

## CONSULTATION QUESTIONS

Please identify the main area of interest you identify with :

- |                               |                                     |
|-------------------------------|-------------------------------------|
| Nature Conservation           | <input type="checkbox"/>            |
| Fisheries                     | <input type="checkbox"/>            |
| Industry/Transport            | <input type="checkbox"/>            |
| Energy                        | <input type="checkbox"/>            |
| Aquaculture                   | <input checked="" type="checkbox"/> |
| Recreation/tourism            | <input type="checkbox"/>            |
| Academic/scientific           | <input type="checkbox"/>            |
| Local authority               | <input type="checkbox"/>            |
| Community group               | <input type="checkbox"/>            |
| Public sector/Regulatory body | <input type="checkbox"/>            |
| Local Coastal Partnership     | <input type="checkbox"/>            |

Other (Please state)

Comments

**Q1. Does the NMP appropriately guide management of Scotland's marine resources?**

Comments Yes. The NMP recognises the wide variety of users of the marine environment. It also recognises that it is vital that our use of the marine environment is sustainable in economic and environmental terms. Further clarification is needed on the time period over which the Plan is intended to operate, what arrangements are made for monitoring and when the plan has to be reviewed.

**Q2. Does the NMP appropriately set out the requirement for integration between marine planning and land use planning systems?**

Comments No. Aquaculture is unique in that it is covered by two different planning regimes and there is a lack of clarity on how these two systems will

be integrated under the NMP. The NMP notes both terrestrial and marine plans will need to take account of the other plans, however it is not known which system will have priority over aquaculture developments, under the new regime. It is also unclear what will happen to LDPs that have already been written e.g. whether they will need to be reviewed when the forthcoming RMPs are in place. As long as terrestrial planning authorities have responsibility for preparing planning policy covering aquaculture in the marine area, and they are only required to 'give consideration' to marine plans in doing so, 'integration' of policy and decision making as far as aquaculture is concerned may be problematic.

**Q3. Does the NMP appropriately guide development of regional marine planning? What, if any, further guidance is required for regional marine planners in terms of implementation and how to interpret the NMP?**

Comments Further guidance will be required to address the issue highlighted in TSSC's answer to Q2.

**Q4. The Marine Regional Boundaries Consultation proposed that in addition to regional marine planning, further integrated management of key marine areas would be achieved by designating the Pentland Firth; the Minches and the mouth of the Clyde as Strategic Sea Areas.**

**Should the NMP set out specific marine planning policies for Strategic Sea Areas?**

Comments No. Consistency of management is required across all regions.

**Q5. Are the objectives and policies in the NMP appropriate to ensure they further the achievement of sustainable development, including protection and, where appropriate, enhancement of the health of the sea?**

Comments Yes. TSSC fully supports the Strategic Objectives as set out in the NMP. TSSC also supports a number of aquaculture objectives, however has concerns about others. Further details are provided below.

**Q6. Chapter 3 sets out strategic objectives for the National Marine Plan and Chapters 6 – 16 sets out sector specific marine objectives.**

**Is this the best approach to setting economic, social and marine ecosystem objectives and objectives relating to the mitigation of and, adaptation to climate change?**

Comments No comment

**Q7. Do you have any other comments on Chapters 1 – 3?**

Comments See Q1 above

### **General Planning Policies**

**Q8. Are the general policies in Chapter 4 appropriate to ensure an approach of sustainable development and use of the marine area? Are there alternative policies that you think should be included? Are the policies on integration with other planning systems appropriate? A draft circular on the integration with terrestrial planning has also been published - would further guidance be useful?**

Comments TSSC agrees with policies GEN 1 – 4

GEN 5 – TSSC agrees with this policy, however believes that further research will be required in order to bring this policy to life. TSSC would like to see a commitment from the Scottish Government to further explore this.

GEN 6 – See answer to Q2 above

GEN 7 – This needs further clarification. TSSC does not agree that the NMP should raise the profile of non-statutory plans, and in particular without clearly setting out what would be considered relevant.

There are already multiple plans which developers and planning authorities must refer to, and there must be a streamlining of this process. The NMP has the opportunity to state clearly that decision makers should only have regard to plans that have gone through proper statutory processes.

GEN 8 – No comment

GEN 9 – TSSC agrees with this policy.

