

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 type="checkbox"/> |
| Community group | <input type="checkbox"/> |
| Public sector/Regulatory body | <input checked="" type="checkbox"/> |
| Local Coastal Partnership | <input type="checkbox"/> |

Other (Please state)

Comments

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

Scottish Water agrees that in broad terms the National Marine Plan (NMP) sets the framework to guide management of Scotland's marine resources.

Consistency across Scottish Marine Regions and with other plans

We would expect Regional Marine Plans (RMP) to fully align with the NMP framework to ensure a consistent approach is adopted by Scottish Marine Regions (SMR). We consider it essential that the NMP provides a sufficient level of guidance to ensure RMP do not present significant difficulties for organisations operating across Scotland, such as Scottish Water.

In addition, we would expect RMP to be consistent with local river basin plans under the River Basin Management Plan (RBMP) process. This will be critical for organisations, such as Scottish Water, operating in the area where terrestrial and marine planning overlaps.

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

We welcome the intention to integrate marine and land planning regimes through geographical overlap and consistency of policy and guidance.

As stated in our answer to question 1, inconsistencies in approach of some local plans can cause difficulties for businesses, such as Scottish Water, that operate across Scotland.

We have responded separately to the Draft Planning Circular Planning Scotland's Seas document.

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?

We do have some concerns that the NMP will not provide an appropriate level of detail to ensure consistency in approach towards Regional planning, with regard to certain issues e.g. incompatible activities.

It is still not clear what is expected of organisations, such as Scottish Water, in terms of input at RMP and Regional Partnership level. We had anticipated these requirements would be addressed in more detail within the NMP.

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?

Through the development of Regional boundaries and consequent definition of seaward boundaries as 12nm, the Strategic Sea Areas are smaller than had originally been anticipated.

We are unlikely to carry out any activities within the Strategic Seas Areas; however we consider it essential that any designated area of the sea is managed according to the framework set out in the NMP. Our understanding is they may be covered by Ministerial Directions and we would welcome confirmation of other issues likely to be covered by Ministerial Directions.

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?

Whilst nature conservation, biodiversity, flora and fauna are all vital, it is important that a balanced approach is taken where conflicting needs are perceived and that vital public services such as the legitimate use of the sea to discharge treated and

storm sewage under licence are fulfilled.

With regard to our primary wastewater functions at a national and local level, a balance needs to be sought between investment to achieve environmental improvements and the overall impact. Carbon footprint and financial cost associated with enhanced project builds, such as increase levels of pumping, enhancement of treatment levels and operational costs must all be borne by our customers.

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?

We are satisfied that the approach was considered within the context of the Sustainability Appraisal Report.

We consider that setting out strategic and separate sector objectives is certainly the best approach to gathering information from consultees and should translate well into the NMP provided adequate links are drawn between sectors compatibility/incompatibility within the marine environment.

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

Chapter 3 Vision for the Marine Environment.

We note the intention to incorporate programmes of measures to achieve Good Environmental Status (GES) into marine planning. The timescales to achieve or maintain GES are very short. We understand this will be partly overcome by the cyclic and iterative nature of the process.

Any considerations that subsequently require Scottish Water investment to improve water quality or place an additional financial burden on our business will have to be appropriately reflected in the Quality & Standards (Q&S) investment cycle.

**Box A
Healthy and Biologically Diverse**

Bullet point 5 comments that there are no specific concerns regarding whales & dolphin but there is uncertainty in assessing this. This an area where the stated strategic objective *Using sound science responsibly* could be demonstrated through working together to determining appropriate standards for discharges from WWTW in areas frequented by dolphins, we would consider that this is an issue that should be addressed at national level.

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?

General 1

We recognise certain key growth sectors and their importance to the economy, however the supporting and service sectors, such as Scottish Water, must be able to operate in a sustainable manner within the marine environment and this should also be recognised.

General 5

We favour the multiple use/benefit approach, however it must be recognised that certain activities are not compatible. The proposal set out in the consultation is that these should be identified within RMP.

We carry out similar activities (under licence) in the near shore area all round Scotland's coast; so inconsistency in the approach taken by the emerging RMP may cause us difficulties. We would welcome more clarity within the NMP to guide regional planning and decisions with regard to incompatible activities.

General 9

We would welcome clarity on what our duties and resource requirements will be going forward, particularly with regard to RMP and planning partnerships, we anticipate participation to provide technical information and advice relevant to our activities.

General 10

Scottish Water strongly supports using sound evidence to inform decision making and the application of precaution based on risk.

General 12

We always strive to meet requirements for the conservation of protected sites, habitats and species by working with statutory and advisory bodies.

