

## 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?**

In general, PWP supports the principles behind the Scottish Government's vision from the Marine Environment and welcomes the proposed marine planning regime, which will guide development and use of Scotland's seas in a sustainable manner. General comments as follows:

*Enforcement Decisions*

The content of the NMP should set out a series of plans or principles formulated to influence decisions and guide actions to achieve High Level Marine Objectives and Good Environmental Status in line with the SG's vision. A number of policies present ambiguous statements which provide a limited basis on which to make decisions on planning compliance. In line with the Marine (Scotland) Act 2010, the document should also take

authorisation or enforcement decisions in accordance with the plan. In this respect the document does not always provide clear and defined indicators for policy, and less so for enforcement.

#### *Policy in Favour of Development*

The presumption in favour of development is enshrined in terrestrial planning policy but is a new concept for the marine environment, and is central to the decision making process. PWP welcomes the presumption; however we feel this aspect should be presented more clearly, implications described should be implicit in the overall objectives for the relevant sectors.

#### *Marine Environment Challenges*

Acknowledging the differences between the terrestrial and marine environment and the associated challenges would be beneficial in highlighting the unique aspects of decision making associated with the marine environment. The key difference is lack of ownership of the water column and disparate regulatory systems to an extent limited by control of the Scottish Government.

#### *Conflict Resolution*

Following on from the above point, the plan provides a basis to resolve conflict against a hierarchy of priorities, however where the plans are unclear e.g. fisheries and renewable, we would suggest a clearer mechanism / process for conflict resolution.

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

At a high policy level there appears to be alignment however it is unclear how both systems will interact at regional level. Local authorities do not appear to be completely in agreement with the concept of deemed planning and it is unclear how this can operate effectively without view of the legislation at this point.

### **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?**

There is no sector addressed in terms of Natural Heritage. We assume that this will be covered under the MPA network and management system.

### **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?**

It is unclear what Strategic Sea Areas would deliver in addition to existing Marine Park designations, and outlined plan options / regional locational guidance. Note that PFOW region is subject to: Sectoral Wave Energy Plan, Sectoral Tidal Energy Plan, Sectoral Offshore Wind Energy Plan, 'North Coast' Plan, 'Orkney' Plan and pilot PFOW Plan.

**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?**

Arguably, due to the range of regulatory controls around marine developments, there are some disparities how some sectors may be centrally and strategically governed to adequately maintain the health of the sea (e.g. reserved powers for oil and gas, common fisheries policy etc.). The SG makes a commitment to working with these sectors however the level of management interaction with separately controlled sectors is not entirely clear, nor is there a clear route to ensure greater, more integrated management.

Similarly, the range of regulatory systems generate inconsistent control mechanisms of various marine sectors throughout the plan, with wide ranging implications on the marine environment. The NMP has a statutory role in authorising and enforcing decisions, and it is unclear how this will operate in conjunction with externally controlled sectors.

**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?**

Using Sound Science Responsibly: the commitment to use sound science responsibly is welcome, however data availability in the marine environment is sparse, takes more time and is more costly to collect. Therefore the levels of uncertainty are greater and the application of the precautionary principal as set out in Sustainable Development Policy HLMO 21 may have significant implications for development proposed in the marine environment. Implementation of the policy should be caveated and explained thoroughly before inclusion in the NMP.

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

N/A

### **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?**

PWP welcomes the presumption in favour of sustainable development. As indicated in Q4, at a high policy level there appears to be alignment however it is unclear how both systems will interact at regional level. Further guidance on the interaction of deemed planning under Growth and Infrastructure Act 2013 accompanying the commencement order would be beneficial.

The purpose of the plan is to guide decision making around marine planning and a number of the policies repeat the EIA process (both in general policy and in sector specific chapters). These policies appear to be redundant, in light of other legislative requirements, and one overarching policy would be preferable as a general policy.

It is important that NMP contains a policy to promote consistent and proportionate approach to EIA in line with updated onshore planning guidance – see PAN 1/2013

<http://www.scotland.gov.uk/Publications/2013/08/6471/4>

GEN4 – comments for Scenario Mapping for renewables are provided in Q24.

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

Gen14 – whilst the principal of the policy is acceptable, there should be recognition of the interaction with the safety aspects for marking and lighting for developments at sea. Navigational safety, which encourages visibility and visual contrast with the marine environment, should take precedence over design and acknowledged as such in the policy.

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

Yes

As indicated above, Marine Scotland does not have decision making powers over consenting, and regulation of a number of activities in the marine environment, some of which have a significant impact on environment, economy and communities. It is unclear how the marine plan can seek to influence or guide these activities, and ensure transparency in decision making. An overall policy to work towards fair treatment and consistency of regulatory approach across the sectors would be welcome.

Management of conflict is a key issue. There is little guidance on how to conflict resolution between sectors and how this may be mediated or managed by Marine Scotland, where there is ambiguity in the plan, although there is reference to this under 'Fisheries'.

### **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?**

Natural heritage issues have the potential to impact, and be impacted, by a range of marine developments and activities. However these are not covered in specific detail in the NMP (aside from those covered in Gen12). A section covering key natural heritage trends or issues, with policy statements to address main issues seems to be missing from the plan.

### **Sea Fisheries**

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

Yes:

Fisheries 3: Marine Planning to ensure measures to resolve conflict between fishing and other users of the sea. This is a welcome measure and it would be helpful to outline the vehicle to deliver this (MS, Regional Marine Planning etc?). As indicated in Q10, extension of conflict resolution measures to all sectors should be considered.

