Pilot Pentland Firth and Orkney Waters Marine Spatial Plan

Consultation Analysis

PILOT PENTLAND FIRTH AND ORKNEY WATERS MARINE SPATIAL PLAN

CONSULTATION ANALYSIS:

Planning Issues and Options Consultation Paper and Draft Environmental Report

Report prepared by the Pilot Pentland Firth and Orkney Waters Working Group:

In collaboration with:

EXECUTIVE SUMMARY

This Consultation Analysis sets out the results of a variety of methods by which respondents could make their views known on two documents that had been prepared as part of the process of developing a pilot Pentland Firth and Orkney Waters Marine Spatial Plan. The documents were a Planning Issues and Options Consultation Paper and a draft Environmental Report, which were published on the Scottish Government website on 17 June 2013 with responses requested by 26 July 2013.

This Consultation Analysis outlines the findings of the formal written comments sent in response to the consultation papers and an analysis of the findings of workshops and drop in sessions held in Kirkwall and Thurso during the week beginning 1 July 2013. The workshops and drop in sessions were organised in collaboration with researchers from the International Centre for Island Technology (ICIT) at Heriot Watt University who are working on a European Union funded project based on marine spatial planning.

There were 30 formal written responses received in relation to the Planning Issues and Options Consultation Paper and 6 in response to the draft Environmental Report. The workshops were attended by 34 participants in Kirkwall and 38 in Thurso and the evening drop in sessions were attended by approximately 24 and 30 people in Kirkwall and Thurso respectively.

Detailed comments were provided to the consultation and there was wide ranging discussion on a variety of issues at the workshops and drop in sessions. The key findings of the analysis of the responses from these are summarised below (in no order of priority). The respondents felt that the following were all needed to ensure that the Plan was fit for purpose:

- A clear vision and objectives for the Plan.
- Clear and consistent use of terminology and definitions and links to relevant Scottish Government work, plans and other relevant information.
- A very clear need for on-going consultation with a wide range of stakeholders.
- Clarity regarding what information will be used for the evidence base to inform the Plan.
- Respondents provided detailed comments in relation to the proposed policies.
- The need for a balanced and sustainable approach to planning.
- The Plan area should be based on the proposed Scottish Marine Regions Orkney and North Coast regions.
- The need for integration of marine and terrestrial planning.
- The need to ensure that existing legislation is taken account of and that the policies do not add unnecessary extra requirements.
- The need for an overarching spatial policy for the Plan.

These points and the results of the Consultation Analysis will be taken into account during the next stage of drafting the pilot Pentland Firth and Orkney Waters Marine Spatial Plan. A separate Consultation Report that supports this Consultation Analysis will set out in detail how the comments received will be addressed in the Draft Plan.

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ACKNOWLEDGMENTS

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1.   Introduction

1.1   Background

1.1.1   A pilot Pentland Firth and Orkney Waters Marine Spatial Plan is currently being developed by a Working Group consisting of Marine Scotland, the Highland Council and Orkney Islands Council. A Plan Scheme was published in November 2012 and this outlined the process of developing the marine spatial plan and indicated when there would be an opportunity for public consultation.

1.1.2   A National Marine Plan is currently being prepared and will provide a planning framework to manage the competing demands for the use of the sea whilst protecting the marine environment. The National Marine Plan outlines the requirement for regional marine plans to be developed across Scotland and this pilot marine spatial plan will provide the basis for the future development of Regional Marine Plans.

1.1.3   The Working Group prepared two documents, a Planning Issues and Options Consultation Paper and a draft Environmental Report. These two documents were published on the Scottish Government website on 17 June 2013 with responses to the consultation requested by 26 July 2013.

1.1.4   The Planning Issues and Options Consultation Paper contained 19 questions, 3 of which had sub questions requesting a score of importance against an issue. All except one question were open questions which allowed respondents to express their views or provide suggestions. There were also two sections relating to the crosscutting or overarching marine planning policies and the sectoral policies where respondents were invited to comment on as many policies as they wished. There were no specific questions associated with these sections.

1.1.5   The draft Environmental Report had 6 open questions that allowed respondents to provide comments on each section of the report.

1.1.6   For the purposes of this Consultation Analysis the pilot Pentland Firth and Orkney Water Marine Spatial Plan will be referred to as "the Plan", the Planning Issues and Options Consultation Paper as the "PIOP" and the draft Environmental Report as the "ER".

1.2   Consultation

1.2.1   In accordance with the Environmental Assessment (Scotland) Act 2005: Section 16(2) Environmental Report, the consultation was advertised publicly in the print media (*The Orcadian* and the *John O'Groat Journal*) in June 2013.

1.2.2   In addition, information regarding the consultation was sent to a list of >250 stakeholders with an interest in this work (Annex 1) and it was

highlighted on the webpages of each of the Working Group members (Marine Scotland, the Highland Council and Orkney Islands Council).

1.2.3   The consultation also included workshops, drop in sessions and the opportunity for face to face meetings in Kirkwall and Thurso. These events were organised by the Working Group in collaboration with marine social scientist researchers from the International Centre for Island Technology (ICIT) at Heriot Watt University. These were widely advertised via posters in the local area, local websites, community forums and a flyer in the local newspapers (*The Orcadian* and *John O'Groat Journal*) in the week before the events.

1.2.4   As this consultation consisted of a range of ways in which people could make their views known this report will contain an analysis of each so that all the information can be found in the same place.

1.3   Analysis Method

1.3.1   The analysis of the responses to the consultation has been undertaken following the Scottish Government's Good Practice Guidance (updated May 2010). The guidance ensures that the responses are analysed objectively and accurately, and that the reporting of the findings is accessible and transparent. A copy of this guidance is available on request from PFOWmarinespatialplan@scotland.gsi.gov.uk.

1.3.2   This analysis has been undertaken by members of the Working Group with contributions from the researchers at ICIT Heriot Watt University.

1.4   Report Structure

1.4.1   This report has been prepared to set out the results of the analysis of all the different ways in which consultation on the Planning Issues and Options Consultation Paper and the draft Environmental Report has been undertaken.

1.4.2   In order to have all the analysis in one document this report deals with each different type of consultation in a separate section as follows:

- Section 1 (this section) provides an introduction to the consultation and background to the consultation documents,
- Section 2 provides the analysis for the Planning Issues and Options Consultation Paper,
- Section 3 provides the analysis for the draft Environmental Report and a summary of responses received to the Screening and Scoping document related to this Environmental Report,
- Section 4 provides the analysis of the notes and feedback from the workshops held on 1 July 2013 in Kirkwall and 4 July 2013 in Thurso,
- Section 5 provides an analysis of the notes and feedback forms from the evening drop in sessions in Kirkwall and Thurso,

- Section 6 is a contribution for the part of the workshops that were run by ICIT Heriot Watt University,
- Section 7 sets out the key findings from the consultation analysis.

1.5   Report Availability and Distribution

1.5.1   The report has been compiled in line with best practice and the analysis has been made available to maximise the transparency of the decision making process.

1.5.2   The report will be made available on the Scottish Government consultations website and the pilot Pentland Firth and Orkney Water Marine Spatial Plan website.

2. Planning Issues and Options Consultation Paper

2.1 Background

2.1.1 The Planning Issues and Options Consultation Paper (PIOP) was published on the Scottish Government website on 17 June 2013 along with the draft Environmental Report (ER) (see Section 3) with responses requested by 26 July 2013.

2.1.2 These two documents are analysed separately for the purposes of this Consultation Analysis.

2.2 Number of Responses

2.2.1 A total of 30 responses were received in relation to the PIOP. Two of these respondents also included a separate response relating to the draft ER and one respondent included comments on the draft ER as a joint response to both the PIOP and ER. These three responses were considered as part of the draft ER analysis and are not included for further analysis in this section.

2.2.2 There were two responses received from East Ayrshire and Perth and Kinross councils who acknowledged the consultation but noted they had no further comment.

2.2.3 The majority of respondents responded using the consultation questionnaire (23 of the 30 responses), with the remainder sending their responses in letter form.

2.2.4 Each response received for the consultation was read in detail and given due consideration. The responses were published online where respondents had given permission to do so and a list of respondents is included in Annex 2.

2.2.5 For the purposes of the analysis outlined below only responses that provided comment or text were discussed, those that did not supply text or provided text such as "no comment", "no" or "have nothing further to add" were counted as "no response".

2.3 Respondent Classification

2.3.1 Each respondent to the consultation was assigned to one of seven broad stakeholder groups and then subdivided (where necessary) to a further sub-group to allow a detailed analysis of their responses. Table 2.1 shows the seven groups and 16 sub-groups used in the consultation analysis.

2.3.2 The number of responses from each group are shown in Tables 2.2. and 2.3 and Figures 2.1 and 2.2. It can be seen that commercial, recreation and public sectors account for 60% (20% each) of the responses with 6

responses each and fisheries/aquaculture and individuals accounting for 30% (17 and 13% each) with 5 and 4 responses respectively. Non-governmental organisations and one forum account for the remaining 10% (7 and 3%) with 2 and 1 response(s) respectively.

Table 2.1   Definitions of Stakeholder Categories

Broad Stakeholder Group	Detailed Stakeholder Sub Group
Commercial	Harbours
	Seaweed Harvesting and Cultivation
	Other commercial bodies
	Renewable energy
Public Sector	Local Authorities
	Other Public Bodies
	National Authorities
Recreation	Canoeing
	Kayaking
	Yachting
Fisheries and Aquaculture	Fishermen's Associations
	Local Fishing Association
	Aquaculture Association
Individuals	Private Individuals
Non-Governmental Organisations	Environmental Group
Forum	Local Forum

Table 2.2   Response Rates by Broad Stakeholder Group

Broad Stakeholder Group	Total Replies	Percentage Share
Commercial	6	20
Public Sector	6	20
Recreation	6	20
Fisheries and Aquaculture	5	17
Individuals	4	13
Non-Governmental Organisations	2	7
Forum	1	3
TOTAL	**30**	**100**

Table 2.3   **Response Rates by Sub Group**

Detailed Stakeholder Sub Group	Total Replies	Percentage Share of Sub Group	Percentage Share of Broad Group
Harbours	1	3	17
Seaweed Harvesting and Cultivation	1	3	17
Other commercial bodies	2	7	33
Renewable energy	2	7	33
Local Authorities	1	3	17
Other Public Bodies	3	10	50
National Authorities	2	7	33
Canoeing	1	3	17
Kayaking	3	10	50
Yachting	2	7	33
Fishermen's Associations	1	3	20
Local Fishing Association	3	10	60
Aquaculture Association	1	3	20
Private Individuals	4	13	100
Environmental Group	2	7	100
Local Forum	1	3	100
TOTAL	**30**	**100**	
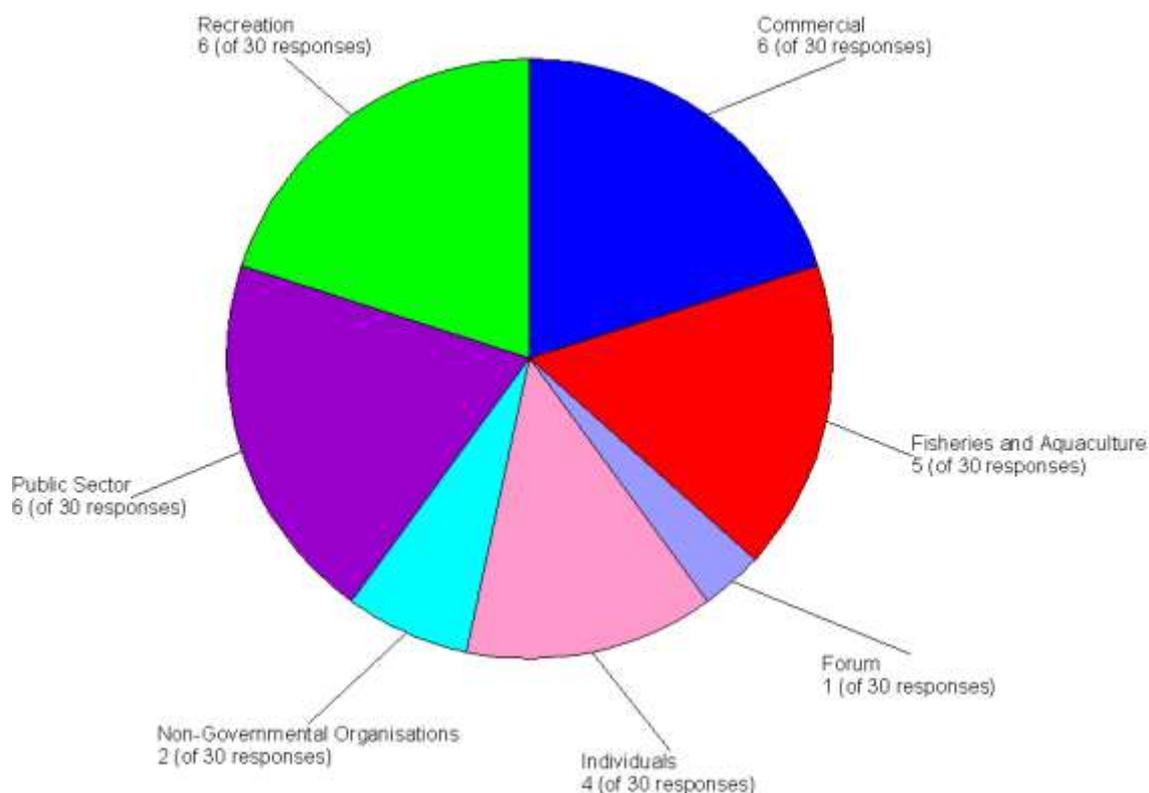
Figure 2.1   **Response Rates by Broad Stakeholder Group**

2.3.3   The response rates by sub group show that some groups represented the total responses for the associated broad stakeholder group (Local Forum, Private Individuals and Non-Governmental Organisations) whereas others had a wider range of representation. For example, the broad Stakeholder Group of Recreation had three sub groups represented (Kayaking, Canoeing and Yachting). The sub groups associated with the Commercial and Public Sector Broad Stakeholder Groups also had a range of representation.

2.3.4   The Fisheries and Aquaculture Stakeholder group was represented by local and national fisheries Associations (4 of five responses) and an Aquaculture Association. In the text below this group is referred to as fisheries/aquaculture where responses from all sub groups are being taken into consideration. However, where responses from the sub group of aquaculture or the fisheries associations are dealt with individually this will be noted by referring to either "fisheries sector" or "aquaculture sector".
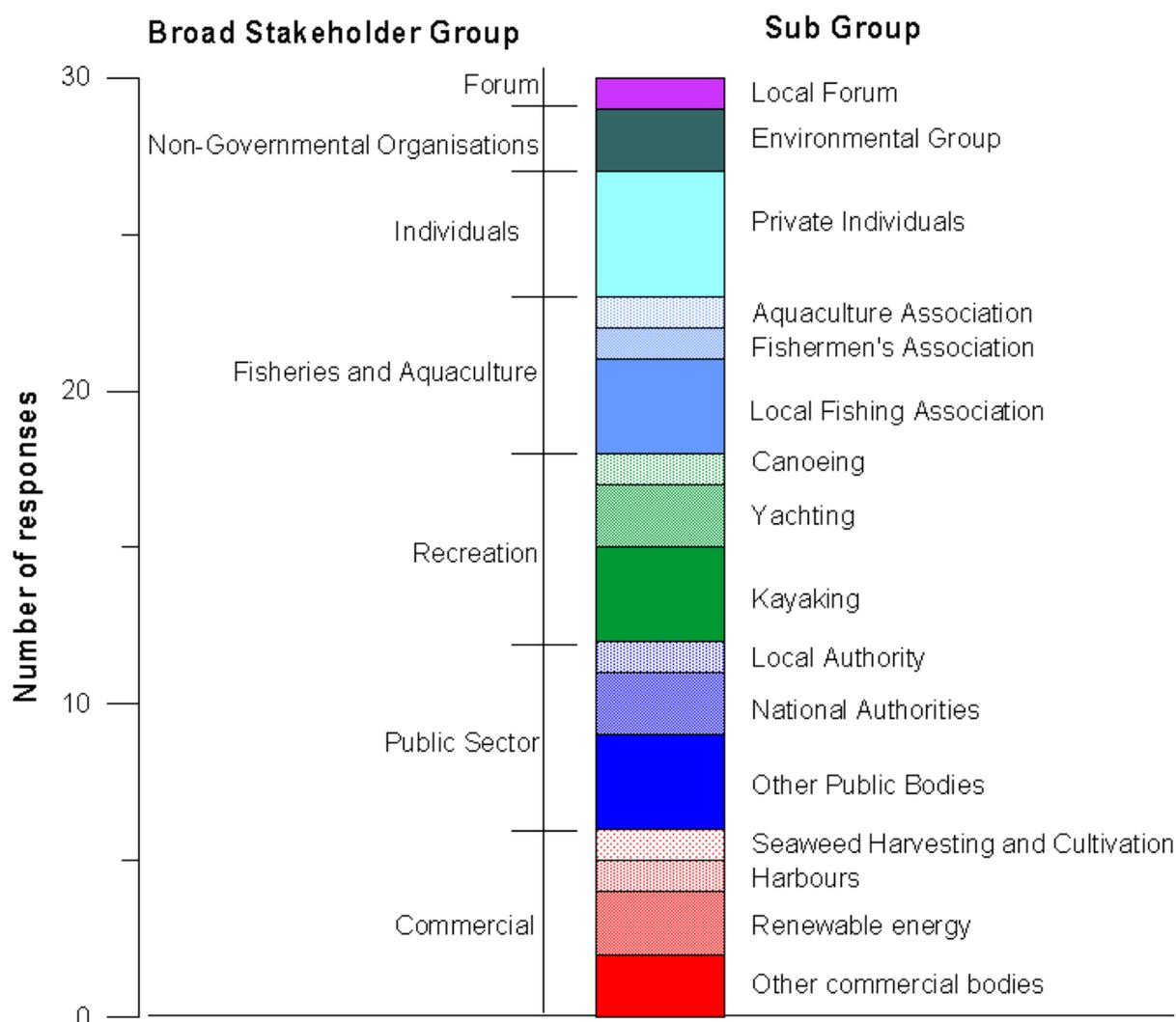
Figure   2.2   Response Rates by Detailed Stakeholder Sub Group.

2.4   Geographical Distribution of Respondents

2.4.1   The geographical distribution of the respondents is shown in Figure 2.3.
Responses for Orkney and Caithness and Sutherland were fairly even with
9 responses from Orkney and 6 from Caithness and Sutherland and 2
more from respondents representing the wider Highland area. Nearly half
of the responses were from businesses or individuals representing
organisations with a Scotland wide remit (12 out of 30 responses).

2.4.2   Overall, there was a good range of responses from a variety of
stakeholders across the Pentland Firth and Orkney Waters region. The
responses included individuals and organisations representing both local
and national interests.
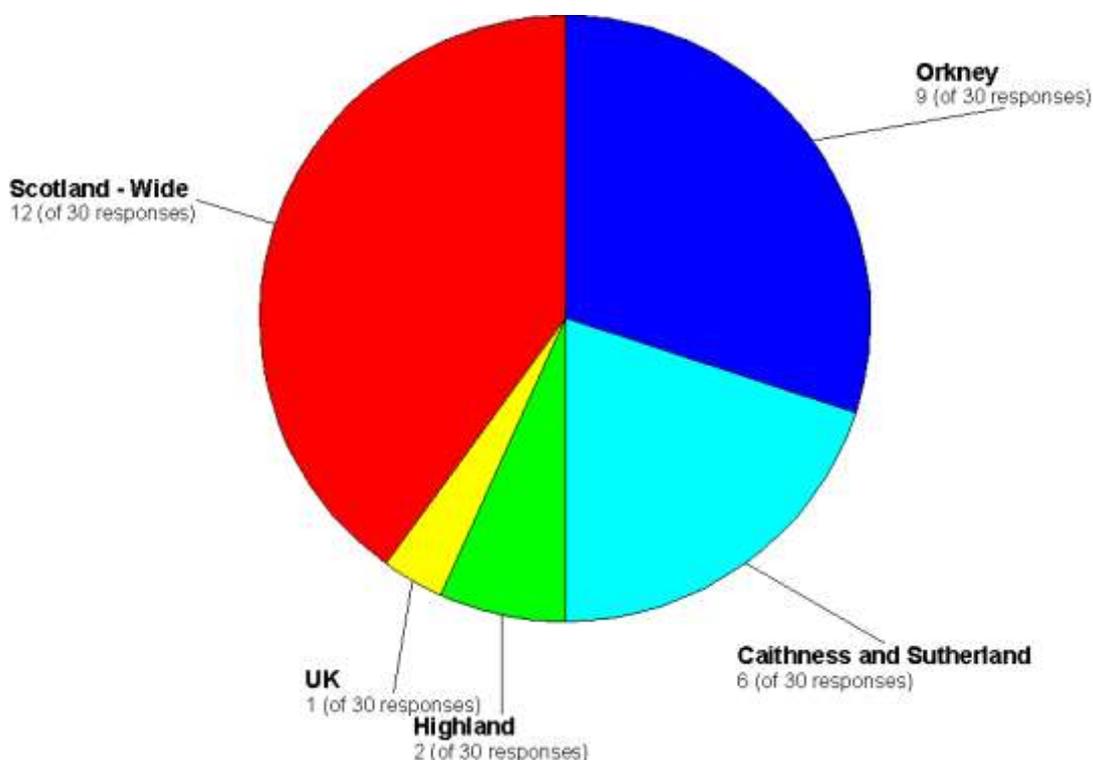
Figure 2.3   Geographical distribution of respondents

2.5   Analysis of Responses

2.6   Introduction

2.6.1   The majority of the responses focused on the consultation questions but
some respondents provided a more general response that did not
specifically relate to the questions. Where possible these responses are
discussed under the relevant question. Where the response was very
general the response was dealt with under Question 19 where
respondents were able to provide any other comments that they wished.

2.6.2   The majority of the responses provided information for all the questions but others did not provide a response to every question. Those that did not supply text or provided text such as "no comment", "no" or "have nothing further to add" were counted as "no response".

2.7   Analysis of Consultation Questions

2.7.1   Sections 2.8 to 2.32 present the analysis of the responses to the 19 questions and the two sections that asked for comments on the Crosscutting and Overarching and the sectoral policies.

2.7.2   All the questions except one were open questions where respondents could provide comments. These have been analysed and are reported below.

2.7.3   Three of the open questions also had a sub section that requested a rank of how important the respondent considered a specific issue. These are presented in a quantitative form to provide an indication of the relative importance of each issue.

2.8   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?

2.8.1   There were 20 responses in relation to this question, with 6 responses from the public sector, 4 each from the commercial sector and fisheries/aquaculture sectors, 3 from the recreation sector and 1 each from a non-governmental organisation, a private individual and a forum.

2.8.2   The respondents generally felt the list in Table 4.1 and Annex 3 was comprehensive but there were suggestions for additions and these are listed below:

- Individual and collective well being as measured by the Office for National Statistics.
- River Basin Management Planning is not explicitly included
- Aquaculture and Fisheries Scotland Act 2013.
- Add "windsurfing and paddlesport" to the text associated with the Bathing Water Directive 2006 (Page 117, Annex 3 [of the PIOP]).
- A policy document from SportScotland: http://www.sportscotland.org.uk/resources/Out_There.
- Caithness Local Plan (2002) and Sutherland Local Plan (2010) – both "as continued in force (2012)".
- Forthcoming Caithness and Sutherland Local Development Plan and associated Main Issues Report.
- Highland Biodiversity Action Plan.

- Caithness Biodiversity Action Plan.
- Sutherland Biodiversity Action Plan.
- Caithness and North Sutherland Regeneration Partnership works on a three- year Delivery Plan and a Vision for the area in 2020.
- Scottish Government's Offshore Wind and Marine Energy Route Maps.
- Electricity Generation Policy Statement.
- Common Fisheries Policy.
- OSPAR Convention (The Convention for the Protection of the marine Environment of the North-East Atlantic).
- Climate Change (Scotland) Act.
- Marine Protected Areas.
- Additional Special Protection Areas (SPAs) designations.
- Pentland Firth and Orkney Waters.
- Marine Energy Park.
- Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- The Scottish Governments Food Strategy.
- Building a sustainable future for aquaculture – EC COM (2009) 162.
- Scotland's National Marine Plan consultation draft.

2.8.3   One respondent stated that ownership of the foreshore had not been taken into account.

2.8.4   Two respondents highlighted that, for their area of interest, there may not be a relevant policy that could be included. One respondent requested consideration be given to seaweed and it's exploitation and another respondent raised concerns that there is currently no National Plan or Policy for commercial fishing.

2.8.5   One respondent from the public sector referred to previous information provided to the Working Group on additional regional and local policies relevant to consideration of landscapes and seascapes and coastal zone development.

2.8.6   Other responses from the public sector included a correction relating to terminology used in part of the table and another welcomed the approach taken by the Plan and noted it would be important to take account of Scottish Water's regulatory structure and financing in the event that there are specific measures identified for the water industry.

2.8.7   Some respondents made more general comments that are summarised below:

- Rights of navigation should be considered.
- There has been voluntary electro-fishing and survey work to provide information to allow mapping of all known local sea trout spawning burns.

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- The Marine Spatial Plan should be set in the context of overall sustainable development and take socio-economic aspects into account at the policy development stage.
- There was a suggestion from two recreation sector respondents that there needs to be a stand alone Recreation Policy (this will be discussed further in Section 2.32 when dealing with Proposed Policy 21 on Tourism and recreation).

- The respondents generally felt that Table 4.1 and Annex 3 were comprehensive. Where information was noted as missing the respondents provided additional information.
- There were two comments that highlighted that there were no policies that could be included for some sectors and a request that this be taken into account.

2.9 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?

2.9.1 There were 20 responses to this question, 6 from the public sector, 4 each from the recreation and fisheries/aquaculture sectors, 3 from the commercial sector 2 from individuals and 1 from a forum.

2.9.2 Two respondents highlighted an error in the text that gave a reference to a non-existent Section 15 in the document. Both respondents stated that this meant they were not able to provide a detailed response to this question. Section 15 was changed to Section 14 during the drafting of the document and some of the referencing was not updated.

2.9.3 There were a range of specific and general comments in relation to this question and some concern that not all the relevant information was included. Where gaps were highlighted respondents supplied information they felt should be included and others highlighted further research that should be included.

2.9.4 Three out of the four responses from the fisheries/aquaculture sector highlighted the importance of understanding the locations of spawning and nursery grounds and other potential areas of aggregation of fish stocks for Orkney's key commercial shellfish species. One of these correspondents expanded on this to say a better understanding of the tidal distribution of crustacean and bi-valve mollusc larvae is required as this is a critical gap in knowledge.

2.9.5 One respondent highlighted the Orkney Shellfish Research Project, which is using Succorfish loggers to track fishing patterns and movement of

inshore fishery vessels, as a source of information that would be useful to inform the marine spatial planning process.

2.9.6   One respondent from the aquaculture sector stated that "the presumption against all marine fin fish farming on the north and east coasts of Scotland has no scientific basis or other justification and is outdated on any basis of logic". The respondent felt the Plan should have a more appropriate policy if it is to support the growth of finfish aquaculture.

