

PENTLAND FIRTH AND ORKNEY WATERS MARINE SPATIAL PLAN: PLANNING  
ISSUES AND OPTIONS PAPER

Consultation Response: Royal Yachting Association Scotland

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## CONSULTATION QUESTIONS

This consultation questionnaire sets out the consultation questions from within the relevant sections of the Planning Issues and Options Paper. Your views are sought on the proposed policies, and where appropriate, alternative policy approaches, as set out in section 11 and section 12 of the paper. Please insert your response to the questions and proposed policy options in the text boxes provided.

WHEN MAKING COMMENTS IN RELATION TO SPECIFIC SECTIONS OF THE PLANNING ISSUES AND OPTIONS PAPER, IT WOULD HELP IF YOU COULD QUOTE THE RELEVANT PARAGRAPH NUMBER(S), IF APPROPRIATE, SO WE CAN CLEARLY UNDERSTAND YOUR COMMENTS.

### Section 4 - Legal and policy context

Question 1: Are there other legislation, policies or plans not identified in Table 4.1 and Annex 3 that should be considered in the development of the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan?

No

### Section 5 - Knowledge and evidence to underpin the plan

Question 2: Is there other information that you think should be used to inform the development of the marine spatial plan for Pentland Firth and Orkney Waters?

None that we are aware of.

### Section 6 - The purpose, users, status and spatial extent of the pilot plan

Question 3: Considering paragraph 6.5, are there other stakeholder engagement and governance related issues that should be investigated through the pilot marine planning process?

Although the shipping study was able to draw on the experience of many recreational boating stakeholders, some such stakeholders live outside the UK. The RYA through RYA Scotland can represent UK domiciled boaters but not visitors from Scandinavia and other parts of the world.

Question 4: Do you agree with the identified purposes and users of the marine spatial plan set out in Section 6? Are there additional or alternative purposes or users of the plan that should be considered?

The list of users should include The Crown Estate. Also, consultants employed by developers should perhaps be mentioned explicitly. Bullet point 4 could emphasise that the plan could help the integration of the terrestrial and marine planning regimes. RYAS suggests that the second last bullet point should be amended to read 'A variety of existing



marine users and their representatives....'.

Question 5: Should the existing Pilot Pentland Firth and Orkney Waters Marine Spatial Plan boundary be realigned with the boundaries of the proposed Scottish Marine Regions or do you think the existing 'strategic area' boundary is appropriate? (Refer to Figures 5 and 6)

Realignment with the Marine Region boundaries would help to avoid duplication of effort. Most activity will be within the existing boundaries and the extension could be done with little additional effort.

Question 6: How should the pilot plan and/or marine planning process facilitate and support integration between the terrestrial and marine planning systems? (See paragraphs 6.16 – 6.17).

The forthcoming planning circular on the integration of marine and terrestrial planning should provide guidance. It is likely that more changes will be needed in the Local Development Plan at its next quinquennial revision than in the Marine Spatial Plan to facilitate integration. A table listing activities where there is a marine-land interaction might be a useful addition to the plan.

Question 7: How should the adjoining terrestrial areas be mapped in the pilot marine spatial plan? Do you agree with the proposed key principles set out at paragraph 6.18?

The key principles are good. However, there will inevitably be cases where the interpretation of them becomes important. There may be some aspects of coastal land allocation that are relevant for the Marine Spatial Plan. These might refer to sport, recreation, and tourism, and issues related to place making.

## Section 7 The guiding principles and themes that will inform the development of the marine spatial plan

Question 8: Are the guiding principles and themes identified in Section 7 appropriate? Are there other guiding principles and themes that should inform the development of the pilot marine spatial plan?

RYAS agrees with the guiding principles and themes. Supporting coexistence and enabling multiple use of marine space is especially important in our view and we would be happy to contribute to the development of this. We note that the current Scottish Planning Policy encourages the sharing of facilities between aquaculture and recreation where possible and the RYA/RYAS response to the current SPP consultation suggests widening the scope



of this to other marine activities.

