



The Scottish
Government
Riaghaltas na h-Alba

Scotland's National Marine Plan

A Single Framework for Managing Our Seas

A Summary of
Objectives and Policies



marinescotland

Scotland's **National Marine Plan**

A Single Framework for Managing Our Seas

**A Summary of
Objectives and Policies**

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Scotland's National Marine Plan

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*This document contains a summary of Policies and Objectives set out in the National Marine Plan. However, detailed map references and footnotes have been removed. Please refer to the National Marine Plan for all map references and footnotes.

Strategic Objectives

Marine Strategy Framework Directive: Good Environmental Status Descriptors

Good Environmental Status Descriptors

- Biological diversity is maintained and recovered where appropriate. The quality and occurrence of habitats and the distribution and abundance of species are in line with prevailing physiographic, geographic and climatic conditions. (GES 1)
- Non-indigenous species introduced by human activities are at levels that do not adversely alter the ecosystems. (GES 2)
- Populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock. (GES 3)
- All elements of the marine food webs, to the extent that they are known, occur at normal abundance and diversity and levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity. (GES 4)
- Human-induced eutrophication is minimised, especially adverse effects thereof, such as losses in biodiversity, ecosystem degradation, harmful algal blooms and oxygen deficiency in bottom waters. (GES 5)
- Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected. (GES 6)
- Permanent alteration of hydrographical conditions does not adversely affect marine ecosystems. (GES 7)
- Concentrations of contaminants are at a levels not giving rise to pollution effects. (GES 8)
- Contaminants in fish and other seafood for human consumption do not exceed levels established by Community legislation or other relevant standards. (GES 9)
- Properties and quantities of marine litter do not cause harm to the coastal and marine environment. (GES 10)
- Introduction of energy, including underwater noise, is at levels that do not adversely affect the marine environment. (GES 11)

Strategic Objectives

High-level Marine Objectives

Achieving a sustainable marine economy

- Infrastructure is in place to support and promote safe, profitable and efficient marine businesses. (HLMO 1)
- The marine environment and its resources are used to maximise sustainable activity, prosperity and opportunities for all, now and in the future. (HLMO 2)
- Marine businesses are taking long-term strategic decisions and managing risks effectively. They are competitive and operating efficiently. (HLMO 3)
- Marine businesses are acting in a way which respects environmental limits and is socially responsible. This is rewarded in the marketplace. (HLMO 4)

Ensuring a strong, healthy and just society

- People appreciate the diversity of the marine environment, its seascapes, its natural and cultural heritage and its resources and act responsibly. (HLMO 5)
- The use of the marine environment is benefiting society as a whole, contributing to resilient and cohesive communities that can adapt to coastal erosion and flood risk, as well as contributing to physical and mental wellbeing. (HLMO 6)
- The coast, seas, oceans and their resources are safe to use. (HLMO 7)
- The marine environment plays an important role in mitigating climate change. (HLMO 8)
- There is equitable access for those who want to use and enjoy the coast, seas and their wide range of resources and assets, and recognition that for some island and peripheral communities the sea plays a significant role in their community. (HLMO 9)
- Use of the marine environment will recognise, and integrate with, defence priorities, including the strengthening of international peace and stability and the defence of the United Kingdom and its interests. (HLMO 10)

Living within environmental limits

- Biodiversity is protected, conserved and, where appropriate, recovered, and loss has been halted. (HLMO 11)
- Healthy marine and coastal habitats occur across their natural range and are able to support strong, biodiverse biological communities and the functioning of healthy, resilient and adaptable marine ecosystems. (HLMO 12)
- Our oceans support viable populations of representative, rare, vulnerable and valued species. (HLMO 13)

Promoting good governance

- All those who have a stake in the marine environment have an input into associated decision-making. (HLMO 14)
- Marine, land and water management mechanisms are responsive and work effectively together for example through integrated coastal zone management and river basin management plans. (HLMO 15)
- Marine management in the UK takes account of different management systems that are in place because of administrative, political or international boundaries. (HLMO 16)
- Marine businesses are subject to clear, timely, proportionate and, where appropriate, plan-led regulation. (HLMO 17)
- The use of the marine environment is spatially planned where appropriate and based on an ecosystems approach which takes account of climate change and recognises the protection and management needs of marine cultural heritage according to its significance. (HLMO 18)

Using sound science responsibly

- Our understanding of the marine environment continues to develop through new scientific and socio-economic research and data collection. (HLMO 19)
- Sound evidence and monitoring underpins effective marine management and policy development. (HLMO 20)
- The precautionary principle is applied consistently in accordance with the UK Government and Devolved Administrations' sustainable development policy. (HLMO 21)

General Policies

The Scottish Government's commitment to sustainable development is reflected in its Purpose. It is also reflected in the continuing support for the five guiding principles set out in the UK's shared framework for sustainable development:

Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a **strong, healthy and just society** capable of **living within environmental limits**.

Marine planning should contribute to sustainable development and use of marine resources by enabling development and use that balances costs and benefits. Development and use, provided it is undertaken in the right place and at the right time, can provide multiple benefits.

The presumption in favour of sustainable development and use is presented as an overarching general planning principle of the Plan. The General Policies are considered necessary to achieve sustainable development and use. As sustainability is an overarching principle, the environmental, social and economic policies of the Plan are intended to be complementary with one another as elements of sustainability. They are presented according to the five guiding principles and categories of the High Level Marine Objectives.

All text in this chapter should be considered as planning policy. The policies apply to all development and use and are supplemented by the policies in the sector chapters. Unless otherwise stated, policies apply to both inshore and offshore waters.

GENERAL PLANNING PRINCIPLE

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

This principle is relevant to all marine activities, but is especially relevant for the key growth sectors which Scotland specialises in. These include aquaculture and fisheries as food sectors; oil and gas and renewable energy activities; and tourism. Many of these sectors are particularly important in more remote areas of Scotland. The principle is equally relevant to existing and established activities as well as emerging activity and should be applied equally across all activity, subject to objectives and policies of the Plan.

Development and use of the marine area should be consistent with the Plan. This will help activity and businesses to grow while ensuring activities are undertaken in a sustainable manner that protects and enhances Scotland's natural and historic marine environment. It will also provide greater certainty as to how proposals relating to the marine environment will be considered by planning and consenting authorities.

Achieving a sustainable economy

GEN 2 Economic benefit: Sustainable development and use which provides economic benefit to Scottish communities is encouraged when consistent with the objectives and policies of the Plan.

GEN 3 Social benefit: Sustainable development and use which provides social benefits is encouraged when consistent with the objectives and policies of the Plan.

Sustainable development and use of the marine environment can provide multiple economic benefits at a community and national level, including economic growth, skills development, employment, maintaining or increasing population levels and opportunities for investment and trade.

The economic benefit of proposed development and use should be considered carefully and taken into account, appropriately and proportionately, in marine decision making.

Particular consideration should be given to opportunities that aim to provide benefit to communities, including local job creation and local training either directly or through supply chain projects.

Social benefits include those directly associated with economic growth such as increased wealth, improved quality of life and community regeneration. However, benefits of an intrinsic nature such as health and wellbeing associated with the natural and historic environment, a choice of location and lifestyle, sport and recreation are also important. Social benefits apply not only to coastal communities but also to those who travel to and use the marine and coastal environment for employment or leisure.

The social benefit of proposed developments and increasing use should be considered carefully and taken into account, appropriately and proportionately, in marine decision making. Consideration should be given where industries and developers assist in supporting the development of onshore infrastructure, helping to achieve community cohesion and reducing social disparity. The impact of proposed development on existing activities, including those which promote health and wellbeing, should also be taken into account in decision making.

Developers will be expected to co-operate to input into practical scenarios related to the lifecycle of a project (for example construction, operation and maintenance of their development) to allow local communities to understand the socio-economic and environmental implications of a proposed development. Scenario mapping, Strategic Environmental Assessment and Sustainability Appraisal may all be helpful in doing so.

GEN 4 Co-existence: Proposals which enable coexistence with other development sectors and activities within the Scottish marine area are encouraged in planning and decision making processes, when consistent with policies and objectives of the Plan.

As development and use of the marine environment continues to increase, there is likely to be increased competition for space. One approach to managing this is to encourage development proposals which bring together activities which are compatible or synergistic in one location, to make good use of space, i.e. those which involve or allow co-existence, taking account of temporal and spatial issues.

This applies to a wide range of scenarios, including using existing infrastructure as a basis for a new activity, or taking advantage of opportunities now and in the future as technology advances, or for inshore activities to locate further offshore in tandem with other industries.

Opportunities for coexistence and synergies may be identified through existing examples, by sectors as new practices and technologies emerge or by data collection at a national or regional level. Where possible, marine planners and decision makers should encourage development or use which does not result in areas being unsuitable for future use by others (e.g. by considering alternative designs or through licensing decisions and conditions).

