

CONSULTATION QUESTIONS

Please identify the main area of interest you identify with :

- | | |
|-------------------------------|-------------------------------------|
| Nature Conservation | <input type="checkbox"/> |
| Fisheries | <input type="checkbox"/> |
| Industry/Transport | <input type="checkbox"/> |
| Energy | <input type="checkbox"/> |
| Aquaculture | <input type="checkbox"/> |
| Recreation/tourism | <input type="checkbox"/> |
| Academic/scientific | <input type="checkbox"/> |
| Local authority | <input checked="" type="checkbox"/> |
| Community group | <input type="checkbox"/> |
| Public sector/Regulatory body | <input type="checkbox"/> |
| Local Coastal Partnership | <input type="checkbox"/> |

Other (Please state)

Q1. Does the NMP appr oprately guide management of Scotla nd's marine resources?

The NMP Consultation Draft addresses the broad statutory requirements set out in the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009. The effectiveness of the NMP in guiding the management of Scotland's marine resources will be addressed in the more detailed response below to vision, strategic objectives, general policies and sectoral policies.

As a more general comment the use, reference and implementation of the NMP would be improved with the inclusion of section and paragraph numbering.

As with terrestrial planning, where there is a requirement for more detailed

marine planning policy and/or advice on specific topics this should be provided to support the NMP i.e. the marine equivalent of Scottish Planning Policy and Planning Advice Notes.

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

No. Page 10, 'Marine planning and terrestrial planning' section briefly highlights that integration is important for both policy development and decision making. The stated reason for this requirement is that certain developments have marine and terrestrial components. It should also be stated that major marine developments can have wider implications for infrastructure and service provision in adjacent coastal and island communities, therefore, fully integrated community, service and development planning is essential and should be promoted and facilitated by the Scottish Government.

The potential requirement for a marine licence and planning permission in the intertidal zone should be highlighted.

Development in the marine area has potential to affect people and environmental resources on land e.g. the visual impact of a wave energy array or an aquaculture site on the amenity and enjoyment of coastal landscapes. The NMP should address how these potential effects will be considered in marine planning decisions.

Draft Planning Circular 'The relationship between the statutory land use planning system and marine planning and licensing' provides more detailed guidance on how integration between terrestrial and marine plans can be achieved. This guidance should be clearly addressed in the NMP.

The draft NMP states that integration between marine and terrestrial planning will be achieved through local authorities being represented on Marine Planning Partnerships (MPPs). Orkney Islands Council notes that the Marine (Scotland) Act 2010 enables Scottish Ministers to delegate functions in relation to regional marine plans to a group of persons with an interest in the area in question (i.e. a MPP) or to a single public authority. Either of these options would require a significant transfer of resources from the Scottish Government to enable functions to be performed effectively. Provision for Scottish Ministers to make grants to a delegate for the exercise of designated functions for regional marine planning are set out in Section 13(6) of the Marine (Scotland) Act 2010. Furthermore, appropriate governance arrangements would have to be put in place to enable MPPs to approve draft plans, consider consultation responses, make plan modifications, finalise plans, and, where appropriate, respond to recommendations made through an independent investigation into the plan. The exact governance arrangements required would obviously depend on the functions delegated by Scottish Ministers under section 12(1) of the Act.

In accordance with the principle of subsidiarity, Orkney Islands Council

wishes directions to be given from the Scottish Government under Section 12 of The Marine (Scotland) Act 2010, to delegate the function of preparing a regional marine plan to the Island authority or an appropriate local partnership.

Orkney Islands Council considers that the membership and governance arrangements of Marine Planning Partnerships must reflect local circumstances and therefore may change throughout Scotland.

Orkney Islands Council considers that 'one size fits all' will not work with respect to Marine Planning Partnerships. It is considered reasonable that all options are provided and determined at the local/regional level. Further discussion will be required and information presented by the Scottish Government in regard to the Marine Planning Partnership or Single Public Authority approach so that the most appropriate mechanism can be identified for each marine region.

