

Marine Scotland

Planning Scotland's Seas

Scotland's National Marine Plan: Partial Business and
Regulatory Impact Assessment (BRIA)



marinescotland

Title of Proposal

Scotland's National Marine Plan
Draft Consultation

Purpose and intended effect**Background**

The Marine (Scotland) Act 2010 provides a framework to help balance competing demands on Scotland's seas. It introduced a duty to protect and enhance the marine environment and included measures to help boost economic investment and growth in areas such as marine renewables. The Act introduced a new system of statutory marine planning to sustainably manage the increasing, and often conflicting, demands on our seas. This included a requirement to prepare and adopt a National Marine Plan for Scottish Inshore Waters.

The UK's Marine and Coastal Access Act 2009 provides for a Scottish National Marine Plan to cover offshore waters (out to 200 nautical miles) and reserved matters (oil and gas, shipping, CCS, MOD), subject to the agreement of UK ministers. The Marine and Coastal Access Act 2009 requires the Scottish Ministers to seek to ensure that a marine plan(s) is in effect in the offshore region when a Marine Policy Statement is in effect. The Marine Policy Statement has been agreed and jointly adopted between the UK Administrations (UK Government, Scottish Government, Welsh Government and Northern Ireland Executive) who share a common vision of having clean, healthy, safe, productive and biologically diverse oceans and seas.

Marine planning sits within an international regulatory framework which governs a number of aspects of marine management. This includes EU Directives, such as the Marine Strategy Framework Directive, the Water Framework Directive and the Habitats Directive; the EU's Common Fisheries Policy governing commercial fishing rights and obligations; and the UN convention on the law of the sea (UNCLOS).

Objective

The National Marine Plan is intended to help ensure Scotland's seas are developed in a sustainable manner. Its purpose is to provide a framework for managing increasing demands for the use of our marine environment, encouraging economic development of marine industries and incorporating environmental protection into marine decision making. It will provide clarity for marine decision making thus creating an environment of certainty for marine investment, such as renewables, while ensuring appropriate environmental protection is achieved.

In meeting these goals, the National Marine Plan will contribute towards the Scottish Government's Purpose. The Purpose, as explained in the Government Economic Strategy, is to create a more successful country with opportunities for all of Scotland to flourish through increasing sustainable economic growth.

It will also contribute to the following National Outcomes:

- We realise our full economic potential with more and better employment opportunities for our own people.
- We live in a Scotland that is the most attractive place for doing business in Europe.
- We live in well-designed, sustainable places where we are able to access the amenities and services we need.
- We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others.
- We value and enjoy our built and natural environment and protect it and enhance it for future generations.
- We reduce the local and global environmental impact of our consumption and production.

In meeting its goals, the National Marine Plan will also support the Scottish Government's vision for the marine environment: clean, healthy, safe, productive and biologically diverse oceans and seas, managed to meet the long term needs of nature and people.

Rationale for Government intervention

A range of industries and activities make use of Scotland's seas and marine environment. In some cases, there are multiple and potentially competing uses of the same areas of Scottish waters. Scotland's marine environment contains a wide variety of important and rare features and species, and provides a range of valuable goods and services. However, ownership and decision-making authority within Scottish waters are diffuse, meaning that management of marine waters is complex, with decisions being made in isolation from one another. This creates the risk that the marine environment may be mismanaged and damaged, with consequences for the goods and services it provides. It can also increase costs and uncertainty for developers and marine activities, undermining the efficient use of Scotland's marine waters.

The National Marine Plan aims to provide strategic direction to other marine decision-makers in Scottish waters. It also aims to ensure that protection of the marine environment is a part of the decision-making process, and that a balance is struck between economic development and environmental protection. The National Marine Plan also aims to provide clarity to marine activities as to what is expected of them, creating greater transparency within marine planning, and increasing certainty for developers.

Options

Option 1 - Do nothing

Under this option, the National Marine Plan would not be adopted. Instead, the existing policy framework governing Scottish inshore, offshore and territorial waters would remain in place. This includes the Marine Policy Statement and European Directives such as the Marine Strategy Framework Directive, Water Framework Directive and Habitats Directive. Existing decision-making bodies, such as Local Authorities, the Crown Estate and the Scottish Government's Marine Licensing

body, would continue to exercise their functions. However, the tier of decision-making represented by the National Marine Plan would not be filled, meaning that there would be a gap between high-level marine planning and policies and regional and local marine decision-makers. Also, given the direction provided by the National Marine Plan to Regional Marine Plans, the absence of a National Marine Plan would create uncertainty as to whether Regional Marine Plans would be prepared and implemented.

Some of the policies and requirements contained within the National Marine Plan are a reiteration of policies and planning requirements already in place. These would continue in the absence of the National Marine Plan, though they would not be consolidated in the manner provided for by the National Marine Plan. These policies and requirements are presented in **Annex A**.