With regard to achieving water quality standards under the Water Framework Directive (WFD) & Marine Strategy Framework Directive (MSFD), We are funded to achieve or maintain Good Status, any requirements to achieve higher status would have to be backed by sound scientific evidence and promoted through the Q&S process.

It should be noted that we invest in studies to identify and inform project investment needs and solutions, it is likely that studies would be carried out in one investment period followed by asset build etc. in the following investment period, therefore the total process could take up to 10 years.

General 13

The last 3 paragraphs of the text, following the bullet points on designated and undesignated heritage assets seem to be partly aspirational and lacks clarity of what would be the statutory requirements expected of developers' depending on whether the site was or was not designated.

General 18

We note this policy states developments and activities should not result in a deterioration of WFD or MSFD waters and does not state that achieving or maintaining good status should be the objective as set out in Chapter 3 Vision for

the Marine Environment.

We welcome the stated links to RBMP.

We suggest the paragraph relating to MSFD be expanded to touch on descriptor 10 (Marine Litter) which overlaps WFD waters and extends up to the shore/coast. This is a key consideration for good status. We have set out our position and approach to Sewage Related Debris (SRD) within the introduction to the draft Marine Litter Strategy consultation document.

General 19

The text in the 2nd last paragraph mentions compensatory habitat creation; it should be made clear as to whether this is a reference to the use of biodiversity offsetting or to mitigation measures. We would welcome clarity on this issue within the NMP so as to ensure consistency in approach within RMP and give comfort to developers as to what is required.

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

General 14

We consider the principles of the European Landscape Convention provide a good framework to work within. We would wish to see the principles applied fairly across all sectors and anticipate this to be set out in planning and licensing conditions.

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

We underpin a sustainable Scotland by providing support and service through the provision of clean drinking water and the collection, treatment and safe return to the environment of wastewater. We believe it is important to ensure that our customers are not placed in the position of having to bear the costs associated with development of other sectors.

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?

We consider that the sectors covered are adequate to supplement and support the issues set out in Chapter 4: General Policies.

Sea Fisheries

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

Under the issue *Impact of Environmental Change on Fish Stocks* the text states ...*release of endocrine-disrupting substances from sewage works*. We would wish

to point out that these substances are sourced in the catchments served by the Waste Water Treatment Works (WWTW). They pass through, rather than are released by, the WWTW. We would wish to see the text amended to reflect this point.

We consider that more emphasis should be placed on the identification, impacts and measures to control urban and rural diffuse pollution to reduce pressure on fish stocks.

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

Under the issue *Interaction with other Users*, we wish to highlight the vulnerability of water and waste water pipelines, including outfalls. There is potential for damage to our infrastructure and to fishing equipment caused by interaction.

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?

We consider it would be useful to have all marine planning issues regulated by one body to ensure an integrated approach where all aspects are considered holistically.

The concurrent consultation 'Draft Seaweed Policy Statement' considers seaweed cultivation, with different scales of seaweed cultivation regulated by either terrestrial planning or Marine Scotland.

We do not have a preferred option; however it would seem sensible to have all aquaculture planning activity regulated by one regime. Whichever option is chosen we would consider it prudent to consult us on our activities in the area proposed for development on a case by case basis.

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

Objectives

We have made significant investment to meet the requirements of the Shellfish Waters Directive, thereby supporting the development of this industry. We welcome the stated objectives and in particular to *Maximise benefits to Scotland from the Scottish aquaculture value chain*.

Part 2

Supporting economically productive activities

Increasing aquaculture capacity & production and developing further processing is likely to lead to an increase requirement for water and WWTW capacity. This may be challenging to provide in some areas, either due to water abstraction issues or lack of infrastructure.

Part 3

Planning Policies

We generally support the Aquaculture planning policies and in particular the statement that presumption of future expansion should be located in designated areas, monitoring data will support the expansion of the industry in areas of good water quality.

With the repeal of the Shellfish Waters directive later this year, it is proposed that protection of shellfish waters will come under the remit of the WFD which contains conditions relating to disproportionate cost.

We have made significant investment in our assets and operations in the vicinity of shellfish waters, however there has not been an accompanying improvement in shellfish flesh quality, suggesting diffuse pollution is a significant factor.

Under disproportionate cost assessment it is unlikely that we will make further significant investment to support the shellfish industry.

The identification of better water quality areas within designated areas will support the shellfish industry without impacting on costs for our customers.

The same level of water quality data will not be available for non-designated areas.

