

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 checked="" type="checkbox"/> |
| 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?

Yes, as an overarching document with strategic guidance, Seagreen believes it is a helpful tool if implemented correctly. Provided site specific considerations can be applied to each development, it is an appropriate vehicle to give an overview of key principles for marine resources.

Seagreen also welcomes the Scottish Government's intention to consolidate both inshore and offshore Scottish waters into a single integrated plan and believes the draft NMP sets out how this will work. However, there are certain aspects of the draft NMP which are either inconsistent or require further clarification. Specific detail regarding this is covered later on within this submission.

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

Seagreen has some concerns regarding proposals to integrate existing terrestrial and marine planning regimes.

Whilst Seagreen recognises the potential benefits of the Government's intention here, namely a more streamlined and efficient planning regime for offshore developments, it is essential that Government present a clear vision in relation to the process for early engagement of terrestrial and marine planning authorities to ensure that timeframes and identification of issues/risks on one or both of the elements are identified.

Although the Government's desire for better case management is clear, Seagreen does not believe it provides enough clarity towards putting in place a regulatory system that manages all elements of a proposed offshore development into one integrated process with an appropriate structure and management system.

There is also mention of a representative managing any interaction but it is not clear from which body would this representative come from. Furthermore, in the event of a conflict it is not clear which regime would have the deciding vote nor is it clear how appeals against such decisions would be made.

Therefore, Seagreen believes further detail is required to clearly state the hierarchy of legislation and integration on the proposal to integrate the two planning regimes, with the opportunity for industry to provide additional feedback before any such change is implemented.

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?

Yes, providing regional marine plans are consistent with Scotland's National Marine Plan. The NMP provides general principles and overarching policies for the regional plans to follow, which providing these are adopted within regional plans, will provide developers, such as Seagreen, with the planning policy certainty and clarity necessary to pursue future developments throughout Scottish waters.

Seagreen also believes representative membership of the regional marine planning partnership bodies will be crucial in achieving the implementation of regional plans, while managing regional interests – e.g. aquaculture on the west coast, offshore wind on the east coast, oil & gas in the offshore area of the North Sea.

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?

Yes, however Seagreen believes greater focus should be placed on the vast renewable potential of Scotland's seas.

The Scottish Government have set ambitious climate change and renewable targets and offshore energy development will play a crucial role in achieving these targets, whilst also contributing to sustainable economic growth. Seagreen believes the NMP should specifically acknowledge the potential of the NMP to contribute to national renewable energy and climate change targets.

In order to meet these targets, Seagreen suggests there should be a clear presumption in favour of renewable energy and/or sustainable development in non-sensitive locations. Whilst Seagreen welcomes that this is stated in policy "GEN 1", we request that this commitment is strengthened with a clear overarching aim within the NMP, as well as the general policy position as currently drafted.

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?

Seagreen welcomes the explicit objectives set out within chapter 3 and the sector specific marine objectives in chapters 6-16, which it believes sets out the approach to setting planning policy objectives and outcomes.

Seagreen supports the Government's main strategic outcomes 'Wealthier and fairer' and 'Greener' and believes the development of renewable energy

and associated infrastructure in Scotland's seas will greatly contribute towards meeting these objectives.

Scotland is home to some of the worlds most abundant offshore and marine renewable resources, presenting a significant economic opportunity, whilst also contributing towards Scottish renewable energy and climate change targets. Seagreen strongly believes the development of energy within Scottish Waters is in line with the High Level Marine Objectives and Good Environmental Status outlined within the draft NMP.

However, Seagreen has concerns about "GES11", which states "*Introduction of energy, including underwater noise, is at levels that do not adversely affect the marine environment*". It is unclear from this statement how this would be measured.

- What would be an acceptable level?
- How is this calculated?
- What information would developers require to demonstrate the noise impact of their developments?
- All impacts and benefits require to be considered on a case by case basis. It is not appropriate to elevate one above others.

Seagreen acknowledges that the construction of offshore wind farms and installation of subsea cables may result in increased noise. However, during operation there will be minimal noise impact on the marine environment. Seagreen therefore requests further clarification to allow developers to understand the potential impacts of this policy on future energy developments.