## Section 8 Strategic Vision, Aims and Objectives

Question 9: **What is your vision for the future of the Pentland Firth and Orkney waters area? What would you like the area to be like in 20 years time?**

RYAS acts to protect its members' rights of navigation and to ensure their safety. It also supports the development of its affiliated clubs and teaching establishments. The PFOW area is an important area for recreational boating both for local people and for visitors, although it is unlikely to ever be as busy as, for example, the west coast. Indeed, a low density of recreational craft is part of the attraction of parts of the PFOW area. Our vision is for a sustainable marine recreational sector in an area prized for its natural and human heritage.

Question 10: **Are there existing marine activities that you think should be safeguarded now and into the future? For example, commercial fisheries, ferry services and recreational activities.**

Although recreational boating can co-exist with a wide variety of other activities, some protection may well be necessary to safeguard it. The Shipping Study, which builds on the existing RYA UK Coastal Atlas of Recreational Boating, has identified key routes and areas. One key area to be safeguarded would be the inshore route off the west coast of Orkney Mainland. This needs to be adequately wide and well marked.

Question 11a: **How should the protection and/or enhancement of the natural environment be considered in the marine spatial plan?**

The plan should be consistent with the current MPA project, in which RYAS has been heavily engaged, and with other existing legislation, e.g. under the Water Framework Directive. Whilst RYAS understands that there may be a case for protection of other, locally important, sites in the future it is our view that any proposed designation would need to be based on robust scientific evidence together with a number of baseline principles. The MPA project, for example, was underpinned by a presumption of multiple use.

Question 11b: **Is the protection of the natural environment important? How important is it?**

Please indicate on a scale of 1-5 (1 = Not important at all, 5 = The highest importance)



1       2       3       4       5

Question 12a: How should the protection and/or enhancement of historic and culture resources (e.g. Scapa Flow wrecks) be considered in the marine spatial plan?

This should build on the protection given to Historic MPAs.

Protection for other sites needs to be considered on a case by case basis to minimise adverse effects on other legitimate uses of the waters.

Question 12b: Is the protection of the historic and culture environment important? How important is it?

Please indicate on a scale of 1-5 (1 = Not important at all, 5 = The highest importance)

1       2       3       4       5

Question 13a: How should the promotion and support of economic growth be considered in the marine spatial plan? If any, which economic activities would you like to see grow and develop?

It is sustainable economic growth that needs to be promoted and supported. Economic growth that has adverse effects on other sectors could have a deleterious effect on the local economy as a whole. Policy 21, tourism and recreation, captures this aspect. There is scope for an increase in the recreational boating sector particularly small scale developments in Sutherland and to the less developed parts of Orkney.

Question 13b: Is promoting and supporting economic growth important?

Please indicate on a scale of 1-5 (1 = Not important at all, 5 = The highest importance)

1       2       3       4       5

## Section 9 Identifying strategic issues and interactions

Question 14: Having considered Table 9.1, do you have any views on the identified aspirations for growth, strategic issues and opportunities to address the strategic issues in



### the pilot marine spatial plan?

See earlier comments in relation to question 11a in respect of biodiversity and natural heritage. The impact of recreational boating on biodiversity and the natural heritage is generally rather low, particularly when good practice guidelines are followed.

It is a laudable aspiration for Scotland to become world leader in combating climate change and the development of appropriate renewable energy technologies is a means towards achieving that goal. Not all renewable technologies are necessarily useful in that respect. An additional strategic issue for marine renewables is their resilience to extreme wind and wave conditions. This may be impaired by climate change. In shallow waters there can be a significant interaction between wind, swell and tide. The increasing availability of metocean data should be combined with the experience of local users of the sea such as fishermen and recreational boaters to explore these risks.

The importance of the Pentland Firth for shipping and navigation may increase if the retreat of the arctic sea ice allows the North-West passage to be opened up for routine commercial navigation. Increased commercial traffic can constrain the options for recreational craft. Note that navigation issues also apply to small vessels such as recreational boats and inshore fishing boats.

Provided that its planning and management is carried out carefully and with appropriate consultation, aquaculture can coexist with sectors such as recreational boating.