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

Scottish Water has no comment

Wild Salmon and Migratory Fish

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

Scottish Water has no comment

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

Scottish Water has no comment

Oil & Gas

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

Scottish Water has no comment

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

Scottish Water has no comment

Carbon Capture & Storage (CCS)

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

Scottish Water has no comment

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

Scottish Water has no comment

Offshore Renewable Energy

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

Part 2

Interactions with other users

We believe spatial information must be set out in terms of compatible/ incompatible interaction with other users as interaction could potentially cause damage to either parties assets, through e.g. construction projects or operation of equipment.

We consider grid provision at the point where High Voltage Direct Current links come on shore and their subsequent route on land will be the main area where the offshore renewable sector will interact with our assets. We would ask to be fully consulted on the development of grid capacity at the earliest opportunity so that our existing assets and planned activities are protected.

We consider the implementation of Renewable policies 8&9 to be significant in managing interactions.

We build, maintain and operate static assets in the shore, near shore and inshore area such as WWTW, pipelines and discharge outfalls. Unlike many other activities that compete for space in the marine environment, our coastal and marine infrastructure assets are static and must remain operational 24hrs per day.

Our legitimate use of the sea to discharge societies treated sewage effluent and storm sewage under licence, is required on a continuous basis and this can make the immediate area of their location incompatible with certain other uses.

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

Scottish Water has no comment

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

Scottish Water has no comment

Recreation and Tourism

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

Part 2:

Key Issues for Marine Planning, Supporting Economically Productive Activities.

We note that Diving and Surfing/Windsurfing would benefit from on-shore facilities including the provision of freshwater taps.

In areas where the mains water or wastewater network is not in place, the cost of providing these services is likely to be prohibitive. This may also apply to areas where the existing capacity is already fully utilised.

Provision of mains water for non-domestic use would require application to a Licensed Provider.

Interactions with other Users

Areas used for bathing or other immersion water sports are not compatible with our legitimate use of the sea for wastewater disposal. If areas were to be identified for recreation then care should be taken to ensure that there is no impact on them from our existing assets and activities.

We would welcome policy and spatial identification of specific areas for recreational activities within marine planning.

Climate Change

We have made and continue to make considerable investment aimed at improving water quality to Bathing Water standards at designated beaches.

Temporal extensions to the bathing water season may present us with significant challenges, in terms of costs in new infrastructure investment and extended periods of operating existing facilities designed to ensure compliance e.g. Ultra Violet disinfection.

These costs would ultimately be borne by our customers and is an example of where our customers may be expected to fund development of other sectors.

Part 4:

The Future

We support the identification of key areas for different marine recreational activities to ensure that competing or non-compatible activities can be zoned separately.

Areas used for bathing or other immersion water sports, such as proposed artificial dive sites, are not compatible with our legitimate use of the sea for wastewater disposal. If areas were to be identified for recreation then care should be taken to ensure that there is no impact on them from our existing assets and activities.

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

Scottish Water has 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?

Scottish Water has no comment

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

Scottish Water has no comment

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

Scottish Water has no comment

Telecommunication Cables

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

Part 2

Interactions with other users

We would draw some comparisons between telecom cables and our water and wastewater pipelines. In addition there may be conflict between our existing assets and the landfall or terrestrial pathway for new cables.

We would ask that our pipelines are given similar consideration as Marine planning policies 2 & 4, as set out in Part 3 of Chapter 14.

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

Scottish Water has no comment

Defence

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

Scottish Water has no comment

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

Scottish Water has no comment

Aggregates

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

We consider interaction with this industry to be low risk in spatial terms however care should be taken to avoid any dredging and dumping impacts in the vicinity of our material assets or discharges.

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

Scottish Water has 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.

We consider that there are 3 main themes of impact based on the proposals

1. Regional consistency in implementing the broad policies of NMP and inter - regional consistency.
2. While we support the multi use/benefit approach, we do not consider that enough guidance is incorporated in NMP to achieve a sustainable approach where activities are not compatible.
3. We fully support the Scottish Governments policy of identifying certain key sectors for future development; however we do not believe an inequitable burden of cost to facilitate the development of other sectors should fall on our existing customers.

In addition there are more specific activities that may increase a financial, in kind or regulatory impact on us.

We consider it likely that additional costs may arise through development of and participation in Regional action plans or partnerships.

There may be compliance and regulatory costs associated with licensing applications & decisions. Our approach to investment to meet legislative drivers, within the context of defined investment periods, is to ensure that the environmental impacts and needs are fully understood before promoting

investment at our assets. This is carried out through a process of studies and, depending on the outcome of the studies, delivering the most appropriate cost effective solution.

Other sectors may require developments that consequently impact on our activities e.g. WWTW capacity, investment required or rendered unnecessary due to displacement of other activities such as aquaculture and fish possessing (farmed and wild stock).

Potential project delays, in our own or other sectors that we support, particularly during bedding in process of NMP.