There is also no clarification regarding the priorities under the NMP regarding the resolution of competing marine users, e.g. offshore wind vs. fishing vs. transport etc. Seagreen would welcome more clarification on this and further opportunity to provide comment on any such proposal.

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

In regard to the 'adaptive management approach' and requirement to monitor if unexpected / undesirable ecosystem effects are detected. Seagreen believes that this should be achieved through a robust and rigorous approach to EIA and consenting, avoiding the need for unnecessary precaution, so that developers fully understand project planning and commitments.

The adaptive management approach also conflicts with Chapter 4 (pg24) General Policy 1 i.e. the Scottish Government wishes to encourage developer certainty and confidence (see also pg27 - General Policy 10).

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?

Seagreen welcomes the Government's commitment that *'there is a presumption in favour of **sustainable development**' (Gen 1)* and that *'Sustainable developments and marine activities **which provide economic benefit to Scottish communities** are encouraged'*. The development of renewable energy and associated infrastructure in Scottish Waters presents a significant opportunity to benefit not just local communities but Scotland as a whole, providing employment, skills development and substantial associated economic benefits. The Seagreen Phase 1 Offshore Project is conservatively estimated to deliver £1,575 million total capital expenditure during construction and over £75 million per year operational expenditure over the 25 year life of the offshore wind farms, providing up to 200 jobs. Furthermore, to meet the Scottish Governments ambitions renewable energy and climate change targets, offshore energy development will have a crucial role to play.

Seagreen has some comments regarding a number of the general policy statements, as outlined below.

"Gen 5" - Whilst Seagreen understands the Government's intention here, and agrees that utilising marine space for multiple users is a sensible approach, we do have some concerns about how this will work, in particular when there is a conflict if multiple use is not possible. Seagreen believes further clarification is required in respect of utilising marine space for multiple users, in particular, regarding conflict resolution.

"Gen 6" – As outlined above, whilst Seagreen understands and supports the intentions, Seagreen believes it does not provide a means for this integration to happen. How will this be achieved? How will timeframes of each regime align with the other to ensure that one element of the development is not delayed as a result of delays in the other? Seagreen therefore seeks further clarification on how this will work and would request the opportunity to comment on this before it is adopted as policy.

"Gen 8" - The intent of this policy seems to be a transposition of the general duty within the Marine (Scotland) Act 2010 with regard to sustainable development. If this is the case the policy wording would benefit from revision to emphasise this as it is assumed the requirement to act with fairness and transparency is already captured by other primary legislation.

"Gen 9" – Seagreen fully supports the early and effective engagement with public and interested stakeholders throughout the development process. As

a responsible developer, Seagreen has always sought to engage fully to allow interested parties ample opportunity to comment on and find out more about development plans. What, if any, timeframes would the Government consider putting in place as a guideline on this early engagement and how would that differ from the current industry practice?

“Gen 10” – Seagreen fully agrees that sound, accurate evidence, is necessary to allow robust decision making for all offshore developments. However, the statement ‘*Where evidence is inconclusive, reasonable efforts should be made to **fill evidence gaps***’ is concerning. Seagreen do not believe “gap filling” can be viewed as an acceptable means of presenting evidence and allow for such evidence to be viewed objectively. The onus should be placed on developers to provide the necessary evidence for their applications to be determined and no “gap filling” for any sector should be considered appropriate. Seagreen therefore believes this statement should either be removed or reworded accordingly.

“Gen 12” - This is of great concern to Seagreen as the Firth of Forth Banks pMPA would impact on areas that are in adopted plans that have already gone through SEA and where agreements are in place with The Crown Estate. Seagreen has incurred significant costs already in pursuing development of the Firth of Forth Zone in line with existing planning policy.

- How can alternative development locations be considered when the Firth of Forth Zone has already been identified and awarded to Seagreen with legal agreements being put in place for development?
- How will any conflicts with areas or species protected under the MPA proposals be managed if there are conflicts with wind farm developments previously adopted plans?

Seagreen does not believe it acceptable for new planning policy to supersede decisions which have already been taken in regard to offshore energy development. Seagreen therefore seeks clarity and comfort that wind farm development within the Firth of Forth Zone will be protected from any changes to planning policy which may alter the planning decision making process.

