



Scottish Natural Heritage
Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad



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Email: marineplanning@scotland.gsi.gov.uk
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Dear Sir/Madam

Scotland's draft National Marine Plan

Thank you for your invitation to comment on the draft National Marine Plan (NMP), received on the 25th July 2013. This letter contains a summary of our key comments. Detailed comments are provided within Annex 1 and are structured according to the consultation questions. We have provided separate responses to the Sustainability Appraisal (SA), the draft Planning Circular and the partial Business and Regulatory Impact Assessment (BRIA).

SNH has long been a strong advocate for the introduction of a robust, ambitious and well managed system of marine planning for Scotland's seas. We consider that integrated and forward-looking marine plans are essential to sustainable development, and can help to steer good development to the best locations and contribute to achieving healthier seas. We therefore greatly welcome the production of the draft National Marine Plan (NMP).

We commented on a pre-consultation draft of the NMP in 2011, and have subsequently provided input (especially on landscape and nature conservation) to support its further development. Compared to previous versions, the plan has improved significantly and most of the policies are more clearly drafted to inform planners and assist in licensing decisions. We are very supportive of the plan's strategic objectives (including the agreed UK high level marine objectives and the MSFD good environmental status descriptors) and the commitment to apply an ecosystem approach through marine planning. We suggest below areas of the draft

plan that could be strengthened to enhance its effectiveness in contributing to healthy and sustainable seas.

Plan duration & long-term vision - The draft NMP makes no reference to the timescale over which it seeks to realise its ambitions, although the SA states a plan period of 2014-19. The Marine (Scotland) Act sets a maximum review period of 5 years, but we recommend that the actual scope of the NMP is longer-term and clearly stated (perhaps 20-30 years as for the National Planning Framework). This would be more consistent with the concept of 'sustainability', the premise of many of the strategic objectives and the detail of some sectoral targets.

Policy coherence & interaction - The plan could be more explicit that general policies must be read and adhered to alongside sectoral policies, to avoid the risk that sectoral interests will not fully appreciate the expectations of a fully integrated marine management system.

The plan relies on the general policies to ensure sectoral growth is within the limits of sustainability and is sensitive to the environment, other users and the long-term health of the seas. In doing so it assumes that existing regulatory measures are sufficient to deliver this. The NMP should incorporate a monitoring and review process that (a) identifies and drives any need for changes to regulatory systems and (b) ensures policies collectively provide for the delivery of strategic objectives.

However, not all the sectoral objectives (some of which are very aspirational economic growth targets, e.g. aquaculture, renewables) may be compatible with the strategic objectives or other sectoral policies. Consequently, it would be helpful to set out how the policies are expected to combine to achieve the strategic objectives. We highlight an apparent disparity between the policies servicing the short/medium-term need for continued oil and gas extraction and the medium/long-term aspirations for a green economy and climate change mitigation. The NMP should provide the framework for delivery of this transition in relation to marine activities and the protection of carbon sinks/stores, and thus seek to enact the content of the Climate Change (Scotland) Act 2009.

The NMP does not currently provide direction on how cumulative effects should be addressed through marine planning and licensing. We consider this to be essential for ensuring sustainable use of the marine environment.

Enhancing ecosystem services - Although the plan's general policies are fairly robust in setting out environmental constraints, the plan does not currently provide policies that are effective in servicing the strategic objectives for environmental enhancement. We suggest there would be merit in a new section (perhaps alongside the sectoral chapters) that focuses on proactive policies (spatial where possible) designed to enhance the less visible ecosystem goods and services, in a way that increases environmental resilience and natural capital, thus boosting the socio-economic benefits that are mentioned in the draft plan. There is potential for development of a Natural Capital Asset Index for the marine environment could provide a useful tool for monitoring the performance of this aspect of national and regional marine plans. Examples of the sort of policies that could be developed are: safeguarding important kelp beds (e.g. west of the Western Isles) which have been shown to provide coastal protection and are an important natural carbon sink;

identifying intertidal areas where managed realignment would be feasible (e.g. Inner Forth) to provide coastal flood attenuation and a broad range of other benefits. This suggestion is informed by the Main Issues Report for National Planning Framework-3 (NPF3), which highlights the value of Scotland's natural assets and contains spatial policies for green infrastructure providing a range of social and economic benefits. It would also be consistent with the Scottish Government strategy document "2020 Challenge for Scotland's Biodiversity" which seeks to support healthy ecosystems and increase natural capital providing ecosystem services. To this end, there could also be more identification in sectoral chapters of win:win opportunities where enhancement of natural assets supports long-term economic prosperity/stability.

Achieving 'fairness' but defining strategic priorities - The SG National Objectives (Chapter 3) and policy GEN 8 refer to achieving 'fairness' within marine planning. Clearly some activities / uses will have higher national priority than others (e.g. for green economy targets), so this should imply fair access to the planning process rather than an assumption that every activity will be treated equally in terms of development priorities. We suggest that the NMP contains a clearer long term vision of Scottish Government sectoral priorities and thus a clearer guide for balancing competing sectoral priorities. This should apply to the entire plan area, but Marine Planning Partnerships (MPPs) will require particular clarity on strategic priorities when balancing sectoral aspirations in Scottish Marine Regions (SMRs) and the NMP should provide the steer on this matter. Importantly, priorities may differ in an individual region from those at a national level, but a national strategic overview should be maintained.

Marine planning across jurisdictional boundaries - Some areas of sea are definable by their ecological character or by characteristics of marine activities and industries taking place, but may cross jurisdictional boundaries. We consider three such categories, all of which we suggest require clarity in the NMP or guidance as to how they will be addressed:

- We have previously supported the concept of 'Strategic Sea Areas' (SSAs) where marine planning boundaries are set to cut across marine ecosystem units or areas of more intensive activity. However, we consider this may not be necessary if (a) minor changes are made to the current draft SMR boundaries (i.e. not splitting the Sound of Mull or Firth of Clyde), (b) a robust NMP clearly sets out strategic policies and a requirement for co-ordination for adjacent MPPs with cross-border issues (e.g. The Minch and Pentland Firth), and (c) the timing of adjacent SMRs with cross-border issues can be aligned.
- Stakeholders would benefit from a clearer understanding of how interaction with English and Northern-Irish public authorities will take place. It would be helpful if the preparation of SMR plans for south-east and south west Scotland could be timed to coordinate with those for the north-west and north-east of England.
- As regional planning will be limited to Scottish Territorial Waters (STW), the NMP needs to provide sufficient detail to inform plan-led decisions in the offshore (12-200nm) area, but we are not convinced that the plan currently achieves this. We would welcome greater clarity on interaction of the NMP with non-statutory sectoral plans and whether these are expected to plug gaps in the NMP for plan-led decisions. However, it is not clear whether economic growth targets in sectoral plans are compatible with the NMP strategic objectives.

Planning at the land-sea interface - As part of the integration with terrestrial planning processes, we strongly recommend a requirement for the development of coastal issues reports, to ensure consistency across marine and terrestrial plans. Locations identified as 'Areas of Coordinated Action' within the NPF3 Main Issues report should be priority areas for ensuring effective integration of planning systems.

Guidance requirements - We make a number of recommendations for provision of further guidance to facilitate an effective marine planning system. Annex 1 contains our detailed suggestions, including guidance on:

- Integration with existing planning and marine management processes.
- Interaction with English and Northern Irish planning processes.
- Decision rules and strategic priorities for balancing competing sectoral interests.
- Reconciling plans with MSFD targets, measures and monitoring.
- The development of spatial policies.
- Cumulative effects.

We have responded in some detail on these and further points in the annex to this letter. We hope that the points we raise are constructive and will be helpful in the plan's further development. As stated previously we are very willing to work closely with Marine Scotland to assist in the refinement and finalisation of the final version of the NMP.

Should you wish to discuss them further, please contact Chris Leakey on 01738 458661 or by email at chris.leakey@snh.gov.uk.

Yours faithfully



Ron Macdonald
Director of Policy and Advice

Annex 1 – Detailed responses to Consultation Questions

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

We are very supportive of the vision for an NMP that provides a framework for regional scale marine planning. In particular, the overarching objectives provide a comprehensive foundation through adoption of the High Level Marine Objectives from the UK Marine Policy Statement, the Good Environmental Status (GES) descriptors associated with the Marine Strategy Framework Directive (MSFD) and additional objectives relating to climate change. Our comments and advice aim to improve/clarify procedural matters, and to ensure the benefits and opportunities of marine planning are fully realised.

Although the plan’s general policies are fairly robust in setting out environmental constraints, the plan does not currently provide policies that are effective in servicing the strategic objectives for environmental enhancement. We suggest there would be merit in a new section (perhaps alongside the sectoral chapters) that focuses on proactive policies (spatial where possible) designed to enhance the less visible ecosystem goods and services, in a way that increases environmental resilience and natural capital, thus boosting the socio-economic benefits that are mentioned in the draft plan. There is potential for development of a Natural Capital Asset Index for the marine environment, which could provide a useful tool for monitoring the performance of this aspect of national and regional marine plans. Examples of the sort of policies that could be developed are: safeguarding important kelp beds (e.g. west of the Western Isles) which have been shown to provide coastal protection and are an important natural carbon sink; identifying intertidal areas where managed realignment would be feasible (e.g. Inner Forth) to provide coastal flood attenuation and a broad range of other benefits. This suggestion is informed by the Main Issues Report for NPF3, which highlights the value of Scotland’s natural assets and contains spatial policies for green infrastructure providing a range of social and economic benefits. It would also be consistent with the Scottish Government strategy document “2020 Challenge for Scotland’s Biodiversity” which seeks to support healthy ecosystems and increase natural capital providing ecosystem services. To this end, there could also be more identification in sectoral chapters of win:win opportunities where enhancement of natural assets supports long-term economic prosperity/stability.