GEN 10 – TSSC agrees with this policy. This is generally the approach that is already taken in the decision-making process, however TSSC has concerns over the available guidance on what is classed as sound evidence and the accountability of decision makers when using this approach. If new evidence or techniques become available, then where appropriate this should be open for consultation and engagement with stakeholders before they are implemented.

GEN 11 – 19 – No comment

**Q9. Is the marine planning policy for landscape and seascape an appropriate approach?**

Comments Yes

**Q10. Are there alternative general policies that you think should be included in Chapter 4?**

Comments No

## Guide to Sector Chapters

**Q11. Do you have any comments on Chapter 5?**

**Are there other sectors which you think should be covered by the National Marine Plan?**

Comments

## Sea Fisheries

**Q12. Do you have any comments on Sea Fisheries, Chapter 6?**

Comments

**Q13. Are there alternative planning policies that you think should be included in this Chapter?**

Comments

## Aquaculture

**Q14. Does Chapter 7 appropriately set out the relationship between terrestrial and marine planning for Aquaculture? Are there any planning changes which might be included to optimise the future sustainable development of aquaculture?**

Comments No. Chapter 7 lays out what currently happens under the individual planning regimes, however it does not detail the relationship between them or how they will interact in the future. As per TSSC's answer to Q2 above, the streamlining process must be robust and not rely on the expectation that either marine or terrestrial plans will 'take account' of the other when dealing with aquaculture developments.

**Q15. Do you have any comments on Aquaculture, Chapter 7?**

Comments

p58 – Aquaculture is a major contributor to Scotland's economy, both on a national and local scale – details of the financial contribution should be included in the 'Background and context' section. This should include figures for direct revenue and also in-direct or 'downstream' revenue.

It should be identified in the 'Living Within Environmental Limits' section that developers already undertake detailed Environmental Impact Assessments for appropriate developments.

p59 – TSSC questions the inclusion of the statement regarding low stocking

densities. There are other management practices, which are noted in the same paragraph, which are far more beneficial to fish welfare. There is no clear scientific evidence to suggest that higher stocking densities impact negatively on fish welfare. TSSC suggests that the paragraph should read as such, *'Scotland has developed distinctive and appropriately regulated management systems to optimise fish welfare and environmental management. Cultivation techniques include farms operating in Farm Management Areas, where all sites follow an agreed stocking strategy and carry out synchronous fallowing and parasite treatments. The Scottish aquaculture industry is one of the most highly accredited in terms of environmental and quality standards, and also one of the most tightly monitored for consent adherence'*.

p60 – The sentence *'Seal licences will only be granted where other management options (such as the use of deterrent devices) has failed'* is incorrect. Seal licences are applied for and granted prior to any management options being undertaken – the requirement to shoot a seal under licence is only utilized once other management options have not been successful in deterring seal attacks.

p61 – There is a lack of clarity over the term 'fish farm nutrients' in the second paragraph, and whether this relates to elemental waste or therapeutant waste. TSSC suggests the term 'substance' should be used instead. It should be noted that AutoDEPOMOD is only used to model particulate waste, not soluble waste. Whilst SEPA is the regulator for waste, MSS also contributes to the licensing decision, through consultation in the CAR licence application process and also in relation to soluble nutrients released by fish farm activities.

Also, there should be clarification over the improvement work to AutoDEPOMOD that is referred to in this paragraph. TSSC was under the impression that the areas which the improvement work concentrated on were how the model deals with faster current data and streamlining the processes within the model. TSSC has not been aware that the Scottish Government and SEPA funded work was specifically based on how the model deals with larger sites.

p64 – There should be further clarification on the 3 year project by MSS looking at areas of opportunity and constraint for aquaculture. TSSC is not aware of any consultation with industry on this project thus far and requests that stakeholders be involved with this work, in order to ensure its robustness and integrity if and when it is used within the marine planning process.

p64 – Longer term (last paragraph) – TSSC agrees with the longer term view, however notes that financial backing for both academic and industry research will be required, in order to see this become a reality.

p65 - First paragraph, last sentence. How does the Scottish Government propose to do this, and on what timescale? Have there been specific

resources identified to enable this to occur?