“Gen 16” – Seagreen does not consider it appropriate to specify specific types of potential mitigation such as bubble curtains or soft start piling in the NMP. The NMP is a strategic rather than project specific document that is to provide a for marine spatial planning in the longer term. Technology advancements in the offshore renewables sector (in particular offshore wind) mean that referring to specific technologies or techniques may quickly become outdated and render the policy obsolete. A marine licence will contain specific conditions in relation to mitigation and environmental statements which will give due consideration to any potential impact (noise and otherwise) with the identification of mitigation measures that can be employed. Seagreen suggests that current mitigation measures, as determined in the granting of marine licences, is an appropriate method for dealing with mitigation requirements, rather than at the policy level.

“Gen 17” - A development or activity associated with it could fail a test of purely ‘adverse’ impacts despite the impact being what may be considered of a minor nature. Seagreen therefore suggests that this test is restated to be one of ‘unacceptable adverse impacts’.

“Gen 19” - It is unclear over what spatial extent a test of this nature would be applied and Seagreen therefore requests clarity on what is meant by ‘complete loss’ within a geographical context.

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

Yes, Seagreen believes this is a relevant consideration and the policy ensures it will be considered, but rightly does not set out specific requirements which will be set out in focused policy.

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

As stated previously, Seagreen believes there should be a clear presumption in favour of energy developments sited in appropriate locations and in previously adopted plans. Whilst this is alluded to in some areas, a policy should clearly state this presumption, particularly as marine energy development likely to play a key role in Scotland achieving its renewable energy and climate change targets and is therefore of great national importance.

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?

Seagreen is committed to working constructively with all sectors, including fisheries, when developing the Firth of Forth Zone. Seagreen welcomes and agrees with the acknowledgement that offshore energy developments can interact positively with fisheries. The statement that the potential effects from energy developments should be considered on a case-by-case basis is deemed to be an appropriate approach with Seagreen supports.

Seagreen believes, however, policy statements regarding beneficial co-existence should be avoided and each case should be addressed on a case by case basis.

In the '***Interactions with new physical development and associated activity***' sector, the NMP states that ***There may be potential for some wind energy areas to act as nursery grounds for fish and if appropriately protected these may lead to an increase in fish stocks in the surrounding areas. This possibility should be considered on a case by case basis.***

Whilst Seagreen understands that this may be possible following offshore wind development, this should be classed as an associated environmental benefit of energy development and is not appropriate as a planning consideration. Furthermore, this suggestion appears to indicate that fishing could be excluded from such locations, in order for them to develop as 'nursery grounds for fish'. Seagreen is determined to work closely with all sectors to ensure minimal impact on other marine users. The statement above appears to contradict this, potentially excluding fisheries activity in areas where offshore wind development has taken place. Seagreen strongly believes that each case should be dealt with on its own merits, on a case by case basis.

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?

Seagreen has undertaken a detailed EIA and HRA for its Phase 1 sites, which has given due consideration to the effect of the developments on the migration of fish (and other sea mammals) following extensive surveys in and around the area proposed to be developed. Seagreen will follow this recognised approach for its Phase 2 and 3 developments.

Furthermore, Chapter 8 identifies that effects on wild salmon and migratory fish can occur as a result of renewable energy developments, and states that these effects should be considered. However, there is no admission that renewable energy developments have a fundamental role in helping Scotland achieve its renewable energy and climate change targets, and that appropriate design and location can ensure effects from renewable energy developments on wild salmon and migratory fish are acceptable.

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

No comments

Oil & Gas

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

No comments

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

No comments

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?

Comments

Offshore Renewable Energy

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

Yes – the NMP is a strategic document which appropriately identifies key aims for the country, and incorporating the high level spatial information from the sectoral plans will be useful in creating a hierarchical policy framework which can then be expanded upon in more focused, area specific plans. The NMP should clearly inform decisions regarding the precedence or presumption of one sector over another.

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

Seagreen strongly supports the intention that there is a presumption in favour of existing proposals “Renewables 1”. The objective to promote offshore renewable developments in suitable locations and contribute to the national renewable energy and climate change targets is also welcomed.

In respect of the “interactions with other users” section of the chapter, Seagreen agrees that there will be mutually beneficial interactions with various sectors within the UK as a result of offshore energy developments.

