

# **Dumfries and Galloway Council response to the Scottish Government's consultation's on Planning for Scotland's Seas**

## **1. Introduction**

The Planning, Housing and Environment Services Committee agreed the Council's response to the Consultation Documents on 12 November 2013 which was:-

## **2. Draft Circular**

The draft circular is helpful in explaining the relationship between the marine and the terrestrial planning systems, including the related regimes such as marine licensing and consenting for offshore energy generation, ports and harbours development, and aquaculture.

## **3. Scotland's National Marine Plan**

3.1 This is a very broad document covering a range of topics relating to the marine environment. The objectives of the Plan are positive but seem weak in expressing environmental concerns and promoting these elements (landscape, biodiversity, etc). The general policies contained within the Plan are too general and do not provide sufficient criteria for them to be adequately used to assess proposals coming forward. Areas of potential conflict are identified, but there is little guidance on the criteria that should be used to resolve these conflicts.

3.2 The Plan should clearly state the elements to be taken into account in considering proposals in order to encourage the right development in the right place. The lack of a clear policy framework does not provide either sufficient encouragement for investors to take schemes forward or provide members of the public with the comfort that all aspects of a scheme have been taken into account.

3.3 SPP states in paragraph 17 that development plans should "contain policies and proposals that will achieve predictable outcomes" and this should also be the case for Scotland's National Marine Plan. This is again re-iterated in paragraph 8 which states that development plans should "provide a practical framework within which decisions on planning applications can be made with a certain degree of certainty and efficiency". Due to the lack of detailed criteria in their current format it is difficult to see how the current policies could be used or implemented. The wording of policies should perhaps be reconsidered in light of their proposed end use and the objectives of the plan as a whole.

3.4 Specific comments on General Planning Policies are noted below:

- There should be a general policy in relation to decision making, setting out how decisions will be made. The issue of deemed planning permission also needs more clarity for the onshore elements of offshore generation. If projects are taken forward in this way, the level of engagement and information should be the same as if it was a separate planning application. This would provide greater transparency than is currently proposed.
- Page 26 –GEN 7 – All decision makers should take into account the policies and objectives of statutory and non-statutory plans not just planners. Propose this should be reworded as follows:

“ Integration and compliance with other statutory plans, such as River Basin Management Plans, should also be undertaken; should take into account the objectives and policies of relevant non statutory plans where appropriate to do so.”

- Page 34 – GEN 14 – at present there is not felt to be sufficiently clear national guidance on seascape sensitivity to underpin decisions on visual impact.
- Page 87 – Grid Provision – There is no discussion over possible terrestrial and offshore implications, impacts and appropriateness of grid capacity upgrades and improvement works or how these would be assessed.
- Page 107 Map 16 – the map does not clearly show the Cairnryan ferry connection to Ireland.
- Page 108 – Port requirements for offshore renewables – It is noted that Cairnryan is shown as a National Renewables Infrastructure Plan further potential site (Map 19).

#### Landscape Issues

3.5 Landscape and by association seascape are recognised as a ‘national asset’ and are embedded within the Scottish Government’s national outcomes. However, Policy GEN 14 is too vague and would not provide a sufficiently robust basis for determining potential impacts from marine development on these assets.

Landscape assets are recognised at a national level through National Scenic Areas (NSAs) and locally through regionally designated landscape areas. Policy GEN13 states that *‘Marine planning and decision making authorities should aim to protect and, where appropriate enhance, heritage assets...’* This form of wording would provide a more robust and clear basis for assessing potential impacts on landscape and seascape assets.

3.6 Coastlines and inshore waters are key elements of many of Scotland’s National Parks, NSA’s and regionally designated landscape areas. However the nature, scale and proximity to the shoreline of potential offshore developments now under consideration could significantly alter the relationship between these designated onshore assets and the seascape. Further national guidance is required to define the nature and character of the associated seascapes and to assess their capacity to accommodate change; this would be consistent with the approach adopted by planning authorities onshore in dealing with significant development pressures from large scale wind energy schemes. Strategic landscape assessment and landscape capacity studies are well-established ‘tools’ used in determining onshore spatial planning but it appears that a similar approach has not been included in the development of Sectoral Marine Plans.