AQUACULTURE 1 – TSSC supports this policy

AQUACULTURE 2 – TSSC has concerns, and believes this policy to be in contrast of GEN POLICY 1. As long as development is sustainable, TSSC questions the requirement for a ‘zoning’ system - rather, TSSC believes that developments should be considered on an individual basis. If the decision to create ‘zones’ is given the go ahead, further clarity must be provided on how these areas are to be defined. Further information is requested on the Marine Scotland spatial planning guidance as there has been no industry consultation thus far on this.

AQUACULTURE 3 – No comment

AQUACULTURE 4 – There should be a summary on this in the ‘Background and context’ section.

AQUACULTURE 5 – No comment

AQUACULTURE 6 – TSSC supports this policy

AQUACULTURE 7 – The industry has previously raised the issue that the current DMAs are based on a generic dataset, and have been shown to be overly cautious when compared with the real, site-specific data. MSS and Scottish Government should be open and willing to consider alternative DMA boundaries based on site-specific hydrographic data and available information on spatial patterns in fish health.

AQUACULTURE 8 - Clarification is needed on what is meant by ‘the wider environment’. It is unclear why wild salmonids and seals have been highlighted in particular within this policy. This policy essentially deals with three separate issues and therefore should be separated out into three different policies. Clarification on the term ‘risk based approach’ is required i.e. is the current practice of developers’ assessment of risk and proposed mitigation measures satisfactory or is something else required.

AQUACULTURE 9 – Clarification is required on who this policy is directed towards i.e. is this based on the welfare of the farmed fish, or the wider environment? Is this policy proposing that emergency response plans should be provided as part of planning applications?

AQUACULTURE 10 – 13 – TSSC supports these policies

**Q16. Are there alternative planning policies that you think should be included in this Chapter?**

Comments No

### **Wild Salmon and Migratory Fish**

**Q17. Do you have any comments on Wild Salmon and Migratory Fish, Chapter 8?**

## Comments

p67 – Background and context, first paragraph, last sentence – ‘exploitation’ should be preceded by ‘sustainable’.

p69 - second paragraph - a breakdown of the £87 million expenditure is requested i.e. direct/indirect, commercial value vs. income generated from recreational anglers.

Interactions with other sectors – Tourism and recreation should be included here. If there is excessive, unsustainable and unregulated coastal fishing pressure and/ or angling pressure on wild salmonids, this may have negative implications for the recreational angling industry (in both river and coastal (e.g. sea trout) areas). There are also potential negative interactions in terms of the introduction of INNS.

It should be noted that the interactions with the aquaculture industry can be two-way, in terms of fish health and potential disease transfer.

Further information is requested on the work which Marine Scotland is undertaking regarding salmonid migration routes and impacts of electromagnetic fields on fish.

Second last paragraph, last sentence – TSSC questions the relevance of only mentioning aquaculture here and suggests that the sentence should read *‘This will better inform strategies for managing interactions, such as the provision of locational guidance for all sectors relative to possible wild salmon routes’*.

Harvesting of target species – TSSC requests that details on the Maximum Sustainable Yields of Atlantic salmon and sea trout are included here. Both species are considered Priority Marine Features and afforded protection under EU designation, and TSSC is concerned that the Scottish Government is actively supporting the further exploitation of an already depleted stock. The policy ‘AQUACULTURE 3’ states that there will be a presumption against aquaculture developments on the north and east coasts in order to safeguard wild migratory fish populations, however this policy is not compatible with the ongoing level of exploitation of these species in riverine and coastal areas.

Coastal net fisheries should be accountable for fish welfare standards e.g. when harvesting, and there must be consistency across the fishing industries (i.e. including coastal net fisheries for salmonids) in terms of reporting of catch data. If there is no existing framework for regulation of catches of wild salmon or sea trout under the remit of Marine Scotland Compliance, then this should be addressed through the NMP.

p70 – Predator control. As far as TSSC is aware, there is no existing framework under which coastal net or managed riverine fisheries are required to demonstrate that other measures have been implemented prior to the shooting of a seal under licence. The licence application process to

shoot piscivorous birds requires the provision of evidence not only of the effect the predator is having on the 'stock', but also that other deterrent methods have been tried. This lack of consistency between species must be addressed. There is also a clear lack of consistency between the fish farming and wild salmonid industries in this respect.