Orkney Islands Council supports the transfer of all functions relating to the preparation, adoption and review of regional marine plans to the local authority or an appropriate local partnership. This approach would substantially improve the effective integration of marine and terrestrial planning at the regional level. The Council considers that the arrangements for the delivery of regional marine planning should be determined at the local level, including whether the planning authority or a MPP should take responsibility for regional marine planning functions.

Orkney Islands Council would welcome further consultation with the Scottish Government on the required transfer of resources to exercise designated functions for regional marine planning at the local level.

Orkney Islands Council believes that delegation should be granted by the Scottish Government under Section 51 of The Marine (Scotland) Act 2010 for marine licensing functions to the Islands Authority. Moreover, the Council believes that further powers should be devolved in respect of Section 36 Electricity Act consent (for offshore generation). This would enhance local accountability, enable better integration between marine and terrestrial consenting, make the best use of local knowledge and experience, and would support more effective service and community planning.

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?

The vision and strategic objectives set out in the draft NMP provide a useful context for regional marine planning. Page 15, para. 2 states that '*Regional Marine Plans must be able to accommodate the measures required to achieve GES and the objectives of the National Marine Plan*'. Whilst it is understood that achieving GES is a requirement under the EU Marine Strategy Framework Directive and the Marine (Scotland) Act 2010 requires

that RMPs accord with the NMP, the NMP should state that regional marine plans should develop a vision and set of objectives that respond to the priorities of that region. Regional marine planning should not be unnecessarily constrained by international and/or national objectives where there are clear reasons and justification to establish regionally derived objectives and priorities, whilst still complying with the statutory requirements.

The identification of general and sectoral policies provides a clear framework for the preparation of RMPs which is welcome.

The NMP should clearly present guidance that is specifically relevant to regional marine plans. A section dedicated to preparing Regional Marine Plans should be included within the NMP. The following are examples of text that is scattered throughout the document that could be consolidated in one guidance section:

- Regional Marine Plans must be able to accommodate the measures required to achieve GES and the objectives of the National Marine Plan;
- Where different activities are incompatible or mutually exclusive, some areas may be identified within Regional Marine Plans for preferential use by specific sectors;
- Regional Marine Plans should be aligned with terrestrial development plans and reflect coastal areas likely to be suitable for development.

Further comments are presented below with reference to the interpretation of general and sectoral policies in Regional Marine Plans.

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

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

It is understood that Strategic Sea Areas are being proposed to ensure the integrated management of key marine areas is achieved including the Pentland Firth. Orkney Islands Council strongly supports the identification of Orkney as a stand-alone Scottish Marine Region, though the Council also acknowledges the importance of developing a compatible strategy and policy framework for Orkney, North Coast and Shetland SMRs. Notwithstanding this, Orkney Islands Council consider that the local authority or an appropriate local partnership should be fully autonomous in its ability to develop regional marine planning policy for Orkney waters.

The Council does not support the development of Strategic Sea Areas and

related marine planning policies for Pentland Firth and Orkney Waters within the NMP. It would be more appropriate for marine planning policy for Pentland Firth and Orkney Waters to be developed within the appropriate regional marine plans; enabling a more fine grain approach to be taken with input from local communities and other stakeholders.

The Council supports the acknowledgement of the ongoing work to develop the marine spatial plan for Pentland Firth and Orkney Waters in the NMP (page 8), and the potential for this work to inform the development of wider RMPs in Scotland. This plan is being developed by Marine Scotland, Orkney Islands Council and Highland Council, with oversight of the process by an Advisory Group representing environmental, commercial and recreational interests. This process is considered to be a more appropriate mechanism for establishing integrated marine planning policies for Pentland Firth and Orkney. As explained in response to Question 2 above, the Council has a long term aspiration for all functions relating to the preparation, adoption and review of regional marine plans to be transferred to the local level.

Given the current marine planning pilot scheme in the Pentland Firth and Orkney, Orkney Islands Council wishes to be considered a pilot area for the first Marine Planning Partnerships.