#### **4. Sectoral Marine Plans for Offshore Wind, Wave and Tidal Energy**

4.1 The report provides little, if any discussion or commentary, for the reasons and criteria for site selection and is lacking in any level of detail providing virtually no assessment of the proposed projects. The report should include additional background information and commentary for clarity and transparency as in its current form the report does not adequately explain how the draft proposals have been

reached and as a result it makes it difficult to comprehend. There appears to be much greater weight and emphasis placed on the generating capacity of the schemes and their assistance with meeting targets but very little on the wider implications of the schemes such as economic benefits as well as social and environmental impacts. There is insufficient information to be able to compare and contrast the relative proposed schemes ('options') and therefore only very generalised views can be provided.

4.2 The introductory part to each technology supposedly discusses the Development of the Options however this does not provide any information on how the individual schemes ('options') were developed or derived at but merely discusses consultation processes that have taken place. The Tables again provide no actual information on how the sites were developed and are merely confusing.

4.3 For each scheme there is supposedly a list of key issues however that is all it is, just a list. There is no commentary of what the nature of these 'issues' are or how they have actually been taken into account and been assessed, how they have been balanced against each other or how they are being overcome so it is difficult to comment when there is a lack of clarity on these matters. As a result the accompanying text with each scheme is entirely without purpose and provides no understanding of the nature and scale of the scheme and the actual issues to be taken into consideration.

4.4 For each offshore scheme considered equal consideration will need to be given to the implications of both the onshore and offshore infrastructure required to service and support it, much of which could be highly visually prominent. The presumption of 'deemed consent' for such infrastructure needs to be carefully considered and may not be an appropriate method for its management.

#### 4.5 Individual Schemes:

- OWSW1 – The south-western part of the district, particularly the coastal areas are of great importance to the tourism economy of the region. This scheme would be visually prominent from the Mull of Galloway and the western coast of the Machars, both areas are highly valued and designated Regional Scenic Areas. There is no mention in the list of issues specifically in relation to the possible impacts of such developments on both the tourism economy and fishing interests in the area. There are also areas of bird sensitivity shown around both peninsulas.
- OWSW2 – The extension to the existing Robin Rigg Offshore Windfarm was considered within the last plan and deleted following the consultation period on the basis of the impact on environmental and visual impact, the local economy and public acceptability (indeed 47% of all responses in the Consultation period were connected with the two proposals in Dumfries and Galloway - 24% Solway Firth and 23% Wigtown Bay). Below are the comments of the Scottish Government from 2011 when deleting both the scheme to extend Robin Rigg and the proposed scheme at Wigtown Bay within the previous Sectoral Marine Plan for Offshore Wind Energy in Scottish Territorial Waters (published on page 8 of their responses to the previous consultation in March 2011):-

#### “South West (Solway and Wigtown Bay)

This region and these sites specifically present significant problems for the development of offshore wind. The significant strategic issues are public acceptability, environmental and visual impact. In addition, socio-economic assessment suggests that there is little or no potential for regional economic benefit, and indeed that there is a possibility of adverse economic impacts. Both the relevant Planning Authority and local consultees have expressed real and sustained opposition to the 2 short term options or any form of offshore wind development within the Solway. As a result, the Scottish Ministers have decided that the **Solway Firth** and **Wigtown Bay** sites are **unsuitable** for the development of offshore wind and should **not** be progressed as part of the Sectoral Marine Plan”.

4.6 The extension to Robin Rigg windfarm, which was dropped from the Offshore Plan for Wind Energy in March 2011 following a significant level of public opposition from residents in Dumfries and Galloway, has been included as an option again. There appears to have been no significant change in circumstances since that time and for that reason the Council wishes to maintain its objection to this proposal. The introduction of a further scheme at Luce Bay appears to replace the earlier Wigtown Bay proposal and the Council wishes to maintain its opposition to this revised proposal as fundamentally nothing has changed since the previous consultation.

4.7 A meeting was held with Marine Scotland on 11 October 2013 and additional information has been provided on the reasons for the inclusion of the two wind farm options it would have been helpful to the consultation process if this had been publicly available from the start of the consultation process to provide greater clarity about these aspects.

4.8 In relation to the monitoring report on the existing Robin Rigg Wind Farm, it would have been helpful if this had been available at the start of the consultation process and perhaps should have been produced by authors independent of the wind farm industry.