Facilities for recreation and marine tourism on the north Highlands coast are few in number. Although not many vessels currently round Cape Wrath, there are opportunities for local communities with realistic business plans to develop small scale facilities that may also benefit land-based tourism. Sailors in these waters generally expect to have to anchor so developments may well not involve moorings or pontoons. Clear branding and promotion is indeed important. Coordination with existing promotions will be essential.

Question 15: **Having considered Table 9.2, do you have any views on the identified potential for interaction between the various sectors, what these interactions might be and how these interactions should be addressed in the pilot marine spatial plan?**

The matrix approach exemplified by Table 9.2 suffers from three weaknesses. First, many interactions are contingent on other factors. For example, tidal energy generators 8 m below keel depth will have no impact on recreational boating but ones with surface piercing elements will. Similarly, well planned aquaculture units have little impact but badly located ones can have a major negative impact by preventing safe access to anchorages.

Secondly, many sectors are heterogeneous so that the impact on one part may be trivial but on others significant.



Thirdly some interactions are location specific. Whether or not a wave generation installation is a serious hazard will depend on whether there are safe alternative routes. The various coastal partnerships did work on interactions between sectors and tried to overcome these deficiencies. If the matrix is to be used as an evidence base for policy making then it needs considerably more work before we would find it acceptable.

## **Section 10 Spatial strategy and information**

Question 16: **Do you think it is important to have an overarching spatial strategy? If so, what should the strategy include and why?**

RYAS supports an overarching spatial strategy. In the case of recreational boating, it should illustrate the main cruising routes (as provided by the RYA UK Coastal Atlas of Recreational Boating), anchorages and facilities such as marinas and harbours.

## **Section 11 Crosscutting or overarching marine planning policies**

This section of the Consultation Questionnaire seeks your views on the proposed policy options set out in Section 11 of the Planning Issues and Options Paper. Please indicate in the proposed policy option response boxes below which proposed policy you are commenting on and provide any comments on the preferred option and/or alternative approach, as appropriate. The proposed policies are:

Proposed Policy 1a: Sustainable Development

Proposed Policy 2a: Integrating marine and coastal development

Proposed Policy 3a: Nature conservation designations

Proposed Policy 3b: Protected species

Proposed Policy 3c: Wider biodiversity and geodiversity interests

Proposed Policy 3d: Non-native species

Proposed Policy 3e: Landscape and seascape

Proposed Policy 4a: Cultural and Historic Environment

Proposed Policy 5a: Water environment

Proposed Policy 6a: Coastal erosion and flooding

Proposed Policy 7a: Waste management and marine litter

Proposed Policy 8a: Safeguarding existing pipelines, electricity and telecommunications cables

Proposed Policy 9a: Hazardous development and Health and Safety Executive consultation zones

Proposed Policy 10a: Defence



### Proposed Policy Options - Response Box 1

Please indicate which proposed policy you are commenting on:

2A Integrating marine and coastal development

Please provide your comments on the proposed preferred option and/or alternative approach: Proposed policy option

It is difficult to see how there can be good integration between the two planning regimes unless the Pilot Marine Spatial Plan is a material consideration in the LDPs and vice versa. Three examples where integrated marine and coastal developments are already taking place are: Hatston jetty extension, the Golden Wharf at Lyness and Copland's Dock in Stromness. All of these are associated with the shore facilities required by marine renewable developments.

Would you suggest an alternative approach?

No

### Proposed Policy Options - Response Box 2

Please indicate which proposed policy you are commenting on:

Proposed policy option 3D: Non-native species

Please provide your comments on the proposed preferred option and/or alternative approach:

A considerable amount of work has been carried out on developing the existing policy on Invasive Non-Native Species. The RYA (the UK Governing Body for Recreational Boating) has been working with the statutory agencies on this for some time. It is important that there is a consistency of approach throughout all UK waters. The Firth of Clyde Forum has developed a biosecurity plan for the Clyde which draws upon much of the established policy.

Would you suggest an alternative approach?

The Pilot Marine Spatial Plan should not attempt to develop a new policy on INNS but rather refer to existing guidelines and policy taking account of any factors that are



particular to the PFOW area.