Part 4: The Future – TSSC fully agrees that more research is needed on wild salmonid populations and in particular on migration routes and interactions with renewable energy developments. There is no mention of the SALSEA project, and how the results of this will be considered in line with the research proposed by the Scottish Government.

**Q18. Are there alternative planning policies that you think should be included in this Chapter?**

Comments TSSC would like to see a commitment from the Scottish Government to promote total catch and release across all west coast rivers.

TSSC would like to see a commitment from the Scottish Government to undertake research into wild salmonid populations, in particular linking with international research such as the SALSEA project.

**Oil & Gas**

**Q19. Do you have any comments on Oil and Gas, Chapter 9?**

Comments

**Q20. Are there alternative planning policies that you think should be included in this Chapter?**

Comments

**Carbon Capture & Storage (CCS)**

**Q21. Do you have any comments on Carbon Capture and Storage, Chapter 10?**

Comments

**Q22. Are there alternative planning policies that you think should be included in this Chapter?**

Comments

**Offshore Renewable Energy**



**Q23. Should the NMP incorporate spatial information for Sectoral Marine Plans?**

Comments

**Q24. Do you have any comments on Offshore Renewable Energy, Chapter 11?**

Comments TSSC would like to see further support from the Scottish Government for research to be undertaken on the possibility of co-locating offshore renewable developments and offshore aquaculture developments. The potential for co-locating these two industries is not well understood at present, and much R&D work is required, however there are clear benefits to this in terms of marine spatial planning in Scotland.

**Q25. Are there alternative planning policies that you think should be included in this Chapter?**

Comments

**Recreation and Tourism**

**Q26. Do you have any comments on Recreation and Tourism, Chapter 12?**

Comments

REC & TOURISM 1 – ‘...where there are no reasonable alternatives, whether mitigation through recognised measures can be achieved at no significant cost to the marine leisure or tourism sector interests’. TSSC questions the inclusion of the phrase ‘at no significant cost’ and requests that consistency is applied in planning decisions on all industries. Who is responsible for determining what the definition of significant cost is?

REC & TOURISM 2 – last sentence – in particular that they are operated within environmental limits.

REC & TOURISM 6 – should read ‘coastal residents and industries’

REC & TOURISM 7 – should read ‘Codes of practice on invasive non-native species and Marine Wildlife Watching *must be complied with*’. There should also be development of appropriate statutory regulation for these Codes of Practice.

The Future – Implementation of Strategy for Recreational Sea Angling – TSSC agrees with the vision, but this must be regulated and monitored.

**Q27. Are there alternative planning policies that you think should be included in this Chapter?**

Comments

### **Transport (Shipping, Ports, Harbours & Ferries)**

**Q28. Should the NMP specifically designate national significant ports/harbours as described in Chapter 13: Marine Planning Policy Transport 2?**

Comments

**Q29. Do you have any comments on Transport, Chapter 13?**

Comments

**Q30. Are there alternative planning policies that you think should be included in this Chapter?**

Comments

### **Telecommunication Cables**

**Q31. Do you have any comments on telecommunications, Chapter 14?**

Comments

**Q32. Are there alternative planning policies that you think should be included in this Chapter?**

Comments

### **Defence**

**Q33. Do you have any comments on Defence, Chapter 15?**

Comments

**Q34. Are there alternative planning policies that you think should be include in this Chapter?**

Comments

### **Aggregates**

**Q35. Do you have any comments on Aggregates, Chapter 16?**

Comments

**Q36. Are there alternative planning policies that you think should be included in this Chapter?**

Comments

### **Business and Regulatory**

**Q37. Please tell us about any potential economic or regulatory impacts, either positive or negative, that you think any or all of the proposals in this consultation may have.**

Comments No comment

### **Equality**

**Q38. Do you believe that the creation of a Scottish National Marine Plan discriminates disproportionately between persons defined by age, disability, sexual orientation, gender, race and religion and belief?**

Yes  No

**Q39. If you answered yes to question 23 in what way do you believe that the creation of a Scottish National Marine Plan is discriminatory?**

Comments

### **Sustainability Appraisal**

**Q40. Do have any views/comments on the Sustainability Appraisal carried out for the NMP?**

Comments No comment