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?

The approach to adopt the HLMOs and GES descriptors, with additional climate change and sector specific objectives, appears to be a reasonable approach to pursuing sustainable outcomes. Greater clarity should be provided as to the relationship between sustainable development and sustainable economic growth.

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 broad approach appears to be reasonable but it is important that the plan's strategic objectives are compatible with the sector specific objectives and policies.

The use of general policies that apply to all sectors is supported. This approach helps to deliver the overall strategic objectives and guiding principles behind the development of the Plan.

The specific consideration of climate change, both adaption and mitigation,

is very much supported and provides a useful context for policy development within RMPs.

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

The relationship of the NMP to other plans, policies and guidance could be addressed in a more clear and comprehensive way in Chapter 1. The relationship to River Basin Management Plans is addressed on page 11 though the relationship of the NMP to other plans, policies and guidance is scattered throughout the document i.e. MPS, NPF, SPP, Local Development Plans, RMPs, Sectoral Plans etc. This might be best addressed with a flowchart graphic illustrating the hierarchy and relationship. A similar approach to national legislation, EU directives and international conventions might also be beneficial.

Page 19 refers to the adaptive management approach which enable plans to be modified in instances where unexpected and undesirable ecosystem effects are detected which impinge on plan objectives, are related to human activity, and can be addressed by adapting the planning approach. It would be useful for the NMP to address this planning process in greater detail, particularly in relation to the development of RMPs.

National Marine Plan Interactive (Page 20): This section should explain whether NMPi will be used to support RMPs. It is considered appropriate for RMPs to be supported by interactive online GIS.

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?

Overall, the general policies should be more specific and address in more detail how the policies can be delivered i.e. set out the factors that will be balanced in decision making. It would also be useful if each of the general policies has a title to indicate the purpose of the policy.

The NMP should clearly define what the term 'presumption in favour' means in relation to sustainable development. A presumption in favour of something as ill-defined and open to interpretation as sustainable development would be very difficult to implement. A presumption in favour of development proposals that comply with the policies of the Plan would be a deliverable approach.

GEN 1: The approach of having an overarching sustainable development

policy is supported, though the policy needs to clearly define sustainable development and use. Various definitions of sustainable development are set out in the draft NMP (pages 14 and 19), the appropriate definition should be included within GEN 1.

GEN 2: The role of RMPs in balancing local community and national level benefits/impacts should be explained and supported within this policy.

GEN3: This policy states the Scottish Government's general support for sustainable developments and marine activities which provide social benefits. The impact of proposed development on existing activities, including those which promote health and well-being, is briefly addressed in this policy. Potential impacts of new development on existing activities and the well-being of local communities is a separate issue from supporting social benefits. It would be more appropriate to develop a separate policy for assessing the impact of development on existing activities and the well-being of local communities. This policy would set out the criteria for assessing how existing activities contribute towards well-being and how new developments would affect these existing activities.

GEN4: Scenario mapping is a useful tool for engaging local communities and encourage debate and participation in the development major projects .i.e. offshore renewables. The NMP should provide further explanation about scenario mapping and its benefits. The NMP should also explain that it may be necessary for multiple developers and/or infrastructure providers to co-operate in providing a complete picture of any given development scenario i.e. offshore arrays, onshore infrastructure, overhead cabling, port and harbour development etc. The timing of such exercises is critical, and should only be undertaken when adequate information is available to present a realistic set of development scenarios.

GEN5: The policy box should specifically refer to co-existence of activity and promoting synergies between development sectors and users. As well as referring to '*development proposals which bring together activities which are compatible or synergistic in one location to make good use of space i.e. those which involve co-location*' this policy should highlight the potential for indirect synergic benefits i.e. offshore wind farms providing habitat to support fisheries.

The draft NMP states that '*where different activities are incompatible or mutually exclusive, some areas may be identified within Regional Marine Plans for preferential use by specific sectors*'. The NMP should explain the circumstances under which this approach would be appropriate and provide further guidance for regional marine planners in the context of any legal constraints.

