

CONSULTATION QUESTIONS

Please identify the main area of interest you identify with:

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

Other (Please state)

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

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

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?

own powers.

More consideration needs to be given as to how far a Regional Marine Plan (RMP) can elaborate the material in the NMP. Will the RMPs simply consist of regional elaborations of policies that are already in the NMP? There would be merit in considering a common structure of the NMP and the RMPs. That way an outline RMP could potentially be pre-populated with text from the NMP. Mechanisms need to be found to ensure consistency and coherence across the RMPs and the NMP. This would make it easier to implement the direction that “Regional Marine Plans are required to be compatible with the plans for any adjoining marine region” (GEN6 page 26).

The pilot Pentland Firth and Orkney Waters Marine Spatial Plan will provide useful experience.

Q4. The Marine Regional Boundaries Consultation proposed that in addition to regional marine planning, further integrated management of key marine areas would be achieved by designating the Pentland Firth; the Minches and the mouth of the Clyde as Strategic Sea Areas.

Should the NMP set out specific marine planning policies for Strategic Sea Areas?

It may not be necessary for there to be specific marine planning policies for Strategic Sea Areas (SSA) provided it is mandatory either for the component Marine Regions to consult each other on any matter that has an impact on the issues that led to the SSA being declared or for there to be an alternative mechanism that meets the same objective. For example, the MCA should have a key role in relation to safe navigation.

Should SSAs be adopted there may be benefit in strategic direction from the NMP being given to ensure national targets are met and a consistent approach is adopted across the three areas.

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?

Even if the policies are implemented effectively, and this will depend on the expenditure of significant resources, sustainable development is at risk from external factors, for example, climate change, and spread of Invasive Non-Native Species. The success of some policies depends on effective action being taken in the terrestrial realm.

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?

The cross-cutting approach of strategic and sectoral objectives should be an effective one. However, there needs to be a mechanism to ensure that sectoral plans are compatible with each other and with the overall plan.

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

No

General Planning Policies

Q8. Are the general policies in Chapter 4 appropriate to ensure an approach of sustainable development and use of the marine area? Are there alternative policies that you think should be included? Are the policies on integration with other planning systems appropriate? A draft circular on the integration with terrestrial planning has also been published - would further guidance be useful?

The policies are broadly appropriate, however some of the terms must be defined as they are open to interpretation:

GEN 2 and 4 makes reference to '**community**' with the text following GEN 4 making reference to local community. Two issues arise from this; the first is clarity on what will be considered to be a community and the second is a lack of continuity between the principle and the explanation. The addition of the word 'local' or 'coastal' (GEN 14) to the explanation appears to narrow the audience for which an impact will be considered.

In the marine environment defining a 'local' group may prove to be challenging and in terms of GEN 14 only considering the 'coastal' community may prove to be too narrow. An alternative may be to consider a 'community of interest' – something already encouraged in submissions to the terrestrial Scottish Planning Policy and NPF3 – that would then allow communities to be better defined and the impact upon them more accurately assessed.

In this regard recreational and sporting bodies would afford an effective way of exploring impact on these 'communities of interest'.

'**sustainable**' can have numerous meanings. Examples could be given of impacts of activities that would lead them not to be consented because they would not be considered sustainable. These might include adverse impact on Natura 2000 sites (GEN 11 and 12), risk to safe navigation or failure to meet Aquaculture and Marine Stewardship Council accreditation.

The text accompanying GEN 19 should make explicit reference to the risks posed by increased storminess.

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

Note comment in Q8 regarding definition of community and option to use term 'community of interest' which may not be defined by geography – this is particularly relevant to the marine environment.

The approach is good but the link between landscape and seascape needs to be strengthened perhaps by identifying areas of sea that are the equivalent of a National Scenic Area.

The impact of potential marine developments on the view from core wild land needs to be considered because, for example, in conditions of good visibility the view from a Munro (a mountain more than 3000' high) is more than 65 miles (100 km). Moreover, one of the attractive features of the seas around the north-west of Scotland for many cruising sailors is their perceived lack of development.

Further guidance would be useful to ensure a standardised approach to the implementation of GEN 14. A common process or system for evaluation of the seascape would ensure continuity of decision making across the RMPs.

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

No

Guide to Sector Chapters

Q11. Do you have any comments on Chapter 5?

Are there other sectors which you think should be covered by the National Marine Plan?

No comment

Sea Fisheries

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

No comment

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

No comment

Aquaculture

Q14. Does Chapter 7 appropriately set out the relationship between terrestrial and marine planning for Aquaculture? Are there any planning changes which might be included to optimise the future sustainable development of aquaculture?

Reference should be made to the sections on aquaculture in the Scottish Planning Policy.

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

RYA Scotland has considerable experience of aquaculture developments and recognises that marine recreation and tourism are perfectly compatible with well planned developments that meet the guidelines in the Scottish Planning Policy. Indeed there are cases where there is mutual benefit.