Given the requirement contained within the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009 for the creation of a National Marine Plan, this option is not considered to be a viable policy option.

Option 2 - Development and adoption of a Scottish National Marine Plan.

Under this option, the National Marine Plan would be adopted. The National Marine Plan consolidates the requirements of the Marine Policy Statement and existing European Directives. It also provides guidance and strategic direction to regional planning authorities and marine licensing bodies as to future development of Scotland's marine waters, both within 12 nautical miles of Scotland's coast, and between 12 and 200 nautical miles. It provides developers with a clear communication of Scottish Ministers' views regarding sustainable development of Scotland's marine area, and conditions they are required to meet when undertaking development.

The National Marine Plan sets out new and additional policies and conditions for development in Scotland's marine area. These policies provide additional direction to licensing and planning bodies, and provide additional advice to developers as to Scottish Ministers' expectations regarding development of Scotland's marine area. These are set out in **Annex B**.

Sectors and groups affected

A number of sectors will be affected by the adoption of a National Marine Plan:

- Developers of licensed activities in Scotland's Marine Area (all such activities, including oil and gas, renewable energy, ports & harbours, and aquaculture. Those impacted may be Scottish-owned, RUK-owned, and/or foreign-owned)
- Activities in Scotland's Marine Area that do not require licences or that have licences that do not have a spatial component to them (including fishing, shipping, tourism, leisure and recreational activities. Those impacted may be Scottish, RUK, and/or foreign)
- Coastal communities
- The Scottish Government (through Marine Scotland's Planning and Licensing

functions)

- Local Planning Authorities
- The Crown Estate
- Regional Marine Planning Partnerships (including Local Authorities)
- The Ministry of Defence

Costs

Option 1

This option is not envisaged as creating additional costs on the sectors and groups set out above. The policies and planning requirements identified as being 'Baseline' in **Annex A** will continue to operate, though they will not be consolidated in the manner provided for by the National Marine Plan.

The absence of the strategic direction that would otherwise be provided by the National Marine Plan would mean that the issues associated with diffuse ownership and decision-making authority within Scottish waters would continue, which could impact on the efficient delivery of existing policies in the Scottish marine area and undermine protection of Scotland's marine environment. Developers would continue to experience higher uncertainty and costs of development, which could undermine sustainable economic growth and the efficient use and allocation of resources within Scotland's marine area. This option would also undermine the feasibility of regional marine planning overall, and the coherence and integration of regions' plans were they to be developed and adopted, as there would be an absence of strategic direction to these plans.

Given the repeated public commitments made by Scottish Ministers and officials to delivering the National Marine Plan and marine planning more generally, adopting this option could carry some reputational risk for Scottish Ministers and officials.

Option 2

The National Marine Plan reiterates and consolidates existing policies affecting Scotland's marine area. However, it also sets out a range of new and additional policies and conditions for development in Scotland's marine area. These policies provide additional direction to licensing and planning bodies, and provide additional advice to developers. Some of these policies are general, and apply across all developments in Scotland's marine area, while others relate to specific sectors (e.g. renewable energy developments, aquaculture developments, and ports and harbours).

These policies and conditions tend to have one or more implications for the sectors and groups specified above. They can influence:

- The preparing of and consultation on marine plans by marine planning authorities;
- The preparation of applications by developers, and assessment of these applications by marine licensing authorities;
- The choice of location of marine developments and activities; and
- The requirements placed on the construction, operation and expansion of

marine developments.

The National Marine Plan will be laid before the Scottish Parliament for adoption in 2014, and its conditions would only apply to plans, applications and developments initiated after it has been adopted by the Scottish Parliament. Costs associated with the establishment and preparation of the National Marine Plan and Regional Marine Plans, along with the costs of establishing and operating Marine Licensing, were estimated and accounted for in the Final Regulatory Impact Assessment accompanying the Marine (Scotland) Act 2010. This RIA can be found here:

<http://www.scotland.gov.uk/Publications/2009/05/08114901/4>

The analysis contained within this BRIA should be viewed alongside cost estimates contained within the RIA for the Marine (Scotland) Act 2010. As costs associated with preparing the National Marine Plan and the Marine Licensing system have already been incurred to some extent, these costs can be viewed to some extent as sunk. However, as regional marine planning may not go ahead under Option 2, the costs estimated for regional marine planning in the Marine (Scotland) Act's RIA should be considered as only being incurred were this option to be pursued.

This analysis has not quantified any additional costs that may arise as a result of the specific policies contained within the National Marine Plan. It has not been possible at this stage to determine the potential level of new licence applications arising annually after 2014, when the National Marine Plan would come into force. The number of licence applications put forward annually is subject to a range of influences, including factor and product market conditions for individual sectors, and the macroeconomic and business environments more generally. They may also be influenced (positively or negatively) by the policies contained within the National Marine Plan. It is also difficult to estimate the additional unit costs associated with each new or additional policy contained within the National Marine Plan with any accuracy. In light of these factors, a qualitative approach has been adopted for the analysis of costs.