2.9.7   The public sector respondents provided varied comments. One raised concerns that there was insufficient reference to the considerable information available about the environment and biodiversity in the Plan area. The respondent provided a list of key aspects that should be included and referred to previous advice that had been provided. Two other public sector respondents also reiterated that they were willing to share information which may be helpful, this included a review of existing data and reports relating to the economic impacts associated with the development of the marine renewables sector.

2.9.8   Another public sector respondent highlighted that measures must be evidence based, proportionate and underpinned by scientific assessment. The same respondent noted that mixing zones for final effluent discharges may not be compatible with some other activities. A further note was provided regarding the size or level of activity that should be considered to inform the Plan. The question was raised as to whether the same level as provided for the Scottish Marine Atlas would be an option.

2.9.9   The remaining two public sector respondents provided sources of information that could be useful. This included information on sailing facilities and the Caithness and North Sutherland Regeneration Partnership Delivery Plan and Vision. One respondent noted that activities that are in the planning stage should be taken into account. Information on landscape considerations was also provided as was a link to a Crown Estate report on onshore infrastructure and other Enabling Actions publications.

2.9.10   The comments from the commercial sector covered the need to include seaweed harvesting and cultivation as Orkney has "probably the best and most concentrated stocks" of seaweed in the British Isles and suggestions as to where to find further data. Concerns regarding the lack of reference to data sets used to develop the Plan were raised by two commercial sector respondents.

2.9.11   The recreation sector comments covered the lack of a Local Amenity Use by residents, the on-going traditional access at small beaches for kayaking and the use of these waters by a variety of groups. Two respondents welcomed the forthcoming Tourism and Recreation study and stated they would wish to be involved in the study.

2.9.12 Two recreation sector respondents also noted that the quality of life benefits in this area are not easily quantifiable but are something they considered to be worth noting. A similar point was raised by another fisheries respondent in general comments about the "Orcadian identity" and quality of life.

2.9.13 Responses from one individual specifically commented on the risk development may have on diving sea birds and the special importance of nesting peregrines on Dunnet Head. Another felt only Caithness and Orkney should be considered as part of the Plan and Sutherland should be removed.

2.9.14 The response from the forum representative highlighted that the on-shore elements to support the marine renewables in Orkney were not included in any of the reports listed.

- There was concern that not all data sources had been used and listed.
- Several stakeholders expressed a willingness to share data.
- The location of fisheries spawning and nursery grounds was highlighted as a knowledge gap.
- The difficulty of quantifying "quality of life" was raised.

2.10 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?

2.10.1 There were 18 responses in total to this question, 5 from the public sector, 4 each from the commercial and fisheries/aquaculture sector, 3 from individuals and 2 from the recreation sector.

2.10.2 The responses to this question were varied and ranged from agreeing that relevant stakeholders had been included in the process to detailed advice on how to improve stakeholder engagement. The main issues raised are discussed below.

Analysis of stakeholder engagement and lessons learned

2.10.3 It was suggested that a comprehensive stakeholder analysis could be useful in determining opportunities for improving relationships between certain stakeholder groups.

2.10.4 One of the main themes was that of addressing potential barriers to participation for stakeholders and learning from previous similar work. There is a need to be aware that many islanders have different roles and could have an input to the process from many different areas of expertise. There may be a need to time consultation with different groups so that

information is provided and collected at the most efficient time to inform the development of the Plan.

2.10.5   The importance of learning from previous similar work and using the "lessons learned" of these projects was emphasised. The importance of undertaking a similar exercise at the end of the process of developing a Plan was noted.

2.10.6   Some respondents provided information regarding organisations that may be able to contribute to the stakeholder engagement process.

Range of stakeholders

2.10.7   There was a recognition that not all stakeholders will be local to the region and that although some associations may capture a UK perspective they would not necessarily be able to provide information on e.g. recreational use of the area from outwith the UK. An example of the Shipping Study was given where, although the experience of many stakeholders was used, the study was limited to some extent by the use of Automatic Identification System (AIS) and the fact that not all stakeholders using the area were able to be consulted.

2.10.8   The opposite view was also expressed with one respondent saying that there is not enough representation at a local level. The respondent felt representation should be at the local level and not through Highland Council.

2.10.9   It was noted that some stakeholder groups can be difficult to engage with but it should be recognised that it is necessary to do so as their representative organisations may not reflect their view.

Governance

2.10.10   One respondent felt it would be useful to establish definitions for the roles and responsibilities of the Working Group, Advisory Group and statutory and non-statutory stakeholders and the wider public. It was suggested this would avoid any mismatches between expectations for participation and outcomes.

2.10.11   Another respondent stated that the private sector should be represented on any working, advisory and decision making groups and bodies.

- There was general support for the way in which stakeholders had been engaged.
- Suggestions of organisations that could contribute were provided.
- The importance of contacting different groups both within and outwith the UK was emphasised.
- Using "lessons learned" and undertaking a similar process at the end of the Marine Spatial Plan process was encouraged.

2.11   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?

2.11.1   There were 23 responses to this question (though one referred to the response given to a previous question). There were 5 responses each from the public sector and the recreation sector, 4 from the fisheries/aquaculture sector, 3 each from the commercial sector and a private individuals, 2 from non-governmental organisations and 1 from a forum.

2.11.2   There was general support for the identified purposes and users of the Plan. Some respondents suggested additional text and/or users should be added. One respondent gave examples of where the text in other related documents and this document could give rise to confusion.

2.11.3   The additional users that were suggested were:

- Seaweed harvesting. Local added value conservation and seaweed cultivation.
- Local amenity use by local residents.
- The Crown Estate (as a business and as a public authority under the Marine (Scotland) Act (2009).
- Non-Governmental organisations.
- Research institutions.
- Recreation as a stand alone sector.
- Oil and gas sector.
- Electricity grid provider.
- Port Authorities/Harbour Trusts/Highland Council Harbours.
- Ministry of Defence.
- Department of Energy and Climate Change.
- Scottish Ministers.
- Marine energy support contractors.
- Consultants.
- Business and industry forums.
- Investors and developers.

2.11.4   Suggestions for alternative or additional text were provided by respondents. These varied in how detailed they were but were generally provided in relation to the purposes of the Plan and some views were shared by more than one respondent. The main views are outlined below:

Purpose of the Plan

2.11.5   There was general agreement with the purpose of the Plan but some respondents felt that the text should be more explicit to be clear what the Plan is aiming to achieve. In some cases, alternative text was suggested.

2.11.6   Two respondents specifically supported the development of a vision for the Plan so that it is clear what the overall aim of the Plan is. A respondent from a non-governmental organisation highlighted that one of the purposes is to achieve sustainable development and that this should include "the protection and, where appropriate, enhancement of the health of the Plan area"

2.11.7   One respondent provided detailed comments regarding the text in the Plan Framework document, the Plan Scheme and the PIOP and highlighted where there was a lack of clarity.

Recreation

2.11.8   Two (of five) respondents from the recreation sector provided similar responses and proposed that Recreation should be a stand alone user of the marine environment. Their comments highlighted that there are several users groups within "Recreation" but that many of them have differing needs that require to be taken into account.

2.11.9   Some respondents suggested additional policies that the Plan should support:

- Marine Strategy Framework Directive.
- National Marine Plan.
- Marine Policy Statement.
- Sectoral Marine Plans.

2.11.10   One respondent emphasised that there must be provision for assets e.g. sea outfalls and take into account the need to safeguard against potential uses that may conflict with such needs.

2.11.11   The Plan could be used to help the integration of the terrestrial and marine planning regimes.

2.11.12   One fisheries respondent stated that the Plan should note the right to navigation and the right to fish and another stated that there is not enough consideration into the repercussions on local fishermen's jobs.

- There was general support for the purposes and users of the Plan listed and also for Vision.
- Additional text was provided by some respondents.
- Further users of the Plan were suggested by some respondents
- One respondent highlighted inconsistencies in the text between related documents.

2.12   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).

2.12.1   There were 25 responses to this question. There were 6 from the recreation sector, 5 from the public sector, 4 each from the commercial and fisheries/aquaculture sector, 3 from individuals, 2 from non-governmental organisations and one from a forum.

2.12.2   Of the responses 16 support the realignment of the Plan boundary to correspond with the proposed Scottish Marine Regions, 4 responses were neutral and did not express a preference, 4 responses suggested an alternative approach and one response was that it was inappropriate to realign the boundary but did not provide any further information.

2.12.3   Where respondents gave reasons for supporting the alignment of the boundaries with the proposed Scottish Marine Regions these included consistency, an integrated approach, less bureaucracy, less duplication of effort, streamlining of the marine planning process and taking a holistic approach.

2.12.4   Two respondents from the fisheries sector (who were neutral as to which area should be used) both expressed a need to include the Inshore Fisheries Group boundaries into the Plan when they have been confirmed.

2.12.5   Two other respondents (one individual and a commercial sector representative) provided further detail and concerns regarding the boundaries of the Scottish Marine Regions. The concerns related to conflict of interests regarding the control of shipping and how the administrative regions would work together to ensure consistency in planning matters.

2.12.6   Alternatives were suggested by 4 respondents (individual respondent, non-governmental organisation, public and commercial sector). These included:

- Not including Sutherland, just Caithness and Orkney.
- Altering the forthcoming Scottish Marine Regions to be contiguous with the strategic area boundary owing to concerns about retaining continuity between the plan and the ecological unit of the Pentland Firth and Orkney Waters.
- Amending the proposed Scottish Marine Regions to match the Plan area owing to concerns regarding the number of plans the area would be subject to. The respondent stated that doing this would reduce the number of plans that would pertain to the area from seven to five.

- Supporting Marine Scotland to extend the existing boundaries to include West Highlands, Moray and Shetland to enable and support sustainable economic growth across the Highlands and Islands.

2.12.7   Other points raised were further clarity being required regarding adoption of the Plan as supplementary guidance and the relationships between the National Marine Plan and the Sectoral Plans. One respondent noted that the relationship between the Plan and the statutory Regional Marine Plan requires further clarification. The overlap in marine planning and land based planning jurisdictions would also need to be fully clarified.

- Most respondents support the alignment of the boundary of the Plan with the proposed Scottish Marine Regions.
- Clarity is required on how other plans e.g. National Marine Plan, Sectoral Plan etc. will be taken into account.

2.13   Question 6.

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

2.13.1   There were 22 responses to this question with 6 responses from the public sector, 5 from the recreation sector, 3 each from the commercial and fisheries/aquaculture sector, 2 each from individuals and non-governmental organisations and one from a forum.

2.13.2   Nearly all comments received supported an integrated approach to the terrestrial and marine planning systems and emphasised the importance of such an approach. One respondent felt that intervention should be at a local level and not from outwith the area.

2.13.3   In addition, the comments supported collaboration between the planning authorities and highlighted the importance of ensuring that this process and the authorities roles were clear.

2.13.4   There were also some comments in relation to ensuring that the timing of development and consultation on the relevant local development plans and marine plans was carefully planned to encourage engagement in the process. The involvement of a wide range of stakeholders in the preparation of the Plan was suggested as a way to ensure integration of the two planning systems.

2.13.5   The need for clear guidance was raised and some stakeholders mentioned the Planning Circular being developed by Marine Scotland (out to consultation until November 2013) as a means of providing this. Another respondent suggested the Shoreline Management Plan as an approach which aims to ensure sustainable coastal development.

2.13.6   The comments reflected an understanding that integrating the two processes in a clear manner was necessary and that there was potential for confusion, conflict and delays to development otherwise.

2.13.7   Reference was made to coordination with the third National Planning Framework (NPF3).

2.13.8   Aquaculture was given as an example of an industry that has a unique position in marine and terrestrial planning and there were concerns raised by two respondents (non-governmental organisation and aquaculture sector) that this could give rise to confusion and inconsistency. A suggestion was made that a specific liaison role within the local authority to work across both regimes might aid better communications. One respondent stated that the Plan should address the issue of "primacy" to make it clear how this will be dealt with.

2.13.9   Two responses from the fisheries sector emphasised that the marine and terrestrial environments are very different and this will have to be taken into account when developing planning systems that deal with both environments.

2.13.10   Marine litter was given as an example of a problem that relates to both the marine and terrestrial environment (as the source of some marine litter is from land) and would have to be managed in both environments.

- Most respondents agreed there was a need for integration of the marine and terrestrial planning systems.
- The need for this integration to be clear and have guidance for raised
- Coordination between a wide range of stakeholders and authorities is required.
- Coordination between plans such as the third National Planning Framework (NPF3) is required.
- Aquaculture was given as an example of where the planning process can be confusing.

2.14   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?

2.14.1   There were 24 responses to this question. Six from the recreation sector, 5 from the public sector, 4 each from the commercial and fisheries/aquaculture sectors, 2 each from individuals and non-governmental organisations and one from a forum.

2.14.2   There were 12 responses which supported the key principles as set out in the PIOP. The other responses either provided comments on specific Principles as set out in the PIOP or made general comments about how the Principles could be improved. Some comments seemed to indicate that the respondents felt the Principles were choices rather than a connected list. Some of these respondents expressed a preference for a particular Principle.

2.14.3   The specific comments in relation to each Principle (as set out in the PIOP) are grouped below:

Principle 1

2.14.4   There were two comments in relation to this Principle. One (from the public sector) agreed the need to avoid duplication but felt it was important adjoining terrestrial areas are appropriately mapped and the other (commercial sector) felt some clarification was needed as to what was, and was not, mapped.

Principle 2

2.14.5   Two respondents from the recreation sector gave similar comments in relation to Principle 2. One stated it would give the most comprehensive coverage and the other that it would provide all the information in one spot. Another response from the recreation sector suggested that this Principle should reference coastal visitor attractions or other points of interest.

Principle 3

2.14.6   There were five respondents that specifically disagreed with Principle 3 (3 recreation and 2 public sector respondents (SNH and SEPA)) and one from the public sector (Scottish Water) that "strongly agreed".

2.14.7   One response from the recreation sector gave no reason for disagreeing with this Principle but the two others provided the same reason which was that there should be "further consideration of whether coastal land use allocation should be mapped in the marine spatial plan".

2.14.8   The reasons that the public sector disagreed with this Principle were that coastal land use allocations and other strategic proposal such as the National Planning Framework or National Renewables Infrastructure Plan should be mapped within the Plan and, where relevant, cross referenced to the relevant Local Development Plan. This would allow access to detailed information that would provide a complete picture of what is already proposed for the area.

2.14.9   The other public sector response (Scottish Water) supported Principle 3 and agreed that coastal land use allocations should not be mapped. Additionally, this respondent felt there should be clarity as to which policies take precedence and that there should be cross referencing between the

Marine Spatial Plan and relevant Local Development Plan to aid integration.

Principle 4

2.14.10   The comments in relation to Principle 4 suggested that key proposed coastal infrastructures were included and that clearer guidance was provided around this Principle.

2.14.11   Two respondents from the fisheries sector provided similar comments that suggested that small local ports such as Tingwall, Longhope, Pierowall, Kettletoft, Burry and St. Margaret's Hope should be recognised and protected. These small ports support key small fishing fleets and represent an important land-sea link that is not protected in legislation or planning.

General comments

2.14.12   Other comments related to the interpretation of the Principles in terms of what should be included, the importance of listing what is, and what is not, included (this point was made several times in different forms), consistency between the two Council areas and the importance of ensuring that the list is not in order of "rating" i.e. one aspect does not take precedence over another on the basis of its position in the list.

- Half of the respondents that provided comments supported the Principles as set out in the PIOP.
- There were several comments in relation to Principle 3, mostly disagreeing with this Principle as they felt all the information needed to be included to provide a complete picture.
- However, one respondent "strongly agreed" with Principle 3 and felt that coastal land use allocation should not be included.
- Of the remainder there was general support for the Principles but with suggestions to improve or clarify the text.

2.15   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?

2.15.1   There were 24 responses to this question. Of these 6 were from the public sector, 5 from the recreation sector, 4 from the fisheries/aquaculture sector, 3 each from the commercial sector and individuals, 2 from non-governmental organisations and one from a forum.

2.15.2   Fifteen of the responses supported or agreed with the guiding principles and themes identified in Section 7 of the PIOP. The remaining responses did not disagree with the principles and themes but provided suggestions for improvements or inclusion of other principles and themes. The responses that were in agreement also provided additional narrative in some cases.

2.15.3   The suggestions for additional guiding principles were food security and reference to the public right to fish established in statute (fisheries sector) a guiding principle of "quality of life" and the requirements of the Water Framework Directive and River Basin Management Plan (public sector) and the provision of a supporting electricity transmission network to realise the renewable generation target (Forum).

2.15.4   Two responses discussed the use and definitions of sustainable development and the ecosystem approach. One response from the public sector suggested that as sustainable development is implicit in the ecosystem approach one option might be to have the ecosystem approach as an over arching principle and sustainable development as a key cross cutting policy area. The other response from a private individual pointed out that the term ecosystem approach is defined differently in Scottish Government documents and that care is needed that the definition used is fit for purpose.

2.15.5   One response from the commercial sector suggested that the guiding principle 3 (Climate Change) should contain reference to the Scottish Government's climate change targets. Two non-governmental organisation responses suggested that adaptation to climate change should be included as a guiding principle alongside mitigation or built into the Plan elsewhere.

2.15.6   Two responses from the fisheries sector used similar wording to make the point that "societal benefits associated with the commercial fishing industry are particularly heightened in remote, rural and island communities." One of these responses also highlighted that islands need to retain their infrastructure and embedded skills to ensure self-sufficiency when food supplies may be prevented from reaching the islands.

2.15.7   There were several, generally supportive, comments regarding shared use and co-existence e.g. that commercial exploitation should not be the only consideration and the location of incompatible activities should be given equal consideration as compatible activities e.g. licensed discharges and shellfish farms may not be compatible and careful consideration needs to be given to location of incompatible activities near established legitimate activity.

2.15.8   Other responses suggested the wording around Principle 5 (Supporting co-existence and enabling multiple use of marine space) could be misinterpreted to mean certain areas would be reserved for certain activities. Three responses from the recreation sector specifically

supported this principle but of these two highlighted the fact that the wording was not clear.

2.15.9   One non-governmental organisation suggested that co-existence should be extended to consider co-location in terms of human activities within designated natural heritage sites. The response highlighted that clear guidance would be needed to identify which activities may be compatible with which designation.

2.15.10   Other comments included welcoming the creation of sustainable communities and close engagement with local organisations and communities. Another comment however emphasised the importance of also consulting with stakeholders outwith the local area. There was also a suggestion that the Plan should refer to those sectors where growth is expected and relate this to work already carried out to plan for these sectors. One comment from a private individual stated that it will destroy the natural habitat and views of the North East coast.

- There was consistent agreement with the guiding principles.
- Additional suggestions for guiding principles were suggested, these included food security, the public right to fish, "quality of life", including the requirements of the Water Framework Directive and River Basin Plans and a provision to support the electricity transmission network.
- Some responses suggested extra text to include in the principles.
- The principle dealing with co-existence was welcomed but the responses indicated that the text needed to be more clear.

2.16   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?

2.16.1   There were 24 responses to this question. Of these there were 5 each from the recreation and public sector, 4 each from the commercial and fisheries/aquaculture sectors, 3 from private individuals, 2 from non-governmental organisations and 1 from a forum.

2.16.2   The respondents vision for the future of the Pentland Firth and Orkney Waters area was influenced, in most cases, by the remit of the organisation they represented or their personal interest in the area. However, a theme that linked most of the responses was one of a balanced approach to development in the marine environment with no one type of development or use having priority over the others.

2.16.3   The recreation sector responses highlighted the fact that there is an opportunity to develop a sustainable marine recreation sector. The responses also used similar wording to emphasise that this should include

protection of natural, cultural and historic assets. Co-existence with other developments was also welcomed and generally accepted as necessary but with the caution that there would be compromises for each user of the marine environment.

2.16.4   One respondent from the recreation sector stated that the area could become a model of success for other areas by "balancing out the industrial, commercial, environmental and cultural aspects of this unique area".

2.16.5   SportScotland also had a similar response and would like to see a balanced approach with promotion of marine recreation. SportScotland also considers it important that the recreation sector is consulted and involved in the decision making process.

2.16.6   One response from a private individual with an interest in sailing also thought there were opportunities for the marine tourist industry and provided several suggestions as to how further participation could be encouraged. This response also included some comments on changes from fin fish farming offshore to onshore farming and the potential benefits in terms of reduction in pollution and spread of diseases to wild fish. There was also a suggestion that the location of the tugs used in the area would be better at Flotta as this would reduce pollution and costs from burning fuel while travelling from their current location. The respondent also felt the tugs could be utilised by the renewables industry.

2.16.7   The commercial sector had a more mixed response with one response from an organisation with an interest in seaweed harvesting and cultivation wanting to see a balanced approach with no one industry dominating and others with an interest in renewable energy wanting the vision for the area to reflect the importance of the wave and tidal resource.

2.16.8   The responses from the commercial sector with an interest in the renewable industry emphasised the socio-economic opportunities for the area and the importance of the area's contribution to the wider Scottish economy.

2.16.9   These responses also highlighted that renewable energy will help to achieve the Scottish Government targets for climate change, reducing greenhouse gas emissions and contributing to decarbonisation.

2.16.10   One respondent from a renewable energy company also felt that the timescale of the vision and review period for the Plan should be given careful consideration as the renewables sector is a new, fast growing industry. This will have implications for the assumptions within the Plan. This respondent also felt that in 20 years time it would be good to have achieved an approach that meant marine energy was being extracted from the area without interference to current activities.

2.16.11 A forum (representing renewable energy) had a similar response and thought the vision should ensure that the area becomes established as a world leading location for the production of energy from the sea.

2.16.12 The responses from the public sector reflected the remit of each and, in some cases, provided links and references to reports and other information that may help inform the development of the vision.

2.16.13 One public sector response (Scottish Natural Heritage) felt that the specific vision for the Plan should be developed through consultation with the local community. This was similar to the response to SportScotland (mentioned above when discussing responses from the recreation sector) which suggested the recreation sector should be involved and consulted.

2.16.14 The more specific responses from the public sector in relation to what the vision should aim to achieve included ensuring that the good quality of the water environment in the area is maintained, reducing marine litter, preventing the spread of non-native species and contribution to well-being of local residents and visitors. One public sector respondent (Highlands and Islands Enterprise) had more emphasis on the importance of the wave and tidal energy developments and the links to the supply chain and operations and maintenance industry.

2.16.15 Two respondents from the fisheries sector used similar wording to express what their vision for the Pentland Firth and Orkney Waters area should be. Both wanted a "highly sustainable commercial inshore fishery with its own 'bottom up' governance" over both wild fin-fish and shellfish stocks to ensure that there were sufficient economic returns for fishermen. One of these respondents also expressed a wish for shared and non-conflicting use of marine space and this view was shared by another respondent from the fisheries sector. A respondent from the aquaculture industry expressed a similar view that the area should be one where the salmon farming industry has the confidence to invest, create jobs and enable sustainable economic growth.

2.16.16 Respondents from the commercial sector (1 response) and non-governmental organisations (2 responses) suggested that the vision for the Plan should be closely linked to the Scottish Government's vision for the marine environment i.e. "clean, healthy, safe, productive and biologically diverse oceans and seas, managed to meet the long term needs of nature and people". The Scottish Government's vision is linked to the UK Marine Policy Statement and it was suggested that is taken into account in developing a vision for the Pentland Firth and Orkney Waters. These comments also highlighted the importance of close links to, and consistency with, the National Marine Plan.

2.16.17 Comments from individuals were that one respondent with an interest in fisheries felt that there would be no fishermen remaining in the area due to interference from outside of the area and there would be no benefit to the

area. Another response from a private individual was that windfarms would destroy the North East for very little benefit.

> - The responses generally supported a balanced approach that enabled the shared use of the marine environment with no priority given to any particular user.
> - The recreational sector felt there were opportunities to develop marine recreation.
> - The commercial sector had more emphasis on the importance of the wave and tidal renewable energy industry and the socio-economic benefits.
> - The fishing and aquaculture industry wanted sustainable growth of the industry and, in two cases, a bottom up approach to governance.
> - Consultation with the local community to develop the vision was raised as was the importance of consistency with the National Marine Plan and the UK Marine Policy Statement.

2.17   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.

2.17.1   There were 24 responses to this question. There were 6 responses each from the recreation and public sectors, 4 each from the commercial and fisheries/aquaculture sectors, 3 from individuals and 1 from a forum.

2.17.2   Nine of the responses specifically supported safeguarding all legitimate existing activities. Some of the responses acknowledged the fact that for this to be the case there were likely to be compromises in the use of the marine environment as new or different developments or uses become established.

2.17.3   Three of these nine responses were from the recreation sector and two of these stated that "a suitable balance must be achieved between multiple demands on the marine environment and hope that all existing and future marine activities can be accommodated". Other responses from the recreational sector pointed that if space is to be shared navigational safety must be taken into account, that adventure tourism is increasing and should be accommodated and that the area contains some world class sea kayaking and surfing areas.

2.17.4   There was also support for safeguarding the fishing industry (4 responses from the fishing industry, and 1 from the public sector) with two responses stating that it is "a long standing and established entity in the Orkney Islands and therefore integral to island identity". The importance of the fishing industry in providing jobs was stressed as was the Public Right to

Fish. The response from the public sector felt the fishing industry should be protected against the effects of marine non-native species.

2.17.5   One response from the aquaculture industry thought fish farming sites, sites that have been granted permission and areas suitable for marine salmon farms should be safeguarded. This respondent felt the Plan should identify areas where salmon farming could take place. If this was not possible then there should be a "presumption in favour of salmon farming in all areas other than those specifically identified as areas that are constrained in some way". The respondent suggested a system for identifying suitable areas should be developed.

2.17.6   A response from a private individual felt that although fisheries should be safeguarded they should not be saved. The respondent felt that it was necessary for the industry to evolve with time and to pass on experience and knowledge.

2.17.7   Two respondents specifically supported safeguarding ferry services and two responses from the commercial sector provided support for safeguarding the key wave and tidal resource in the area and also that continued development of marine energy should be supported.

2.17.8   Some responses also highlighted that there may be more informal use of the marine environment such as walking, snorkelling and swimming and that these should also be taken into consideration.

2.17.9   One response from the commercial sector felt that this question was difficult to answer at this point in the Plan process as the development of the overarching vision and objectives would set the priorities for the Plan area and thus identify those activities that would need to be safeguarded.

- There was some support for safeguarding all existing uses with an acknowledgment that some compromise will be necessary to allow this to happen.
- Other respondents supported specific uses. There were detailed responses for the recreational and fisheries sectors. Both sectors highlighted the importance of the area for their sector.
- A response from the aquaculture industry felt there should be a "presumption in favour" of salmon farming in areas where there are no other constraints.
- There was also support for safeguarding the marine energy industry and lifeline ferry services.

2.18   Question 11a

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

2.18.1   **Note**: Questions 11, 12 and 13 each consisted of two parts. Firstly, a question about protection of the natural environment, protection of the historic and cultural environment or promotion and support for economic growth respectively. Secondly, each question had an associated scale for ranking the importance of each of these issues. This was to ascertain whether one of the issues was considered more, or less, important than the others. The ranking system can only give a broad indication of importance as not all respondents completed the second part of the question and, of those that did, not all gave a score for all three issues. For the purposes of the report a short description of the scores are given at the end of the section dealing with each of these three questions and then an overview is provided after the response to Question 13b.

