

## CONSULTATION QUESTIONS

Please identify the main area of interest you identify with :

- Nature Conservation
- Fisheries
- Industry/Transport
- Energy
- Aquaculture
- Recreation/tourism
- Academic/scientific
- Local authority
- Community group
- Public sector/Regulatory body
- Local Coastal Partnership

Other (Please state)

Comments

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

Yes

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

Yes

**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

**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?**

Yes

**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

**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?**

Yes

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

No

### **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?**

**Policy GEN4 states:**

*“Developers will be expected to co-operate to input practical scenarios related to the construction, operation and maintenance of their development to allow local communities to understand the socio-economic and environmental implications of*

*a proposed commercial scale development.”*

If a project is likely to cause a significant alteration to the socio-economic conditions experienced by local communities then this would be assessed as part of the project EIA – pre-commercial and commercial scale developments (i.e. 1MW or more) will require an EIA. Therefore, it is not clear why this text has been added since the completion of an assessment of the development is required under legislation if such an effect is likely to be significant.

**Policy GEN 17 states:**

*“Developments and activities in the marine environment should be resilient to coastal change and flooding, and not adversely impact coastal processes.”*

Applying a precautionary approach, this could result in this policy limiting many activities in the marine environment if they have a minor adverse effect on coastal processes or if not enough is known about the likely outcomes of the development activity. This policy would benefit from the addition of the word ‘significant’ to define the adverse change, which is in accordance with EIA legislation to assess the effects of a development.

**Policy GEN 19 states:**

*“Developments or activities should not result in the complete loss of or damage to natural carbon sinks (including seagrass beds, kelp and saltmarsh). In some cases, compensatory habitat creation or enhancement may be possible and should be considered as a last resort if significant harm cannot be avoided.”*

Aquamarine Power develops a wave energy convertor that exists in the near shore environment and the clearance of kelp prior to development is a requirement at many sites. The area of kelp clearance required is relatively small, but under the terms of this definition would potentially be regarded as damage. This could make it extremely difficult to develop anywhere in the near shore environment. Since this Policy is concerned with climate change, it is our opinion that the test be related instead to the positive or negative contribution the development has to climate change, rather than simply habitat area.

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

Yes

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

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?**

No

### **Sea Fisheries**

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

No

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

No

### **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?**

Yes

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

No

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

No

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

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

Chapter 8 Wild Salmon and Migratory Fish states:

*“A number of activities and pressures in the marine environment may impact on populations of salmon and other migratory fish species. Activities regarded as potentially having the most significant impact are...[Wind and wave and tidal energy].”*

We are unaware of any study that establishes a significant impact of wind, wave or tidal

energy on populations of migratory fish. We are aware of the fact that the factors that affect the populations of migratory fish are not well understood and research is required to better understand the processes which govern population dynamics of migratory fish. Results of research on the EMF effects have not shown a link between population dynamics and EMF. It is suggested that as no link has been established between wind and wave and tidal energy and population dynamics of migratory fish that this section be re-written to states this and to instead state that since the factors that affect the populations of migratory fish are not well understood that any offshore development has the potential to affect migratory fish, the potential for each type of offshore industry to cause an effect, is in fact related to its spatial abundance in the areas thought to be important for migratory fish.

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

No

### **Oil & Gas**

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

No

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

No

### **Carbon Capture & Storage (CCS)**

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

No

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

No

### **Offshore Renewable Energy**

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

Yes.