GEN6: The Council fully supports the need to integrate marine and terrestrial development plans and marine and terrestrial components of development proposals. To ensure the achievement of this objective, the Council supports the transfer of all functions relating to marine planning and

consenting to the local authority or a local partnership. This would be determined at the local level.

The term 'appropriate access' needs to be properly defined in policy GEN6 i.e. access for what purpose?

GEN7: This policy needs to be clear as to which plans need to integrate and comply with other statutory plans. Presumably, the policy is referring to RMPs, if so, this should be stated. Furthermore, this policy should be linked to Chapter 1 with a full explanation of the NMP's relationship to other plans and policies (see response to Question 7). The policy should also explain what is meant by '*relevant non statutory plans*'.

GEN8: This policy is strongly supported but needs to be expanded to explain how fairness and transparency in decision making will be achieved. It would be appropriate to consider how all interests can '*participate on an equal basis in the planning and decision making process*' given the significant disparity in the resource available to the various stakeholder groups. Fairness and transparency in decision making would be greatly enhanced if marine consenting/planning powers were transferred to the Planning Authority or a MPP. Policy GEN8, or another appropriate policy, should promote the principles of joined up decision making, local accountability, transparency and subsidiarity.

GEN9: This policy should explain how and when engagement should take place. Further guidance is required to define '*effective engagement*'. It is particularly important for the Scottish Government to establish requirements for engagement for major developments. See Orkney Islands Council response to paragraph 47 of the 'Draft Marine Planning Circular' for further detail.

GEN10: Reference should be made in this policy to the information that can be used within RMPs or can form supporting data for RMPs. The Scottish Government should provide guidance on the appropriate status of data (spatial and non-spatial) that can form part of a RMP or can form supporting data for RMP. The required quality assurance of the data used to e.g. produce data layers for spatial mapping should be explained in this guidance. The storage and accessibility of such data should also be considered.

GEN11: No comments.

GEN12: A definitive list of the protected areas that are material to licensing decisions should be clearly set out in this policy. The policy should address the status of all international, national and local designations in decision making. The relevant protected species legislation and associated schedules should be referenced. '*Other habitats or populations of species of conservation concern*' should be defined clearly.

The text supporting GEN12 states that '*the impacts of development and*

activities on the national status of other Priority Marine Features should be taken into account when decisions are being made and regional plans should take account of Marine Scotland guidance on safeguarding Priority Marine Features and seek to improve their status where appropriate. Mitigation, including alternative locations for development and/or activities, should be considered'. This text needs to be clarified and potentially revised. It needs to be clear when referring to the 'national status' of PMFs, whether this is referring to where PMFs sit in the hierarchy of natural heritage protection (i.e. international, national or local) or the condition of the feature? The NMP needs to define the status of PMFs and the weight that should be attributed to them in decision making. This should be determined by considering the PMFs conservation status to establish relative importance within the existing hierarchy. It is not the role of regional marine plans to 'improve' the status (importance) of PMFs. Their status (importance) should be clearly defined at the national level. There is potential for regional plans to protect and potentially improve the condition of PMFs. Regional marine plans have a role in defining the location of PMFs within the marine region and setting out policies for how proposals affecting them will be assessed in relation to decisions by public authorities.

Marine Scotland's Marine Nature Conservation Strategy outlines the three pillar approach to conservation: species conservation, site protection and wider seas policies and measures, the NMP should provide further detail on how the three pillar approach should be addressed in marine plans. Appropriate ways to address wider seas policies and measures should be set out in the NMP, particularly in relation to appropriate measures within regional marine plans.

The reference to '*Marine Scotland guidance on safeguarding Priority Marine Features*' links to the current consultation paper on PMFs. This document outlines the purpose of PMFs and the process of identifying PMFs, it does not provide guidance on how they should be safeguarded in regional marine plans. The Scottish Government should provide this guidance within the National Marine Plan, or separately, with a hook to this guidance within the National Marine Plan.

