



PFOW Consultation
Offshore Renewable Energy
Marine Scotland
Marine Planning and Policy
Victoria Quay
Edinburgh
EH6 6QQ

26th July 2013

By email to PFOWmarinespatialplan@scotland.gsi.gov.uk

Dear Sir/Madam,

Consultation on Pilot Pentland Firth and Orkney Waters Marine Spatial Plan

ScottishPower is a major UK energy company with network, retail and conventional and renewable generation interests. It is part of the Iberdrola group, a major international utility and the world's leading renewable energy developer. In the UK, our renewable business, ScottishPower Renewables, has over 1.2GW installed capacity to date and a substantial development portfolio including onshore and offshore wind as well as emerging wave and tidal technologies.

Our offshore wind portfolio currently includes the 389MW West of Duddon Sands windfarm, a joint venture with DONG Energy, to be constructed between 2012-2014, the 7.2GW East Anglia Zone, leased through The Crown Estates Round 3, to be developed as a joint venture with Vattenfall Wind Power Ltd and our Argyll Array project awarded as part of the Scottish Territorial Waters (STW) process.

We also have interests in the marine site licensing in the UK, as a key element of our ambitious renewable energy programme looking ahead to the future is the development of wave and tidal generation projects. We are currently developing world-leading wave and tidal projects in Scotland, which includes the first consented tidal array in the Sound of Islay (10MW) and the securing of two Agreements for Lease with The Crown Estate in the Pentland Firth and Orkney Waters Strategic Area.

We therefore welcome the opportunity to respond to this consultation and I hope you find our response helpful.

Key consultation points:

- There is a focus on the effects of developments throughout the Sectoral Policy sections. However, any expansion of activities within any sector may well have an effect. Therefore, the focus should be holistic in nature and not solely on development.

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- It is not clear how other plans currently under consultation (i.e. NMP, MPA, Sectoral Plans, etc.) are to be considered within the PFOW MSP. Clarity should be provided to this effect within the final consultation document.
- It is not clear how this plan will be utilised in the determination of projects given that the NMP and RMPs will also cover this spatial area. Clarity is required on the status of the plan and how it will be considered.

I am happy to discuss further, or provide additional information as required.

Yours faithfully,



Dr. Douglas Watson
Offshore & Marine Policy Manager

ScottishPower Renewables' Detailed Comments	
Section	Comment
Introduction, Page 5, Paragraph 1.2	Mention is given to the Marine Energy Park; however it is not explained how this designation fits into the current consultation on the PFOW MSP. Clarity should be given as to this and also how this might affect future marine renewables developments.
Question 1, Page 18	Other potential plans that may well need to be taken into account include the current consultation on the MPA coherent network, other plans for expansion of European designated sites (i.e. additional SPA designations) and also the PF Marine Energy Park (as mentioned in the introduction on Page 5).
Figure 4, Page 19	No representation is made in this figure of the Sectoral Plans for wind, wave & tidal or the current consultation on the MPA coherent network.
Question 2, Page 21	No mention is made of other external and internal sources of data. Ongoing works are being undertaken by developers and The Crown Estate within the PFOW SA, which may be or become available. Additionally, Marine Scotland has undertaken extensive cruises of the PFOW SA gathering geophysical, drop-down camera and sub bottom profiling data – all of which should be taken into account within the draft plan.
Question 3, Page 23	N/a.
Question 4, Page 23	The PFOW MSP should be used in conjunction with other relevant plans when making licensing decisions. These other plans will, of course, include and be led by the National Marine Plan and the Regional Marine Plans. This should be made clear.
Page 24, Paragraph 6.8	Mention is made of the plan being used in the determination of marine licensing applications – it is assumed that this includes Section 36 applications as well as applications for a Marine Licence? It may be better to be specific here. <i>Within this section called “The status of the pilot marine spatial plan” it may be opportune to set out exactly where it is likely to fit in the bigger picture and how it is likely to relate to all the other plans either currently being consulted on (i.e. the NMP) or likely to come out in the foreseeable future.</i>
Page 24, Paragraph 6.9	This paragraph is contradictory in nature stating initially that the proposed pilot plan will be a material consideration in any consent application determination. However, the latter part of the paragraph then goes onto state that the plan is non-statutory in nature and will only act as guidance. Paragraph 6.10 then goes onto describe that it is the Regional Marine Plans that are statutory in nature.
Page 24, Paragraph 6.10	How are this draft plan and the statutory Regional Marine Plan for the area to be treated, especially if there is any overlap and/or