Table 2 sets out the potential impacts and costs associated with the new policies.

Table 2: Impacts of New and Additional National Marine Plan Policies

Activity	Policy	Sector / Group affected	Additional Costs?
----------	--------	-------------------------	-------------------

<p>Preparation of Plans</p> <ul style="list-style-type: none"> • Guidance on how developments and activities should be viewed by plans • Transparent and fair decision-making • Early consultation • Use of sound evidence • Facilitate access to shore and sea for activities • Identify areas for aquaculture, tourism, recreation, ferry services 	<p>GEN 1 GEN 2 GEN 3 GEN 4 GEN 5 GEN 6 GEN 8 GEN 9 GEN 10 SF 3 SF 4 AQ 1 AQ 2 AQ 10 MF 1 R&T 2 R&T 3 P&H 3 P&H 4</p>	<p>Scottish Government (marine planning functions)</p> <p>Regional Marine Planning Partnerships.</p> <p>Local Planning Authorities</p>	<p>Limited / No Additional Costs</p> <p>These policies provide guidance as to how plans should be prepared (in terms of content and practice). However, as they do not affect the practice of planning, they do not incur costs over and above those already included in the RIA for the Marine (Scotland) Act 2010.</p>
<p>Preparation and Assessment of Applications</p> <ul style="list-style-type: none"> • Guidance on how developments and activities should be viewed when assessing applications • Transparent and fair decision-making • Early consultation • Use of sound evidence • Requirements to consider impacts of developments on non-licensed 	<p>GEN 1 GEN 2 GEN 3 GEN 4 GEN 5 GEN 8 GEN 9 GEN 10 GEN 14 GEN 16 SF 2 SF 4 SF 5 SF 6 AQ 9 AQ 10 AQ 11 AQ13 MF 1 O&G 3 O&G 5</p>	<p>Scottish Government (licensing functions)</p> <p>Developers of Licensed Activities</p> <p>Local Planning Authorities</p>	<p>Limited / No Additional Costs to Licensing Bodies</p> <p>These policies provide guidance as to how licence applications should be assessed by marine licensing bodies. However, as they do not create additional tasks and activities for marine licensing bodies per se, they are unlikely to incur costs over and above those already included in the RIA for the Marine (Scotland) Act 2010. They are also therefore unlikely to result in increased cost-recovery from licence applicants.</p>

<p>activities, communities</p> <ul style="list-style-type: none"> • Specific directions to developers of licensed activities regarding conditions of development 	<p>REn 1 REn 5 REn 6 REn 9 REn 11 R&T 1 R&T 5 R&T 6 P&H 3 P&H 4 P&H 5 P&H 6 Te 1 Te 3 Ag 1</p>		<p>Potential Additional Costs to Developers</p> <p>Requirements on developers to consult other activities and communities, prepare sector-specific plans, co-operate and integrate with other activities may be additional and alter behaviour. Additional criteria to meet, and additional actions to undertake, imply additional costs.</p>
<p>Location of Marine Developments and Activities</p> <ul style="list-style-type: none"> • Guidance on locations for specific developments (e.g. renewables) • Requirements for plans to identify areas for activities (e.g. aquaculture, tourism & recreation) • Guidance on where development likely to be restricted (e.g. nursery grounds, ferry routes) 	<p>SF 3 SF 4 AQ 1 AQ 2 AQ 5 AQ 10 REn 1 T&R 2 P&H 3</p>	<p>Developers of Licensed Activities</p>	<p>Potential Additional Costs to Developers</p> <p>Restrictions on where developers of licensed activities may locate could lead them to locate in 'sub-optimal' locations (higher cost, lower yield areas)</p> <p>Concentration of activities (e.g. aquaculture) into limited areas may restrict development overall</p>
<p>Requirements for Marine</p>	<p>GEN 5 GEN 6</p>	<p>Developers of Licensed Activities</p>	<p>Potential Additional Costs to Developers</p>

