.65 An environment/ conservation respondent said that marine planning should aim to achieve Good Environmental Status under the Water Framework Directive and the Marine Strategy Framework Directive.

5.66 An energy respondent asked whether the reference to 'planners' should be to planning authorities and another from this group felt examples of the types of non-statutory plan that are being referred to would be beneficial.

GEN 8: All marine interests will be treated with fairness and transparency when decisions are being made in the marine environment.

5.67 While several respondents voiced support for this policy, others said that it seems more of a statement of intent than a policy.

5.68 There were suggestions that this policy would be better placed elsewhere in the document, for example as part of GEN 1 or within the Approach to Policies section.

5.69 A respondent from the other group pointed out that this policy contains the first mention of long-term public interest; they felt this concept should be introduced earlier in the National Marine Plan.

5.70 While an environment/ conservation respondent commented on the importance of stakeholder involvement on an equal basis, a Local Authority wanted to see the section extended to explain how fairness and transparency in decision-making will be achieved and how all interests can participate equally.

5.71 A Local Authority called for more transparency in the marine licensing process similar to the land use planning system. Another Local Authority called for the policy to promote joined-up decision-making, local accountability, transparency and subsidiarity.

Policies - Engagement

GEN 9: Early and effective engagement should be undertaken with the general public and all interested stakeholders in planning and consenting processes.

5.72 Several respondents voiced strong support for this policy. However, a public sector respondent suggested that it is not necessary as these requirements are already statutory requirements, while another suggested reference to, or adoption of, land use regulations on "when pre-application community consultation should take place and when a proposal should be advertised".

- 5.73 An aquaculture respondent wanted clarity as to who the policy is aimed at: developers or plan makers or decision takers. A local group asked how effective engagement will be judged and a respondent from the other group asked for clarification on the level of engagement and consultation.
- 5.74 An environment/ conservation respondent commented on the need for user-friendly, relevant and engaging consultation and for all views to be heeded. An energy respondent commented that some interested parties may be constrained in contributing due to lack of resources or capacity.
- 5.75 Other areas in need of clarification were identified and these included: timeframes for engagement; what is meant by early and effective engagement and how this should take place; and how 'all interested stakeholders' will be defined or identified. There was also a query, from a respondent from the 'other' group, as to how the policy would work in practice. A public sector respondent asked for clarity over their own specific duties and resource requirements.

Policies - Using sound evidence

GEN 10: Decision making in the marine environment will be based on a sound evidence base as far as possible. Where evidence is inconclusive, reasonable efforts should be made to fill evidence gaps. Decision makers may also need to apply precaution within an overall risk based approach.

- 5.76 Several respondents agreed or accepted the need for the precautionary principle; some felt the reference could be stronger, saying 'should' rather than 'may' apply precaution. A recreation/ tourism respondent said that the definition given for the precautionary principle is different to that used in the Scottish Planning Policy and also appears different to the outline on page 16 of the National Marine Plan itself.
- 5.77 Several respondents urged caution where evidence is inconclusive. An energy respondent asked that policies take account of cost implications and potential delays in development timelines and a public sector respondent said the precautionary principle should not be overly relied upon.
- 5.78 While a small number of respondents called for clarification on who will be responsible for provision of data to fill evidence gaps, several others said they did not see 'gap filling' as appropriate and felt that the onus should be on developers to produce all necessary evidence.
- 5.79 The proposed adaptive management approach was supported. However respondents asked for more detail as to how this would be managed.
- 5.80 There were suggestions that any data collected should be held centrally and made available widely; respondents saw an opportunity to promote evidence databases such as National Marine Plan interactive and Marine Scotland interactive. There was also a suggestion, from a respondent from the 'other' group, that there should be mention of a shared land use and marine planning evidence base "avoiding duplication and encouraging consistency between both systems".

5.81 There were requests for a commitment by the Scottish Government to support and facilitate environmental data collation, monitoring and research. Respondents wanted to see more emphasis on the role of research and monitoring in improving the evidence base for decision-making. Some suggested data collection and associated responsibilities and processes could be placed in a separate policy.

5.82 Local Authority respondents asked for details to be included on what sort of data or information can be used and also for details on quality assurance, storage and accessibility of data.

5.83 There were requests to include reference to historic information alongside social, economic and environmental information.

Policies - Good Environmental Status

GEN 11: Development in, and use of, the marine environment must take account of the achievement or maintenance of Good Environmental Status (GES) for UK waters as it develops under the Marine Strategy Framework Directive.

5.84 The policy was supported by several respondents, although there were calls for the accompanying text to make clear that mitigation actions should be proportionate and ecologically appropriate.

5.85 There were also calls for the policy to reference the Water Framework Directive.

5.86 There were some suggestions that the wording ‘take account of’ should be strengthened.

5.87 A public sector respondent said there is no need for this policy as a legislative requirement already exists in the EU Marine Strategy Framework Directive and that this policy should be deleted.

5.88 Another public sector respondent suggested that guidance on achievement of GES while enabling sustainable economic growth might be useful.

5.89 There were concerns as to how local plans and regional objectives could be reconciled.

5.90 A Local Authority pointed out 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.”

Policies - Nature conservation, biodiversity, and geodiversity

GEN 12: 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.

- 5.91 There were concerns that the wording implies that habitats or species which are not of conservation concern do not have to be considered.
- 5.92 Several respondents asked whether the habitats and species mentioned were the Priority Marine Features; if so this should be stated and identification, definition, processes for registration and monitoring areas of Priority Marine Features included.
- 5.93 A public sector respondent said the term ‘national conservation status’ was not familiar.
- 5.94 While there was a comment that this policy is not required as legislation already provides this protection, others commented that the policy neglects the Scottish Government’s duty to enhance Scotland’s seas where the Marine Atlas indicates this is necessary. An environment/ conservation respondent felt that the word ‘significant’ should be removed as this could be used as an opt-out for damaging activities.
- 5.95 There were suggestions that the policy should be rewritten to provide more clarity and robustness in relation to legislation and policy.
- 5.96 Respondents wanted to see clear guidance for planners and developers on relevant policy and legislation and examples of what measures or considerations will be required.
- 5.97 The unboxed text was described as muddled by a public sector respondent who suggested that this be improved.
- 5.98 An industry/ transport respondent raised some concerns: that the wording of this policy could stifle economic activity as it does not allow for balancing conservation against social and economic benefit; and that the policy affects developments that are regulated by land use planning. This means developers will have to deal with both marine and land use planning processes.
- 5.99 Respondents pointed out that geodiversity features in the heading for this policy but is not addressed in any text; one environment/ conservation respondent included a detailed description of geodiversity features and asked for geodiversity to be included within this policy.
- 5.100 A public sector respondent wanted to see “text stating the importance of ecosystem services and natural capital in delivering environmental, economic, social and climate change objectives of the NMP”.
- 5.101 This policy caused concern to energy respondents as it would impact areas within plans that have already gone through Strategic Environmental Assessment (SEA) and been agreed. They asked how existing developments will be protected from changes to policy.

Policies - Historic Environment

GEN 13: Marine planning and decision making authorities should aim to protect and, where appropriate enhance, heritage assets in a manner proportionate to their significance when progressing development and use of the marine environment.

5.102 While a small number simply voiced support for this policy, there were several lengthy and detailed comments on GEN 13 and these are summarised in the following paragraphs. There was a feeling that the policy lacks detail.

5.103 Many respondents commented on the importance of the marine historic environment and its protection; some felt more should be made within the policy text of the contribution it makes to well-being, place-making, community cohesion, sustainable recreation and tourism.

5.104 An energy respondent felt there was a difference between the wording of the policy and other policy and legislation such as the Scottish Historic Environment Policy.

5.105 Historic/ heritage respondents were concerned that the policy does not give as much protection as the UK Marine Planning Statement. In addition, these respondents felt that the policy is limited in the protection that it offers due to some of the wording (for example “the need for an assessment of significance is expressed only in respect of development and marine licensable activities, not the full range of decision making to which the NMP applies”). In addition, while the policy refers to the need for developers to adopt protocols for archaeological discoveries, there is no mention of other work, such as prior investigations, that should be undertaken.

5.106 In relation to the mention of an archaeological protocol, an energy and a public sector respondent commented on the Wessex archaeological protocol (Crown Estates 2010 publication Protocol for Archaeological Discoveries: Offshore Renewables Projects); the energy respondent currently uses this publication.

5.107 One historic/ heritage respondent asked for clarity over who the ‘marine decision-making authorities’ will be and on the role of Local Authorities.

5.108 Other respondents from this group were concerned that the word ‘aim’ weakens the policy and that it is inconsistent with the draft Scottish Planning Policy (2013); they commented that other parts of the policy text are also inconsistent with the current and draft Scottish Planning Policy. These respondents commented on several other parts of the policy:

- Concern over the use of the word ‘positively’ in the 4th line of page 31 which could indicate the need for heritage assets to have undergone a formal qualification process.
- That the policy refers only to identified heritage assets and not those still to be discovered.
- In relation to archiving information, there should be clear support for the bodies involved and that “The Plan should identify the records in question and make clear the need to consult them”.

- 5.109 Other respondents felt that the wording of the policy is not as strong as for some other areas and so affords the marine historic environment less protection than is afforded to, for example, seascape.
- 5.110 There were comments that only a small part of marine heritage has been recorded; there were requests for maps and information on both designated and undesignated sites. Work to develop an evidence-base encompassing all of the marine historic environment is needed; this is especially the case for offshore waters.
- 5.111 There was a comment that the policy refers to enhancement of heritage assets while its text refers to enhancement only in relation to knowledge; this energy respondent suggested 'enhance' should be removed from the shaded box.
- 5.112 A public sector respondent felt that the last three paragraphs of text read as partly aspirational and lack clarity.
- 5.113 Several respondents commented that the policy should refer to the new body, Historic Environment Scotland.

Policies - Landscape/seascape

GEN 14: Marine planning and decision making authorities should ensure that development and use of the marine environment take seascape, landscape and visual impacts into account.

- 5.114 There was broad support for this policy.
- 5.115 An energy respondent felt the policy should only apply to developments within a set distance of the coast. This respondent also commented on the 'wild land' mapping: "the proposals for wild land as currently mapped, in relation to planning, remain in draft until NPF3 and SPP are agreed in 2014".
- 5.116 Local Authorities welcomed the policy but felt that there should be acknowledgement of the importance of regional and local landscape designations.
- 5.117 A public sector respondent asked for further clarification of the term 'seascape views'.
- 5.118 Respondents wanted to see the policy use stronger language than 'into account'.
- 5.119 Recreation/ tourism respondents felt that the policy should be amended to include other communities, such as communities of interest; they saw the words local and coastal as too narrow. One of these respondents also asked for clarification over the use of the word sustainable in this policy and suggested "Examples could be given of impacts of activities that would lead them not to be consented because they would not be considered sustainable".

Policies - Air Quality

GEN 15: Marine planning and decision making authorities should consider air quality issues, especially relevant statutory air quality limits, when progressing development and use of the marine environment.

- 5.120 Several respondents simply voiced support for this policy. Only a small number commented in any detail and these included an industry/ transport respondent who suggested planning and decision-making in relation to air quality needs to take UK, EU and other international regulation into account.
- 5.121 A public sector respondent commented on the importance of balancing environmental considerations and wider economic and social benefits. Another from this group suggested GEN 15 be amended to say: “Development in, and use of the marine environment, should not result in the deterioration of air quality and should not breach statutory air quality limits.”
- 5.122 Comments from an academic / scientific respondent focussed on the need to include Life Cycle Analysis “to demonstrate that air emissions (of the activity and of those in producing material elements, transport, etc.) and consequent atmospheric effects should be considered in an integrated way with Air Quality”. They mentioned that atmospheric emissions are not effectively managed at present and wanted to see the policy emphasise full assessment of atmospheric impacts rather than simply referring to the Climate Change (Scotland) Act 2009.

Policies - Noise

GEN 16: Marine planning and decision making authorities should consider man-made noise sources, especially their effects on sensitive species, in the marine area, when progressing development and use of the marine environment.

- 5.123 There were a number of suggestions for amendments to this policy and requests for clarification over terms such as ‘sensitive species’.
- 5.124 A public sector respondent commented on the importance of balancing environmental considerations with wider economic and social benefits.
- 5.125 Commenting on the need to discuss how the policy relates to achieving good environmental status under the Marine Strategy Framework Directive, an academic/ scientific respondent said; “Noise is an important aspect for which regional, cross-sectoral management is warranted and this general policy could be more helpful in this regard.” This respondent also felt that the policy is too specific, aimed only at the renewables sector, and should be more general.
- 5.126 This respondent also suggested the policy could state that activities producing noise should be managed under legislation such as European Protected Species (EPS) licensing. Commenting on EPS legislation, a public sector respondent said that the references to this legislation ‘for certain species deliberate disturbance is prohibited’ is both incorrect and incomplete.
- 5.127 Several respondents, particularly from the energy group, expressed their concern over the inclusion of specific measures such as bubble curtains and

asked for clarification as to whether this is in addition to measures set out in licences. There were also comments that specific measures should not be included as other more suitable measures may be developed.

5.128 Fisheries respondents and one Local Coastal Partnership said that there is also a need to take account of impacts on priority species from electromagnetic fields from sub-sea power cables; the fisheries respondents also commented on the impact of warming of the seabed caused by combustion of deep underground coal seams.

5.129 The Local Coastal Partnership respondent described the word 'consider' as inadequate; recent legislation makes it an offence to deliberately or recklessly disturb species.

5.130 Several respondents commented that the policy should include reference to the cumulative impacts of noise. There was also a comment, from a Local Authority, on the need to consider noise levels against the levels of background noise.

5.131 Environment/ conservation respondents asked that the word 'effective' be added so that the policy reads 'effective mitigation measures being adopted'. These respondents also wanted to see "acknowledgement that monitoring can only provide protection where the data and results are timeously fed into an adaptive management system".

5.132 There was also a comment that there is a lack of knowledge about the sensitivity to noise of different species and that the policy should therefore take a risk-based approach to reflect this.

Policies - Coastal processes and flooding

GEN 17: Developments and activities in the marine environment should be resilient to coastal change and flooding, and not adversely impact coastal processes.

5.133 A small number simply voiced support for this policy.

5.134 An energy respondent suggested that the word 'significant' should be added "to define the adverse change"; others from this group suggested it could be changed to 'unacceptable adverse impacts'.

5.135 There were suggestions, from the environment/ conservation group, that the positive contribution that natural and 'living' defences such as kelp forest be recognised. Another wanted to see the text 'Sustainable solutions to flood management and coastal defence' place an emphasis on solutions that use natural geomorphological processes.

5.136 A Local Authority wanted to see a definition of 'coastal infrastructure' and guidance on reclamation of coastal land for development and on what type of development is acceptable. This respondent queried the wording 'resilient to coastal change and flooding' as they felt this could only be achieved through the construction of heavy defences. A public sector respondent suggested the policy could include the need for developments not to increase flood risk and

also to include “reference to flood management and coastal defence to facilitate adaptation to climate change and improving resilience”.

5.137 Respondents asked for clarification on which emissions scenario is being referred to.

5.138 Other comments included:

- That the policy contains too much background and detail and should be streamlined;
- Requests to include a clearer link to the protective role of Scotland’s geodiversity;
- That the guidance in paragraph 3 understates the significance of geomorphological changes that result from coastal activities or developments
- To use soft or non-engineered solutions at the start of paragraph 5;
- That the final paragraph should be more ambitious; there is a need to “reappraise the strengths and vulnerability of our coast to erosion and flooding and set priorities to manage these” (public sector);
- The need for more detail on the policy in relation to sediment shift;
- The need for recognition of the potential impact of development on wind, waves and currents.

Policies - Water quality and resource

GEN 18: Developments and activities should not result in a deterioration of the quality of waters to which the Water Framework Directive, Marine Strategy Framework Directive or other related directives apply.

5.139 Several respondents simply voiced support for this policy.

5.140 A public sector respondent saw no need for GEN 18 as it is already covered by legislation. Others queried why this policy references the Water Framework Directive and Marine Strategy Framework Directive directly when others, for example GEN 11, do not. They asked for consistency in this regard.

5.141 Respondents from the public sector, environment/ conservation organisations and a local coastal partnership wanted to see an enhanced aspect within this policy; to restore or improve conditions rather than simply avoiding deterioration.

5.142 Several environment/ conservation respondents wanted to see the wording strengthened to include reference to mitigation against “impacts on the quality of designated bathing and shellfish waters from any proposed development”.

5.143 Respondents from the recreation/ tourism group wanted to see areas of water used for immersion sports to be included; these do not always correlate with bathing waters.

5.144 There were requests to include reference to discharge from wastewater pipelines and to marine litter.

Policies - Climate Change

GEN 19: Developers and users of the marine environment should seek to minimise emissions of greenhouse gases. Marine planning should seek to increase resilience of the marine environment to climate change impacts by reducing human pressure, safeguarding significant examples of natural carbon sinks and allowing natural coastal change where possible.