### Proposed Policy Options - Response Box 3

Please indicate which proposed policy you are commenting on:

Proposed policy option 5: Water Environment

Please provide your comments on the proposed preferred option and/or alternative approach:

We welcome the statement in section 11.50 about identified recreational and shoreline waters that have potential to be affected by discharges to the water environment. Dinghy sailing, regattas, canoeing and other activities take place in many parts of Scapa Flow. In these activities there is the risk of immersion. If the water is polluted there will be a risk to health especially with children. We presume that finfish aquaculture will be included as a possible source of pollution.

Would you suggest an alternative approach?

No.

### Proposed Policy Options - Response Box 4

Please indicate which proposed policy you are commenting on:

Proposed policy option 7A: Waste management and marine litter

Please provide your comments on the proposed preferred option and/or alternative approach:

Marine litter is also a hazard to small vessels if, for example, a polythene bag is sucked into a cooling intake, discarded rope becomes wrapped round a propeller, or floating debris damages a vessel's hull. While reduction at source is the prime consideration, there also need to be appropriate facilities for recycling or otherwise disposing of unavoidable wastes. This policy focuses on new developments. However, the plan also needs to take account of existing sources of litter. Data from beach cleans provides valuable information on the origins of litter although these are unable to assess micro-particles and micro-fibres of plastic. In the Houton and Coldomo beach cleans, about 40% of the litter consists of plastics in the form of bags, containers and sheets most apparently coming from farms.



Another 40% may be considered as being marine litter in that it consists of ropes, old and new, bits of fishing nets and some complete nets. The most likely source for these items is fish farm boats, fishing boats and ferries. As most of the litter appears in the winter months recreational boats are unlikely to be a significant source. The final 20% comes from the dumping of building waste, wire and barbed wire, old tyres and wheels plus a myriad of other things. The Spatial Plan will need to be consistent with the Scottish Marine Litter Strategy but the emphasis may well differ due to the different relative sources of the litter.

Would you suggest an alternative approach?

No

#### **Proposed Policy Options - Response Box 4**

Please indicate which proposed policy you are commenting on:

Proposed policy option 9A: Hazardous developments and HSE consultation zones.

Please provide your comments on the proposed preferred option and/or alternative approach:

The position of existing hazardous installations also needs to be mapped. For example, the Flotta pipeline shut off valve is situated in South Ronaldsay by the 4th barrier.

Would you suggest an alternative approach?

No

Should you wish to respond to further proposed policy options please provide your response on an additional page(s) and submit with your completed Consultation Questionnaire.

#### **Further crosscutting / overarching policy areas**

Question 17: [Are there other crosscutting / overarching policy areas that should be](#)



addressed in the marine spatial plan?

Maritime and coastal safety is another cross-cutting theme involving communications, monitoring, deployment of rescue assets and provision of tugs. Marine safety appears in policy 13. However, it has wider implications beyond shipping and navigation. For example, a pollution incident could have onshore implications.

## 12 Sectoral policies

This section of the Consultation Questionnaire seeks your views on the proposed policy options set out in Section 12 of the Planning Issues and Options Paper. Please indicate in the proposed policy option response boxes below which proposed policy you are commenting on and provide any comments on the preferred option and/or alternative approach, as appropriate. The proposed policies are:

Proposed Policy 11: Marine renewable energy

Proposed Policy 12: Electricity infrastructure to support marine renewable energy projects

Proposed Policy 13: Shipping, Navigation and Marine Safety

Proposed Policy 14: Ports and harbours

Proposed Policy 15: Oil and Gas

Proposed Policy 16: Marine aggregates and dredging

Proposed Policy 17: Development of coastal protection and flood defence infrastructure

Proposed Policy 18: Development of new telecommunication cables

Proposed Policy 19: Commercial fisheries

Proposed Policy 20: Aquaculture

Proposed Policy 21: Tourism and recreation

### Proposed Policy Options - Response Box 6

Please indicate which proposed policy you are commenting on:

Policy 11 Marine Renewable Energy

Please provide your comments on the proposed preferred option and/or alternative approach:

We support the first paragraph of the preferred option. However, we feel that the second paragraph is open to interpretation in relation to the wording 'minimising significant adverse effects'. We would prefer the wording to reflect that all adverse effects on other



stakeholders, whether financial or in relation to safety, will be addressed. Furthermore, the last sentence of this paragraph reads 'Where appropriate, the policy would enable appropriate mitigation plans to be developed...'; in our view it is essential that the policy **must** do this and we seek reassurance that the policy wording can be altered to reflect this. The policy needs to be consistent with the Plan for Wind, Wave and Tidal Renewable energy, which will be shortly out for consultation, and with existing licensing procedures as well as international treaty obligations.