<p>Developments</p> <ul style="list-style-type: none"> Guidance and requirements for individual developments or supporting infrastructure (e.g. cable locations, climate change requirements) Encouragement of co-location and multiple use 	<p>GEN 17 GEN 19 SF 4 SF 5 SF 6 AQ 9 O&G 3 O&G 5 CS 2 REn 5 REn 7 REn 11 R&T 3 R&T 5 P&H 4 P&H 5 Te 2</p>		<p>Policies may lead to developers incurring additional costs to comply with guidance.</p> <p>Developers may incur additional costs to demonstrate why their developments should be exempt from conditions.</p>
<p>Miscellaneous</p> <ul style="list-style-type: none"> IFGs cooperating with other marine activities to agree management measures Government and stakeholders cooperating to agree management measures in the Clyde 	<p>SF 7 SF 8</p>	<p>Scottish Government</p> <p>Developers of licensed activities</p> <p>Activities in Scotland's Marine Area that do not require licences, or that have licences that do not have a spatial component to them (including fishing, shipping, tourism, leisure and recreational activities)</p> <p>Coastal communities</p> <p>Local Planning Authorities</p> <p>Regional Marine Planning Partnerships</p>	<p>Potential additional costs to developers, activities not requiring licences, Scottish Government and marine planning authorities</p> <p>Additional planning, consultation and negotiation activities have potential to create additional costs.</p>

Although the costs of regional marine planning estimated in the Marine (Scotland) Act 2010's RIA will only be realised in the event of this option being pursued, it is envisaged that the scope of this option to impose additional costs on planning and licensing bodies will be limited. This stems from the fact that the policies contained within this option may influence the content of future plans and the assessments of licence applications, but should not substantively alter the way in which these

functions are exercised.

It is envisaged that the policies that influence the preparation of licence applications, the location of marine developments and the requirements placed on marine developments have the potential to impose additional costs on developers of licensed activities in the Scottish marine area. However, these costs have not been quantified, owing to the uncertainty around the costs.

Benefits

Option 1

No additional benefits are expected to arise from this option.

Option 2

Implementing the National Marine Plan should help deliver the benefits of marine planning identified in the Final Regulatory Impact Assessment for the Marine (Scotland) Act 2010, including through its support and direction for regional marine planning. These benefits include:

- Reducing planning risk and uncertainty;
- A more informed site selection process;
- Economic benefits, such as greater confidence for industry when planning developments, reducing conflict between competing users, and providing a rational allocation and efficient use of space and resources;
- Social benefits from improved opportunities for stakeholder involvement; and
- Environmental benefits, such as ensuring biodiversity and nature conservation are at the heart of planning and management, and safeguarding the marine historic environment.

The new and additional policies contained within the National Marine Plan will deliver these benefits in several ways. For instance, as a result of these policies:

- Developers of licensed activities will be obliged to consider the impacts of their proposals on coastal communities and activities in Scotland's Marine Area that do not require licences, or that have licences that do not have a spatial component to them. This should reduce conflict between competing activities, and increase and improve stakeholder involvement in the planning process;
- Developers of licensed activities coordinating uses of the seabed may lead to a more efficient use of marine space;
- By identifying and designating areas for specific licensed activities (e.g. aquaculture, offshore renewables) developers will have greater certainty as to where their developments can be located.

Scottish Firms Impact Test

This section will be informed by evidence gathered during the consultation phase and completed in the final BRIA. In addition to the written consultation process there

will be meetings with a number of businesses affected by the proposal across a range of sectors.

Many of the industry sectors identified will include some small and micro-sized firms. Much of the National Marine Plan reiterates and consolidates existing policies in the marine area. These aspects of the National Marine Plan are unlikely to impose additional costs on small and micro businesses. However, new and additional aspects of the National Marine Plan that have impacts on developers of licensed activities would have the potential to impose additional costs on small businesses.

It is envisaged that small and micro businesses will benefit from reduced planning risk and uncertainty and from greater transparency in the planning system. Activities that do not currently require spatial licences will also benefit from the requirements for impacts on them to be considered as part of developers' proposals.

Competition Assessment

The new and additional policies contained within the National Marine Plan may affect a range of marine activities. In particular, they may affect marine activities where developers require a spatial licence for new or amended operations. These activities include renewable energy, aquaculture, and ports and harbours.

Competition Filter Questions

Will the proposal directly limit the number or range of suppliers? (E.g. will it award exclusive rights to a supplier or create closed procurement or licensing programmes?)

No. It is unlikely that the National Marine Plan will directly limit the number or range of suppliers.

Will the proposal indirectly limit the number or range of suppliers? E.g. will it raise costs to smaller entrants relative to larger existing suppliers?

Limited / No Impact. Policies affecting the preparation of applications, location of marine developments and activities, or requirements for marine developments would apply to any developer of an affected licensed activity when preparing and submitting an application. They have the potential to create additional costs for developers submitting new licence applications, but they will apply to both new entrants and to incumbents looking to expand or alter their operations.

Policies affecting the spatial location of aquaculture activities may restrict the feasibility of new aquaculture developments. However, restrictions on aquaculture locations will only arise if their development is inconsistent with broader sustainable development, and a product of scientific advice.

Will the proposal limit the ability of suppliers to compete? E.g. will it reduce the channels suppliers can use or geographic area they can operate in?