- 5.145 A small number simply voiced support for this policy with one, from the public sector group, asking that this policy be supported by a strategic objective.
- 5.146 There were many lengthy and detailed comments on this policy with respondents including many suggestions for additions or alterations as well as requests for more detail or clarification and these are summarised in the following paragraphs.
- 5.147 Commenting on vagueness in some of the text, such as ‘significant harm’, an academic/ scientific respondent wanted to see a commitment to mitigation or enhancement in all cases of loss of habitats; this request was echoed by respondents from the environment/ conservation group. Another from the same group felt the Draft NMP places too much emphasis on adaptation rather than mitigation of climate change effects.
- 5.148 Clarification of the effect of the policy on existing activity was sought by an energy respondent; the small area of kelp clearance required by their developments could be regarded as damage. This respondent suggested that positive or negative contribution to climate change should be used instead of habitat area.
- 5.149 Other energy respondents asked over what area the ‘complete loss’ test would be applied.
- 5.150 Several other respondents commented on the need for the policy to refer to measures for mitigation as well as adaptation. This included several who felt the current text too weak to provide guidance to planners and decision-makers, and wanted to see examples and suggestions included. These respondents all made the same comment:

“The NMP can act as a driver to ensure future management of the marine area addresses the challenges posed by climate change and plays its part in reducing greenhouse gas emissions. This would ideally encourage: 1. Preparation of near, medium and long-term climate and oceanographic projections that define the implications of longer-term coastal and marine change. Planners can use this reference point when establishing measures and policies to mitigate and adapt to climate change; 2. creation of vulnerability maps and mapping of transitional habitats or places that may act as refuges for marine flora and fauna. RSPB, for example, has prior experience with this for terrestrial birds and is using the results in its current work (Huntley, 200821); 3. and scenario mapping or modelling changes to account for changes in habitat and species ranges.”

5.151 An industry/ transport respondent suggested planning and decision-making in relation to climate change needs to take UK, EU and other international regulation into account.

5.152 A recreation/ tourism respondent asked that the text at GEN 19 “should make explicit reference to the risks posed by increased storminess”.

5.153 A Local Authority respondent wanted to see the policy cross-reference the sector-specific policy guidance.

5.154 Requests for other inclusions came from respondents in the public sector group:

- Recognition of benefits associated with offshore renewables;
- Reference to the importance of ecosystem services, for example natural coastal protection and carbon sinks/ storage in the marine environment.

5.155 Another public sector respondent asked for clarification over the wording ‘compensatory habitat creation’ and whether this refers to the use of biodiversity offsetting or to mitigation measures.

5.156 Fisheries respondents also commented on this policy, asking that consideration be given to avoiding developments that diminish access to locally productive fisheries areas and stocks and that avoid adding to carbon footprint.

Alternative policies

5.157 Alternative policies suggested for inclusion were:

- A general policy in relation to decision-making;
- Provision for rationalised approaches to monitoring;
- The drive for better co-ordination of scientific research effort.

5.158 Question 10 looks in more detail at alternative policies.

Appropriate approach to marine planning policy for landscape and seascape

Summary Questions 9 and 10

- Respondents wanted to see more detail and clarification on a number of points in this policy.
- Some thought that the policy does not afford enough protection for landscapes and seascapes.
- Respondents suggested a wide range of possible additions and these included both general and specific policies.

5.159 As mentioned above, this policy (GEN 14) states: ‘Marine planning and decision-making authorities should ensure that development and use of the marine environment take seascape, landscape and visual impacts into account’.

Question 9 asked:

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

5.160 As shown in table 5.2, 47 respondents commented on this question.

Table 5.2: Question 9: Whether the marine planning policy for landscape and seascape is an appropriate approach

Respondent group	Number commenting
Individuals (16)	4
Academic / scientific (7)	1
Aquaculture (5)	2
Energy (12)	5
Environment / conservation (9)	5
Fisheries (13)	4
Historic / Heritage (5)	3
Industry / transport (9)	1
Local Authority (15)	9
Local coastal partnership (7)	5
Local group (5)	1
Other public sector (10)	4
Recreation / Tourism (7)	3
Other (4)	-
Total (124)	47

5.161 Several respondents welcomed the marine planning policy for landscape and seascape and said that it is an appropriate approach. These respondents came from various groups, particularly the energy group. One of the energy respondents welcomed the fact that the policy does not set out specific requirements “which will be set out in focused policy”; another welcomed the flexibility.

5.162 An academic/ scientific respondent commented on the need to emphasise the need for careful consideration of the visual impacts of developments. They also wanted to see “recognition of the contribution of communities to the ‘living’ seascape / landscape through their activities” and the impacts of changes to the use of oceans.

5.163 There was a request from an aquaculture respondent for guidance on isolated coast, wild land, amenity value and views over open water; they said that it is not clear how conflicting aspects are prioritised. They were also concerned that landscape or visual constraints could restrict the sustainable growth of aquaculture.

5.164 An energy respondent commented on the need for “recognition of the interaction with the safety aspects for marking and lighting for developments at sea”. This respondent said that navigational safety should take precedence over design and that this should be acknowledged in the policy.

5.165 Environment/ conservation respondents did not think the policy affords enough protection for landscapes and seascapes of national importance and wished to see the policy strengthened with a requirement to protect and enhance these seascapes and landscapes. Several other respondents commented that

the policy should have stronger wording than taking seascape, landscape and visual impacts 'into account'.

5.166 Environment/ conservation organisations and a public sector respondent wanted to see World Heritage Sites, for example St Kilda, added to the protected areas. It was felt that a map of Geoparks and World Heritage Sites would be a useful addition.

5.167 There was a suggestion, from a member of the historic/ heritage group, that the definition of seascape should include views from the sea, both seaward and landward. This respondent wanted to see a clearer reference to "the intrinsic contribution of cultural, historical and archaeological components to landscape/seascape". A Local Authority respondent also felt that the policy should acknowledge the importance of offshore and onshore historic landscapes while a public sector respondent wanted to see clarification on 'seascape views'.

5.168 Several respondents commented on the importance of local landscapes and seascapes and wanted to see recognition of this importance along with guidance on how these should be protected.

5.169 Fisheries respondents commented that the policy may not reflect what will happen "if certain proposed preferred areas for offshore renewable energy are developed".

5.170 Cumulative and sequential impacts in general were also of concern to respondents.

5.171 Environment/ conservation respondents asked for a map showing designated landscapes to aid understanding.

5.172 There was also comment on the need to site onshore infrastructure in appropriate locations.

5.173 Respondents commented that there should be reference to studies such as the recent Landscape/Seascape Assessment in the Firth of Clyde: a Local Authority respondent said "Such studies can provide an objective basis for the development of planning policy and identify areas where there are particular pressures that need to be addressed".

5.174 Local Authority respondents made a number of suggestions and these included:

- That there should be guidance explaining how landscape and seascape character assessment should be addressed in Regional Marine Plans; respondents commented that "the Natural England guidance developed in relation to the East of England Marine Plan provides useful guidance in this regard";
- That Local Authorities should be given the opportunity, in statute, to be informed and to comment on relevant offshore proposals.

5.175 Respondents wanted to see guidance on assessing and characterising seascapes and on how impacts will be measured. There was a call, from a

Local Coastal Partnership, for guidance on consistency across Scotland and the UK when judging the impact of developments.

5.176 Commenting on wild land mapping, several respondents suggested this should be omitted, or commented that it may need to be amended depending on outcomes of consultations on the National Planning Framework 3 and Scottish Planning Policy.

5.177 One public sector respondent wanted to see several additions and these included: “providing greater clarity regarding the European Landscape Convention’s ‘all-landscapes’ (i.e. not just designated landscapes) approach and seeking to maintain / enhance landscape character (not just ‘take into account’). Landscape Character Assessments (LCAs) should be referred to as a resource along with NSA citations and information.... The importance of development design could be better emphasised ... This policy would be relevant for specific reference to associated natural capital, linking strongly to general societal policies/objectives and to the Recreation and Tourism sectoral chapter.”

5.178 Another from the public sector felt that the European Landscape Convention would provide a good framework to work within and wanted to see the principles applied fairly across sectors.

5.179 Recreation/ tourism respondents commented on the need to include communities of interest. Respondents from this group also felt the “link between landscape and seascape needs to be strengthened perhaps by identifying areas of sea that are the equivalent of a National Scenic Area”.

Alternative general policies

Question 10 asked:
Are there alternative general policies that you think should be included in Chapter 4?

Table 5.3: Question 10: Whether there are alternative general policies that should be included in Chapter 4.

Respondent group	Number commenting
Individuals (16)	3
Academic / scientific (7)	2
Aquaculture (5)	-
Energy (12)	4
Environment / conservation (9)	6
Fisheries (13)	1
Historic / Heritage (5)	-
Industry / transport (9)	2
Local Authority (15)	5
Local coastal partnership (7)	3
Local group (5)	-
Other public sector (10)	3
Recreation / Tourism (7)	2
Other (4)	-
Total (124)	31

- 5.180 As can be seen in table 5.3, 31 respondents commented; one of these, from the public sector, said no other policies are required.
- 5.181 Respondents called for a streamlined approach and a simplified regulatory process. There were also calls for encouragement for inter-sectoral thought and stakeholder engagement.
- 5.182 Environment/ conservation respondents said that “The general policies section must include a description of the priorities both of nature conservation legislation, the hierarchy of protection and the mechanisms for delivering conservation of biodiversity within the marine area.” There were also calls for consistency of regulatory approaches across sectors.
- 5.183 The need for guidance was again mentioned, with environment/ conservation respondents suggesting that the content of the draft Scottish Planning Policy could provide “guidance for Marine Planning Partnerships in the preparation and delivery of Regional Marine Plans”.
- 5.184 Respondents commented on the need to refer to priorities in relation to legislation and to include hierarchies of protection.
- 5.185 There were calls for policies in support of activities and developments that lead to protection and enhancement of the health of our seas and biodiversity. Respondents also wanted to see a general policy to ensure that cumulative impacts of all planned activities are considered and another policy relating to ecosystem-based approaches to management.
- 5.186 Respondents also asked for an additional policy giving support to research and long-term monitoring.
- 5.187 An environment/ conservation respondent asked for a policy confirming the right to fish and on the Government’s duty to manage our waters for the benefit of everyone. A respondent from the local coastal partnership group wanted to see policies which would increase the value of all landed fish, shellfish and aquaculture products and policies aimed at attracting additional funding to encourage sustainable management.
- 5.188 An energy respondent asked for a presumption in favour of energy developments sited in appropriate locations and in previously adopted plans.
- 5.189 An industry/ transport respondent asked for a policy stating that no Marine Protected Areas will be proposed in or near statutory port and harbour areas.
- 5.190 There was a suggestion, from a Local Authority respondent, that as several sectoral policies cover issues and basic principles that could apply across the board, these could be “brought forward as General policies so as to avoid repetition”. One example given by this respondent was that “Rec and Tourism 4 requires that ‘marine recreation and tourism activity should not unacceptably impact on sensitive or important habitats and species...’. This is a basic principle that would apply to a range of activities”.

5.191 There were comments on the need to reflect coastal erosion and options for minimising future impacts from rising water levels, managed realignment and so forth.

5.192 Respondents also called for policies relating to:

- Research;
- Monitoring;
- Cumulative impacts;
- Marine litter or waste management;
- The growing impact of non-native species;
- Management of conflict and conflict resolution;
- Support for both protection and enhancement of the marine environment;
- The precautionary principle;
- Safeguarding marine recreation;
- A proactive approach to trans-boundary co-operation, including international;
- Reference to management outwith the planning, licensing and consenting regime, for example in how recreation is managed.

6 A GUIDE TO SECTOR CHAPTERS

Chapter summary

- Many of the respondents who commented on this question simply said that the sectors covered are adequate. There was also general support for the approach to the sectoral policies.
- Respondents commented that the chapter does not have a strong spatial focus which should be addressed.
- There were suggestions for improvement to the format of the sector chapter.
- Respondents identified some sectors which could be broken down further.

6.1 Chapter 5 of the National Marine Plan gives an introduction to the chapters on specific marine planning policies. The sectors covered are:

- Fisheries;
- Aquaculture;
- Wild Salmon;
- Oil and Gas;
- Carbon Capture and Storage;
- Renewables;
- Recreation and Tourism;
- Transport;
- Telecommunications;
- Defence;
- Aggregates.

Question 11 asked: 'Do you have any comments on Chapter 5?' and 'Are there other sectors which you think should be covered by the National Marine Plan?'

Table 6.1 Question 11: Questions on Chapter 5

Respondent group	Number commenting
Individuals (16)	2
Academic / scientific (7)	2
Aquaculture (5)	-
Energy (12)	4
Environment / conservation (9)	6
Fisheries (13)	3
Historic / Heritage (5)	2
Industry / transport (9)	1
Local Authority (15)	9
Local coastal partnership (7)	3
Local group (5)	-
Other public sector (10)	6
Recreation / Tourism (7)	1
Other (4)	1
Total (124)	40

- 6.2 As shown in table 6.1, 40 respondents commented on Chapter 5; several, across a number of groups, simply said no or that the sectors covered are adequate.
- 6.3 There was also general support for the approach to the sectoral policies although a small number commented that the approach taken means that interaction between sectors is lost or asked that cross-referencing be included.
- 6.4 Respondents commented that the chapter does not have a strong spatial focus which should be addressed. One Local Authority respondent said that there are no time-bound objectives and that this could mean actions being delayed. There was also a comment on the need for clarification of the timescale terms used: 'immediate', 'future' and 'longer term'. There was also a suggestion of including SMART objectives.
- 6.5 A public sector respondent said that it needs to be made clear that the sections on 'Living within environmental limits' do not provide exhaustive lists and that additional reference material should be signposted to provide additional information on impact types.
- 6.6 An energy respondent welcomed the inclusion of interaction with other users as a key issue.
- 6.7 There were some comments on the format of the sectors chapter and these included:
- That the multiple symbols used create 'visual clutter' rather than being useful;
 - That the labelling of policies is inconsistent;
 - That there is unnecessary repetition which adds to a cluttered appearance (for example repetition of the full title);
 - That the policy for Wild Salmon and Migratory Fish has no number or identifier;
 - That the policies for Carbon Capture and Storage use abbreviations while the Oil and Gas policies use the full sector;
 - The need for headings to be consistent with the overall objectives from Chapter 3;
 - The need to make it clear that sectoral policies should not be taken in isolation from the general policies.
- 6.8 Respondents identified some sectors which could be broken down further including a Local Authority suggesting that Transport could be broken down into Shipping and Navigation, Ports and Harbours, Ferry Transport and Marine Safety. A public sector respondent suggested this chapter could be renamed 'Transport (Shipping, Ports, Harbours & Ferries)' and that it could also include detail about mooring and anchoring.
- 6.9 Similarly, there were suggestions there could be a separate sector on the Transmission Grid rather than this being included within the renewables chapter. A separate chapter would give the opportunity to include aspects such as interconnectors and issues such as strategic planning and grid development.

6.10 A number of sectors were identified as missing, including:

- Coastal and maritime heritage;
- The marine historic environment;
- Nature conservation;
- Natural heritage;
- Ecosystem goods and services and natural capital;
- Coastal infrastructure;
- Recreation (especially sea-angling);
- Marine education, science and research, specifically in relation to the development of marine tourism;
- Transmissions sector and cable laying, other than telecoms and other infrastructure projects;
- Electricity networks;
- Decommissioning;
- The regulatory sectors;
- Food security;
- Underground Coal Gasification;
- Seaweed, including seaweed aquaculture and wild seaweed harvesting.

6.11 Activities which could be included in existing chapters were also suggested such as recognition of the “contribution of coastal and estuarine nuclear thermal power plant in delivering affordable, reliable and secure energy supplies” (energy).

6.12 Respondents also wanted to see recognition of the needs of the fishing sector “given that the spatial and temporal distributions of fish stocks and nursery areas are not uniform and may be subject to major change due to climate change and other factors.” (fishing).

6.13 A public sector respondent suggested that a list of minor activities might include bait digging and winkle-picking/ foraging. Another issue identified by one respondent for inclusion was the importance of volunteering.

6.14 An academic/ scientific respondent felt that “the impacts of climate change on marine activities seems disproportionate considering there is limited mention of the impacts of marine activities on climate change”.

6.15 There was also a call, from a Local Authority, for recognition of and consultation with coastal communities and for marine developments to be in accordance with Local Plans.

7 FISHERIES

Chapter summary

- A number of respondents noted the need for more investment in marine research.
- The fisheries sector felt the Draft NMP does not give adequate support and protection, and prioritises sustainable development over the long term fishing sector. There were also some requests for the management of the fisheries sector to remain at a national level.
- There were some concerns over the potential for conflict between the fisheries sector and other marine users. There were requests that the NMP should not give a presumption in favour of development, particularly as this may cause displacement and have a negative impact on fragile coastal communities.
- Some respondents commented that setting levels of Maximum Sustainable Yield implies a degree of scientific certainty that does not actually exist.
- Some respondents within the environment sector felt that some of the objectives are not achievable or that some are outwith the remit of the NMP.
- A few other issues were raised by fisheries respondents. These included the need for marine planning to reflect that between 6-12 nautical miles only EU states with historic fishing rights have access to Scottish waters and that mobile and static gear should be referred to separately in terms of the species being fished.

7.1 The Fisheries chapter of the draft NMP presented a number of objectives, provided background and context, noted a number of key issues for marine planning, outlined a number of marine planning policies and outlined the future for the fisheries sector.

Comments on Sea Fisheries, Chapter 6

7.2 It then asked two questions. The first of these asked respondents:

Question 12: Do you have any comments on Sea Fisheries, Chapter 6?

7.3 As can be seen in table 7.1, 55 respondents provided commentary at this question, some of whom made suggestions for alternative wording to different elements of this chapter.

Table 7.1 Question 12: Do you have any comments on Sea Fisheries, Chapter 6?

