

**National Marine Plan  
Scottish Enterprise Response  
Final Draft 29/11/13**

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

The Marine and Coastal Access Act 2009 and the Marine (Scotland) Act 2010 introduced for the first time, a planning system for Scotland's Seas. Scottish Enterprise (SE) recognises that implementing the new legislation through the National Marine Plan (NMP) is a formidable task and will require careful interaction with the long-established terrestrial planning system in Scotland, with associated implications for resourcing. The new plan-led system requires a robust, carefully balanced national plan. SE welcomes the early references in the NMP to marine planning system promoting development and supporting sustainable economic growth, but would welcome greater clarity of the relationship between the statutory requirements as set out in the 2009 and 2010 Acts (relating to offshore and onshore waters respectively) within Chapter 2 of the NMP. SE also considers that balancing the overarching objective of sustainable economic growth with one of careful environment management will be a significant challenge and further commentary on this issue is provided below.

The references to Regional Marine Plans (RMPs) are helpful in terms of understanding the implementation of the marine planning regime at the local level and in particular relating to sea areas extending out to twelve nautical miles. There remains, however, a significant amount of work to be done in defining the Scottish Marine Regions under the Scottish Marine Regions Order 2013. In addition, the formulation, organisation and management of the Marine Planning Partnerships (MPP) is again a significant task and will have major resource implications for Key Agencies amongst others, including SE. SE would therefore welcome as much clarity as possible in terms of expectations regarding its involvement in MPP's.

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

SE accepts that the relationship between statutory land use planning and marine planning and licensing is set out in detail in the draft Planning Circular. SE considers, however, that under the heading "Marine Planning, Consents and Authorisations" greater clarity could be brought to the role of the NMP, the MPP and the role of decision makers in relation to port and harbour consenting and marine planning and licensing in particular. This section should make clear the role of the NMP, the role of the MPP and the role of Marine Scotland and Local Authorities. It should not be assumed that these issues are readily understood by the reader. The use of a diagram identifying the links between statute and policy would also be useful here.

**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?**

SE considers that the NMP may not be able to properly guide the Marine Regions until their geographical extent is fixed and the role and remit of each of the MPP with responsibility for these Marine Regions is fully understood.

**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?**

Question 4 relates to the designation of Strategic Sea Areas and whether these should be designated for specific areas. Chapters 1 and 2 of the draft NMP however does not give any real detailed insight into the Strategic Sea Areas. SE's does not have any objection in principle to the designation of Strategic Sea Areas but requests that perhaps further explanation could be given as to how Pentland Firth, The Minches and The Mouth of The Clyde have been earmarked for selection for example.

**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?**

SE has provided detailed commentary on a significant number of the objectives and policies in its response to questions 8 to 36 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?**

SE considers that splitting the strategic objectives for the NMP from the sector-specific marine objectives is an appropriate approach to take. The NMP's strategic objectives, set out in pages 15-17, could be perhaps be more prominently located within Chapter 3, given that they relate to the High Level Marine Objectives (HLMO) of the four UK administrations, and should therefore set a clear and unambiguous context for the sectoral policies that follow.

SE welcomes the first HLMO "achieving a sustainable marine economy", placing a safe, profitable and efficient marine business at the forefront of the HLMOs. SE notes that the consultation does not request a response in relation to the HLMOs given that these are established by the four UK administrations and as such, and no further comment is provided.

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

SE considers that the overall approach to policies, as outlined at pages 18-20 is helpful, and welcomes the inclusion of 'the key' at page 18 in particular, which highlights the extent of the need to have balance in plan making and decision making as it relates to the marine environment. The summary assessment of the Scottish Marine area included at pages 21-22 is a welcome summary of the environmental and economic information available from the Marine Atlas. The important role of the marine environment in Scotland's economy is also well set out with in Box A on pages 21 and 22, as described beneath the 'Productive' heading.

In overall terms, therefore, SE considers that Chapters 1-3 are useful in summarising the key background to the NMP and in setting out the strategic policies. SE considers, however, that the NMP could benefit from a more streamlined approach in relation to these issues. SE recommends that the focus should be on the 'policies' in particular and less on the detail background which has been included on matters which could be better repositioned within a background paper or series of annexes.

## 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?**

SE welcomes the lead paragraph under Chapter 4, which seeks to ensure that all future decisions lead to sustainable economic growth sensitive to the environment and long term health of the seas.