Where it becomes apparent that different activities are incompatible or mutually exclusive, some areas may be identified within regional marine plans for preferential use by specific sectors. Any selection of such areas should follow:

- A scoping exercise to determine where potential interactions may occur and the likely effect of interaction.
- An understanding of environmental, planning and other sectoral constraints. Where appropriate, this can be developed through Regional Locational Guidance.
- A consideration of the priorities for development and use of the area, taking account of the feasibility of taking forward expansion.
- Sustainability appraisal considering the potential range of impacts on the environment and the range of other potential users, and others who could be less directly impacted.
- Consideration of any cumulative impact.
- Scenario mapping to understand the impact on the local communities.
- Robust consultation.

Marine planning should not impede existing agreements between sectors and should seek to complement such arrangements where they exist. Where conflict over space or resource exists or arises, marine planning should encourage initiatives between sectors to resolve conflict and take account of agreements where this is applicable.

Regional Policy: regional marine plans should consider:

- Determining sectoral incompatibilities and potential for coexistence of development and activity using appropriate mechanisms such as interactions matrices.
- Identifying areas for preferential use by specific sectors, where appropriate, following consultation and using appropriate mechanisms such as sustainability appraisal and scenario mapping.
- Taking account of cross sectoral agreements with regards to shared usage of the marine area. **<applies to inshore waters only>**

Ensuring a strong, healthy and just society

GEN 5 Climate change: Marine planners and decision makers must act in the way best calculated to mitigate, and adapt to, climate change.

Developers and users of the marine environment should seek to address climate change through:

- **Mitigation:** Marine planners and decision makers should seek to facilitate a transition to a low carbon economy. They should consider ways to reduce emissions of carbon and other greenhouse gasses. This will be of particular relevance in cases of large-scale development and infrastructure projects.
- **Adaptation:** Marine planners and decision makers should be satisfied that developers and users have sufficient regard to the impacts of a changing climate and, where appropriate, provide effective adaptation to its predicted effects. Offshore and coastal developments should be appropriately sited and designed, and use technologies and equipment appropriate for local conditions, now and in the future, giving particular consideration to vulnerability, scale and longevity of operation. The Scottish Climate Change Adaptation Programme should be complied with. Where appropriate, marine planning authorities should be satisfied that adequate risk management and contingency plans are in place, particularly in relation to potential changes in sea temperatures, sea level rise, storminess and extreme water levels, using the best scientific evidence available at the time.

Reducing human pressure and safeguarding ecosystem services such as natural coastal protection and natural carbon sinks (e.g. seagrass beds, kelp and saltmarsh) should be considered. In some cases, compensatory habitat creation or enhancement may be possible and should be considered as a last resort if significant harm cannot be avoided. Appropriate proactive opportunities for enhancing natural carbon sinks and allowing natural coastal change where possible should also be considered.

Regional Policy: regional marine plans should:

- Identify significant natural carbon sinks and seek to avoid colocation with potentially damaging activity; then
- Assess the acceptability of any proposed partial loss or damage to natural carbon sinks (including any compensatory measures) through licensing or management of marine activities, balanced with priorities presented in the Plan and respective regional marine plans.
- Explain how they have taken into account future climate change in terms of climate change adaptation. **<applies to inshore waters only>**

GEN 6 Historic environment: Development and use of the marine environment should protect and, where appropriate, enhance heritage assets in a manner proportionate to their significance.

The historic environment includes all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged. In addition to its cultural value, the historic environment can be a powerful driver for economic growth, attracting investment and tourism and sustaining enjoyable and sustainable places in which to live and work.

Those elements – buildings, monuments, sites or landscapes – that have been identified as holding a degree of significance meriting consideration are called ‘heritage’ assets. Some heritage assets around our coast have a level of interest that has justified statutory designation. There are also many undesignated heritage assets which also contribute positively to the cultural and social dimension of our coasts and seas and to local economies through recreation and tourism.

Marine planning should help to ensure that future marine activities and developments can be carried out in a way that respects the marine historic environment and the setting of important coastal heritage assets. It can also help to increase the social and economic contribution of the heritage assets, for example by encouraging opportunities for public access.

To achieve this, marine planners and decision makers should consider implications and opportunities for the historic environment taking into account the potential impacts of development and use on:

- Designated heritage assets – representing sites of national or international significance for which statutory requirements apply. Designated assets should be protected in situ within an appropriate setting. Substantial loss or harm to designated assets should be exceptional and should only be permitted if this is necessary to deliver social, economic or environmental benefits that outweigh the harm or loss.
- Undesignated heritage assets – those that meet designation criteria or make a positive contribution should also be protected in situ, wherever possible, and consideration given to the potential for new discoveries of historic or archaeological interest to arise.

Proposals for development and use that may affect the historic environment should provide information on the significance of known heritage assets and the potential for new discoveries to arise. They should demonstrate how any adverse impacts will be avoided, or, if not possible, minimised and mitigated. Where it is not possible to minimise or mitigate impacts, the benefits of proceeding with the proposal should be clearly set out.

Where the case for substantial change to a heritage asset is accepted, marine decision-making authorities should require applicants to undertake suitable mitigating actions to record and advance understanding of the significance of the heritage asset before it is lost, in a manner proportionate to that significance. The resulting evidence should be made publicly accessible and copies of reports archived with the Royal Commission on the Ancient and Historical Monuments of Scotland and the adjacent Local Authority archaeology service.

GEN 7 Landscape/seascape: Marine planners and decision makers should ensure that development and use of the marine environment take seascape, landscape and visual impacts into account.

Landscape and seascape are important elements of people's enjoyment of the coastal and marine environment. They are also important as the setting for coastal communities, contributing to sense of place, economic livelihoods and quality of life. Scotland's varied coastal landscapes are internationally renowned and support a valuable recreation and tourism sector.

The Scottish Government is committed to implementing the principles of the European Landscape Convention, which includes seascapes and applies an 'all landscapes approach' that addresses developed, altered and cultural landscapes as well as more natural scenic areas. This does not preclude development or change, but recommends that it is carried out appropriately for the area's landscape character and visual amenity.

Development and use that affect National Scenic Areas, National Parks and World Heritage Sites should only be permitted where:

- It will not adversely affect the integrity of the area or its special qualities for which it has been designated; or
- Any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

In making these judgements, planners and decision makers should have regard to the qualities of the location in question, including any designation. More generally, the siting and design of a development should take account of the local landscape/seascape character and quality. Potential effects on landscapes and seascapes, including cumulative effects should be considered and developers should seek to minimise adverse impacts through careful planning and design, considering the services which the natural environment is providing and maximising the potential for enhancement.

Where development has the potential to impact on wild land, locally designated areas, largely undeveloped coast, areas subject to significant constraints or largely unspoiled areas of coast, Scottish Planning Policy should be considered when planning for, and taking decisions, which may impact on such areas.

Existing Scottish Natural Heritage (SNH) guidance on the principles of good siting and design and examples of emerging good practice should be followed. SNH Landscape Character Assessments and forthcoming SNH guidance on undertaking Coastal Character Assessment also provide useful tools in considering impacts on landscape.

Regional policy: regional marine plans should consider identifying the landscape character types and protected landscapes within the Marine Region and setting out policies to safeguard their special qualities. **<applies to inshore waters only>**

GEN 8 Coastal process and flooding: Developments and activities in the marine environment should be resilient to coastal change and flooding, and not have unacceptable adverse impact on coastal processes or contribute to coastal flooding.

Over the coming decades, much of Scotland's coastline is expected to experience rising sea level, increased extreme water levels and an associated increased flood risk, possibly leading to greater rates of coastal change. Natural change may be compounded by human activities such as dredging, soil deposition, construction and coastal protection measures. While flooding and coastal change cannot be prevented entirely, it can be managed to reduce impacts on people, property, businesses and infrastructure.

Coastal infrastructure should generally be sited in areas less vulnerable to flooding and erosion, although there may be exceptions if a specific location is essential for operational reasons or infrastructure cannot be located elsewhere. Marine planners and decision makers should take account of national flood risk assessment and flood risk and hazard maps, prepared by the Scottish Environment Protection Agency (SEPA), which identify areas at risk of significant flooding (Potentially Vulnerable Areas) along with Local Flood Risk Management Plans.

The Scottish Government is working with SNH and partners to assess coastal change and map vulnerability. Marine planners and stakeholders with an interest in coastal developments should take account of these maps, when available, to ensure priorities in coastal areas are managed in an integrated way.

A precautionary and risk-based approach should be taken in terms of understanding emerging evidence on coastal processes and sea-level rise.

Marine planners and decision makers should also be satisfied that activities and developments will be resilient to risks from coastal change and flooding over their lifetime, and will not have an unacceptable impact on coastal change. They should seek to ensure that any geomorphological changes that an activity or development bring about in coastal processes, including sediment movement and wave patterns, are minimised and mitigated, bearing in mind the potential impact on commercial interests such as fisheries and conservation of the natural environment and key coastal heritage sites. Developments which may affect areas at high risk and increase the probability of coastal change should not be permitted unless the impacts upon the area can be managed effectively.