Respondent group	
Individuals (16)	5
Academic / scientific (7)	3
Aquaculture (5)	2
Energy (12)	6
Environment / conservation (9)	6
Fisheries (13)	10
Historic / Heritage (5)	2
Industry / transport (9)	1
Local Authority (15)	10
Local coastal partnership (7)	2
Local group (5)	2
Other public sector (10)	4
Recreation / Tourism (7)	-
Other (4)	2
Total (124)	55

7.4 While respondents raised a number of issues in relation to this chapter, most were cited by very small numbers of respondents.

7.5 Of those commenting, a significant number noted their support for various elements of this chapter; some of whom also referred to the importance of the fisheries sector to Scotland. A number of respondents provided information to back up that provided within the chapter, while others made requests for increased investment in marine research, for example to monitor and collect better data about fishing activity. For example, a fisheries organisation commented that the figures used as the basis for Scotland's Marine Atlas are out-of-date and that more recent figures, such as those produced by ICES, should be used.

7.6 A public body noted that the fisheries policies are relatively weak in their consideration of managing the environmental impacts of fisheries, particularly those that do not fall under the regulation of the Common Fisheries Policy (CFP).

7.7 However, there was a lack of support from organisations within the fisheries sector, with concerns that the Draft NMP shows a lack of support and protection for the fishing industry, and prioritises sustainable development over the long term of the fishing sector. They commented that planners are not following the Marine Policy Statement, which is seen to have a more balanced approach to different activities at sea, for example, conflict between the fishing and renewables sectors. Two fisheries organisations were concerned that the Draft NMP brings an added layer to the control of fisheries in Scotland, which is already subject to controls from Common Fisheries Policy and National Fisheries Policy, and felt there are no advantages to the fisheries sector from the introduction of an NMP.

7.8 These respondents commented that the NMP should not give a presumption in favour of development, particularly as it is not known how effective some offshore developments will be in the longer term. There were also comments from a small number of respondents about the lack of a cohesive marine

planning system and associated shore-based developments that will impact on the fisheries sector. Allied to this was a request from a fisheries organisation for detailed guidance to be provided to planning authorities to ensure consistent application on a nationwide basis.

- 7.9 There were some concerns over the effectiveness of the objective to ensure fish stocks are harvested sustainably leading to exploitation of Scotland's commercial fish stocks at Maximum Sustainable Yield (MSY). This was suggested on the grounds that setting levels of MSY implies a degree of scientific certainty that does not exist. Furthermore, this figure is open to change on an ongoing basis and it can be difficult to achieve in a mixed fishery. There was a suggestion for a degree of precaution with this target.
- 7.10 Two Local Authorities referred to EU fisheries policies and noted that marine protection measures should be developed and implemented with a clear understanding of their environmental and socio-economic implications at both a national and local scale. A fisheries organisation noted concern that there is no reference to the EU's proposal for a Directive establishing a framework for maritime spatial planning and integrated coastal management which was published in March 2013.
- 7.11 A number of respondents, including some within the fisheries sector wanted any new fishing policies to be considered in terms of their potential for damage to local communities that are reliant on fishing. They also felt that the impact of planning decisions, and the proportionality of these planning decisions, on local communities needs to be taken into account. There were also some concerns about implementation and application at a local level. Furthermore, there were some suggestions that there should be protection for fishermen in Scotland in the same way as agriculture is protected under land use planning systems.
- 7.12 A Local Authority and a fisheries organisation commented that Marine Protected Areas and offshore renewable proposals both have the capacity to cause displacement, which could increase pressure on inshore areas and impact on the livelihood of inshore fishermen. They also referred to the issue of mitigation (compensation for loss of income) and additionally, that future developments may also impact negatively on the fishing sector.
- 7.13 There were concerns stated by some respondents within the environment/conservation sector that some of the objectives are not achievable or that some of these are outwith the remit of the Draft NMP. They also noted that in its current form, this chapter does not appropriately guide management of sea fisheries in Scotland's seas. Some suggestions were made for objectives to be rewritten or to clarify the objectives that can be delivered by the Plan. Two energy companies also noted that some statements within the Plan are contradictory in the way they are presented. Some respondents within the fisheries sector noted that objective 2, bullet point 1 will not be achieved unless there is recognition of the impact of seals on the fisheries sector and a management plan put in place to regulate the growth of the grey seal population.
- 7.14 A number of issues were raised by respondents, primarily although not exclusively, within the fisheries group. First, respondents within the fisheries group stated that translation of the NMP stated objectives into practical marine

planning processes will need clearer information and understanding regarding different types of fisheries, seasonalities and interactions between sub-sectors. Second, there was a request for commercial, wild salmon and hand gathered and dived fisheries to be recognised within the NMP. Third, there were requests for sectoral information to be provided as background information rather than being embedded within the Draft NMP as it is at present. An example given here included information on the impact of scallop dredging.

7.15 A number of respondents also noted the need for marine policy planning to reflect that between 6-12 nautical miles (Nm), only EU states with historic fishing rights have access to Scottish waters. For example, comments included:

“The Inshore Fisheries Groups’ current area of remit only extends to 6Nm. The Inshore Fisheries Management and Conservation Group currently has responsibility for fisheries management in the 6 – 12 Nm area. The relationship of intertidal fisheries and the differentials between marine and terrestrial planning all require examination and clarification. Marine planning policy guidance needs to reflect the fact that between 6 – 12 Nautical miles , only EU states with historic fishing rights have access to Scottish waters and these rights relate to pelagic species. Marine measures such as sea area closures are often managed at EU level or through the North East Atlantic Fisheries Commission. National measures may be put in place by Scottish Ministers, but outside the 6 Nm zone, other EU member states are not obliged to observe these closures.”

7.16 Respondents in the fisheries sector also requested that mobile and static gear should be referred to separately in terms of the species being fished. There were also some concerns from these respondents that Regional Marine Planners do not have enough experience for fisheries management and that fisheries management should remain a national issue rather than regional.

7.17 There were also comments from a small number of respondents over concerns that sea anglers do not currently have a limit on their catch.

7.18 There were also suggestions that Inshore Fisheries Groups (IFGs) are ideally placed to provide local management expertise and experience, albeit they will need the resources to take on this role. That said, an organisation in the environment/ conservation sector noted concerns about IFGs and suggested the English Associations of Inshore Fisheries and Conservation Authorities (IFCAs) are a better model to follow. They also commented that IFG management plans lack a commitment to Marine Strategy Framework Directive descriptions and High Level Marine Objectives. Two fisheries organisations noted their support for the Marine Management Organisation that operates in England and suggested a similar organisation should be set up in Scotland.

7.19 A number of issues were suggested for inclusion in the NMP. These included that the NMP:

- Should address issue of displacement activity by seeking to reduce unsustainable fishing effort and managing waters as a whole;

- Should recognise the mixed fishing character of the Scottish Fishing industry;
- Should recognise that planning has a role in securing confidence in the industry;
- Should address the provision of facilities to process/ dispose of unwanted catch where a local market does not exist for their sale;
- Should recognise difficulties of achieving Maximum Sustainable Yield in a mixed fishery;
- Should note the possibility of increased fishing effort in sheltered inshore areas as result of offshore vessels moving inshore;
- Should recognise that fishermen require spatial flexibility to be able to respond to the impacts of climate change on the distribution of stocks;
- Should tackle the fishing industry's poor record on health and safety;
- Makes no reference to the identification of possible Fisheries Dependent Regions and should do so;
- Should ensure initiatives like the Marine Protected Areas project do not disproportionately impact on the fishing industry;
- Needs greater focus on the future management of fisheries within the context of ecosystem based management and marine planning;
- Should include objectives and policies focused on the consequences of climate change, and the need to mitigate and adapt to the changing environment;
- Should give consideration to the Scottish fishing fleet and whether it is of sustainable size relative to current and future projected fishing opportunities.

7.20 Two energy companies requested that policy statements regarding beneficial co-existence should be avoided and each case examined on an individual basis; a Local Authority assumed that marine sector developers will be obliged to pay reparation or compensation to adversely affected fishing interests. There were also requests from a small number of respondents to ensure that all relevant stakeholders will be included in any future discussions on the fishing sector.

7.21 Two respondents within the fisheries sector requested that an independent review of the NMP is conducted.

Alternative policies

7.22 Question 13 then asked,

Question 13: Are there alternative planning policies that you think should be included in this chapter?

7.23 Only a small number of respondents made suggestions for any alternative planning policies to be included in this chapter.

- Marine Scotland should develop policy to continue engagement and data gathering of fisheries activities. They should indicate the levels of early support for any prospective new development, identifying the relevant interests to ensure that all levels of activity are covered and impacts minimised from an early stage.

- There should be policies that provide Marine Planning Partnerships with stronger direction on matters relating to (a) designated sites, particularly Natura sites and new MPAs; (b) protected species; (c) wider biodiversity interests and an ecosystem-approach, including habitats with functional value for fisheries productivity (e.g. maerl, burrowed mud, etc); and (d) the use of spatial measures in fisheries management. In relation to these matters, emphasis should be placed on the pursuit of win-wins for fisheries and biodiversity/ecosystem function, particularly in the long-term;
- A general principle of electronic vessel monitoring for all vessels in the fishing fleet;
- A policy that reflects Objective 5;
- Policies that will support the development of regional marine plans with spatial management measures which deliver sustainable inshore fisheries by: ensuring that fleet capacity – both the size and the nature of the fleet – matches available fishing resources and opportunities; protecting vulnerable stocks, in particular juvenile and spawning stocks; protecting MPA features from impacts of fishing gears; halting by-catch of non-target fish and other marine wildlife including seabirds; improving compliance with and enforcement of fisheries regulation; helping deliver Scotland’s many international commitments including MSFD and EU environmental directives and sustainable development;
- A policy that ensures participative management including environmental and wider community stakeholders, not just fishing interests;
- A policy that ensures Inshore Fisheries Groups, with support from their Advisory Groups, have a central role in taking forward fisheries planning within regional plans;
- An extension should be introduced to ensure that fishermen work with stakeholders concerned with the marine historic environment to ensure that the marine historic environment is properly managed and protected;
- Ecosystem-based management should be specifically mentioned as a planning policy and with reference to the ecosystem based management approaches that are being developed.

8 AQUACULTURE

Chapter summary

- More respondents disagreed (16) than agreed (7) that this chapter appropriately sets out the relationship between land use and marine planning for Aquaculture. Respondents in the environment/ conservation and fisheries sectors commented that the document currently provides no indication that aquaculture is regulated under the land use planning system. There was a preference for aquaculture to be integrated into marine planning processes to help clarify and create consistency across all marine activities and to create a more strategic approach to aquaculture.
- There were some comments that the Draft Planning Circular provides greater detail and that there should be better linkage between this and the NMP. There were also some calls for better linkage with other legislation and for consistent references to aquaculture across different documents.
- Some respondents noted the need to be able to balance competing interests; and the potential for spatial constraints to impact negatively on the aquaculture sector.
- There was a degree of support for the presumption against marine fish farms on Scotland's east coast, although much of this support was qualified.
- There were requests for a section on 'interactions with other users' in this chapter so that it is in line with other sectoral chapters.
- Views were relatively polarised on the objective targets, with some comments that it is inappropriate to set sector specific targets within this chapter.
- A number of respondents commented on the 3 year project being undertaken by Marine Scotland, with the suggestion from some that targets for growth should not be set without completion of this work to identify areas of opportunity and constraint. There were also references to recent work undertaken by Rivers and Fisheries Trusts of Scotland (RAFTS) and the need for this to be referenced within the NMP.
- There were some comments on the need to give greater consideration to sustainability issues.

8.1 The Draft National Marine Plan noted that aquaculture in Scotland is a growing and increasingly important industry, with farmed salmon being Scotland's most valuable food export. The Plan noted some key issues facing aquaculture, outlined a number of planning policies and commented on the future for this sector.

The relationship between land use and marine planning for Aquaculture

8.2 Three questions were posed in relation to this chapter. The first, Question 14 asked:

Question 14: Does Chapter 7 appropriately set out the relationship between land use and marine planning for Aquaculture? Are there any planning changes which might be included to optimise the future sustainable development of aquaculture?

8.3 As can be seen in the table below, 40 respondents commented on this question. Of those providing a definitive ‘yes’ or ‘no’ response, a greater number disagreed (16) that Chapter 7 appropriately set out the relationship between land use and marine planning for aquaculture than agreed (7).

Table 8.1 Question 14: 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?

Respondent group	Yes	No	Neither yes or no
Individuals (16)	1	-	2
Academic / scientific (7)	-	1	3
Aquaculture (5)	1	3	1
Energy (12)	1	-	-
Environment / conservation (9)	-	4	2
Fisheries (13)	-	-	3
Historic / Heritage (5)	-	-	-
Industry / transport (9)	-	-	-
Local Authority (15)	2	4	3
Local coastal partnership (7)	1	-	1
Local group (5)	-	-	-
Other public sector (10)	1	2	1
Recreation / Tourism (7)	-	-	1
Other (4)	-	2	-
Total (124)	7	16	17

8.4 A key comment emerging from organisations within the environment/ conservation and fisheries sectors was that the document as it stands provides no indication that aquaculture is currently regulated under the land use planning system. These organisations called for the integration of aquaculture into marine planning processes so that activity can be encompassed within the remit of Marine Scotland and facilitate greater clarity, continuity and consistency across all marine activities. A few respondents also noted that the Draft Planning Circular provides greater detail and there should be greater linkage between the two documents. For example, a public sector organisation suggested the Draft NMP should provide a summary of the connection between land use and marine planning, with reference to the Planning Circular in this chapter. As noted by one respondent:

“There is no reference to the Town and Country Planning Act or the Controlled Activities Regulations. We are content that this relationship is adequately set out in the Draft Planning Circular, but we could find no reference to this document in the draft plan.”

8.5 There were also some references to planning authorities having responsibility for aquaculture; that this does not allow for a strategic approach to aquaculture or that there is a need to encourage consistent application of national policy across all planning authorities. A respondent within the fisheries sector suggested a need for detailed guidance for all local planning authorities so that these can be applied consistently on a national basis. A respondent in the aquaculture sector commented:

“Chapter 7 lays out what currently happens under the individual planning regimes, however it does not detail the relationship between them or how they will interact in the future. The streamlining process must be robust and not rely on the expectation that either marine or terrestrial plans will ‘take account’ of the other when dealing with aquaculture developments.”

8.6 As well as requests for better linkage with the Planning Circular, there were also a small number of references to the need for greater linkage with legislation including the Town and Country Planning Act and the Aquaculture and Fisheries (Scotland) Act 2007. Some forms of documentation relating to the latter were also cited and these included Controlled Activities Regulations, Farm Management Agreements, Area Management Agreements and Farm Management Statements. A small number of respondents also referred to the need to ensure that there is reference to the relevant content within the draft Scottish Planning Policy or National Planning Framework 3 or that references to aquaculture in different documents need to be consistent.

8.7 An aquaculture organisation commented on the need to be able to balance competing interests, for example, potential friction between regulators, conservationists and fishermen. The same organisation suggested spatial constraints could have negative impacts on the catching sector unless there is a presumption in favour of fishing. However they noted that an adaptive management approach should help with this issue.

8.8 There was some support for the presumption against marine fish farms on Scotland’s east coast, although one respondent noted that this might be less applicable in the future. The same respondent also noted that the plan needs to take account of the need to secure high health status hatcheries onshore and offshore in order to underpin sustainable growth in the sector.

8.9 Three respondents in the fisheries sector noted the need for reporting and monitoring mechanisms to be in place that will protect the future of finfish aquaculture and protect wild salmonid populations. A Local Coastal Partnership also made reference to the need to safeguard wild fish populations and to ensure this is sustainable for the future.

Other comments on Aquaculture

8.10 Respondents were asked:

Question 15: Do you have any comments on Aquaculture, Chapter 7?

8.11 Thirty-seven respondents provided a response to this question (see table 8.2 below). Comments came primarily from respondents within aquaculture, environment/ conservation, fisheries, Local Authorities and the public sector.

Table 8.2 Question 15: Do you have any comments on Aquaculture, Chapter 7?

Respondent group	
Individuals (16)	2
Academic / scientific (7)	1
Aquaculture (5)	5
Energy (12)	-
Environment / conservation (9)	7
Fisheries (13)	5
Historic / Heritage (5)	1
Industry / transport (9)	-
Local Authority (15)	6
Local coastal partnership (7)	2
Local group (5)	-
Other public sector (10)	4
Recreation / Tourism (7)	3
Other (4)	1
Total (124)	37

8.12 A number of respondents, primarily within the aquaculture and environment/ conservation sectors gave their support for one, some or all of the objectives and policies laid out in this chapter, although some of this support was qualified. A respondent in the environment/ conservation sector commented that the objectives as they stand are too focused on economic growth and do not address the objectives for aquaculture in the context of marine planning. A respondent in the fisheries sector noted that there is a need to safeguard the economic viability of this sector.

8.13 A number of respondents commented on the need for a section on 'interactions with other users' as this would bring this chapter into line with other sectoral chapters in the Draft NMP.

8.14 A number of respondents commented on the targets within the objectives of this chapter, although views on the appropriateness of these were fairly polarised. Some of these respondents commented that these targets might not be feasible or were too challenging, or that they were unsure how these targets had been calculated. One respondent in a Local Authority noted that the setting of tonnage production targets does not necessarily constitute sustainable economic growth and suggested that an alternative would be to have indicative annual percentage increases and link this into increases in added value of both the raw and finished product.