No. The policies contained within the National Marine Plan will not directly affect firms' route to market or the geographical markets they can sell into.

Will the proposal reduce suppliers' incentives to compete vigorously? E.g. will it encourage or enable the exchange of information on prices, costs, sales or outputs between suppliers?

No. Policies supportive of co-location of activities may encourage sharing of some aspects of cost information between companies. However, these companies would likely undertake different activities and would not be in competition with each other.

Test of Business Forms

It is not envisaged that the National Marine Plan will result in the creation of new forms for businesses to deal with, or result in amendments of existing forms.

Legal Aid Impact Test

It is not expected that the National Marine Plan will have any impact on the current level of use that an individual makes to access justice through legal aid or on the possible expenditure from the legal aid fund as any legal/authorisation decisions impacted by the Plan will largely affect businesses.

At this stage it is not envisaged that the National Marine Plan will have any impact on the Legal Aid Fund.

Enforcement, sanctions and monitoring

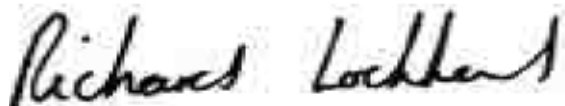
Responsibility for compliance, monitoring and enforcement of the provisions will be carried out by Marine Scotland. Reserved issues will continue to be addressed by the respective departments within the UK Government.

The Plan will be delivered through the existing marine licensing system, nature conservation measures, in addition to Scottish Planning Policy and other licensing/consenting frameworks. Enforcement and authorisation decisions within these frameworks carried out by public authorities must have regard to the Plan, these include: local authorities, The Crown Estate, Port and Harbour Authorities and terrestrial planning authorities.

Declaration and publication

I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

Signed:

A handwritten signature in black ink that reads "Richard Lochhead". The signature is written in a cursive style.

Date: 02/07/2013

Richard Lochhead, Cabinet Secretary for Rural Affairs and the Environment

Scottish Government Contact point:

Anna Donald – 0131 244 7400; anna.donald@scotland.gsi.gov.uk

Kevin Brady – 0131 244 0133; kevin.brady@scotland.gsi.gov.uk

Annex A: Baseline Policies in the National Marine Plan

General Policies

Policy Number	Policy Description
GEN 7	Integration and compliance with other statutory plans, such as River Basin Management Plans, should also be undertaken; planners should take into account the objectives and policies of relevant non statutory plans where appropriate to do so.
GEN 11	Development in, and use of, the marine environment must take account of the achievement or maintenance of Good Environmental Status (GES) for UK waters as it develops under the Marine Strategy Framework Directive.
GEN 12	Marine planning and decision-making authorities should ensure that development and use of the marine environment complies with legal requirements for protected areas and protected species and does not result in a significant adverse effect on the national conservation status of other habitats or populations of species of conservation concern.
GEN 13	Marine planning and decision making authorities should aim to protect and where appropriate, enhance heritage assets, in a manner proportionate to their significance, when progressing development and use of the marine environment
GEN 14	Marine planning and decision making authorities should ensure that development and use of the marine environment take seascape, landscape and visual impacts into account.
GEN 15	Marine planning and decision making authorities should consider air quality issues especially relevant statutory air quality limits, when progressing development and use of the marine environment.
GEN 16	Marine planning and decision making authorities should consider man-made noise sources, especially their effects on sensitive species, in the marine area, when progressing development and use of the marine environment.
GEN 17	Developments and activities in the marine environment should be resilient to, and not unacceptably affect coastal processes and flooding.
GEN 18	Developments and activities should not result in a deterioration of the quality of water to which the Water Framework Directive, Marine Strategy Framework Directive or other related directives apply.

Sea Fisheries

Policy Number	Policy Description
SF 1	Manage fishing to ensure the sustainability of fish stocks.

Aquaculture

Policy Number	Policy Description
AQ 3	Further marine finfish farm development is expected on the west coast and islands of Scotland. There is a continuing presumption against development of marine finfish farm developments on the north and east coasts to safeguard migratory fish species (over 80% of wild salmon are located on the east and north coasts of Scotland).
AQ 4	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 licensing and 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.
AQ 6	SNH guidance on the siting and design of aquaculture in the landscape should be taken into account.
AQ 7	New aquaculture sites should not bridge Disease Management Areas
AQ 8	Operators and regulators should continue to utilise a risk based approach to the location of fish farms and potential impacts on wild fish and the wider environment. Guidance on harassment at designated seal haul out sites should be taken into account once developed and seal conservation areas should also be taken into account.
AQ 11	Aquaculture equipment, including but not limited to installations, facilities, moorings, pens and nets must be fit for purpose for the site conditions. Where a statutory technical standard is introduced, this must be adhered to