Wherever possible, flood risk management and coastal protection solutions should work with natural processes and features, encouraging managed realignment of coastal habitats such as sand dunes, salt marshes and mudflats. The protective role of geodiversity, geomorphological and natural features such as kelp beds, biogenic reefs and sandbanks should also be considered alongside opportunities for recovery and enhancement.

As well as offering flood protection, this approach will help adaptation to the effects of climate change, improve resilience of ecosystems, deliver benefits for biodiversity and support ecosystem services more generally. If and where more traditional engineered solutions are required, the appraisal process should seek to fully understand the risks imposed by a changing climate using the most up to date robust evidence. Modelling will be required to estimate the potential impacts of the relevant climate change projections for a specific flood risk protection scheme. Planners and decision makers should be satisfied that coastal processes will not be adversely affected.

Regional policy: Regional marine plans should be aligned with terrestrial development plans and reflect coastal areas likely to be suitable for development, taking into account the most recent flood risk and flood hazard maps, and forthcoming coastal erosion vulnerability mapping. Where relevant, regional marine plans should also reflect areas where managed realignment of coast may be appropriate, setting out the potential benefits such as habitat creation and new recreation opportunities. **<applies to inshore waters only>**

Living within environmental limits

GEN 9 Natural heritage: Development and use of the marine environment must:

- (a) Comply with legal requirements for protected areas and protected species.
- (b) Not result in significant impact on the national status of Priority Marine Features.
- (c) Protect and, where appropriate, enhance the health of the marine area.

Scotland's marine natural resource, biodiversity and geodiversity is a valuable asset delivering a wide range of ecosystem services (see Annex A), which provide a large stock of natural capital and support a variety of recreational and economic activities. Nature conservation measures play an integral role in protecting and enhancing the marine natural environment, ensuring it is healthy, biologically diverse, resilient and productive and that ecosystems continue to provide social, economic and wider benefits for people, industry and society.

Marine planners and other decision makers should act in the way best calculated to further the achievement of sustainable development and use, including the protection and, where appropriate, enhancement of the health of the Scottish marine area. The Strategy for Marine Nature Conservation in Scotland's Seas sets out aims and objectives to achieve this. The Strategy outlines a three-pillar approach to conservation: site protection, species conservation and wider seas policies and measures.

SITE PROTECTION

A network of well managed marine protected areas is being established to meet national objectives and help deliver an ecologically coherent MPA network in the North East Atlantic, contributing to the protection and enhancement of the area to which the Plan applies. The network will comprise of newly designated Marine Protected Areas as well as Natura Sites and marine components of Sites of Special Scientific Interest (SSSI) and Ramsar sites. The management requirements of each of these designation types must be met. These sites, together with other protected areas will make a significant contribution to the protection, enhancement and health of the marine area. Improved health of the marine environment will also lead to increased resilience of ecosystems to climate change.

Natura 2000 Sites

Sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 network of protected areas. Any plan or project likely to have a significant effect on these sites, which is not directly connected with or necessary to their conservation management, must be subject to an 'appropriate assessment' of their implications for the site in view of its conservation objectives. Such plans or proposals may only be approved if the competent authority has ascertained by means of an 'appropriate assessment' that there will be no adverse effect on the integrity of the site.

A derogation is available for authorities to approve plans or projects which could adversely affect the integrity of a Natura site if:

- there are no alternative solutions;
- there are imperative reasons of overriding public interest, including those of a social or economic nature; and
- compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

If an authority wishes to use this derogation, Scottish Ministers must be notified. For sites hosting a priority habitat or species (as defined in Article 1 of the Habitats Directive), prior consultation with the European Commission via Scottish Ministers is required unless either the proposal is necessary for public health or safety reasons or it will have beneficial consequences of primary importance to the environment.

Authorities should afford the same level of protection to proposed SACs and SPAs (i.e. sites which have been approved by Scottish Ministers for formal consultation but which have not yet been designated) as they do to sites which have been designated.

Marine Protected Areas

Marine Protected Areas (MPAs) are those designated under the Marine Acts to protect features of importance to Scotland and which will contribute to an ecologically coherent network of sites. MPAs are identified according to the guidelines on the selection and development of the MPA network.

The Marine Acts place a duty on all regulators to ensure that there is no significant risk of hindering the achievement of the conservation objectives of an MPA before giving consent to an activity. Where an ongoing activity presents a significant risk of hindering the achievement of the conservation objectives of an MPA there will be a management intervention. This intervention will be practical and proportionate, utilising the most appropriate statutory mechanism to reduce the risk. Detailed guidance can be found in Marine Scotland's Nature Conservation Marine Protected Areas Draft Management Handbook.

Sites of Special Scientific Interest

Development that affects a Site of Special Scientific Interest should only be permitted where:

- the objectives of designation and the overall integrity of the area will not be compromised; or
- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

Locally Designated Sites

Locally designated natural heritage areas reflect areas of at least local importance. Where it is appropriate to do so, the Scottish Planning Policy approach to local designations should be considered.

Other Policies for all Protected Areas

In addition to complying with legal obligations for protected areas, management plans and guidance on protected areas should be followed to contribute to the achievement of site objectives. All Ramsar sites are also Natura sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.

SPECIES PROTECTION

The presence (or potential presence) of a legally protected species is an important consideration. If there is evidence to suggest that a protected species is present or may be affected by a proposed development, steps must be taken to establish their presence. The level of protection afforded by legislation must be factored into the planning and design of the development and any impacts must be fully considered prior to the determination of the application.

Certain activities in territorial waters (e.g. those involving European Protected Species as specified in the Conservation (Natural Habitats etc.) Regulations 1994, and wild birds, protected animals and plants under the Wildlife and Countryside Act 1981) may only be undertaken under licence. Equivalent provisions for birds and European Protected Species under the offshore regulations need to be followed in the Scottish offshore zone in accordance with the Offshore Marine Conservation (Natural habitats, &c.) Regulations 2007.

For certain species deliberate or reckless disturbance or harassment is prohibited and can only be carried out in accordance with the terms of a licence. Marine Scotland's Guidance on Protection of Marine European Protected Species from Injury and Disturbance must be followed. The principles in this Guidance may also be of relevance to other species such as basking shark.

Guidance on harassment at designated seal haul out sites should be taken into account. Seal conservation areas should also be taken into account, as should recommended techniques for assessing acceptable levels of man-made pressures.

WIDER SEAS MEASURES

Marine planning can deliver significant improvements to management of our seas by contributing to improvement in the status of Priority Marine Features (PMFs) and their associated habitats, species and ecosystems.

Priority Marine Features are species and habitats which have been identified as being of conservation importance to Scotland. Most are a subset of species and habitats identified on national, UK or international lists. They provide a new focus for marine conservation in Scotland. The list does not currently include wild birds species, which are protected under the EU Birds Directive. Impacts of development and use on the national status of Priority Marine Features must be considered when decisions are being made, taking account of the advice of Statutory Advisors. Where planned developments or use have potential to impact PMFs, mitigation, including alternative locations, should be considered. Actions should be taken to enhance the status of PMFs where appropriate.

Consideration should be given to opportunities to enhance biodiversity and associated ecosystem services, including recovery and/or enhancement of degraded habitats or species populations.

The descriptors and targets for the achievement of Good Environmental Status (GES) under the Marine Strategy Framework Directive are also relevant to the wider seas approach to nature conservation. Development in, and use of, the marine environment must not compromise the achievement or maintenance of GES for UK waters.

GEODIVERSITY

Geodiversity provides many ecosystem services, such as a diversity of seabed habitats and physical features necessary for the existence of important marine life, the basis for energy development and the attenuation of erosive forces close to shore.

Marine planning should consider opportunities to protect important geodiversity features and prevent deterioration or enhance where appropriate. Where geodiversity features are qualifying or protected features of designated sites, activities must be managed accordingly under the relevant legislation. Marine planners and decision makers should consider impacts on geology, taking into account their significance. Substantial loss or harm should be exceptional and should only be permitted if this is necessary to deliver social, economic or environmental benefits that outweigh the harm or loss.

Regional policy: Regional marine plans should consider:

- Using relevant guidance and data sources to identify, where appropriate, areas that are sensitive to specific types of development or other activity. Particular regard should be given to protected sites, protected species and Priority Marine Features. Spatial policies should take account of the sensitivities identified.
- Developing policies that contribute to the achievement of Conservation Objectives for designated sites within the MPA network.
- Recognising the role of habitats and species in providing and supporting ecosystem services and consider opportunities to enhance these services. **<applies to inshore waters only>**

GEN 10 Invasive non-native species: Opportunities to reduce the introduction of invasive non-native species to a minimum or proactively improve the practice of existing activity should be taken when decisions are being made.