It is noteworthy that regional marine planning will only extend to 12 nm. Consequently, plan-led decisions in the offshore area will need to be adequately supported by the NMP and specific sectoral plans. Measures should be considered for limiting the potential for inconsistencies where sectoral interests are subject to different levels of planning and different legislative regimes in adjacent waters. Competition for space does occur in the offshore, although generally between a smaller sub-set of stakeholders and is therefore less complex. However, many over-arching objectives and policies are equally relevant in the offshore (and may have legislative requirements). It is not clear that the draft NMP provides sufficient policy direction for such issues in the offshore area; nor is it clear whether sectoral plans with aspirational growth targets are compatible with NMP strategic objectives.

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

The draft NMP provides some brief text on this matter on page 10, but would benefit from elaboration on the policy hierarchy and interactions with NPF-3, the Scottish Planning Policy, Strategic Development Plans and Local Development Plans and could be usefully supplemented with a fuller summary of key messages from the associated Planning Circular. Consenting for aquaculture is particularly complex in its relationship between marine and terrestrial planning; the NMP (and the Planning Circular) would benefit from greater detail on this topic. However, the capacity for providing detailed guidance on this matter is currently hindered by the lack of clarity on the structure and governance of Marine Planning Partnerships (MPPs) and any legislative requirements for implementation of their respective plans.

We strongly recommend a requirement for the development of coastal issues reports, to ensure consistency across marine and terrestrial plans, particularly where the timing for developing such plans cannot be aligned. Existing Coastal Development Strategies (e.g. Highland Council; Argyll & Bute Council), Local Coastal Partnership management strategies and Shoreline Management Plans may provide a useful resource for these. Locations identified as 'Areas of Coordinated Action' within the draft NPF3 should be priority areas for ensuring effective integration of planning systems.

We provide more detailed comments on the Planning Circular separately. We would welcome further discussion on this topic.

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?

Some of the policies (general and sectoral) and the sectoral objectives would benefit from minor amendments to ensure easier interpretation of key issues and opportunities for planning at a regional level; we offer suggested re-wording in relation to specific policies below. The MPPs would also benefit from further guidance on the following topics:

- The integration with existing planning and marine management processes, both statutory and non-statutory, including the hierarchy of planning processes and the practicalities involved in amalgamating such a diversity of existing processes and planning groups (e.g. Inshore Fishery Group Plans, River Basin Management Plans, Natura site Management Plans, Integrated Coastal Zone Management plans, etc). It is our expectation that the MPPs will not work parallel to existing groups, but rather that existing groups will work under the umbrella, or become an integral part, of the new marine planning system. The marine planning system should thus seek to consolidate and streamline stakeholder input to marine management. Provision of this further guidance would be greatly aided by a clearer vision of the structure and governance of MPPs.
- The interaction of MPPs with English and Northern-Irish public authorities to ensure consistency across the respective plans. It would be helpful if the preparation of Scottish Marine Region (SMR) plans for south-east and south west Scotland could be timed to coordinate with those for the north-west and north-east of England.
- For delivery of their duties according to the strategic objectives of the NMP, MPPs would also benefit from more detailed guidance on decision rules and strategic

priorities when balancing sectoral aspirations in Scottish Marine Regions (SMRs), and the NMP should provide the steer on this matter. We comment further on this topic under Question 5.

- With Marine Strategy Framework Directive (MSFD) Good Ecological Status (GES) descriptors as guiding objectives for marine planning, detailed guidance should also be provided on how MPPs should reconcile their plans with the measures, targets and monitoring relating to MSFD regional seas.
- A clear steer from the NMP would help regional marine plans to develop spatial policies that (a) facilitate co-location of sectoral activities where possible, (b) avoid the potential for conflict between sectors that cannot be co-located, (c) avoid impacts on sensitive natural heritage features, and (d) safeguard and, where possible, enhance Natural Capital assets in support of their contribution to sustainable economic development and ecosystem services.
- Addressing cumulative environmental effects within marine planning and licensing. We provide further comments on this topic in our response to Question 13.

We consider that MPPs should adopt constitutions that define mechanisms for addressing conflicts of interest and competing policies in the planning process, including clearly defined roles for Scottish Ministers. The NMP could usefully commit Scottish Government to the provision of a framework that ensures consistency across regions.

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?

We have previously supported the concept of Strategic Sea Areas (SSAs) where marine planning boundaries are set to cut across marine ecosystem units or areas of more intensive activity. However, we consider they may not be necessary if (a) minor changes are made to the current draft SMR boundaries (i.e. Sound of Mull; Firth of Clyde), (b) a robust NMP clearly sets out strategic policies and a requirement for co-ordination for adjacent MPPs with cross-border issues, and (c) the timing of adjacent SMRs with cross-border issues can be aligned.

If the final SMR boundaries are unchanged from the December 2012 consultation then we would suggest that it would be useful to designate the Pentland Firth, Minches and Firth of Clyde as SSAs. Specific policies should be adopted for SSAs, either within the NMP or within the respective regional marine plans. Both options would necessitate appropriate guidance for MPPs on the integration of plans and key cross-border issues. Ideally, the timing for preparation of plans for adjacent SMRs would be coordinated to ensure consistency. However, where the projected pace of marine developments in such areas precede the development of Regional Marine Plans (RMPs), policies within the NMP must be sufficiently detailed to deliver plan-led

decisions. This may be the case for the Pentland Firth & Orkney Waters (PFOW) area, in which case the NMP should also provide clarity on the role of the PFOW Pilot Marine Spatial Plan and the Renewables Sectoral 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?

See our response to Question 1 regarding recommendations for improving the direction the NMP could provide for environmental enhancement.

We are very supportive of the plan's strategic objectives and the commitment to apply an ecosystem approach through marine planning. An ecosystem approach means integrated planning for conservation and sustainable use which considers how ecosystems function (e.g. their capacity, dynamics, and connectivity), takes account of the range of benefits ecosystems provide to people (ecosystem services), and involves people in decision-making. However, some sectoral objectives and policies have very aspirational economic growth targets (i.e. aquaculture and renewables) that may not be compatible with strategic outcomes and other sectoral policies, i.e. the short-term use of some assets could jeopardise the long-term potential for wealth creation, wellbeing and ecosystem health (i.e. sustainability). The reliance placed on the general policies to ensure that sectoral planning does not cause such conflicts mostly assumes that existing regulatory measures are sufficient. The NMP should incorporate a monitoring and review process that (a) identifies and drives any need for changes to regulatory systems and (b) ensures policies collectively provide for the delivery of strategic objectives.

There is also an apparent disparity between the policies servicing the short/medium-term need for continued oil and gas extraction and the medium/long-term aspirations for a green economy and climate change mitigation. We provide further comment in response to Question 19.

The SG National Objectives (Chapter 3) and policy GEN 8 refer to achieving 'fairness' within marine planning. Clearly some activities / uses will have higher national priority than others (e.g. for green economy targets), so this should imply fair access to the planning process rather than an assumption that every activity will be treated equally in terms of development priorities. The NMP should provide a clear steer on strategic priorities when balancing competing sectoral proposals. Importantly, priorities may differ in an individual region from those at a national level, but a national strategic overview should be maintained. Priorities should be clear for the entire area covered by the National Marine Plan, but for SMRs we would welcome a commitment to provision of detailed guidance on this matter.

Many of the objectives and policies within the draft NMP do serve to further the achievement of sustainable development, but we recommend the following for ease of interpretation:

- It would be useful to distinguish between different policy-types in the NMP. In our response to Question 8 we distinguish between 'Development Policies' and 'Procedural Policies'. However, the sectoral policies are even more varied and reflected better by the list below. The fourth category states future work of the Scottish Government itself (e.g. Renewables 11, Fisheries 8), so may be better placed under their respective 'The Future' headings in each sectoral chapter.

- Policies against which to assess proposals for consent (e.g. “Development and marine activities must [not]... ..”) (‘Development Policies’)
 - To inform the content of Regional Marine Plans (e.g. “Regional Marine Plans should ...”) (‘Procedural Policies’ 1).
 - Guidance for applicants and decision makers (‘Procedural Policies’ 2).
 - Future actions (e.g. “Scottish Government will
- Policies (general & sectoral) are sometimes vague in their wording. Terms such as “should consider...”, “should have regard to...” “...taken into account”, and “opportunities should be taken...” are not robust or readily interpreted, and we recommend use of more definitive language. This would also allow judgements to be made regarding compliance with the plan. For example, ‘Aquaculture 6’ – “SNH guidance on the siting and design of aquaculture in the landscape should be taken into account.” could be amended to “*Aquaculture developments should avoid and/or mitigate adverse impacts upon the seascape, landscape and visual amenity of an area, following SNH guidance on the siting and design of aquaculture.*”. Where relevant, it is also useful to supply reference to defined targets or thresholds within policies. For the purpose of the NMP this does not need to be specific but may, for example, simply identify the link between a policy and the targets and indicators associated with the appropriate MSFD descriptor of Good Environmental Status (GES). For example policy ‘FISHERIES 1’ could refer directly to MSFD Descriptor 3, while ‘AQUACULTURE 9’ could refer to Descriptor 9. Inclusion of such information would improve the potential for ‘SMART’ policies.
 - It is noted that the entire text of chapter 4 (General Policies) is to be considered as planning policy, not just the boxed text. However, it is important that this boxed text provides a complete summary of the whole policy. Some, such as GEN 12, do not currently achieve this and may therefore be misleading (see our answer to Q8 for suggested text for GEN 12). Other policy summaries should be checked.
 - Under Questions 8, 9 and 10, we make some additional recommendations regarding the content and wording of the general policies.
 - The sectoral policies would benefit from a heading for each, that it may be immediately obvious what they refer to.