2.18.2   For Question 11 there were 25 responses. There were 6 from the public sector, 5 from the recreation sector, 4 each from the commercial and fisheries/aquaculture sectors, 3 from individuals, 2 from non-governmental organisations and 1 from a forum.

2.18.3   Some respondents felt that there was legislation in place already to protect and enhance the natural environment. The examples given were the Water Framework Directive, the Marine Strategy Framework Directive. Two public sector bodies noted that this legislation is reflected in polices contained in, for example, Local Development Plans and that the Plan should be consistent with these.

2.18.4   Two non-governmental organisations provided comments with one outlining that Scottish Ministers have a duty under the Marine (Scotland) Act 2010 to further the achievement of sustainable development. Both respondents had similar views on taking an ecosystems approach so that the Plan aims to achieve or maintain Good Ecological Status under the Marine Strategy Framework Directive. One respondent felt that the Plan should achieve ecological objectives that maintain or restore (a) native species diversity, (b) habitat diversity and heterogeneity, (c) populations of keystone species and (d) connectivity.

2.18.5   The opportunities for restoration or enhancement of the natural environment was shared by a public sector respondent who also stated that any proposals in the Plan should not result in a downgrade in status of associated water bodies as this would be contrary to the requirements of the Water Framework Directive.

2.18.6   Some respondents mentioned the Marine Protected Areas (under consultation until November 2013) and that the Plan should be consistent with this work. There were similar comments regarding sites that already have protection under various legislation and the sensitivities of these to

development or activity. Some respondents highlighted the importance of accurate up to date spatial information regarding these areas.

2.18.7 The term "evidence based" or similar was used by five respondents when describing how decisions should be made with regard to the natural environment. One respondent from the public sector acknowledged that in some cases there are uncertainties. Another respondent from the recreation sector suggested that if there is "unreliable" scientific evidence then staged development with on-going monitoring would be acceptable.

2.18.8 Two respondents from the recreation sector used similar wording to state they wanted the protection of, and accessibility to, the natural environment to be upheld in the Plan. One of these respondents noted that there is an Environmental Policy for sea kayaking.

2.18.9 Responses from the fisheries sector noted that a healthy, functioning marine ecosystem is the foundation on which many marine industries are based and that the Plan should ensure that development does not adversely impact on protected species or habitats or those with a commercial value. One respondent from the fisheries sector and one from the aquaculture sector provided similar views that an integrated approach that considered socio-economic uses was required.

2.18.10 One respondent (commercial sector) noted that there is the possibility for co-existence even in protected areas in some cases and that the Scottish Government's Sectoral Plans take into account environmental sensitivities to ensure developments proceed in the most appropriate locations. This respondent also noted that renewable energy is key to the decarbonisation of the electricity system and therefore key to a strategy aimed at protection and/or enhancement of the natural environment.

2.18.11 One respondent from the commercial sector felt it would be difficult to prioritise between the receptors outlined in questions 11, 12 and 13 at this stage of the Plan process. This respondent felt it was necessary to have established the overarching vision and objectives to then set the priorities for the Plan area and those activities that should be safeguarded or prioritised.

2.18.12 Other comments included that developments with an unacceptable detrimental effect should not be allowed, that some current users e.g. fishing may be doing more damage that some proposed new uses, that the "strident clamour for 'jobs'" must not obscure the value of the natural environment, that careful consideration must be given to each and every issue and that some impacts can be allowed without any particular impact on overall quality.

2.18.13 One response from a private individual felt that the wildness that has recovered after two World Wars should be preserved. Another response from a private individual thought that protection of the natural environment should be undertaken by representatives from Caithness and Orkney.

- The responses reflected the fact that there is existing legislation to protect that natural environment and that this should be taken into account in the Plan.
- There may be opportunities to restore or enhance some aspects of the marine environment.
- The use of a scientific evidence base was mentioned by some respondents as was the need to carry out staged development with on-going monitoring.
- An integrated approach that included socio-economic impacts was considered to be important by some respondents.

2.19 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)

2.19.1 Of the 25 responses received for Question 11a, 22 allocated a score based on the above scale. Figure 2.4 summarises the responses.
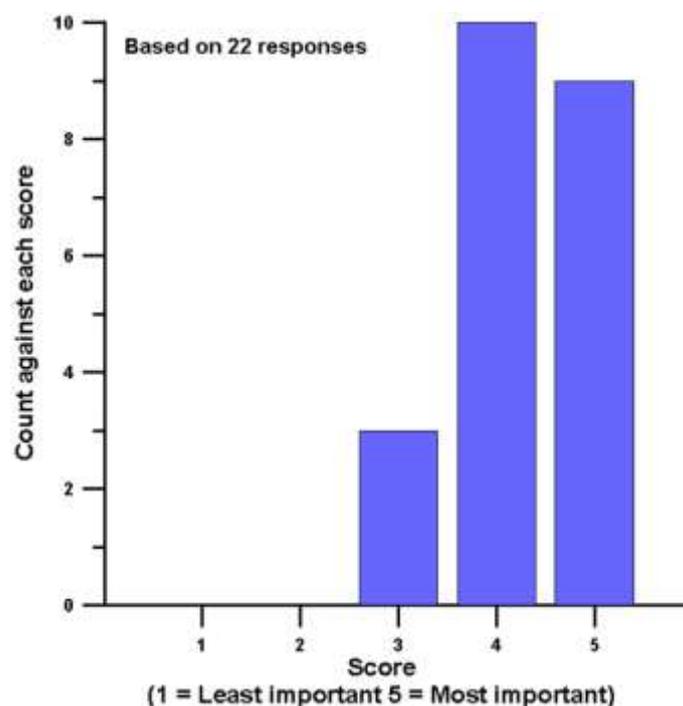

Figure 2.4   Summary of scores from Question 11b

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2.20   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?

2.20.1   There were 20 responses to this question. There were 5 from the recreation sector, 4 each from the commercial and fisheries/aquaculture sectors, 3 each from the public sector and individuals and 1 from a forum.

2.20.2   Of the responses received most supported the protection and/or enhancement of the historic and culture resources. Some respondents noted that there is already legislation relating to such resources and also that there are statutory requirements to consider the impacts of development proposals on them. Local Development Plans will also contain policies that reflect these requirements and the Plan should be consistent with these. One respondent felt local views on the matter should be taken.

2.20.3   One respondent had an alternative view regarding the Scapa Flow wrecks and suggested it was the story behind them that was important rather than the wrecks themselves. This respondent felt anything of value should be removed and placed in a museum. The respondent felt that it was the commercial value of the sites that was important and that consideration should be given to sinking other ships to ensure the diving associated with the wrecks continues. The importance of the Scapa Flow wrecks for sport diving was also noted by a respondent from the public sector (SportScotland).

2.20.4   The respondent who noted the importance of the story behind the wrecks also acknowledged that war graves are completely different and although they cannot be preserved as such they should be permanently marked.

2.20.5   Two respondents (fisheries sector) made the same point which was that the sea is corrosive so protection of these sites is limited.

2.20.6   One respondent from the public sector (SportScotland) suggested that it would be useful to clarify what comprises a cultural resource. The point was made that sport and recreation are an integral component of the culture of the area and could therefore be included in the protection of the cultural resources.

2.20.7   Two respondents from the recreation sector used the same wording to support the protection of, and accessibility to, historic and cultural sites and pointed out that paddlesports are one way in which some of these sites can be accessed. Another respondent from the recreation sector suggested that the Plan build on the protection given to Historic Marine Protected Areas and that other sites be considered on a case by case basis.

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2.20.8   A respondent from the commercial sector with an interest in renewable energy suggested that spatial information and any restrictions relating to historic and cultural resources should be included in the Plan. The respondent also noted that a guide to dealing with historic and cultural resources in relation to marine energy developments is being prepared for Historic Scotland and should be referenced in the Plan. A response from a forum also commented that the exploitation of marine renewable energy is a continuation of mankind's historic relationship with the waters in this area.

2.20.9   One respondent from the commercial sector felt it would be difficult to prioritise between the receptors outlined in questions 11, 12 and 13 at this stage of the Plan process. This respondent felt it was necessary to have established the overarching vision and objectives to then set the priorities for the Plan area and those activities that should be safeguarded or prioritised.

- The responses reflected the fact that there is existing legislation to protect historic and cultural resources and that this should be taken into account in the Plan.
- One respondent held the view that it is the story behind the wrecks that is important rather than the wrecks themselves.
- The importance of the wrecks for the diving industry was noted by some respondents.
- One respondent suggested it would be useful to clarify what comprises a cultural resource.
- It was noted that as the sea is corrosive protection in the marine environment will be different to what is meant in the terrestrial sense.
- Spatial information and any restrictions with regard to these resources should be included in the Plan.

2.21   Question 12b

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)

2.21.1   Of the 22 responses received for Question 12a, 17 allocated a score based on the above scale. Figure 2.5 summarises the responses.

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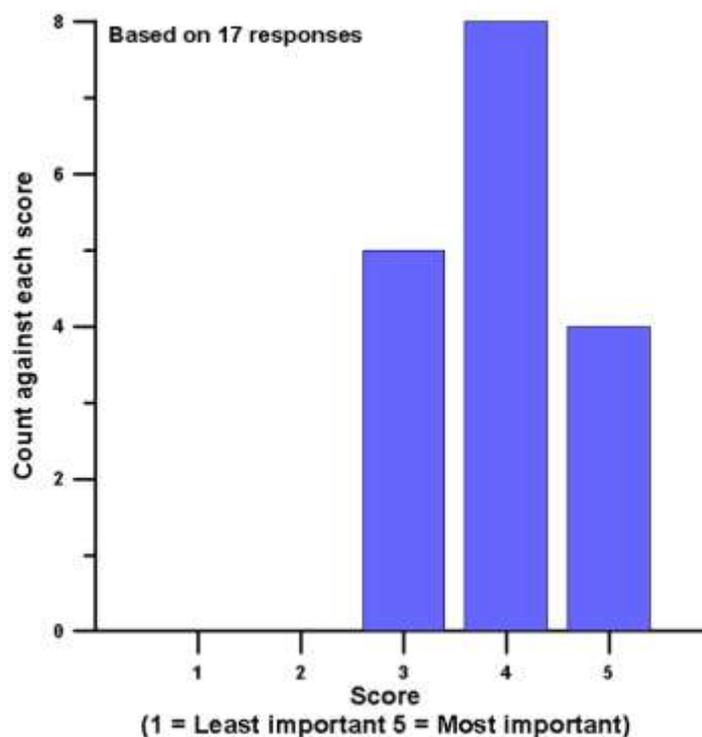
Figure 2.5   Summary of scores from Question 12b

2.22   Question 13a

2.22.1   There were 25 responses to this question. There were 6 from the recreation sector, 5 from the public sector, 4 each from the commercial and fisheries/aquaculture sectors, 3 from individuals, 2 from non-governmental organisations and 1 from a forum.

2.22.2   This question produced a wider range of views than previous questions and although none of the responses disagreed with economic growth there were different opinions on how this should be achieved. Two responses (from the fisheries sector and a non-governmental organisation) suggested alternative measures of social and economic well being such as those used by the Office of National Statistics and those recommended by the Carnegie report[1]

2.22.3   Seven of the responses suggested that economic growth should be sustainable. One response from a non-governmental agency expanded this to note that growth should be within the context of the 5 guiding principles of sustainable development set out in the UK Government Sustainable Development Strategy. Another response from a public body noted that economic development should be promoted in a sustainable way that does not destroy the particular qualities of the area. This view was similar to a response from the recreation sector which suggested that exploitation of any kind was acceptable if it was beneficial, had an

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[1] http://www.carnegieuktrust.org.uk/getattachment/edc70373-49a0-48bb-84a3-5b0a253a5a6f/More Than-GDP--Measuring-What-Matters.aspx

acceptable level of damage and allowed existing users to continue using the area.

2.22.4   A response from the commercial sector suggested sustainable growth could be achieved by supporting the Sectoral planning process and prioritising areas identified within it by introducing a presumption of use for renewable energy development in these areas.

2.22.5   Other responses felt that economic development should be a key element of the Plan and in one case a respondent (from a forum) felt it should take precedence and be the defining priority so that the maximum benefits from the renewable resources are achieved. A respondent from the fisheries sector felt that economic growth is the "prime mover for the plan" but that it should not be at the expense of traditional industries. A respondent from the public sector referenced the Caithness and North Sutherland Regeneration Partnership framework for onshore economic development support and suggested this would enhance the Plan.

2.22.6   A response from the commercial sector emphasised the importance of the area in terms of offshore renewable energy resources and the benefits this could mean in terms of jobs in the area. This was similar to a view held by a public sector respondent who felt the "area offers a coherent, supportive business environment designed to accelerate the commercialisation of wave and tidal technologies".

2.22.7   Some respondents provided specific information on what they felt was needed for the industry they were representing to grow. For example, one response from the commercial sector with an interest in seaweed harvesting and cultivation wanted this industry included in the scope of economic activities within the Plan. This respondent felt it was important to add value locally.

2.22.8   Responses from the recreation sector felt there were opportunities for adventure tourism, use of natural products, operational and maintenance support based at key harbours and the formation of professional paddlesport guiding companies. One respondent cautioned that there would need to be a measured approach to development to avoid a "boom town" situation and emphasised the need for training. Another response from a private individual also suggested marine tourism and sail training (possibly in collaboration with the renewable industry) were potential growth areas.

2.22.9   Another respondent from the fishing industry felt that, owing to increased development in the marine environment, increasing fuel prices and volatile market prices for catches, the prospects for innovation and growth were limited. The respondent felt there needs to be a clearer understanding of the fishing industry in Orkney and suggested that it is made a local strategic priority and that future growth in the marine environment is located, designed and managed in such a way that does not adversely impact on it. A response from another fisheries sector highlighted the

importance of devolved fisheries management and the extent to which the industry in dependent on the entire area e.g. larvae distribution and locations of spawning and nursery grounds.

2.22.10   A respondent from the public sector felt that the central purpose of marine planning is to provide clarity at a strategic level with respect to key constraints and opportunities to enable robust decision making by both developers and regulators at project level.

2.22.11   A private individual provided comments on the need for infrastructure to be in place and limiting aquaculture to areas where there is sufficient flow of water to prevent damage to the sea bed and is not in direct opposition to other users. This respondent also felt that there needed to be a major study on amnesic shellfish poisoning and how it can be prevented or mitigated.

2.22.12   A response from the aquaculture sector felt the Plan should be designed and written primarily with investors/developers in mind to increase certainty and confidence. This respondent suggested salmon farming as an activity that could grow and develop.

2.22.13   One respondent from the commercial sector felt it would be difficult to prioritise between the receptors outlined in questions 11, 12 and 13 at this stage of the Plan process. This respondent felt it was necessary to have established the overarching vision and objectives to then set the priorities for the Plan area and those activities that should be safeguarded or prioritised.

- None of the responses disagreed with economic growth although there were suggestions that this could be measured using alternative methods.
- Some respondents felt economic growth should be central to the Plan, others felt a balanced approach between all users was needed.
- There were a number of responses that supported the need to have sustainable economic growth.
- There were a number of suggestions of areas for growth, unsurprisingly this was influenced by the sector the respondent represented.

2.23   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)

2.23.1   Of the 26 responses received for Question 13a, 16 allocated a score based on the above scale. Figure 2.6 summarises the responses.
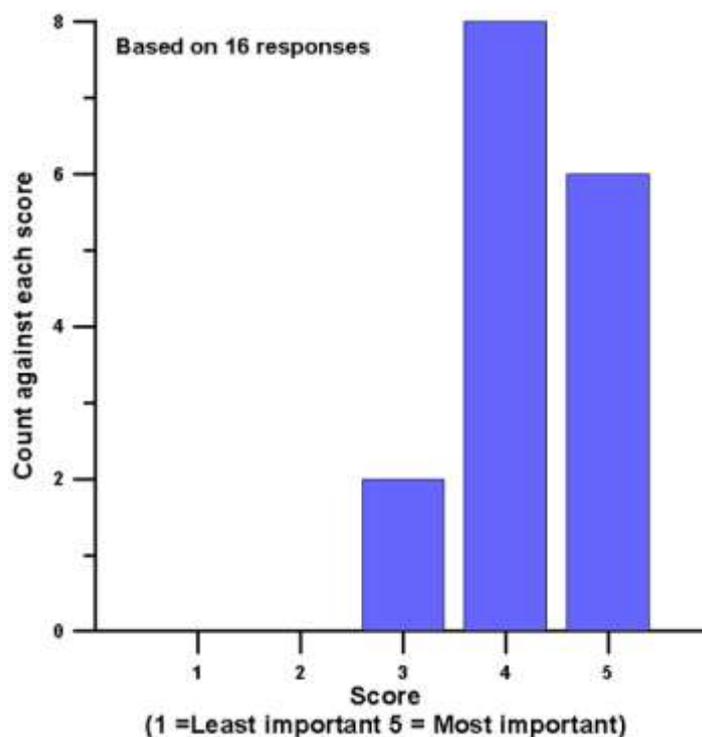
Figure 2.6 **Summary of scores from Question 13b**

2.24 Summary of responses to Questions 11b, 12b and 13b

2.24.1 The scores were converted to a percentage to allow for the variation in the numbers of responses received for each question and the results are shown in Figure 2.7 below.

2.24.2 The scores allocated were all between 3 and 5. There were more scores of 5 for the Natural Environment and Economic Growth than there were for Historic and Culture. Conversely, there were more scores of 3 for Historic and Culture than for the Natural Environment land Economic Growth. The score most often allocated was 4 and this was more evenly distributed across all three issues.

2.24.3 Overall the scores suggest that, for the respondents that supplied a score, all three issues were important with possibly more importance attached to the Natural Environment and Economic Growth.
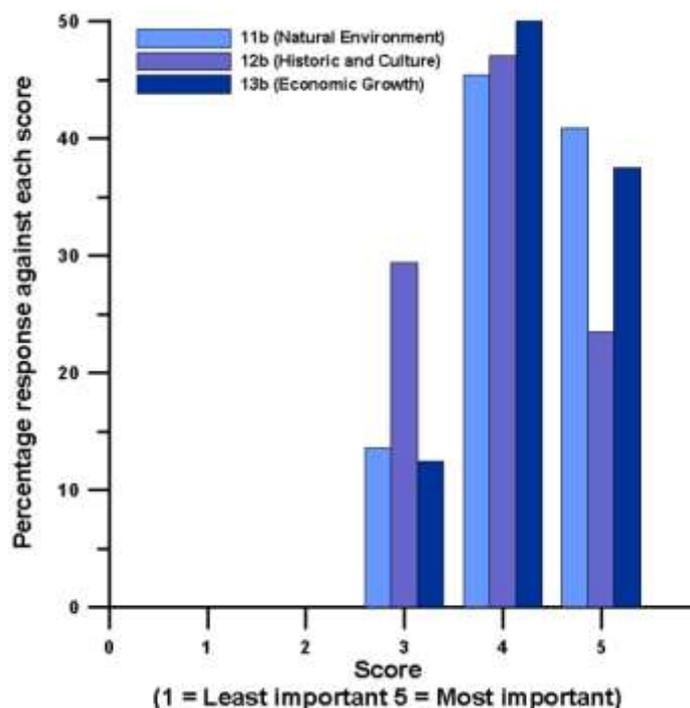
Figure 2.7   **Percentage response for scores received for Questions 11b, 12b and 13b.**

2.25   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?

2.25.1   There were 22 responses to this question. There were 6 from the public sector, 4 each from the commercial, recreation and fisheries/aquaculture sectors, 3 from individuals and 1 from a non-governmental organisation.

2.25.2   The responses to this question were provided in a different format to the preceding questions. This was owing to the fact that the question referred to Table 9.1 in the PIOP so most respondents provided detailed comments or suggested text for what should be included in relation to specific parts of the table.

2.25.3   For the purposes of this Consultation Analysis the responses have been read carefully and the main themes described below. Suggested new text or additions to the table will be carefully considered during the drafting of the Plan. Information regarding how these suggestions will be incorporated into the marine spatial plan will be provided in the Consultation Report (i.e. the report that outlines what the Working Group will do to incorporate the findings of the Consultation Analysis).

2.25.4   There were some suggestions for additional issues to be considered in the table and these are listed below:

- Inclusion of the seaweed industry.
- The effects of climate change on commercial fish stocks and fishing activity.
- Provisions for designation of Marine Protected Areas and marine Special Protection Areas.
- Declining regional populations of common seals and seabirds.
- Risk of introduction and spread of invasive non-native species.
- Potential impacts on local water bodies.
- Acknowledgment of the need for compliance with environmental licences for discharges to the marine environment.
- Recreational sailing.
- Sport development needs and aspirations in the area.
- Location of salmon farming and associated Scottish Government policies.

2.25.5   There was little disagreement with the content of the table although some respondents provided comment on specific issues that they disagreed with e.g. a response from the recreation sector stated they did not support commercial large waste/spoil dumping. Generally, where respondents felt more clarity or information was required this was provided in their response.

2.25.6   Most respondents provided comments in relation to their particular interest so, for example, a response from the fisheries sector wanted more emphasis on safeguarding commercial fisheries and a respondent from the recreation sector wanted the area recognised as a destination for adventure tourism.

2.25.7   Some respondents pointed out where the text was not clear e.g. a respondent from the public sector suggested the wording around "Electricity Grid Infrastructure" needed changing and a commercial sector respondent highlighted references to "research, deploy and monitor" that were not clear. These corrections and clarifications will be taken into account in the drafting of the marine spatial plan.

- The format of responses was different for this question and respondents generally provided comments and suggested alternative text for specific parts of Table 9.1.
- The responses tended to be in relation to the respondents area of interest although some provided more strategic comments.
- Some respondents noted where clarification or correction was required.
- The main points in relation to this question were outlined above and the detailed comments will be taken into consideration during the drafting of the marine spatial plan.

2.26   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?

2.26.1   There were 21 responses to this question. There were 5 each from the recreation and public sectors, 4 from the commercial sector, 3 each from fisheries/aquaculture and individuals and 1 from a forum.

2.26.2   The format of responses to this question were similar to those provided for question 14 in that many respondents included specific changes or corrections they felt should be made.

2.26.3   The analysis of the responses to this question therefore follows the same format as for question 14 in that the responses have been read carefully and the main themes described below. Suggested new text or additions to the table will be carefully considered during the drafting of the marine spatial plan. Information regarding how these suggestions will be incorporated into the marine spatial plan will be provided in the Consultation Report (i.e. the report that outlines what the Working Group will do to incorporate the findings of the Consultation Analysis).

2.26.4   General comments from the respondents covered a variety of issues:

- Some respondents felt that positive and negative interactions should have been more explicitly stated.
- Some respondents requested more clarity on how the interactions in the table had been decided.
- Other respondents felt the table did not allow for flexibility e.g. different fishing gear will have different impacts, well planned aquaculture units could have less impact than badly located ones and these subtleties cannot be captured in the table.
- Two respondents (recreation and commercial sector) made a similar point in relation to renewable energy developments in that the interaction is location and technology specific.
- One respondent from the commercial sector noted that there are several groups undertaking work to help with potential interactions with the marine renewables industry and that this should be taken into account.

2.26.5   One respondent from the public sector provided references to information on key potential interactions. This respondent also suggested that in some instances the constraints on certain activities at particular locations might warrant explicit identification within the Plan.

2.26.6   One commercial sector respondent noted that managing the interaction between sectors and competing activities constitutes a key objective of the

Plan and referred to a response to question 4 that emphasised the importance of developing the vision and objectives of the plan.

2.26.7   Suggestions for additional categories included the seaweed industry and recreational boating as a stand alone category.

- There were some comments that the interactions in the table required more explanation e.g. whether the interaction was positive or negative.
- Some respondents wanted more information regarding how the interactions had been decided.
- Some respondents provided suggestions for other categories that should be included e.g. the seaweed industry and recreational boating.
- The main points in relation to this question were outlined above and the detailed comments will be taken into consideration during the drafting of the marine spatial plan.

2.27   Question 16

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

2.27.1   There were 23 responses to this question. There were 6 from the public sector, 4 each from the commercial and recreation sector, 3 each from fisheries/aquaculture and individuals, 2 from non-governmental organisations and 1 from a forum.

2.27.2   Of the 23 responses received, 17 specifically supported having an overarching spatial strategy. Responses mentioned the need to have a spatial strategy to achieve the objectives set out in the vision (commercial sector) and the provision of a coherent framework to provide certainty to marine sectors (non-governmental organisation).

2.27.3   One response from a private individual felt there was no need for a spatial strategy and that it represented more red tape and interference from the South.

2.27.4   One response from the fisheries sector was uncertain as to the need for such a strategy and felt it should be based on historical access and use underpinned by fundamentals of human need e.g. food.

2.27.5   Another respondent from the fisheries sector felt the description of the proposed strategy may be "exaggerating the purpose and/or need for this". This respondent did not want any kind of master plan owing to the "lack of substantive knowledge" of the marine environment but felt having indicative information available would be useful in planning.

2.27.6   A respondent from the aquaculture sector felt the strategy should include protecting marine areas suitable for salmon farming from other

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development and a presumption in favour of salmon farming in all areas other than those specifically identified as being constrained.

2.27.7 A response from the recreation sector felt existing and possible future use should be incorporated into the strategy and that exploitation should only be permitted where it is of general benefit to society. Other respondents from this sector welcomed the spatial strategy as it would ensure a co-ordinated and structured approach and suggested that the main cruising routes for recreational craft are included. Another stated that they were "impressed by the work that has gone into this paper, and look forward to continued liaison". A respondent from a public body (SportScotland) also supported development of a spatial strategy.

2.27.8 A respondent from the public sector noted the need to consider how to present spatial information on mobile species and connectivity between protected sites as some types of development within the Pentland Firth and Orkney Waters area may have the potential to impact area outwith the Plan area.

2.27.9 Two responses from the public sector mentioned the possibility of providing broad indications of areas of higher or lower levels of opportunity or constraint for certain types of development. A response from the commercial sector went further and suggested that there should be a presumption of use for renewable energy development in the areas identified by the Scottish Governments Sectoral plans.

2.27.10 Other responses agreed with having a spatial strategy but raised some issues with how this could be achieved. The main concerns raised were ensuring the information was up to date, allowing for flexibility, ensuring all relevant information was included, backing up the inclusion of information with evidence of how the decision was arrived at and the uncertainty associated with some data e.g. fisheries over time.

2.27.11 The need for a web based GIS tool to support the spatial strategy was supported by two respondents.

2.27.12 The need for integration with terrestrial planning and the National Planning Framework 3 was noted by two respondents from the public sector.

2.27.13 A response from a private individual suggested specific areas such as Dunnet Head and Duncansby Head should be preserved.

- There was general support for having an overarching spatial strategy and some respondents had suggestions for what this should include.
- Two respondents from the fisheries sector were uncertain as to the need to have a spatial strategy and one response from a private individual disagreed with having a spatial strategy at all.
- Some respondents raised concerns regarding how some information could be included in the spatial strategy e.g mobile species, fisheries data and noted this would require careful consideration.
- Four responses raised the issue of having certain areas designated either on a broad basis or, in two cases, assigning a presumption of use for particular developments.
- The use of a web based GIS tool was supported by two respondents
- Co-ordination with terrestrial planning and the National Planning Framework 3 was noted as being required.