Invasive non-native species can cause damage to the environment, economy and health. Control is expensive and not always possible, especially in the marine environment where internationally agreed prevention measures may be needed. 'Prevention, rapid response, control' is the hierarchical approach to management of invasive non-natives currently employed. Good biosecurity practice should consider the risk of planned activities establishing new pathways for the spread of invasive non-natives and is essential. Biosecurity measures must be established in any instance where a new route for invasive non-native species is determined. SNH guidance is available for producing site and operation-based biosecurity plans for preventing the introduction of non-native species.

The Code of Practice on Non-Native Species for Scotland, species control agreements and orders (under the Wildlife and Natural Environment (Scotland) Act) and international guidelines should be used where relevant to the marine environment.

GEN 11 Marine litter: Developers, users and those accessing the marine environment must take measures to address marine litter where appropriate. Reduction of litter must be taken into account by decision makers.

Marine litter poses a number of detrimental problems across the economy, environment and society. These include ingestion by and entanglement of, wildlife; wider ecosystem deterioration; public health issues; impacts on aesthetics and a wide range of economic impacts across the raft of industries reliant on our coastal and marine environment.

Opportunities to reduce and address marine litter, with reference to A Marine Litter Strategy for Scotland, should be taken into account in decision making and when marine plans are being developed. In particular the integrity and function of marine and coastal ecosystems should not be compromised by litter and there should be no significant risk to wildlife, communities and human health.

Regional Policy: Regional marine plans should consider identifying measures in place to address marine litter and demonstrating how they contribute to the Marine Litter Strategy. **<applies to inshore waters only>**

GEN 12 Water quality and resource: 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.

Marine planners and decision makers should be satisfied that impacts of development and use on water have been taken into account. With regards to the Water Framework Directive (WFD), reference should be made to the 'ecological status of the water environment' which includes water quality and quantity and changes to water level as well as biological aspects such as the impact of non-native species.

Marine planning and decision making authorities should ensure they have regard to any relevant River Basin Management Plans which implement the WFD and also take account of Shellfish Growing Waters and Bathing Water Directives. Supplementary plans and programmes of measures devised for the river basin district should also be taken into account. They should satisfy themselves where relevant that any development will not cause a deterioration in status of any water to which the WFD applies, subject to the provision of Article 4.7 of that Directive, and should be consistent with the requirements of related Directives of the WFD including those on priority substances and groundwater. Decision makers should seek to mitigate impacts on the quality of shellfish waters, designated bathing waters and areas particularly important for immersion sports from any proposed development. **<applies to inshore waters only>**

The Marine Strategy Framework Directive also introduces requirements for targets on contamination and eutrophication for marine waters out to 200 nautical miles.

GEN 13 Noise: Development and use in the marine environment should avoid significant adverse effects of man-made noise and vibration, especially on species sensitive to such effects.

Noise and vibration has the potential to disturb, or be damaging to, a number of species, although the full extent of this is not known, either at an individual or population level. Consideration should be given to the effects of man-made noise and vibration on marine environment and people, with effective mitigation measures being adopted where appropriate. Mitigating and minimising the effects of noise and vibration on wildlife should be considered, taking account of known sensitivities to particular frequencies and source levels of sound. Significant adverse effects on health should be avoided.

Protection can be advanced with the development of systems for monitoring noise and further research that quantifies the related and cumulative risks to the marine environment. Developers should monitor loud, low to mid frequency (10Hz to 10kHz) impulsive noise. This includes use of seismic airguns, other geophysical surveys (<10kHz), pile driving, explosives and certain acoustic deterrent devices. Details of proposed work should be provided to the Noise Registry.

GEN 14 Air quality: Development and use of the marine environment should not result in the deterioration of air quality and should not breach any statutory air quality limits.

Some development and use may result in increased emissions to air, including particulate matter and gasses. Impacts on relevant statutory air quality limits must be taken into account and mitigation measures adopted, if necessary, to allow an activity to proceed within these limits.

Marine and terrestrial planners should liaise to consider how air quality may be improved, particularly within or adjacent to Air Quality Management Areas.

Promoting good governance

GEN 15 Planning alignment A: Marine and terrestrial plans should align to support marine and land-based components required by development and seek to facilitate appropriate access to the shore and sea.

Alignment of marine and terrestrial plans is required for successful planning and operation of marine industries and activities requiring both land and marine infrastructure, or infrastructure which straddles the jurisdiction of both plan areas. Examples include, but are not limited to, cables or pipelines, aquaculture, ports and harbours, offshore renewables and coastal infrastructure. Maintaining access to the shore and sea is equally important. While access is essential for the economic success of marine industries and consequential social benefits, it is also equally important for recreational activities (many of which are associated with health, wellbeing and sport development) and tourism.

Marine planners should ensure compatibility with plans for any adjoining land planning area and marine region, and should work cross border to ensure compatibility where this is relevant.

When developing proposals, developers and users should be compliant with relevant Local Development Plans. They should also ensure that land based components of a development or infrastructure, such as cables or pipelines which cross the marine/land interface, do not restrict access to the marine area.

Regional Policy: Regional marine plans are required to be compatible with the plans for any adjoining marine region. **<applies to inshore waters only>**

GEN 16 Planning alignment B: Marine plans should align and comply where possible with other statutory plans and should consider objectives and policies of relevant non-statutory plans where appropriate to do so. **<applies to inshore waters only>**

Alignment of marine planning with other planning, regulation and management that affects the use of the marine area and its resources will be important to manage pressures, further environmental health and achieve sustainable development across the coastal area.

Regional Policy: Regional marine plans should consider: relevant non statutory plans or strategies to allow for integration of policies of local relevance to be included for consultation. Examples include, but are not restricted to, shoreline management plans and integrated coastal zone management plans. **<applies to inshore waters only>**

GEN 17 Fairness: All marine interests will be treated with fairness and in a transparent manner when decisions are being made in the marine environment.

The concept of the marine environment and its resources being managed for current and future generations and for the benefit of the nation as a whole is integral to marine planning. The marine planning system therefore operates in the long-term public interest. Marine planning has a role to play balancing competing demands for marine resources and resolution of planning issues will not be able to satisfy all interests all of the time. However, it is fundamental that all interests should be able to participate on an equal basis in the planning and decision making process and that decisions should be taken in a transparent manner.

GEN 18 Engagement: Early and effective engagement should be undertaken with the general public and all interested stakeholders to facilitate planning and consenting processes.

Engagement with the public and other stakeholders should be appropriate, proportionate and meaningful. It should be undertaken as early as possible in planning and consenting processes, taking into account statutory pre-application consultation requirements where these apply, to enable a range of views to be fairly reflected. Marine users and potential users, planners and decision makers, statutory consultees, communities, representative organisations, public bodies, government and the general public should all contribute where necessary. Engagement and the views expressed should be a consideration in decision making. There should be a presumption in favour of publicising applications for marine and terrestrial components of a development together during consenting processes.

Using sound science responsibly

GEN 19 Sound evidence: Decision making in the marine environment will be based on sound scientific and socio-economic evidence.

Marine plans and decision making will be based on a sound evidence base, drawn from a wide range of sources including the scientific community, stakeholders and users of the marine area. New social, economic and environmental and historic information will continue to improve knowledge of the marine environment and the potential impacts and benefits of its use. Gaps in evidence will be addressed through a variety of means, including, but not exclusively, the Marine Scotland Science Strategy, evidence gathered in support of regional planning, and marine research and monitoring mechanisms and stakeholders.

Deployment and monitoring of new technologies and development on a limited basis and limited scale will improve understanding of impacts, mitigations and the potential for sustainability prior to full scale activity. It should be encouraged by planners and decision makers subject to licensing considerations and the policies and objectives of the Plan.

Key evidence bases such as National Marine Plan interactive and Marine Scotland interactive will be updated to reflect current information.

Where evidence is inconclusive and impacts of development or use on marine resources are uncertain, reasonable efforts should be made to fill evidence gaps and decision makers should apply precaution within an overall risk-based approach. This means that if impacts of an activity are uncertain, preventative measures may be required if there is concern that activity may harm human health, living resources, marine ecosystems, interfere with other legitimate uses of the sea or have other social and economic impacts. Modifications to proposals which would eliminate or minimise risk must be considered. The precautions taken should be considered based on risk, by balancing environmental, social and economic costs and benefits and should also take account of legal designations.

GEN 20 Adaptive management: Adaptive management practices should take account of new data and information in decision making, informing future decisions and future iterations of policy.

Characteristics of the marine area may change over time, as may demands on marine resources. Knowledge of the marine environment and the impacts on it will improve as monitoring data becomes available. Adaptive management provides an opportunity to take account of changing demands and emerging information to make sure decision making and new marine plans remain relevant.