Oil and Gas

Policy Number	Policy Description
O&G 1	The Scottish Government will work with DECC 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 to Best Available Technique Not Exceeding Excessive Cost (BATNEEC) and Best Environmental Practice (BAP). Consideration will be given to key environmental risks including impacts of noise and chemical pollution
O&G 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. Reuse or removal of decommissioned assets from the sea bed will be fully supported where practicable and adhering to relevant regulatory process
O&G 4	All oil and gas platforms will be subject to 9 nautical mile consultation zones in line with Civil Aviation Authority guidance
O&G 5	Consenting and licensing authorities should have regard to the potential risks, both now and under future climates, to offshore 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
O&G 6	Consenting and licensing authorities should be satisfied that adequate risk reduction measures are in place, and that operators

	should have in place sufficient emergency response and contingency strategies that are compatible with the National Contingency Plan
--	--

Carbon Storage

Policy Number	Policy Description
CS 1	CCS demonstration projects or developments should be supported where proposals allow timely deployment of CCS to re-use suitable existing redundant oil and gas infrastructure

Renewable Energy

Policy Number	Policy Description
REn 2	Support the development of the Pentland Firth and Orkney Waters Marine Energy Park.
REn 3	There is a presumption in favour of renewable energy developments in areas identified to support the Saltire Prize
REn 4	Applications for marine licences and consents relating to offshore renewable energy projects should be made in accordance with the guidance set out in the marine licensing manual and Marine Scotland's Licensing Policy Guidance (LPG) including the Survey, Deploy and Monitor LPG
REn 5	Specific impacts on species and habitats should be mitigated through appropriate design, construction and operation methods. Marine planning and decision making authorities should take these into consideration in their decision processes.
REn 8	Developers should report on the effects of offshore projects and their onshore elements within a single EIA and a single HRA document.

Recreation and Tourism

Policy Number	Policy Description
R&T 4	Marine recreation and tourism activity should not unacceptably adversely impact on sensitive or important habitats and species, those most vulnerable to a changing climate, or those, such as salt marsh and sea grass, which help mitigate climate change.
R&T 7	Codes of practice on invasive non-native species should be complied with.

Ports & Harbours

Policy Number	Policy Description
P&H 1	Navigational safety in relevant areas used by shipping now and in the future will be protected, respecting the rights of innocent

	<p>passage and freedom of navigation contained in UNCLOS. The following factors will be taken into account when reaching decisions regarding activities and developments:</p> <ul style="list-style-type: none"> • the extent to which the locational decision interferes with existing or planned shipping routes, access to ports and harbours and navigational safety. • 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.
P&H 2	Marine development and activities should not be permitted where they will restrict access to ports and harbours which are nationally or regionally significant, or which are identified as National Developments in the current National Planning Framework or as priorities in the National Renewables Infrastructure Plan. Regional Marine Plans should identify regionally important ports and harbours and set out criteria against which proposed activities and developments should be evaluated.
P&H 7	Statutory notices for the merchant shipping sector on ship to ship transfers of oil as cargo must be adhered to.
P&H 8	Marine planning authorities and decision makers should ensure that decisions comply with maritime law. International Maritime Organization (IMO) regulations for ship recycling and IMO best practice recommendations for Ballast Water Management should be adhered to.

Telecommunications

Policy Number	Policy Description
Te 4	When selecting locations for land-fall of telecommunications equipment and cabling, marine developers and decision makers should consider the policies pertaining to flooding and coastal protection in chapter 4 of the National Marine Plan, as well as those outlined in Scottish Planning Policy. In addition, where appropriate – and where necessary, water proof materials should be used

Defence

Policy Number	Policy Description
MoD 1	<p>To allow the MOD to maintain operational effectiveness in Scottish waters used by the armed services by managing activity and development in these areas:</p> <p>(i) Naval areas including bases and ports (Map 17): 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. Development proposals should be discussed with the MOD at an early stage in the process.</p>

	<p>(ii) Firing Danger Areas (Map 17): 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.</p> <p>(iii) Exercise Areas (Map 17): Within Exercise Areas, activities may be subject to temporal restrictions. Development that either individually or cumulatively obstructs or otherwise prevents the defence activities supported by an exercise area may not be permitted. Development proposals should be discussed with the MOD at an early stage in the process.</p> <p>(iv) Communications: Navigations and surveillance including RADAR: Development which causes unacceptable interference with RADAR and other systems necessary for national defence may be prohibited if mitigation cannot be determined. Proposals should be discussed with the MOD at an early stage in the process.</p>
MoD 2	Where required for the purposes of national defence, the MOD may establish bye-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 is identified, appropriate mitigation will be identified and agreed with the MOD, prior to planning permission, a marine licence, or other consent being granted.
MoD 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.