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?

See response to Consultation Question 1.

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

See comments in covering letter. In addition to those:

- We commend the continued reflection of the ecosystem approach as central to the plan process and the link made to research for improvements to marine planning (page 18-19). Regarding the latter we recommend reference to the Scottish Marine Science Strategy and cross-reference to GEN 10, on which we provide further commend under Question 8.
- The draft NMP makes no reference to the timescale over which it seeks to realise its ambitions, although the SA states a plan period of 2014-19. The Marine (Scotland) Act sets a maximum review period of 5 years, but we recommend that the actual scope of the NMP is longer-term and clearly stated (perhaps 20-30 years as for the NPF). This would be more consistent with the concept of 'sustainability', the premise of many of the strategic objectives and the detail of some sectoral targets.
- Given the assumptions repeatedly stated throughout the Sustainability Appraisal report, it would be useful to present a more detailed definition of 'sustainability', including clarification that this incorporates both economic *and* environmental sustainability and that it includes natural heritage components such as landscape/seascape.
- It would be helpful if the NMP more explicitly identified links to the Scottish Government policy for conservation of biodiversity, particularly the three pillar approach to marine nature conservation (protected areas, protected species and management of activities in the wider sea).

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?

For suggestions for alternative policies see response to Question 10 below. Integration with other planning systems is addressed in our covering letter and in response to Questions 2, 3 and 4 above.

Detailed comments on General Policies within the draft NMP:

As mentioned under Question 5, 'Development Policies' (DP) could usefully be distinguished from 'Procedure Policies' (PP). For each policy we identify (in parentheses) which type we consider it to be (or could be following amendment), followed by any additional comments.

Note comments made in relation to policy types and wording under Question 5. We make the following further comments about particular policies:

- **GENs 1, 2 and 3 (DP)** – There is a lot of repetition across these policies, which could be amalgamated.
- **GEN 4 (PP)** - The meaning of this policy is unclear. Scenario-mapping usually occurs when policy direction is being formulated, when there are different options

that can be considered. At the development application stage the proposal is specific and information should be included to allow communities to judge social, economic and environmental benefits and costs.

- **GEN 5 (DP)** – Consideration could also be given to a similar general policy that avoids one activity unreasonably jeopardising other uses/interests. The sections on ‘Interactions with other users’ in sectoral chapters provide background information on this, but are not supported by a policy.
- **GEN 6 (PP)** – this is ‘procedural’ in so much as it aims to integrate marine and terrestrial planning. However, it identifies the importance of access to the shore and sea in project decision-making, which would benefit from having its own ‘DP’ policy.
- **GENs 7, 8 and 9 (PP)** – These are all procedural policies. Regarding GEN 9, we recommend reference to (or adoption of) regulations (as for terrestrial planning) defining when pre-application community consultation should take place and when a proposal should be advertised. GEN 7 includes mention of non-statutory plans, but only refers to inshore waters. There should also be appropriate integration with non-statutory plans and management processes in the offshore area (e.g. Regional Advisory Councils; oil & gas sectoral plans). GEN 8 – see our earlier comments regarding achieving ‘fairness’.
- **GEN 10 (PP)** - this is procedural, although a separate ‘DP’ type policy could be made with regard to the precautionary principle. However, evidence base requirements in relation to consenting decisions affecting designated sites and protected species should be noted, especially Natura. The degree of precaution not only depends on the level of risk but also the presence and status of any legal designation/protection.

Adaptive management in light of new evidence is an important part of this policy and should be represented in the boxed policy summary. However, to facilitate an adaptive approach, it would be helpful to have a clear legal provision to allow revision of individual policies and associated statutory guidance between the formal revisions of whole plans.

The role of research and monitoring in improving the evidence base for decision making should be better emphasised, including reference to the Scottish Marine Science Strategy.

There is an opportunity here to promote some of the key evidence databases, such as National Marine Plan interactive (NMPI) and Marine Scotland interactive (MSi). The latter includes spatial data on species, habitat and geodiversity features, relevant inclusion of which should be fundamental to the planning system.

- **GEN 11 (DP)** – the term “take account of” is very weak and not a reflection of the legislative basis of GES targets under the MSFD. We recommend stronger wording. There is a disparity in the spatial scale of MSFD regional seas compared to SMRs. With MSFD GES descriptors as guiding objectives for marine planning, detailed guidance should be provided on how MPPs should reconcile their plans with the measures, targets and monitoring relating to MSFD regional seas.

- **GEN 12** (DP if amended as below) – The wording of the boxed policy summary is unambitious (compared, for example, to GEN 13) and not a complete reflection of the stated objectives of the draft NMP or the policy as a whole. It also confuses some of the terminology between statutory and non-statutory measures. We suggest the following rewording of the boxed text within the policy: *“Development and use of the marine environment must (a) comply with legal requirements for protected areas and protected species, (b) not result in significant impact upon species, habitats or geodiversity features of recognised conservation value (such as PMFs), and (c) seek to safeguard and, where possible, enhance biodiversity and ecosystem services.”*

The unboxed text under GEN12 is somewhat muddled and could be improved by addressing each of the ‘three pillars’ one at a time. In relation to protected sites and species, in the absence of fuller reflection of the protection/designation hierarchy (as in the draft Scottish Planning Policy 2013) it would at least be useful for a footnote to provide a link to a list of relevant legislation and priority lists for conservation (perhaps a website that could be kept up to date with any legislative amendments). We commend the text relating to the recovery and/or enhancement of degraded habitats and species populations.

In reference to Natura sites, the text should be amended to ensure it is consistent with the legal interpretation, such as: *“...activities which are likely to have a significant effect on the qualifying interests for which a site is designated will be prevented or mitigated such that there will be no adverse effects on site integrity...”*. The process for designation of marine SPAs should also be noted. Land-based Natura sites may also be directly relevant where there is a clear connection to the marine environment (e.g. seabird breeding colonies link to marine foraging sites). For planning of coastal activities and access to the shore, and for the purpose of relevant integration with onshore planning (e.g. for coastal access), other coastal designated areas are also relevant, including non-statutory sites. It would also be useful to mention that the consideration of impacts upon Natura sites should recognise the potential for some impact-types to extend large distances, so may be relevant even if their origin is distant from a designated site.

Reference to seal conservation areas should not be limited to mention of designated seal haul outs, but also address the licensing mechanism and the application of Potential Biological Removal (PBR) calculations. With regard to designated seal haul-outs, it is our understanding that review of the consultation responses is on-going. We would welcome a conclusion on the final list of designated haul-outs and clarity on the detail of protection which they are afforded.

In addition to seal management units, JNCC are leading on work to adopt a broader suite of Management Units for marine mammals that also address key cetacean species. This work is close to completion and should be factored into marine planning processes.

The title of this sub-section includes ‘geodiversity’, but there is no text on this topic. There should be acknowledgement of the supporting role geodiversity plays in ecosystem functioning. Only a proportion of the known nationally important geodiversity features are protected under the MPA process (see SNH

Commissioned Report 432¹), the expectation being that the remainder be addressed through marine planning. Although many of the geodiversity features are robust, marine planning and decision making authorities should ensure that developments and use of the marine environment avoids damage to marine geodiversity features (see SNH Commissioned Report 432 & 590). Reference should also be made to the due consideration relevant for areas with Geopark status during planning and licensing.

GEN 12 should include some text stating the importance of ecosystem services and natural capital in delivering environmental, economic, social and climate change objectives of the NMP. Specific examples could be given, highlighting the range of issues from broad concepts (e.g. carbon sequestration; nutrient cycling) to specific habitat functions (e.g. seagrass beds as fish nursery habitats).

We suggest that Marine Non-Native Species (MNNS) management and marine litter would merit separate general policies. We provide further comments under Question 10 below.

- **GEN 13** (DP if amended) – presently worded as a PP, we suggest re-wording as: “Development in, and use of the marine environment, should aim to conserve and where appropriate enhance heritage assets in a manner proportionate to their significance”.
- **GEN 14** (DP if amended) – See response to Question 9 for comments on landscape/seascape.
- **GEN 15** (DP if amended) – as above, we suggest re-wording into a DP: i.e. “Development in, and use of the marine environment, should not result in the deterioration of air quality and should not breach statutory air quality limits”.
- **GEN 16** (DP if amended) – as above, we suggest re-wording: i.e. “Development in, and use of the marine environment, should avoid significant adverse effects of man-made noise and vibration sources, especially on species sensitive to such effects”.