Fisheries 5 sets out the requirement of a developer to prepare a "Fisheries' Management Plan". PWP would also suggest that this should be a reciprocal policy based on a presumption that fisheries stakeholders will engage in this process and provide transparent information to accurately inform the management plan (spatial distribution of activity, quotas, seasonality etc.)

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

Given the local, regional, national and potentially international nature of fishing, Marine Scotland has an important role in managing this information and enabling controlled access to information to support i) identification of relevant interests ii) cross checking information provided by fisheries interests. MS should develop policy to continue engagement and data gathering of fisheries activities and indicate the levels of early support for any prospective new development in identifying the relevant interests to ensure that all levels of activity are covered and impacts minimised from an early stage.

Reference to the FLOWW guidelines for marine renewables developments would be useful within this chapter of marine renewables 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?**

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

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

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

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

The initial section outlines “Interactions with Other Sectors”  
These interactions are not presented appropriately. There are known and material impacts arising from other sectors e.g. fishing / angling, terrestrial developments, aquaculture etc. In the latter case, potential impacts have

warranted sufficient concern to establish a presumption against development on the north and east coast. The potential impacts associated with marine renewables, telecoms cables and subsea transmission infrastructure are as yet inconclusive.

### Part 3: Marine Planning Policies

The policies around the sustainable management of salmon appear inadequate. With reference to renewables, “*where evidence of impacts on salmon and other migratory species is inconclusive , mitigation should be adopted where possible*” whilst this concept is acceptable in principle, in practice it is inflexible and unlikely that appropriate mitigation can be developed where there is uncertainty around the initial interaction. Suggest a policy around this topic takes a more pragmatic approach, and adopts a conflict resolution / charring measure based on best science (refer to GEN 10) to support developers and stakeholders reach consensus on the appropriate approach where there is uncertainty (research programmes, monitoring. Etc.)

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

The plan does not map or reference hereditary fishing rights around the coast.

### **Oil & Gas**

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

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

Offshore renewable developers have a clause within their leases from TCE that potential oil and gas finds within lease area will supercede the lease.

### **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?**

One document covering the spatial considerations outlined in the RLG, Sectoral Marine Plans, PFOW regional plan is preferable.

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

#### *Grid Provision*

The timescales and plans for island grid provisions have modified since the publication of the draft plan, and constraints around grid provision, threatening the delivery of offshore renewables sector across Scotland. A stronger policy commitment to ensuring an integrated grid creation and connection strategy, supporting and actively progressing upgrades / reinforcement, and dovetails with terrestrial policy would be welcome.

The purpose of the plan is to guide decision making around marine planning and a number of the policies in this chapter repeat aspects of the EIA process (both in general policy and in sector specific chapters). These policies appear to be redundant, in light of other legislative requirements, and one overarching policy set out in the "General Policy" section would be preferable.

Renewables 3 - There is complexity around the planning framework for offshore renewables, particularly in the PFOW area where there is draft PFOW planning document, Regional Location Guidance, Sectoral Plan etc. and the Plan Option locations should be combined.

Renewables 4 – Should the plan be referencing draft guidance and policies?

Renewables 5 – this policy statement inaccurately reiterates EIA requirements.

Renewables 7 – it is not clear why there is a presumption that cables will be buried or rock dumped, nor why this policy statement does not apply to other sectors utilising cables or pipelines (e.g. oil & gas, telecoms). Whilst acknowledged that this policy reflects best practice, flexibility in this policy should enable developers to identify appropriate installation techniques relevant for physical factors, biological interactions and human activity around subsea cables and manage the risk of alternative approaches independently.



Renewables 8 – this policy statement appears to reiterate existing EIA good practice, however this requirement is not consistent among other sectors requiring EIA (e.g. aquaculture) and appears redundant.

Renewables 9 – this policy statement reiterates existing good practice requirements for consultation for EIA. Note that this policy statement conflicts with TCE Lease requirements for confidentiality.

Renewables 10 – scenario mapping is not appropriate for all offshore developments. This process was initially implemented for Tiree offshore wind farm, a large offshore development with the potential to significantly impact a very small community. Offshore renewable projects range in terms of size, scale and socio economic impact and scenario mapping should be recommended under specific, unique conditions where a substantial impacts are anticipated.

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

- Continued commitment to gather data to support the development of offshore renewables;
- Grid Provision - See comment on grid provision in Q24;
- Acknowledgement of the range of technologies, scale of developments and corresponding level of impact to support a proportionate marine licencing requirement.
- Conflict resolution / mediation - See other Q10 on conflict resolution / mediation roles under other sections.
- Continued review and refinement of the licencing requirements to ensure that they are current and fit for purpose in terms of application.
- Supporting offshore infrastructure should be highlighted in the plan, (which may be separately developed from the renewable energy installation) should also have a presumption in favour for development

**Recreation and Tourism**

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

Positive interactions may be generated by specific development related to marine renewables including infrastructure, information and tourist information.

**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?**

Supporting offshore infrastructure should be highlighted in the plan, (which may be separately developed from the renewable energy installation) should also have a presumption in favour for development

Welcome the inclusion of renewables in Transport 4 and acknowledgement of the role of N-RIP

**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?**

A consistent approach to marine planning should be applied to electricity export cables for strategic grid connections, individual renewables energy projects and telecoms.

### **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?**

Military activities are not devolved to Scotland and it is unclear, where there are potential planning conflicts in the marine environment how the NMP will establish a hierarchy of considerations.

### **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.**

### **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?**

The long term implications of the marine renewables sector in terms of climate change, no take zones or habitat creation may have positive impacts on biodiversity and should be acknowledged in the appraisal.