- 8.15 Another respondent in the 'other' sector commented that it is inappropriate to include sector specific targets within the Draft NMP and that it is preferable to have overriding objectives within which targets can be delivered. Furthermore, they noted that there is no mention of any assessment of the environmental carrying capacity for such a growth in production, and questioned whether or not this growth would be sustainable. A respondent within a Local Authority noted that the market for shellfish has now flattened out and this level of growth would not be feasible.
- 8.16 Only one respondent – within the public sector – felt that these targets could be met, either within the existing network of designated sites or with additional designated sites. Another respondent within the public sector commented that the sectoral objectives have ambitious economic growth targets and that these might not be compatible with strategic outcomes and other policies and that, at best, these would need to be reviewed regularly.
- 8.17 A small number of respondents also noted the need to consider sustainability issues. Two respondents also queried why the Pacific Oyster had been singled out for inclusion, given that biosecurity is a cross-sectoral and cross-species issue.
- 8.18 One respondent within the academic/ scientific sector also felt that aquaculture should not be considered in isolation and that there needs to be a recognition of competition between the aquaculture, wild salmon and fisheries sectors.
- 8.19 There were also some comments about the need to ensure that developments within this sector are compatible with developments in other sectors; for example, any expansion of the aquaculture sector to more exposed or larger offshore sites could lead to more competitive interactions with inshore fishing; or that small-scale geodiversity features on the seabed could be damaged by potential developments.
- 8.20 An aquaculture organisation suggested there should be an explicit statement in favour of resource sharing but also felt that there should be protected rights for fishermen in critically important areas. A fisheries organisation commented on the need for detailed guidance for local planning authorities to ensure consistent nationwide application.
- 8.21 Three respondents within the fisheries sector commented that there should be a planning presumption in favour of the removal of redundant equipment.
- 8.22 A number of respondents, across all sub-groups, made reference to the presumption against further marine finfish farm developments on the north and east coasts of Scotland to help safeguard migratory fish species. Most comments in relation to this aspect of the chapter were qualified. For example, an organisation in the public sector felt a review is needed to ascertain whether or not the presumption should apply to all marine finfish species or just marine cultivation of migratory species. An organisation in the 'other' sector noted that while they supported the presumption against further finfish farm developments on the north and east coasts, there would also be other salmon and sea trout fisheries within the aquaculture sector that could benefit from area-based protection.

- 8.23 Two respondents (one in the aquaculture sector and a Local Authority) suggested that this presumption should be revisited because of a lack of evidence to support this. Another Local Authority simply noted that this presumption is imbalanced.
- 8.24 An organisation within the environment/ conservation sector felt it was unclear as to why migratory species with origins in the rivers or west coast or western and northern isles are not offered the same protection. They also went on to comment that locational guidance should be reviewed. For example, that this makes no provision for other existing and future marine acts or proposed Marine Protected Areas or MPS search locations or existing and potential future Special Protection Areas or Special Areas of Conservation.
- 8.25 A number of respondents commented on the 3-year project being undertaken by Marine Scotland. A key comment was that targets for growth should not, or cannot, be set without completion of the plan to identify areas of opportunity and constraint. There were also requests for more widespread consultation with industry and other stakeholders and provision of an explanation as to how this study will be used and what the implications will be for Local Development Plans and Regional Marine Plans.
- 8.26 Allied to the need for more consultation, there were requests for linkage with other land use development plans. There was also a request for balanced planning guidance at a national level.
- 8.27 A number of respondents referred to the need for a sustainable approach or for the need to consider sustainability issues. For example, a public sector organisation requested a focus on environmental and social sustainability, alongside consideration of the impacts of what is a potentially significant expansion upon other sectors. One Local Authority simply called for a greater emphasis on sustainability within the Draft National Marine Plan.
- 8.28 A number of respondents referred to a piece of work recently undertaken by Rivers and Fisheries Trusts of Scotland (RAFTS) and the need for reference to this within the Draft NMP. Two Local Authorities commented:

“With reference to policy ‘Aquaculture 8’, local planners need further guidance on how to identify sensitive areas for wild salmonids. Should the methodology developed as part of the Marine Scotland funded recent RAFTS study be used?”

Additional policies

- 8.29 The final question in this chapter asked respondents whether there were any alternative planning policies they felt should be included in this chapter. A number of suggestions were made. Four respondents also referred to additional objectives; these are listed below:

Suggested additional objectives

- An objective illustrating a clear intention to put salmon farming on a sustainable basis and to reconcile the industry’s growth aspirations with the need to safeguard and restore wild fish populations in areas where these are

significant or potentially significant and fragile. It is important that fish farming should be developed in harmony with the other interests around our coasts;

- It is important to highlight that a fundamental objective for the Scottish aquaculture industry is currently absent from the list: namely to ensure that the industry farms fish and shellfish sustainably. The chapter currently focuses on the ambitious growth of the sector, without acknowledging the sector's prior responsibility to improve on its environmental record so that Scotland can achieve Good Ecological Status under both the Water Framework Directive and Marine Strategy Framework Directives. No reference is made to 'A Fresh Start – The Renewed Strategic Framework for Scottish Aquaculture', the principles and objectives of which are still relevant and should be incorporated into the NMP objectives, specifically: "Farmed fish and shellfish industries should act as a good neighbour by minimising risks to biodiversity and impact on the environment and other aquatic activities. Growth should be within the carrying capacity of the environment." Drawing on those conclusions, we recommend the inclusion of a specific, positive objective to guide policy that, if delivered, would help the industry prosper in the long-term and suggest the following objective: "Develop a robust regulatory framework to ensure the aquaculture industry farms fish and shellfish sustainably as defined by the three principles of sustainable development, each with equal weighting and that sectoral growth remains within the carrying capacity of the environment." (This could replace current objective 1);
- The pre-consultation draft included an objective on a strategic approach to sea lice research and the application of its findings to spatial planning, which the draft NMP does not. This is a highly regrettable omission. We believe a proactive objective on sealice research is necessary to establish the conditions for a sustainable industry. The results of Middlemas et al. (2013) support a link between Atlantic salmon farms and sea lice burdens on sea trout in the west of Scotland, and therefore has important information and implications for marine spatial planning. Indeed it will be not be possible for the industry to demonstrate that it is operating within environmental limits until such results form part of the strategic planning process;
- An objective on fish farm containment should be included. Norway's "Vision: Zero escapes" or NASCO's international goal for "100% of farmed fish to be retained in all production facilities" are useful reference points. Individual operators have 'zero escape' policies and a national objective would be a rational complement to recent legislative changes on containment;
- An earlier draft of the document included the following objective: 'Reduce the environmental impact of aquaculture through good husbandry practice and bioremediation'. We believe that this must remain a key objective, especially in the light of the industries target (supported by Scottish Government) to significantly increase production.

Suggested additional policies

- Regulators should work to create an efficient and transparent framework with clearly defined: remits, information requirements, and decision making processes;

- 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.;
- The Draft NMP policies on aquaculture could be augmented by policies that give guidance to decision makers on what issues they need not consider when coming to a determination. To assist in this, the NMP could use the work of Improved Systems for Licensing Aquaculture Developments (ISLAD) and provide guidance on who does what in relation to the regulation of aquaculture development. Given that Scottish Planning Policy is being truncated so much, this sort of guidance is needed somewhere;
- This chapter should include an additional policy to protect recreation and tourism from adverse effects of aquaculture development, for example: The location and scale of aquaculture development should avoid adverse effects on recreation and tourism;
- There is no policy that states that developers and decision-making bodies should take account of relevant policy and guidance in marine and land use plans;
- It would be highly appropriate for system carrying capacity (at the scale of a water body or loch system) to be considered as a key parameter for the development of plans for the expansion of aquaculture in Scotland. Such an approach would provide for policies and objectives within the NMP such as the diversification of the industry, and the development of Integrated Multi-Trophic Aquaculture (IMTA) and seaweed production, which could then coherently support sustainability of the industry;
- Within the draft Scottish Seaweed Policy Statement and its SEA environmental report it is stated that the policy will sit alongside the NMP and will inform future Regional Marine Plans and Local Development Plans. However, there does not appear to be any specific reference to this policy within the Draft NMP. The apparently imminent expansion of the seaweed farming industry suggests it would be prudent to include a specific policy to ensure plan-led decision-making that links all respective planning and policy positions;
- We suggest that an objective/policy is added which supports research, trials, technical innovations, and improvements to operational practices that aim to contribute to sustainable farming, growth, and to the global status of Scottish aquaculture;
- We suggest that an objective/policy is added to Chapter 7 which supports the collaboration of aquaculture with other marine activities;
- There is no policy with regards to Farm Management Areas or agreements, which were given statutory basis by the Aquaculture & Fisheries (Scotland) Act 2013. Given their role in planning and synchronising production in order to reduce and manage risks posed by infectious agents and parasites which can be present in the environment, in wild and farmed fish, and in other naturally occurring biota these are a critical element of marine planning for fish farms;
- There are no specific policies relating to Farm Management Agreements/ Statements. Whilst it could be argued that these are specific legal requirements of the Aquaculture and Fisheries (Scotland) Act 2013, the same argument could also be put forward for the Scottish Technical Standard, which does have a specific policy;

- We feel it is appropriate for inclusion in a high-level NMP, to encourage Regional Marine Plans to confer priority to existing fisheries when a negative interaction between the two sectors is likely to occur;
- Aquaculture 3: We agree that there should continue to be a presumption against further marine finfish farm development on the north and east coasts to help protect migratory fish stocks. However with the fall in the wild salmon population we strongly believe that stocks of wild salmon and other migratory fish as well as rivers used by migratory fish on the west coast and islands should also be protected. We would like to see appropriate measures in place to protect these important stocks/rivers;
- The potential for co-location of activities.

9 WILD SALMON AND MIGRATORY FISH

Chapter summary

- A key theme emerging was agreement that improved data is needed. A number of topics were cited including migratory routes, stock structure, distribution; with some suggestions that there is potential to gather data through partnership work.

9.1 The draft National Marine Plan noted that salmon and sea trout move between fresh water and the marine environment; as such, appropriate management techniques are needed in both environments to realise the recreational and economic benefits from fish stocks.

9.2 The chapter on wild salmon and migratory fish provided background and context for this sector, outlined key issues for marine planning, presented a marine planning policy and outlined some issues to consider for the future.

Comments on Wild Salmon and Migratory Fish, Chapter 8

9.3 Respondents were asked:

Question 17: Do you have any comments on Wild Salmon and Migratory Fish, Chapter 8?

9.4 As can be seen in the table below, 34 respondents provided commentary to this question.

Table 9.1 Question 17: Do you have any comments on Wild Salmon and Migratory Fish, Chapter 8?

Respondent group	
Individuals (16)	2
Academic / scientific (7)	1
Aquaculture (5)	2
Energy (12)	7
Environment / conservation (9)	5
Fisheries (13)	3
Historic / Heritage (5)	-
Industry / transport (9)	-
Local Authority (15)	8
Local coastal partnership (7)	1
Local group (5)	-
Other public sector (10)	3
Recreation / Tourism (7)	1
Other (4)	1
Total (124)	34

9.5 A number of respondents simply outlined their support for part or all of this Chapter; albeit that one respondent noted that while the economic, social and recreational benefits are well described, there needs to be consideration of the conservation value of salmon and sea trout. A number of respondents provided suggestions for modifications or additions to the chapter.

9.6 The main theme emerging at this question was agreement that improved data would be beneficial (this was outlined in ‘The Future’ section of this chapter). Topics mentioned included the need for data on stock structure, distribution, abundance, population dynamics, migratory routes and the cross transference of disease. There were also some suggestions that there is potential to gather data through partnership work between, for example, the Scottish Government and developers.

9.7 These comments came primarily from organisations within the environment/conservation sector and Local Authorities. As one Local Authority noted, improved data would allow for fuller consideration of environmental concerns and spatial planning guidance:

“The need for improved data on stock structure, distribution, abundance, population dynamics, and migratory routes, including the impacts of development and use of the marine environment on migratory fish species is welcomed. This will allow for fuller consideration of environmental concerns in the licensing of marine finfish aquaculture and development of spatial planning guidance.”

9.8 There were also some requests, primarily from respondents within the fisheries sector for more research relating to migratory patterns and the possible effects of electromagnetic radiation from sub-sea cabling. An energy company noted there is a need for scientific knowledge at a strategic level for developers to undertake the required assessments.

9.9 A small number of respondents referred to other research that would be of relevance to this chapter. Some of this is research that has already been undertaken and included:

- A report by Orkney Sustainable Fisheries on crabs (author is Kate Walker);
- Recent research which has demonstrated that changes in sea surface temperature, and associated changes in the distribution of prey items, correlate strongly with recent declines in marine survival of Atlantic salmon (no reference to the source of this research);
- Current research in salmonids being undertaken by Marine Scotland;
- The Salmon at Sea (SALSEA) project.

9.10 There were also some references to further research that respondents would like to see undertaken, including:

- Research that will enable achievement of sustainable development;
- Research into the impact of wind, wave and tidal developments on wild salmonids, and the potential for a partnership approach between developers and the government in undertaking this research;
- Research into the potential effects of electromagnetic fields on the movement of crustaceans;
- More research is needed on wild salmonid populations and in particular on migration routes and interactions with renewable energy developments;
- Research is required to better understand the processes which govern population dynamics of migratory fish.

Alternative planning policies

9.11 Respondents were then asked:

Question 18: Are there any alternative planning policies that you think should be included in this chapter?

9.12 Only a small number of respondents made any suggestions to this question, although there were two suggestions for alternative objectives, and some commentary on policies. The suggested additional objectives are listed below:

Suggested additional objectives

- To keep areas important to wild salmon and migratory fish free of fish farms on the west coast and islands of Scotland as well as on the north and east coasts;
- A previous draft included an objective to 'limit impact of coastal mixed stock fisheries and encourage reduction in annual catches to help preserve stocks'.

9.13 There were no suggestions for alternative policies per se, although a Local Authority felt that some policies in the chapter on aquaculture were relevant to migratory fish and should be included within this chapter. They also requested direction on what happens if a proposed development or use will have an adverse impact on migratory fish and whether the development will be allowed to proceed. This respondent also asked for a presumption in favour of wild salmon and migratory fish over farmed finfish.

10 OIL AND GAS

Chapter summary

- A key theme emerging was the need for more recognition of the impact of this sector on climate change; with some queries as to the compatibility of the oil and gas policies with the strategic objectives and policies relating to climate change.
- There were some requests for more detail on the decommissioning or re-use of oil and gas infrastructure.
- There were some concerns on the impact of the oil and gas sector, particularly in regards to the environment; for example, the provision of safeguards for the historic environment.
- There were also a number of calls for greater consideration of the interactions between the oil and gas sector and other sectors.
- There were also a small number of requests for references to the need for co-ordination between marine and land use planning, or for other relevant legislation to be considered; for example, the UK implementation of the EU offshore safety directive.

10.1 The Draft National Marine Plan introduced this chapter by noting that the Scottish Government supports a low carbon economy that involves the move away from fossil fuel based energy consumption towards investment in renewable energy and increased energy efficiency. That said, oil and gas are set to remain a source of energy while Scotland moves towards a future based on renewable energy. In 2012 Scotland launched its oil and gas industry strategy with an over-arching objective to maximise recovery of reserves through a focus on industry-led innovation, enhancing skills base and supply chain growth.

10.2 The Draft NMP went onto examine key issues for marine planning, outlined six oil and gas policies and assessed the future for the oil and gas sector.

Comments on Oil and Gas, Chapter 9

10.3 Two questions were asked:

Question 19: Do you have any comments on Oil and Gas, Chapter 9?

Question 20: Are there alternative planning policies that you think should be included in this chapter?

10.4 As can be seen from table 10.1, 44 respondents across a range of sub-groups provided a response to question 19.

Table 10.1 Question 19: Do you have any comments on Oil and Gas?

Respondent group	
Individuals (16)	2
Academic / scientific (7)	3
Aquaculture (5)	-
Energy (12)	4
Environment / conservation (9)	7
Fisheries (13)	3
Historic / Heritage (5)	3
Industry / transport (9)	2
Local Authority (15)	9
Local coastal partnership (7)	3
Local group (5)	-
Other public sector (10)	5
Recreation / Tourism (7)	2
Other (4)	1
Total (124)	44

10.5 A number of themes emerged, most cited by a small number of respondents. As with other sectoral chapters, some respondents noted their support for this chapter or for different elements of this chapter.

10.6 One theme was that of climate change, with the key comment being that this chapter needs to have more recognition of the impact of this sector on climate change. A small number of respondents questioned the compatibility of the oil and gas policies with the strategic objectives and policies relating to climate change. These comments came primarily from respondents within the environment/ conservation sector and the public sector.

10.7 While most comments relating to climate change were in relation to the impact of the oil and gas sector on climate change, one respondent noted that climate change could lead to more severe weather which could impact on the oil and gas infrastructure and health and safety within the sector. A respondent within the environment/ conservation sector commented that where possible, preference should be given to renewable energy rather than fossil fuel extraction.

10.8 A few comments were made in relation to the decommissioning or re-use of oil and gas infrastructure, with some requests for more consideration given to this in the NMP. One respondent in the academic/ scientific sector suggested that research is needed to improve the evidence base regarding either the impact of the removal of the infrastructure, or the impact of leaving this in place. Another respondent within the public sector commented that Marine Scotland and the Scottish Government need to work with the industry and regulators to ensure that decommissioning activities consider future use for CO₂ storage.

10.9 An issue related to this and raised by respondents primarily within the fishing sector, was the identification of sea areas that would have least impact on fisheries and other sensitive areas for the mooring of redundant rigs and structures that are awaiting decommissioning. There was also a suggestion that impacts on marine nature conservation need to be considered within an Environmental Impact Assessment for any decommissioning programme.