Aquaculture 10 notes the importance of engagement with **local communities** to prevent conflict. Further to the point raised in Q8 and 9 regarding definition, RYA Scotland knows of aquaculture cases where the term 'local' has been drawn inappropriately narrowly. The traditional users of a site may not be considered local from a terrestrial perspective but be close from a marine view, particularly in areas such as the west coast of Scotland which is characterised by sea lochs and islands. People who consider themselves local may even live in another Local Authority.

Accordingly, and in keeping with our response to Q8 and Q9, we would like clarity on the definition of the term community, the avoidance of linked terms that narrow the definition (coastal or local community etc.) and active consideration of 'communities of interest' which can traverse geography.

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

No comment

Wild Salmon and Migratory Fish

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

No comment

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

No comment

Oil & Gas

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

The licenced blocks between Ireland and Scotland and off the coast of Caithness are in coastal waters well used by recreational and other vessels.

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

It is surprising that there is not a planning policy associated with action to minimise the effect of any pollution caused by an accident on a platform or damage to a vessel transporting oil. One of the consequences of an oil spill would be that affected cruising areas would become much less attractive with a consequent effect on local economies.

Carbon Capture & Storage (CCS)

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

Leaks of carbon dioxide gas, e.g. from a defective pipeline, can lead to a loss of buoyancy and a risk of loss of a vessel.

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

No comment

Offshore Renewable Energy

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

There needs to be consistency between the NMP and Sectoral Marine Plans.
To allow plan updating on different cycles it may be better to make cross references rather than duplicate information.

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

Living within environmental limits: It is also important to note the risk of collision with vessels. The collision risk becomes significantly enhanced when devices are inadequately charted, marked and lit. If devices are properly charted, marked and lit then they need not present any greater collision risk than do navigation buoys, racing marks, naturally-occurring features such as rocky outcrops or islands and the myriad of other hazards (including other vessels) encountered at sea.

It is unclear why only schemes exceeding 100 MW in output for wind energy and 30 MW for wave and tidal are considered commercial and thus outwith the Sectoral Marine Plan. There is an important role for test facilities where individual devices are tested, as at EMEC and a number of other locations. However we feel that other schemes should be considered commercial and considered within the Sectoral Plan. For example, the less than 30MW tidal scheme proposed for Montrose (subsequently refused consent) was clearly commercial as it was intended as a factory power source.

RYA Scotland will be commenting separately on the Sectoral Marine Plan and making reference to our position statements regarding offshore renewable energy.

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

No.

Recreation and Tourism

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

Supporting economically productive activities: Strategic planning across a large scale is welcome. However, the statement ought to be elaborated to explicitly include cross-border co-ordination, for example with Northern Ireland.

Interactions with other users: *Shipping – some waterborne activities may interact with shipping with a potential risk of collision.*

This statement is too simplistic in our view and should be expanded to cover issues of cumulative effect and squeeze in relation to multiple sea users. The potential risk of collision can be significantly reduced provided thought is given to the wider issues associated with multiple users e.g. ensuring sufficient space is provided to allow recreational vessels to avoid commercial shipping lanes.

Living within environmental limits: *Habitat damage and loss: Installation of pontoons, moorings, anchoring and chain rotation can damage sensitive habitats and disturb upper layers of seabed sediment. Mooring infrastructure can be colonised by benthic species increasing biodiversity but offers a*

habitat for invasive non-native marine species. There is also a potential for similar damage/loss to heritage assets.

Installation of pontoons and moorings requires a marine licence and often permission from the Crown Estate. Loch Creran is a good example where extremely vulnerable habitats can co-exist with recreational boating through good planning. During the development of the MPA project a pilot study on SACs and then a full study of the proposed MPAs was carried out with SNH to establish whether there were any anchorages that posed risk to Marine Features identified in the MPA project. Only one was found that might conceivably fall into this category. Thus the impact of anchoring by recreational craft is unlikely to be greater than anchoring by vessels engaged in other activities included in this plan.

Invasive Non-Native Species will equally colonise other underwater infrastructure related to ports and harbours, aquaculture, marine renewables etc. However, chapter 12 appears to be the only chapter to mention INNS although chapter 15 mentions non-native species. **This, to our mind, singles out recreational boating disproportionately.**

There is also a potential beneficial impact of recreational boating on heritage assets as many harbours are listed structures and their continued use helps protect them.

Invasive non-native species: Recreational boats can be vectors for introducing non-native invasive species, which may be difficult to eradicate.

Although the statement is true, it is unduly restrictive in that all vessels, including ferries, fishing boats, aquaculture well boats, renewables support vessels etc. can equally be vectors. It is disproportionate to allow the inference that recreational boats are the only vectors.

There should also be some regard to differences in the speed of movement. Whilst recreational boating may be part of the creep of a species along the coast of Scotland, recreational boating is highly unlikely to be the vector for the leap of species between countries. Ballast water carried by tankers etc. is much more probable in this case.