SE notes that all the text under the policy headings represents planning policy. There is significant potential for difficulties in interpretation of policies which contain so much detail, and SE considers that the policies should be streamlined, and highlighted in the individual policy boxes, with the remaining text interpreted as the overall reasoned justification for the policies. An example of how this might look is set out below. *Amendments to the wording taken from example Policy GEN1 are highlighted in blue.*

**Gen1 – There is a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of this Plan.**

All marine interests will be treated with fairness and transparency in interpreting policies in the Plan.

### Reasoned Justification

The presumption in favour supports development and uses that can deliver multiple benefits provided they are undertaken sustainably. Developments should deliver benefits for Scotland, including generation of employment, skill development, increased wealth, quality of life and wellbeing and vibrant communities.

Development and use of the marine area should be consistent with this Plan and decisions relating to the marine environment should be plan-led. This will provide greater certainty and confidence to investors involved in marine activities as to how proposals will be considered by planning and consenting authorities.

This is relevant to all marine activities, but is especially important for the sectors that the Scottish Government's Economic Strategy have identified as being key growth sectors – economic activities that Scotland specialises in. These include oil and gas and renewable energy activities, tourism, and food and drink (such as aquaculture and fisheries). Many of these sectors are particularly important in more remote areas of Scotland.

- **GEN1** – SE very much welcomes the presumption in favour of sustainable development within NMP. SE also supports the anticipated tandem approach for a presumption in favour of sustainable development that now also has a strong likelihood of being included with Scottish Planning Policy for terrestrial planning and then formalised within primary planning legislation. This should then address any potential misalignment between terrestrial and marine planning policy and statute.
- **GEN2** – SE again welcomes the early recognition of the importance of economic benefits to Scottish communities within the NMP.
- **GEN3** – SE welcomes the link between social benefits and economic growth in this policy. There is a lack of clarity for the decision maker however in relation to the reference to appropriateness and proportionality in taking account of social benefits of development. The social and economic benefits associated with development particularly in disadvantaged coastal communities should not be underestimated, and the decision maker will require more rigorous guidance in how to interpret policy GEN3 than is currently provided in the policy.
- **GEN4** – SE would welcome greater clarity and a more detailed explanation of what is referred to as Scenario Mapping, in order that clear guidance can be given to developers and investors as to what is expected of them in outlining potential scenarios for consideration of community impacts as part of this policy.
- **GEN5** – SE welcomes the recognition of the benefits associated with co-location of multiple uses within this policy. Reference could also usefully be included within the policy – that a comprehensive masterplan led approach is required for the long term planning of those areas which are considered to be appropriate for multiple uses and co-located development. This approach should apply to both marine and terrestrial coastal locations.
- **GEN6** – this policy goes some way towards addressing this approach in relation to marine and terrestrial development plans, but SE considers that more explicit reference is required in relation to developer-led proposals. SE is also unclear why this policy makes reference to planning authorities only in relation to the integration of marine and terrestrial development plans. It is assumed that this policy will apply equally to Marine Planning Partnerships in due course, but with only limited available information on Regional Marine Plans and Marine Planning Partnerships it remains uncertain as to how they will engage with it also.
- **GEN8** – the positioning of policy GEN8 within the document is somewhat incongruous, and SE considers it would be better accommodated as part of policy GEN1 (*see SE response to Q.8 [GEN1] above*).
- **GEN9** – stakeholder engagement forms part of the statutory process involved in the preparation of the NMP and of Regional Marine Plans, as dictated by Schedule 1 of the Marine (Scotland) Act 2010. In particular Ministers must publish a statement of public participation (SPP) as part of the plan-making process. On the basis of the statutory requirements associated with stakeholder engagement and public participation, SE considers that there is little additional benefit gained in repeating such procedural requirements as a “policy” issue with the NMP itself. SE recommends that this policy is removed.
- **GEN10** – the precautionary principle that decision making will be based upon sound evidence is embodied within this policy, and SE recognises the need to do so on the basis

that HLMO 21 establishes a precautionary approach. Notwithstanding this, SE considers that every effort needs to be ensured that difficult decisions can be made by fully balancing environmental, social and economic benefits against one another. It is important therefore that the precautionary principle is not overly relied upon in making potentially difficult decisions.