Aggregates

Policy Number	Policy Description
Ag 2	Consenting and licensing authorities should ensure all the necessary environmental considerations are undertaken and safeguards are in place, including that sediment removal will not adversely interfere with coastal processes and thus alter local rates of coastal erosion which could exacerbate the predicted effects of a changing climate

Annex B: New and Additional Policies contained within the National Marine Plan

General Policies

Policy Number	Policy Description
GEN 1	There is a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of this Plan.
GEN 2	Sustainable developments and marine activities which provide economic benefit to communities are encouraged when consistent with the objectives and policies of the Plan.
GEN 3	Sustainable developments and marine activities which provide social benefits are encouraged when consistent with the objectives and policies of the Plan.
GEN 4	Community impact - Government, planning authorities and stakeholders should consider the need for Scenario Mapping where there is potential for development to impact on communities.
GEN 5	Development proposals which enable multiple uses of marine space are encouraged where possible in planning and decision making processes, subject to their being consistent with policies and objectives of the Plan.
GEN 6	Through integration of marine and terrestrial plans, relevant authorities should seek to facilitate appropriate access to the shore and sea and support marine and land based components required by development and activities.
GEN 8	All marine interests will be treated with fairness and transparency when decisions are being made in the marine environment.
GEN 9	Early and effective engagement should be undertaken with the general public and all interested stakeholders in planning and consenting processes.
GEN 10	Decision making in the marine environment will be based on a sound evidence base as far as possible. Where evidence is inconclusive, reasonable efforts should be made to fill evidence gaps. Decision makers also need to apply precaution within an overall risk based approach.
GEN 19	Developers and users of the marine environment should seek to minimise emissions of greenhouse gases. Marine planning should seek to increase resilience of the marine environment to climate change impacts by reducing human pressure, safeguarding significant examples of natural carbon sinks and allowing natural coastal change, where possible. Developments and activities should have regard to possible future climate conditions particularly giving consideration to the vulnerability, scale and longevity of their operations.

Sea Fisheries

Policy Number	Policy Description
SF 2	Take account of fishing in consideration of any development in the marine environment. Local fishing interests should be consulted where appropriate.

SF 3	<p>Within the CFP's parameters effective marine planning should help to ensure:</p> <ul style="list-style-type: none"> • protection for vulnerable stocks (in particular of juvenile and spawning stocks through continuation of sea area closures where appropriate); • improved protection of the seabed 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; • effective mechanisms for managing potential conflicts between fishermen and/or between the fishing sector and other users of the marine environment.
SF 4	<p>The following key factors should be taken into account when deciding on uses of the marine environment and the potential impact on fishing:</p> <ul style="list-style-type: none"> • the 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 opportunities for exploitation of new fishing opportunities in any given area; • the environmental impact on fishing grounds (such as nursery, spawning areas), commercially fished species and habitats and species more generally; • the potential effect of displacement activity on fish stocks; the wider environment; use of fuel; socio-economic costs to fishers and their communities; and other marine users.
SF 5	<p>Where an impact on existing fishing activity may occur, a fisheries management plan should be prepared by the developer involving full engagement with local fishing interests. All efforts should be made to agree the plan with those interests and it should include:</p> <ul style="list-style-type: none"> • a recognition that fishermen should be able to catch their fish quotas; • reasonable measures to mitigate any constraints which the proposed marine development may place on existing or planned fishing activity; • reasonable measures to mitigate any potential impacts on sustainability of fish stocks (e.g. impacts on spawning grounds or areas of fish abundance) and any socio-economic impacts.
SF 6	<p>Ports should seek to engage with fishing stakeholders at an early stage to discuss any changes in infrastructure that may affect them. Any port developments should take account of the needs of the dependent fishing fleets with a view to avoiding commercial harm where possible. Where a port 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.</p>
SF 7	<p>Inshore Fisheries Groups (IFGs) should work with recreational sea angling and other stakeholders who use the marine environment to agree joint management measures to help all those involved to realise the benefits our seas can provide.</p>
SF 8	<p>Government will continue to work with stakeholders within the Clyde, stakeholders to take appropriate practical measures which contribute towards the restoration of the ecosystem through the Clyde 2020 project.</p>

Aquaculture

Policy Number	Policy Description
AQ 1	Marine planning and decision making authorities will seek to encourage sustainable aquaculture growth in appropriate locations.
AQ 2	Terrestrial development plans and regional marine plans should identify areas which are potentially suitable for new fish farm development and sensitive areas which are unlikely to be appropriate for such development, reflecting Scottish Planning Policy and any other Scottish Government guidance on the issue (including further Marine Scotland spatial planning guidance).
AQ 5	Shellfish waters will be protected in a proportionate manner by designation. Once shellfish waters are designated there will be a presumption that future expansion of the sector should be located in designated areas.
AQ 9	Consenting and licensing authorities should be satisfied that emergency response plans are in place should a harmful bloom occur
AQ 10	Fish farm operators should carry out pre-application discussion and consultation and engage with local communities to seek their support in advance of submitting an application.
AQ 12	Applications which promote the use of biological controls for sea lice (such as farmed wrasse) will be encouraged.
AQ 13	Proposals that contribute to the diversification of farmed species will be supported, subject to other criteria being satisfied.