GEN13: The general approach to this policy is supported.

GEN14: See response to Question 9.

GEN15: No Comments.

GEN16: No Comments.

GEN17: The general approach to this policy is supported. The supporting text states that '*Regional Marine Plans should be aligned with terrestrial development plans and reflect coastal areas likely to be suitable for development*'. It is considered that local authorities are best placed to undertake the required integrated development planning for the marine and

terrestrial area.

GEN18: The general approach to this policy is supported.

GEN19: This policy provides useful guidance for the development of RMPs, particularly in relation to addressing the requirements of the Climate Change (Scotland) Act 2009. Cross reference should be made to the sector specific policy guidance in chapters 6 – 16.

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

GEN14: The Council supports the following statement in this policy:
'Landscape and seascape are important elements of people's enjoyment of the coastal and marine environment. They are also important as the setting for coastal communities, contributing to sense of place, economic livelihoods and quality of life. Scotland's varied coastal landscapes are internationally renowned and support a valuable recreation and tourism sector'.

The policy should give appropriate weight to the importance of landscape and seascape in the wording of the policy as opposed to stating that seascape, landscape and visual impacts should be taken into account.

The Scottish Government needs to provide further guidance on assessing and characterising seascapes and how the sea relates to coastal landscape character areas. The guidance should also explain how landscape and seascape character assessment should be addressed in RMPs. The Natural England guidance developed in relation to the East of England Marine Plan provides useful guidance in this regard.

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

Refer to response above to GEN3.

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?

The Transport chapter covers issues relating to Shipping and Navigation, Ports and Harbours, Ferry Transport and Marine Safety. This chapter could be broken down into more sector specific sections.

Sea Fisheries

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

The following statement (Page 45) is supported and should be emphasised in very strong terms with the NMP:

'Inshore commercial fishing (especially with static gear such as creels) is often carried out from small vessels based in village ports in very remote, rural communities. It is therefore important to be sensitive to potential socio-economic impacts not only on fishermen themselves but also on these fragile communities (e.g. negative effects on local services and exacerbating risks of depopulation).'

Page 45 states:

'Energy and telecoms developments have the potential for short-term displacement of fishing activity during the installation phase. New energy developments should take into account the intensity of fishing activity in the proposed development area and any likely displacement activity the development and associated activity could precipitate'.

The above text should be amended to acknowledge that long-term displacement of fishing activity can take place as a result of renewable energy development i.e. with offshore wind, wave and tidal. The policy should also discuss how negative impacts on fisheries can be mitigated and when any potential compensation for loss of livelihood might be appropriate. The effects of displacement on adjoining fishing grounds should be acknowledged in the NMP.

Page 47 states:

'Given the range of these interactions and the vested interests involved it is important that all appropriate fishermen's associations are consulted by planners and decision makers to ensure decisions are based on the most complete information'.

The Scottish Government should provide guidance on how information from fishermen's associations can be used within RMPs. The required status and verification of this data should be set out clearly in the NMP or other appropriate guidance.

Page 48 states:

'Scallop dredging is recognised as having the most significant impact on sea bed habitats within Scotland's waters'.

The NMP could set out measures to address any issues relating to seabed damage from scallop dredging and any impacts on the sustainability of the fishery.

The Policy, *'Fisheries 2: Take account of fishing in consideration of any development in the marine environment. Local fishing interests should be consulted where appropriate'*, is supported. The policy should be expanded

to explain when consultation would be appropriate i.e. when it is likely that there will be a significant impact on fishing interests.

Under 'Fisheries 3', highlight the role of RMPs in the improvement of seabed protection and identifying high risk areas.

Policy 'Fisheries 4' is very much supported and provides a useful context for the development of commercial fisheries policies in RMPs.

In Policy 'Fisheries 5', the on-going resourcing of fisheries management plans should be addressed.

The need to involve fishing stakeholders in the preparation of local development plans, and associated port/harbour related development briefs should be set out in the 'Fisheries 5' policy.