Where research, data collection and strategic or project level monitoring identifies issues and brings to light new social, economic or environmental evidence, adaptive management practices should incorporate this in decision making, iterations of policy and new marine plans where appropriate. Evolving technologies, innovation and new techniques should all be considered to ensure a flexible and appropriate approach is taken to marine planning and decision making. Planners and decision makers should recognise the benefits of a stable operating environment and should be as transparent as possible as to the breadth of the evidence base being utilised – and the implications of any emerging evidence.

GEN 21 Cumulative impacts: Cumulative impacts affecting the ecosystem of the marine plan area should be addressed in decision making and plan implementation.

Cumulative impact on a resource and ecosystem service may occur because of a series of developments or activities of the same type or from the combined effects of a mix of different types of activities.

How cumulative impacts should be taken into account

Planning authorities and decision makers will consider the potential cumulative impact of activities and, using best available techniques, whether:

- the cumulative impact of activities, either by themselves over time or in conjunction with others, outweigh the benefits;
- a series of low impact activities would have a significant cumulative impact which outweigh the benefit;
- an activity may preclude the use of the same area/resource for another potentially beneficial activity.

It is expected that the development of regional marine plans and sector development plans will consider these elements through processes such as Sustainability Appraisal and Strategic Environmental Assessment. Appropriate assessment may be required. Impact Assessment of the socio-economic costs and benefits may also be needed, providing further opportunity to consider a range of possible cumulative impacts. At a project level, such consideration will be given through Environmental Impact Assessment and Habitat Regulation Appraisal.

Other considerations

Benefits and adverse effects of a proposal, which may be economic, social or environmental in nature should be provided by the proposing party and weighed using information from a variety of sources to consider different impacts. Cumulative impact assessment may be appropriate even if a project is small where it is reasonably expected to contribute to cumulative impact of existing or proposed activity. However, the level of assessment undertaken for any project should be proportionate to the expected scale and impact of the project as well as the sensitivity of the environment or social or economic effect concerned.

Mitigation may be required depending on the significance of impacts. This should be evaluated in terms of whether there are any potential impacts on the sustainability of the coastal and marine environment, or social wellbeing.

Close working across plan boundaries should exist to allow for cumulative effects of activities in plan boundary areas to be considered.

Sea Fisheries

Objectives and policies for this sector should be read subject to those set out in the General Policies and Strategic Objectives. It is recognised that not all of the objectives can necessarily be achieved directly through the marine planning system, but they are considered important context for planning and decision making.

Objectives

- 1  Fish stocks are harvested sustainably (both environmentally and economically) leading to exploitation of Scotland's commercial fish stocks at Maximum Sustainable Yield and with increased long-term stability.
- 2  A fishing fleet which is seen as an exemplar in global sustainable fishing practices, is confident in securing a long-term income from the available sustainable fishing opportunities across all sectors, and accounts for changes in species distribution and abundance due to climate change.
- 3  The sea fisheries industry can:
 - Optimise annual quota opportunities across Scotland's fish stocks
 - Optimise the sustainable harvesting of wild fish
 - Optimise the value of its product, both on first landing and through the supply chain
 - Optimise the use of fuel by using fuel-efficient gear and vessels
 - Continue to contribute to food security and provision of a healthy food source
- 4  Communities where fishing is a viable career option and value is added throughout the supply chain maximising the contribution fisheries makes to Scotland.
- 5  Management of fisheries on a regional sea-basin ecosystem basis with appropriate stakeholders empowered in the decision making process and, where appropriate, ecosystem-based management of inshore fisheries at local level, on the basis of participative management with interested stakeholders and involving both Marine Planning Partnerships and Inshore Fisheries Groups.
- 6  Fisheries managed in line with international and national environmental priorities.
- 7  An evidence-based approach to fisheries management which is underpinned by a responsible use of sound science and is supported by the whole sector.
- 8  Tackle discarding through the avoidance of unwanted catches and the implementation of the EU's obligation to land all catches of quota stocks in a way which is workable and sensitive to the impacts on fishing practices both offshore and onshore.
- 9  Management of removals rather than landings, where necessary, through fully documented fisheries.

Marine planning policies



FISHERIES 1: Taking account of the EU's Common Fisheries Policy, Habitats Directive, Birds Directive and Marine Strategy Framework Directive, marine planners and decision makers should aim to ensure:

- Existing fishing opportunities and activities are safeguarded wherever possible.
- An ecosystem-based approach to the management of fishing which ensures sustainable and resilient fish stocks and avoids damage to fragile habitats.
- Protection for vulnerable stocks (in particular for juvenile and spawning stocks through continuation of sea area closures where appropriate).
- Improved protection of the seabed and historical and archaeological remains requiring protection through effective identification of high-risk areas and management measures to mitigate the impacts of fishing, where appropriate.
- That other sectors take into account the need to protect fish stocks and sustain healthy fisheries for both economic and conservation reasons.
- Delivery of Scotland's international commitments in fisheries, including the ban on discards.
- Mechanisms for managing conflicts between fishermen and/or between the fishing sector and other users of the marine environment.



FISHERIES 2: The following key factors should be taken into account when deciding on uses of the marine environment and the potential impact on fishing:

- The cultural and economic importance of fishing, in particular to vulnerable coastal communities.
- The potential impact (positive and negative) of marine developments on the sustainability of fish and shellfish stocks and resultant fishing opportunities in any given area.
- The environmental impact on fishing grounds (such as nursery, spawning areas), commercially fished species, habitats and species more generally.
- The potential effect of displacement on: fish stocks; the wider environment; use of fuel; socio-economic costs to fishers and their communities and other marine users.



FISHERIES 3: Where existing fishing opportunities or activity cannot be safeguarded, a Fisheries Management and Mitigation Strategy should be prepared by the proposer of development or use, involving full engagement with local fishing interests (and other interests as appropriate) in the development of the Strategy. All efforts should be made to agree the Strategy with those interests. Those interests should also undertake to engage with the proposer and provide transparent and accurate information and data to help complete the Strategy. The Strategy should be drawn up as part of the discharge of conditions of permissions granted.

The content of the Strategy should be relevant to the particular circumstances and could include:

- An assessment of the potential impact of the development or use on the affected fishery or fisheries, both in socio-economic terms and in terms of environmental sustainability.
- A recognition that the disruption to existing fishing opportunities/activity should be minimised as far as possible.
- Reasonable measures to mitigate any constraints which the proposed development or use may place on existing or proposed fishing activity.
- Reasonable measures to mitigate any potential impacts on sustainability of fish stocks (e.g. impacts on spawning grounds or areas of fish or shellfish abundance) and any socio-economic impacts.

Where it does not prove possible to agree the Strategy with all interests, the reasons for any divergence of views between the parties should be fully explained in the Strategy and dissenting views should be given a platform within the Strategy to make their case.

 FISHERIES 4: Ports and harbours should seek to engage with fishing and other relevant stakeholders at an early stage to discuss any changes in infrastructure that may affect them. Any port or harbour developments should take account of the needs of the dependent fishing fleets with a view to avoiding commercial harm where possible. Where a port or harbour has reached a minimum level of infrastructure required to support a viable fishing fleet, there should be a presumption in favour of maintaining this infrastructure, provided there is an ongoing requirement for it to remain in place and that it continues to be fit for purpose.

 FISHERIES 5: Inshore Fisheries Groups (IFGs) should work with all local stakeholders with an interest to agree joint fisheries management measures. These measures should inform and reflect the objectives of regional marine plans. **<applies to inshore waters>**

Regional Policy: Regional marine plans should consider:

- Whether they require to undertake further work on any data gaps in relation to fishing activity within their region.
- The potential socio-economic impacts for the local fishing industry (and parts of the industry using their area) of any proposed activity or conservation measure.
- How to include local Inshore Fisheries Groups as a key part of their planning process.
- The potential consequences and impacts for other marine regions; and for offshore regions of their approach to planning for fisheries.
- Taking account of ongoing local initiatives, such as Clyde 2020, which may be relevant to their work. **<applies to inshore waters>**

Aquaculture

Objectives and policies for this sector should be read subject to those set out in the General Policies and Strategic Objectives. It is recognised that not all of the objectives can necessarily be achieved directly through the marine planning system, but they are considered important context for planning and decision making.

Objectives

- 1  An aquaculture industry that is sustainable, diverse, competitive economically viable and which contributes to food security whilst minimising environmental impact.
- 2  With due regard to the marine environment and carrying capacity, support for the industry's target to grow marine finfish (including farmed Atlantic salmon) production sustainably to 210,000 tonnes; and shellfish, particularly mussels, to 13,000 tonnes sustainably by 2020.
- 3  A proportionate and transparent regulatory framework within which the industry can achieve these targets.
- 4  Quality employment and sustainable economic activity in remote and rural areas, as well as more widely in Scotland.
- 5  Improve business confidence and industry investment and reduce environmental impact by identifying areas where sustainable aquaculture growth is optimal, taking account of key resource and constraints considerations.
- 6  Maximise benefits to Scotland and to local communities from the Scottish aquaculture value chain.
- 7  Support research and development, including trials and technical innovation, to improve knowledge and understanding of the requirements for sustainability of the industry, with a particular focus on the issues of sea lice, containment and interactions with other activities.