10.10 A number of respondents commented on the impacts of the oil and gas sector, many of which related to the impact on the environment. There was a request for the NMP to provide a clear direction to marine planners to prevent new oil and gas exploration in areas considered to pose significant environmental risks. Three respondents within the historic/ heritage sector commented,

“The potential for offshore oil and gas exploration and development to impact upon the historic environment and the need for appropriate safeguards should be recognised in policy and supporting text. Although it is true that ‘offshore oil and gas exploration and development is subject to a requirement for an environmental impact assessment’ (which will consider the impact of development, amongst other things, on the marine historic environment), this potential impact should be addressed in the National Plan.”

10.11 Other impacts that respondents would like to see addressed in the NMP included the impact on small scale geodiversity features on the seabed, the impact of potential oil spills, the impact on other related industries.

10.12 There were also some calls for a greater consideration within this chapter of the interactions between the oil and gas sector and other sectors such as recreation and tourism, fisheries or shipping.

10.13 There were also a small number of requests for references to the need for co-ordination between marine and land use planning, or for other relevant legislation to be considered; for example, the UK implementation of the EU offshore safety directive.

10.14 One Local Authority respondent noted they are currently considering their position on mineral extraction and looking at its policy on shale gas and requested consultation on any developments affecting the marine environment in their area.

Additional policies for this chapter

10.15 Several respondents noted additional policies to be included in this chapter and these were as follows:

Decommissioning

- More detail/ attention could be given to the decommissioning of existing oil and gas extraction infrastructure, particularly in terms of any potential policies that may affect and/ or guide this;
- There is currently no clear policy to ensure that closure, abandonment and de-commissioning of oil and gas infrastructure is regulated in a manner conducive to re-use of depleted reservoirs by interested CO₂ storage operators;
- Additional policies should be included that consider the decommissioning of oil and gas infrastructure;
- Guidance on decommissioning and the potential use of structures as artificial reefs would merit further consideration within the plan;

- A policy that supports integration between Regional Marine Plans and Local Development Plans should be included in the NMP. Where opportunities to develop new land based facilities to support decommissioning of oil and gas infrastructure are identified, it is essential that marine and land use planners co-ordinate efforts to ensure appropriate land use allocation in the right locations;
- We believe that ports will be required to play an important part in the future in terms of de-commissioning some oil and gas equipment; this could represent a significant new business opportunity for ports and the Scottish economy. Greater recognition in the NMP could be made of this to support future developments in the area.

Pollution

- A planning policy associated with action to minimise the effect of any pollution caused by an accident on a platform or damage to a vessel transporting oil. One of the consequences of an oil spill would be that affected cruising areas would become much less attractive with a consequent effect on local economies;
- A planning policy associated with procedures were there to be a pollution causing incident – this affects all users of marine areas so protocol and research into likely impacts needs to be assessed.

Other

- A policy on retention (as in Chapter 8) which encompasses any and all impacts of the oil and gas sector on migratory fish – this policy should be cross-referenced with this chapter;
- A policy or statement detailing what will be set out in the regional marine plans with regard to this section;
- A policy that rewards responsible management of these resources for the future;
- A policy against fracking.

11 CARBON CAPTURE AND STORAGE (CCS)

Chapter summary

- A number of respondents noted their support for specific elements of this chapter or for carbon capture and storage (CCS) in general, with some agreement that CCS has the potential to play a key role in helping to meet climate change targets and for Scotland to be recognised as a key player in the development of CCS technology. That said, some other respondents noted a degree of caution as it is early days in the development of CCS, which has yet to be proven on a commercial scale. Additionally, its impact on the environment is unknown.
- There were references for the need to integrate marine and land use infrastructures; with some requests for more reference to NPF3 and identified National Developments. There was some support for the re-use of suitable existing redundant oil and gas pipelines.

11.1 The Draft NMP noted that the energy production sector, excluding nuclear power, is responsible for more than one third of Scotland's CO₂ emissions, most of it from burning coal. The Scottish Government has a policy to decarbonise electricity generation by 2030 and carbon capture and storage (CCS) technology can support this by mitigating large scale CO₂ emissions from fossil fuel power plants and having industry. CCS infrastructure is likely to have the same spatial characteristics as the offshore oil and gas industry. There are a number of different technical solutions available to capture CO₂ and then transport it to offshore sites. The challenge for this sector is to create the appropriate financial, regulatory and policy structures to enable the development of CCS projects in Scotland.

11.2 This chapter outlined key issues for marine planning, introduced two CCS marine planning policies and commented on the future for this sector, where it is hoped that Scotland can become a leader in CCS technology.

Comments on Carbon Capture and Storage

11.3 Two questions in relation to carbon capture and storage were asked:

Question 21: Do you have any comments on Carbon Capture and Storage, Chapter 10?

Question 22: Are there alternative planning policies that you think should be included in this chapter?

11.4 As shown in table 11.1, 32 respondents provided commentary to this question, across a range of groups.

Table 11.1 Question 21: Do you have any comments on Carbon Capture and Storage?

Respondent group	
Individuals (16)	3
Academic / scientific (7)	2
Aquaculture (5)	-
Energy (12)	5
Environment / conservation (9)	7
Fisheries (13)	-
Historic / Heritage (5)	3
Industry / transport (9)	1
Local Authority (15)	3
Local coastal partnership (7)	-
Local group (5)	-
Other public sector (10)	5
Recreation / Tourism (7)	1
Other (4)	2
Total (124)	32

- 11.5 While a number of themes emerged, many were cited by only one respondent. A number of respondents simply noted their support for specific elements of the chapter or for the concept of CCS, with some agreeing that CCS has the potential to play a key role in helping to meet climate change targets and for Scotland to be recognised as a key player in the development of CCS technology. A respondent within the energy sector commented that this chapter has little mention of the importance of CCS for industrial sectors and requested more coverage of this subject, particularly in relation to the economic benefits of the sector, such as job creation or its contribution to the Scottish economy.
- 11.6 Some respondents made suggestions for changes to specific objectives, policies or the wording of other parts of this chapter.
- 11.7 There were some comments relating to the need to integrate marine and land use infrastructures. For example, there was some support for the use of marine utility corridors, although one energy company noted that consideration also needs to be given to gateways along the coast where the infrastructure can approach and make landfall. A Local Authority noted that CCS may require new pipelines from the point of capture to the point of storage which could impact on the possible landing points of transmission cables for power generated by offshore renewables.
- 11.8 Allied to this last point, some respondents noted the re-use of suitable existing redundant oil and gas pipelines is a sensible approach although there was a degree of caution as to the extent to which there will be a need for additional infrastructure to connect CCS plants to existing pipelines, which might negate the use of existing pipelines.
- 11.9 There was a degree of caution from a small number of respondents who noted that it is early days in the development of CCS; and that CCS still has to be proven on a commercial scale, along with its impact on the environment. For example respondents within the environment/ conservation sector noted that monitoring will be important or that there will be a need to acknowledge impacts

on the marine historic environment that could result from CCS. One individual suggested the avoidance of CO₂ storage beneath the seabed.

11.10 There were calls for greater integration with the land use planning system with more emphasis on NPF3 and identified National Developments. There were also a small number of suggestions for a greater level of consultation with a range of bodies including planning authorities, the community and other key stakeholders.

11.11 A respondent within the energy sector pointed to research that has been conducted which shows the local impacts of a CO₂ leak within the marine environment to be minimal.

Additional policies

11.12 Question 22 asked about any additional policies that should be included in this chapter and only one respondent noted an additional policy. Some other respondents made suggestions for additions or modifications to the draft policies. The one suggestion was for:

- A policy or statement detailing what will be set out in the regional marine plans with regard to this section.

12 OFFSHORE RENEWABLE ENERGY

Chapter summary

- A large majority of those responding considered the NMP should incorporate spatial information for Sectoral Marine Plans (SMPs) with comments that the NMP needs to lead this system and that it needs to provide an overview of spatial areas identified in SMPs. Furthermore, this was seen as helping to integrate policies and interactions between the offshore renewable sector and the marine environment.
- There were suggestions from some respondents for the SMPs to be seen as background information to the NMP rather than as stand-alone documents.
- There were some requests for additional information within the NMP, for example, an explanation of the nature of the spatial information provided or how data management and decision making at a sectoral level would interact with marine planning.
- The small number opposed to spatial information for SMPs being incorporated within the NMP focused primarily on the need for the NMP to signpost and provide links to relevant documents.
- There were also requests for greater consistency between land use planning and marine planning in terms of offshore renewables and the need for greater links between NPF3 and the NMP. There were also comments that there needs to be better integration between offshore and onshore renewables, and integration of land use and marine planning systems.
- There were a small number of comments relating to the need to ensure that sustainability is taken into account, and the cumulative impact of developments upon the environment; as well as reference to maintaining a balance between new offshore developments and existing sectors.
- The need for consultation across all interested stakeholders was highlighted; as was the need for more research to be undertaken.

12.1 The Draft NMP noted that Scotland's sea area has an estimated 25% of Europe's offshore wind and tidal resource and 10% of the wave resource; with the Scottish Government committed to building a globally competitive offshore renewables industry. Offshore renewables have a key role to play in Scotland's targets for electricity production.

Spatial information for Sectoral Marine Plans (SMPs)

12.2 Respondents were asked:

Question 23: Should the NMP incorporate spatial information for Sectoral Marine Plans?

12.3 Fifty-six respondents provided an answer (table 12.1). Most of those providing a definitive response, i.e. 'yes' or 'no', were positive. Thirty agreed, 3 disagreed and 16 provided qualified agreement. Those who were not definitive provided commentary that was not directly relevant to this specific question, for example, suggested changes to wording in the draft policies.

Table 12.1 Question 23: Should the NMP incorporate spatial information for Sectoral Marine Plans?

Respondent group	Yes	No	Yes qualified	Neither 'yes' or 'no'
Individuals (16)	-	-	-	4
Academic / scientific (7)	2	-	-	1
Aquaculture (5)	-	-	-	-
Energy (12)	6	1	1	1
Environment / conservation (9)	6	-	-	-
Fisheries (13)	3	-	-	-
Historic / Heritage (5)	-	-	2	-
Industry / transport (9)	2	-	-	1
Local Authority (15)	8	-	2	3
Local coastal partnership (7)	2	-	-	-
Local group (5)	-	-	-	1
Other public sector (10)	1	2	-	3
Recreation / Tourism (7)	2	-	-	1
Other (4)	-	-	-	1
Total (124)	32	3	5	16

12.4 A number of reasons were provided in support of this proposal. For example, it was considered essential that the NMP guides Sectoral Marine Plans and provides an overview of spatial areas as sectoral plans are developed; that this will ensure marine planning is led by the NMP; that it will help with the integration of policies; or that it will enable a full understanding of the interactions between energy extraction technology and the marine environment. A respondent in the energy group noted that there could be benefit for sectoral plans to incorporate spatial information and suggested this could be trialled as a case study around the Pentland Firth and Orkney Waters. These are areas where there is already a stated intent to designate this as a Strategic Sea Area.

12.5 Another respondent in the energy sector noted:

“Yes – the NMP is a strategic document which appropriately identifies key aims for the country, and incorporating the high level spatial information from the sectoral plans will be useful in creating a hierarchical policy framework which can then be expanded upon in more focused, area specific plans. The NMP should clearly inform decisions regarding the precedence or presumption of one sector over another.”

12.6 Another respondent in the academic/ scientific sector commented:

“The ongoing development of marine renewable energy should proceed with a full understanding of the interactions between energy-extraction technology and the marine environment, including local uses such as

fishing, aquaculture, conservation etc. Scotland's NMP and the regional marine plans will be important in terms of reconciling the development of marine renewables with fair and balanced management of Scotland's seas. This will require developers to fully participate in dialogue with researchers during developmental projects, to ensure that targets for development are appropriate and the experiences of early development at, for example, the European Marine Energy Centre, are fully incorporated into future research and development."

- 12.7 A small number of respondents also noted that Sectoral Marine Plans should be seen as background information to the NMP rather than as stand-alone documents.
- 12.8 There were also a few requests, mainly from Local Authorities, for additional information in the NMP. This included an explanation of the nature of the spatial information provided, an explanation of the presumption in favour concept, an explanation of the role of Regional Marine Plans or clarification of how data management and decision making at a sectoral level would interact with marine planning. There was also a request for the NMP to state that there may be further development potential within the Plan Option areas for marine renewables, in that Regional Marine Plans should provide the opportunity for more analysis of development potential and allow local communities and other stakeholders to be included in this process.
- 12.9 Respondents who provided a qualified 'yes' response, tended to raise questions they needed to be addressed such as who would be responsible for providing up-to-date spatial information.
- 12.10 The small number of respondents who did not want to see spatial information for Sectoral Marine Plans incorporated in the NMP focused on the need for consistency between the NMP and Sectoral Marine Plans but felt it would be preferable if the NMP signposted organisations and provided links to the relevant documents rather than incorporating information within the NMP itself. A public sector organisation noted that because of the uncertain nature of many planned and possible developments, it would be too prescriptive to incorporate spatial information within the NMP.
- 12.11 A small number of respondents also referred to the need for greater consistency between land use planning and marine planning in terms of offshore renewables and noted the need for a greater link to be made between NPF3 and NMP or highlighted the need for integration across land use and marine planning.
- 12.12 Two respondents, a local group and an individual noted concerns from the visual impact of offshore renewables and the damage this could cause to the tourism sector.

Comments on Offshore Renewable Energy, Chapter 11

- 12.13 The next two questions then went onto ask respondents:

Question 24: Do you have any comments on Offshore Renewable Energy, Chapter 11?

Question 25: Are there alternative planning policies that you think should be included in this chapter?

12.14 As shown in table 12.2, 54 respondents provided commentary at Q24, although much of this commentary was suggestions for changes to wording in various sections of this chapter.

Table 12.2 Question 24: Do you have any comments on Offshore Renewable Energy?

Respondent group	
Individuals (16)	5
Academic / scientific (7)	4
Aquaculture (5)	3
Energy (12)	6
Environment / conservation (9)	6
Fisheries (13)	4
Historic / Heritage (5)	3
Industry / transport (9)	3
Local Authority (15)	10
Local coastal partnership (7)	2
Local group (5)	-
Other public sector (10)	4
Recreation / Tourism (7)	2
Other (4)	2
Total (124)	54

12.15 While a number of themes emerged, most appeared in small numbers of responses. A number of respondents simply noted their support for specific elements of the chapter.

12.16 Better integration between onshore and offshore renewables was an issue raised by a number of respondents. For example, that offshore developments also need a supportive onshore infrastructure and development to help support the growth of the offshore renewable sector. As one Local Authority noted:

“Onshore locations which have good existing connections to the national grid... are likely to be chosen as connection points for power generated by offshore renewables. The onshore infrastructure required for connection to the national grid is very large and the impact of these buildings may be considerable. Due to geography, geology and economic factors, the landing points for transmission cables of power generated by offshore renewables are likely to be in demand Care must be taken to allow landing points for all developers. There is a need to consider both offshore and onshore elements together rather than in isolation.”

12.17 Another respondent noted the need to ensure the integration of land use and marine planning systems, policies processes and practice and commented:

“There is considerable overlap between land use and marine planning systems in the consideration and consenting of offshore renewable energy developments. The onshore implications and developments associated with any offshore development must be a consideration. Both onshore and offshore elements of a development must be considered together, not in isolation. This requires the integration of land use and marine planning systems, policies, processes and practice to avoid duplication and ensure that appropriate weight is given in the decision making process to the onshore development.”

12.18 Allied to the need for integration across land use and marine planning systems, some Local Authorities noted the need for better links with N-RIP and NPF3, with some comments relating to the need for consistency across the mapping of issues.

12.19 Another key theme emerging, albeit from a relatively small number of respondents was for the need for an approach to marine planning that takes sustainability into account. Most respondents making this comment were in the environment/ conservation sector. Other issues raised primarily by those in the environment/ conservation sector and a few in the historic/ heritage sector included suggestions for careful assessment of proposals for new developments and the cumulative impacts of these so that there is no harm caused to the environment. They also had a concern that increased interconnection activity could result in more applications for new developments in important wildlife areas and that the planning system will need to be able to respond appropriately to each. There was a suggestion from a Local Authority for the need to make use of appropriate Historic Environment Records.

12.20 The issue of maintaining a balance between new offshore developments and existing sectors was also raised by a number of respondents in the fisheries sector. They noted concerns over the impacts of installations on fisheries and the need for mitigation measures to counteract these. Three fisheries organisations suggested that there is a need to consider compensation for displaced fishing activity. One public sector organisation noted that the assessment and management of cumulative impacts is very challenging for offshore renewable developments and that this needs to be better addressed in the NMP. An organisation in the environment/ conservation sector commented that;

“New offshore renewables developments and the extensive grid infrastructure that they will require to support them (both off and onshore) are likely to have a significant impact on Scotland’s habitats and species, the historic environment and onshore on Scotland’s landscapes. Strategic Environmental Assessment, Habitat Regulations Assessment and Environmental Impact Assessment will be crucial in determining where these developments should be located with least environmental impact.”

12.21 A small number of respondents referred to the need for consultation across a wide range of audiences. A Local Authority asked that planning authorities are involved in discussions with developers; an organisation in the fisheries sector

requested more collaborative planning for the siting of marine renewable developments at a local level; an individual asked that communities are involved in discussions over proposals for new windfarms. Two energy companies noted there are opportunities for offshore renewables to work in tandem with other sectors to maximise benefits for all.