Also within the “interactions with other users” section, the document states that offshore renewables may have implications with other activities and other sectors. Whilst Seagreen recognise this could potentially occur, depending on the location of the proposal, there is also scope for offshore renewables to operate in tandem with other sectors and, in some cases, benefit other sectors. Seagreen believes this should be acknowledged within the NMP.

The acknowledgements of how offshore developments, including wind, could contribute to national renewable energy and climate change targets are welcomed, as is the acknowledgement that offshore renewables can substantially contribute to mitigating climate change.

Seagreen does not agree that the wording in Policy “Renewables 5” is appropriate. The current wording of the policy states that “*Specific impacts on species and habitats should be mitigated through appropriate design, construction and operation methods*”. This wording indicates that all impacts should be mitigated, however, where impacts are acceptable, or “not significant” in EIA terms, it is not necessarily necessary to mitigate effects. The wording should be amended to reflect adverse effects that require mitigation, not all effects.

With regard to the general renewable planning policies, “Renewables 7” the term ‘rock dumped’ is too specific, given that other protection means may be adopted where appropriate, and Seagreen believes this should be changed to state ‘suitably protected’. For the reasons noted above, it is not

appropriate for the NMP to include a preference for particular types of technology or construction techniques.

Renewables 8: Whilst Seagreen recognises that there may be benefit and potential to simplify the EIA process for offshore developments by incorporating both onshore and offshore infrastructure in a single document. However, this would be dependent on the integration of marine and terrestrial planning regimes.

As previously stated Seagreen has concerns that proposals to integrate these planning regimes for offshore development have not been clearly stated and until such time that this has been adequately addressed. Most offshore wind developers have produced separate EIAs for onshore and offshore and Seagreen is not aware of this approach causing any difficulties in practice. Seagreen believe the approach to EIA should be flexible and the best approach be considered on a project by project basis rather than prescribed in the NMP. Furthermore, the form and content of an EIA is stipulated by legislation (European, UK and Scottish) and there is a risk that this policy in the NMP would cut across that legislation and be potentially unlawful. Seagreen would suggest that best practice guidance rather than NMP policy is a more appropriate approach.

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

No comments

Recreation and Tourism

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

No comments

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

No 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?

Seagreen acknowledges that this policy applies to inshore waters only, and agrees that nationally significant ports and harbours should be safeguarded from development that would restrict access to these ports. However, it should be noted that offshore developments can create substantial

economic benefits to nearby ports. Nationally significant ports located in close proximity of offshore developments are likely to experience an increase in traffic volume due to the operations required during construction, operation and decommissioning for offshore developments, and this is likely to significantly benefit the ports being used. Whilst safeguarding these ports from operations that could prevent access is important, Seagreen believe that offshore development in relatively close proximity could be highly beneficial to nearby ports and should be recognised within this chapter.

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?

Comments

Telecommunication Cables

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

Whilst Seagreen fully agrees with the need to safeguard telecommunications infrastructure from damage, offshore energy infrastructure and telecommunications infrastructure should be able to co-exist in relatively close proximity provided developers ensure that appropriate distances from telecoms cables are maintained to ensure no damage will occur during construction or decommissioning activities.

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

No comments

Defence

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

Whilst Seagreen acknowledges that marine energy developments can have a potential adverse effect on MoD activity, including radar, Seagreen believe the NMP should acknowledge that effects may be avoided through

design considerations, or resolved via a mitigation solution if one is appropriate.

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

No comments

Aggregates

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

The Chapter implies that there may be a future Aggregate industry in Scotland, and that the options for developing this industry will be explored going forward. Seagreen considers that given the advanced nature of the energy sector in comparison to the aggregate industry, energy development sites which have been previously identified for development by the Scottish Government should be afforded protection from aggregate developments that could adversely impact on renewable development.

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

No 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.

Seagreen does not believe the vast potential economic benefits that may occur as a result of energy developments has been considered in full. Direct economic beneficiaries may include manufacturers, local port operators and maintenance staff, amongst many others. In respect to the proposed transmission upgrades planned by SHE Transmission, these provide enormous potential economic benefits to the three main island groups. Whilst this is briefly mentioned in the NMP, the effects are likely to be greater than indicated within the document, and should be afforded greater importance.

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?

No comments

Sustainability Appraisal

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

Comments