Marine planning policies

    AQUACULTURE 1: Marine planners and decision makers should seek to identify appropriate locations for future aquaculture development and use, including the potential use of development planning briefs as appropriate. System carrying capacity (at the scale of a water body or loch system) should be a key consideration.

   AQUACULTURE 2: Marine and terrestrial development plans should jointly identify areas which are potentially suitable and sensitive areas which are unlikely to be appropriate for such development, reflecting Scottish Planning Policy and any Scottish Government guidance on the issue. There is a continuing presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species.

   AQUACULTURE 3: In relation to nutrient enhancement and benthic impacts, as set out under Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters, fish farm development is likely to be acceptable in Category 3 areas, subject to other criteria being satisfied. A degree of precaution should be applied to consideration of further fish farming development in Category 2 areas and there will be a presumption against further fish farm development in Category 1 areas.

  AQUACULTURE 4: There is a presumption that further sustainable expansion of shellfish farms should be located in designated shellfish waters if these have sufficient capacity to support such development.

  AQUACULTURE 5: Aquaculture developments should avoid and/or mitigate adverse impacts upon the seascape, landscape and visual amenity of an area, following SNH guidance on the siting and design of aquaculture.

  AQUACULTURE 6: New aquaculture sites should not bridge Disease Management Areas although boundaries may be revised by Marine Scotland to take account of any changes in fish farm location, subject to the continued management of risk.

   AQUACULTURE 7: Operators and regulators should continue to utilise a risk based approach to the location of fish farms and potential impacts on wild fish.

 AQUACULTURE 8: Guidance on harassment at designated seal haul out sites should be taken into account and seal conservation areas should also be taken into account in site selection and operation. Seal licences will only be granted where other management options are precluded or have proven unsuccessful in deterrence.

 AQUACULTURE 9: Consenting and licensing authorities should be satisfied that appropriate emergency response plans are in place.

 AQUACULTURE 10: Operators should carry out pre-application discussion and consultation, and engage with local communities and others who may be affected, to identify and, where possible, address any concerns in advance of submitting an application.

 AQUACULTURE 11: Aquaculture equipment, including but not limited to installations, facilities, moorings, pens and nets must be fit for purpose for the site conditions, subject to future climate change. Any statutory technical standard must be adhered to. Equipment and activities should be optimised in order to reduce greenhouse gas emissions.

 AQUACULTURE 12: Applications which promote the use of sustainable biological controls for sea lice (such as farmed wrasse) will be encouraged.

 AQUACULTURE 13: Proposals that contribute to the diversification of farmed species will be supported, subject to other objectives and policies being satisfied.

 AQUACULTURE 14: The Scottish Government, aquaculture companies and Local Authorities should work together to maximise benefit to communities from aquaculture development.

Regional policy: Regional marine plans should consider the potential for sustainable growth of aquaculture in their region, taking into account the policies set out above, and working in close partnership with terrestrial planners, SEPA, Marine Scotland, SNH and other regulators.

<applies to inshore waters>

Wild Salmon and Diadromous Fish

Objectives and policies for this sector should be read in conjunction with those set out in the General Policies and Strategic Objectives. It is recognised that not all of the objectives can necessarily be achieved directly through the marine planning system, but they are considered important context for planning and decision making.

Objectives



An appropriate management and regulatory framework is in place to sustainably manage salmon and diadromous fish and fisheries resources to provide significant economic and social benefits for the people of Scotland.



Maintain healthy salmon and diadromous fish stocks (and improve stocks where possible) in support of sustainable fisheries through sound science-based management.



Better understand interactions with other activities in marine and coastal areas and resolve key issues.

Marine planning policies



WILD FISH 1: The impact of development and use of the marine environment on diadromous fish species should be considered in marine planning and decision making processes. Where evidence of impacts on salmon and other diadromous species is inconclusive, mitigation should be adopted where possible and information on impacts on diadromous species from monitoring of developments should be used to inform subsequent marine decision making.

Oil and Gas

Objectives and policies for this sector should be read subject to those set out in the General Policies and Strategic Objectives. It is recognised that not all of the objectives can necessarily be achieved directly through the marine planning system, but they are considered important context for planning and decision making.

Objectives

- 1  Maximise the recovery of reserves through a focus on industry-led innovation, enhancing the skills base and supply chain growth.
- 2  An industry which delivers high-level risk management across all its operations and that it is especially vigilant in more testing current and future environments.
- 3  Continued technical development of enhanced oil recovery and exploration, and the associated seismic activity carried out according to the principles of the Best Available Technique (BAT) and Best Environmental Practice approach.
- 4  Where possible, to work with emerging sectors to transfer the experience, skills and knowledge built up in the oil and gas industry to allow other sectors to benefit and reduce their environmental impact.

Marine planning policies

 OIL & GAS 1: The Scottish Government will work with DECC, the new Oil and Gas Authority and the industry to maximise and prolong oil and gas exploration and production whilst ensuring that the level of environmental risks associated with these activities are regulated. Activity should be carried out using the principles of Best Available Technology (BAT) and Best Environmental Practice. Consideration will be given to key environmental risks including the impacts of noise, oil and chemical contamination and habitat change.

 OIL & GAS 2: Where re-use of oil and gas infrastructure is not practicable, either as part of oil and gas activity or by other sectors such as carbon capture and storage, decommissioning must take place in line with standard practice, and as allowed by international obligations. Re-use or removal of decommissioned assets from the seabed will be fully supported where practicable and adhering to relevant regulatory process.

 OIL & GAS 3: Supporting marine and coastal infrastructure for oil and gas developments, including for storage, should utilise the minimum space needed for activity and should take into account environmental and socio-economic constraints.

 OIL & GAS 4: All oil and gas platforms will be subject to 9 nautical mile consultation zones in line with Civil Aviation Authority guidance.

 OIL & GAS 5: Consenting and licensing authorities should have regard to the potential risks, both now and under future climates, to oil and gas operations in Scottish waters, and be satisfied that installations are appropriately sited and designed to take account of current and future conditions.

 OIL & GAS 6: Consenting and licensing authorities should be satisfied that adequate risk reduction measures are in place, and that operators should have sufficient emergency response and contingency strategies in place that are compatible with the National Contingency Plan and the Offshore Safety Directive.

Regional policy: Regional marine plans should consider:

- The positive and negative impacts of any oil and gas activity in their area and the implications for other development and use.
- The implications of the transition to a low carbon economy for their area including the longer-term reduction of oil and gas activity, but also incorporating opportunities to re-use existing infrastructure and promote skills transfer to support emerging industries such as renewables and CCS. **<applies to inshore waters>**

Carbon Capture and Storage (CCS)

Objectives and policies for this sector should be read subject to those set out in the General Policies and Strategic Objectives. It is recognised that not all of the objectives can necessarily be achieved directly through the marine planning system, but they are considered important context for planning and decision making.

Objectives

- 1   Safe, cost-effective, and timely deployment of Carbon Capture and Storage (CCS), assisting the delivery of Scotland's climate change objectives and positioning the North Sea as Europe's principal hub for surplus CO₂ storage, servicing electricity generators and heavy industry from sources throughout Europe.
- 2   CCS available as a realistic low carbon deployment option for electricity generation in advance of 2020, and support the decarbonisation of electricity generation by 2030, without affecting the security of supply.
- 3   Scotland at the forefront of the development and deployment of CCS technology, putting in place successful commercialisation projects, which promote the utilisation of existing infrastructure.
- 4   To further develop CCS technology as a potential source of large scale CO₂ supply for use in Enhanced Oil Recovery processes in the North Sea.
- 5   Initiate an Environmental Assessment, with relevant agencies, to allow early consideration of the environmental issues with deployment of CCS.

Marine planning policies

  CCS 1: CCS commercialisation projects or developments should be supported through an alignment of marine and terrestrial planning processes, particularly where proposals allow timely deployment of CCS to re-use suitable existing redundant oil and gas infrastructure.

   CCS 2: Consideration should be given to the development of marine utility corridors which will allow CCS to capitalise, where possible, on current infrastructure in the North Sea, including shared use of spatial corridors and pipelines.

Regional policy: Regional marine plans should consider the potential for CCS commercialisation within their area, particularly in light of the expected future activity set out in NPF3. **<applies to inshore waters>**

Offshore Wind and Marine Renewable Energy

Objectives and policies for this sector should be read subject to those set out in the General Policies and Strategic Objectives. It is recognised that not all of the objectives can necessarily be achieved directly through the marine planning system, but they are considered important context for planning and decision making.