12.22 There were a few calls for more research to be undertaken. One Local Authority noted:

“Further research is required to determine the effects of the electro magnetic fields surrounding transmission cables on nearby marine life. Other users of the sea e.g. fishermen, may see a drop in number and size of fish. Fewer fish being caught may then have a knock on effect on on-shore businesses e.g. fish markets, fish processors and transport companies, many of whom are economically fragile communities.”

12.23 An organisation in the aquaculture sector suggested research to ascertain the potential for co-locating offshore renewable developments and offshore aquaculture developments and noted there could be benefits in terms of marine spatial planning in Scotland as a result of this.

12.24 Only 19 respondents commented at question 25 and their responses are outlined in the following bullet points. While the question focused on alternative policies that should be included in this chapter, three respondents provided comments on the objectives outlined at the beginning of this chapter and these are also provided below.

Comments on objectives

- Include specific reference to facilitation of new and additional port facilities for the manufacture of offshore renewable infrastructure in Scottish waters (this is in line with the N-RIP strategy and west coast clustering);
- A key objective is missing for integrating marine developments with required onshore infrastructure including grid infrastructure, port infrastructure, housing etc. The Recreation & Tourism chapter includes such an objective, which is considered even more important for the Renewables sector;
- Suggest including an objective around future telecommunications cables, for example supporting the roll out of high speed broadband in the Highlands and Islands.

Additional Policies recommended for inclusion in this chapter

- Continued commitment to gather data to support the development of offshore renewables;
- Acknowledgement of the range of technologies, scale of developments and corresponding level of impact to support a proportionate marine licensing requirement;
- Conflict resolution / mediation;
- Continued review and refinement of the licensing requirements to ensure that they are current and fit for purpose in terms of application;

- Supporting offshore infrastructure should be highlighted in the plan, (which may be separately developed from the renewable energy installation) and should also have a presumption in favour for development;
- A policy promoting the role of monitoring & research to help drive low-risk commercialisation of the offshore wind, wave and tidal sectors. It should be clear that there is an expectation upon both government and developers to contribute to such a programme of monitoring and research;
- An additional planning policy is needed which states the requirement for close integration and joint working between marine and land use planning authorities to ensure consideration of both marine and onshore requirements;
- A separate policy encouraging co-location of renewable energy projects and other activities (e.g. aquaculture) would be helpful (this may be most appropriate at the general level, to highlight the opportunities through co-location, rather than distinct sectoral ambitions that result in conflict);
- There is no policy that clearly identifies the need to take account of the likely socio-economic impacts from marine renewable development or to the importance of considering landscape impact, which is a critical economic asset to many of our communities;
- There is no policy which reflects the need to carefully examine the cumulative impact of multiple developments;
- It is essential that Scottish Government identify specific sites for onshore infrastructure for Offshore Renewable Energy in order to guide investment and provide a framework for delivery of ambitious renewable energy generation targets;
- A separate policy should be developed which emphasises the importance of delivering grid connections and how this can be achieved, particularly to the North Isles. Policy Renewable 6 addresses consenting for grid connections but does not emphasise the strategic importance of grid connection to the development of the entire marine renewable energy sector;
- A policy or statement detailing what will be set out in the regional marine plans with regard to this section;
- Policy of not using Offshore Renewable Energy if the same energy can be made more cheaply, sustainably and effectively elsewhere.

12.25 Two respondents made a recommendation for an additional objective for this chapter of the NMP:

- There is a recognition that coordinated national, regional and project specific environmental monitoring is required to better inform marine spatial planning and decision making. An additional objective encouraging industry-wide monitoring packages that are standardised where appropriate and integrate and coordinate government, industry and project level programmes would provide a driver and focus to prioritise and deliver much needed monitoring. This monitoring data will ultimately contribute to the sustainable development of the offshore renewables industry by informing decision makers, increasing certainty and reducing risk.

13 RECREATION AND TOURISM

Chapter summary

- Some respondents considered this chapter of the Draft NMP is not clear on the intended extent of the marine planning policies, for example, whether these policies are intended to address only development and activity requiring consent and/ or licence.
- There were requests for more data to be referenced throughout the chapter and for more research to be undertaken; for example, research to identify key areas for activities or to ascertain how different sectors interact and the relative benefits of any interaction. There were some concerns over the potential for conflict between different sectors.
- A number of respondents referred to coastal walking with some requests for this to link to the National Planning Framework 3 for a National Network of Long Distance Paths and Trails; along with greater recognition of the social and economic benefits of a coastal path. There were some concerns that new coastal developments might compromise the integrity of coastal access paths.
- There were references to the National Tourism Plan / Strategy and for this to feed into future land use and marine planning; allied to this there were calls for a consistent application across Local Authorities.
- There were calls for the need to ensure the sustainable development of this sector; and the need to balance the economic benefits of tourism and recreation against the need to protect habitats and species, or the environment more generally.

13.1 The Draft NMP noted that Scotland's marine and coastal areas support a range of recreational, sporting and visitor activities; activities that offer a significant contribution to the Scottish economy. The Scottish Government has identified tourism as a growth sector and the Draft NMP acknowledged the need for marine planning to support economic growth by ensuring that access to coastal and intertidal areas is protected and supported.

13.2 Interactions with other users are rarely in conflict, although there may be some environmental impacts from recreation and tourism, for example, habitat damage and loss or disturbance / noise. Climate change could have positive and negative impacts on recreation and tourism.

13.3 The Draft NMP outlined seven marine planning policies in relation to recreation and tourism and also commented on the future of this sector.

Comments on Recreation and Tourism, Chapter 12

13.4 Respondents were asked:

Question 26: Do you have any comments on Recreation and Tourism, Chapter 12?

13.5 Fifty-eight respondents provided commentary at Q26 and the profile of these is shown in table 13.1 below. The table below shows that comments were made by all sub-groups, although the greatest number of comments came from respondents in Local Authorities and the environment/ conservation and recreation/ tourism sectors.

Table 13.1 Question 26: Do you have any comments on Recreation and Tourism?

Respondent group	
Individuals (16)	7
Academic / scientific (7)	4
Aquaculture (5)	2
Energy (12)	5
Environment / conservation (9)	6
Fisheries (13)	3
Historic / Heritage (5)	3
Industry / transport (9)	1
Local Authority (15)	10
Local coastal partnership (7)	3
Local group (5)	1
Other public sector (10)	5
Recreation / Tourism (7)	7
Other (4)	1
Total (124)	58

13.6 While a number of themes emerged, most appeared in fewer than 12 responses. A significant number of respondents welcomed some or all of the information provided in this chapter; some noting overall support, while some welcomed specific objectives and/ or planning policies for this sector. There was also support for the recreation/ tourism sector and its importance to the Scottish economy.

13.7 That said, there were small number of comments that the chapter is not clear on the intended extent of the marine planning policies. For example, whether these policies are intended to address only development and activity requiring consent and/ or licence, or whether this would extend to the planning and management of an activity beyond the consenting regime; or whether there is any limit within the Marine Planning Act on what the NMP policies can address.

13.8 There were a number of comments made about the need to reference more data throughout the chapter to illustrate some of the points being made or for more data to be collected in support of this chapter. For example, there was support from a number of respondents for Marine Scotland to undertake research into participation levels and key areas of activity. One respondent in the environment / conservation sector noted:

“We would be pleased to see the Scottish Government undertake more research to gather data on marine recreation participation and its economic and environmental impacts and benefits where there are gaps in the data.”

13.9 There were also some requests to conduct research into marine recreation participation and facilities in order to identify key areas for activities to ensure their inclusion in the marine planning process. Another respondent noted the need for research into the interactions between recreation and tourism and other industries to obtain a better understanding of the ways in which they interact and the relative benefits of this interaction.

13.10 A number of respondents, primarily within Local Coastal Partnerships and the recreation/ tourism sectors, commented on the chapter section on coastal walking. There were requests from some respondents for a link to the National Planning Framework for a National Network of Long Distance Paths and Trails and the need for greater recognition of the social and economic benefits of a coastal path. One respondent in the recreation/ tourism sector noted the opportunities to create a network of long distance walking and cycling routes including links by canals, which could be also extended into marine areas.

“[We] would wish to reiterate the spirit of our response to the NPF3 i.e. the importance of integrating terrestrial and land-based planning and in particular for both to take account of the spatial importance of tourism.”

13.11 Two Local Authorities also noted that the coastal walking section needs to state that new coastal developments should not compromise the integrity of coastal access paths. Two respondents in the recreation/ tourism sector noted the need for the NMP to make reference to access rights in general. Two Local Authorities also noted the need for the national priorities to be referenced in relation to coastal path networks and “blue “recreational routes because of their significant economic potential.

13.12 A respondent in the recreation/ tourism sector noted concerns over the impact of salmon farming upon recreational angling and the potential for conflict between the two sectors. They suggested a spatial approach that would restrict the siting of fish farms adjacent to sea trout spawning areas. This concern was amplified because while salmon farming is governed by land use planning, there is no third party right of appeal against decisions.

13.13 There were also a number of references to the National Tourism Plan/ Strategy and the need for the National Tourism Development Framework to be used to inform future land use and marine based plans and for a greater emphasis to be placed upon this.

13.14 There were also some calls – primarily from respondents within the recreation/ tourism sector for strategic marine and land use planning across Local Authority boundaries to help grow this sector and to link into local development plans. They emphasised the importance of integrating marine and land based planning in order to pay heed to tourism in and across Scotland and the need for joined up working across local boundaries and different stakeholder organisations.

- 13.15 While there was general support for the recreation/ tourism chapter, there were a number of qualifying statements made by some respondents. Some respondents noted the need to ensure the sustainable development of the marine recreation and tourism sector. There were also some comments that the economic benefits of recreation and tourism need to be balanced against the need to protect habitats and species or the need for a balance between the natural environment and the development of tourism and recreation.
- 13.16 A small number of respondents, primarily in the fisheries sector, noted that recreation and tourism activities may need to be subject to controls as part of an integrated marine and coastal management strategy. Two respondents from recreation/ tourism noted the need for policy to recognise the difference between recreation and tourism; there were also a small number of comments about the potential for conflict between recreational users and other users of the marine environment.
- 13.17 There was a degree of support for codes of conduct or good practice guidance to be introduced to reflect existing guidance and codes of conduct as well as any new guidance that is introduced. One or two respondents noted the Draft NMP does not make it clear where the responsibility lies for their implementation.
- 13.18 Three individuals noted concerns over the damage caused by offshore renewable developments and the damaging impact this can have on tourism.

Alternative planning policies

- 13.19 Respondents were asked:

Question 27: Are there alternative planning policies that you think should be included in this chapter?

- 13.20 Only seven respondents provided any comment here. Additional planning policies respondents would like to see included were:
- Sustaining vibrant coastal communities where tourism is key to an area's social and economic future;
 - A policy that acknowledges the need to maintain or enhance the wildlife and/or wilderness qualities which attract so many people to Scotland's coasts;
 - Either an extension of Recreation and Tourism Policy 4 or a new policy added to provide that marine recreation and tourism activity should not unacceptably impact upon heritage assets;
 - Scottish Planning Policy states that local development plans should safeguard access rights and enhanced opportunities for access linked to wider networks. A complementary policy should be provided by the NMP;
 - Health and wellbeing benefits to be explicitly recognised through a sectoral objective in Chapter 12;
 - Adherence to requirements of Bathing Water legislation;
 - To improve education and understanding of the marine environment for recreational users, including how to enjoy it responsibly in accordance with the Marine Wildlife Watching Code and the Scottish Outdoor Access Code.

13.21 A respondent suggested a similar policy to Recreation and Tourism Policy 4 should be included in the chapters on aquaculture, renewables and transport.

14 TRANSPORT

Chapter summary

- Views were relatively polarised as to whether the NMP should specifically designate national significant ports/harbours. There was a degree of concern that some ports and harbours which are not designated will suffer; this in turn could have a knock on impact on more fragile communities or tourism.
- There were requests to align any designations with those already designated as National Developments in NPF3 or to consider the land use planning system to ensure consistency.
- Respondents requested cross-sectoral linking, with policy integration between land use planning, marine planning and transport strategies.

14.1 The Draft NMP noted that trade is essential to Scotland's economic prosperity and that ports and harbours play an essential role in the movement of cargo and growth of freight traffic. Ports and harbours also play a key role in providing support to industries such as fishing, oil and gas, tourism and the renewable energy sector.

14.2 The Draft NMP highlighted key issues for marine planning, outlined a number of marine planning policies and identified a number of factors that could impact on the future of ports, harbours and shipping.

The designation of significant ports/ harbours

14.3 Respondents were asked:

Question 28: Should the NMP specifically designate national significant ports/harbours as described in Chapter 13: Marine Planning Policy Transport 2?

14.4 As shown in table 14.1, views were relatively polarised between those supporting the designation of significant ports and harbours and those who did not support this proposal. A few respondents gave a qualified agreement with this proposal and these are shown separately.

14.5 Support for this proposal came primarily from Local Authorities and energy organisations; opposition from organisations within the environment/conservation sector, the fisheries sector and the public sector.

Table 14.1 Question 28: Should the NMP specifically designate national significant ports/harbours as described in Chapter 13: Marine Planning Policy Transport 2?

Respondent group	Yes	No	Yes qualified	Neither yes or no
Individuals (16)	-	-	-	1
Academic / scientific (7)	1	1	-	1
Aquaculture (5)	-	-	-	-
Energy (12)	2	-	2	-
Environment / conservation (9)	-	4	-	-
Fisheries (13)	1	3	-	-
Historic / Heritage (5)	-	-	-	-
Industry / transport (9)	1	1	2	2
Local Authority (15)	6	2	1	2
Local coastal partnership (7)	1	1	-	-
Local group (5)	-	1	-	-
Other public sector (10)	-	3	1	-
Recreation / Tourism (7)	1	-	-	-
Other (4)	-	-	1	-
Total (124)	13	16	7	6

14.6 Those in support of this proposal did not provide a lot by way of additional commentary, although a small number noted that the NMP needs to explain the reasons for the identification of nationally significant ports and harbours. One respondent suggested that there may need to be a decision to establish ports of refuge and the necessary International Maritime Organisation regulations should be considered. Another respondent noted the need to agree these significant ports and harbours in addition to those already identified as National Developments within the National Planning Framework.

14.7 Those not in support of this proposal tended to provide more detail in their answer, with a number voicing concern over ports and harbours that are not designated but which may play a key role in helping to sustain fragile communities or in the tourism sector. As one organisation in the fisheries sector noted:

“Any designation of ports and harbours should not deflect attention from smaller ports and harbours that provide invaluable services to our national industries like fishing, albeit on a smaller scale.”

14.8 Even among some of the organisations offering qualified support for this proposal, there were concerns that ports and harbours not designated nationally significant would suffer. For example, an organisation proposal in the Industry/ Transport sector commented:

“There is merit in this approach although there is a risk that ports and harbours not deemed to be nationally significant could suffer as a result. In making decisions, the potential impacts of developments on these ports and harbours should still be considered individually when undertaking cost-benefit analysis.”

- 14.9 Perhaps not surprisingly, there were also some calls for any draft list of nationally or regionally designated ports to be subject to consultation; and a small number of respondents suggested that Aberdeen or Fraserburgh should be included.
- 14.10 There were also a small number of requests for further information, with three respondents within the fisheries sector asking what designation would mean and entail in practical terms.
- 14.11 Some of the respondents who disagreed with this proposal noted that all ports should have the same level of protection, or that Policy Transport 2 is enough to protect the continued use and access to key ports without needing designation. Furthermore, there were a small number of comments that there are already existing designations and therefore it is unnecessary to designate sites under the NMP or that it could be confusing to have another set of designations.
- 14.12 A number of those respondents who disagreed with this proposal also made reference for the need to align any designations with those already designated as National Developments in the National Planning Framework for Scotland (NPF3) or in the National Renewables Infrastructure Plan (N-RIP). Allied to this, there were also a number of calls for better integration of land use and marine planning. For example, a public sector organisation commented:
- “For consistency, it is important that the NMP references ports and harbours designated as National Developments in the third National Planning Framework for Scotland (NPF3) and in the National Renewables Infrastructure Plan (N-RIP). However given the clear policy support already allocated within documents, we do not consider it necessary to designate these sites under the NMP. Specific reference to existing designations should be sufficient.”
- 14.13 Another respondent also noted the need to consider the land use planning system including Local Development Plans to ensure consistency.
- 14.14 There were also concerns over future developments if the NMP goes ahead with designated ports and harbours. Two energy organisations noted that while they were supportive of safeguarding national significant ports from development that could restrict access, they were concerned that this could impact negatively on offshore developments which could create substantial economic benefits to nearby ports. As a local group commented:
- “Even if a harbour isn’t being used significantly now it represents a significant resource which the development of offshore wind farms, or another future development not presently under consideration, may give the opportunity to grow the use of that harbour, and your proposed Policy 2 could limit that future development.”
- 14.15 Another respondent who had given qualified support to this proposal suggested that Regional Marine Plans should identify regionally important ports and harbours and set out criteria against which proposed activities and developments should be evaluated.

Other comments on Chapter 13, Transport

14.16 The next two questions asked respondents:

Question 29: Do you have any comments on Transport, Chapter 13?

Question 30: Are there alternative planning policies that you think should be included in this chapter?

14.17 Forty-three respondents provided commentary to question 29. As the following table shows, comments were made by all sub-groups of respondent, with most comments being from Local Authorities and the industry/ transport and environmental/ conservation sectors.