More detailed assessments/surveys may be required for new development projects associated with aspects of Marine Planning

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?

Scottish Water has no comment

Sustainability Appraisal

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

Cross-cutting policies

We have concerns that the NMP allows scope for inconsistencies in approach at the regional level. We would ask that the NMP clearly sets out requirements that cross-cutting policies in particular are consistently applied within RMP and Regional partnerships. We wish to be included in consultations for all RMP.

We build, maintain and operate static assets in the shore, near shore and inshore area such as WWTW, pipelines and discharge outfalls. Unlike many other activities that compete for space in the marine environment, our coastal and marine infrastructure assets are static and must remain operational 24hrs per day.

Our legitimate use of the sea to discharge societies treated sewage effluent and storm sewage under licence, is required on a continuous basis and this can make the immediate area of their location incompatible with certain other uses.

Recreation and Tourism

There is a recognised need for the development of sustainable Recreation and Tourism. We note that Diving and Surfing/Windsurfing would benefit from on-shore facilities including the provision of freshwater taps.

In areas where the mains water or wastewater network is not in place, it will be necessary to consider the need in and benefit in proportion to the cost of providing these services.

In terms of investment to meet legislative drivers, these would always have to be considered through the regulatory investment Quality & Standards Process (Q&S), and there must be very clear evidence of an investment need.

Transport (Ports & Harbours)

We have assets, such as pumping stations, pipelines and outfalls operating in the shore area, any new developments or changes to current activities would have to take account of this.

For developments requiring connection to a mains water supply or wastewater network, especially where the volumes of water or wastewater are significant; we would ask that the developer contacts us early in the project planning process.

High Level Strategic Plan

The stated preferred option for NMP is to set out a broad policy direction. We have concerns that this approach may lead to inconsistency in the approach taken by RMP and this can present organisations, like Scottish Water who operate across Scotland, with difficulties.

We would ask that clear direction is given to complying with cross-cutting policies and, while we support the multi-use/benefit approach, believe more emphasis should be put on activities that are incompatible.

Cumulative Effects

We wish to emphasise the point that the high level policy approach must be specific enough to ensure policy and special decision taken at regional level are appropriate and consistent.

The 3 key themes we wish to highlight are

1. Regional consistency in implementing the broad policies of NMP and inter - regional consistency.
2. While we support the multi use/benefit approach, we do not consider that enough guidance is incorporated in NMP to achieve the sustainable approach where activities are not compatible.
3. We fully support the Scottish Governments policy of identifying certain key sectors for future development; however we do not believe the burden of cost to facilitate the development of other sectors should fall on our existing customers.

Assessment of Policies 6b

Aquaculture 2 & 13

We favour the multiple use/benefit approach in the marine environment; however it should be recognised that certain activities are not compatible without significant mitigation. We welcome this policy to identify areas suitable/unsuitable for new fish farm development and expect the location of WWTW and systems discharges to be taken into account in the decision making process.

Any subsequently requirement for investment to improve water quality, demonstrated through appropriate study, or which places an additional financial burden on Scottish Water will have to be appropriately reflected in future Quality & Standards (Q&S) programmes.

Aquaculture 5

We generally support the Aquaculture planning policies and in particular the policy stating presumption of future expansion should be located in designated areas, monitoring data will support the expansion of the industry in areas of good water quality. The same level of water quality data will not be available for non-designated areas.

With the repeal of the Shellfish Waters directive later this year, it is proposed that protection of shellfish waters will come under the remit of the WFD which contains conditions relating to disproportionate cost.

We have made significant investment in our assets and operations in the vicinity of shellfish waters, however there has not been an accompanying improvement in shellfish flesh quality, suggesting diffuse pollution is a significant factor.

Under disproportionate cost assessment it is unlikely that we will make further significant investment to support the shellfish industry.

The identification of better water quality areas within designated areas will support the shellfish industry without impacting on costs for our customers.

Aquaculture 13

There may be some scope for considering diversification of farmed species but great care will be required to minimise the risk associated with introduction of non-native species. Terrestrial legislation on non-native species does allow for exemption on certain sites e.g. on agricultural farms where the cultivation and harvest of non-native species provides huge benefit. This would have to be weighed against the long term management of the farm and the possibility of introducing species that may become invasive or inadvertently introducing associated species or diseases.

Recreation & Tourism 2

We would ask that, while understanding the desire to develop Regional opportunities, existing water quality and location of discharge points are taken into account at the broad policy level of the NMP and adopted consistently across the RMP.

Recreation & Tourism 5

We refer to the need for infrastructure and facilities for developments, in areas where the mains water or wastewater network is not in place, it will be necessary to consider the need in proportion to the benefit that will be derived and the cost of providing these services.