Objectives

- 1    Sustainable development of offshore wind, wave and tidal renewable energy in the most suitable locations.
- 2   Economic benefits from offshore wind, wave and tidal energy developments maximised by securing a competitive local supply chain in Scotland.
- 3   Alignment of marine and terrestrial planning and efficient consenting and licensing processes including but not limited to data sharing, engagement and timings, where possible.
- 4  Aligned marine and terrestrial electricity transmission grid planning and development in Scottish waters.
- 5  Contribute to achieving the renewables target to generate electricity equivalent to 100% of Scotland's gross annual electricity consumption from renewable sources by 2020.
- 6  Contribute to achieving the decarbonisation target of 50gCO₂/kWh by 2030 (to cut carbon emissions from electricity generation by more than four-fifths).
- 7    Sustainable development and expansion of test and demonstration facilities for offshore wind and marine renewable energy devices.
- 8    Co-ordinated government and industry-wide monitoring.

Marine planning policies

SPATIAL PLANNING

    **RENEWABLES 1:** Proposals for commercial scale offshore wind and marine renewable energy development should be sited in the Plan Option areas identified through the Sectoral Marine Plan process. Plan Options are considered the preferred strategic locations for the sustainable development of offshore wind and marine renewables. This preference should be taken into account by marine planners and decision makers if alternative development or use of these areas is being considered. Proposals are subject to licensing and consenting processes.

   **RENEWABLES 2:** Sites with agreements for lease for wave and tidal energy development in the Pentland Firth Strategic Area must be taken into account by marine planners and decision makers if alternative use of these areas, or use which would affect access to these areas, is being considered. Proposals are subject to licensing and consenting processes. Regional Locational Guidance and the Pentland Firth and Orkney Waters Marine Spatial Plans should also be taken into account when reaching decisions.

    **RENEWABLES 3:** Marine planners and decision makers should consider proposals for sustainable development of test and demonstration for offshore wind and marine renewable energy development on a case-by-case basis where sites are identified. This preference should be taken into account by marine planners and decision makers if alternative development or use of these areas is being considered. Regional Locational Guidance should be taken into account and proposals are subject to licensing and consenting processes.

MARINE LICENSING

  **RENEWABLES 4:** Applications for marine licences and consents relating to offshore wind and marine renewable energy projects should be made in accordance with the Marine Licensing Manual and Marine Scotland's Licensing Policy Guidance.

   **RENEWABLES 5:** Marine planners and decision makers must ensure that renewable energy projects demonstrate compliance with Environmental Impact Assessment and Habitats Regulations Appraisal legislative requirements.

    **RENEWABLES 6:** New and future planned grid connections should align with relevant sectoral and other marine spatial planning processes, where appropriate, to ensure a co-ordinated and strategic approach to grid planning. Cable and network owners and marine users should also take a joined-up approach to development and activity to minimise impacts on the marine historic and natural environment and other users.

   **RENEWABLES 7:** Marine planners and decision makers should ensure infrastructure is fit for purpose now and in future. Consideration should be given to the potential for climate change impacts on coasts vulnerable to erosion.

MAXIMISING BENEFITS FROM OFFSHORE RENEWABLES

  RENEWABLES 8: Developers bringing forward proposals for new developments must actively engage at an early stage with the general public and interested stakeholders of the area to which the proposal relates and of adjoining areas which may be affected.

   RENEWABLES 9: Marine planners and decision makers should support the development of joint research and monitoring programmes for offshore wind and marine renewables energy development.

  RENEWABLES 10: Good practice guidance for community benefit from offshore wind and renewable energy development should be followed by developers, where appropriate.

Regional policy: Regional marine plans should consider:

- Further assessing Plan Options areas against local/updated data knowledge to identify development potential, interactions and compatibility.
- Co-ordinating and developing a better understanding of the interactions between the sector and the environment and other users.
- Ensuring better alignment between marine and terrestrial planning.
- Links to relevant terrestrial plans.
- Grid requirements and onshore infrastructures for grid. Links to strategic grid initiatives and engagement with these, e.g. the North Sea Countries Offshore Grid Initiative could also be supported by regional marine planning.
- Co-ordinating with the Crown Estate on leasing rounds. **<applies to inshore waters>**

Recreation and Tourism

Objectives and policies for this sector should be read subject to those set out in the General Policies and Strategic Objectives. It is recognised that not all the objectives can necessarily be achieved directly through the marine planning system, but they are considered important context for planning and decision making.

Objectives

- 1  Position Scotland as a world class sustainable coastal and marine tourism and recreation destination through the sustainable development of coastal and marine recreation activities and industries in Scotland.
- 2  Protection and enhancement of the unique, natural resources which attract visitors and which are relied upon for recreational activities.
- 3  Promote diversification of the recreation and tourism sector to increase the value of assets in rural towns and exploit opportunities from future climate change.
- 4  Continued and improved access to marine and coastal resources for tourism activities and recreational use.
- 5  Sustainable improvement and/or development of existing or new facilities, encouraging the sharing of facilities and supporting infrastructure and the use of low carbon energy solutions.
- 6  Improved data on marine and coastal recreational activities, including key recreation resources and access points, enabling better targeted and long-term planning for these activities.
- 7  Participation in a range of waterborne recreational activities that support participation and sport development, encourage an appreciation of the environment in which they take place, contribute to life skills and support a healthier nation and increase economic benefit.
- 8  Improved education and understanding of the marine environment for recreational users, including how to enjoy the resource responsibly in accordance with the Marine Wildlife Watching Code and the Scottish Outdoor Access Code.

Marine planning policies

 REC & TOURISM 1: Opportunities to promote sustainable development of marine recreation and tourism should be supported.

   REC & TOURISM 2: The following key factors should be taken into account when deciding on uses of the marine environment and the potential impact on recreation and tourism:

- The extent to which the proposal is likely to adversely affect the qualities important to recreational users, including the extent to which proposals may interfere with the physical infrastructure that underpins a recreational activity.
- The extent to which any proposal interferes with access to and along the shore, to the water, use of the resource for recreation or tourism purposes and existing navigational routes or navigational safety.
- Where significant impacts are likely, whether reasonable alternatives can be identified for the proposed activity or development.
- Where significant impacts are likely and there are no reasonable alternatives, whether mitigation, through recognised and effective measures, can be achieved at no significant cost to the marine recreation or tourism sector interests.

  REC & TOURISM 3: Regional marine plans should identify areas that are of recreational and tourism value and identify where prospects for significant development exist, including opportunities to link to the National Long Distance Walking and Cycle Routes, and more localised and/or bespoke recreational opportunities and visitor attractions.

   REC & TOURISM 4: Marine and terrestrial planners, marine decision makers and developers should give consideration to the facility requirements of marine recreation and tourism activities, including a focus on support for participation and development in sport. Co-operation and sharing infrastructure and/or facilities, where appropriate, with complementary sectors should be supported as should provision of low carbon transport options.

  REC & TOURISM 5: Marine planners and decision makers should support enhancement to the aesthetic qualities, coastal character and wildlife experience of Scotland's marine and coastal areas, to the mutual benefit of the natural environment, human quality of life and the recreation and tourism sectors.

   REC & TOURISM 6: Codes of practice for invasive non-native species and Marine Wildlife Watching should be complied with.

Regional policy: Regional marine plans should consider:

- Identifying thematic links to other regions and acknowledging the different methods of travel across Scotland, e.g. Great Glen route.
- Identifying important areas for protection, provisions and improvements to access and facilities to support the sector.
- Promoting/ensuring better engagement between sectors and other marine users, e.g. Inshore Fisheries Groups and sea anglers.
- Aligning with Tourism Development Areas within Local Development Plans and promote marine based development strategies.
- Promoting education and the use of codes of conduct and good practice guidance, including signage.
- Supporting sustainable tourism including sustainable transport and green tourism.

<applies to inshore waters>

Shipping, Ports, Harbours and Ferries

Objectives and policies for this sector should be read subject to those set out in the General Policies and Strategic Objectives. It is recognised that not all of the objectives can necessarily be achieved directly through the marine planning system, but they are considered important context for planning and decision making.

Objectives

- 1   Safeguarded access to ports and harbours and navigational safety.
- 2   Sustainable growth and development of ports and harbours as a competitive sector, maximising their potential to facilitate cargo movement, passenger movement and support other sectors.
- 3   Safeguarded essential maritime transport links to island and remote mainland communities.
- 4    Linking of ferry services with public transport routes and active travel routes to help encourage sustainable travel where possible.
- 5    Best available technology to mitigate and adapt to climate change, where possible, supporting efficiencies in fleet management and ensuring port infrastructure and shipping services are able to adapt to the consequences of climate change. Consideration of the provision of facilities for shoreside power in new developments to allow for this to be provided when markets require it, if it becomes cost effective to do so.