2.28   Question 17

Are there other crosscutting/overarching policy areas that should be addressed in the marine spatial plan?

2.28.1   This question received very few responses. This could be owing to the position of the question in the questionnaire as it was located in a section with extra text boxes for adding responses to Section 11 and may have been missed by respondents as they worked through the form.

2.28.2   There were 3 responses in total, 1 each from the recreation, fisheries/aquaculture and public sectors and a private individual.

2.28.3   The responses received were also much shorter than for previous questions. This is probably because Section 11 (to which this question referred) had text boxes to provide the opportunity to add more detailed comments on specific policies.

2.28.4   Of the responses one from the recreation sector suggested adding maritime and coastal safety as a crosscutting theme as there are wider implications beyond shipping and navigation e.g. a pollution incident could have onshore implications.

2.28.5   A respondent from the public sector suggested consideration should be given to a policy that seeks high quality design and positive contributions to place-making. The remaining response from a private individual raised concerns about aggregate extraction interfering with the microclimate seabed but did not provide a specific addition to the crosscutting policy areas.

- There were fewer responses to this question in comparison to previous questions. This may be owing to location of the question in the questionnaire which may have meant respondents missed it.
- Most of the responses were to confirm they agreed with the suggested crosscutting/overarching polices.
- Two policies were suggested as potential additions, one on maritime and coastal safety and one on high quality design and positive contributions to place-making.

2.29   Question 18

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

2.29.1   This question also received very few responses. This is probably owing to the provision of text boxes to provide specific response on policies in Section 12 (to which this question referred). Respondents provided detailed answers in the text boxes and provided extra information they felt was important.

2.29.2   There were 3 responses in total. There were 2 from the commercial sector and 1 from the public sector.

2.29.3   Three respondents suggested additional policies. The suggestions were policies for the Seaweed Industry, Recreation and future development sectors e.g. marine biomass industry.

2.29.4   One respondent from the public sector referred to information provided to previous questions and this will be captured in the analysis of those questions.

- Similar to the previous question there were fewer responses to the question. This is probably because the respondents included their detailed responses in the text boxes for Section 12.
- There were suggestions for three additional sectoral policies. These were the Seaweed Industry, Recreation and future development sectors e.g. marine biomass.

2.30   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?

2.30.1   There were 12 responses to the question. There were 3 each from the commercial and public sector, 2 each from the recreation sector and non-governmental organisations and 1 each from the fisheries/aquaculture sector and a private individual.

2.30.2   The responses to this question include those directly answering the question and also include those responses that were sent in letter format and did not provide specific information in relation to the previous questions.

2.30.3   One of the letters sent included a reference to which page and paragraph the comment related to. These comments have been included in the responses to specific questions where possible but there remained some comments that could not be directly attributed to a question in the questionnaire and they are therefore included here.

2.30.4   Another 4 letters (from a local fisheries association, a private individual and 2 from the commercial sector) did not provide specific references and analysis of these comments are included below.

2.30.5   Three respondents (recreation sector and 2 non-governmental organisations) provided positive feedback on the documents, commenting on the open approach and the depth and effort of its consultation analysis, the high quality, legibility and concise format of the document and that the PIOP was well considered.

2.30.6   The respondent from the recreation sector did however state that the language style of the document was "quite heavy going". This opinion was shared by another respondent from the recreation sector who suggested future consultation papers on user-specific areas are written in a more user friendly style.

2.30.7   Other comments specifically in relation to the document included that it should become a vital reference, that the emphasis on sustainable development was welcomed and the document clearly demonstrates the benefits of multidisciplinary partnership working between Marine Scotland and Highland and Orkney Islands councils.

2.30.8   Many respondents also noted their willingness to continue to participate in the development of the Plan.

2.30.9   In relation to the responses received by letter one provided information regarding the decommissioning work at Dounreay and noted that anyone considering a development in the area adjacent to the site should contact Dounreay Site Restoration Ltd. to discuss how this can be managed. As described above one letter contained comments in relation to specific text and where these have not been included with responses to specific questions they will be considered during the drafting of the Plan.

2.30.10   Of the remaining letters one was on behalf of the Orkney Trout Fishing Association and the main points are summarised below:

- There needs to be a safe distance between salmon cages and sea trout spawning burns and there needs to be a review of the siting and relocation of salmon farms. This comment was in relation to sea lice.
- The Association has carried out voluntary electro-fishing and survey work to provide the local authority with information to map all known local sea trout spawning burns.
- The respondent felt it was important to include reference to "well-being" wherever possible in the Plan.
- The issue of consultation fatigue was raised and that there is a "constant barrage of lengthy and increasingly complex consultation documents". This respondent felt that responses that went against the current political will are routinely ignored.
- Angling is a valuable resource that needs to be protected and many anglers associate Orkney with a relatively pristine and not overly developed land and seascape.
- The Orkney Trout Fishing Association are widely accepted as being the local organisation with a responsibility to, and active interest in, wild salmonids.

2.30.11   The same respondent also provided comments as a private individual. Some of the comments in relation to consultation fatigue, mistrust of the consultation process, cultural identity and the importance of the wild nature of Orkney were repeated. Additional comments were provided on whether the importance attached to providing jobs was valid given the low unemployment rates in Orkney and whether development was needed at all.

2.30.12   The respondent who sent the remaining letter did not send in a Respondent Information Form despite several requests to do so. Therefore the information from the response is considered confidential and is not analysed here but will be taken into account during the drafting of the Plan.

- There was positive feedback on the work so far but also comments that the documents need to be in a more user friendly style.
- Many respondents noted their willingness to participate in the on-going work.
- The problem of "consultation fatigue" was also noted.

2.31 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.

2.31.1 There were 19 responses relating to this section. There were 5 from the public sector, 4 from the commercial sector, 3 from the recreation sector, 2 each from the fisheries/aquaculture sector, individuals and non-government agencies and one from a forum.

2.31.2 The responses to this section (and also Section 12) followed a different format as the respondents were able to comment on each of the proposed policies and also provide any alternative policies they may have. Many of the responses were very detailed and suggested changes to the text of the policy or different approaches to dealing with the policy. The detailed suggestions will be taken into account during the drafting of the Plan but for the purposes of this Consultation Analysis an overview of the main points in given below.

2.31.3 Each policy is taken in turn and the main comments and responses against each analysed. Where alternatives have been suggested these are also included.

2.31.4 **Proposed Policy 1a: Sustainable Development**

There were 11 responses to this policy, 4 public sector, 3 commercial sector and 1 each from the recreation sector, a non-governmental organisation, a forum and a private individual.

2.31.5 Respondents generally supported a Sustainable Development policy and some provided comment on what they felt it should include in general terms e.g. benefit from exploitation, preservation of unique wild land and cultural heritage.

2.31.6 Other respondents provided more detailed comments on the wording of the policy. Some respondents commented on the need for careful and consistent use of terminology in the wording e.g. sustainable economic growth or sustainable development and inclusion of the 5 guiding principles of sustainable development outlined in the UK Sustainable Development Strategy. Consistency with the National Marine Plan was also noted. It was also noted that socio-economic considerations should be included as should the contribution to meeting Scotland's climate change targets.

2.31.7 Another respondent noted that the use of the language "safeguards or enhances" is a relatively new planning term that can be subjective and that the balance of impacts should be taken into account.

2.31.8   Another respondent suggested there is a requirement for how plans such as the Scottish Government's Sectoral plans will be considered and that there should be allowance for the inclusion of new activities.

2.31.9   **Proposed Policy 2a: Integrating marine and coastal development**

There were 8 responses for this policy (4 from the public sector, and 1 each from the commercial, recreation and fisheries/aquaculture sectors and a forum).

2.31.10   The comments received included that this was an important policy with respect to the management of cumulative impacts of marine related developments within the coastal zone. The importance of good integration between the terrestrial and marine planning regimes was noted by most respondents.

2.31.11   Consistency with on-going and existing work and plans such as the Scottish Government circular on marine planning, the National Planning Framework and Local Development Plans was also considered to be important.

2.31.12   One respondent noted that it would be useful to understand whether the Plan would be able to include a policy that relates to e.g. byelaw development or codes of conduct etc. The respondent felt this was important to Integrated Coastal Zone Management and sought clarity on how this will be taken forward under marine planning.

2.31.13   There was support for the potential for the Plan to become a material consideration for the determination of marine licence applications. Additionally, a respondent from the public sector suggested the Plan could be adopted as statutory Supplementary Guidance.

2.31.14   **Proposed Policy 3a: Nature conservation designations**

There were 8 responses to this policy. There were 3 responses from the public sector, 3 from the commercial sector and 1 each from a forum and an individual.

2.31.15   Two responses from the public sector supported this policy with one respondent expressing the need for a comprehensive approach to protect and consider sport and recreation interests within this policy (and the related policies 3b, 3c and 3d). A response from an individual stated that Dunnet Head from Brough should be designated a Site of Special Scientific Interest to protect it.

2.31.16   One respondent from the public sector felt the focus of this policy (and related policy 3b) was on the assessment and consenting of development and felt there was a need for a clear policy to emphasise the importance and need to safeguard the area's natural heritage. The respondent felt this

would provide the necessary baseline for more specific policies on development.

2.31.17 This respondent also provided some comments regarding the status and associated protection of Ramsar sites in Scotland and also a correction in relation to Geological Conservation Review sites. The importance of considering the connectivity between protected sites and to current and future protected sites outwith the area was noted as was the need for this policy to be informed by the Habitats Regulation Appraisal of the Plan itself.

2.31.18 The issue of connectivity was also raised by two respondents from the commercial sector who suggested the connectivity between nature conservation sites and proposed developments might be more effectively done at a project level and that it might be difficult to address connectivity issues given the 20 year outlook of the plan.

2.31.19 A respondent from a forum felt the way the policy was worded "stacks the case against development" as using the deploy and monitor approach would give rise to significant objections in relation to cumulative assessments. This respondent felt there should be very clear wording regarding the requirements of assessing cumulative impact.

2.31.20 One respondent from the commercial sector stated that as developers must follow national legal requirements it is not appropriate for the pilot plan to develop separate policies.

2.31.21 **Proposed Policy 3b: Protected Species**

There were 9 responses to this policy. There were 4 from the public sector and 2 from the commercial sector and 1 each from the recreation sector, a non-governmental organisation and a private individual.

2.31.22 Some respondents supported the policy and of these some provided general comment on what the policy should contain e.g. an overview of the locations of protected species and guidance as to where further information can be obtained, inclusion of any species covered by the forthcoming designation of Marine Protected Areas, the need for a comprehensive approach to protect and consider sport and recreation interests and one respondent reiterated that Dunnet Head to Brough should be a Site of Special Scientific Interest.

2.31.23 Two responses (public sector and non-governmental organisation) noted the need for spatial information on the occurrence of protected species. The respondent from the public sector felt this could be incorporated into the proposed policy and the respondent from the non-governmental organisation supported the suggested alternative policy of broadly mapping the locations of protected species.

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2.31.24 Another respondent from the public sector felt that this policy should be developed at a National rather than at a Regional level so that mobile or migratory species are protected. Another respondent from the commercial sector noted that the current legal requirements in relation to protected species and areas should be made clear.

2.31.25 **Proposed Policy 3c: Wider biodiversity and geodiversity interests**

There were 6 responses to this policy. There were 4 from the public sector and 1 each from the recreation and commercial sector.

2.31.26 A respondent from the recreation sector stated support for the policy as long as the "natural balance" was not upset e.g. by bringing in new species or changing the dominant species.

2.31.27 A respondent from the public sector suggested using the Nature Conservation (Scotland) Act 2004 as a reference and felt more clarity was required within the wording of the policy. A respondent from the commercial sector supported using the Plan to develop future research.

2.31.28 **Proposed Policy 3d: Non-native species**

There were 6 responses to this policy. There were 3 from the public sector and 1 each from the recreation and commercial sector and a private individual.

2.31.29 One respondent from the public sector strongly supported the inclusion of this policy but felt more clarify of wording was required. This respondent also noted the need to cross reference to the Ports and Harbours and Oil and Gas policies and other relevant documents.

2.31.30 A private individual provided some suggestions as to how the management of ballast water could be carried out and felt that it was important that the ship to ship transfers that take place in Orkney should be assessed.

2.31.31 A respondent from the recreation sector noted the considerable amount of work carried out on developing policies on Invasive Non-Native Species and that the Royal Yachting Association has been working with the statutory agencies to develop these policies. This respondent felt that an alternative for the Plan would be not to develop a new policy but refer to existing guidelines.

2.31.32 A respondent from the commercial sector suggested the role of the Plan could be to ensure the, currently voluntary, International Maritime Organization Biofouling Guidelines are formally adopted by all recreational craft organisations that use the area. Another respondent noted that consideration should also be given to the introduction and transfer of non-native species on construction plant.

2.31.33 **Proposed Policy 3e: Landscape and seascape**

There were 8 responses to this policy. There were 4 from the public sector and 1 each from the recreation and commercial sectors, a forum and a private individual.

2.31.34 One respondent from the public sector strongly supported this policy but reiterated the point that there needs to be a clear policy to provide a strong baseline against which policies on the assessment of development management would then follow. This respondent also provided some references to work carried out by Scottish Natural Heritage (SNH), Orkney Islands Council and Highland Council and on-going work by SNH to develop a methodology for coastal characterisation.

2.31.35 A respondent from the commercial sector felt a clear definition of seascape is required and this should be consistent with other marine planning documents.

2.31.36 Another public sector response also noted the importance of taking into account SNH's core wild land area mapping which is being used by National Planning Framework 3. This respondent also noted that as well as the aesthetic components there is a need to be aware of the physical qualities of the landscape as this has implications for recreational use.

2.31.37 A respondent from the public sector supported the preferred option but felt it would be useful to establish a set of key viewpoints for the purposes of visualisations for individual developments and to support assessment of the cumulative effect. This respondent also noted that if the suggested alternative approach was pursued further any research carried out should add value. A respondent from the commercial sector felt that there should be a study to ensure that there was consistency in assessments.

2.31.38 A respondent from the recreation sector noted it was important to include noise and visual impacts during installation, operation and maintenance. A respondent from an individual felt that the North East coast should remain as it is and should not be changed and that an alternative policy was to protect this area for future generations.

2.31.39 **Proposed Policy 4a: Cultural and Historic Environment**

There were 7 responses to the policy. There were 3 from the commercial sector, 2 from the public sector and 1 each from a forum and a private individual.

2.31.40 One response from a private individual noted that the wrecks in Scapa Flow are corroding away and there needs to be thought as to how these sites can be linked to local museums.

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2.31.41   A respondent from the commercial sector provided a reference to a protocol for reporting finds of archaeological interest. The need for guidance was also raised by respondents from the commercial and public sector and another respondent (also from the commercial sector) noted clarity was needed as to how unprotected sites will be taken into consideration.

2.31.42   Another respondent from a forum felt some of the reference material listed in relation to the World Heritage Site was not directly relevant and felt the policy needs "fairly substantial redrafting".

2.31.43   A respondent from the public sector suggested some changes to terminology i.e. "unprotected marine and coastal archaeology" should be amended to read "non-designated marine and coastal archaeology" and also made some recommendations as to how to present the information based on the Highland-wide Local Development Plan.

2.31.44   **Proposed Policy 5a: Water environment**

There were 6 responses to this policy. There were 3 from the public sector, and 1 each from the recreation and commercial sectors and a private individual.

2.31.45   A respondent from the public sector supported the policy and noted that it was important to use opportunities to improve and enhance the water environment where possible. Another respondent from the public sector (Scottish Water) noted the work they carry out to protect the water environment and also provided a correction to say the terminology "Recreational and Shoreline Waters" is no longer used. This respondent also noted that "larger" discharges do not necessarily have a greater impact.

2.31.46   Three respondents (public and recreation sector and a private individual) raised concerns regarding water quality and the potential risk to those using the water for recreational activities. Pollution from fish farms was given as a specific example by two of these respondents.

2.31.47   One respondent from the commercial sector noted that the supporting spatial information could alter annually and that clarity was needed on how this would be dealt with in the Plan.

2.31.48   **Proposed Policy 6a: Coastal erosion and flooding**

There were 3 responses to this policy, all from the public sector.

2.31.49   All three responses supported this policy and one respondent supplied a reference to work carried out by the Scottish Environment Protection Agency (SEPA) and Scottish Natural Heritage (SNH) to map areas with respect to flooding and erosion.

2.31.50   SNH noted their policy on coastal erosion advocates retaining natural coastal habitats, processes and landscapes to allow Scotland's coastlines to evolve naturally with minimal human intervention.

2.31.51   One respondent referred back to a previous comment (for Question 6) that noted changing wave and current regimes that might result from marine development could impact on coastal erosion. This respondent noted it was important to take account of such relationships between the land and the sea.

2.31.52   **Proposed Policy 7a: Waste management and marine litter**

There were 6 responses to this policy. There were 2 from the recreation sector and 1 each from the public and commercial sectors, a forum and a private individual.

2.31.53   One response from the recreation sector noted the policy should take account of the potential increase in marine litter from vessels as a result of increased activity. A respondent from the commercial sector noted that all activities should consider developing a waste plan.

2.31.54   Two responses (from a private individual and recreation sector) provided some information regarding the type of litter found during beach cleaning efforts. The respondent from the recreation sector noted the dangers of marine litter to recreational craft and highlighted the need for recycling and disposal facilities as well as the need to reduce marine litter at source.

2.31.55   A respondent from the public sector (Scottish Water) noted they are actively participating in the development of a marine litter strategy. The respondent from the forum noted marine litter was governed by other legislation and therefore may not be required to be covered in the Plan.

2.31.56   **Proposed Policy 8a: Safeguarding existing pipelines, electricity and telecommunication cables**

There were 4 responses to this policy. There were 2 from the commercial sector and 1 each from the public and fisheries/aquaculture sectors.

2.31.57   One respondent from the public sector suggested that final effluent discharge pipelines and Combined Sewer and Emergency Overflows (CSO & EO) should be included in the policy to safeguard existing pipelines.

2.31.58   One respondent from the commercial sector supported the policy and noted that sustainable development should be progressed in a way which does not unnecessarily compromise existing interests. This respondent also provided links to reference material relevant to this policy.

2.31.59   Two respondents (commercial and fisheries sectors) both noted that there are already guidelines and exclusion zones in place to protect cables and

that the Plan should take these into consideration. The respondent from the fisheries sector noted that an alternative approach would be to work with established systems.

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

There were 3 responses to this policy, 1 each from the commercial and recreation sectors and a private individual.

2.31.61 Two responses (recreation sector and private individual) made the same point that the location of the Flotta pipeline shut off valve needed to be mapped in the Plan.

2.31.62 The response from the commercial sector noted that all new activities within any sector should be taken into account.

2.31.63 **Proposed Policy 10a: Defence**

There were 2 responses to this policy, 1 each from the commercial and public sectors.

2.31.64 The response from the commercial sector supported including as much information as possible regarding Ministry of Defence activities to inform areas of future development. The response from the public sector suggested this terminology should be changed to "established Ministry of Defence activities" so as to not potentially constrain development.

2.31.65 **General comments on proposed policies**

Some respondents offered more general comments as well as detailed responses to the policies themselves. These are summarised below.

- Some policies require more detailed options.
- Two way cross referencing of policies will be important and consideration should be given as to how this can be achieved.
- Marine Safety (currently in sectoral policy 13) could be considered an overarching policy.
- Move dredging from sectoral policy 16 (Marine aggregates) to sectoral policy 14 (Ports and Harbours).
- Integration of marine and terrestrial planning is needed and reference should be made to the relevant Local Development Plans.
- Caithness should be of equal importance to Orkney and equal attention given to archaeology.

- There was generally support for the policies.
- In some cases respondents noted the wording of the policy needed to be more clear.
- Some respondents noted that for many of the policies there was already legislation in place and some felt there was no need for additional policies in the Plan.
- It was noted that the policies need to take into account all existing and potential new users of the area.
- In terms of protection of species and sites the issues of connectivity to protected areas outwith the area was raised.
- Some respondents provided detailed comments and references and these will be taken into account during the drafting of the Plan.

2.32 Section 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.

2.32.1 There were 22 responses relating to this section. There were 6 from the public sector, 5 from recreation sector, 4 from the fisheries/aquaculture sector, private individuals, 2 each from the commercial sector, non-government agencies and a private individual and 1 from a forum.

2.32.2 The responses to this section (as with Section 11) followed a different format as the respondents were able to comment on each of the proposed policies and also provide any alternative policies they may have. Many of the responses were very detailed and suggested changes to the text of the policy or different approaches to dealing with the policy. The detailed suggestions will be taken into account during the drafting of the Plan but for the purposes of this Consultation Analysis an overview of the main points in given below.

2.32.3 Each policy is taken in turn and the main comments and responses against each analysed. Where alternatives have been suggested these are included as well.

2.32.4 One respondent (a private individual) suggested an alternative approach would be that many of the policies (numbers 11/12/13/15/17) should be dealt with locally but provided no further comment.

2.32.5   **Proposed Policy 11: Marine renewable energy**

There were 11 responses to this policy. There were 4 from the public sector, 3 each from the commercial sector, 2 from private individuals and 1 from the recreation sector.

2.32.6   There was generally support for the policy although some respondents (recreation, commercial and public sectors) suggested text to make the policy more clear. This will be taken into account in the drafting of the Plan.

2.32.7   The main points raised were:

- The need for clarity in the drafting of the policy.
- The importance of the wave and tidal industry, two commercial sector respondents welcomed the suggestion to consider the Agreements for Lease area as "planned development at the licensing stage".
- The importance of taking the Scottish Government's Sectoral plans was noted by some respondents.
- A respondent from the commercial sector felt there should be a presumption of use for marine energy developments in the plan options contained in the Scottish Government's Sectoral plans.
- One respondent from the public sector noted there was a need to consider a review of material planning considerations.
- One response from a private individual provided information about recreational sailing to be taken into account when drafting the policy and also provided a correction to a reference.
- A response from the public sector noted that in some cases impacts cannot be avoided or mitigated against and that in some circumstances renewable development should not be allowed.
- The importance of early consultation with users of the area was noted by respondents from the fisheries and commercial sector and on-going work to achieve this was highlighted.

2.32.8   The proposed alternative approach of "zoning areas" was not supported although two respondents (public and recreation sector) thought there may be a need to 1) review the option areas within the Sectoral plans and 2) to take into account that some activities will always be incompatible. One respondent from the commercial sector commented that the it is too early in the development of the marine renewables industry to consider a zoning approach.

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

There were 8 responses to this policy. There were 4 each from the public sector, 3 from the commercial sector and 1 from the recreation sector.

2.32.10 One of main points made by the respondents was that electricity infrastructure was not just of importance to the development of the marine

renewable industry (although that is the driving force currently) but to many other industries and the wider economy as well.

2.32.11 One respondent from the commercial sector provided alternative text to make the policy more clear in terms of mitigation measures. This respondent also noted that following existing cable corridors could present technical challenges for existing cable operators and encouraged close consultation with the industry to develop an approach that would take this into account. A reference to some previous work on the routeing and spacing of transmission cables for offshore wind farms was also provided.

2.32.12 One respondent from the public sector suggested combining this policy with Policy 18 (Development of new telecommunication cables), owing to the similarity of potential impacts on the natural heritage and other sectors.

2.32.13 Other concerns raised were the need to consider the environmental effects of noise and electrical fields from power cables (recreation sector) and the cumulative impact in the coastal zone and for effective integration with terrestrial planning to safeguard the natural heritage of the coast (public sector).

2.32.14 **Proposed Policy 13: Shipping, Navigation and Marine Safety**

There were 9 responses to this policy. There were 3 each from the commercial and recreation sectors and 1 each from the public sector and a private individual.

2.32.15 The respondents from the recreation sector highlighted the importance of safety for all vessels and that there may be an increased risk owing to the "proliferation of offshore developments" and the associated construction and operations and maintenance. One respondent suggested additional text to make clear that commercial and recreational vessel activity should be taken into account. A response from a private individual suggested weather conditions had not been properly considered.

2.32.16 Another respondent from the public sector noted that safety to recreational users may not be restricted to impacts on navigation and could include the impact of water pollution or development impacts on coastal processes that make participation in an activity more dangerous.

2.32.17 Two respondents from the commercial sector noted on-going work that should be taken into account for this policy such as the Strategic Area Navigation Appraisal Project (SANAP) being undertaken on behalf of the Crown Estate and the work of the Nautical and Offshore Renewable Energy Liaison Group (NOREL).

2.32.18 A respondent from the commercial sector noted that the policy appeared to focus on developments and that all new activities should be taken into account.

2.32.19   **Proposed Policy 14: Ports and harbours**

There were 11 responses to this policy. There were 5 from the public sector, 2 each from the recreation and commercial sectors and 1 each from the fisheries/aquaculture sector and a private individual.

2.32.20   The respondents raised similar points in relation to some issues and these are listed below:

- The importance of including all users and sectors within the policy e.g. the need to take into recreational use into account.
- The need to take the National Renewable Infrastructure Plan (N-RIP) into account was emphasised and it was noted the work carried out so far would provide useful information for this policy.
- The links between this policy and the N-RIP work need to be made clear and there should be cross-referencing between the Strategic Environmental Assessment (SEA) for this Plan and that for the N-RIP.
- One respondent from the public sector noted that there were other developments e.g. the Oil Supply base at Scrabster and others outwith the area that would support activities in the Plan area.
- A respondent from the commercial sector noted that the sustainable growth of port and harbour infrastructure is key for the growth of the marine renewable energy sector.

2.32.21   A respondent from the public sector noted that this policy was an opportunity for a joined up approach to decision making with regard to port and harbour works and that this should be stated more clearly in the policy.

2.32.22   The same respondent noted that the alternative approach of developing fine scale planning around key ports could be used in situations where there was evidence of unresolved conflicts between users and wider interests. However, the respondent suggested this would be an additional element to more strategic policies rather than an alternative policy approach.

2.32.23   A respondent from the aquaculture sector noted that continuing uncertainty about the Scapa Flow Transhipment Hub should not prevent the area being used for other forms of development such as fish farming.

2.32.24   A response from a private individual expressed the view that fishermen were being ignored as the harbours were only interested in oil or wave money.

2.32.25   **Proposed Policy 15: Oil and Gas**

There were 2 responses to this policy both from the public sector.

2.32.26   One response indicated support for the policy and the other noted that the recent agreement to build an Oil Supply base at Scrabster should be

referenced as should the use of Wick John O'Groats airport as a transport hub for oil workers and ship crews.

2.32.27 **Proposed Policy 16: Marine aggregates and dredging**

There were 5 responses to this policy, 2 from the public sector, and 1 each from the commercial and fisheries/aquaculture sectors and a private individual.

2.32.28 One respondent from the public sector supported the preferred option but suggested that consideration is given to developing both the preferred option and the option currently suggested as an alternative i.e. supporting sustainable aggregate extraction and safeguarding marine aggregate resources. The respondent considered that these could be complementary approaches.

2.32.29 Two respondents (commercial and public sectors) suggested the policy be expanded to cover all aggregate activities rather than just port and harbour operations. One respondent provided a reference to some work carried out to map sand and gravel resource on the UK continental shelf.