However, the term ‘sensitive species’ needs defining and the link currently provided is not appropriate. In relation to underwater noise there is currently a significant knowledge gap in understanding the sensitivity of different species. Cetaceans and some fish species are generally assumed to be the most sensitive due to their physiology, but the relative sensitivity of other mammals, fish and shellfish is largely unknown. Until scientific understanding can be improved, policy wording should express these uncertainties and adopt a suitably precautionous and risk-based approach, notwithstanding the associated limitations this incurs regarding legislative requirements of the Habitats Directive, for example.

This policy should commit marine sectors to making appropriate contributions to the delivery of a noise register, as relating to GES Descriptor 11 under the MSFD, and generally to improving the collective scientific understanding.

¹ <http://www.snh.gov.uk/publications-data-and-research/>

The policy wording names specific mitigation measures that may be used. As the development of potential mitigation measures is still in its infancy and other more practical measures may be developed, it would be prudent to remove reference to specific methods and make a more general statement regarding the use of mitigation.

There is an error in the statement “...for certain species deliberate disturbance is prohibited”. This is a reference to European Protected Species (EPS) legislation, but should state “*deliberate or reckless...*”. However, even this is an incomplete summary of the full legislation and does not highlight the subtle differences in its transposition to law for inshore waters² versus offshore waters³. Similar rules apply to basking sharks, but the relevant legislative detail is within the Wildlife & Countryside Act 1981, as amended by the Wildlife and Natural Environment (Scotland) Act 2011.

- **GEN 17** (DP) – The wording of the coastal process policy summary is good, although a clearer link could be made in the policy to the protective role (and conversely the inherent exposure) Scotland’s geodiversity contributes to our marine and coastal areas. The final paragraph (p36) should be more ambitious, going beyond habitat re-creation schemes by taking the opportunity to reappraise the strengths and vulnerability of our coast to erosion and flooding and set priorities to manage these in an integrated manner that supports a sustainable coastal zone.
- **GEN 18** (DP) – Although appropriate, it is curious that the policy on water quality and resource makes such explicit reference to the WFD and MSFD when so many other policies that have directly relevant MSFD descriptors do not. We would welcome more consistent cross-reference to the MSFD in other policies, particularly given their adoption as strategic objectives for the plan.

We note that there is no ‘enhance’ aspect to this policy, which will be relevant to regions with sea areas not meeting water quality targets.

This policy should make reference to requirements relating to discharge from wastewater pipelines, thus also linking to relevant terrestrial planning.

This policy would be relevant for specific reference to associated ecosystem services and natural capital.

- **GEN 19** (DP) – We welcome the principles of this policy, including the acceptance of natural coastal change. It is important, however, that this policy makes the link to the Scottish Government’s Adaptation Programme. The Climate Change (Scotland) Act 2009 requires its development and identifies the duties for its delivery. The NMP therefore needs to reflect the objectives and policies of the Adaptation Programme, and vice versa, providing the framework for delivery of low-carbon marine activities and the protection/enhancement of ecosystem services relevant to climate change adaptation and mitigation.

² The Conservation (Natural Habitats, &c.) Regulations 1994

³ The Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007

The policy text, and the boxed summary, would benefit from reference to the importance of ecosystem services, such as natural coastal protection and carbon sinks/storage in the marine environment, referring to both their protection *and* enhancement.

Although they accumulate on a geological timescale, oil and gas reserves should also be noted as the most substantial carbon sink/store. This policy should therefore link with those relating to renewables, CCS and the oil and gas sector, which should collectively seek to achieve a low carbon economy that can deliver the Scottish contribution to reduced global atmospheric carbon.

The phrase "...should not result in complete loss of or damage to natural carbon sinks" could be misinterpreted as suggesting that partial loss or damage is acceptable. It is not possible to predetermine a 'one size fits all' threshold, but it should be clarified that the issue can be addressed at two subsequent tiers: (1) regional marine planning should identify significant carbon sinks and seek to avoid co-location with potentially damaging activities, then (2) acceptability of any proposed partial loss or damage to natural carbon sinks (including any necessary compensatory measures) should be addressed through the licensing or management of marine activities, but balance priorities presented in the NMP and respective RMP.

There is no mention of ocean acidification as a likely marine impact associated with climate change. The policy should highlight the potential for consequences not only on the natural heritage but also upon marine industries that may be affected (e.g. fisheries).

Reference to the Marine Climate Change Impacts Partnership (MCCIP) should be made; a commitment to future review of climate change policies in light of the work of the MCCIP would be welcomed. Note that the next Annual Report Card may be published prior to completion of the NMP, and should be utilised accordingly.

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

In August 2012, alongside some comments on a pre-consultation draft, SNH provided alternative text for the landscape / seascape policy. While some of this has been incorporated into the revised Plan, some of the key points have not. The main omissions are (a) providing greater clarity regarding the European Landscape Convention's 'all-landscapes' (i.e. not just designated landscapes) approach and (b) seeking to maintain / enhance landscape character (not just 'take into account').

Consequently perhaps, some of the policy wording is weak and will be difficult to apply meaningfully. We suggest the boxed policy summary could be altered, e.g. "Development and use of the marine environment shall seek to maintain, and where possible enhance, coastal landscape and seascape character and visual amenity", although the more detailed policy text should also reflect the tenor and content of this summary.

Although secondary to NSAs and National Parks for landscape importance, the role of Geoparks and World Heritage Sites in promoting sustainable use and landscape

preservation would also be relevant to mention. A map of these sites would be useful in support of this policy, but should not detract from the broader 'all-landscapes' approach.

Landscape Character Assessments (LCAs)⁴ should be referred to as a resource along with NSA citations and information, available from the SNH website. LCAs are about to be reviewed and additional coastal character information shall also be available in due course.

The importance of development *design* could be better emphasised, given its role in either enhancing or impinging upon the distinctiveness of coastal areas and attracting visitors to Scotland. Evidently, this and other issues relating to seascape/visual impacts are an important component of an integrated approach with terrestrial planning.

This policy would be relevant for specific reference to associated natural capital, linking strongly to general societal policies/objectives and to the Recreation and Tourism sectoral chapter.

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

The cross-sectoral environmental issues below would merit separate general policies. Some are mentioned under GEN 12 but would benefit from elaboration under separate policies. SNH would be happy to discuss the development of these policies further.

- Marine Litter – a policy on this topic should be strongly linked to the Scottish Marine Litter Strategy, recently consulted upon.
- Marine Non-Native Species (MNNS) – we advise that a policy on MNNS be linked to requirements under the Wildlife and Natural Environment Act 2011, recommending that each MPP develops a Regional Biosecurity Plan. The existing text states that “Opportunities to help reduce, and where possible prevent, the introduction of invasive non-native species should be taken when decisions are being made...”. A less ambiguous and more specific policy should actively create opportunities to prevent the spread of disease and the introduction of non-native species. For example, in the aquaculture industry there could be capacity building to allow for more joined-up working between fish health inspectorate staff and SEPA staff to check for non-native species during site visits and share information. There may also be opportunity for improved regulation, such as control over the movement of spat and stock between sites. At present this is largely unregulated and presents additional risk of the spread of non-natives. Finally, further to the IMO Convention for Ballast Water Management, the policy could also detail other good-practice codes for management of MNNS⁵.

⁴ <http://www.snh.gov.uk/protecting-scotlands-nature/looking-after-landscapes/lca/>

⁵ e.g. <http://www.scotland.gov.uk/Resource/0039/00393567.pdf> and <http://www.ipieca.org/publication/alien-invasive-species-and-oil-and-gas-industry>).

- Cumulative environmental impacts – this is a fundamental but challenging issue for some licensable activities, and an often unaddressed issue for un-licensed activities. It is also a topic that will become an increasingly important component of a marine planning system for sea areas that are becoming more heavily utilised. We would encourage the NMP to set a policy and develop guidance for addressing cumulative impact issues in marine planning and in subsequent licensing processes. The UK Marine Policy Statement provides some steer in this regard, promoting close working across marine plan boundaries, the determination of limits or targets for plan areas and the role of marine planning in determining whether (a) “the cumulative impact of activities, either by themselves over time or in conjunction with others, outweigh the benefits”, (b) “a series of low impact activities would have a significant cumulative impact which outweighs the benefit”, and (c) “an activity may preclude the use of the same area/resource for another potentially beneficial activity”.

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?

It should be made clearer to readers, at opportune points in this chapter and elsewhere in the document (e.g. as a header in each sectoral chapter) that sectoral policies are not to be taken in isolation from the general policies. In the absence of this clarity there is a risk that sectoral interests will not fully appreciate the expectations of an integrated planning system. For example, the reading of most sectoral policies in isolation could lead to poor recognition of potential development constraints due to protected areas. We would welcome a similar approach to that taken in the Shetland Marine Plan, which explicitly states that all other policies must be adhered to prior to those pertaining to ‘productivity’ (i.e. sectoral economic development). Such an approach is supported by the existing statement in the Sustainability Appraisal Report that “These (general) policies implement the strategic objectives and describe the parameters within which development and activities may take place”.

The section on ‘Interactions with other users’ for each sector could usefully include consideration of the interaction with the terrestrial environment and how this should be reflected in terrestrial planning, and vice versa.