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	contradictory advice within the guidance between the two plans? This will be of particular concern if both plans are of material consideration (as stated for this plan in Paragraph 6.9).
Page 24, Paragraph 6.11	For the area of the Pentland Firth there is the potential to have this plan and 3 other RMPs covering the area, all potentially of material consideration and all potentially differing in their guidance. Is there a requirement for this draft plan, or should the focus be on the RMPs themselves in order to minimise potential conflict?
Page 24, Paragraph 6.13	Given that The Crown Estate PFOW SA was arbitrarily drawn in the first instance there is a need to clarify the boundary here and not simply state that it was chosen because it already existed. The area of the draft plan should be fit for purpose and this should be defensible.
Question 5, Page 26	The Spatial Plan boundary cannot be considered to be appropriate as it was not selected from first principals, but is a boundary that was defined for a different purpose (and this boundary has since altered also). Therefore, it would make more sense to re-align the plan boundary to fit with the North Coast and Orkney SMRs. This should have the benefit of preventing confusion in the future when these two SMRs draw up their own RMPs.
Question 6, Page 27	No comment.
Question 7, Page 27	SPR agree with the key principles.
Question 8, Page 29	SPR agree with coexistence as a principal; however, we cannot agree with coexistence in relation to specific developments until the management measures being proposed are fully set out and the implications of coexistence are fully known.
Page 30, Paragraph 8.1	It should be stated clearly over what period the plan is likely to cover. For instance, is the plan to be reviewed every 5-years or will it be a 20-year plan (as mentioned in Paragraph 8.7)? The chosen period will have significant implications over the assumptions in the plan; particularly in relation to marine renewables as this is a fast moving sector from a technology perspective and is likely to go through several iterations in the coming years and decades.
Page 31, Paragraph 8.7	A 20-year look ahead is ambitious. Is this to be re-visited every 5-years?
Question 9, Page 31	In 20-years time it would be good to see that we have managed to capture some of the marine energy within the area through renewable sources without interference to current activities.
Question 10, Page 31	Lifeline ferry services should be safeguarded.

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Question 11a, Page 31	This is likely to be covered in other European legislation and the formation of the coherent network of MPAs in Scottish Waters. Therefore, reference should be made within the plan to these programmes.
Question 11b, Page 31	Very important and will be covered by European and domestic legislation and protection as set out in other documentation.
Question 12a, Page 31	These are already covered by current and future legislation. Reference should be made by the draft plan to these where appropriate.
Question 12b, Page 32	Very important.
Question 13a, Page 32	The status of the area as a Marine Energy Park should be highlighted within the draft plan, which promotes the development of low carbon technologies in order that both the Scottish and UK targets can be met. The potential economic benefit to the area through the development of the marine renewables sector is considered to be of significant benefit.
Question 13b, Page 32	Yes.
Table 9.1, Page 34-44	It should be stated in the " <i>Opportunities to address strategic issues in the pilot marine spatial plan</i> " column as to how the additional works as set out are to be funded.
Table 9.1, Page 35, 'Biodiversity and Natural heritage'	It mentions here both agricultural run-off and industrial discharges; however, there does not appear to be any other part of the plan which deals with these issues. Integration between marine and terrestrial legislation should be aligned in order that these issues can be considered within this and future regional plans.
Table 9.1, Page 37, 'Marine renewable energy'	It states here that the plan is 'statutory', which is at odds with previous sections which stated it was non-statutory whilst the RMPs would be statutory in nature. Clarification should be given here.
Table 9.1, Page 38, 'Shipping and Navigation'	Clustering of marine developments is considered here in mitigation to shipping activities. However, this may well lead to resource conflicts between the developments. Therefore, this should not be a consideration of the plan as it has wider implications to the renewables sector. Shipping interactions should be considered by the developers of projects and minimised at a project level.
Question 15, Page 45	It is not clear in Table 9.2 what 'Other Infrastructure' is and, for instance, why commercial fisheries do not interact with it, however marine renewables does.