2.32.30 A respondent from the fisheries sector commented that any new sites for dredging and dumping would need a full ecosystem assessment of their impact on commercial fisheries.

2.32.31 A response from a private individual expressed the opinion that submissions to Marine Scotland were ignored.

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

2.32.33 There was 1 response to this policy from the public sector and the respondent supported the policy but noted the need to ensure that any protection or flood defence works do not result in additional flood risk elsewhere.

2.32.34 **Proposed Policy 18: Development of new telecommunication cables**

There were 4 responses to this policy. There were 3 responses from the public sector and 1 from the fisheries/aquaculture sector.

2.32.35 One respondent from the public sector (Scottish Water) expressed a wish to be consulted on the use of existing pipeline corridors for co-location in cases where their assets may be affected. The respondent felt there would be a requirement to look at each proposal on a case by case basis.

2.32.36 Another respondent from the public sector noted that may be plans for further development within the Plan area for telecommunication cables and this should be taken into consideration with respect to existing exclusion zones around cables.

2.32.37   A respondent from the fisheries sector suggested that engagement with Subsea Cables UK would be appropriate.

2.32.38   **Proposed Policy 19: Commercial fisheries**

There were 7 responses to this policy. There were 3 responses from the fisheries/aquaculture sector, 2 from the public sector and 1 each from the commercial sector and a private individual.

2.32.39   Two respondents from the fisheries sector used the same text in their response and noted there was an error with regard to the value of landings stated in the report. The respondents are thanked for bringing the error to our attention. This was an editing error that was only picked up after the report was published. These respondents also suggested an alternative approach to a fisheries policy based on that contained within the Shetland Marine Spatial Plan.

2.32.40   The same respondents welcomed the proposed alternative approach towards a presumption against development in spawning and nursery grounds and this was also supported by other respondents from the fisheries sector and the public sector. Another respondent from the public sector suggested it could be included as part of the preferred policy option rather than an alternative policy.

2.32.41   A respondent from the public sector noted the need for further involvement of fisheries policy staff in Marine Scotland to develop this policy. This will ensure integration of Scottish Government policy goals. This could include cross referencing the role of Inshore Fisheries Groups in the Plan. This respondent also noted the opportunity to consider implications for other interests such as Priority Marine Features of any potential displacement of fisheries from currently used areas. A key strategic issue is the need to reflect fisheries interactions with existing or future Marine Protected Areas and European marine sites.

2.32.42   Another respondent from the public sector noted the importance of the fishing industry to the area and the importance of collecting information on areas of interest to them. The proposed approach of collecting data through a number of different routes was welcomed but this respondent was unsure as to whether this would capture information about the important inshore crustacean fishery.

2.32.43   The importance of consultation with fishermen was raised and one respondent from the commercial sector highlighted the work of the Fishing Liaison with Offshore Wind and Wet Renewables (FLOWW) and the Scottish Government's Fishing Liaison Group to aid co-existence. A respondent from the fisheries sector noted that working with local stakeholders was important but that in some cases it would also be important to engage at a national level. A response from a private individual felt there was very little consideration given to fishing.

2.32.44 **Proposed Policy 20: Aquaculture**

There were 7 responses to this policy. There were 2 each from the public and commercial sectors, and 1 each from the recreation and aquaculture/fisheries sectors and a private individual.

2.32.45 A respondent from the public sector supported the preferred policy but noted there will be a need for the policy to additionally consider Priority Marine Features and Marine Protected Areas.

2.32.46 Four respondents suggested that there was a need to consider commercial cultivation of macroalgae and also harvesting of natural stocks of seaweed. The Scottish Government's Seaweed Policy Statement should be referenced.

2.32.47 Two respondents (both from the public sector) thought offshore aquaculture sites were unlikely given the exposed nature of the environment in the area. Both also highlighted the need to refer to related policies and plans e.g. Local Development Plans etc.

2.32.48 One of the respondents from the public sector also expressed the view that the potential for aquaculture sites developing in conjunction with renewables may not be possible and there may not be a need for detailed examination of such developments within the Plan.

2.32.49 The opposite view was expressed by a respondent from the aquaculture sector who noted that in their opinion the presumption against all fin fish farming on the north and east coasts of Scotland has no scientific basis and that there was potential for fish farming to take place further out to sea and in conjunction with other forms of marine development. The respondent also provided a correction to one of the references.

2.32.50 One response from a private individual expressed the opinion that finfish farming creates ecological and social problems e.g. pollution, infections in wild fish, marine litter and diesel engine pollution and have been sometimes been sited in areas that had previously been anchorages or safe havens. The respondent felt Closed Containment Systems should be used onshore to prevent this.

2.32.51 A respondent from the recreation sector also noted the loss of sites to aquaculture and provided a reference to a position paper produced by the Royal Yachting Association that discusses how fish farming and aquaculture can coexist.

2.32.52 A respondent from the commercial sector would like to see the Plan support sustainable growth of the aquaculture industry by encouraging Local Planning Authorities to consider at a strategic level the most viable areas are for development and how to ensure that environmental, social and economic objectives are met.

2.32.53   Another respondent from the commercial sector requested more clarity on the use of the term "foreseeable future" in relation to the Plan's 20 year vision.

2.32.54   **Proposed Policy 21: Tourism and Recreation**

There were 10 responses to this policy. There were 5 from the recreation sector, 3 from the public sector and 1 each from the commercial sector and a private individual.

2.32.55   Two respondents from the recreation sector reiterated previous comments that tourism and recreation should be separate policies. The remaining respondents from the recreation sector supported the preferred policy and, in some cases, provided information that should be taken into account e.g. guide books for sea kayaking. Some noted the importance of the marine environment for the tourism and recreation industry and contribution to quality of life.

2.32.56   A respondent from the commercial sector noted that all new activities and expansion within any sector need to be taken into account within this policy. A response from a private individual felt that harbours were only interested in big businesses.

2.32.57   A response from a public sector respondent felt the policy should give greater weight to the importance of informal opportunities for recreational access to the sea and coast and felt this should be irrespective of the potential commercial value of such activities. This respondent (and one other public sector respondent) also noted the link to quality of life. Another response from the public sector highlighted the importance of considering both land based coastal interests and those that are marine based.

2.32.58   A response from a public body (SportScotland) suggested a number of points that should be taken into account:

- The importance of understanding the qualities that are integral to participation e.g. type and quality of waves, lack of pollution in terms of noise and water quality, the landscape etc.
- Assessment of the importance of some sites for an activity e.g. Thurso East or Scapa Flow wrecks are internationally important.
- This respondent strongly supported land based facility development for recreational use.
- The importance of qualities important from a tourism perspective and those important from a sport and recreation perspective. The respondent did not suggest separating these into two policies (as suggested by other respondents above) but recognised the needs were different.
- A suggestion that tourism and recreation is put at the start of the Plan to ensure concerns about this sector not being taken as seriously as others are alleviated.

- Concerns over the use of the words "due regard" and the need to use stronger wording.

- There was generally support for the preferred policies although some alternatives were also suggested.
- Respondents expressed differing views regarding the Aquaculture policy.
- There was a suggestion that Tourism and Recreation should be separate policies.
- In some cases respondents noted the wording of the policy needed to be more clear and in some cases corrections were provided.
- It was noted that the policies need to take into account all existing and potential new users of the area.
- Some respondents provided detailed comments and references and these will be taken into account during the drafting of the Plan.

3. Draft Environmental Report and Scoping Responses

3.1 Background

3.1.1 This section gives a brief summary of the work carried out so far in relation to the Environmental Assessment (Scotland) Act 2005.

3.1.2 The Working Group produced a combined Screening and Scoping report, which was submitted to the Scottish Government's Strategic Environmental Assessment (SEA) Gateway on 14 January 2013. This report was provided to the Consultation Authorities (Scottish Natural Heritage, Scottish Environment Protection Agency and Historic Scotland) for a statutory five week consultation period.

3.1.3 The Consultation Authorities indicated that there is a likelihood of significant environmental effects arising from the pilot Pentland Firth and Orkney Waters Marine Spatial Plan. All of the Consultation Authorities provided additional information and advice as to the scope and level of detail to be included in the Environmental Report.

3.1.4 The Screening and Scoping report was also sent out to the list of stakeholders on the database maintained by the Working Group (Annex 1) to invite comments on this report. This was a non-statutory consultation that ran alongside the statutory consultation.

3.1.5 Owing to a problem with the mailbox to which stakeholders were requested to send comments many of the responses were not received until several weeks after the end of the consultation period on 18 February 2013. Once this problem was discovered an e-mail was sent explaining the situation to all the stakeholders that had responded. This was then followed up by phone calls to those stakeholders for whom contact details were available.

3.1.6 It was explained that although the responses were found too late to be taken into account in the draft Environmental Report they have all been read and will be used to inform the final drafting of the Environmental Report. A summary of the responses received from both the Consultation Authorities and the stakeholders is provided below.

3.1.7 After the consultation on the Screening and Scoping report Marine Scotland determined that the provisions proposed for inclusion in the pilot Pentland Firth and Orkney Waters Marine Spatial Plan are likely to have significant environmental effects when considered in relation to many of the criteria set out in Schedule 2 of the Environmental Assessment (Scotland) Act 2005. A Strategic Environmental Assessment (SEA) is therefore required. This determination was published in the *The Orcadian* and the *John O'Groat Journal* and the Consultation Authorities notified.

3.1.8   The next stage of the process was the draft Environmental Report, which was published on the Scottish Government consultation website on 17th June 2013 along with the Planning Issues and Options Consultation Paper. Responses to the consultation were requested by 26th July 2013.

3.1.9   All the Consultation Authorities sent in a response to the draft Environmental Report as did three other respondents. These responses are also summarised below.

3.2   Screening and Scoping Report

3.2.1   All three Consultation Authorities (Scottish Natural Heritage, Scottish Environment Protection Agency and Historic Scotland) and 12 stakeholders sent in responses to the Screening and Scoping Report. The responses from the Consultation Authorities and the stakeholders are analysed separately.

3.2.2   The 12 stakeholders that sent in a response were:

- NATS (National Air Traffic Services) Safeguarding.
- The Directors of Gills Harbour Ltd.
- Orkney Fisheries Association.
- Royal Society for the Protection of Birds.
- The Crown Estate.
- Orkney Research Centre for Archaeology (ORCA) Marine.
- Birsay Community Council.
- International Container Hubs Ltd. (ICHL).
- SportScotland.
- Scotland Tran Serv.
- Aquamarine Power.
- Whale and Dolphin Conservation.

3.3   Consultation Authority Responses to Screening and Scoping Report

3.3.1   Scottish Natural Heritage (SNH) provided some specific comments both in the covering letter and in Annexes and also provided some preliminary advice regarding Habitats Regulations Appraisal (HRA).

3.3.2   The covering letter noted that if the specific comments were taken into account then SNH were broadly content that the level of detail proposed for the Environmental Report was appropriate.

3.3.3   The specific comments included a requirement for more information on key aspects, advice on the development and assessment of options, inclusion and referencing of relevant previous work, inconsistencies in the choice and naming of SEA topics, a strong recommendation for more detailed SEA Criteria and a preference for the Environmental Report to be

published as a stand alone document rather than as part of a wider Sustainability Appraisal.

3.3.4 The Annexes provided more detailed comments in relation to specific sections of the Screening and Scoping report with advice and recommendations for how the SEA could be progressed. Annex B provided preliminary advice on Habitats Regulations Appraisal and raised the importance of issues such as connectivity to Natura sites and the ongoing work on Special Protection Areas.

3.3.5 The Scottish Environment Protection Agency (SEPA) were also content with the scope and level of detailed proposed for the Environmental Report subject their comments being taken into account.

3.3.6 SEPA provided detailed comments in relation to specific sections of the Screening and Scoping report. The majority of these were in relation to the methodology for assessing environmental effects and provided advice on how this could be carried out.

3.3.7 There was a request that enough information to clearly justify the reasons for each of the assessments was provided and that the assumptions being made were clearly set out.

3.3.8 Clarity regarding how proposed mitigation measures will be achieved and by whom was also requested and suggestions made as to how this could be undertaken.

3.3.9 The Annex to SEPA's letter also provided a list of relevant information sources, a request for consideration of a monitoring approach and information to clarify the text in the sections relating to water.

3.3.10 Historic Scotland (HC) provided brief comments that supported the method for assessment and noted the importance of Orkney in relation to archaeological potential. Information regarding the evidence gathering to provide heritage data as part of Project Adair was provided.

3.3.11 In addition HC provided a note that diving and recreational use could increase understanding and enjoyment of the historic environment and could be included as an objective.

3.4 Stakeholder Responses to Screening and Scoping Report

3.4.1 The responses from the stakeholders varied in the amount of detail that they provided. Some provided generic information and others provided a response on specific details.

3.4.2 NATS Safeguarding provided a standard response in relation to wind turbines and wind farm developments and explained the process of the NATS self-assessment and pre-planning assessment.

3.4.3   The directors of Gills Harbour Ltd. provided a detailed overview of the history and background to Gills Harbour as well as information about on-going work. No specific comments were provided in relation to the Screening and Scoping reports.

3.4.4   Orkney Fisheries Association noted that the document was biased towards renewable developments and this needed to be changed to reflect the fact that the Plan is for all users. The response emphasised the fact that fishing is a traditional activity that uses the sea in a different manner to other users and this needs to be taken into account. The importance of protecting the environment in order that fishing can continue to operate as a food producer was noted as was the mobile nature of fishing.

3.4.5   The Royal Society for the Protection of Birds (RSPB) welcomed the preparation of the Plan to ensure the sustainable management of the marine environment where there is a significant scale of renewable energy development. The importance of Caithness and Orkney for seabird colonies and the associated protection they are afforded was noted. The information in Scotland's Marine Atlas should be taken into account. The RSPB also provided comments in relation to specific parts of the Screening and Scoping report.

3.4.6   The Crown Estate provided some background comments on their role in the Pentland Firth and Orkney Waters and noted it was important that the SEA and the Plan facilitate the development of wave and tidal technologies while giving due consideration of environmental factors and other users of the sea. The Crown Estate provided some suggested wording to clarify the fact the Plan is a tool to strategically plan the future use of the marine environment and also requested clarification on the status of the Plan and how the 12 existing Crown Estate lease sites for wave and tidal energy development will be considered in the SEA process and the Plan itself. The Crown Estate felt the proposed methodology for the SEA assessment process required clarification and noted that the socio-economic benefits to the local economy from marine renewables should be included. The importance of interaction with previous and on-going work relevant to this area was highlighted and some suggestions made regarding what should be included.

3.4.7   ORCA Marine are a historic environment consultancy in Orkney and provided information on previous relevant work they had carried out and suggested this be included in the list of Stage 2 studies. It was also noted that the 2009 Marine Spatial Planning Framework and Regional Locational Guidance did not include all relevant data sources and that the Plan should improve on this. The impact that marine developments have on land should also be taken into account e.g. making landfall, extensions to harbours etc. and coastal heritage assets should be included in the Plan.

3.4.8   Birsay Community Council sent a short response to say that they would be involved in many aspects covered by the Plan and would expect to be kept informed.

3.4.9   A response from International Container Hub Ltd. did not provide specific detail on the Screening and Scoping report but noted that development of the industrial zone from Lyness in Hoy to the Boatyard in Burray is the key to a sustainable future in Orkney. The respondent was of the view that these developments would leave the rest of Orkney as it is wished it would be and that the Orkney economy should not be ignored.

3.4.10   SportScotland provided some background information to sport and recreation interests and highlighted the importance of considering all activities and engaging with a wide range of groups and organisations. The wide range of impacts on recreation were also noted as was a concern that these issues might not be fully addressed. Specific comments in relation to the Screening and Scoping report were also provided.

3.4.11   Scotland TranServ sent a short note to acknowledge that infrastructure had been scoped in and that they would expect this to include consideration of any potential construction or operation related impact on the trunk road network.

3.4.12   Aquamarine Power raised two key points to be considered. These were that the SEA should recognise that the marine renewables industry is in its infancy and should focus on the first phase of the Pentland Firth and Orkney Waters wave and tidal arrays. The second point was a request for clarification as to why the socio-economic assessment would be outside the SEA. It was noted that the potential benefits from the wave and tidal developments would be better captured within the SEA rather than in a separate study. The importance of recognising potential positive impacts was noted and some examples given. The inclusion of landscape/seascape in the same category as geology and coastal processes was questioned. It was also noted that as marine renewables is a new industry assessment of emissions will be difficult during the prototype phase. As there are significant differences in the technologies these should not be assessed as a generic group.

3.4.13   Whale and Dolphin Conservation provided both general and specific comments. The general comments supported the proposed development of the Plan and noted that there are many knowledge gaps regarding whales and dolphins in the Pentland Firth and Orkney Waters. The requirement for pre-construction baseline and local scale studies was noted as was the need for broader studies to understand any combined impacts and on-going monitoring during development. The impact that noise pollution could have was noted. The specific comments were in relation to wording in relation to the context of the Plan and the need to consider maintaining environmental protection objectives. Other comments were in relation to mitigation and suggestions as to how this could be developed strategically, the inclusion of information from the Ministry of Defence and suggestions as to where more detail could be provided e.g. the scientific and other evidence to support the content of the proposed assessment matrix.

3.5   Draft Environmental Report

3.5.1   Feedback on the draft Environmental Report (ER) was received from six
           respondents. All three Consultation Authorities i.e. Scottish Natural
           Heritage, Scottish Environment Protection Agency and Historic Scotland,
           provided a response. The other three responses were received from the
           Pentland Firth Yacht Club, the Royal Society for the Protection of Birds
           and The Crown Estate.

3.5.2   As discussed above a number of comments received at the Scoping stage
           were not received in time to allow them to be addressed in the draft ER.
           These comments will therefore be addressed in the final ER, if they have
           not already been considered.

3.6   Consultation Authority Responses to Draft Environmental
           Report

3.6.1   The Consultation Authorities welcomed the opportunity to comment on the
           draft ER. However, their responses indicated that they were not clear that
           this was a draft and not the final Environmental Report. A meeting
           arranged with the Consultation Authorities and the Working Group along
           with a representative of the Scottish Government Environmental
           Assessment Team in August 2013 discussed this lack of clarity and also
           provided an opportunity for the Consultation Authorities to outline what
           they expected from the final Environmental Report.

3.6.2   The main issue raised was that the assessment methodology had been
           altered in light of comments received from the Consultation Authorities at
           the scoping stage, in line with the evolving nature of an ER. The
           Consultation Authorities expressed concern that these changes meant that
           the assessment methodology and scoring system was not clear and this
           made it difficult for them to comment on the conclusions of the
           assessment.

3.6.3   The respondents felt this had led to a lack of consistency with the Planning
           Issues and Options Consultation Paper. It is worth noting the draft ER was
           trying to assess the impacts of a marine plan that has not been drafted at
           this stage; it was based on the general policy areas that were proposed for
           inclusion in the draft Plan. This was discussed at the meeting in August
           2013 and once it had been clarified that this was a draft ER the
           Consultation Authorities were able to provide advice on how they felt the
           work should progress and indicated their willingness to assist with this.

3.6.4   The specific comments from the Consultation Authorities required more
           detail on how assessment scores on the impacts of the various sectors,
           e.g. renewables, aquaculture, ports and harbours, on the SEA objectives,
           had been reached.   Further comments were provided on the proposed
           alternative approaches, assessment of cross cutting policies and

mitigation measures with suggestions for how the information could be improved. There will be on-going discussions with the Consultation Authorities to inform both subsequent iterations of the ER and the drafting of the Plan.

3.7   Stakeholder Responses to Draft Environmental Report

3.7.1   The Pentland Firth Yacht Club (PFYC) sent in comments in relation to the key policy assessment questions contained within the draft ER. The main points made were that the Plan should be developed and that they were not unsupportive of developments taking place as long as existing uses were taken into account.

3.7.2   PFYC also made some specific comments regarding aggregate extraction and sea dumping [of dredged material], artificial structures along the coastline, the protection of fish and commercial fishing under controlled circumstances and the impact of the aquaculture industry on safe navigation and anchorages. Overall, the PFYC had concerns about the long term cumulative effects and felt development needed to ensure there was no irrevocable damage to the marine environment.

3.7.3   The Royal Society for the Protection of Birds (RSPB) noted that users of the marine environment should include those who seek, and have aspirations for, the protection, enhancement and sustainable management of the area's natural resource. This would include environmental non-governmental organisations.

3.7.4   The RSPB also made some specific comments regarding the terminology used in relation to sustainable economic growth suggesting this phrase should be removed and replaced with "economic growth" or "sustainable growth". Suggestions regarding responding to gaps in relation to biodiversity knowledge were also provided as were some suggestions for additions to specific sections.

3.7.5   The Crown Estate provided some general comments on the draft ER one of which stated it was not easy to find on the Scottish Government website. This was raised during the consultation period and changes were made to the web links to make it easier to find. The remainder of the comments were in relation to the requirement for consistency between the purpose of the Plan and the objectives of the Plan and some updated references for some sections. It was noted that it was difficult to accurately assess the environmental impacts of the Plan in any detail as the proposed policies, at this stage, were not finalised.

- A summary of all Screening and Scoping responses is provided here, including those that arrived too late to be taken into account during the drafting of the ER owing to a mailbox issue.
- The Consultation Authorities were not clear this was a draft ER and therefore had concerns regarding the assessment methodology.
- Once the draft status was clarified it was agreed the Consultation Authorities would provide input to improving the methodology for the final ER.
- Three stakeholders also provided comments in relation to the key policy assessment questions or specific sections.
- All this feedback will inform the final ER.

4.   Consultation Events in Kirkwall and Thurso

4.1   Background

4.1.1   The Planning Issues and Options Consultation Paper (PIOP) and draft Environmental Report (ER) were out to consultation between 17th July and 26th July 2013 and the Working Group held two workshops to provide an opportunity for stakeholders to contribute to the development of the Plan.

4.1.2   The workshops were held at the King Street Halls in Kirkwall on 1st July 2013 and in the Pentland Hotel in Thurso on 4th July 2013. The consultation events consisted of a facilitated workshop during the day and a drop in session during the evening. There was also the opportunity to arrange face to face meetings with members of the working group.

4.1.3   The consultation events were carried out in conjunction with researchers from the International Centre for Island Technology (ICIT) at Heriot Watt University who are part of a European project known as MESMA (Monitoring and Evaluation of Spatially Managed Areas). The Pentland Firth and Orkney Waters is one of nine case studies within the MESMA project.

4.1.4   The work of Working Group and the ICIT Heriot Watt researchers is closely linked and the opportunity was taken to collaborate during the consultation events. Therefore, the workshops and the evening drop in sessions were divided into two parts with the Working Group leading the first half and ICIT Heriot Watt researchers leading the second half. This section of the reports the Working Group's part of the consultation and Section 5 deals with the responses from ICIT Heriot Watt.

4.1.5   The consultation events were publicised by invitations sent to the stakeholder database of around 250 stakeholders maintained by the Working Group. Further publicity to encourage a wider audience was provided by editorials in local newspapers, an A4 newspaper insert in *The Orcadian, John O'Groat Journal* and *Caithness Courier*, local authority Twitter and Facebook accounts, community websites, posters and local radio coverage.

4.1.6   For the workshop there was a request that participants register their interest in attending so that the Working Group knew how many people to expect and could divide participants up into groups. For each workshop there were five groups each with a facilitator and a scribe.

4.1.7   Prior to the workshop participants were sent a series of broad questions that were based around the PIOP (Annex 3). It was emphasised that this did not preclude discussion of the draft Environmental Report and the questions were to encourage discussion.

4.1.8   The evening drop in sessions were open to all and the format was that the Working Group and ICIT Heriot Watt researchers were available between 17.30 and 21.00 hours with a presentation at 18.30 and an opportunity for discussion afterwards.

4.1.9   The face to face meetings were by appointment and the Working Group set aside time to allow for this.

4.2   Analysis of Responses

4.2.1   This section of the report includes a summary of the notes taken at the workshops and drop in sessions. It also includes a brief overview of the outcome of the two face to face meetings.

4.2.2   A short overview was sent to the workshop participants shortly after the events to rapidly provide a summary of the main points that had been raised. This Consultation Analysis provides a more detailed overview of the outcome.

4.2.3   ICIT Heriot Watt researchers will provide a summary of the outcome of their session in Section 5). This ensures all the information from the consultation events is all contained and reported in a single document.

4.3   Meetings with Individual Stakeholders

4.3.1   Two face to face meetings were arranged. The first was with Caithness Renewables on 3 July 2013 in Thurso and was attended by Working Group representatives from Marine Scotland and the Highland Council. Caithness Renewables gave an overview of their work and how they felt it could contribute to the Plan and the Working Group outlined the process of developing the Plan and where there was opportunity for consultation and input. Staff from Caithness Renewables attended the workshops and the drop in sessions in Thurso.

4.3.2   The second meeting was with a representative of both Dounreay Site Restoration Ltd. and Pentland Canoe Club i.e. one person representing two separate interests. This meeting was held on 5 July 2013 in Inverness and was attended by a representative from Marine Scotland. A brief overview of the background of Dounreay Site Restoration Ltd and Pentland Canoe Club and their interest in the Plan was given. Further sources of information in relation to paddlesports was also provided.

4.4   Number of Participants at Workshops and Drop In Sessions

4.4.1   Prior to the workshops there were 34 participants registered for the Kirkwall event and 37 registered for Thurso. However, on the day of the events some people were not able to attend and others turned up to register on the day. The final numbers for Kirkwall were 34 participants and

Thurso had 38. The list of organisations represented at each of the workshops is contained in Annex 4.

4.4.2　The participants were divided up into groups of about 6, each with a facilitator and a scribe, to work through the questions that had been sent out prior to the workshop.

4.4.3　Table 4.1 and Figures 4.1 and 4.2 provides a breakdown of the participants for both workshops. The categories have been kept as similar as possible to those used earlier in the document but it has been necessary to include further categories.

4.4.4　The list of participants was then divided into a detailed stakeholder sub-group, again following those used earlier in the document. These are shown in Table 4.2 and Figure 4.3 for both workshops.

4.4.5　There was a good range of representation at both workshops and the main difference between the participants was that Thurso had more representatives from Schools and Universities and Private Individuals and Kirkwall had more representation from fisheries associations.

4.4.6　For the drop in sessions there were approximately 24 participants at the Kirkwall events and 30 at the Thurso events. The majority of participants attended the presentations given by the Working Group and ICIT Heriot Watt although some could only attend part of the session.