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

No comments.

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?

Chapter 7 does not adequately explain the relationship between terrestrial and marine planning for aquaculture. The 'Aquaculture 2' policy states that '*Terrestrial development plans and Regional Marine Plans should identify areas which are potentially suitable for new fish farm development and sensitive areas which are unlikely to be appropriate for such development, reflecting Scottish Planning Policy and any other Scottish Government guidance on the issue (including further Marine Scotland spatial planning guidance)*'. Clearer guidance on the transition of planning for aquaculture from local development plans to RMPs is provided in paragraphs 76 – 77 of the Draft Marine Planning Circular. This should be reflected in policy 'Aquaculture 2'.

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

With reference to policy 'Aquaculture 8', local planners need further guidance on how to identify sensitive areas for wild salmonids. Should the methodology developed as part of the Marine Scotland funded recent RAFTS study be used?

Marine Scotland Science is undertaking a 3-year project to identify areas of opportunity and constraint for both finfish and shellfish sectors. This will take

into account current constraints from competing uses of marine space and environmental sensitivities and including carrying capacity of inshore waters, key wild fisheries rivers/catchments, consideration of the risk to wild salmonids from aquaculture, and risks from disease and shellfish hygiene issues. Further guidance should be provided indicating how this study might be used to input into local planning authority aquaculture spatial strategies. The NMP should explain how this study will be used and what the implications of the study will be for LDPs and RMPs i.e. will the study form part of Scottish Government policy that LDPs and RMPs will have to conform with? Will it inform the National Marine Plan? Will it inform the preparation of a sectoral plan for aquaculture? Will the study be Scotland wide?

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

No comments.

Wild Salmon and Migratory Fish

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

The conservation value of wild salmon and sea trout should be acknowledged alongside the economic value by referring to their respective UKBAP / Scottish Biodiversity List status (Page 67).

The 'Wind, wave and tidal energy' section on page 69 could refer to the need for further research into the impact of wind, wave and tidal developments on wild salmonids. The potential for a partnership approach to this research between developers and government could also be highlighted. The need for further research into potential effects of electromagnetic fields on the movement of crustaceans should also be addressed in the NMP.

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

No Comments

Oil & Gas

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

The renewables section on page 74 should reference potential synergies

between the decommissioning of oil platforms and offshore wind.

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

A policy that supports integration between RMPs and local development plans should be included in the NMP. Where opportunities to develop new land based facilities to support decommissioning of oil and gas infrastructure are identified, it is essential that marine and terrestrial planners co-ordinate efforts to ensure appropriate land use allocation in the right locations.

Carbon Capture & Storage (CCS)

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

No comments.

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

No comments.

Offshore Renewable Energy

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

The adopted Plan Options for wind, wave and tidal energy provide a useful starting point for identifying broad opportunities for the deployment of these technologies. The inclusion of this spatial information in the NMP is supported, though it is considered important that the presumption in favour concept is explained fully. The statement that the presumption in favour does not imply that consent will be granted is supported.

It should be stated in the NMP that there may be further development potential outwith the Plan Option areas for marine renewables.

The role of RMPs in this regard should be explained further. RMPs should provide the opportunity for a more fine grain analysis of development potential within the Plan Option areas and allow local communities and wider stakeholders to feed into this process. The NMP should specifically state that further opportunities for renewable energy development can be identified in RMPs.

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

The recognition of the Pentland Firth and Orkney Waters Marine Spatial Plan, EMEC and the Marine Energy Park is strongly supported. This should be linked to the PFOW Area of Coordinated Action identified in NPF3 to ensure consistency in approach.

Further to Orkney Islands Council's response to NPF3 consultation, Orkney Islands Council wishes that Scapa Flow should retain its National Development status as a potential site for the transshipment container hub and this is broadened to include Scapa Flow and the Orkney Waters Marine Development Area. This proposed national development could cover the following elements:

The Pentland Firth and Orkney Waters Round 1 wave and tidal energy development sites; Strategic pier and harbour developments at Lyness (Hoy), Hatston (Kirkwall) and Copland's Dock, Stromness; Deep water harbour facilities including container transshipment; and Scapa Flow Oil Terminal.