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

### **Comment 1 - The Adopted Plan Options identified through the Sectoral Marine plan process (map 15) for wave energy development do not include sufficient near shore locations**

The parameters used to establish the Adopted Plan Options fail to take into account the benefits and opportunities associated with the development of Oyster technology in the near shore environment. These areas were identified from a number of areas, but suffer from the following assumptions:

- *A location must have wave energy greater than 20 kW/m* - The Oyster device has the potential to capture wave energy from locations with less than 20 kW/m. For example, our Oyster 800 prototype device at the European Marine Energy Centre (EMEC) in Billia Croo, Orkney is operating in an environment with a wave resource of 19 kW/m. If the Sectoral Marine Plan excludes areas with less than 20kW/m, it potentially raises an unnecessary barrier to the development of near-shore locations by Aquamarine Power's Oyster, thus potentially inhibiting the commercial exploitation of our technology.
- *The use of wave energy maps taken from the DECC Renewables Atlas (DECC, 2008), which states that "modelled wave data will be less robust in shallow water of less than 20 m depth"* - The Oyster operates in water depths of approximately 10 m -15 m meaning that the resource assessment in the DECC Renewables Atlas is not sufficiently robust to predict the potential resource in near shore areas utilised by the Oyster.
- *The Crown Estate MaRS database discounts the near shore wave power potential as their model indicates that the gross wave power in near-shore areas is lower than offshore.* - However this does not take into account the accessible power to wave energy conversion devices factor. In reality the accessible power is only slightly reduced in the near shore, as the majority of the increased power in offshore locations comes through storm events where the wave power is not fully harnessed by wave energy convertor devices.

We urgently request the reconsideration of the inclusion of more near-shore areas, as the Adopted Plan Option areas currently identified do not include sufficient near-shore sites to support the development of the commercial deployment of Aquamarine Power Oyster devices. We can provide supporting data, if required, to identify the most promising near shore wave locations in Scotland.

### **Comment 2 – Disparity in Noise Impacts**

Chapter 9 Oil and Gas states:

*"Noise: Generated from seismic exploration activity, drilling, production facilities or vessels, burial of pipelines with some noise sources, e.g. seismic surveys, having the potential to cause injury and disturbance to noise sensitive species such as cetaceans."*

Chapter 11 Offshore Renewable Energy states:

*"Noise: During construction the physical effects on fish and marine mammals, can range from injury and behavioural disruption to mortality, depending on species, the activity and the distance from activity."*

Therefore the draft Marine Plan suggests that noise generated by offshore renewable has the potential to cause mortality, whilst the noise generated by the oil and gas industry does not – which is plainly nonsensical. This stance has to be clarified and justified - and the evidence that supports this statement be provided.

**Comment 3 – Consistency on Impacts that require mitigation**

Renewables 5 states:

*“Specific impacts on species and habitats should be mitigated through appropriate design, construction and operation methods. Marine planning and decision making authorities should take these into consideration in their decision processes.”*

This Policy, Renewables 5, should follow EIA legislation and state that ‘significant impacts’ should be mitigated.

**Comment 4 – Clarity on “Existing Users” definition**

Renewables 9 states:

*“Developers bringing forward proposals for new developments must actively engage at an early stage with existing users<sup>100</sup> of the area to which the proposal relates; and of adjoining areas which may be affected.”*

No definition of ‘existing users’ has been provided, but this definition is key to understanding the consequences of this policy.

**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?**

In Recreation and Tourism, Chapter 12 page 100 it states:

*“Alteration of wave energy, either directly or as a result of sedimentation changes during installation, decommissioning and operation, could adversely affect activities reliant upon certain wave and wind conditions.”*

We are not aware of any evidence that demonstrates that CCS, wind, wave and tidal are more likely to cause the adverse effect referred to significantly more than any other marine activity. Please provide a reference to the evidence used to substantiate this statement.

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

No

**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?**

Yes

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

No

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

No

### **Telecommunication Cables**

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

No

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

No

### **Defence**

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

The assumption that the development of new marine renewable infrastructure would interfere with defence navigation and MOD activity is not correct. The Aquamarine Power Oyster devices are located at depths of 10 to 15 metres, utilising small craft of less than 15m. It is highly unlikely that an Oyster array would interfere with defence navigation or MOD activities.

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

No

### **Aggregates**

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

No

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

No

### **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.**

None

### **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?**

Not applicable

### **Sustainability Appraisal**

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

No