- **GEN11** – there is no need for a policy requiring GES achievement as this is a legislative requirement of the EU Marine Strategy Framework Directive. SE considers that there is little benefit gained in repeating such formal procedural requirements as a “policy” issue with the NMP itself, and SE recommends that this policy is removed.
- **GEN12** – the conservation and protection of habitats and protected species are regulated by law, and SE questions the benefit of the inclusion of this policy here. If this policy is to remain in the NMP then there is merit in moving much of the significant associated detail which supports this policy to a supporting background paper or annex.
- **GEN13** – the comments made under GEN12 above in relation to the amount of detail included in this policy equally apply to GEN13.
- **GEN14** – the policy introduces the issues of impact of terrestrial development on views from the sea, and marine development on views from the land. The explanation in relation to these issues is considered somewhat limited and may be interpreted as somewhat ambiguous. Further clarification on ‘seascape views’ either with the footnotes or in a separate background paper would be welcomed.
- **GEN15&16** – noise and air quality issues are recognised as forming part of the EIA process. The policies demonstrate however, the importance of ensuring that decisions are balanced between such environmental considerations, and the wider economic and social benefits associated with marine and coastal development. See also comments in relation to GEN10 above.
- **GEN17** – as with policies GEN12&13 SE considers that there is far too much background and detail is included in these policies, and recommends it be moved to an explanatory supporting paper, to ensure that all NMP policies are streamlined and easy to interpret.
- **GEN18** – again a policy relating to a legislative requirement is included in the NMP as dictated, in this case, by the Water Framework Directive or Marine Strategy Framework Directive. SE considers that there is little benefit gained in repeating such formal procedural requirements as a “policy” issue with the NMP itself, and SE recommends that this policy is removed.
- **GEN19** – a key driver for offshore renewable energy development is the need for climate change mitigation and its associated environmental benefits. There is merit in including recognition of the benefits associated with offshore renewables in terms of climate change and SE considers that this should be reflected in this policy, or in the reasoned justification supporting it.

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

See comments in response to policy GEN14 above.

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

SE considers that no further policies are required.

### **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?**

SE welcomes and supports the approach to the sectoral policies, which is clear and consistent.

### **Sea Fisheries**

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

SE has no comment to make in relation to this chapter.

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

SE has no comment to make in relation to this chapter.

### **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?**

SE has no comment to make in relation to this chapter.

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

SE has no comments.

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

SE has no comments.

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

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

SE has no comment to make in relation to this chapter.

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

SE has no comment to make in relation to this chapter.

### **Oil & Gas**

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

SE is unsure as to the source of the reference at page 77 to the exploitation of hydrocarbons in Scottish waters being “substantially complete by 2050”. With the industry making greater strides in developing technology that will both reduce operating costs and recover as much as

possible of the UKCS's remaining reserves, there appears to be no final date the industry can agree on.

Other supporting references which may be beneficial in relation to the Oil and Gas total sales figures are as follows:

- Oil & gas is one of the most important sectors for the Scottish and UK economies contributing £15.3 billion to Scottish GVA alone;
- It supports 200,000 jobs in Scotland (444,000 in the UK) and there are almost 2000 Scottish supply companies in the oil & gas sector, with key strengths in areas such as project management, subsea, well management and training services;
- Remaining recoverable reserves have been estimated at 12-24 billion barrels of oil equivalent or at least 40-50 years of further activity;
- Total international sales from the sector (including through subsidiaries) increased by 5.8% in 2011/12 to reach £17.2 billion. Direct international sales rose by 8.4 per cent, reaching a record 47.6 per cent of total sales. Scottish O&G supply chain companies now operate in over 100 markets across the world.
- Scotland's industry-led Oil & Gas Strategy launched in May 2012 outlines six priority areas: Supply Chain Domestic and International, Innovation, New Opportunities, Place Promotion and Skills. Since publication, total supply chain sales increased 5.8% in 2011 to reach £17.2bn against a 2020 target of £30bn while international sales have risen by 8.4% to £8.2bn, equivalent to 47.6% of total sales.

SE is supportive of the overall policy approach taken to 'oil & gas' within 'OIL & GAS Policies 1-6', but considers that stronger and clearer reasoned justifications could be added.

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

SE does not consider that there are any alternative planning policies applicable to this chapter.