Table 4.1　　Participants by Stakeholder Categories

| Broad Stakeholder Group	Kirkwall	Thurso
Commercial	8	9
Public Sector	12	11
Recreation	3	2
Fisheries and Aquaculture	5	1
Individuals	1	7
Non-Governmental Organisations	1	0
School or University	2	8
Voluntary Sector	2	0
TOTAL	**34**	**38**
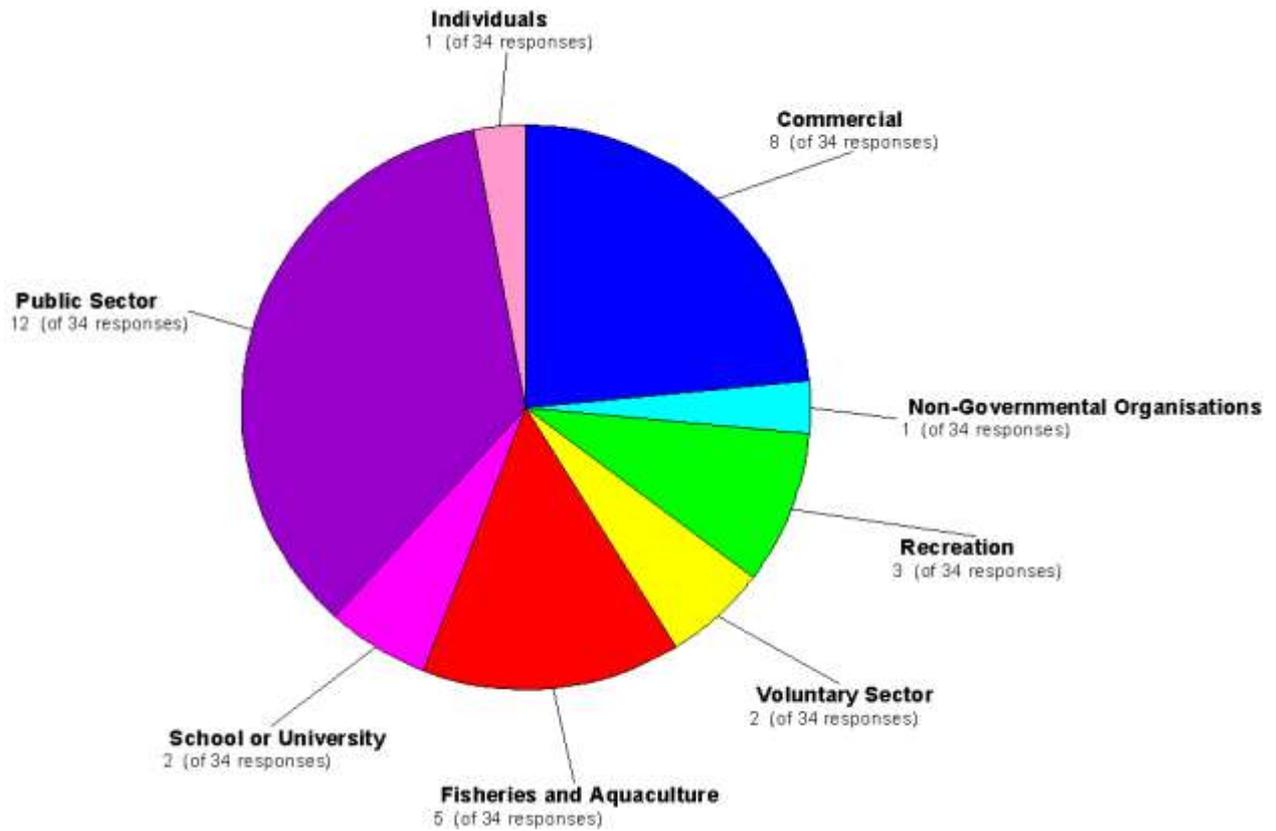
Figure 4.1   Participants at Kirkwall Workshop by Stakeholder Category
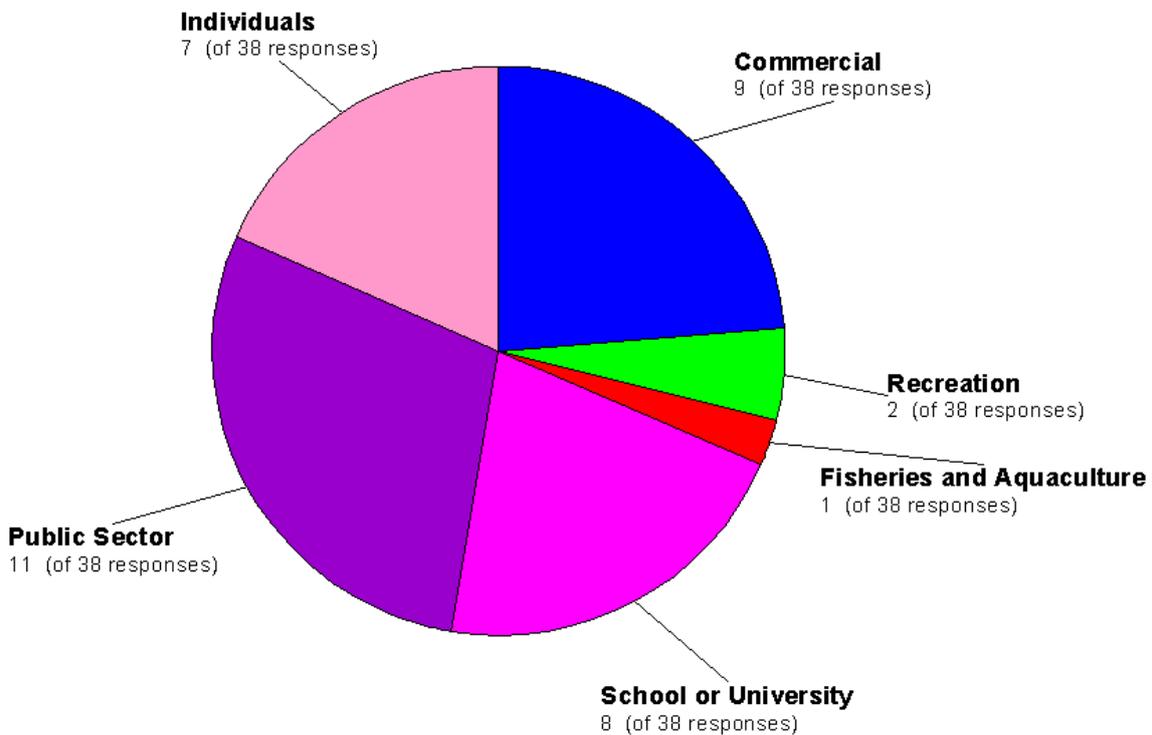
**Figure 4.2   Participants at Thurso Workshop by Stakeholder Category**

Table 4.2   Participants by Stakeholder Sub-Group

| Broad Stakeholder Group	Detailed Stakeholder Sub-Group	Kirkwall	Thurso
Commercial	Harbours	0	2
	Other commercial bodies	1	2
	Renewable energy	5	4
	Aquaculture	1	1
	Archaeology	1	0
Public Sector	Local Authorities	10	9
	Other Public Bodies	1	0
	National Authorities	1	1
	Scottish Government	0	1
Recreation	Canoeing	0	1
	Kayaking	1	0
	Yachting	1	1
	Surfing	1	0
Fisheries and Aquaculture	Fishermen's Associations	1	0
	Local Fishing Association	4	0
	Aquaculture Association	0	1
Individuals	Private Individuals	1	7
Non-Governmental Organisations	Tourism Group	1	0
School or University	Students	2	6
	Teachers	0	2
Voluntary Sector	Natural History	2	0
TOTAL		**34**	**38**
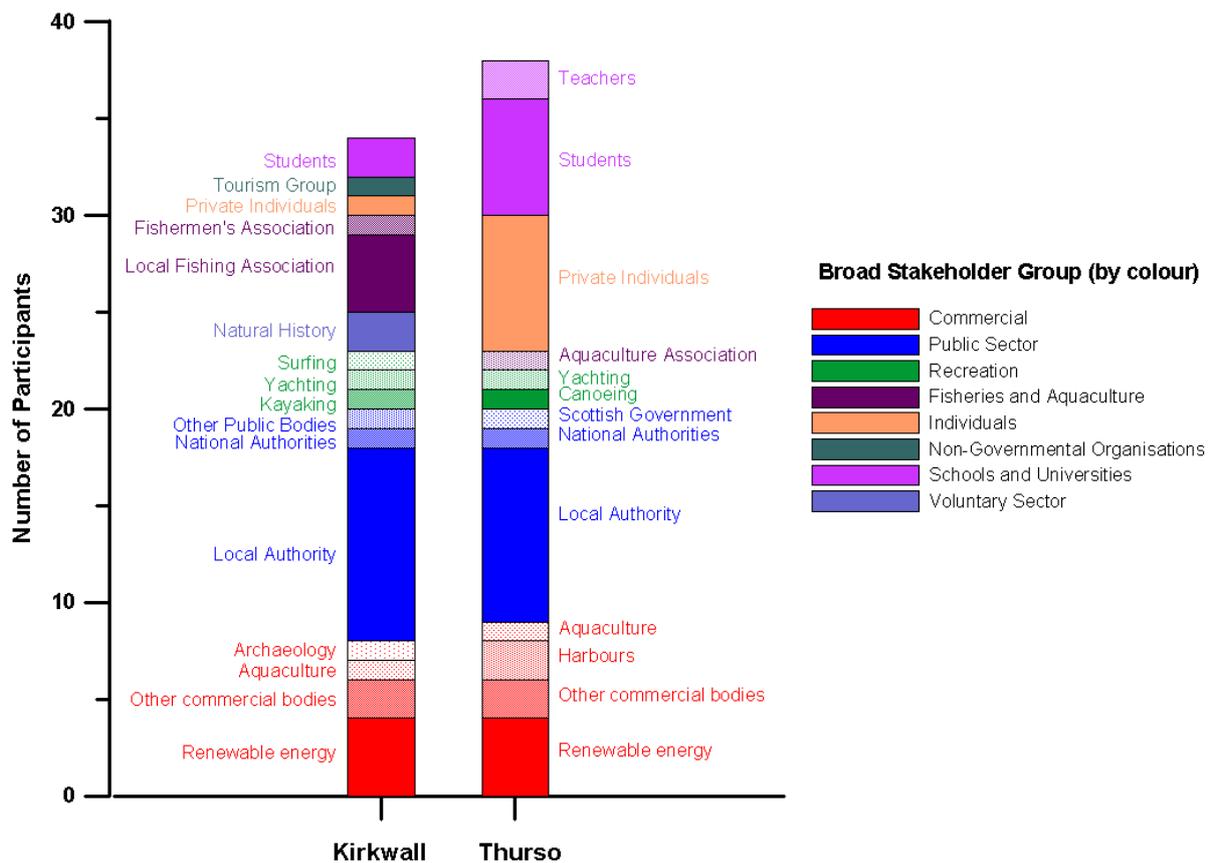
Figure 4.3   Workshop Participants by Sub Stakeholder Group

4.5   Analysis of Workshop Findings

4.5.1   The text below outlines the main points that were raised at the workshop events. These points have been obtained from the notes that the scribes made during the sessions and are, by necessity, a summary of what was discussed. The discussions were wide ranging and the text below aims to capture the main issues and provide an accurate overview of the discussions.

4.5.2   In the majority of cases the summaries consist of some specific aspects that could be added to the Plan and then more general comments that were raised in response to the questions.

4.6   Question 1

Purposes of the Marine Spatial Plan

4.6.1   In Kirkwall the specific issues raised in response to this question were:

- The Plan is lagging behind seabed leasing and marine development
- The Plan should respond to local priorities and the needs of the local communities
- The interests of existing marine and coastal users should be protected

- Clearly define and enable the delivery of sustainable development

4.6.2   In Thurso the specific issues raised in response to this question were:

- The Plan and its relationship to fisheries.
- Marine renewable energy developments.
- Addressing local community needs and protecting traditional marine activities.
- The Plan is an important vehicle for engaging with local communities.
- Integrating planning for land and sea.

4.6.3   More general points were also raised in both Kirkwall and Thurso during the discussions and these are listed under an overall theme below:

Integration of the Plan

- The relationship of the Plan with e.g. on-going planning, existing regulations, neighbouring authorities and aquaculture development should be made clear.
- Integration with terrestrial planning is needed.
- A Supplementary Guidance approach would enable more regular reviews to specific policy areas.
- The Plan and the lessons learned from the Plan should be transferable to other regions.

Clarity of the documents

- The documents should be written in plain English and be more user friendly.
- The consultation process should be clear.
- A strategic vision for the Plan could make it easier to see how and why the Plan has developed.
- There was support for sustainable development being the underlying purpose of the Plan but concerns over how this was defined.
- There is a need for a framework for future development.

Knowledge gaps

- Recreational interests and the knowledge required to map e.g. anchorages was raised as an issue and potential knowledge gap.
- Understanding of existing fauna and flora.
- Concerns raised over who is the appropriate arbitrator over what constitutes 'robust and reliable information'.

Specific concerns

- There is a need to know when and where work is carried out and clarity regarding the location of turbines and other activities.
- The Plan should identify areas where there is a presumption in favour of aquaculture development.
- Fishermen feel they are not consulted and that the Plan should aim to mitigate conflict.
- There is a need to protect traditional communities.

4.7   Question 2

Users of the Marine Plan

4.7.1   In Kirkwall the specific issues raised in relation to this question were:

- Local communities should be a higher priority
- The identified users of the Plan need to be expanded to include:

  o The Crown Estate and government on a strategic level to identify future lease areas etc.
  o Fisheries interests.
  o Pressure groups.
  o Non-Governmental Organisations (NGOs).

4.7.2   In Thurso the specific issues raised in relation to this question were:

- The identified users of the plan need to be expanded to include:

  o Grid providers.
  o Subsea supply chain businesses.
  o Oil and gas sector.
  o Defence government bodies.
  o Aquaculture companies.
  o Schools and researchers.
  o Larger sporting interests i.e. surfers.
  o Caithness ports.

4.7.3   More general points were also raised in both Kirkwall and Thurso during the discussions and these are listed under an overall theme below:

Fishing and Aquaculture Interests

- Fishing has a long established history in the region and fishermen are important users of the marine environment and an example of sustainable development.
- There is a need to define fisheries types and include fish processing.
- There is a requirement for a presumption in favour of the development of salmon farming in the Plan.

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Users of the Marine Environment

- There is a need to highlight pressure areas where there is a potential for clashes.
- Marine renewable energy development was felt to be a threat to marine transport and navigation and maritime safety, e.g. extra provision for emergency services, was felt to be central to the Plan.
- Users of the marine environment could inform future leasing areas.
- Groups may use the Plan in a wider way than stated so this section requires careful wording.
- There was a need for consultation between individuals to take account of the sporting interests in the area.
- There was a need for a central information system from a marine users point of view.

Local Communities and Local Authorities

- The use of the words "local communities" could be changed to "littoral communities" to take account of communities adjacent and directly linked to the coast.
- Within local communities one group may have more say versus another.
- It would be better to list all stakeholders equally.
- There was a view that local authorities will not have sufficient influence over the planning process and the decision making would be centralised – this was a cause for local concern.
- The local authority status of the Plan needs to be clear.
- There was also a view that Orkney had received special treatment when compared to Highland Region.

Specific Concerns

- The role of the Crown Estate Commissioners needs to be clarified.
- There were specific concerns from the recreational sailing sector regarding buoyage.
- Access to the minutes of the Working Group was raised.

4.8   Question 3

The Spatial Extent of the Plan

4.8.1   This question asked for participants to give their opinion on which of two suggested areas should be used for the Plan. The area based on the future Scottish Marine Regions gained the most support from participants.

4.8.2   There were some concerns regarding how the boundary in the Pentland Firth had been defined for the Scottish Marine Regions but there was a general consensus that the Plan area should be based on the proposed North Coast and Orkney Scottish Marine Regions.

4.8.3   Participants at both workshops also had general comments on the spatial extent of the Plan.

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4.8.4   Some participants opposed including the North Coast Scottish Marine Region and believed Orkney should have greater autonomy. Conversely, others believed Orkney's "expansionism" was a matter of concern.

4.8.5   As the Scottish Marine Regions will become part of a statutory process participants felt it was a pragmatic approach to use them, as the Crown Estate's boundaries were never intended to be used for marine spatial planning.

4.8.6   There were some concerns expressed regarding how the area would be managed by the councils.

4.8.7   There was also concern that the areas are based on marine renewables and no other industries.

4.9   Question 4

Strategic Issues and Interactions

4.9.1   For this question the participants at the workshops in Kirkwall and Thurso raised similar specific issues in relation to the interactions matrix provided in the PIOP which corresponded to two main themes:

Improving the Interactions Matrix Approach

- The matrix was too simplified and needed to be more sophisticated.
- There was a need for sectoral activities to be analysed in greater depth and detail.
- Interactions could be broken down further e.g. distinguishing between various marine renewable energy technologies and types of fishing gear.
- It was suggested that separate sector specific matrices could be used to avoid over complication.
- Potential synergistic interactions could also be developed and presented.
- The approach should recognise that interactions can be two way as opposed to one sector impacting on another.

Identification and Magnitude of Interactions

- There were some specific changes suggested for some of the interactions in the matrix and these will be taken into account in the drafting of the Plan along with those identified in the consultation responses (analysed in Section 2).
- There were also some suggestions for additions to the interactions matrix:
  - Quality of life/Well being, climate change and non-native species should be a crosscutting/overarching issues,

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- o Defence (Ministry of Defence) should be identified as a sector.
- There were also suggestions that some sectors should be separated into more specific groups e.g. offshore wind should be separate from marine renewable energy technologies, oil and gas should be separated into production, exploration and refining and recreational boating should be separated into kayaking, canoeing, windsurfing and surfing.
- Potential future users should be included e.g. seaweed harvesting for biofuels.
- Potential positive effects should be identified e.g. non-fished areas for marine renewables could act as nursery grounds to sustain fishing.

4.9.2   The discussions around this question also raised some general points that are reflected below under general themes.

Quality of Life and Well Being

It can be difficult to quantify undeveloped environments and economic issues can dominate discussions but quality of life and well being should be taken into account. It was noted that Gross Domestic Product is not the only measure of success.

Marine Planning

It was noted that the roles of Marine Scotland and the Local Authority need to be clear with one liaison person in each organisation. Marine planners need to be involved in the process but there are very few of these specialist roles. The interaction between marine and terrestrial planning is a grey area, which could lead to confusion so this interaction needs to be clear. The use of consistent language in the Scottish Government Planning Circular and related marine planning documents was emphasised.

Format of the Interactions Matrix

As well as suggestions for additions and changes to the interactions included in the matrix there were also some suggestions as to how the matrix could be made more user friendly. These included using a traffic light system to highlight potential compatible and conflicting interactions. It was acknowledged that different people will have different perceptions of interactions and that the matrix has to balance being overly complex with raising awareness amongst industry sectors.

General Comments

There were also comments regarding the need for compensation for conflicts with commercial fisheries and concerns over the visual impact of marine renewable devices on tourism and seascape. It was suggested that consideration should be given to a Marine Park to protect the seascape and that Environmental Impact Assessment should take into account the

impacts and stop the process if necessary. It was also noted that a clear vision for the Plan could help clarify the process.

4.10   Question 5

Crosscutting or Overarching Marine Planning Policies

4.10.1   Participants at both workshops suggested some additional policies and also made comments in relation to specific policies. The additional policies from each workshop are listed below and then comments related to each policy are combined and summarised.

4.10.2   The additional policies suggested were:

- Socio-economic impact policy (Kirkwall) and economic development or job creation policy (Thurso). This was felt to be a distinct issue that needed to be separate from a sustainable development policy. The participants at the Kirkwall event felt that a policy such as this could help establish an appropriate policy framework that could identify mitigation for any problems generated.
- Quality of life and well-being policy (Kirkwall). This was raised by a number of the groups at the Kirkwall workshop and it was proposed that a policy should be developed that encompasses the factors that contribute to quality of life over and above the measurable economic benefits.
- Maritime safety was suggested as a separate policy by participants in Thurso i.e. not included under shipping and navigation.

4.10.3   **Proposed Policy 1a: Sustainable Development**

Participants at both workshops provided comments in relation to this policy and the main points raised were that there was general support for this policy although some participants did not agree with the definition as set out in the document. It was noted that the preferred option did not take account of economic growth and social benefits. The participants supported the vision of the marine spatial plan clearly defining how sustainable development will be achieved. Participants felt the definition of sustainability should include, or be linked to, maintaining independence of island populations, linking aquaculture industry to food security and the Local Development Plan, issues such as employment, livelihood, equality, justice and education.

4.10.4   **Proposed Policy 2a: Integrating marine and coastal development**

Participants at both workshops provided comments in relation to this policy. There was general support for policies that integrate marine, coastal and terrestrial planning and the need to make this integration clear was emphasised. It was noted that Local Development Plans should be referenced and linked to the marine spatial plan. Some participants in the Kirkwall workshop considered it essential that the marine spatial plan

becomes a material consideration in marine licensing and other consenting regimes. Some participants raised the issue of Udal Law in defining the land-sea boundary and subsequent decision making.

4.10.5 **Proposed Policy 3a: Nature conservation designations**

Participants at the Thurso workshop supported this policy to meet legislative requirements and suggested it should be closely linked to the proposed Marine Protected Areas. The issue of connectivity between Natura sites (including those outwith the area) was also raised although it was acknowledged that mapping and connectivity of designations is complicated.

4.10.6 **Proposed Policy 3c: Wider biodiversity and geodiversity interests**

Participants in Kirkwall felt this policy would have to be very specific about the habitats and species that are of relevance to marine planning decisions and that there are too many unknowns at present to enable this policy to be effectively implemented. It was suggested supplementary guidance could be used to enable the policy to be easily changed as knowledge becomes available. Specific concerns were raised over new aquaculture sites and their impact on sea trout populations. The Orkney Trout Fishing Association feels their advice on stricter restrictions has been ignored.

4.10.7 **Proposed Policy 3e: Non-native species**

A general comment was made in Kirkwall that controlling the risks associated with introducing non-native species is covered by existing policy and regulations. There was also support expressed for the alternative approach regarding ballast water.

4.10.8 **Proposed Policy 3e: Landscape and seascape**

Participants in Thurso thought landscape and seascape character assessments should inform policy development and scenario mapping should help inform the public about potential future developments and impacts. Participants in Kirkwall thought existing guidelines regarding landscape/seascape needed to be more specific and that assessing seascape is a new area of work that needs to be developed. There was support for a "local-based" development of this policy.

4.10.9 **Proposed Policy 4a: Cultural and historic environment**

In Kirkwall participants expressed the view that submerged landscapes should be included as a category in this policy. There was disagreement with the proposed alternative approach as it was felt that undesignated archaeology should be protected by this policy.

4.10.10 **Proposed Policy 5a: Water Environment**

Participants in Thurso noted that there may be water environment problems associated with development in the Pentland Firth and Orkney Waters although there is currently limited understanding as to what these may be. New information and research should be incorporated into policy development. Participants in Kirkwall noted that this policy needs to be clear as to what it does and does not cover. Concerns regarding salmon farming and nutrient pollution were reiterated as was the view that these concerns are being ignored.

4.10.11 **Proposed Policy 6a: Coastal erosion and flooding**

Participants in Kirkwall stated that this policy should include the assessment of potentially positive impacts; renewables can influence wave action etc. and therefore have potential for reducing/preventing flooding and erosion.

4.10.12 **Proposed Policy 7a: Waste Management and Marine Litter**

Participants in Kirkwall considered waste management plans used for terrestrial waste could be used within the marine environment. Marine litter was considered to be a separate issue and it was suggested that it be removed from this policy and linked to Proposed Policy 5a (Water Environment) so it could be addressed with water quality at beaches.

4.10.13 There were also some general comments that arose from the discussion of this question and the main themes are summarised below:

- There was general support for the policies but that there should be more information and detail within the Plan and cumulative impacts need to be reflected.
- Some participants thought policies 8a, 9a and 10a could be removed and dealt with by a statement within the Plan.
- Community involvement was considered to be important to influence the definitions and aims of the Plan and community value should be defined and quantified.
- There is local pride in the pristine environment.
- There should be links to the National Marine Plan and the Marine Strategy Framework Directive.
- The overarching policies could be called "General Policies".
- Existing uses should be sustained to accommodate emerging industries rather than identifying new development sites and expecting existing industries to adapt accordingly.
- There is a general concern that there is too much focus on Orkney.
- The fishing community was given as an example of an industry that discusses policy issues and compatibility with renewable energy developers and works towards coexistence via common cooperation agreements.

4.11 Question 6

Sectoral Policies

4.11.1 No additional sectoral policies were suggested at either workshop. However, participants at both workshops provided comments on specific policies and these are summarised below:

4.11.2 **Proposed Policy 11: Marine renewable energy**

- The definitions and language within the policy should be specific e.g. when defining other marine users, does marine renewable energy include offshore wind? References to the Scottish Government's Sectoral plan should be correct.
- There is a perception that profit is taken away from Orkney by multinationals and local people do not benefit.
- The issue of coexistence was welcomed but also raised concerns as to whether it was possible to achieve. The issues of exclusion zones around devices and platforms and their impact on commercial fishing was noted.
- There was a comment that applying terrestrial thinking to marine issues is flawed as the sea cannot be mapped in the same way as terrestrial areas.
- There were concerns about the water column and sea surface rights and the impact that Crown Estate policies have on these issues.
- The potential for non-fished renewable energy areas to act as nurseries to sustain fishing was raised.
- Participants expressed concern about the impact of wave devices on seascapes.

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

Participants at both workshops contributed points to this discussion which are outlined below:

- There were several comments in relation to the impact of onshore infrastructure such as the possible provision of a visual demonstration of the structures, consideration of the socioeconomic consequences, proper consultation on siting of infrastructure and possible over reliance on desk-top modelling over anecdotal, non-scientific knowledge when choosing locations.
- There were different opinions over the impacts of electromagnetic fields with some participants considering them an issue and others not.
- Consultation on when cable laying is taking place was felt to be important as there may be seasonal constraints. The need (or not) for cable burial was also raised as was the issue of de-commissioning the cable. There was a view that sometimes it may be better to leave the

cable in situ. Participants raised a question as to whether de-commissioning should be included in the policy.

- Other issues were that the policy could be called "service infrastructure" and also that the policy should not necessarily be specific to the marine renewable energy developments and that integrated grid connections is a key issue.

4.11.4   **Proposed Policy 13: Shipping, navigation and marine safety**

Participants in Kirkwall provided comments on this issue and noted that marine energy development could have an impact on local service provision e.g. block booking of public ferry space. There was also criticism of "simplistic" attempts to define navigation routes into narrow areas when the reality is far more complex.

4.11.5   **Proposed Policy 14: Ports and Harbours**

There were comments in relation to this proposed policy in both Kirkwall and Thurso. The main issues raised were that the policy should support the development of new sites rather than just existing ones and that there should be a clear criteria for selecting port sites. There was also discussion regarding existing policy for ports and harbours and that care was needed to not "overdo it" in terms of new policy. The links between National Planning Frameworks 2 and 3 (NPF 2 and 3) was also raised and it was suggested that the differences between the two frameworks was noted in the proposed policy e.g. Scapa Flow was downgraded in NPF 3.

4.11.6   **Proposed Policy 16: Marine aggregates and dredging**

Participants in Kirkwall suggested that dredging could be moved to the Ports and Harbours policy or should be a stand alone policy and that the Plan should consider locations for depositing dredging waste.

4.11.7   **Proposed Policy 19: Commercial fisheries**

Participants in Kirkwall raised the following issues in relation to this policy.

It was noted that the fishing industry is disjointed and less able to negotiate as a body and that it can be difficult to when there are competing interests between the fishermen themselves. There is not direct comparison for this in terrestrial planning. Transparent decision making is key and compromise is required by both sides of the debate e.g. smaller or fewer devices or lower-intensity fishing in a shared area.