4.9 TSW1 – The Plan does not explain what this option will be however Marine Scotland have indicated that it will be tidal turbines. The scheme lies in close proximity to a SAC and the implications of this should be explained. TSW1 and OWSW1 overlap and there is no discussion on the implications of such an overlap in schemes.

4.10 The issue of grid connections is raised under TSW1 but not for OWSW1 however if it is an issue for one it is logical to assume that it is likely to be an issue for the other.

#### Navigational Issues

4.11 The Kirkcudbright Harbourmaster has highlighted the main navigational concern is TSW1. Unlike OWSW1 and OWSW2 where it is known that there is going to be a propeller on a pole, the method for generating the tidal energy has been clarified as sub-surface turbines etc. As long as the method of generation is sub-surface turbines at a depth which is not going to affect navigation there should not be a

problem; any apparatus on or near the surface of TSW1 would be very hazardous to vessels.

4.12 OWSW1 should not have much effect on the area but OWSW2 would have an effect on vessels travelling between the North Cumbrian coast and Kirkcudbright. Although the mitigation measures should be effective, it is thought that this would put people off from making what is already considered to be a tricky journey.

4.13 In addition to the navigational issues, it has highlighted the impact on fishing at TSW1 and the Socio-Economic Evidence Base does recognise the financial loss in value of potentially lost landings as between £10,000 and £60,000 depending on scenario.

#### Biodiversity Comments

4.14 OWSW1 is located directly adjacent to the Mull of Galloway, Dumfries and Galloway's largest onshore breeding seabird colony, and to Scare Rocks, Dumfries and Galloway's largest offshore breeding seabird colony. Mull of Galloway is designated a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). The SAC is designated for reasons relating to its vegetation, which will be unaffected by the proposals, but the SSSI is designated for breeding seabird populations, notably fulmar, shag, kittiwake, guillemot and razorbill, with smaller numbers of other species such as the region's only puffins. Scare Rocks also supports some of these species, but is particularly important as one of only 21 UK breeding sites for Northern Gannet, supporting approximately 0.5% of the entire world population of this species. All of these seabirds feed at sea and may be at risk from turbines when flying between breeding and feeding grounds.

4.15 OWSW2 – Given that this is an extension of the existing Robin Rigg Windfarm, impact on biodiversity should not be significantly different from the current position. The Plan does not give an assessment of the current impact of Robin Rigg on biodiversity. Although a report on monitoring of Robin Rigg for Year 1 has now been published it would have been helpful to have further information on this aspect as part of the consultation.

4.16 TSW1 – This Tidal Energy proposal is located in the same area as OWSW1 and has the potential for similar impact on seabirds, given that most of the species concerned dive under the surface to feed. In addition, there is the potential for collision and noise impacts on whales and dolphins, seals, basking sharks and other fish species, all of which are known to be present in this area.

#### Landscape including National Scenic Area comments

4.17 OWSW2 – an extension to Robin Rigg would significantly impact on the views from the East Stewartry Coast National Scenic Areas thereby affecting qualities for which it has been designated.

4.18 OWSW1 – will significantly impact on the views from the Fleet Valley National Scenic Areas.

## Other Issues

4.19 Further information and clarity should perhaps have been provided in relation to other issues namely:

- Information to allow the assessment of the impact of such development on fish populations, particularly in relation to the installation of tidal turbines on the sea bed. Without such information it is not possible to assess the impact on the fishing industry or the impact on this aspect of the local economy within the region.
- Information in relation to sediment movements and shifting sandbanks in the Solway Firth. What are the possible changes? What are the implications of these changes? What impact do such developments have on these movements?

## Conclusion: Sectoral Marine Plans for Offshore Wind, Wave and Tidal Energy

4.20 The Council is generally supportive of renewable energy schemes but only for appropriate schemes in appropriate locations. While Marine Scotland have indicated that more work is required to identify the impact of Robin Rigg on tourism in the Southernness area and Crown Estate are also looking at evaluating the impacts of existing offshore wind farms on local tourism, it would have been helpful if some of this additional work had been progressed to inform the consultation process.

4.21 The region's coastline is considered to be an important part of the tourism experience due to its attractiveness and as a result offshore windfarms visible from the shore could have impacts on the tourism industry across the region in an area that is becoming more reliant on the tourism economy. A recent survey (2012) undertaken for Destination Dumfries and Galloway, highlights the coastline as a primary attraction to visitors to the region, and the importance of its quality.