Draft NMP Map 14 and supporting text should be placed within the context of draft NPF3 given the identification of subsea grid connections as National Developments. Likewise, onshore infrastructure for marine renewables is identified in the draft NPF3, though, Orkney Islands Council did not support this proposal as it is considered disproportionate to the expected scale of development, particularly in the initial phases.

The recognition in the NMP of the potential impact of planned renewable energy development on other sectors including fisheries, recreational users, shipping and defence is supported. The NMP should provide more detail guidance on how these potential conflicts should be addressed in consenting and in RMPs.

The visual impact section (page 90) should refer to the onshore infrastructure development as well as renewable energy devices.

The identification of planned developments in the national marine plan is supported, though it is not completely accurate to state that all these planned developments are at the licensing stage. This should be clarified.

Map15 should include the 12 nm limit to better inform RMPs.

Policy Renewables 2 is very much supported, though the reference to the Regional Locational Guidance and Framework should be updated with reference to the emerging pilot marine spatial plan. It is the intention that the pilot plan will become a material consideration in marine licensing decisions and will form Supplementary Guidance to the adjacent local development plans.

Renewable 3 should be qualified with a similar statement to Renewables i.e. *'The inclusion of areas identified to support the Saltire Prize in the National*

Marine Plan does not imply that licences or consents will be granted’.

Renewable 9 needs to be supported by a definition of existing users.

Renewables 10, see response to Policy GEN4.

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

A separate policy should be developed which emphasises the importance of delivering grid connections and how this can be achieved, particularly to the North Isles. Policy Renewable 6, addresses consenting for grid connections but does not emphasise the strategic importance of grid connection to the development of the entire marine renewable energy sector.

A ‘Marine Licensing’ policy on page 93 should explain the potential for developers to seek deemed planning consent for ancillary onshore development associated with an offshore s36 application for energy generation. This policy should explain how and when local planning authorities and local communities will be consulted in this consenting process.

Recreation and Tourism

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

Orkney should be included in the recreational sea angling section of the table on page 97.

The recognition of world class diving in Scapa Flow should be acknowledged in the diving section on page 99.

The coastal walking section on page 100 should state that new coastal developments should not compromise the integrity of important coastal access paths.

The cruise industry section on page 100 should acknowledge the recent Hatston pier development in Kirkwall as a best practice example of a pier extension to accommodate larger cruise ships and marine renewable energy activities.

The interactions with other users section should be amended. The text understates the potential for conflict between recreational and other marine users. This is not qualified by recent consultation involving recreational users in PFOW where significant issues have been raised e.g. aquaculture and recreational sailing.

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

No 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?

Yes the NMP should identify nationally significant ports and harbours and explain the reasons for which they have been identified.

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

Paragraph 3 of page 109 could reference the Shipping and Navigation Study undertaken in PFOW to support the development of the pilot marine spatial plan.

The final paragraph on page 109 should refer to the Hatston Pier as a best practice example of a port expanding to accommodate cruise liners and marine renewable energy activities.

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

No comments

Telecommunication Cables

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

Where practical, the shared use of spatial corridors and pipelines to reduce environmental impact and effects on existing marine users, particularly fisheries, is supported.

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

No comments

Defence

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

Policy MOD 1 (ii) states that permanent infrastructure is unlikely to be compatible with the use of Firing Danger Areas by the MOD. Whereas, on

page 122 it is stated that permanent installations will not be compatible. The correct approach needs to be clarified.

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

No comments

Aggregates

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

It would be useful if the NMP identified the location of any important deposits of marine aggregates in Scottish waters. The recent Crown Estate study to identify aggregate deposits in Scottish waters could be useful in this regard.

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

No 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.

No comments

Equality

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

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?

No Comments

Sustainability Appraisal

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

No comments