

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 | x |
| Aquaculture | <input 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?

The policy strategic plan approach does provide a guide to the management of Scotland's marine resources, which should help ensure Scotland complies with the relevant international and EU requirements. We welcome the recognition of the importance of sustainable development through General Policy 1. In addition, and in relation to the rest of this response, we agree that Regional Marine Spatial Planning is appropriate for many industries (such as renewable energy). However, we feel that the NMP could go further giving all marine industries more certainty with regards to the future of developing marine resources. For instance, as an island nation (and in compliance with UNCLOS), the protection of safe shipping/navigation channels is vital. As the development of offshore industries increases, particularly those of a spatial nature, the need for protection of safe navigation may increase. It is also acknowledged that the offshore energy business relies on safe navigation as part of the core business.

For an offshore wind developer provided with areas of search for future sites on a rolling basis, it is useful to understand from the outset where navigation lanes (or high density areas of usage) have no flexibility. Other countries, such as Germany, Denmark and Sweden have already taken this approach within their spatial management plans to address potential cumulative issues that they do not feel can be addressed at the project level. It is felt that if this issue could also be addressed within Scottish waters and could be done at a national scale, this would not only benefit navigation safety (which all marine industries rely upon) but also provide a measure of certainty to developers about the viability of areas of search in an ever increasingly developed marine environment.

We would also like to highlight that at the current time, we have not identified any other marine sector where such national planning would be of such strategic benefit. This is because for most other marine sectors or impact receptors there is much more scope for flexibility and coexistence, or the attribute does not form the same sort of physical obstruction to wind farm development. However, it is felt that navigation safety does deserve specific attention.

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

The interconnectedness of the terrestrial and marine environment is acknowledged and the need for terrestrial associated infrastructure requirements for offshore developments is acknowledged. However, there is only a brief mention of the requirements for amendments to legislation and that there needs to be consistency in policy/guidance/etc. Rather than the reader having to find the various documents and cross-reference how such consistency etc will be achieved, it would have been useful for the NMP to spend time explaining the process and the techniques/tools to be put in place to ensure such consistency will be achieved. Where possible, examples of where such techniques/tools have been put in place would also be useful. We would also urge the Scottish Government to consider putting in place one licensing regime for offshore projects with an onshore interface such as offshore renewables who rely on grid connections to get their product to market. The uncertainty and difficulty in aligning the different consenting regimes along with a Compulsory Purchase Order system which is long overdue review and recodification is a significant disadvantage and risk to developers with projects in Scotland.

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?

The high level objectives and good environmental status requirements are outlined in the guide and these should provide the regional marine planners with the high level framework in which they need to work and be in

accordance with EU and international obligations. However, please see response to Q1 about concerns as to whether there is a requirement for national plans to ensure the continuance of safe navigation.

We are concerned that the general policies include within them the broader explanatory text supporting the policy. Whilst the explanatory text should be there to aid understanding of the general policy, by including it as part of the policy then this creates uncertainty and an area of potential contention in the future as in terms of the Marine (Scotland) Act 2010 decisions should be made in accordance with the plan. There is clear guidance on how such an obligation should be interpreted from the terrestrial planning regime which operates in a similar way.

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?

No comment

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?

As previously mentioned, the NMP does appear to meet all international and EU obligations regarding sustainable development and environmental protection.

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?

It is appropriate to set sectoral specific objectives at the national level.

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

No further comments.

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?

Overall, the general policies seem appropriate. However, there is concern about the wording used for GEN 3 – please clarify what is meant by “Consideration should be given where industries and developers assist in supporting development of onshore infrastructure, helping to achieve community cohesion and reducing social disparity.” In particular, to what “onshore infrastructure” is this policy referring and what exactly does it mean “Consideration should be given to...”. Such wording could be interpreted in a variety of ways and it should be clear whether, under a discretionary consenting framework (as is used in Scotland), there would be a presumption in favour of developments offering significant “community benefit” outside of the requirements of the EIA process. Given the significant potential for socio-economic benefits in Scotland from the development of the offshore wind industry we do not support the case for a mandatory prescriptive community benefit policy.

It would be useful to provide more clarification on GEN 4 – in particular, how is such scenario mapping different from that of the socio-economic assessment that is done by developers as part of the EIA process for gaining construction consents?

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

The approach is flexible in its approach and it is felt to be appropriate.

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

No comment

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?

No comment

Sea Fisheries

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

No comment

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

No comment

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?

No comment

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

No comment

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

No comment

Wild Salmon and Migratory Fish

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

No comment

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

No comment

Oil & Gas

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

No comment

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

No comment

Carbon Capture & Storage (CCS)

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

No comment

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

No comment

Offshore Renewable Energy

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

As previously mentioned, it would be useful to have more definite guidance on navigation routes which need to be safeguarded for safety reasons. However, we do not feel that any other spatial information should necessarily be incorporated into the NMP Sectoral Marine Plans for offshore renewable energy.

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

With regards to objective renewable 7 – please confirm why there is a presumption to bury or armour cables with rock? Such techniques are likely to be used in areas in which the cables could be damaged, e.g. through fishing activity or anchoring. Or in areas where EMF could be an issue. However, where such damaging activities or environmental concerns do not exist, there would be no need to bury or armour cables with rock. Furthermore, the nature of this objective seems rather out of place amongst the other objectives for this sector.

With regards to objective renewable 10 – please confirm why this element of EIA has been highlighted over and above any other element of EIA?

With regards to the information about grid - further information is required for developers to understand how and when new development of the grid

infrastructure will enable the future development of the renewable energy sector. For instance, the projects identified on page 87 will provide sufficient capacity for all the projects currently contracted but there would be no redundancy. Therefore, to support the development of the future plans laid out in the interim draft guidance, is the plan for the grid to receive further reinforcements (and if so, when and where will the reinforcements be) or will projects be connected on a connect and manage basis?

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

No comment

Recreation and Tourism

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

No comment

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

No comment

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?

No comment

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

No comment

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

No comment

Telecommunication Cables

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

No comment

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

No comment

Defence

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

No comment

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

No comment

Aggregates

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

No comment

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

No comment

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.

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?

It is felt that the alternatives assessed could have included a hybrid approach to high level policy based strategic planning v high level spatial planning. A third option, which could have been assessed would be a high level policy based strategic planning with some limited spatial planning at a national scale (e.g. for safe navigation).