Marine planning policies

  **TRANSPORT 1:** Navigational safety in relevant areas used by shipping now and in the future will be protected, adhering to the rights of innocent passage and freedom of navigation contained in UN Convention on the Law of the Sea (UNCLOS). The following factors will be taken into account when reaching decisions regarding development and use:

- The extent to which the locational decision interferes with existing or planned routes used by shipping, access to ports and harbours and navigational safety. This includes commercial anchorages and defined approaches to ports.
- Where interference is likely, whether reasonable alternatives can be identified.
- Where there are no reasonable alternatives, whether mitigation through measures adopted in accordance with the principles and procedures established by the International Maritime Organization can be achieved at no significant cost to the shipping or ports sector.

  **TRANSPORT 2:** Marine development and use should not be permitted where it will restrict access to, or future expansion of, major commercial ports or existing or proposed ports and harbours which are identified as National Developments in the current NPF or as priorities in the National Renewables Infrastructure Plan.

Regional marine plans should identify regionally important ports and harbours, giving consideration to social and economic aspects of the port or harbour and the users of the facility subject to policies and objectives of the Plan. Regional plans should consider setting out criteria against which proposed activities and developments should be evaluated.

<applies to inshore waters only>

  **TRANSPORT 3:** Ferry routes and maritime transport to island and remote mainland areas provide essential connections and should be safeguarded from inappropriate marine development and use that would significantly interfere with their operation. Developments will not be consented where they will unacceptably interfere with lifeline ferry services.

  **TRANSPORT 4:** Maintenance, repair and sustainable development of port and harbour facilities in support of other sectors should be supported in marine planning and decision making. **<applies to inshore waters only>**

  **TRANSPORT 5:** Port and harbour operators should take into account future climate change and extreme water level projections, and where appropriate take the necessary steps to ensure their ports and harbours remain viable and resilient to a changing climate. Climate and sea level projections should also be taken into account in the design of any new ports and harbours, or of improvements to existing facilities. **<applies to inshore waters only>**

   **TRANSPORT 6:** Marine planners and decision makers and developers should ensure displacement of shipping is avoided where possible to mitigate against potential increased journey lengths (and associated fuel costs, emissions and impact on journey frequency) and potential impacts on other users and ecologically sensitive areas.

   **TRANSPORT 7:** Marine and terrestrial planning processes should co-ordinate to:

- Provide co-ordinated support to ports, harbours and ferry terminals to ensure they can respond to market influences and provide support to other sectors with necessary facilities and transport links.
- Consider spatial co-ordination of ferries and other modes of transport to promote integrated and sustainable travel options.

Regional policy: Regional marine plans should consider identifying regionally important ports and harbours and setting out criteria against which proposed development and use should be evaluated. **<applies to inshore waters>**

Submarine Cables

Objectives and policies for this sector should be read subject to those set out in the General Policies and Strategic Objectives. It is recognised that not all of the objectives can necessarily be achieved directly through the marine planning system, but they are considered important context for planning and decision making.

Objectives

- 1   Protect submarine cables whilst achieving successful seabed user co-existence.
- 2    Achieve the highest possible quality and safety standards and reduce risks to all seabed users and the marine environment.
- 3   Support the development of a Digital Fibre Network, connecting Scotland's rural and island communities and contributing to world-class connectivity across Scotland.
- 4   Safeguard and promote the global communications network.
- 5    Support the generation, distribution and optimisation of electricity from traditional and renewable sources to Scotland, UK and beyond.

Marine planning policies

   CABLES 1: Cable and network owners should engage with decision makers at the early planning stage to notify of any intention to lay, repair or replace cables before routes are selected and agreed. When making proposals, cable and network owners and marine users should evidence that they have taken a joined-up approach to development and activity to minimise impacts, where possible, on the marine historic and natural environment, the assets, infrastructures and other users. Appropriate and proportionate environmental consideration and risk assessments should be provided which may include cable protection measures and mitigation plans.

Any deposit, removal or dredging carried out for the purpose of executing emergency inspection or repair works to any cable is exempt from the marine licensing regime with approval by Scottish Ministers. However, cable replacement requires a marine licence. Marine Licensing Guidance should be followed when considering any cable development and activity.

   CABLES 2: The following factors will be taken into account on a case by case basis when reaching decisions regarding submarine cable development and activities:

- Cables should be suitably routed to provide sufficient requirements for installation and cable protection.
- New cables should implement methods to minimise impacts on the environment, seabed and other users, where operationally possible and in accordance with relevant industry practice.
- Cables should be buried to maximise protection where there are safety or seabed stability risks and to reduce conflict with other marine users and to protect the assets and infrastructure.
- Where burial is demonstrated not to be feasible, cables may be suitably protected through recognised and approved measures (such as rock or mattress placement or cable armouring) where practicable and cost-effective and as risk assessments direct.
- Consideration of the need to reinstate the seabed, undertake post-lay surveys and monitoring and carry out remedial action where required.

  CABLES 3: A risk-based approach should be applied by network owners and decision makers to the removal of redundant submarine cables, with consideration given to cables being left in situ where this would minimise impacts on the marine historic and natural environment and other users.

  CABLES 4: When selecting locations for land-fall of power and telecommunications equipment and cabling, developers and decision makers should consider the General Policies pertaining to flooding and coastal protection General Policies, and align with those in Scottish Planning Policy and Local Development Plans.

Regional policy: Regional marine plans should consider identifying suitable areas for land fall of submarine cables and integrate with spatial priorities for submarine cables within Local Development Plans. **<applies to inshore waters>**

Defence

Objectives and policies for this sector should be read subject to those set out in the General Policies and Strategic Objectives. It is recognised that not all of the objectives can necessarily be achieved directly through the marine planning system, but they are considered important context for planning and decision making.

Objectives



The Royal Navy, Army and Royal Air Force use Scotland's seas for defence purposes. They require:

- The ability to deploy and develop a flexible and broad range of capabilities.
- The exclusive use of certain areas during particular times of the year.
- The use of exemptions in planning law for the purposes of national security.
- To retain the statutory right to close areas in internal waters and create by-laws for complete closures and exclusions.

Marine planning policies



DEFENCE 1: To maintain operational effectiveness in Scottish waters used by the armed services, development and use will be managed in these areas:

- **Naval areas including bases and ports:** Safety of navigation and access to naval bases and ports will be maintained. The extent to which a development or use interferes with access or safety of navigation, and whether reasonable alternatives can be identified, will be taken into account by consenting bodies. Proposals for development and use should be discussed with the MOD at an early stage in the process.
- **Firing Danger Areas:** Development of new permanent infrastructure is unlikely to be compatible with the use of Firing Danger Areas by the MOD. Permitted activities may have temporal restrictions imposed. Proposals for development and use should be discussed with the MOD at an early stage in the process.
- **Exercise Areas:** Within Exercise Areas, activities may be subject to temporal restrictions. Development and use that either individually or cumulatively obstructs or otherwise prevents the defence activities supported by an exercise area may not be permitted. Proposals for development and use should be discussed with the MOD at an early stage in the process.
- **Communications:** Navigations and surveillance including radar: Development and use which causes unacceptable interference with radar and other systems necessary for national defence may be prohibited if mitigation cannot be determined. Proposals for development and use should be discussed with the MOD at an early stage in the process.



DEFENCE 2: For the purposes of national defence, the MOD may establish by-laws for exclusions and closures of sea areas. In most areas this will mean temporary exclusive use of areas by the MOD. Where potential for conflict with other users is identified, appropriate mitigation will be identified and agreed with the MOD, prior to planning permission, a marine licence, or other consent being granted.



DEFENCE 3: The established code of conduct for managing fishing and military activity detailed in the documents 'Fishing Vessels Operating in Submarine Exercise Areas' and 'Fishing Vessel Avoidance: The UK Code of Practice Fishing Vessel Avoidance' will be adhered to.

Regional policy: Regional marine planners and defence interests should engage on a proactive basis to ensure that the operational requirements of defence are taken into account in the development of marine plans. **<applies to inshore waters>**

Aggregates

Objectives and policies for this sector should be read subject to those set out in the General Policies and Strategic Objectives. It is recognised that not all of the objectives can necessarily be achieved directly through the marine planning system, but they are considered important context for planning and decision making.

Objectives

- 1  Growth of the marine aggregates industry in Scotland, ensuring supply is available to meet demand should it arise while taking account of environmental impacts.

Marine planning policies

  **AGGREGATES 1:** Marine planners and decision makers should consider the impacts of other development or activity on areas of marine aggregate or mineral resource. Where an interaction is identified, consideration should be given to whether there are permissions for aggregate or mineral extraction and whether they require any degree of safeguarding.

  **AGGREGATES 2:** Decision makers should ensure all the necessary environmental issues are considered and safeguards are in place when determining whether any proposed marine aggregate dredging is considered to be environmentally acceptable and is in accordance with the other policies and objectives of the Plan.

Regional policy: Regional marine plans should consider if areas of aggregate or mineral resource require any degree of safeguarding. **<applies to inshore waters>**



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