**Carbon Capture & Storage (CCS)**

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

CCS2 - SE welcomes and supports the use of marine utility corridors to capitalise on current infrastructure and assist in the reduction in the significant costs associated with CCS.

The following references may be useful for inclusion in Part 1 Background and Context section of the CCS chapter:

- Supporting Economically Productive Activities SE is working with a consortium led by Element Energy including Scottish Carbon Capture and Storage (SCCS), Dundas Consulting and AMEC. They are due to complete a major report known as Scotland's CO2 Storage Hub Study in the New Year. This will seek to identify Scotland's CCS capacity including the financial implications of unlocking this capability. Marine Scotland will receive a copy of this report when available. This will provide key information for the National Marine Plan on the existing offshore infrastructure which could potentially be utilised and the infrastructure investment required offshore and in coastal settings to support this emerging growth sector.

- Significant Carbon Capture and Storage (CCS) opportunities exist within Scotland allowing Scotland to reduce its own CO<sub>2</sub> emissions and to create a Scottish CO<sub>2</sub> network through the use of existing infrastructure and incorporating Grangemouth, Peterhead, St Fergus and Central North Sea depleted Oil & Gas fields. This includes the ability to import CO<sub>2</sub> from heavy industry sources throughout the UK and Europe, with significant market potential. As well as having a positive impact on local economies, there is significant potential to market the resulting CCS skills and expertise developing here in Scotland all over the world.
- A major CCS project and planning application is in plan to capture CO<sub>2</sub> emissions at Peterhead Power Station, piping to nearby St Fergus for compression and transportation and storage to the Central North Sea Goldeneye gas field. There is also the opportunity to import CO<sub>2</sub> by ship to Peterhead Port and piping to the North Sea via compression plants at St Fergus. It is noted that reference is made to this demonstration project on page 80.
- Grangemouth and St Fergus have the opportunity to become major CCS hubs. The attached report highlights the potential role of a Central North Sea CO<sub>2</sub> storage hub in enabling the successful development of CCS in Scotland. It addresses the various CCS opportunities and future development potential to 2020 and 2030. <http://www.scottish-enterprise.presscentre.com/imagelibrary/downloadMedia.ashx?MediaDetailsID=989>

SE is supportive of the overall policy approach taken to ‘carbon capture and storage’ within ‘CCS Policies 1 and 2’, but considers that stronger and clearer reasoned justifications could be added.

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

SE does not consider that there are any alternative planning policies applicable to this section.

**Offshore Renewable Energy**

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

SE considers that it might be beneficial to have a composite map/plan which overlays for example MAP 3 (on page 30) of the NMP, and MAP 15 (on page 92) of the NMP (*which includes the draft wind, wave and tidal options from the SMP*), with maybe the useful addition of preferred utility corridors/zones at sea.

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

SE continues to undertake valuable foresighting work for offshore renewable energy. All of the statistical commentary in SE’s response below relating to this chapter stems from this foresighting activity, and relies heavily upon data from the SG Marine Energy Group and the Carbon Trust for example.

The following references may be useful for inclusion in Part 2 of the Renewables chapter – Supporting Economically Productive Activities:

- Scotland is committed to becoming a centre for global investment in renewable energy and low carbon technology. It represents a significant opportunity for our supply chain



companies and for international companies looking to expand and develop their renewable energy offering.

- Scotland has set ambitious targets for renewable energy by aiming to generate the equivalent of 100 percent of Scotland's own electricity demand from renewable resources by 2020 and to deliver an 80 percent reduction in greenhouse gas emissions by 2050.
- Scotland is focused on growing the renewable energy industry further through attracting trade and investment from France, Germany and Spain – markets which have established renewable technology manufacturing capabilities.

In relation to offshore wind:

- As the global wind industry looks further offshore, towards the deeper waters of the world's seas and oceans, Scotland is ideally-placed to become a key hub for the design, development and deployment of next-generation turbine technologies
- By January 2013, £164.5m had already been invested in the Scottish economy by offshore wind developers in Environmental Studies, Site Assessment and creation of new project development teams across Scotland. This was before any consents had been awarded.
- Scotland is also becoming a key global location for the test & demonstration facilities in renewable energy development. Key projects include the Hunterston Test Centre for Offshore Wind, and the virtual hub of test and demonstration facilities which make up the Scottish Energy Laboratory. In addition, Samsung Heavy Industries has recently completed construction of its offshore wind 7MW test turbine at the Energy Park in Methil, Fife, and at the time of drafting is the largest installed offshore wind turbine in the world.
- According to the Guide to UK Offshore Wind Operations & Maintenance, which was launched by SE and the Crown Estate in June, opportunities in the UK offshore supply chain will be worth a potential £2billion a year between now and 2025.