Table 14.2 Question 29: Do you have any comments on Transport?

Respondent group	
Individuals (16)	1
Academic / scientific (7)	2
Aquaculture (5)	2
Energy (12)	2
Environment / conservation (9)	5
Fisheries (13)	1
Historic / Heritage (5)	3
Industry / transport (9)	6
Local Authority (15)	8
Local coastal partnership (7)	2
Local group (5)	2
Other public sector (10)	5
Recreation / Tourism (7)	3
Other (4)	1
Total (124)	43

14.18 A significant number of those responding to this question welcomed some or all aspects of this chapter; some noting overall support, while some welcomed specific objectives and/ or planning policies. Comments included support for recognition of the importance of shipping activity, the development and improvement of ferry routes, the inclusion of renewables in the chapter and acknowledgement of the role of N-RIP.

14.19 The only theme attracting more than a single comment was the need to apply cross-sectoral linking, with partnership working across different organisations. In relation to this there were some requests for policy integration between land use planning, marine planning and transport strategies. There was some specific reference to integration between NMP, N-RIP and NPF3, with a request that this integration is also carried through to Regional Marine Plans.

14.20 One respondent in the industry/ transport sector suggested that the Scottish Government should be considering international legislation; for example, to be involved in the EU's work to introduce cleaner fuels and emissions control systems on ships, or the International Maritime Organisation's work to standardise shore power technology and facilitate the availability of liquefied natural gas (LNG) fuel for ships visiting Scotland. There was also a suggestion

that consideration should be given to the onshore implications of transport networks.

14.21 A small number of respondents noted concerns in relation to this chapter and these included:

- Planning policies proposed could make certain applications more complex in that they are at odds with the aim of promoting development and supporting sustainable economic growth;
- The need to ensure sustainability is considered throughout this chapter;
- It is inappropriate for the chapter to suggest that ports will exercise their jurisdiction in accordance with the NMP and that there should be no interference with port and harbour authority powers and jurisdiction;
- Whether statutory harbour authorities would have representation in a Marine Planning Partnership;
- There are potential issues relating to anchorages used by large vessels and the scouring actions of anchors and cables on the seabed.

14.22 A small number of respondents noted the need to achieve a balance in the NMP; for example, to ensure biodiversity or to balance the needs of working harbours and ports against development of tourism activities.

Additional policies

14.23 A small number of respondents made suggestions for additional policies in this chapter. These are outlined below:

- A policy for exploring the potential for new public transport routes transiting marine areas which could complement the existing network of ferry and air routes;
- A policy that identifies the need for activities and developments associated with transport and shipping, including port and harbour construction, with the minimum of environmental impact;
- Ecosystem objectives that consider inappropriate port, harbour and marina development, for example: 'To ensure that new sustainable port, harbour, marina and other transport infrastructure developments do not impact individually or cumulatively on vulnerable and important species and habitats. Where enhancement or restoration action is required, these should be ecologically appropriate';
- A policy that covers the introduction of new sulphur limits in marine fuels in the North Sea Sulphur Emissions Control Area (SECA);
- A policy to require land use planners and decision makers to have regard to the need for the preservation and improvement of access to ports by road and rail;
- A policy on the protection of future interests in the marine transport and merchant shipping sector, and a commitment to ensure that charts of navigational routes are maintained for access channels and important shipping routes, and policies designed to afford them protection from encroachment e.g. from cabling, offshore developments etc.;
- 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 some way to provide this positive planning context (i.e. the objective to 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;

- A policy promoting the importance of effective linking of ferry services with both public transport routes and active travel routes (e.g. National Cycle and Walking Network) to help encourage sustainable travel. This could be supported by an objective at the start of the chapter on delivering modal shift by making interchanges between sea-based and land-based transport as easy as possible for travellers (including but not just tourists). This should include locating transport terminals close to each other and provision of adequate luggage and cycle storage at interchanges;
- A policy addressing mooring and anchoring would be welcomed. This should include a need to manage associated environmental issues, such as seabed habitat damage from mooring chains;
- (Either as extension to Transport 4 or separately): That where possible new port and harbour developments be approached with multiple use in mind. i.e. multi-use of docking facilities for cruise ship passengers and small boat traffic, inclusion of visitor pontoons in design, consideration given to dredging envelopes;
- A specific policy/ reference to dredging and disposal of dredged material (for maintenance & commercial dredging), in particular, the associated environmental impacts;
- An omission of reference to Marine Environment High Risk Areas (MEHRAs), which need to have their own Marine Planning Policy. Suggested Transport 9: MEHRAs: When planning future transport infrastructure, Marine Environment High Risk Areas (MEHRAs) should be re-assessed and any new recommendations arising applied;
- An insertion into the NMP, that any new Marine Protected Areas which may be proposed in the future should not be sited within or in close proximity to port areas to avoid any planning conflicts which may arise. Planner development and investments are often put at risk by complicated or long planning processes;
- Planning policies for harbour developments that are likely to serve these routes should take physical capacity requirements for larger vessels (including on-shore facilities) into account in future;
- No need to include Policies 7 & 8 as they are only about obeying the law, which should be taken as read.

15 TELECOMMUNICATION CABLES

Chapter summary

- Some of those responding to this chapter simply noted their overall support, or their support for specific elements.
- Key comments were that offshore energy and telecoms infrastructures should be able to co-exist in relatively close proximity; and that there is a need to pay heed to geodiversity.

15.1 The Draft National Marine Plan noted that the 1990s brought unprecedented growth in international telecommunication cables; over 95% of these are submarine cables. Roughly 40% of all the UK's active international cables are on the Scottish seabed.

15.2 Telecommunications are of national and international economic importance. While submarine cables are generally benign, growth in other sectors increases the risk of potential damage to cables. The main sectoral interaction expected will be between seabed cables and fishing activity.

15.3 The installation and operation of telecommunication cables may cause minimal impacts on the marine environment, including the historic environment. The primary impact of this is likely to be the loss or disturbance of sensitive habitats and fragile species during installation. Climate change and associated sea level rise is expected to increase the incidences of coastal flooding and erosion and this may have implications for the landfall of cable.

15.4 The Draft NMP presented four marine planning policies for telecommunication cables and outlined some issues for consideration for submarine cabling in the future.

Comments on Telecommunications, Chapter 14

15.5 Respondents were asked:

Question 31: Do you have any comments on Telecommunications, Chapter 14?

15.6 Table 15.1 shows that 25 respondents opted to provide some form of comment to this question. The greatest number of comments came from respondents in the energy, Local Authority, environment/ conservation and public sectors.

Table 15.1 Question 31: Do you have any comments on Telecommunications?

Respondent group	
Individuals (16)	1
Academic / scientific (7)	3
Aquaculture (5)	-
Energy (12)	5
Environment / conservation (9)	4
Fisheries (13)	-
Historic / Heritage (5)	-
Industry / transport (9)	1
Local Authority (15)	6
Local coastal partnership (7)	-
Local group (5)	-
Other public sector (10)	4
Recreation / Tourism (7)	-
Other (4)	1
Total (124)	25

15.7 A significant number of those responding welcomed some or all of aspects of this chapter; some noting overall support, some welcoming specific objectives and / or planning policies for this sector.

15.8 Two respondents in the energy sector noted that offshore energy infrastructure and telecoms infrastructure should be able to co-exist in relatively close proximity providing appropriate distances from telecoms cables are maintained. Respondents, one in the environmental/ conservation sector and one in the public sector noted the need to pay heed to geodiversity, for example, the need to be sensitive when considering new developments.

15.9 Another public sector organisation noted that the same consideration should be given to water pipelines, an energy organisation noted that good practice in relation to cable laying and cable installation is also relevant to the offshore renewable sector; and an energy company noted the need for a consistent approach to be applied to electricity export cables for strategic grid connections, individual renewables energy projects and telecoms. An individual made a specific suggestion for an alternative route for a cable line.

Alternative policies

15.10 Respondents were then asked:

Question 32: Are there any alternative planning policies that you think should be included in this chapter?

15.11 Only three respondents made suggestions for alternative policies or objectives. These were:

- An objective around future telecommunications cables, for example supporting the roll out of high speed broadband in the Highlands and Islands;
- Policies relating to the development of electricity networks that are of essential benefit to the development of the energy sector, but require strong policy support

to address the differences in regulatory approaches across nations and alleviate uncertainty for the industry. Policies to consider include the Supergrid and the National Policy Statement for Electricity Networks Infrastructure (EN-5) which “may be a relevant consideration in planning decisions in Scotland”;

- In terms of wastewater pipelines, these should be considered as subsea infrastructure within the NMP. This could be incorporated in a section on general cables and pipelines;
- A policy on moorings should be considered i.e. commercial moorings such as wave rider buoys etc.

16 DEFENCE

Chapter summary

- Most comments in relation to this chapter came in the form of requests for additional information such as more guidance on reserved matters or how Regional Marine Partnerships should interact with this sector.

16.1 The Draft NMP explained that Scotland's seas and coasts are important for military training exercises, test and evaluation facilities and are critical for operational reasons. The Royal Navy Army and the Royal Air Force need to be able to deploy and develop a flexible and broad range of capabilities, have exclusive use of certain areas at particular times of the year, be able to use exemptions in planning law for the purposes of national security and retain the statutory right to close areas in internal waters and create by-laws for complete closures and exclusions.

16.2 However, the activities undertaken by the Ministry of Defence (MOD) and their presence in Scottish waters means it interacts with a range of other marine users including the fishing industry, shipping and recreational boating activity. Furthermore, while the MOD is committed to the protection of the natural and historic environment, some defence related activities including noise, pollution or the introduction of non-native species, may pose risks to the marine environment.

16.3 The Draft NMP introduced three marine planning policies which allow the MOD to maintain operational effectiveness in Scottish waters used by the armed services by managing activity and development, to establish bye-laws for exclusions and closures of sea areas, and to establish a code of conduct of managing fishing and military activities. The Draft NMP also noted that while climate change is likely to affect MOD-owned facilities and assets and its operations in Scottish waters, appropriate adaptation measures will be brought forward to address these challenges.

Comments on Defence, Chapter 15

16.4 The consultation posed two questions in relation to defence.

Question 33: Do you have any comments on Defence, Chapter 15?

Question 34: Are there alternative planning policies that you think should be included in this chapter?

16.5 Twenty-four respondents provided commentary and the profile of these is shown in table 16.1. The table shows the greatest number of comments came from respondents in the energy and Local Authority sectors.

Table 16.1 Question 33: Do you have any comments on Defence?

Respondent group	
Individuals (16)	1
Academic / scientific (7)	3
Aquaculture (5)	-
Energy (12)	5
Environment / conservation (9)	2
Fisheries (13)	1
Historic / Heritage (5)	2
Industry / transport (9)	-
Local Authority (15)	5
Local coastal partnership (7)	1
Local group (5)	-
Other public sector (10)	4
Recreation / Tourism (7)	-
Other (4)	-
Total (124)	24

16.6 Two respondents in the historic/ heritage sector noted their support for the MOD's commitment to the protection of the natural and historic environment.

16.7 Many of the other comments made were in relation to specific sections in this chapter, and mostly made by only one respondent; often asking for more detailed information on a specific subject. The bullet points below outline the information requested. The commentary in parenthesis denotes the chapter section where respondents would like to see this information provided.

- Reference to aquaculture development (interactions with other users);
- More definition and guidance in relation to oil and gas, CCS and marine renewables (interactions with other users);
- Greater emphasis on the impact of anthropogenic noise on marine mammals and support effective management of this (living within environmental limits);
- Explanation that the MOD has developed an electronic charting system that is used to minimise the environmental impact of all MOD activities in relation to environmental legislation (living within environmental limits);
- Reference to the MOD having responsibility to minimise greenhouse gas emissions (living within environmental limits);
- More reference to the codes of conduct applied by the MOD to manage potential environmental impacts (codes of conduct);
- Reference that the MOD is subject to duties such as the Habitat regulations (codes of conduct);
- Clarification regarding permanent infrastructure compatibility;
- More information on the potentially wide ranging and challenging issues of climate change and reference to the findings of the research conducted by the Hadley Centre;
- More guidance on reserved matters;
- Greater consideration of the impacts of sub-surface munitions testing on CCS facilities;
- Greater recognition of appropriate mitigation approaches such as navigation marking and / or greater use of design considerations;
- Guidance on how Regional Marine Plans should interact with this sector;

- Greater reference to the cumulative use of the marine environment for military exercises.

16.8 Two respondents asked specific questions:

- Whether water discharge into harbours by military vessels is allowed, coupled with concerns over policy implementation in relation to invasive species;
- Why there was no recommendation for military vessels to use electricity supplies when in port.

16.9 Finally, two respondents within the environment / conservation sector asked for the MOD to conduct a full Strategic Environmental Assessment of its marine exercise activities and more information on the environmental responsibilities of the MOD. A respondent in the academic / scientific sector noted the importance of the MOD adhering to extant codes of conduct and being included in discussion on the management of Scotland's seas. A respondent within the energy sector commented that the assumption that the development of the new marine renewable infrastructure will interfere with defence navigation and MOD activity is incorrect. An individual requested an end to using Cape Wrath for MOD activities.

Alternative policies

16.10 Only five respondents responded to Q34, four of which confirmed there were no alternative planning policies to be included in the chapter on Defence. The other comment, from an energy organisation, noted the NMP needs to provide information on a hierarchy of considerations for instances where there are potential planning conflicts in the marine environment, given that military activities are not devolved to Scotland.

17 AGGREGATES

Chapter summary

- Very few issues were raised by more than one respondent to this chapter.
- There were requests to include reference to the recent Crown Estate study conducted to identify aggregate deposits in Scottish waters.

17.1 The Draft NMP noted that marine aggregate extraction removes sand and gravel from the seabed for use as construction aggregate or for land reclamation or beach replenishment. Historically the industry has been very small in Scotland due to an adequate land supply and lack of suitable and easily accessible marine resources. While aggregate extraction in Scotland has taken place at two sites in Scottish waters, there are currently no licences for marine aggregate extraction although there is potential for further activity if it becomes viable under different economic conditions.

Comments on Aggregates, Chapter 16

Question 35: Do you have any comments on Aggregates, Chapter 16?

Question 36: Are there alternative planning policies that you think should be included in this chapter?

17.2 Twenty-five respondents provided commentary to question 35.

Table 17.1 Question 35: Do you have any comments on Aggregates?

Respondent group	
Individuals (16)	2
Academic / scientific (7)	1
Aquaculture (5)	-
Energy (12)	2
Environment / conservation (9)	5
Fisheries (13)	-
Historic / Heritage (5)	2
Industry / transport (9)	3
Local Authority (15)	4
Local coastal partnership (7)	1
Local group (5)	1
Other public sector (10)	3
Recreation / Tourism (7)	-
Other (4)	1
Total (124)	25

17.3 While a number of themes emerged, only three received comment from more than one respondent. The greatest number of respondents (six) welcomed some or all of this chapter. Four respondents referred to the recent Crown Estate study conducted to identify aggregate deposits in Scottish waters and noted this would be a useful reference within this chapter. Two energy companies noted that energy developments sites that have been identified for

development by the Scottish Government should be given protection from aggregate developments that would adversely impact on renewable developments.

17.4 Other issues raised by only one respondent included:

- The need to protect maerl beds;
- Marine and estuarine dredging need to take into account priority species and habitats and its impact on the overall biodiversity of Scottish seas and the seabed;
- Policies demonstrating best practice mitigation need to be promoted;
- The need for a formal reporting system;
- The need for the Scottish Government to consult with industry and explore future demands and opportunities to meet demands from land use consented operations;
- If mineral extraction is allowed there should be a bonding requirement undertaken by an independent expert to ensure any land based facilities are fully restored;
- This chapter fails to mention Glensanda Harbour or its importance;
- It would be useful to develop a glossary to support the final NMP;
- Aggregates extraction can damage the sea bed in the same way as trawlers and dredgers, and should be discouraged;
- Support for the general objective laid out in this chapter, although concerns that large scale aggregate extraction from seabed has the potential to alter or destroy important sites of geodiversity interest, particularly small scale relict features;
- Interaction with the water industry is low risk in spatial terms, although care should be taken to avoid any dredging and dumping impacts in the vicinity of material assets or discharges belonging to the water industry;
- It is important not to generalise the importance and relevance of the aggregate industry as a whole;
- Consideration should be given to establishing suitable marine policy provisions to allow mineral safeguarding to be considered under the marine planning process.

Alternative policies

17.5 Respondents were also asked to say whether there were any alternative planning policies that should be included in this chapter; only four respondents made any comment. Responses included;

- The introduction of a third Aggregates Policy so that the operation of Glensanda Harbour and its approaches are protected from development that could compromise its future operation and expansion;
- Sustainability and commercial fishing;
- A policy promoting the use of consented reserves in preference to offshore extraction.

17.6 One respondent also made suggestions for changes in wording to two existing policies:

- (Aggregates 1) Consenting and licensing authorities should consider the impacts of other development or activity on areas defined as being of potential marine aggregate resource, including whether the development/activity would inhibit future aggregate or mineral exploitation. Where there is an interaction, consideration should be given to appropriate steps to safeguard marine mineral resources;
- (Aggregates 2) Consenting and licensing authorities should ensure all the necessary environmental issues are considered and safeguards are in place when determining whether any proposed dredging is in accordance with the principles of sustainable development and considered to be environmentally acceptable.