Participants also discussed the fact that fishing regulations are EU-based and this can have an impact at a local level when the value lost to fishermen on a low income can be onerous. The protection of fisheries and compensation where necessary was also raised. It was noted that the value of fishing in the Planning Issues and Options paper section 12.30

was incorrect. This is noted in the relevant section above and will be corrected.

Other issues raised were that spawning grounds are a constraint and that displacement of existing fishing could lead to increased pressure elsewhere.

4.11.8 **Proposed Policy 20: Aquaculture**

Participants in both Kirkwall and Thurso provided comments on this proposed policy. In Kirkwall concerns were raised that the consultation process between environmental consultants and regulators is failing and that there was a lack of community benefit from the aquaculture industry.

In Thurso a representative of the aquaculture industry would like to see a presumption in favour of aquaculture based on areas of search and the constraints that may be present in them and that this should be reflected in the local council Supplementary Guidance. There was also a request to ensure text in paragraphs 12.34 and 12.35 of the Planning Issues and Options paper was linked to current Scottish Government policies and the National Marine Plan.

4.11.9 **Proposed Policy 21: Tourism and recreation**

Participants in Kirkwall raised the issue of the effect the marine renewable energy development on recreational use e.g. near shore wave devices and pipeline landfall. Concerns were raised regarding the ordering of the policies and whether this was in order of priority and also that the Planning Issues and Options Consultation Paper section on tourism and recreation did not have enough emphasis on marine planning. It was also noted that recreation users are disjointed and less able to negotiate as a body.

4.11.10 Participants at both workshops provided general comments in relation to the proposed sectoral policies and these are noted below:

- It is important that users read the whole Plan as opposed to focusing on only the sector they are interested in.
- There was a comment that the document is a vehicle to allow already decided policies to progress.
- National Farmers Union Orkney is not mentioned in plan list recipients
- It should be made clear that the policies are listed "in no particular order".
- A "guiding principle" emerged that all involved in the planning process should have equal access to information.
- What happens where there is no capacity to represent local interests? (e.g. there is no fishermen's association in Caithness).
- The possibility of a directory of local expertise and specialists to encourage shopping locally for services was raised.
- Community benefit should be accounted for in policies.

- General sense that there is too much focus on Orkney.
- Most preferred options at this point are very vague and refer to creation of policy later.
- There is a real need to capture knowledge from local specialists in local coastal community (e.g. fishers and skippers etc.).
- There were examples of contractors from "the South" making "stupid mistakes" because they hadn't sought out local expertise.

4.11.11   This part of the workshop also allowed for discussion on whether the marine spatial plan should "zone" areas of sea for specific developments. Participants were asked to discuss the key challenges and issues that could arise from taking this approach and also the potential advantages and disadvantages.

4.10.11   In Kirkwall, the discussions around zoning raised very interesting debate to inform the development of the Plan. The general consensus was that given the current state of knowledge of environment impacts, technology development and marine activities/use, zoning was not a realistic prospect in the short to medium term. The principle of supporting coexistence and compatibility between marine users was considered the preferred approach.

4.11.12   Many stakeholders thought that there is no evidence of absolute incompatibility at this stage so 'no go' areas or restricted use zones would be premature. It was generally agreed that a criteria based policy approach was the most realistic and pragmatic way forward.

4.11.13   Some stakeholders believed that a zoning approach could bring benefits but we are not in a position to do this at present. A criteria based policy approach was broadly supported but it was acknowledged that this would add uncertainty and introduce potential challenges to decision makers.

4.10.12   Participants in Kirkwall identified the following **advantages to supporting coexistence and compatibility between marine users:**

- Having a 'mixed use' or integrated approach is more difficult but far better as more diverse economic development can take place e.g. fisheries, energy, recreation, aquaculture.
- You would end up with a more efficient use of the sea.
- You end up with better communication between various stakeholders/bodies/groups when taking a mixed approach i.e. it 'forces' the various sectors to talk to each other and identify synergies

4.10.13   Participants in Kirkwall identified the following **disadvantages to zoning areas of sea for specific economic activities or specific uses**:

- There is not enough knowledge at this time and it would constrain potential cooperative and compatible uses.
- Zoning is too restrictive and can stifles commercial development.
- Zoning reduces the potential for synergies between sectors.

- Zoning shuts people out, it is perceived that you need to consult/communicate with other parties.

4.10.14 **General comments on compatibility v zoning approach from Kirkwall**

- Current users should have priority e.g. fishing.
- Zones should not allow only a particular type of development and should only zone existing uses and look to protect areas from incompatible uses.
- Any zoning would need to be in 3D (i.e. different for seabed, water column, surface). Resource map may be helpful to identify fishing grounds etc.
- Zoning should only be delivered via low level guidance.
- Planners should look at existing uses and see what can fit with this.
- Crown Estate in effect zone by issuing leases for specific use.
- Crown Estate areas are options but not exclusive and are offered subject to license being issued.

4.11.14 In Thurso, there was a general acceptance that there will be conservation zones and Marine Protected Areas established by law, and international obligations for freedom of navigation that will inevitably describe or prescribe certain zones. Some participants considered that development should be allowed in all other areas and development should be considered at least possible on a case by case basis. There were concerns that zoning could have the potential to sterilise potential development areas, and once zoned off (sterilised) there is a very real danger that this would be cast in stone and irreversible.

4.11.15 **General comments on compatibility v zoning approach from Thurso**

- It was agreed that co-existence (rather than using zoned areas) was the best approach but that it would be difficult to manage.
- Zoning vs policy-based – zoning could create more conflict.
- General agreement that zoning not ideal, policy-based multi-use preferred, though some activities may take precedence in certain areas.

4.11.16 **Static v non-static mapping and the use of a Geographical Information System (GIS)**

4.11.17 In Kirkwall participants also discussed the use of mapping in the marine spatial plan and the use of a continually evolving GIS to support the plan.

4.11.18 Views were divided over whether a continually evolving GIS (which responds to new knowledge and understanding of marine environment) could form part of a statutory marine spatial plan. If spatial data is not fixed (i.e. it forms part of the plan) it would not be statutory and would be open to challenge. Some participants questioned how effective a continually evolving GIS could be in decision making aside from giving an indication to potential developers.

4.11.19   A possible way forward could be that the policies in the plan would identify the specific spatial information that forms part of the plan. Other supporting spatial information that provides the most up to date mapping could be more fluid and issued through evolving GIS system. The plan would have to clearly state what spatial information forms part of the plan and what is supporting information.

- The workshops were well attended by a wide range of participants.
- There were wide ranging discussions with many different views expressed.
- The importance of "quality of life" was issue raised and it was suggested this should be a policy within the Plan.
- There were suggestions for how the clarity of the documents could be improved and information provided to support this.
- There was general agreement that the Plan area should be based on the Scottish Marine Regions.
- The participants did not think zoning use was advisable at this stage of the Plan.

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5. Public Drop-In Sessions in Kirkwall and Thurso

5.1 Background

5.1.1 Two public drop-in sessions were held in Kirkwall and Thurso. These were held in the evening after the workshops had finished. The drop-in sessions ran from 17.30 to 21.00 with a presentation from 18.30 until about 19.00 with an opportunity to ask questions after the presentation.

5.1.2 The format was to allow interested people to come and talk to about specific issues of interest before or after the presentation and to also have the opportunity to attend the presentation and be given an overview of the work being carried out.

5.1.3 In a similar format to the workshops during the day, the presentation was split into two with Marine Scotland leading on behalf of the Working Group for the first half and ICIT Heriot Watt leading on the second half. The speakers took questions on both presentations and these were answered by the most appropriate person.

5.1.4 Notes were taken of the questions asked and the responses given during the session and participants were encouraged to fill in feedback forms (Annex 5).

5.2 Attendance at each drop-in session

5.2.1 There were approximately 24 attendees at the Kirkwall session and 30 at the Thurso session. Some participants attended the presentations only but others came beforehand to talk to the organisers and ask specific questions.

5.2.2 There were a range of interests represented including recreation, fishing, the renewables industry, commercial interests and also interested members of the public

5.3 Summary of Discussion from Kirkwall Drop-In Session

5.3.1 Unfortunately there were no notes were taken at the Kirkwall drop-in session so there is only a brief summary. There were about 24 participants throughout the evening with people coming in to take a look at the displays and the literature and to talk to the organisers about, in most cases, specific issues. Approximately 10 people stayed for the presentation and there were a few questions to the presenters.

5.4 Summary of Feedback from Kirkwall Workshop and Drop-In Session

5.4.1 No feedback forms were received from the Kirkwall event.

5.5   Summary of Discussion from Thurso Drop-In Session

5.5.1   The discussion in Thurso covered a range of topics and questions were directed towards both of the presenters who each answered those relating to their area of work. The main themes of the questions and the responses given are outlined below.

5.5.2   **Knowledge base**

There were a number of questions relating to concerns about gaps in knowledge on a range of subjects e.g. severe weather and storm impacts and the lack of historical data and long-term data sets. The response given was that it is acknowledged that there are data gaps and these have been identified during the first stages of the development of the Plan. There is a lot of on-going work to obtain the information that is required to fill these. The examples given were the work being carried out by Marine Scotland on developing a hydrodynamic shelf model and the Stage 2 studies outlined in the Planning Issues and Options Paper. The Shipping Study was given as an example of work that was undertaken to improve knowledge.

5.5.3   **Use of the marine environment**

Some concerns were raised about restrictions being imposed on e.g. fishing or the use of zones for different activities. The response was that there will be on going consultation with specific sectors and that the Plan is for use by all sectors. There are currently no plans to zone areas and the aim is to encourage co-existence and multiple use wherever possible.

One participant felt the process was a waste of time and that environmental aspects will be ignored and developers will get their own way. The response was that the Marine Scotland Marine Licensing Team has a robust process for assessing whether to issue a licence and has turned down licensing applications in relation environmental impacts. Individual cases rely on environmental law balanced against the development policy.

5.5.4   **Consultation**

There were some questions regarding the consultation and whether this was the first opportunity to get involved. A specific question in relation to whether local foreshore owners would be consulted was also asked. It was explained that for this specific piece of work this was the first opportunity to be involved as it was currently at the first stages of being developed and it was emphasised that there will be further opportunities for consultation as the process of drafting the Plan develops. In response to the question regarding consultation with owners of the foreshore it was explained that there is a statutory requirement for consultation if any development was proposed above Mean Low Water Springs. The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 require

that where a local development plan includes a proposal for development relating to a specific site, the planning authority are to give notice to the owner, lessee or occupier. There is no equivalent statutory provision in marine planning legislation that requires owner, lessee or occupier notification of development proposals within the marine area. It may be considered appropriate for consultation to take place on a case by case basis.

5.5.5 **Community benefits**

There were a number of points raised in relation to aspects of community benefits with some participants raising concerns that they felt Caithness would get nothing out of the process and that all the benefit would go to the Highland Council in Inverness. Other concerns were regarding who decides on what community benefit would apply to whom and what jobs would be provided. There was also an opinion expressed that this process was being inflicted on remote marine areas.

The response to these concerns was that the Plan is being developed as a partnership approach between the Highland Council, Orkney Islands Council and Marine Scotland to ensure there is local input to the process. There is commitment from both the Highland Council and local councillors in Caithness and Sutherland to support local jobs amongst other things. It is likely that there will be job opportunities in operations and maintenance and that many local companies are already working to get involved. It was also noted that there is no statutory obligation for community benefit in relation to offshore renewable energy. There is also no marine equivalent to land based Section 75 Agreements where a developer can make a financial contribution to enable a planning applications to be acceptable in planning terms e.g. by making a contribution towards the provision of supporting infrastructure. As the renewables industry is at an early stage there are limitations on how much the industry would be able to contribute in terms of community benefit or developer contributions.

In response to the fact that the Plan is being developed in remote marine areas it was explained that there have been pilot marine spatial plans in other areas e.g. the Clyde, Shetland and Sound of Mull and that this is the first pilot plan under the new Marine (Scotland) Act legislation.

5.6 Summary of Feedback from Thurso Workshop and Drop-In Session

5.6.1 A total of 10 feedback forms were received. The majority of these were received on the evening of the drop-in session with two further forms being posted in after the event.

5.6.2 The questions asked whether the person filling in the form had any specialist knowledge that could be used to help develop the Plan, whether there were any key topics that had been missed and any other comments.

There was also a box to add a name and address if the person wanted to be added to the consultation database.

5.6.3   Names and addresses to be added to the consultation database are not included in this Consultation Analysis but have been noted and added as required with a note of any specialist knowledge.

5.7   Question 1

Do you have any specialist knowledge on any of the key topics in the proposed plan that you would be willing to share with us e.g. fishing, tourism, renewables?

5.7.1   In response to Question 1 seven people noted specialist knowledge or interests and these were:

- Marine renewables.
- Community Councillor.
- Planning community engagement.
- Recreational boating and kayaking knowledge.
- Opportunities for educational involvement.
- Fishing knowledge of the Western Approaches to Pentland Firth.
- Volunteer whale watching and contact with tourists.

5.8   Question 2

Are there any key topics we have missed?

5.8.1   There were 5 responses to Question 2, which asked whether any key topics had been missed. These included potential future developments e.g. new harbours, stressing the need for wide consideration of developments in relation to the local environment and culture and concerns regarding the wind farm developments in the North East coastal area as this would be detrimental to birds and sea life and have a severe visual impact. Two responses had nothing to add but noted it had been good to hear different viewpoints on a range of different topics.

5.9   Question 3

Do you have any other comments to add?

5.9.1   Question 3 asked for general comments and there were 4 responses, these are summarised below:

- Local Caithness councillors should form a committee to explore all community benefit options and raise awareness to potential developers that community benefit will be an issue for them in the future.
- One participant found the drop-in session very interesting and thought it would be good to have the information presented in a more visual

way. This participant also expressed disappointment about a blinkered approach when it comes to a vision of Orkney, Caithness and Sutherland.

- Another participant noted that it was an excellent opportunity to meet people with different perspectives and to gain a wider perspective on the issues, concerns and potential within their community. This participant thanked the organisers.
- Another participant emphasised the importance of conserving and protecting Dunnet Head and the seascape as this attracts people from all over the world. This participant noted that scenic coastal walks are a good idea as long as they are discouraged in the breeding season.

- More people attended the Thurso drop-in session than the Kirkwall sessions.
- A wide range of topics were discussed regarding the knowledge base, use of the marine environment, consultation and community benefits.
- There was a feeling expressed that the local community would get no benefit from the development in the area.

6. ICIT Heriot Watt Contribution

6.1 Background

6.1.1 This summary was provided by ICIT Heriot Watt University as part of their contribution to the Consultation Analysis. The information below is based on the Executive Summary of a report written to summarise the outcome of the workshops for the MESMA project.

6.1.2 The ICIT 'Future of Our Seas' workshop held in July 2013 is the fifth in a series of Pentland Firth and Orkney Waters (PFOW) stakeholder workshops held under the aegis of the EU FP7 funded MESMA research programme (www.mesma.org). The first was held in 2009 and this is the final workshop for the MESMA programme which ends in October 2013.

6.1.3 The programme studied marine planning across thirteen European countries through thirteen case studies. Twenty one research institutions participated. ICIT focused on a case study of the Pentland Firth and Orkney Waters where Marine Scotland, Orkney Islands Council and Highland Council are in the process of preparing Scotland's first regional marine spatial plan - a non-statutory pilot plan in advance of the roll out of the statutory programme (Marine (Scotland) Act 2010). Marine renewable energy in the form of wave and tide developments are the developmental focus of the PFOW plan.

6.2 Workshop Summary

6.2.1 The opportunity to join with Marine Scotland and the councils in a joint event was mutually beneficial in terms of access to stakeholders and funding. The ICIT event was held in the afternoons on two occasions: first, in Kirkwall on 1st July and second, in Thurso on 4th July. The workshops questions fell into three themes derived from previous workshop experience and research.

Theme 1: Can consultation work? To explore questions of public engagement and the efficacy of consultation;

Theme 2: Ownership and rights: To explore the public understanding of ownership and rights in the marine environment and the importance of the oceans and seas as a commons;

Theme 3: Community benefits: To explore public opinions and ideas for the sharing of revenues derived from economic development of the marine resources in the coastal waters close to where they live.

6.2.2 Just under 40 people attended each workshop drawn from a range of interests including government, business, academia, interested non-governmental organisations and the general public, including schools in the Thurso case. The daytime workshops were supplemented by evening

public drop-in sessions attended by 24 people in Kirkwall and 30 in Thurso. Nearly 300 comments (293) were identified and analysed from the afternoon workshops and the drop-ins.

6.3 Theme 1 Can consultation work?

6.3.1 The first theme question asked if consultation could work. The view of participants is that it can work but that, in common with consultation in other sectors, it fails to engage with the public in general. Suggestions were made to better publicise consultation events and to take the consultation to people, in the street and in schools for example, rather than waiting for the public to come to one off events. There was a significant cynical view that everything is decided before the consultation takes place and that consultation views are not taken into account. A number of participants felt intimidated by what they saw as complex documents and the presence of well-informed professionals who left them feeling stupid. In summary better publicity, simpler documents, more direct contact with the public and evidence of consultation making a difference.

6.4 Theme 2 Ownership and rights

6.4.1 Theme 2 concerned 'ownership and rights' in the oceans and seas. Many participants were not aware of the legal and jurisdictional technicalities of marine rights which are not widely publicised and discussed. However, there were very clear and strong statements about the seas as a commons where everyone has rights which should be protected and valued. A widespread concern that national objectives would override local ones was expressed in this workshop which repeats similar concerns in the previous MESMA stakeholder workshops described above. Locally based governance and decision making powers for marine development permissions and benefits require a new public dialogue and debate.

6.5 Theme 3 Community Benefits

6.5.1 The final theme of 'community benefits' from marine developments produced another set of strong but realistic views. There was acknowledgement that the marine renewables industry is at an early and financially vulnerable stage; it is not cash rich like the oil industry of the 1970s. There were suggestions of what benefits might apply; cheap electricity locally for example or a share of energy revenues, but most repeated the concerns about local governance and control expressed in Theme 2. Some questions were philosophical like 'what is community?' and 'how local is local?' There was a plea for the 'special' way of life of island and peripheral coastal communities to be respected but recognition that they had to be seen to be 'open for business'. As with theme 2, a public dialogue and debate about governance and control of coastal waters has not yet happened and is needed.

6.6   Overview of Workshops

6.6.1   A final point of interest is the difference apparent in the workshop and
public drop-in meeting responses in Kirkwall (Orkney) and Thurso
(Caithness and Sutherland). These two island and coastal peripheral
communities share much in common including access to the high marine
energy environment of the Pentland Firth and Orkney Waters. They are
physically separated by the narrow Pentland Firth but also by different
socio-economic circumstances and local governance. Orkney is the more
prosperous of the two with very low unemployment. It has the benefit of its
own local government council wholly focussed on the affairs of Orkney.
Much of the marine renewables research, development and testing is
centred in Orkney with a consequent level of government, business and
academic activity. Caithness and Sutherland is less prosperous with higher
unemployment. They are part of the very large Highland Council area
which is headquartered over 100 miles away in urban Inverness. The
community of Caithness and Sutherland were motivated to attend the
workshops event in higher numbers than Orkney. They expressed strong
feelings of having previously been left out, a fact to be borne in mind in
future contact.

7. Key Findings from Consultation Analysis

7.1 Overview

7.1.1 There were 30 formal written responses received in relation to the Planning Issues and Options Consultation Paper and 6 in response to the draft Environmental Report. The workshops were attended by 34 participants in Kirkwall and 38 in Thurso and the evening drop in sessions were attended by approximately 24 and 30 people in Kirkwall and Thurso respectively.

7.1.2 Detailed comments were provided by the majority of respondents to the consultation and there was wide ranging discussion on a variety of issues at the workshops and drop in sessions. These have all been analysed in this document and a short summary of the main findings provided at the end of each section.

7.1.3 For the purposes of this section of the report a short list of key findings will be listed below. These were points that were raised several times during the consultation events. They are not presented in any order of priority.

7.1.4 During the next stage of developing the Plan the Consultation Analysis and the detailed comments provided by the respondents will be taken into account. A Consultation Report will be produced that outlines how these comments have been taken account of by the Working Group and how the comments will be addressed in the Draft Plan.

7.2 Key Findings

7.2.1 **Vision and objectives.** The importance of developing a clear vision and objectives for the Plan was raised several times with respondents noting that setting these out clearly would then set the priorities for the Plan and enable the criteria for the policies to be decided.

7.2.2 **Consistency and clarity.** The importance of consistent use of terminology and definitions was noted as was ensuring that the links between relevant Scottish Government documents and plans were clear and consistent. A clear definition of sustainable development was consider very important by a number of stakeholders to ensure that this key guiding principle can be delivered in a consistent manner. Some respondents felt the documents needed to be more user friendly and shorter although it was accepted that a lot of detail was required in some cases.

7.2.3 **Consultation.** The need for on-going consultation with a wide range of stakeholders was emphasised and many of the respondents noted their willingness to be involved in the process of developing the Plan.

7.2.4 **Evidence base.** The requirement for clarity for what information was being used to inform e.g. the interactions matrix and the evidence base used to

inform proposed policies was raised. Several respondents provided links to useful data sets and information where they felt this was missing and some expressed a willingness to share relevant datasets.

7.2.5 **Proposed policies.** There was general support for the majority of the proposed polices although there were some suggestions for amalgamating or separating some or moving from the sectoral policies to the crosscutting or overarching policies. Respondents provided very detailed comments in relation to the proposed policies, which will be taken into account in the next stage of drafting the Plan. There were also suggestions for additional policies e.g. a "quality of life" and a socio-economic policy.

7.2.6 **Balanced approach.** The need for a balanced approach in the Plan with no bias towards one sector or another was raised repeatedly as was the need for development to be sustainable. Most respondents felt there was room for compromise but that this would mean engaging with a wide range of stakeholders to be successful.

7.2.7 **Plan area.** The majority of the respondents supported using the proposed Orkney and North Coast Scottish Marine Regions as the spatial area of the Plan.

7.2.8 **Integration of marine and terrestrial planning.** The need for the integration between marine and terrestrial planning and clear guidance for how this is undertaken was raised. The Working Group partnership of Marine Scotland, Orkney Islands Council and the Highland Council was noted as an example of how such integration could work.

7.2.9 **Existing legislation.** Where there is existing legislation the Plan should use or refer to this rather than adding another policy.

7.2.10 **Spatial data.** There was support for having an overarching spatial policy and suggestions for how this could be achieved. Some respondents, while not wanting zoning at this stage, felt it would be useful to have some areas designated either on a broad basis or by assigning a presumption of use for particular developments.

8. ANNEX 1 List of Stakeholders

This list is updated on a regular basis so the list below may not be exactly the same as the one used at the time of the consultation events. Also, the names of individuals are not listed here. If you wish to be added or removed from the list please send an e-mail to:

PFOWmarinespatialplan@scotland.gsi.gov.uk

Government Bodies

Civic Aviation Authority
DECC
Defence Estates
Defence Infrastructure Organisation
Dounreay Site Restoration
Health and Safety Executive
Hi Trans
Highlands and Island Enterprise
HIE Orkney
Highlands and Islands Fire Brigade
Historic Scotland
JNCC
Local MP
MSP

Marine Scotland
Maritime and Coastguard Agency
National Air Traffic Control (NATS Safeguarding)
Northern Lighthouse Board
Nuclear Decommissioning Authority
Scotland Transerv
Scottish Water
SEPA
SNH
SportScotland
The Crown Estate
The Scottish Government
Transport Scotland

Local Government

Shetland Island Council
Highland Council
Orkney Islands Council (including the Harbour Authority)

Orkney Islands Council (Democratic Services)
All Elected Members
World Heritage Site Coordinator: Heart of Neolithic Orkney

Business and Industry

Armadale Salmon Fishing
AMC Engineering Ltd
Atlantic Salmon Trust
A & W Sinclair
Aquamarine Power
Aquatera Ltd
Arch Henderson
Association of British Port
Association of Salmon Fisheries Board
Association of Scottish Shellfish
Growers
Babcock
Briggs Marine

British Hydropower Association
British Ports Association
British Trout Association
Brough Head Wave Farm Ltd
Caithness Chamber of Commerce
Caithness DSFB
Caithness and North Sutherland
Regeneration Partnership (CNSRP)
Caithness Engineering Alliance
Caithness Partnership
Caithness Renewables
Cantick Head Tidal Development Ltd
Chamber of Shipping

Cragie Engineering Sales and Services
Dunbeath Engineering
E.on Climate and Renewables UK Developments Ltd
Edward Mackay Ltd. (EML)
Energy North
Energy Hunt
European Marine Energy Centre
Exodus Group
Federation of Small Businesses
Fendercare UK
Fishermen's Association Limited
G&A Barnie
Gills Harbour Ltd
Gow's Lybster Limited
Highland and Islands Airport Limited
Highland Council Harbours
Hugh Simson (Contractors) Ltd.
Icetech Freezers Ltd.
ICHL International Container Hubs Ltd.
Institute of Fisheries Management
Institution of Engineers and Shipbuilders in Scotland
Invest Caithness
JGC Engineering & Technical Services Ltd.
John O'Groats Ferries
MacRoberts Energy Group
Mainstream Renewable Power
Malakoff Limited
Marine 5
Marine Current Turbines
Meridian Salmon Farms Ltd
MeyGen Ltd
MM Miller
MTDS (Mowat Technical Design Services)
Narec
Narec Capital
National Grid
Natural Power
NCS Survey
Ness and Beauly Fisheries Trust
Network Rail
Newpark Ltd
Northern DSFB
Numax Energy Services
Nuvia Limited
Orkney Renewable Energy Ltd

Open Hydro
Orcades Marine
Orcadian Wildlife
Orkney Creel Fishermen's Association
Orkney Fisheries Association
Orkney Fishermen's Society
Orkney Ferries
Orkney Sustainable Fisheries
Orcades Marine
Orkney Renewable Energy Forum
Pager Power
Pelamis Wave Power
Pentland Ferries
Pulteneytown People's Project
Red7Marine
Res Group/Renewable Energy Systems Ltd
Rivers and Fisheries Trusts of Scotland (RAFTS)
RWE npower renewables
Salmon and Trout Association
Scibbilib Consultancy Ltd.
Scotrenewables Tidal Power Ltd
Scottish Enterprise
Scottish Inshore Fisheries Groups
Scottish Federation of Sea Anglers
Scottish Fishermen's Federation
Scottish Pelagic Fishermen's Association
Scottish Power Renewables UK Ltd
Scottish Renewables
Scottish Renewables Forum
Scottish Salmon
Scottish Salmon Producers Organisation
Scottish Sea Angling Conservation Network
Scottish Sea Farms Ltd
Scottish Whitefish Producers Association
Scottish Surf Federation
Scrabster Harbour Trust
Scabster Port Services
Sea Generation Ltd
Serco North Link Ferries
Simpsons Haulage
Scottish & Southern Energy Ltd
SSE Renewables Developments (UK) Ltd
St Margaret's Hope Pier Trust

Subsea 7
Sustainable Inshore Fisheries Trust
Sutherland Partnership

West Sutherland Fisheries Trust
Wind Prospect
Xodus Group

Academic Institutes

ICIT Heriot Watt University
North Highland College
Orkney College

Community, Recreation and Interest Groups

University of the Highlands and Islands
All Community Councils (Orkney Islands)
All Community Councils (Highland)
Caithness Archaeological Trust
Caithness Kayak Club
Clyde Cruising Club
Crofting Commission
Cruising Association
Developing Durness
Environmental Concern Orkney
Friends of the Earth (Scotland)
Halladale River Superintendent
Holm Sailing Club
Kirkwall Kayak Club
Moray and North East Inshore Fisheries Group
National Farmers Union
Orkney Archaeological Trust
Orkney Disability Forum
Orkney Dive Boat Operator's Association
Orkney Heritage Society
Orkney Islands Sea Angling Association
Orkney Marinas
Orkney Sailing Club
Orkney Sea Kayaking Association

Orkney Skate Trust
Orkney Surf Club
Orkney Tourism Group
Orkney Trout Fishing Association
Pentland Canoe Club
Pentland Firth Yacht Club
Ramblers Scotland
River Naver Superintendent
RNLI Stations
Royal Yachting Association
RSPB
RSPB Scotland
RSPB Scotland
Sail Orkney Yacht Charter
Scottish Boating Alliance
Scottish Canoe Association
Scottish Environment LINK
Scottish Wildlife Trust
Stromness Sailing Club
The Orkney Field Club
Visit Highland
Visit Orkney
Visit Scotland
Volunteer Action Orkney
Whale and Dolphin Conservation
Wick Harbour Authority
WWF Scotland
Kirkwall Kayak Club

9.   ANNEX 2 List of Responses to Consultation

Organisations

Caithness Kayak Club
Dounreay Site Restoration Ltd.
Highland Council
Highlands and Islands Enterprise
Kirkwall Kayak Club
Marine Biopolymers
Orkney Fisheries Association
Orkney Renewables Energy Forum
Orkney Sea Kayak Association
Orkney Sustainable Fisheries Ltd.
Orkney Trout Fishing Association
Pentland Canoe Club
Pentland Firth Yacht Club
RSPB
Royal Yachting Association
Scottish Environment Protection Agency
Scottish Fishermen's Association
Scottish Natural Heritage
Scottish Power Renewables
Scottish Renewables
Scottish Salmon Producers Organisation
Scottish Water
Scottish Wildlife Trust
SportScotland
The Crown Estate

Individuals

Michael Grainger
Colin Kirkpatrick
Carol Breckenridge

Plus two others who did not give permission for their response to be made available to the public.