4.22 The Plan should fully explain the nature of the proposals and how they have been reached and what their implications are. The extension to Robin Rigg Wind farm should therefore again be removed along with the Wind Farm at Luce Bay as fundamentally nothing has changed in terms of the reasons given previously for removing options from the Solway Firth.

## **5. Socio-Economic Evidence Report**

This report is difficult to understand for the lay reader and does not adequately explain how the scenarios have been developed or on what they are based. For offshore wind options it suggests in relation to the impact on tourism "that spatial planning can be used to locate arrays... so as to avoid impacts on tourism" but provides no indication as to how this would be possible in the open sea. In relation to the schemes proposed in the Solway Tables 10 and 11 indicate that there would be no positive impacts and on the whole the impacts will possibly be negative on the region with the proposed tidal scheme faring similarly as shown in Tables 14, 15 and 16.

## **6. Strategic Environmental Assessment**

The social implications of loss of income through tourism have not been addressed in the assessment under Population and Human Health. There is little discussion of general landscape considerations outwith designated areas, the influence that landscape has on the tourism sector or the impact that developments may have on this.

## **7. Marine Protected Areas Consultation**

7.1 One possible Nature Conservation Marine Protected Area is suggested, the Clyde Sea Sill, which stretches from Corsewall Point on the north of the Rhins of Galloway, to Mull of Kintyre. Only a very small stretch of the Galloway coast is included, the bulk of the possible MPA being composed of seabed in an area where the water shallows dramatically between the North Channel and the Firth of Clyde. The sill is recognised to be of geodiversity importance and to support important fish stocks, which in turn attract marine predators, notably black guillemots. No Historic Marine Protected Areas are proposed for Dumfries and Galloway waters.

7.2 The consultation documents do not, at this stage, outline specific management proposals for the Clyde Sea Sill MPA, only general principles and policies. For many sites, it is anticipated that no new measures will be required, management being implemented through existing licencing, regulatory provisions and voluntary schemes. However, in certain circumstances Marine Conservation Orders may be required, which will be decided by Scottish Government following a public consultation procedure.

7.3 The Council supports the designation of the Clyde Sea Sill MPA in principle. It appears unlikely that the proposed MPA will have any negative economic, social or environmental impacts for Dumfries and Galloway, but until management measures are formulated, this cannot be confirmed.

## **8. Priority Marine Features**

8.1 Priority Marine Features (PMFs) are 80 proposed habitats and species of marine conservation importance for which it would be appropriate to use either area based measures such as Marine Protected Areas, or non-area based mechanisms or a mixture of both to achieve better protection. An initial assessment by the Council's Biodiversity Officer has identified that at least 39 of these features are found in Dumfries and Galloway waters, including, for example, intertidal mudflats, Native Oyster beds, Common Skates and Harbour Porpoises. Most are already listed as priorities in the Dumfries and Galloway Local Biodiversity Action Plan.

8.2 The list will be used to support advice on marine biodiversity, guide future research priorities and help deliver marine planning and licensing systems set out in the Marine (Scotland) Act. The Council supports this approach.

## **9. Main Conclusion**

9.1 The Council wish to express concerns that not all of the relevant detailed information which should have been available for the public consultations was provided to enable stakeholders and the public to make an informed response. As a result the Council believes that the consultation process was therefore fundamentally flawed.

9.2 In terms of the inclusion of two offshore wind options Dumfries and Galloway Council and its Communities wish to maintain its opposition to the two proposals, at Robin Rigg wind option OWSW2 and at Luce Bay OWSW1, even though the location of one option has been relocated from Wigtown Bay to Luce Bay since the previous Plan consultation. The Council believes that the reasons why the two proposals

were previously taken out of the last plan by Scottish Ministers in March 2011 have not fundamentally changed and therefore both the Robin Rigg extension and the Luce Bay option should be removed from this Plan.

9.3 In terms of Tidal power the Council is not opposed in principle but does have a number of concerns regarding option TSW1, primarily that not all of the issues have been addressed (please see detailed comments) and on the economic impact of fish landings in Kirkcudbright Harbour.

9.4 Overall the Council also has concerns that it is yet to be proven that these three schemes will not result in detrimental environmental and socio-economic impacts on the Region.