Migratory Fish

Policy Number	Policy Description
MF 1	The impact of development and use of the marine environment on migratory fish species should be considered in marine decision making processes. Where evidence of impacts on salmon and other migratory species is inconclusive, precautionary mitigation should be adopted where possible and information on impacts on migratory species from monitoring of developments should be used to inform subsequent marine decision making.

Oil and Gas

Policy Number	Policy Description
O&G 3	Supporting infrastructure for oil and gas developments, including for storage should utilise the minimum space needed for activity.

Carbon Storage

Policy Number	Policy Description
CS 2	Consideration should be given to the development of marine utility corridors which will allow CCS to capitalise on current infrastructure in the North Sea including shared use of spatial corridors and pipelines.

Renewable Energy

Policy Number	Policy Description
REn 1	There is a presumption in favour of adopted Plan Options identified through the Sectoral Marine Plan process. The inclusion of these adopted Plan Options in the National Marine Plan does not imply that licences or consents will be granted, but preference will be given to proposals within these areas.
REn 6	Where new grid connections are planned work should be undertaken with developers and Grid provider organisations within the Sectoral Marine Planning process to address environmental and socio-economic issues to help deliver reduced impacts and develop an improved regional strategy.
REn 7	There is a presumption that cables will be buried or rock dumped.
REn 9	Developers bringing forward proposals for new developments must actively engage at an early stage with existing users of the area to which the proposal relates; and of adjoining areas which may be affected.
REn 10	Scenario mapping should be undertaken for commercial scale development to allow local communities to fully understand the range of possible implications.
REn 11	Government will work with developers to maximise economic benefit and reduce climate change impacts in Scotland.

Recreation and Tourism

Policy Number	Policy Description
R&T 1	<p>Proposals for recreation and tourism or developments that are subject to marine licensing or other consents, including terrestrial planning permission, should take the following factors will be taken into account:</p> <ul style="list-style-type: none"> • the extent to which the proposal interferes with access to the shore, the water, usability of the resource for recreation or tourism purposes, existing navigational routes or navigational safety •the extent to which the proposal is likely to adversely affect the qualities important to recreational users •where significant impacts are likely, whether reasonable alternatives can be identified for the proposed activity or development •where there are no reasonable alternatives, whether mitigation through recognised measures can be achieved at no significant cost to the marine leisure or tourism sector interests. <p>Proposals supporting tourism and recreation activity will be looked upon favourably within the context of the other policies of the plan</p>
R&T 2	Marine planning authorities should identify areas within their region that are of recreational value and where prospects for significant development exist, including more localised and/or bespoke recreational opportunities.
R&T 3	Access to the marine area and appropriate facilities to enjoy recreation and tourism are protected, provided, maintained and/or improved.
R&T 5	Consideration should be given to the facility requirements of marine recreation with a focus on support for participation and

	development in sport. Collaboration, co-operation and sharing infrastructure development with complementary sectors will be supported by decision makers.
R&T 6	The impact of new recreation and tourism activities or development on coastal residents should be taken into account when decisions are being made.

Ports and Harbours

Policy Number	Policy Description
P&H 3	Ferry routes and maritime transport links to island and remote mainland activities provide essential connections and should be safeguarded from inappropriate marine activities and development that would significantly interfere with their operation. Developments will not be consented where they will interfere with lifeline ferry services
P&H 4	Maintenance, repair and development of port and harbour facilities in support of other sectors in the Plan, including renewables, fishing and marine tourism and recreational activities should be supported in marine planning and decision making.
P&H 5	Port and harbour operators should take into account future climate change and sea 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 the account in the design of any new ports and harbours, or of improvements to existing facilities.
P&H 6	Increased emissions caused by longer shipping journey should be taken into account in considering proposals for marine activity and development that would increase existing shipping routes

Telecommunications

Policy Number	Policy Description
Te 1	Network owners and marine users should take a joined approach to development and activity to minimise impacts on the environment
Te 2	Consideration should be given to creation of cable corridors to protect cables from damage by other marine users and where possible routed around obstacles to avoid displacement or disturbance. Proposals for co-location with other sectors such as shared use of spatial corridors and pipelines should be supported
Te 3	A risk based approach should be applied to the removal of redundant submarine cables with consideration given to cables being left in situ minimising environmental impact

Aggregates

Policy Number	Policy Description
Ag 1	Impacts of development or activity on identified marine aggregate sites should be considered, including whether the development / activity would inhibit future aggregate or mineral exploitation