10. ANNEX 3 INFORMATION PACK PROVIDED TO PARTICIPANTS AT THE WORKSHOPS

Pilot Pentland Firth and Orkney Waters Marine Spatial Plan – Workshop Information Pack

ANNEX 3

WORKSHOP AGENDA

Pentland Firth Orkney Waters or PFOW 1st & 4th of JULY WORKSHOP

MAIN AIMS:

- To provide stakeholders with an opportunity to contribute to the development of the pilot Pentland Firth and Orkney Waters Marine Spatial Plan
- To provide an opportunity to discuss the potential advantages and disadvantages of marine development for coastal communities

VENUES:

KIRKWALL KING STREET HALLS

THURSO   PENTLAND HOTEL

10.00	Registration and coffee
10.15	Marine Scotland introduction (Tracy McCollin, Marine Scotland)
10. 25	ICIT MESMA (Monitoring and Evaluation of Spatially Managed Areas) introduction (Kate Johnson, ICIT)
MARINE SCOTLAND, ORKNEY ISLANDS COUNCIL AND HIGHLAND COUNCIL	
10.35	**Session One** Based on Sections 4 – 10 of the Planning Issues and Options Report
11.15	**Short break**
11.30	**Session Two** Based on Section 11 -12 of the Planning Issues and Options Report
12.45	**Lunch**
ICIT HERIOT-WATT UNIVERSITY	
13.30	"The Future of our Seas" feedback from the European marine planning project and a PFOW community roles/benefits workshop led by ICIT/Heriot-Watt University.
14.30	**Short break**
14.40	Workshop continued…
15.30	A summary of University marine science research in the Pentland Firth and Orkney Waters by Professors Side and Gibb.
15.50-16.00	**Wrap up and close**

FORMAT OF WORKSHOPS

- Participants are divided into small groups, each table will have a facilitator to record the discussion
- The **morning** workshop is divided into two sessions, each dealing with a different part of the Planning Issues and Options Paper
- This does not preclude discussion of the Environmental Report where participants wish to contribute comments
- At the **afternoon** workshop there will be feedback on the results of the European project and a comparison of experience across several countries
- The afternoon workshop aims to generate discussion about three social and economic themes which are important to the Pentland Firth and Orkney Waters plan and to European policy and legislation:

Theme 1 concerns the reach and efficacy of the consultation process.
Theme 2 explores the common ownership of space and the rights to resources in the marine environment.
Theme 3 considers community shares in revenues from marine developments and the control of local issues.

- A series of questions have been suggested for each session (see this document)
- The questions are intended to encourage discussion but are **not** fixed and participants are encouraged to raise any points they have in the relevant session
- There are a wide variety of stakeholders attending the workshop and the facilitators will ensure that everyone gets to have their say, this may mean moving the discussion on when necessary
- Very specific and/or technical issues can be raised but participants are encouraged to send in any very detailed comments *via* the Respondent Information Form and/or arrange a one to one meeting with the Working Group

Morning Workshop

Session One

Based on Sections 4 – 10 of the Planning Issues and Options Report. These sections of the report deal with the background to the plan preparation process and the legal and policy context against which it is being prepared. There is information regarding the knowledge underpinning the plan, the purpose, users, status and spatial extent of the plan and a description of the guiding principles, strategic vision, aims and objectives. Section 9 also identifies the strategic issues and interactions and Section 10 discusses the spatial strategy and information required.

The Working Group has provided some questions below to encourage discussion of these issues and provided the relevant text from the Planning Issue and Options Paper that is associated with each of the questions.

The questions are not fixed and if participants have comments on other parts of these sections of the Planning Issues and Options Paper or the Environmental Report they are encouraged to raise them.

Q1.   PURPOSES OF THE MARINE SPATIAL PLAN

Section 6 Page 22:

The main purposes of the pilot plan are:

- To establish a coherent strategic vision and objectives to achieve sustainable development;
- To set out policies to support the delivery of sustainable development;
- To produce and use relevant, reliable and robust information to support the plan policies, inform decision making and support the sustainable management of the marine environment; and
- To develop a framework for integrating marine planning with terrestrial planning.

Has anything been missed?
Should additional purposes be added?

ANNEX 3

FACILITATOR'S NOTES (PURPOSES OF THE MARINE SPATIAL PLAN)

Has anything been missed?	Additional purposes?

Q2.   USERS OF THE MARINE SPATIAL PLAN

Section 6 Page 23:

The pilot Pentland Firth and Orkney Waters Marine Spatial Plan Working Group has identified the following primary users of the pilot plan:

- Marine Scotland Licensing and Operations Team will use the plan to inform marine licensing, consents under Section 36 of the Electricity Act and other appropriate licensing decisions;
- Orkney Islands Council (Orkney Harbour Authority) will use the plan to inform decisions on Works Licence applications;
- Statutory agencies such as Scottish Natural Heritage and the Scottish Environment Protection Agency could use the plan to inform the consultation responses they make to relevant licences and applications;
- Highland Council and Orkney Islands Council could potentially use the plan to inform decisions on relevant planning applications i.e. developments in the coastal zone;
- Businesses and individuals that wish to deliver new development in the marine area e.g. renewable energy companies, port infrastructure developers and aquaculture businesses;
- A variety of existing marine users including those involved in fishing, diving, recreational activities, transportation, shipping and navigation; and
- Local communities

Do you agree these are the main users?
Any additional users?

ANNEX 3

FACILITATOR'S NOTES (USERS OF THE MARINE SPATIAL PLAN)

Do you agree these are the main users?	Any additional users?

## Q3.   SPATIAL EXTENT OF THE PLAN

Section 6 Page 24

The Planning Issues and Options Paper suggests two areas for the plan:

1. An area based on the Crown Estate's Strategic Area
2. An area based on the proposed North Coast and Orkney Proposed Scottish Marine Regions

Which area do you think should be used for the plan?

Pentland Firth and Orkney Waters Marine Spatial Plan - Original area based on the Crown Estate's Strategic Area.
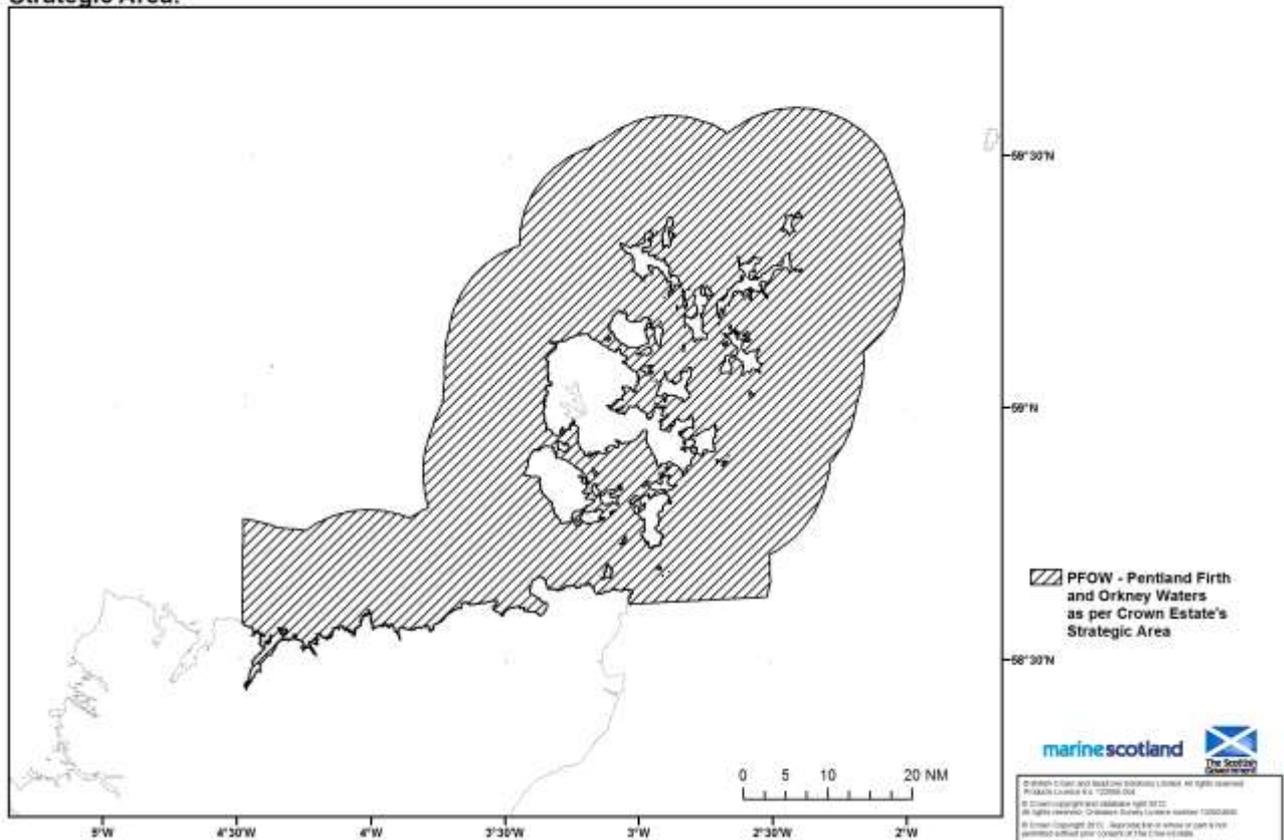
Pentland Firth and Orkney Waters Marine Spatial Plan - proposed area based on Scottish Marine Regions
(Draft version 25/Jan/2012)
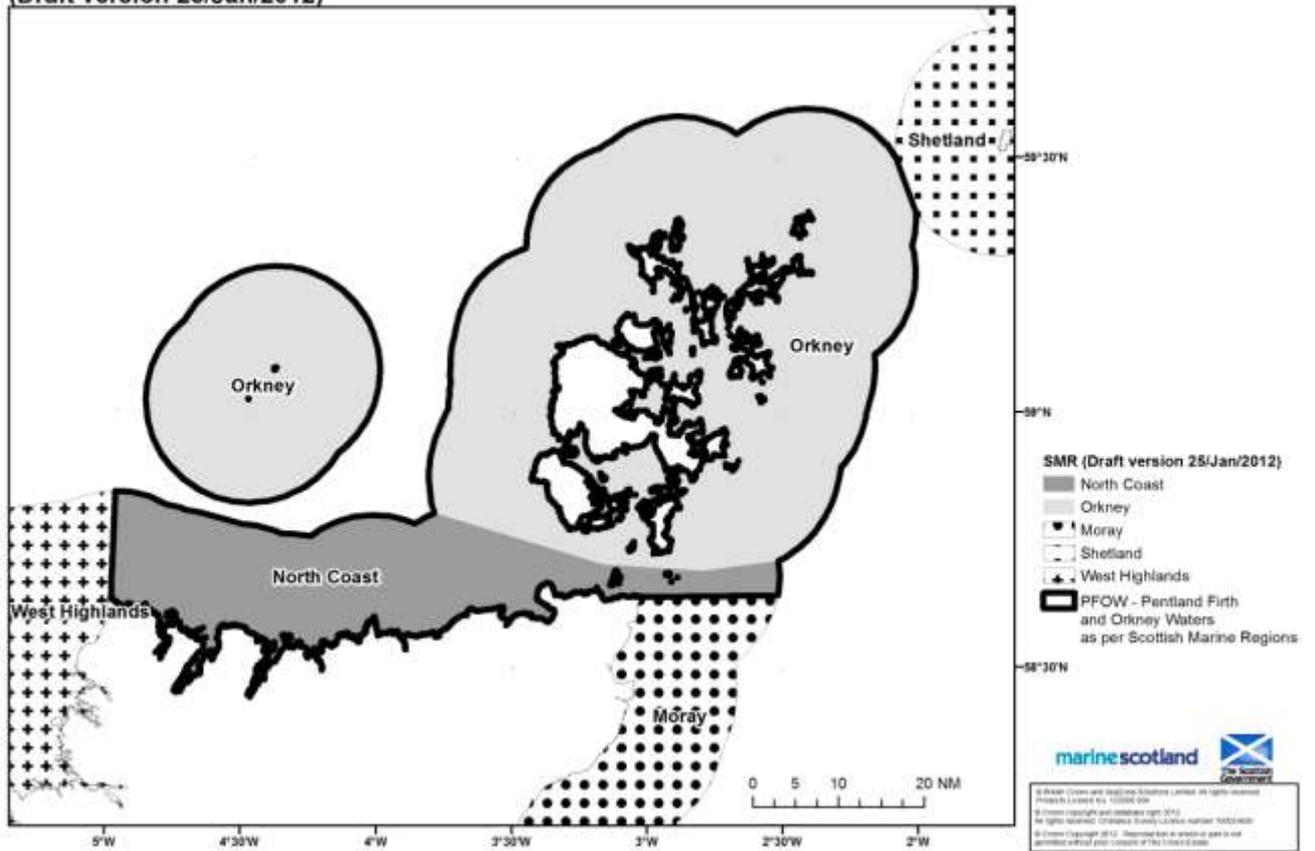
FACILITATOR'S NOTES (SPATIAL EXTENT OF THE PLAN)

Agree with Area 1?	Agree with Area 2?

ANNEX 3

Q4.   STRATEGIC ISSUES AND INTERACTIONS

Section 9 Page 33

The assessment of strategic issues and interactions will be an important starting point for the development of appropriate policies to reconcile potential planning issues. The aspiration will be to reduce the potential for future conflict or adverse effects as a result of growth or change for key sectors. The pilot marine spatial plan will also identify where there are compatible interactions and potential synergies between marine sectors, socio-economic and environmental receptors.

The identification of strategic issues and potential interactions between sectors in this consultation paper builds on work that was carried out in the Pentland Firth and Orkney Waters Marine Spatial Plan Framework. The framework process included consultation workshops with stakeholders to identify the likely interactions between marine sectors and activities and the likely extent of that interaction e.g. small, medium and large. This information has been reviewed and updated by the Working Group in consultation with stakeholders and presented in Table 9.1 and Table 9.2 for consultation.

Table 9.2 is shown on the next page.

Sectors or cross cutting issues to be added?

Changes to interactions?

Table 9.2 *Interactions Matrix*

Column groups: Crosscutting / Overarching Strategic Issues | Sectors

Column headers:
- Biodiversity & Natural heritage
- Climate Change
- Cultural heritage & Historic environment
- Landscapes, Seascapes, marine geology and coastal processes
- Water & marine environment
- Hazardous development
- ICZM
- Marine Renewables
- Electricity Grid
- Shipping and Navigation
- Ports and Harbours
- Oil & Gas
- Marine aggregates and dredging
- Other infrastructure
- Commercial Fisheries
- Aquaculture
- Recreation and Tourism

Row labels (Crosscutting / Overarching Strategic Issues):
- Biodiversity & Natural heritage
- Climate Change
- Cultural heritage & Historic environment
- Landscapes, Seascapes, marine geology and coastal processes
- Water & marine environment
- Hazardous development
- ICZM

Row labels (Sectors):
- Marine Renewables
- Electricity Grid
- Shipping and Navigation
- Ports and Harbours
- Oil and gas
- Marine aggregates and dredging
- Other infrastructure
- Commercial Fisheries
- Aquaculture
- Recreation and Tourism

Key:

Key	
Major interaction (positive or negative)	●
Intermediate interaction (positive or negative)	●
Minor interaction (positive or negative)	·

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Pilot Pentland Firth and Orkney Waters Marine Spatial Plan

FACILITATOR'S NOTES (STRATEGIC ISSUES AND INTERACTIONS, see matrix on previous page)

Sectors or cross cutting issues to be added	Changes to interactions?

Morning Workshop

Session Two

Based on Section 11 -12 of the Planning Issues and Options Report. These two sections deal with the crosscutting or overarching policies and sectoral policies. Both sections describe the policies that are considered important in achieving a sustainable approach to economic growth. In both sections a preferred policy option is proposed for each topic or sector and, in some cases an alternative option. Input is required from stakeholders to ensure that the proposed policies are fit for purpose.

The Working Group has provided some questions below to encourage discussion of these issues and provided the relevant text from the plan that is associated with each of the questions.

The questions are not fixed and if participants have comments on other parts of these sections of the Planning Issues and Options Report or the Environmental Report they are encouraged to raise them.

These sections are very detailed and contain a lot of information about the various options. Participants are encouraged to read the policies relevant to their area of interest before the workshop in order to prepare their input.

Q5.   CROSSCUTTING OR OVERARCHING MARINE PLANNING POLICIES

Section 11 Page 49

Crosscutting or overarching policies seek to safeguard important environmental, cultural and infrastructure resources e.g. natural habitats, historic assets and existing pipelines. These policies are of potential relevance to many types of development and are not specific to any one sector. They aim to ensure that the environmental objectives identified through the Strategic Environmental Assessment and the wider marine planning process are effectively integrated into the pilot marine spatial plan. The guiding principles and themes set out in Section 7 of this consultation paper have also informed the identification of the crosscutting / overarching policy areas below. Each policy area listed below has a suggested preferred approach along with supporting spatial information and, where applicable, an alternative approach.

The policies:

1a: Sustainable Development
2a: Integrating marine and coastal development
3a: Nature conservation designations
3b: Protected species
3c: Wider biodiversity and geodiversity interests
3d: Non-native species
3e: Landscape and seascape
4a: Cultural and Historic Environment
5a: Water environment
6a: Coastal erosion and flooding
7a: Waste management and marine litter
8a: Safeguarding existing pipelines, electricity and telecommunications cables
9a: Hazardous development and Health and Safety Executive consultation zones
10a: Defence

Should more policies be added?
Changes to proposed and alternative policies?

FACILITATOR'S NOTES (CROSSCUTTING OR OVERARCHING MARINE PLANNING POLICIES)

Should more policies be added?	Changes to proposed and alternative policies?

ANNEX 3

Q6.   SECTORAL POLICIES

Section 12 Page 71

Sectoral policies have been identified to address the marine planning issues of relevance to identified business and/or infrastructure related sectors. These policies will set out the relevant planning considerations that will be considered when assessing consent applications for development proposals and/or activities undertaken by these various sectors e.g. marine renewable energy projects and harbour developments. The sectoral policies will also set out how the potential effects of future development, or related activities, will be assessed in relation to existing sectoral activities e.g. commercial fisheries and tourism and recreation.

The policies:

11: Marine renewable energy
12: Electricity infrastructure to support marine renewable energy projects
13: Shipping, Navigation and Marine Safety
14: Ports and harbours
15: Oil and Gas
16: Marine aggregates and dredging
17: Development of coastal protection and flood defence infrastructure
18: Development of new telecommunication cables
19: Commercial fisheries
20: Aquaculture
21: Tourism and recreation

Should more policies be added?
Changes to proposed and alternative policies?
Do you think the marine spatial plan should "zone" areas of sea for specific developments? What are the key challenges and issues that could arise from taking this approach? What are the potential advantages and disadvantages? (see page 73)

FACILITATOR'S NOTES (SECTORAL POLICIES)

Should more policies be added?	Changes to proposed and alternative policies?

Afternoon Workshop

The European Commission have sponsored a large research project into marine planning in Europe in support of a policy ambition to create jobs and economic growth from marine resources. Energy and food security are the priorities. The four year €8million project is approaching completion and has examined nine case studies across thirteen countries with the aim to guide policy and practice (www.mesma.org). ICIT Heriot-Watt University are leading a case study of the Pentland Firth and Orkney Waters which is the foremost example of marine energy development planning in the world. Large arrays of wave and tidal energy devices in near shore waters create particular challenges for planning at sea and on land. Operations cross the land sea divide with both costs and benefits for local communities.

At the afternoon workshop there will be feedback on the results of the European project and a comparison of experience across several countries. The workshop aims to generate discussion about three social and economic themes which are important to the Pentland Firth and Orkney Waters plan and to European policy and legislation. **Theme 1** concerns the reach and efficacy of the consultation process. **Theme 2** explores the common ownership of space and the rights to resources in the marine environment. **Theme 3** considers community shares in revenues from marine developments and the control of local issues. A full list of the questions to be addressed is attach below. Again, they are not fixed but are designed to generate debate. The format for the workshop will be similar to Part 1. If you have time you might like to read the paper at:

http://www.sciencedirect.com/science/article/pii/S0308597X12001716

The Future of Our Seas Workshops - Kirkwall and Thurso July 2013
Themes and Questions for Part 2 - ICIT Heriot-Watt University

Theme 1 - Can consultation work?

i.   Consultations tend to attract responses from professionals and activists. How can all affected people in the community of stakeholders and the public become more engaged?

ii. Respondents at previous workshops have talked of 'consultation fatigue' complaining of too many and similar consultations without visible effect. How can the burden of responding be reduced and the efficacy increased?

Theme 2 - Ownership and rights?

i.   To what extent is common ownership of the seas an important issue a) for you personally, b) for the local community, and c) for society as a whole?

ii. Ownership and rights to space and resources are different for the seabed, the sea surface and the water column in between (see graphic). What problems do you think this will cause and do you have experience of such conflicts?

Theme 3. Community Benefits?

In 1974 local MP Jo Grimond successfully argued in parliament for special council powers in Shetland, and subsequently in Orkney, to control North Sea oil developments in the islands.

*"The Bill, which deals with the situation that has arisen owing to the discovery of oil off Shetland, may well point the way to better methods of controlling developments consequent upon oil discoveries in other parts of Britain. But the Bill has arisen because of the Shetland situation, and the Shetland situation **is to some extent a special one**. I believe it is essential that the impact of oil on a rather unique island community such as Shetland - an impact which may be extremely serious but which certainly will not go on for ever and may be over after 50 years -should **be controlled carefully**. We must not sacrifice the long-term future of the community.*

Control should be exercised with several aims in view. The first is the well-being of all Shetlanders and all their descendants. The second is the maintenance of their traditions, which are largely Norse in origin and which differ from the traditions of much of the rest of Britain. The third is the preservation of the best land of Shetland - here I have in mind both its agricultural value and its beauty - and the protection of Shetland's existing fisheries, agriculture and industry.

We should also arrange for the retention in the islands of a fair share of the income which will arise from these discoveries. We should ensure that this income can be used for the general well-being and for such purposes as making good if pollution

should take place and the ultimate rehabilitation of sites which may be used and then discarded. The fifth aim is that service and other industries connected with the oil should be introduced in an orderly manner and at a speed and on a scale which the islands can absorb without disruption."

i. Should the affected coastal communities share directly in the revenues created by marine development in the adjacent waters and how might this be done?

ii. To what extent do you think the **'special situations'** in coastal communities (such as those described by Jo Grimond) exist today and how should **control** be exercised?

11. ANNEX 4 LIST OF ORGANISATIONS REPRESENTED AT THE WORKSHOPS

Some organisations were represented by more than one person and both workshops were attended by members of the public with a general interest.

KIRKWALL

Aquatera
Crown Estate
European Marine Energy Centre
Kirkwall and St. Ola Community Council
Members of the Public
Meridian Salmon Farms
OpenHydro
ORCA Marine
Orkney Field Club
Orkney Fisheries Association
Orkney Islands Council
Orkney Sea Kayaking Association
Orkney Skate Club
Orkney Surf Club
Orkney Sustainable Fisheries
Orkney Trout Fishing Association
Royal Yachting Association
Scottish Fishermen's Federation
Scottish Natural Heritage
SSE Renewables Developments (UK) Ltd
Student, Heriot Watt Univerisity
Student, University of Tromsø, Norway
Visit Scotland
Xodus Group

THURSO

A & W Sinclair Ltd
Caithness Renewables
Community Councillor
Environmental Research Institute
Gill's Harbour Ltd
Highland Council
Local Councillor
Marine Scotland
Members of the public
Meridian Salmon Group
NCS Survey
Orkney Islands Council
Pentland Firth Yacht Club
Scottish Canoe Association
Scottish Natural Heritage
Scottish Power Renewables
Scottish Salmon Producers Organisation
Thurso High School
University of Tromsø, Norway
Wick High School

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12.   ANNEX 5 Feedback Form

FEEDBACK FORM:

Pilot Pentland Firth & Orkney Waters Marine Spatial Plan

Event Attended (venue):	Date:

Purpose

Please use this form to provide any comments you wish to make or feedback key information that you think should be incorporated into the Pentland Firth & Orkney Waters Marine Spatial Plan Pilot process.

Question 1. Do you have any specialist knowledge on any of the key topics in the proposed plan that you would be willing to share with us e.g. fishing, tourism, renewables?

Question 2. Are there any key topics we have missed?

Question 3. Do you have any other comments to add?

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If you would like to be added to our consultation database, please put your contact details in below.

PLEASE WRITE CLEARLY IN UPPER CASE

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Title/Name……………………………………………………………………………….

 Address…………………………………………………………………………………

 …………………………………………………………………………………………

 …………………………………………………………………………………………

Email……………………………………………………………………………………..
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Please return your forms to: Tracy McCollin, Marine Scotland, Marine Laboratory, 375 Victoria Road, Aberdeen AB11 9DB

E: PFOWmarinespatialplan@scotland.gsi.gov.uk

THANK YOU FOR YOUR VALUABLE INPUT

w w w . s c o t l a n d . g o v . u k