It should be made clearer that the sections on ‘Living within environmental limits’ are not aiming to provide a comprehensive list of potential impact types. Here, and in each sectoral chapter, reference to materials (such as the Marine Atlas) which provide a fuller list would be useful.

There are some marine activities which are not well addressed in the policies at present and may benefit from separate chapters or alternative content in existing chapters:

- Chapter 12 (Transport) could be renamed '**Transport (Shipping, Ports, Harbours & Ferries)**' to better reflect its content, but should also include detail about mooring and anchoring.
- Dredging and disposal activities are not well represented currently, but could be built in to Chapter 16 and renamed '**Aggregates, Dredging & Disposal**'.
- Some aspects of the '**Transmission Grid**' are captured within Chapter 11 on renewables, but other aspects of the grid (e.g. interconnectors) are not and would benefit from a separate chapter and policies. The NMP should guide a strategically planned grid and provide clarity on interaction with wider processes, such as the recent identification of Projects of Common Interest (PCI) in relation to delivery of the EU Energy Infrastructure guidelines. Grid development would also benefit from effective integration of marine and terrestrial planning, as there are a limited number of places on the coast where large-scale grid connections can come ashore. Limitations are due to the physical geography of the coast, landscape impacts of the infrastructure, proximity to settlements, and natural heritage sensitivities both onshore and offshore.
- A separate chapter on '**Coastal Infrastructure**' would capture currently under-represented activities at the land-sea interface, such as sea defences, bridges, causeways and other engineering works in the coastal zone. Such a chapter could also elaborate on links with Local Development Plans, Strategic Development Plans, Scottish Planning Policy, National Planning Framework and the National Renewables Infrastructure Plan (NRIP). Coverage of ports and harbours could be incorporated or could remain within Chapter 12, but appropriate cross-reference should be made. With regard to projects within the NRIP, there is some concern about the adequacy of assessments of environmental impacts at a strategic level; there is an opportunity to address these concerns through the regional marine planning process, associated SEAs and the integration with onshore planning.
- Consideration of 'Seaweed Harvesting' could usefully be addressed within the NMP. Reference should be made to the government's Seaweed Policy Statement, but should address both the collection of living seaweed and beach-cast seaweed. At present both are on a small-scale, but commercial interest seems to be increasing and the potential for larger viable industries should be kept under review. The ecosystem services provided by kelp beds, including wave attenuation and natural coastal defence should be safeguarded through marine planning. This sector may not fit well within any of the existing chapters of the NMP, yet perhaps does not yet merit its own sectoral chapter. We suggest it could be identified amongst a longer list of minor activities that should be dealt with as appropriate through regional marine planning, with the potential for separate chapters in future iterations of the plan. These could be listed in Chapter 5 and may also include bait digging and winkle-picking/foraging.

Sea Fisheries

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

The description of the Scottish fleet is valid but relates only to the vessel-based fisheries and does not capture the full breadth of Scottish fishing activity. For example, fishing in intertidal areas (usually for shellfish such as cockle or winkles) can be locally important and is an important topic for an integrated approach between marine and terrestrial planning authorities. Diving as a fishing method is also relevant and can also be locally important.

It would be preferable if greater reference was made to the wider context of the inshore fishery framework currently being implemented/ developed (and the considerable legacy of work developed through the previous Scottish Fisheries Council and its sub-groups). In particular, the development and role of the Inshore Fishery Groups (IFGs) and those areas with some analogous arrangement, such as the Regulating Order for the Shetland Shellfish Management Organisation (SSMO), is given insufficient attention. It should be noted, however, that some regions do not yet have a functioning IFG or equivalent fisheries management group.

We believe it is particularly important for the NMP to contain a clear articulation of the relationships and roles of the NMP and existing groups/processes in relation to inshore fisheries management (i.e. within 6 miles), distinguishing the national level (i.e. regarding input from Inshore Fishery Management and Conservation (IFMAC) group) from the regional level (i.e. input from Marine Planning Partnerships and the IFGs) and clarifying how the respective tiers of marine planning will address matters arising from fisheries management boundary considerations (i.e. 6nm limits and issues pertaining to access rights for UK and international vessels). It may be that the complexities of boundaries and international stakeholders, limits the capacity for marine planning to engage fully with fisheries beyond 6 and/or 12nm. However, these limitations and the expectations for the future of fisheries management within inshore waters should be made clear.

The overview of the landings and effort by the UK and Scottish fleets is helpful but, by itself, does not represent the entire value/biomass that is extracted by fisheries from the Scottish sea area. Other nations' vessels fish within the 6-12nm and beyond 12nm and, for the purposes of the NMP, their activity should also be included here.

Map 5 should be renamed as it is unlikely to provide data for 'all lengths' of vessel, as such data generally does not yet exist for those <15m in length. Map 6 is also likely to be limited in its representation of industry components.

The section on 'Interactions with marine conservation initiatives' aims to address the impacts of those initiatives, positive and negative, on the fishing sector. We note that:

- While this section takes in the protected areas aspect, there is no mention of protected species nor of the role the management (and operational practices) of fisheries can make to the conservation of biodiversity. For example, we believe there is considerable scope for making greater use of spatial management measures in many Scottish fisheries, bringing benefits for the fisheries and marine biodiversity.
- There should be greater emphasis on the fact that the relationship between fishing and the MPA network can be positive as well as negative. As is noted in this section, individual designated areas can have a direct benefit for fisheries where

they protect habitats of some value to commercial species' life cycle (such as nursery or spawning grounds). However, it should be clear that the MPA network as a whole is part of Scottish Government strategy to meet the high-level objectives of the NMP – i.e. to contribute to the health and productivity of our seas. Therefore, fisheries are ultimately a beneficiary of a successful MPA network, even when individual sites are not specifically established with improving fisheries as an objective.

The implications of displacement due to cross-sector interactions are discussed on p47-48. This is a perennial fisheries issue, with multiple factors influencing the intensity and location of fishing effort. We agree, however, that the importance of displacement issues is becoming increasingly acknowledged, for all the reasons cited. Displacement is extremely difficult to model/predict and this underlines the value of monitoring and collecting better data about fishing activity (including the wider application of electronic vessel monitoring systems across the whole of the vessel fleet). As noted, displacement of fishing activity can be a cause for concern in relation to biodiversity if areas previously unaffected become fished.

We have the following comments on the section 'Living within environmental limits':

- The statement "Fishing using mobile gear also adversely affects the sea bed..." should be limited to mobile gear in contact with the seabed (i.e. not pelagic trawls).
- "Spatial management measures in place" could also note that there are areas where fisheries in inshore waters have been restricted for biodiversity reasons (including, for example, the statutory instruments in force for Loch Creran and Firth of Lorn SACs (NB the former is not shown on Map 7). Similarly, there are several Nature Conservation Orders in place to restrict cockle fishing on relevant SPAs, including the Firth of Forth and the inner Moray Firth. Undesignated benthic habitats of conservation value have also been protected through voluntary and legislative measures on fishing access, such as those applied through the SSMO in Shetland.

We agree with the text in relation to climate change issues (p53). However, it is worth adding that many of those measures would also make a contribution to the conservation of biodiversity – e.g. lighter gears also tend to have a lesser impact on benthic habitats; and/or management/operational measures that reduce the bottom-contact time of gears on the seabed.

Note comments made in relation to policy types and wording under Question 5. We make the following further comments about particular policies:

FISHERIES 1 – There can be differing definitions of 'sustainability' with regard to fisheries. It would be useful to provide some qualification, such as reference to sustainability as determined through relevant MSFD descriptors.

FISHERIES 3 – It is not just the parameters of the CFP that are relevant here, but also those relating to relevant MSFD GES descriptors. Also, this policy should not only relate to protection of vulnerable stocks, but should be part of rational management of all stocks, with the NMP contributing to the protection of areas or habitats that are of

some functional value to commercial fish and shellfish. Explicit mention of measures regarding by-catch and discards would also be useful here.

FISHERIES 4 – In relation to the first bullet point, this aspect should be considered relative to other activities and natural assets.

FISHERIES 5 – The mention of fishery management plans in Fisheries Policy 5 underlines the importance of clarifying the role and relationships between the NMP, MPPs and the IFGs. Regarding the third bullet point, it would be useful to acknowledge the need to balance activities where there is competition, taking guidance from the marine planning process to determine priority activities at a national or regional level, as appropriate.

FISHERIES 7 – It is not clear why this policy singles out recreational angling in relation to the work of IFGs. More broadly, however, the role of IFGs in relation to marine planning is unclear. Our on-going support for the IFG process partly relates to the fact that the IFG plans should be a key tool in the relationship between the IFG and the MPP. This is effectively a dynamic process where the IFG plan should: a) reflect the general context of the NMP, the MPP's regional plan and other relevant policies; and, b) be the main vehicle through which the IFG feeds the fishery perspective into the MPP's work. (i.e. the IFG plan should reflect the objectives/constraints of MPP and wider marine policies, but is also the method of illustrating the importance of fishing in given areas). If this relationship is not more explicitly highlighted, it is not clear how duplication of the IFGs' work by MPPs is to be avoided.