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	Additionally, some of the levels of interaction in relation to marine renewables will be technology specific and also relate to the proposed development site. This should be stated somewhere as it is not currently considered.
Page 48, Paragraph 10.2	It is not clear how important areas will be identified for all sectors (i.e. commercial fisheries) going out 20 years from now. There is great uncertainty looking ahead season by season; therefore, the assumptions will be so great as to potentially make the spatial information meaningless. How this is to be handles within the plan should be made clear.
Question 16, Page 48	Yes.
Page 48, Paragraph 10.4	No mention is made here of fisheries data (ScotMap). This should be included.
Page 49, Paragraph 11.3	Mention is made here of marine renewables; however no mention is made of offshore wind. The upcoming sectoral plans show offshore wind within the PFOW MSP area and should, therefore, be taken into account. This is an example of the requirement for an upfront description of how all future plans are to be considered by the PFOW MSP. Additionally, it is stated here that certain sectors (e.g. recreation and tourism) are established. However, this does not allow for the inclusion of 'new' activities which may well be brought forward in these established sectors. Any potentially 'new' activities need to also be captured within the plan given that it is proposed to be looking 20 years hence.
Page 50, Proposed Policy 1A	The statement ' <i>Safeguards or enhances the natural, cultural and historic environment</i> ' is likely to be very difficult to achieve and/or assess for any sort of development and or increase in activity.
Page 53, Proposed Policy 3A	The preferred option here will seek to address connectivity issues between conservation sites and proposed developments. It is not clear how this will be achieved given the 20 year outlook of the plan. Will this be species specific, will it take the sectoral plans for wind, wave and tidal into account, will it consider the currently propose coherent network of nature conservation MPAs? There are still a lot of questions that need addressed given that a lot of consultation is yet to take place.
Page 55, Paragraph 11.20	It is unclear as to the role of the PFOW MSP in the identification of habitats and species as it is stated here that the knowledge and the data are piecemeal. This may ultimately be misleading and full of assumptions.
Page 57, Paragraph 11.24	The IMO Biofouling Guidelines are stated here as being voluntary. Should it be the role of the PFOW MSP and/or the RMPs to ensure that these guidelines are formally adopted by all

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	recreational craft organisations that utilise the area?
Page 61, Paragraph 11.44	Clarity should be given as to how the consideration of unprotected sites will be taken into account. For example, will it consider them to be protected?
Page 65, Proposed Policy 5A	Much of the supporting spatial information set out here alters annually. Clarity is required as to how this is to be dealt with in the PFOW MSP given its 20 year outlook.
Page 67, Proposed Policy 7A	This section appears to limit the consideration of waste plans to developments; however, these should be considered by all sectors including commercial fisheries and recreational activities.
Page 69, Proposed Policy 9A	This section appears to focus on developments. However, there should be awareness that all new activities within any sector will have implications with regards this policy area and should be considered.
Page 72, Proposed Policy 11	<p>This section deals with wave and tidal; however, it should be expanded to include offshore wind given the upcoming sectoral plans that will cover this activity within the PFOW MSP area.</p> <p>SPR do not believe that areas should be zoned in relation to offshore and marine renewables. Areas selected for development go through a very rigorous process and take all conflicts with other users into account. Additionally there are likely to be future advances in technologies that will open up areas of resource not currently considered to be commercially viable. These areas will be lost to future developments if areas are zoned this early in the development of the marine renewables sector.</p>
Page 73, Paragraph 12.10	Although marine renewables is the driver in relation to the electricity infrastructure it should be made clear that all will benefit from any upgrading as the grid does not discriminate between sectors or technologies.
Page 76, Proposed Policy 13	This section appears to focus on developments. However, there should be awareness that all new activities and expansion within any sector will have implications with regards this policy area and should be considered.
Page 84, Proposed Policy 20	The phrase ' <i>foreseeable future</i> ' is used here – how does this align with the ambitions of other parts of the PFOW MSP in having a 20 year outlook?
Page 85, Proposed Policy 21	This section appears to focus on developments. However, there should be awareness that all new activities and expansion within any sector will have implications with regards this policy area and should be considered. For instance an expansion of one tourism activity may impact upon other tourism activities.



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Page 87, Paragraph 13.2	We welcome the acceptance that the plan will have to be reviewed and updated. This is not currently clear in the consultation, but we look forward to this being addressed within the monitoring and reviewing framework within the final consultation document.