In relation to wave and tidal:

- Scotland is a world leading location in the development of marine energy, with its waters estimated to have around a 25% of Europe's potential tidal energy resource and 10% of its potential wave resource.

With regard to individual Offshore Renewable Energy policies SE provides the following commentary:

- Renewables 1 (*page 91*) – the presumption in favour of adopted Plan Options (Blue Seas-Green Energy) is welcomed. The text is insufficiently clear, however, in relation to the presumption in favour extending to existing and future sites identified in the emerging Sectoral Plans. This should be clarified.
- Renewables 6 (*page 93*) – SE supports the approach of joined up working between grid providers and developers. The policy as drafted is more aspirational than prescriptive, which SE supports given the uncertainties associated with grid providers engaging with developers.
- Renewables 10 (*page 94*) – 'scenario mapping' requires explanation to ensure that the terminology is clearly understood. Refer also to response to Q.8 [GEN4] above.

SE is supportive of the overall policy approach taken to 'renewables' within 'Renewables Policies 1 to 11', but considers that stronger and clearer reasoned justifications could be added.

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

SE has noted that there is virtually no reference to the interaction of onshore manufacturing sites (including NRIP sites) with the offshore renewables sites, and SE considers that there should be better spatial understanding in this chapter of this relationship, with supportive policies in place. What is the relationship generally between ports and harbours, including their PD rights where applicable, to the policies for the offshore sector in this chapter? This issue is currently exclusively dealt within the Transport chapter.

**Recreation and Tourism**

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

The Tourism strategy, Tourism 2020, emphasises the importance of nature, heritage and activities as key strands of the visitor experience. This is where the marine tourism experience fits and for Scotland to benefit from the opportunities from sea angling, wildlife watching, sailing and other recreational activities it will be essential that the marine environment is protected and that any developments are sensitive and appropriate.

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

SE does not consider that there are any alternative planning policies applicable to this section.

**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?**

SE agrees that nationally significant ports and harbours (in addition to those identified as National Developments within the National Planning Framework) should be designated as such, and marine development and activities should not be permitted if they may unduly restrict access to these ports and harbours. It is also agreed that Regional Marine Plans should identify regionally important ports and harbours and set out criteria against which proposed activities and developments should be evaluated.

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

- Transport 1 (page 113) - Given the specific operational requirements in the Firth of Forth at Grangemouth, Rosyth, Leith, and Methil; and likely significant new developments to support additional container vessel capacity and cruise ships in The Forth in the medium/longer term, it is suggested that priority should be given to mainstream commercial operations over leisure activity developments in the area, if there is a conflict of interest.
- Transport 2 (page 113) - the text should be amended to read "*Marine development and activities should not be permitted where they will restrict access to existing or proposed ports and harbours ...*"
- Transport 4 (page 114) – the certainty provided by this policy is supported by SE.

SE is supportive of the overall policy approach taken to 'transport' within 'Transport Policies 1 to 8', but considers that stronger and clearer reasoned justifications could be added.

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

The longer-term trend to larger ships on container routes is noted, as is the possibility that new trade routes that pass Scotland might come into being if the North West passage and Northern Sea routes become ice-free on a regular basis. It is suggested that planning policies for harbour developments that are likely to serve these routes should take physical capacity requirements for larger vessels (including on-shore facilities) into account in future.

**Telecommunication Cables**

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

SE has no comments.

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

SE does not consider that there are any alternative planning policies applicable to this chapter

**Defence**

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

SE has no comment to make on this chapter.

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

SE does not consider that there are any alternative planning policies applicable to this chapter.

**Aggregates**

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

SE has no comments

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

SE does not consider that there are any alternative planning policies applicable to this chapter.

**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.**

SE has no comments.

**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?**

No.

**Q39. If you answered yes to question 38 in what way do you believe that the creation of a Scottish National Marine Plan is discriminatory?**

SE has no comments.

**Sustainability Appraisal**

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

SE has no comments.