In relation to Part 4 'The Future' we note that the only mention of marine ecosystems is in the context of impacts. It would be preferable if the emphasis was placed on the conservation of species and habitats in the maintenance of 'high quality' marine ecosystems. This, in turn, is directly related to maintaining healthy fish stocks and thus supporting fishing opportunities. We strongly support the specific mention given to an increasingly ecosystem-approach for inshore management, although note this is an existing commitment under CFP and other policies/strategies.

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

The fisheries policies are relatively weak in their consideration of managing the environmental impacts of fisheries, particularly those not falling under the regulation of the CFP, and opportunities for fisheries management measures that optimise benefits from natural assets and associated ecosystem services.

In particular, there should be policies that provide Marine Planning Partnerships with stronger direction on matters relating to (a) designated sites, particularly Natura sites and new MPAs, (b) protected species, (c) wider biodiversity interests and an ecosystem-approach, including habitats with functional value for fisheries productivity (e.g. maerl, burrowed mud, etc), and (d) the use of spatial measures in fisheries management. In relation to these matters, emphasis should be placed on the pursuit of win:wins for fisheries and biodiversity/ecosystem function, particularly in the long-term.

The NMP highlights the potential value of having better information about the spatial distribution and intensity of fishing operations. This is of relevance to informing the management of fisheries, to the management of marine protected areas and to understand better the interactions between fishing and other marine activities. Accordingly, we would support a general principle of electronic vessel monitoring for all vessels in the fishing fleet.

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?

The NMP chapter does not provide any real explanation of the connection between terrestrial and marine planning for aquaculture. The detail of this should be provided in the draft planning circular but a summary of its content and a reference to the Planning Circular should be provided in Chapter 7 of the NMP. Cross-referencing to relevant content of the draft SPP and NPF3 should also be made, considering aquaculture is part of terrestrial planning. However, under the Marine (Scotland) Act, local authorities are able to hand over their regulatory control of aquaculture to Marine Scotland, so there should be clarity on how this would be managed to ensure consistency for industry.

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

As mentioned under Question 5, the aquaculture sectoral objectives and policies have very ambitious economic growth targets that may not be compatible with strategic outcomes and other policies. We recommend that these targets and the regulatory system required to achieve them sustainably be kept under review. However, the origin and ownership of these targets is not clear.

The fourth objective on page 58 should not be identified as servicing wider environmental objectives. The absence of any objective that makes direct links to avoiding and reducing environmental impacts associated with aquaculture should be remedied, particularly in view of the industry growth targets.

The absence of a section on 'Interaction with other users' in Chapter 7 is presumably an error and should be addressed.

We consider the list of bullet points within 'Living within environmental limits' to be incomplete. This could be easily remedied with the following amendments:

- The first bullet point, e.g.: *“appropriate siting and design of fin-fish and shellfish farms, including in relation to protected areas, protected species, wider biodiversity interests and landscape character / visual impacts”*.
- The third bullet point should include reference to appropriate management practices for (a) predators and (b) marine non-native species.

The remaining text of 'Living within environmental limits' should, however, expand on the following issues:

- For greater clarity and wording relevant to existing guidance, we suggest the fourth paragraph is amended to: "Landscape / seascape and visual impacts should be reduced to maintain landscape / coastal character and visual amenity. Good practice guidance on siting and design of fish farms should be followed."
- The potential for facilitating the establishment and expansion of non-native species, particular where those species are the one under aquaculture production. Currently there is a clear risk that Pacific oyster will begin to spawn at farms in Scotland, facilitated by climate change. Given the promotion within the NMP to farm other species in the future it would be appropriate for this to be addressed in more detail. Reference should be made to the requirements of the Wildlife and Natural Environment Act 2011 and the EU Council Regulation (EC) No [708/2007](#) concerning use of alien and locally absent species in aquaculture (not yet transposed into a Scottish regulation). However, there remains uncertainty whether these legislative measures address the risk of farmed non-natives releasing gametes and/or larvae into the wild.
- In reference to seal licences, it should be clarified that they will *only be granted where other methods of non-lethal seal control have failed or been ruled out due to other environmental constraints*, thus addressing the fact that acoustic deterrent devices are not always appropriate.
- It should also be clear how onshore facilities will be dealt with in the terrestrial planning system and the relevant links to marine planning made.
- The Aquaculture and Fisheries Act does not itself set the standards for aquaculture equipment, but refers to the need for standards to be developed.

Note comments made in relation to policy types and wording under Question 5. We consider that the policies in this section are greatly improved from previous versions of the NMP and now much more clearly targeted towards planners, but would make the following further comments about particular policies:

AQUACULTURE 1 – This policy should make it clear that 'appropriate locations' are required for environmental as well as operational reasons, but it would be clearer to phrase the policy in terms of avoiding the permitting of aquaculture developments in inappropriate locations. A brief elaboration on factors determining appropriate locations, including protected areas & species, wider biodiversity interests and landscape/seascape and visual impacts, would be useful. We would also support reference to cumulative impacts and environmental carrying capacity.

AQUACULTURE 2 – we note that there is considerable reliance on the future Marine Scotland spatial planning guidance for aquaculture. Prior to the availability of this guidance we are not able to comment on its likely efficacy in supporting an environmentally sustainable approach to future aquaculture developments.

AQUACULTURE 3 – We understand the premise of this policy in aiming to limit the potential for impacts upon the majority of Scotland's wild salmon from impacts associated with fin-fish aquaculture, particularly those wild salmon that are designated

as qualifying interests of SACs. However, it would be more pertinent for policy to drive the mitigation of these potential impacts, thereby acknowledging the conservation value of all wild salmon and other migratory fish species (as per their inclusion on the PMF list). It should also be noted that the genetic diversity of salmon from west-coast rivers is particularly great, this emphasising their national-level importance. As an alternative, we would welcome a more risk-based approach to such a policy and reference to the need for adaptive management.

AQUACULTURE 3, 6 and 7 – these policies should have ‘Marine ecosystem’ symbols. Policy 6 should also have a ‘Social’ symbol.

AQUACULTURE 5 – Note that designation of new shellfish growing waters should consider other constraints outside of water quality, such as sensitive landscapes and habitats. The wording of the policy should also avoid confusion by stating “...*further sustainable expansion should be located in shellfish designated areas*”.

AQUACULTURE 8 – While we support a risk-based approach, at present local authorities have limited guidance for determining the significance to attribute to risks.

Part of a risk-based approach should be acknowledging knowledge-gaps, such as the marine migration pathways of diadromous species, and applying precaution to decision-making accordingly. This point is captured within GEN 12, but it would be useful to highlight key knowledge gaps within sectoral chapters.

We suggest that matters regarding wild fish and seals are dealt with in separate policies. Alongside seals there should also be consideration of cetaceans and their associated legislative protection. Guidance on the harassment of seals at designated haul-outs is mentioned. We would welcome a commitment to confirmation of the location of designated haul-outs, the detail of their protection and the associated guidance prior to completion of the NMP.

AQUACULTURE 9 – This policy relates to contamination of the human food supply, so the symbol marking ‘marine ecosystem’ relevance should not be shown.

AQUACULTURE 11 – This policy refers to managing climate-related impacts on the physical integrity of aquaculture equipment. Improved structural integrity of equipment should prevent escapes and contaminant spills, so the ‘Marine ecosystem’ symbol could be applied.

AQUACULTURE 12 – This policy should be caveated, as not all biological controls should necessarily be encouraged in all situations, due to the potential for other associated impacts. Ensuring the sustainability of the use of biological controls is important. For example, stocking the aquaculture industry with wild caught wrasse could have severe consequences for wild wrasse populations, so sustainable breeding programmes are preferable.

AQUACULTURE 13 – We suggest clarification by referring to ‘policies’ and ‘objectives’ rather than ‘criteria’. However, issues raised above regarding the farming of non-native species are particularly pertinent when considering diversification of aquaculture, so would merit particular mention here.

We have the following comments on ‘Part 4: The Future’:

- There are recognised environmental impacts associated with the aquaculture industry for which research and innovation into solutions are on-going (e.g. feed sustainability, triploidy, lice management). It would be premature to adopt formal positions on most such measures, so we suggest this section of the NMP states support for future initiatives to research and develop new systems which improve the long-term sustainability of the aquaculture industry. It would also be useful to indicate the role of the Scottish Aquaculture Research Forum (SARF) on these and other matters.
- Discussion of seaweed farming should reference and be strongly linked to the content of the Scottish Seaweed Policy Statement, currently being consulted upon.
- The Aquaculture Stewardship Council (ASC) has defined standards aimed at ensuring the industry is sustainable in the long-term. The broad premise of the ASC is good, but uptake of the scheme is currently low and the operational feasibility of some measures is currently unclear. At present we suggest that the NMP adopts a watching brief on the progress of the ASC, with a view to its promotion in the future if appropriate.

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

Within the draft Scottish Seaweed Policy Statement and its SEA environmental report it is stated that the policy will sit alongside the NMP and will inform future RMP and LDPs. However, there does not appear to be any specific reference to this policy within the NMP. The apparently imminent expansion of the seaweed farming industry suggests it would be prudent to include a specific policy to ensure plan-led decision-making that links all respective planning and policy positions.