However, while supporting the preferred option, it is important to recognise that some activities are simply incompatible with some areas. Zoning in some areas is thus an interesting alternative approach that is not without its merits. Indeed the consultation document has already raised the possibility of safeguarding some activities. The RYA has produced position papers in relation to offshore wind, wave and tidal renewable installations which provide more detail on these points; the papers are available to download from this link  
<http://www.rya.org.uk/infoadvice/planningenvironment/offshorewindenergy/Pages/OffshoreEnergyDevelopments.aspx>

Would you suggest an alternative approach?

No

#### **Proposed Policy Options - Response Box 7**

Please indicate which proposed policy you are commenting on:

Policy 13 Shipping, navigation and marine safety

Please provide your comments on the proposed preferred option and/or alternative approach:

All navigational traffic should be considered under such policies. We thus suggest changing the wording so that instead of '.....potential effect of development on existing and future use of the marine area for shipping....' it reads '....potential effect of development on existing and future use of the marine area for commercial shipping and recreational vessel activity...'. The preferred option should make explicit reference to marine safety as this is an increasingly important issue due to increased risk to mariners from the proliferation of offshore developments.

Would you suggest an alternative approach?

No



### Proposed Policy Options - Response Box 8

Please indicate which proposed policy you are commenting on:

Policy 14 Ports and harbours

Please provide your comments on the proposed preferred option and/or alternative approach:

We welcome paragraph 12.21. It will be important to emphasise the need to consider other activities and uses than offshore renewables throughout any development planning so they do not become an afterthought or add on, or opportunities for synergistic developments are lost. Numerous references are made throughout the report to the importance of other activities from an economic and societal point of view and this should be reflected across the policies as appropriate. For example, some slipways and piers are small but provide an important facility for small boats; there is a danger that they are overlooked and deprived of the maintenance necessary to prevent storm damage.

Would you suggest an alternative approach?

No

### Proposed Policy Options - Response Box 9

Please indicate which proposed policy you are commenting on:

Policy 20 Aquaculture

Please provide your comments on the proposed preferred option and/or alternative approach:

The policy should be consistent with the relevant parts of the Scottish Planning Policy. The RYA has produced a position paper on aquaculture that shows how fish farming and recreational boating can coexist. However, recreational boating has already lost some sites to aquaculture in the PFOW area. Cages are often sited in bays of natural beauty which would previously have been used as anchorages, e.g. Pegal Bay and Lyrawa Bay in Scapa Flow. Cages have also been sited in anchorages, such as Hunda Sound, thus precluding them from their use as a refuge in case of adverse weather.

The plan should take account of all possible uses of the sea. Seaweed used to be gathered in Orkney and there are plans for commercial seaweed cultivation in other parts of Scotland. The RYA position paper on aquaculture includes seaweed farming. As a matter of



principle we think that unless there are compelling arguments for an activity being impossible in PFOW, there should be a catch-all policy to take account of unexpected developments.

Would you suggest an alternative approach?

No

### Proposed Policy Options - Response Box 10

Please indicate which proposed policy you are commenting on:

Policy 21 Tourism and recreation

Please provide your comments on the proposed preferred option and/or alternative approach:

We strongly support this policy.

Would you suggest an alternative approach?

No

Should you wish to respond to further proposed policy options please provide your response on an addition page(s) and submit with your completed Consultation Questionnaire.

### Further sectoral policies

Question 18: Are there other sectoral policies that should be developed in the marine spatial plan?

No

### Further comments or opinions

Question 19: Do you have any further comments or opinions in relation to the preparation of the Draft Pilot Pentland Firth and Orkney Waters Marine Spatial Plan?



No