

CONSULTATION QUESTIONS

Please identify the main area of interest you identify with :

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

Other (Please state)

Comments

We are in agreement with the comments submitted by the SSPO on the behalf of the Aquaculture Industry. We wish to add some comments and reinforce some of the points made by the SSPO.

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?

No. We are in agreement with the comments submitted by the SSPO on the behalf of the Aquaculture Industry.

Aquaculture is unique from other marine users because it will be covered by two different planning regimes. At present we feel that the wording in the

NMP does not clearly identify this fact, nor does it clearly explain how decisions relating to aquaculture are to be made with the existence of both Local Plans and Marine Plans dictating the development of aquaculture.

The existence of two (three when we have RMP's) plans for fish farm development raises three principal concerns:

(i) There is a potential for conflicting policy between the LDP and the appropriate marine plans as LDPs are already in existence;

(ii) there is the risk of an uneven playing field between fish farming and other marine development if the different standards are applied in the marine plan and in the LDP; and

(iii) how are decision makers going to judge the weight to be given to policies in either plan especially if they are not consistent.

The fact that there are at least five different terrestrial planning authorities dealing with aquaculture in the marine area adds to the potential for inconsistency in policy and interpretation of it for decision making purposes. This will also be exacerbated when the Regional Marine Planning Partnerships are formed and they produce their own plans.

There must be a clear system in place; a confusing and inefficient regulatory framework does not support sustainable development.

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?

Further guidance will be required to deal with the issues highlighted above in the response to Q2.

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?

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?

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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?

[]

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

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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?

GEN 7 raises the profile of non-statutory plans and we do not necessarily agree with this.

We request that the NMP clearly advises decision makers that they should only have regard to plans that have gone through proper statutory processes, such as consultation.

This also raises an issue of multiplicity; developers will potentially have to refer to many documents. Once again we request that the NMP aims to create an efficient and clear regulatory framework in order to support sustainable development. If the NMP were to be regularly reviewed, could non-statutory plans be considered and then incorporated into statutory plans?

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

As raised in Q1, Aquaculture is unique from other marine users because it will be covered by two different planning regimes. We currently encounter the use of terrestrial planning policies in relation to “isolated coast” & “wild land”, however we also encounter “amenity value” and “views over open water” policies, whilst also trying to increase production as per the National

Marine Plan's Aquaculture objectives.

Therefore, we are currently encountering difficulties developing near both populated and unpopulated areas. Whilst, the National Marine Plan provides decision making guidance regarding National Scenic Areas, further guidance would be useful regarding isolated coast, wild land, amenity value, & views over open water. At present it is unclear how all these different, often conflicting aspects are prioritised. Equally, we wish to highlight that there are limited opportunities for aquaculture in inshore locations and there is a real risk that more landscape/visual constraints could further restrict the sustainable growth of aquaculture.

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

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?

Sea Fisheries

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

Policy FISHERIES 5 – We would be concerned at the impact of this policy on prospective fish farm developments.

It is not clear how a 'fisheries management plan' might be formulated; what might happen if efforts to 'agree the plan' were not successful; and the weight that might be given to such a plan, or its absence, by decision making authorities, eg. planning authorities when determining a planning application.

Given that a planning authority would have to make a decision 'in accordance with the marine plan' we'd be very concerned if they started determining applications, and possibly imposing conditions, relating to this requirement.

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

Aquaculture

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

No - Please refer to the comments made in answer to Question 2.

We are pleased there is a broad objective to ensure an appropriate and proportionate regulatory framework. The existing framework for regulating aquaculture is extensive involving multiple agencies and numerous licences; this structure has led to duplication and confusion for both the industry and regulators. Examples:-

- If a new site is located in Special Area of Conservation (SAC) appropriate assessments are carried out for multiple licences and by multiple agencies. It is not clear what distinguishes one appropriate assessment from another and thus why it is necessary to repeat this process so many times.
- Developments can be advertised 3 times as a result of the multiple licences. This provides the opportunity for the same objections to be submitted, considered, and disregarded as irrelevant multiple times.
- With the introduction of the new Marine Licences it is still unclear exactly how the process works with regards to interaction with other licences and decision making criteria.
- The current licensing of well boat discharge duplicates regulation by SEPA whilst not offering any additional benefit unless a future system can be developed which allows the treatment and discharge away from the farming site.

We believe that improvements can be made and we look to the NMP to set clear policies and advice to make the system more efficient and clearer. We suggest the following broad planning policy could help achieve an appropriate and proportionate regulatory framework.