Wild Salmon and Migratory Fish

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

The identification of 'Wild Salmon and Migratory Fish' as a sector is anomalous. Given the content of the chapter, we suggest minor changes are made and the chapter titled 'Salmonid Fisheries', with the expectation that the conservation status of other important migratory fish is addressed under the GEN 12 nature conservation general policy. Although salmon are understandably the focus, if minded to retain the current title, Chapter 8 should give more attention to the conservation value of salmon and other diadromous fish species in Scotland's marine environment. Indeed, part 1 currently only refers to salmon and sea trout, and only in socio-economic terms. The following diadromous fish species are those of notable conservation value in Scotland (associated protection and conservation priority listings included):

- Atlantic salmon - PMF, Annex II and V of Habitats Directive, UKBAP priority, OSPAR.
- Sea trout - PMF, UKBAP priority.
- European eel - PMF, OSPAR, IUCN red list
- Sea lamprey - PMF, Annex II of Habitats Directive, UKBAP priority.

- River lamprey - PMF, Annex II and V of Habitats Directive, UKBAP priority.
- Shad (Twaite and Allis) - Annex II and V of Habitats Directive, Appendix III of Bern Convention, UKBAP priority
- Sparling - PMF, UKBAP priority, IUCN red list.

Although GEN 12 is designed to address matters relating to designated areas at a broad level, the direct marine planning relevance of this 'sector' to designated sites for diadromous fish species merits specific coverage here, particularly as part of the 'Living within environmental limits' section. In addition to numerous SACs for diadromous species, it should be noted that the freshwater pearl mussel is a feature of several sites and is dependent on salmonids for part of its lifecycle.

We query the origin of the figure given (£87mn) for the value of salmon and trout angling in Scotland. We are aware of a figure of £73mn from Radford *et al.* (2004)⁶.

With regard to the text on climate change, there is a growing body of anecdotal evidence of change in population dynamics (e.g. late-running migrations), which are relevant for the management of exploitation and the need for adaptive management for Natura sites with salmon and/or pearl mussels as qualifying interests. The freshwater laboratory of Marine Scotland Science is well placed to advise further on this matter.

The policy needs a reference, e.g. Wild Salmon 1. The wording of the policy should clarify that it refers to fisheries for diadromous species as well as developments from other sectors. Currently it is not clear whether the policy gives any consideration to impacts of the fishery itself on the target species.

It should be noted that evidence given by Scottish Ministers in relation to the Aquaculture and Fisheries Act has led to a commitment to review the framework for management of all freshwater fisheries including, we believe, coastal net fisheries. The outcome of this review and any subsequent regulatory change will be relevant to marine planning for salmonid fisheries.

This section would be opportune for specific reference to the concept of 'natural capital'.

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

No specific comment.

Oil & Gas

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

As mentioned in our covering letter, we question the compatibility of oil and gas policies with strategic general objectives and policies relating to climate change. We agree with the opening sentence of Chapter 9, which states "... a low carbon economy

⁶ Radford A, Riddington G, Anderson J. 2004. The economic impact of game and coarse angling in Scotland. Scottish Executive.

which involves the move away from fossil fuel based energy consumption”, but are concerned that neither the rest of the text, nor policies, provide the direction for delivery of this aspiration. Indeed, terms such as ‘maximise the recovery of oil and gas reserves’ (O&G objective 1), ‘maximise and prolong oil and gas exploration’ (Policy ‘Oil & Gas 1’), and ‘exploitation of hydrocarbons in Scottish waters will be substantially complete by 2050’ (Part 4, p77) may reasonably be perceived as a contradiction of the previous statement. We therefore recommend a sectoral objective (and supporting text and policies) specific to climate change policies should be added, clarifying the future vision for the sector, preferably distinguishing the short/medium-term from the long-term vision. The NMP should provide the framework for delivery of this transition in relation to marine activities and the protection of carbon sinks/stores, and thus seek to enact the Climate Change (Scotland) Act 2009. However, planning should not circumvent the inclusion of Scottish fossil fuels exported for combustion elsewhere, because even if they do not feature on the Scottish greenhouse gas inventory they remain fundamental to our contribution to climate change.

We make the following suggestions for the ‘Part 2: Key issues for marine planning’ section:

- In relation to chemical pollution, the statement that “there is no evidence of significant effects on the food chain” requires clarity. Is this referring to hydrocarbons, other related chemicals or both? Regardless, we do not believe this statement can be substantiated. The first policy ‘Oil & Gas 1’ also contradicts this by stating that chemical pollution is a “key environmental risk”.
- Other activities associated with the oil and gas sector, which are relevant to marine planning, should also be mentioned, e.g.: ship-to-ship transfers; pipelines. For the latter, integration with terrestrial planning should be highlighted for landing points and onshore infrastructure.

Note comments made in relation to policy types and wording under Question 5. We make the following further comments about particular policies:

OIL & GAS 3 - This should read “..*marine and coastal infrastructure*...”.

OIL & GAS 5 - To avoid confusion, the word “offshore” should be removed from this policy, that it may apply to territorial waters (<12nm also). This policy refers to managing climate-related impacts on the physical integrity of oil and gas infrastructure. It does not, however, service the mitigation of or ecological adaptation to climate change. Improved structural integrity of equipment should reduce the potential for chemical/hydrocarbon spills, however, so the ‘Marine ecosystem’ symbol could be applied.

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

No specific comment.

Carbon Capture & Storage (CCS)

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

The CCS sector is at a very early stage, with very limited understanding of associated environmental impacts. The infancy of the sector is reflected in the limited detail and policy content of this chapter, although we expect future iterations of the NMP will be able to add more detail accordingly. However, we consider that the CCS sector has the potential to play a crucial role in reducing Scotland's carbon dioxide emissions while it remains necessary for fossil fuels to provide our baseload energy needs, and therefore welcome its inclusion in the NMP. We are familiar with the work of the CCS Programme Monitoring Board and the CCS Regulators Forum, and regard these as a good model for early consideration of key issues (legal, practical and environmental) that has involved a wide range of stakeholders across the marine and terrestrial environments.

We would note that the re-use of suitable existing redundant oil and gas pipelines is good in principle, but that it must be balanced against the need for additional infrastructure to connect CCS plants to existing pipelines. This is of greater relevance for the Grangemouth (Summit Power) site given the distance from the proposed site to the existing pipeline.

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

No specific comment.

Offshore Renewable Energy

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

We presume the intended question is "Should the NMP incorporate spatial information from Sectoral Marine Plans?". Our advice is that, yes, such spatial data should be included in the NMP. Indeed, the presentation of spatial data could be improved in most sectoral chapters, which would facilitate some demarcation of geographic variation in sectoral prioritisation.

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

As the sector with the most ambitious growth targets, we consider plan-led decisions to be of particular relevance for achieving a sustainable and minimum-impact offshore renewable energy industry. However, due to large gaps in the collective understanding of environmental impacts associated with renewable energy developments, the likely need for regular detailed review and update of this chapter is particularly pertinent. It is unfortunate that the Sectoral Plans associated with the wider consultation package devolve resolution of most key environmental issues to project-specific EIAs. This is contrary to an effective plan-led system, but on-going advances in the understanding of impacts should facilitate an increasing contribution of strategic planning to the development of the offshore renewables sector.

We recommend that the first objective clarify that 'suitable locations' refers to environmental as well as operational constraints. Also, the final sectoral objective (p85) should be amended to read "*Facilitate the development of appropriate*

demonstration facilities and projects for offshore wind, wave and tidal renewable energy devices, taking environmental and other relevant factors into account".

The policy 'Renewables 1' makes an appropriate link to the 'Plan Options' and therefore the Sectoral Plans currently being consulted upon. However, the introductory text of this chapter could usefully define the interactions and hierarchies between the NMP, the Sectoral Plans and the PFOW Marine Spatial Plan pilot. We would also welcome commitment within the marine planning system for greater consistency between The Crown Estate (TCE) leasing rounds and sectoral planning and, in the future, co-ordination between TCE leasing and regional marine plans. The role of areas identified to support the Saltire Prize should be clarified, if not now redundant. There should also be greater co-ordination between commercial and demonstrator leasing rounds, limiting the geographical footprint of the industry.

The assessment and management of cumulative impacts is a particularly challenging topic for the licensing of offshore renewables developments; this has not been well addressed in the draft NMP, but we suggest could be dealt with under a General Policy in Chapter 4 and supported by guidance. We comment further in response to Question 10.

It should be made clearer that the section 'Living within environmental limits' is not aiming to provide a comprehensive list of potential impact types, as the absence of key issues is notable (e.g. habitat loss/change, physical barriers, sedimentation). For this section in each sectoral chapter, reference to materials (such as the Marine Atlas) which provide a fuller list would be useful.

The subtitle 'Visual impact' should be extended to "*Landscape / seascape and visual impact*". The phrase "the opinion of the viewer" contradicts established professional practice and other relevant planning policy documents and should be deleted. The standard guidance on landscape and visual impacts⁷ defines visual effects as "effects on specific views and on the general visual amenity experienced by people" (p158). Thus, it is explicitly relates not to an individual's personal preferences or opinions.

On page 91 of the draft NMP, the list of planned development sites for offshore renewable energy should include the European Offshore Wind Deployment Centre (EOWDC) in Aberdeen Bay and the Fife Energy Park Offshore Demonstrator Wind Turbine (FEPODWT) at Methil. The statement following this list is not accurate, however, as not all of the named sites have reached the licensing stage.

To avoid confusion, we suggest removing the word 'offshore' from this chapter title, that it may be clear it also includes renewable energy developments in the inshore area.