The recreational sector has taken action to minimise the risk of spreading INNS including a joint education initiative with between the RYA and British Marine Federation (The Green Blue), education to clubs and training centres, changes to the training courses, work with marinas and the 'check, clean, dry' campaign. We will continue to play our part and are currently, for example, working with other stakeholders on the Firth of Clyde Biosecurity Plan.

Successful pathway management of invasive species depends on identifying the real risks so that action can be appropriately targeted and prioritised.

In this regard we would be keen to see the IMO Ballast Water Convention ratified to ensure recreational boating is protected from new species.

REC & Tourism 1: RYAS are supportive of this policy as it appears to be a principally directed at other sectors, with the aim of ensuring that recreational and tourism facilities are protected/promoted.

REC & Tourism 7: As explored earlier in our response on this section, RYAS has worked hard to encourage boaters to adopt best practice in relation to INNS and through our environmental initiative, The Green Blue, this extends to marine wildlife watching. Whilst we agree that codes of practice *should* be with complied with, care must be taken with language in documents such as the SMP to limit unintended and possibly disproportionate consequences for enforcement.

We would therefore suggest altering the wording of this policy to 'Adherence to codes of practice on invasive non-native species and marine wildlife watching should be strongly encouraged and supported through consistent awareness raising as necessary'.

The future

RYAS is encouraged by the contents of part 4 of chapter 12, in particular that Sailing Tourism Development Strategies will be developed and that research will be undertaken on marine recreational participation and facilities. RYAS looks forward to contributing significantly to this work going forward.

We should also draw your attention to the submission we made as part of NPF 3 regarding linking long distance routes and with marine 'stepping stones':

Tourism Scotland 2020 identifies Nature, Heritage and Activities as a core asset block to be developed and exploited. Much of the activity in this block relies upon access to and use of Scotland's natural assets including our coast.

The Long Distance Routes project proposal does go some way to capitalising on the natural capital of Scotland and, noting the role of the canals, we are supportive of this development being considered as a national development.

We would however advocate a bolder vision entirely by linking the terrestrial long distance routes with a network of marine 'stepping stones'; something which, to our mind, would mark Scotland out as a world leader in terms of integrated touring experiences. We have shared this modified vision in our feedback to SNH and Scottish Canals and have secured endorsement from VisitScotland.

The 'stepping stone' (i.e. regular provision of step ashore facilities within a day (25 mile) sail of each other) approach to provision of marine infrastructure around Scotland's coast would afford for enhanced recreational and sporting use and also provide a network to support the growing (Scottish Enterprise, 2010) marine tourism economy.

Many of these 'stones' already exist with some of the more notable gaps having been filled by the INTEREG IV Sail West project. It is clearly important to maintain these existing facilities to provide a platform for future development. Gaps still remain and there continues to be a notable mismatch between demand and provision of suitable facilities (Scottish Enterprise, 2010) furthermore integration with other assets, including long distance routes, is limited.

An enhanced network would encourage existing cruisers to extend their journey, make the journeys more accessible for the less intrepid and support the movement of visitor spend to economically fragile communities. The network will also support 'place making' in communities which are transitioning from traditional industries (i.e. fishing) to alternative economic underpinnings. This approach will also improve access to waterborne recreation which in turn will help the Scottish government to deliver its strategy for physical activity, Let's make Scotland More Active.

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

No comment.

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?

No comment.

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

Although shipping and ferries have potential to conflict spatially with recreational pursuits, we do not feel that this is a significant issue in practice. At sea the International Rules for the Prevention of Collisions at Sea govern the rights and responsibilities of all vessels. Port and harbour developments are often beneficial to recreational sailors.

TRANSPORT 1, RYA Scotland welcomes the commitment to protect navigational safety. We have contributed to many Navigational Risk Assessments for marine renewable schemes. Some schemes, particularly tidal ones with surface piercing elements, pose a particular danger to small vessels.

TRANSPORT 4, RYA Scotland welcomes this as maintenance and repair of ports and harbours is critical for preserving and developing recreational capacity.

TRANSPORT 8, RYA Scotland notes the commitment to the IMO best practice and ballast water management. This should support policies to minimise movement of INNS.

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

Yes – either as extension to Transport 4 or separately:

That where possible new port and harbour developments be approached with multiple use in mind. i.e. multi-use of docking facilities for cruise ship passengers and small boat traffic, inclusion of visitor pontoons in design, consideration given to dredging envelopes.

Telecommunication Cables

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

No comment

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

No comment

Defence

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

No comment.

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

No comment.

Aggregates

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

No comment.

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

No 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.

No comment.

Equality

Q38. Do you believe that the creation of a Scottish National Marine Plan discriminates disproportionately between persons defined by age, disability, sexual orientation, gender, race and religion and belief?

Yes No

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

No comment.

Sustainability Appraisal

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

We have no general comments however, we were surprised to see that section 3.2.4 does not include marinas and chartering operations within the core marine sector. Indeed it was surprising that there was so little mention of sport and recreation in the main body of the report.