

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

Consultation Response: Scottish Water

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?](#)

Scottish Water welcomes the approach taken by the Plan to ensure stakeholder involvement, we are committed to working in partnership to assist in the development and management of marine planning. We note that it will be important for any key elements of the plan to take cognisance of Scottish Water's regulatory structure and financing in the event that there are specific measures identified for the water industry.

Scottish Water believes that the Marine Spatial Plan should be set in the context of the overall sustainable development of Scotland and must take socio-economic aspects into account at the policy development stage.

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?](#)

We consider that measures must be evidence based, proportionate and underpinned by scientific assessment.

The location and static nature of our coastal assets is often supported by marine dispersion modelling, and it should be recognised that the mixing zones for final effluent discharges may not be compatible with certain other activities.

It should be considered what size/level of activity it is necessary to record to inform a regional marine plan e.g. in Scottish Water's case, we would ask, would it be at same level as provided for the Scottish Marine Atlas?

Consideration may need to be given to finding a balance between disclosures of asset positions and protection of those asset.

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?

Scottish Water has no comment

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?

Existing and likely future Scottish Water assets, such as sea outfalls, will be located within the geographical scope of the emerging marine spatial plan.

The plan must recognise this essential function, make provision of appropriate development of this nature and safeguard against potential uses which could conflict with infrastructure needs.

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)

We understand that the pilot plan will be non-statutory but will inform the production of future statutory plans and would favour re-alignment of the pilot plan boundaries with the proposed Scottish Marine Region (SMR) boundaries

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).

There will be a degree of overlap between the land planning function and the scope of the marine spatial plans. To facilitate integration, each marine spatial plan should make clear which local planning authorities it relates to.

For the area between mean high and low water springs, the marine spatial plans should ensure there is no conflict with existing/emerging Local/Strategic Development plans. In determining the timetable for plan development, cognisance should be given to the terrestrial planning regime.

Appropriate consultation should be undertaken to ensure no conflict between land and marine spatial plans. This will be of particular importance when considering proposals for large renewable developments which may require substantial land based infrastructure.

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?

Scottish Water strongly agrees with Principle 3 that coastal land use allocations should not be mapped within the marine spatial plan. When terrestrial constraints are mapped for context, it should be made clear that the policies and provisions of Local/Strategic development plans take precedence.

The application of marine spatial plans to inform planning application decisions within the coastal zone, and their legal status must be clearly identified within each Marine Spatial Plan. Reference to the relevant marine spatial plan should also be made within the relevant Local Development Plans to aid integration without repetition.

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?

Scottish Water invests in Waste Water Treatment Works (WWTW) and collection systems to meet regulatory and environmental requirements based on a number of criteria, including the status of the receiving waters for the final effluent or discharge. Once an asset has been built to meet regulatory standards, it should not be considered feasible for an incompatible activity, such as a shellfish farm, to be developed in the mixing zone.

We recommend that the location of incompatible activities is given equal consideration as compatible activities. The development of an incompatible activity near an established legitimate activity, such as a licensed discharge, may lead to requests for enhanced levels of treatment beyond that agreed and set out in the licence; resulting in additional costs in terms of carbon and financial cost.

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?

Scottish Water has no comment

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.

Yes, Scottish Water strongly believes that existing functional assets and rights to legitimate, licensed activities should be safeguarded

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

Scottish Water considers that high level policies of the relevant bodies should inform this and that the protection of the natural environment should be considered through statutory procedures, using an evidence based approach and regulated consistently across all sectors to ensure that projects are not held up during the planning and construction phase.

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?

Scottish Water has no comment

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)

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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?

Scottish Water believes that these issues should be set in the context of the overall sustainable development of Scotland and must take socio-economic aspects into account at the policy development stage.

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

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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?**

Scottish Water notes that discharges are considered a strategic issue in relation to Biodiversity and Natural Heritage.

We would state again that, as part of the critical infrastructure supporting safe sanitation for the people of Scotland, the need to discharge safely to the marine environment in compliance with environmental licences needs to be acknowledged.

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 identified areas of major, intermediate or minor interaction but did not distinguish between positive and negative effects; as such we did not find it as informative or meaningful as had positive and negative interactions been identified.