Note comments made in relation to policy types and wording under Question 5. We make the following further comments about particular policies:

RENEWABLES 1 – In addition to its existing content, we recommend this policy does not preclude expansion from existing sites as a (perhaps favoured) alternative to new sites. Also, we suggest that the regional planning process may wish to review the option areas identified within the sectoral plans against other sectoral interests and

⁷ Landscape Institute and Institute of Environmental Management and Assessment (2013) *Guidelines for Landscape and Visual Impact Assessment. 3rd edition*. London, Routledge

updated information on environmental sensitivities to identify where there may be issues of compatibility and/or competition.

RENEWABLES 3 – The caveat applied to REN 1 that the stated presumption does not imply that licenses or consents will be granted, should be used here also.

RENEWABLES 4 – This policy could include the ‘Marine ecosystem’ symbol.

RENEWABLES 5 – The wording here should be expanded to address “*species, habitats, physical processes and landscape / seascape & visual impacts...*”.

RENEWABLES 7 – We suggest re-wording such as “*Cables should not be exposed to risk of physical damage. Sufficient burial or protection should avoid potential interaction with other marine users or exposure by environmental conditions, as well as minimising potential environmental impacts such as EMF.*”

RENEWABLES 11 – We suggest supplementing this policy with “*...while ensuring other environmental commitments are not compromised*”.

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

We recommend that there is a policy promoting the role of monitoring & research to help drive low-risk commercialisation of the offshore wind, wave and tidal sectors. It should be clear that there is an expectation upon both government and developers to contribute to such a programme of monitoring and research.

Recreation and Tourism

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

We welcome the recognition given to recreation and tourism interests within a number of the General Policies (e.g. GEN 3, 6 and 14), which provides a positive framework for the sector chapter.

We note the objective to improve data on marine and coastal recreational activities and express interest in working with Marine Scotland and other partners (e.g. sportscotland) to make best use of survey experience and available data.

Chapter 12 recognises that a broad range of recreational activity takes place in marine and coastal areas, particularly in the form of sport and formal recreation. Unfortunately, however, the chapter underplays the importance of the coast, shore and sea as a destination for the enjoyment of more informal recreation (e.g. enjoyment of nature, walking). The popularity of these are likely to be significantly higher than many of the activities listed in the table on page 97. Statistics from the recently published Scottish Recreation Survey⁸ illustrate this point well, with an estimated 2012 spend on coastal visits of £351 million.

⁸ Wilson V and Stewart D (2013) Scottish Recreation Survey Annual Report 2012. SNH Commissioned Report No. 604

Although it is true that recreational 'activity is widely distributed', the chapter does not recognise that some recreational activities are entirely dependent on the presence and quality of specific natural resources (e.g. surfing, diving, kitesports). The resources are often not widely distributed and/or can be very limited in their accessibility. Their presence and quality can potentially be affected by marine development – it is important that the NMP recognises and protects these finite resources (i.e. 'natural capital') of significant recreational value.

Access rights provided by the Land Reform (Scotland) Act 2003 should be highlighted. Similarly, there should be recognition of common law rights of access to the sea, sea bed and the foreshore for the purposes of recreation, navigation, fishing, gathering shellfish and certain ancillary activities, notwithstanding specific exceptions.

The wording of the coastal walking section (page 100) is incomplete and potentially misleading. The focus on 'coastal paths endorsed by local authorities' and reference to 'no coastal path network around the entire coast' are probably driven by provisions in the Marine & Coastal Access Act 2009. Importantly, and in contrast to England & Wales, Scotland's outdoor access legislation provides access to most of Scotland's coast for a range of purposes. Accessibility to and along the coast is aided by a network of local paths, many of which are in core paths plans prepared by local authorities. A number of 'Scotland's Great Trails' provide opportunities for longer distance journeys along the coast. Furthermore, there should be reference to the proposal within draft NPF3 for a National Network of Long Distance Paths and Trail to have national development status, which would include significant lengths of path at the coast.

Generally, the impacts described in the 'Living within environmental limits' section are overstated in comparison to other sector chapters. Elaboration on the relative importance of the identified impacts is required to achieve greater consistency and balance with the other sector chapters. Water quality and litter should be referred to within this section.

In reference to disturbance/noise, seals should be highlighted as a sensitive species, particularly during breeding / moulting and with regard to particular protection at designated haul-outs.

Within the climate change section there should be reference to the vulnerability of the coastal paths and coastal infrastructure from erosion, particularly on the east coast (the point only refers to flooding at present). With the likelihood of more intense rainfall events and rapid run-off from the land, there may be an increase in the occurrence of water quality issues that could affect recreational activities such as swimming and surfing.

Note comments made in relation to policy types and wording under Question 5. We make the following further comments about particular policies:

REC & TOURISM 1 - Adapt first bullet to be clear that it applies to access along the shore as well as access to the shore and the water. We also suggest this bullet point refers to the extent to which proposals may interfere with the specific physical

resource that underpins a recreational activity. The second bullet should clarify that this should apply to *“the qualities important to recreational users in both the marine and coastal environments”*, and could usefully include a requirement for good siting and design.

REC & TOURISM 2 – the term “looked upon favourably” is ambiguous and should be strengthened.

REC & TOURISM 4 – this policy is unnecessary as it is covered by GEN19, and compared to other activities, the risk posed by marine recreation and tourism to these habitats is likely to be fairly low.

REC & TOURISM 7 – A link to the Scottish Marine Wildlife Watching Code (SMWWC) developed under the provisions of the Nature Conservation (Scotland) Act 2004 could be provided here (www.marinecode.org).

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

Scottish Planning Policy (2013 Consultation draft, paragraph 131) states that local development plans should safeguard access rights and enhanced opportunities for access linked to wider networks). A complementary policy should be provided by the NMP.

The health benefits of recreation are noted, but the chapter and its policies are less ambitious than should follow from the General Policy 3. We suggest health and wellbeing benefits are explicitly recognised through a sectoral objective in Chapter 12.

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?

The identification of nationally significant ports/harbours has taken place through other processes, so the NMP need only refer to those. However, there is a need for more consistency between these other plans/processes (i.e. NRIP, NPF3), so as to provide a clear steer for marine planning.

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

We suggest titling this chapter as given in the header to these consultation questions: ‘Transport (Shipping, Ports, Harbours & Ferries)’. This would better reflect its content.

The objectives on page 105 of the draft NMP should identify the need for activities and developments associated with transport and shipping, including port and harbour construction, to do so with the minimum of environmental impact.

The ‘Living within environmental limits’ text on page 112 of the draft NMP should include marine litter and link accordingly to the Scottish Marine Litter Strategy currently being consulted upon, and/or link with the relevant policy in Chapter 4 (see

suggestion under Question 10). Further to the IMO Convention for Ballast Water Management, the sub-section on 'biological pressures' should detail other good-practice codes for management of marine non-native species (MNNS), as should policy 'Transport 8' (e.g. www.scotland.gov.uk/Resource/0039/00393567.pdf).

It would be useful for this chapter to make clear links with the Strategic Transport Projects Review (STPR) and the plan for Scottish Ferry Services. The former set the framework for the development of transport infrastructure and policy approaches for the period 2012 to 2022.

The policy 'Transport 4' simply says that the maintenance, repair and development of port and harbours should be supported. Given the scale and likely locations of such works, a caveat would be useful here in relation to environmental impacts at the project and cumulative level.

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

We would welcome a policy promoting the importance of effective linking of ferry services with both public transport routes and active travel routes (e.g. National Cycle and Walking Network) to help encourage sustainable travel. This could be supported by an objective at the start of the chapter on delivering modal shift by making interchanges between sea-based and land-based transport as easy as possible for travellers (including but not just tourists). This should include locating transport terminals close to each other and provision of adequate luggage and cycle storage at interchanges. This requires policy integration between terrestrial planning, marine planning and transport strategies.

A policy addressing mooring and anchoring would be welcomed. This should include a need to manage associated environmental issues, such as seabed habitat damage from mooring chains.

Telecommunication Cables

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

The consideration of climate change factors in relation to Telecom Cables is welcome (Policy 'Cables 4'). It is worth noting that an awareness and incorporation of issues pertaining to geodiversity features when routing cables can greatly assist the resilience of this key infrastructure, through making best use of natural sheltering and protection.

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

No specific comments

Defence

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

Although hinted at, it would be useful to have more specific reference to codes of conduct applied by the Ministry of Defence (MoD) to manage potential environmental impacts. It should also be noted that, as a competent authority, the MoD are subject to duties under, for example, the Habitat Regulations; however, the NMP could usefully highlight exemptions to these duties, such as for imperative reasons of over-riding public interest.

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

No specific comments.

Aggregates

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

Dredging and disposal activities are not well represented in the NMP and, although cross-sectoral to some degree, could be incorporated within chapter 16. The title would need to reflect this change (e.g. Aggregates, Dredging and Disposal).

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

No specific comment.

Business and Regulatory

Q37. Please tell us about any potential economic or regulatory impacts, either positive or negative, that you think any or all of the proposals in this consultation may have.

We have provided a separate response to the partial BRIA.

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 23 in what way do you believe that the creation of a Scottish National Marine Plan is discriminatory?

N/A

Sustainability Appraisal

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

We provide a separate response to the Sustainability Appraisal.