“Regulators should work to create an efficient and transparent framework with clearly defined: remits, information requirements, and decision making processes”

Whilst Chapter 7 states what needs to be done, it is not clear how, and by whom, these objectives and policies will be implemented. For example, there is little information as to how Regional Marine Planning Partnerships will interact with existing licencing for aquaculture. Therefore, we request

that the NMP policies on aquaculture are augmented to give guidance to decision makers on what issues they need not consider and who does what.

The industry has previously worked with regulators to create a working arrangement document as part of “Delivering Planning Reform”; the aim of this document was to communicate the remit and interactions between each agency during the planning process. With the development of new marine plans and new regional marine planning partnerships, we feel it would be beneficial for this document to be reviewed in collaboration with the industry, and for the scope of the document to include all licencing and regulatory agencies associated with aquaculture. Again a requirement to regularly review this document could be stated in the NMP.

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

Please also see comment made in response to Q9 & 12.

- MHS supports the suggestion that SEPA are working to remove the 2500T limit in certain circumstances. With the limit in existence both operators and SEPA have to deal with an increased workload as solutions are sought to a limitation that could be removed at a stroke.
- MHS supports the comments raised by the SSPO in connection to Aquaculture Policy 3. Recommendations which hinder development should be based on a sound scientific basis.
- The current implementation of Permitted Development Rights does not provide the flexibility to operators and reduction in workload to planners that they were originally devised to do. The rigid adoption of the sanctity of the planning boundary means that most farms which have planning permission have planning boundaries drawn tight to the moorings, removing any flexibility with changing location or layout. A more flexible approach reflecting the challenges of operating in a marine environment would allow the PDRs to be used more effectively.

Whilst the PDR system remains rigid and does not deliver a simpler system for minor change, we feel Aquaculture Policy 10 should be amended to read:-

“Where appropriate, Fish farm operators should carry out pre-application discussion and consultation and engage with local communities to seek their support in advance of submitting an application”.

This would avoid cluttering up the consultation channels with minor changes that are necessitated to go through the planning process.

- MHS is pleased that a project is underway identifying areas of opportunity for aquaculture but is concerned that this has not involved

widespread engagement with the industry. The process should be transparent if it is to be supported by aquaculture companies. Equally, input from the industry would help to locate areas of opportunity which are operationally viable.

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

- Research, trials, technology, and progressive farming methods

Marine Harvest (Scotland) Limited is a progressive company which is constantly improving its operations to compete globally. Scottish aquaculture needs the support of the Scottish Government to maintain its high position in the global market and to be considered as a leader in the worldwide industry. For this reason Marine Harvest suggests that an objective/policy is added which supports research, trials, technical innovations, and improvements to operational practices that aim to contribute to sustainable farming, growth, and to the global status of Scottish aquaculture.

For example, MHS is working on a program to introduce cleaner fish such as Wrasse as a tool to manage sea lice. This work is on-going and is currently involving the development of farming Wrasse to ensure a reliable supply. Equally, the company would welcome the ability to trial new technology such as new equipment designs.

Support is sort in terms of straightforward and flexible licencing. Permanent planning permission can cause caution amongst decision makers, the potential use of temporary permissions for innovation could alleviate the overuse of the precautionary principle.

- Multi-industry collaboration

We are pleased that General Policy 5 in Chapter 4 supports multi-industry collaboration and reference is made to this in Chapter 7 under the longer term section. MHS believes there are opportunities between aquaculture and other marine users. With this in mind the company suggests that an objective/policy is added to Chapter 7 which supports the collaboration of aquaculture with other marine activities.

For example, MHS has recently been working in collaboration with a wave energy company and is due to trial both salmon farming equipment and a wave energy

Wild Salmon and Migratory Fish

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

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

Oil & Gas

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

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

Carbon Capture & Storage (CCS)

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

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

Offshore Renewable Energy

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

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

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

Comments

Recreation and Tourism

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

Comments

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

Comments

Transport (Shipping, Ports, Harbours & Ferries)

Q28. Should the NMP specifically designate national significant ports/harbours as described in Chapter 13: Marine Planning Policy Transport 2?

Comments

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

Comments

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

Comments

Telecommunication Cables

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

Comments

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

Comments

Defence

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

Comments

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

Comments

Aggregates

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

Comments

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

Comments

Business and Regulatory

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

Comments

Equality

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

Yes No

Q39. If you answered yes to question 23 in what way do you believe that the creation of a Scottish National Marine Plan is discriminatory?

Comments

Sustainability Appraisal

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

Comments