It was perhaps not detailed enough to inform a Regional Marine Plan

We would recommend that the location of incompatible activities is given equal consideration as compatible activities. The development of an incompatible activity near an established legitimate activity, such as a licensed discharge, may lead to requests for enhanced levels of treatment beyond that agreed and set out in the licence; resulting in additional costs in terms of carbon and financial cost.

Co-existence through appropriate management of incompatible activities, as suggested in the plan, may result in one sector bearing the burden of financial costs associated with a management regime

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?**

We would support the development of an overarching spatial strategy so as to safeguard the investments made in essential existing asset and to safeguard their function and compliance

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:

3b Protected Species

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

We would wish to see this policy should be developed at a National rather than at a Regional level, applying a scientific and evidence based approach, thus ensuring that certain mobile or migratory species would have appropriate levels of protection wherever they exist and leading to certainty for developers to manage risks, determine investment requirements and manage their activities.

Would you suggest an alternative approach?

Scottish Water has no comment

Proposed Policy Options - Response Box 2

Please indicate which proposed policy you are commenting on:

3c Wider biodiversity and geodiversity interests

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

Scottish Water works with our environmental regulators to ensure that an appropriate level of protection for natural heritage designated sites and protected species and habitats is integrated into our capital and operational expenditure projects.

Would you suggest an alternative approach?

Scottish Water has no comment

Proposed Policy Options - Response Box 3

Please indicate which proposed policy you are commenting on:

3d Non-native species

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

We support the preferred option; threats, issues and management specific to marine Non-Native Species (NNS) occurring locally need to be addressed, we would seek to protect our assets integrity and functionality.

Would you suggest an alternative approach?

Scottish Water has no comment

Proposed Policy Options - Response Box 4

Please indicate which proposed policy you are commenting on:

5a Water environment

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

With regard to paragraph 11.49

Scottish Water invests in WWTW and collecting systems to meet regulatory drivers based on a number of criteria, including the population within a network catchment and sensitivity and status of the receiving waters for the final effluent or discharge.

It is essential that all sectors that may be contributing to diffuse pollution of marine waters either directly, or indirectly via rivers, are managed and regulated in an unbiased way.

With regard to paragraph 11.50

Scottish Water understands that SEPA takes the view that the current category of "Recreational and Shoreline Waters" has no legal basis and that this terminology is no longer used.

With regard to paragraph 11.51

We would wish to point out that "larger" discharges from WWTW do not necessarily present a greater impact or risk to the environment , I refer to the response to paragraph 11.49 above

Preferred option

We would wish to be consulted further if programmes of measures were considered necessary to implement the provisions to safeguard bathing water quality at designated bathing beaches.

Would you suggest an alternative approach?

Scottish Water has no comment

Proposed Policy Options - Response Box 5

Please indicate which proposed policy you are commenting on:

7a Waste management and marine litter

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

Scottish Water is actively participating in the development of the marine litter strategy

Would you suggest an alternative approach?

Scottish Water has no comment

Proposed Policy Options - Response Box 6

Please indicate which proposed policy you are commenting on:

8a Safeguarding existing pipelines, electricity and telecommunications cables

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

Scottish Water considers that final effluent discharge pipelines and Combined Sewer & Emergency Overflows (CSO & EO) should be included in the policy to safeguard existing pipelines; we support the proposal to identify appropriate safety zones.

Would you suggest an alternative approach?

Scottish Water has no comment

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 crosscutting / overarching policy areas

Question 17: [Are there other crosscutting / overarching policy areas that should be addressed in the marine spatial plan?](#)

Scottish Water has no comment

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:

18 Development of new telecommunication cables

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

We note the proposal to encourage the use of existing pipeline corridors for co-location. We would wish to be consulted further on this proposal where our assets may be affected as there would be a requirement to look at each proposal on a case by case basis

Would you suggest an alternative approach?

Scottish Water has no comment

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?](#)

Scottish Water has no comment

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?](#)

Scottish Water's primary functions are the production and distribution of potable drinking water and the collection, management, treatment and safe return to the environment of domestic, trade effluent and surface water drainage. Maintaining the integrity of our sewerage network, outfalls and pipelines discharging to the sea is vital in providing this essential service for the people of Scotland. In the interests of public health any statutory framework must take into account and balance the legitimate needs of all users of the marine environment including the water industry requirement to discharge treated effluent. Scottish Water's coastal (shoreline) and marine infrastructure assets are static and must remain operational 24hrs a day.