18 BUSINESS AND REGULATORY

Chapter summary

- Of the 22 respondents who commented at this question, only nine respondents directly addressed potential impacts of proposals in the Plan. Of those who did, most pointed out potential negative economic and regulatory impacts.
- There were also some mentions made about the relative emphasis of types of economic or regulatory impacts, without identifying these impacts as positive or negative.

Potential economic or regulatory impacts

18.1 Several summary questions about the National Marine Plan proposals were asked:

Question 37: 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

18.2 As can be seen in table 18.1, twenty-two of the 124 respondents gave their opinions to this question.

Table 18.1 Question 37: 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

Respondent group	
Individuals (16)	2
Academic / scientific (7)	3
Aquaculture (5)	-
Energy (12)	3
Environment / conservation (9)	3
Fisheries (13)	3
Historic / Heritage (5)	-
Industry / transport (9)	2
Local Authority (15)	2
Local coastal partnership (7)	2
Local group (5)	-
Other public sector (10)	2
Recreation / Tourism (7)	-
Other (4)	-
Total (124)	22

18.3 Only nine respondents directly addressed potential impacts of proposals in the Plan. Of those who did, most pointed out potential negative economic and regulatory impacts. These were:

- Four respondents said more work was needed to clarify costs of implementation of Regional Marine Plans, Marine Planning Partnerships and Marine Action Plans, as specifically mentioned by single respondents;
- One industry/ transport respondent pinpointed fuel cost increases for shipping operators as a concern;
- Five respondents specified regulatory areas where a lack of coordination or integration might cause difficulties. These were perceived to be: Regional Marine Planning, the National Planning Framework, the interface across marine and land use areas, and the potential negative impacts on existing licences and consents (all one mention);
- Two respondents noted the potential for new project delays due to a longer or more detailed process.

18.4 Only two – a Local Authority respondent and an organisation in the industry/ transport sector - said that the overall impact of the proposals would be positive.

18.5 Other mentions were made about the relative emphasis of types of economic or regulatory impacts within the Draft NMP, without identifying these impacts as positive or negative. Impacts included:

- Less acceptance of business and commercial interests, or less economically based decision-making (six respondents, including three environment / conservation bodies);
- A definition or redefinition of 'sustainable growth' (three respondents);
- More importance given to the economic benefits of energy transmission upgrades (two energy respondents).

18.6 Concerns were expressed by three respondents (two fisheries and an environment/ conservation organisation) over the possible displacement of fishing activity by other activities, because of a presumption in favour of sustainable development.

18.7 An industry/ transport respondent also requested the Plan to be clearer in terms of regulations, both national and international, that sectors are subject to in order to avoid any unnecessary regulatory burden on businesses.

19 EQUALITY

Chapter summary

- Only two respondents felt the creation of a Scottish National Marine Plan discriminated in any way.

19.1 The consultation continued by asking two questions about equality and discrimination. Respondents were asked,

Question 38: 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?

Question 39: If you answered 'yes' to question 38, in what way do you believe that the creation of a Scottish National Marine Plan is discriminatory?

19.2 Half (sixty-three) of the respondents gave a response to this question. Only two (both individual) respondents commented that the Scottish National Marine Plan does discriminate disproportionately between persons defined by the categories stated (Table 19.1). One referred to the accessibility of the Draft NMP and not to the impact of the policies. The other did not specify the expected impact of policies. The overwhelming majority viewed the creation of a Scottish National Marine Plan as non-discriminatory.

Table 19.1 Question 38: 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?

Respondent group	Yes	No
Individuals (16)	2	3
Academic / scientific (7)	-	3
Aquaculture (5)	-	2
Energy (12)	-	8
Environment / conservation (9)	-	6
Fisheries (13)	-	5
Historic / Heritage (5)	-	1
Industry / transport (9)	-	4
Local Authority (15)	-	11
Local coastal partnership (7)	-	7
Local group (5)	-	2
Other public sector (10)	-	6
Recreation / Tourism (7)	-	2
Other (4)	-	3
Total (124)	2	61

19.3 Only two respondents (the same two individuals who answered 'yes' at Q38) answered Q39. Both respondents commented upon the need for improved accessibility and standards for the consultation. One respondent requested improved accessibility to the NMP in terms of both simplicity and a lack of

requirement to be computer literate, in order for it not to be regarded as discriminatory.

20 SUSTAINABILITY APPRAISAL

Chapter summary

- Only a small number of respondents expressed either positive or negative views on the Sustainability Appraisal (SA) document, with similar numbers being favourable and unfavourable.
- Respondents tended to focus on the SA issues of relevance and / or interest to themselves. There were some comments of the need for recognition of the incompatibility of some activities and the need for mitigation. A key issue was the growth of aquaculture.
- Some respondents found the policies, models and assertions within the SA contradictory and confusing; and liable to give rise to conflicts between competing stakeholders.
- There were references to the use of the word 'sustainable' and the interchangeable use of the terms 'sustainable development' and 'sustainable economic growth'.
- There are some concerns that the SA does not address the duty to, where appropriate, enhance the health of the [Scottish marine] area.

20.1 The Scottish Government has produced an additional report which summarises the findings from a Sustainability Appraisal (SA) of the Draft NMP as required by the Marine and Coastal Access Act 2009. There is an environmental component of the SA which is also required under Directive 2001/42/EC and the Environmental Assessment (Scotland) Act 2005.

20.2 The SA identifies the likely socio-economic and environmental impacts of plans and policies, and alternatives to them. Taking place at an early stage in the plan preparation process, it ensures that decision-making is informed by relevant environmental and socio-economic information. The SA provides opportunities for the public to consider this information and use it to inform their views on the Draft NMP or policy.

20.3 The SA is a strategic-level appraisal of national-level planning policies and sectoral objectives and policies, which broadly assesses their expected effects. A series of key questions ('sustainability appraisal objectives') is used to structure the assessment. Information about the existing marine environment has been used to inform the appraisal and define these appraisal objectives. The appraisal identifies the individual and collective effects of the Draft NMP's policies and objectives on: the economy (including other users of the sea); communities, population and human health; and environmental features.

20.4 Respondents were asked:

Question 40: Do you have any views/ comments on the Sustainability Appraisal carried out for the NMP?

20.5 Table 20.1 shows that thirty-three of the 124 respondents gave a response to this question. The most frequent respondent types were the environment / conservation, public sector, energy, fisheries and recreation / tourism groups.

Table 20.1 Question 40: Do you have any views/ comments on the Sustainability Appraisal carried out for the NMP?

Respondent group	Commented
Individuals (16)	2
Academic / scientific (7)	1
Aquaculture (5)	-
Energy (12)	4
Environment / conservation (9)	6
Fisheries (13)	4
Historic / Heritage (5)	-
Industry / transport (9)	2
Local Authority (15)	2
Local coastal partnership (7)	1
Local group (5)	1
Other public sector (10)	5
Recreation / Tourism (7)	4
Other (4)	1
Total (124)	33

20.6 Only a very small minority of respondents expressed either positive or negative views about the Sustainability Appraisal (SA) document as a whole. Similar numbers commented favourably and unfavourably.

20.7 Most respondents answered the question in terms of a general summing up of their standpoints on the specific Sustainability Appraisal issues that were directly of interest to themselves or their organisation.

20.8 The most frequently discussed issue was the impact of aquaculture, with seven respondents (including three environment / conservation bodies and two recreation / tourism organisations) expressing fears about the potential growth of the industry.

20.9 Particular problems with the growth of aquaculture as reported in the SA were pinpointed as follows:

- Aquaculture expansion targets not being fully assessed for environmental carrying capacity, or mitigation measures set out for environmental impacts (e.g. protection of wild salmon);
- Conflicts with other industries (e.g. scallop divers, creel fishermen);
- Conflicts with communities will increase;
- Lack of reference to the potential impact of aquaculture on recreational activities.

20.10 One (public sector) respondent was generally supportive of aquaculture expansion, but only in designated areas where water quality can be monitored.

20.11 Three energy sector respondents desired more recognition for the beneficial impacts of the renewables industry within the SA. The beneficial impacts claimed, but not acknowledged within the SA, included:

- Habitat creation due to developments having a positive impact on biodiversity, rather than merely avoiding adverse effects on biodiversity;
- Meeting UK CO₂ emission reduction targets/ role in climate change mitigation;
- Prevention of adverse effects on air quality;
- Marine renewables survey work leading to discoveries about the historic marine environment.

20.12 However, one respondent saw the potential for increased community conflicts over renewables developments in the model designated in the document (i.e. a balance between economic and environmental focus. Two respondents considered there was a lack of consideration given to safeguarding existing jobs from any adverse impact of new renewables-related activities.

20.13 Four respondents, including two recreation and tourism organisations, pushed for more recognition of the importance of environment-related activities and environment-related tourism such as wildlife watching and angling.

20.14 Five respondents stated they found the policies, models and assertions within the SA frequently contradictory and confusing in nature, and liable to give rise to conflicts between competing stakeholders. In particular three environment/ conservation respondents saw a contradiction with the assertion at 5.1.11 that continued Oil and Gas exploration is to be supported at minimum environmental cost to biodiversity, because the carbon emissions are regarded as threatening.

20.15 Four respondents, including two fisheries organisations, raised concerns over the defining of 'sustainable'. In particular the interchanged usage of the terms 'sustainable development' and 'sustainable economic growth' were seen as a cause of future misunderstandings, problems and conflicts.

20.16 Three respondents thought more recognition should be given to the incompatibility of various activities, i.e. a recognition that co-existence of some activities would require some mitigation. For instance, one public sector body commented that the placing of new fish farm developments should have the location of Water Waste Treatment Works and systems discharges taken into account.

20.17 Three environment/ conservation respondents considered that the SA failed to address the Marine (Scotland) Act 2010 duty to, where appropriate, enhance the health of the [Scottish marine] area whereas the Draft NMP sets out the positive effects of these.

20.18 Two respondents referred to the SA as a whole as confusing, and two others queried whether the SA had made any difference or improvements to the Draft NMP. An individual and an academic/ scientific contributor pointed out that monitoring work needs to be ongoing as changes take place over time.

20.19 Single respondents made the following points:

- Environmentally and economically focused plans and policies need to work in balance with each other;
- For developments, there needs to be a weighing of overall costs against overall benefits;
- The alternatives assessed could have included a hybrid approach to high level policy-based strategic planning versus high level spatial planning. A third option, which could have been assessed would be high level policy-based strategic planning with some limited spatial planning at a national scale (e.g. for safe navigation);
- Policies relating to the sustainability of the sea fisheries sector will have positive implications for the sustainability of fish stocks as well;
- Recognition should be given to human wellbeing, in terms of activities impacting landscapes and ways of life;
- Little mention is given to sport and recreation.

21 ADDITIONAL COMMENTS

21.1 A number of respondents took the opportunity to provide additional comments, many of which reiterated points made to earlier questions. A number provided background information on their organisation in order to provide context for their actual responses. Some also noted their willingness to be involved in future discussions around the development of the National Marine Plan.

21.2 Many of these respondents welcomed the opportunity to respond to this consultation and noted their general support for the Draft NMP; for example, for a framework for marine planning that will play a vital role in the planning, management and sustainable development of Scotland's marine resources. Many respondents were pleased with the general direction and approach adopted and/ or considered marine planning to be an integral part of the sustainable management of the marine environment. A few commented that while they are pleased with the approach taken in the Draft NMP, this is a high level document which provides little specific detail. For example, a public sector organisation requested more information on the forthcoming Regional Marine Plans, and the process for developing and implementing these.

21.3 Key themes raised included:

- This is a high level document which will need more detail to be provided in future iterations or to provide or signpost to other guidance;
- A need for links with other national bodies and effective co-ordination with other EU, UK, national, regional and local bodies to ensure effective planning and co-ordination. For example, a number of environment/ conservation bodies suggested that, as it is currently presented, the NMP does not conform with the duties of the Marine (Scotland) Act 2010;
- A need for consistency with other national planning frameworks and objectives; alignment between national and regional plans and links between land use and marine planning; and the hierarchy between different plans;
- Timescales for the implementation, monitoring and review of the NMP; with suggestions that this should match those outlined under land use planning;
- A need for further information in relation to how objectives that have the potential to conflict with each other will be managed; and a clear long term vision that can help balance competing sectors' priorities;
- The need for high quality data so that decisions taken can be based on good evidence; a need for all organisations involved in the development and implementation of the NMP to work to agreed high quality data management standards; regular updating of Scotland's Marine Atlas;
- More guidance to show how national strategic and sectoral objectives should be dealt with under regional planning;
- A list of definitions and their consistent application throughout the NMP; also that there is consistency with other relevant documentation;
- Sectoral objectives should focus on the role of the sector in the delivery of sustainable marine planning
- There is a need for objectives and policies relating to mitigation and adaptation to climate change;

- A need for direction on how cumulative effects will be addressed through marine planning and licensing;
- A need for recognition of geodiversity;
- An environment-specific sector chapter that more effectively integrates environmental issues within the NMP;
- Concerns over the compatibility of sectoral objectives;
- That environmental information required to be provided under Aarhus has not been provided in the Draft NMP.

21.4 Two respondents in the industry/ transport sector noted that the reference to the IMO Convention for Ballast Water Management should be removed as the UK has not signed up to this. Also, that the NMP should provide for the mapping and future safeguarding of key shipping routes.

21.5 A small number of respondents noted their dissatisfaction with the consultation process, because of a perceived lack of public consultation and poor marketing of the consultation events. Two respondents commented on bias in the structure of the Project Advisory Group, which was perceived to be comprised of organisations based in the north or highlands of Scotland.

APPENDICES

APPENDIX 1: THE CONSULTATION QUESTIONNAIRE

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

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

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?

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?

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?

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?

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

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?

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

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

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?

Sea Fisheries

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

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

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?

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

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?

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

Oil & Gas

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

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

Carbon Capture & Storage (CCS)

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

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

Offshore Renewable Energy

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

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

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

Recreation and Tourism

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

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

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?

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

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

Telecommunication Cables

Q31. Do you have any comments on Telecommunications Chapter 14?

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

Defence

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

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

Aggregates

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

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

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.

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 38 in what way do you believe that the creation of a Scottish National Marine Plan is discriminatory?

Sustainability Appraisal

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

APPENDIX 2: LIST OF ORGANISATIONS

Organisation Name
Aberdeen Council
Aberdeen Harbour Board
Aberdeenshire Council
Aggregate Industries UK Ltd
Aquamarine Power
Argyll & Bute Council
Associated British Ports
Association of Salmon Fishery Boards
Banff & Macduff Community Council
BEFS (Built Environment Forum Scotland)
British Marine Aggregates Producers Association
British Ports Association
British Sub Aqua Club
Carbon & Capture Storage Association
CEFAS (Centre for Environment, Fisheries & Aquaculture Science)
City of Edinburgh Council
Clyde Fishermen's Association
City of Edinburgh Council
Community of Arran Seabed (COAST)
Coast Hebrides
Comhairle nan Eilean Siar
COSLA
DP Energy
Dumfries & Galloway Council
Dunbar Fishermen's Association
East Coast Inshore Fisheries Group
East Lothian Council Archaeology Service
EDF Energy
EDP Renewables UK
East Grampian Coastal Partnership
Fair Isle Marine Environment & Tourism Initiative
Fife Council
Firth of Clyde Forum
Fjordr Limited
Forth Estuary Forum
Forth Ports limited
Highlands & Islands Enterprise
Highland Council
Inshore Fisheries Group
Institute for Archaeologists
Joint Nautical Archaeology Policy Committee
Joint Nature Conservation Committee
Kirkmaiden Community Council
Law Society of Scotland
Mallaig & North West Fishermen's Association
Marine Conservation Society

Marine Harvest
MEDIN (Marine Environmental Data and Information Network)
Moray Firth & North Coast Inshore Fisheries Group
Moray Firth Partnership
NAFC Marine centre
National Grid
National Trust for Scotland
Natural Resources Wales
National Federation of Fishermen's Organisation
No Tiree Array
North Ayrshire Council
North West IFG
Northern Lighthouse Board
Orkney Fisheries Association
Orkney Islands Council
Orkney Trout Fishing Association
Pelamis Wave Power Ltd
Planning Aid Scotland
Head of Planning Scotland (HOPS)
Quaternary Research Association
Royal Commission on the Ancient and Historic Monuments of Scotland.
Renfrewshire Council
Royal Yachting Association Scotland
Royal Society for the Protection of Birds Scotland
Royal Town Planning Institute
Scottish Association for Marine Science
Scottish Environment LINK
Scottish Fishermens Association
Scottish Canals
Scottish Carbon Capture and Storage
Scottish Enterprise
Scottish Geodiversity Forum
Scottish Natural Heritage
Scottish Power Renewables
Scottish Renewables
Scottish Salmon Producers Organisation
Scottish Sports Association
Scottish Water
Scottish Wildlife Trust
Seafood Shetland
Seagreen Wind Energy
Scottish Environment Protection Agency
Sea Fish Industry Authority (SFIA)
Shellfish Association of Great Britain
Shetland Fishermen's Federation
Shetland Islands Council
Solway Firth Partnership
South Ayrshire Council
Sport Scotland

Scottish Sea Angling Conservation Network
Scottish and Southern Electricity
Subsea Cables UK
Scottish White Fish Producers Association
Tay Estuary Forum
Tayside Biodiversity Partnership
The Crown Estate
The Royal Society of Edinburgh
The Scottish Salmon Company
UK Chamber of Shipping/British Rig Owners Association
UK Major Ports Group
University of Aberdeen
Wigtown Community Council
World Wildlife Fund
16 responses from individuals



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