

## Response to Consultation on National Marine Plan by Orkney Fisheries Association

### General

Orkney Fisheries Association represents 51 vessel owners and 2 Shellfish processors . The Association is tasked with protecting the interests of its members and the wider industry as it impacts on our members.

OFA welcome the opportunity to respond to the Consultation on prospective National Marine Plan.

It is clear to OFA that the proposed National Marine Plan is a document generalised across areas and does not take into account the specific challenges and characteristics of islands in particular Orkney.

It provides an opportunity therefor to address aspects of island- ness in a planning context that preserves the nature, activity and identity of islands defined as they are by that very marine environment.

Fishing is fundamental to any island and Orkney has a 5000 year history evidenced by finds at the Stone Age site of Skara Brae. In fishing the hunter gatherer link remains unbroken and unique compared to any other activity stretching back that far.

As a human activity it therefore requires acknowledgement and protection of its continued viability in Orkney, but within this plan it is merely afforded stakeholder status along with others that are relative newcomers to the Orkney marine scene.

It is the view of OFA, that fishermen, like crofters are unique now in the 21<sup>st</sup> century, in particular Orkney's traditional indigenous fishermen who operate individual businesses as self-employed men, who are not contracted to large companies but continue a hunter gatherer activity in a uniquely autonomous way. They should have their sector elevated to one similar to crofters and should have protection in place in statute through Marine planning that ensures that there is no diminution of them as a sector nor their skills and practitioner core base which will ensure they and their industry's survival in Orkney. **Not to do this threatens the very self-sufficiency of the isles because if protection is not ensured Orkney is vulnerable to disruption, environmental, political and material from the mainland of Scotland.** We cannot speak for other island groups but they may also fit this criterion.

OFA therefore insist that fishing in Orkney be afforded status as an established legitimate activity against which other new and newer developments sustainable or otherwise, should justify themselves not the opposite way round.

However the NMP manifests itself there should be a third party right of appeal for objectors to any development in the sea.

## National Marine Plan

# 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

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

No. It does not recognise the geographical vulnerabilities specific to isles and in particular Orkney.

Development motivation linked to communities must be a driver for common resources. If development is simply profit driven irrespective of the values of the developer, fragile areas and certainly Orkney's islands stand to become vulnerable to loss of their particular need and ability for self-sufficiency. In this respect local control of and access to resources in this respect fishing resources by fishermen, better protects and insulates small, remote and fragile economies from impersonal large interests. The NMP should give Orkney island communities enhanced protection for their traditional core interconnected land and sea use activities, namely fishing and we would encourage this.

Fisheries management is enshrined in joint EU plans and physical barriers to uptake of stocks may have unforeseen consequences. Fisheries management should not be the remit of planners but with fishermen, however application of terrestrial assumptions relating to inshore fisheries have the potential to cause serious economic repercussions.

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

The Plan should attempt to build on and reinforce existing terrestrial policies and objectives where relevant, but it is important to note that the latter are not always going to be appropriate for the multidimensional and dynamic nature of the marine environment (i.e. those which may be associated with the concept of property rights or delimited boundaries). The multi-dimensional nature of the sea-surface, water column and seabed are much more tangible than the air above the land. In the context of remote communities traditional occupations like fishing and islands there requires to be a recognition of particular interdependencies on land based safe havens, coastal shelter for operators at sea and issues of preserving access to skills and resources that underpin self-sufficiency – key necessities for island communities particularly in Orkney’s scattered isles archipelago.

**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 clarification of the roles and responsibilities of Marine Planning Partnerships for preparing Regional Marine Plans would be helpful. The NMP should also highlight the current process that’s being undertaken for the development of the pilot Pentland Firth and Orkney Waters Marine Spatial Plan.

Guidance in quantifying new types of evaluation and measurement to fit the multi-dimensional and holistic complexities of land and sea-based activity need to be formulated. Current quantitative measuring tools lack the sophistication needed for the marine environment and its complex inter-relations with fishing. The three dimensional physicality of the sea is much more tangible than the land/ airspace relationship.

**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?**

The purpose of SSAs is still as yet unclear and it would be useful to set out what SSA designation would mean for areas such as Orkney. Since the pilot PFOW plan is being developed as a predecessor to a statutory Regional Marine Plan in Orkney, it would seem irrelevant to duplicate the policies in the NMP. Protection for existing activities should not be diminished through the designation. Any strategy

should acknowledge the established activity.

**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?**

No. The objective should realise that the outcome ' - of strong resilient and supportive communities where people take responsibility for their own actions and how they affect others' - means empowerment of people within these communities through decision – making and ownership of the processes involved.

'Sustainable' is an elastic term and needs to be pinned down in terms of its human dimension. There are hierarchies of 'sustainable' eg salmon farming, which purports to be sustainable but ignores the unsustainability of the use of wild fish to create polluting farmed fish at a ration of 3kg wild to 1 kg farmed. ' Sustainable' has become a malleable term which can be stretched and moulded to justify wholly unsustainable activities.

**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?**

Yes.

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

Comments

### **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?**

We welcome the change from an outright presumption in favour of development to a more sustainable approach which will be consistent with the policies and objectives of the NMP. However, we would like to reiterate our concern at the position that may be afforded to fisheries in matters of spatial conflict with other sectors. As an established legitimate activity fishing with rights enshrined in law it should have an established status ahead of newcomers to the sea environment.

Although the draft NMP clearly states that fisheries should be considered and consulted with for any plan or proposal that might impact on fishing activity, we feel that the NMP still does not offer fishers adequate assurances of protection of their livelihoods and for the provision of an essential food source. Fishing cannot be equated on the same level as leisure activities like wind surfing or kayaking. We would remind the Scottish Government that any activity which results in the shrinkage of the fishing industry will not be in line with the principle of sustainable development. We would go further and say that locally owned and managed businesses are part of a true ethos of a sustainability strategy and ownership and motivational drive cannot be separated from this. This is also an ingredient of personal and collective autonomy which is a factor in 'wellbeing'.

Scenario mapping should be flexible enough to encompass the social and cultural dimension.

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

We welcome an approach which ensures the impacts of development on important landscapes and seascapes are considered in decision-making. However the scale and impact of industrial developments in the sea, their land based infrastructure and the commercial pressures that will inevitably effect aesthetics may well result in much greater losses than planners can predict. The entire ethos of a wild and remote environment stands to be lost with cumulative losses in human appreciation, well-being and its commercial arm of tourism and there is no evidence that the plan is capable of evaluating this. The whole impact of a development should be known to the public prior to consents being considered with benefits and impacts comprehensively evaluated.

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

Comments

**Q11. Do you have any comments on Chapter 5?**

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

Comments

**Sea Fisheries**

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

The plan should recognise the mixed fishery character of the Scottish Fishery and at a local inshore level the necessity for access to mixed stocks and flexibility to switch between gear types and target stocks, and the physical limits that exposed geographies have on fishermen. There is no evidence that the writers appreciate this.

Securing and underpinning fishing in particular in islands will enable confidence in the industry and stabilise and maintain investment, jobs and recruitment of new entrants. The NMP should recognise that planning has a role in securing confidence in the industry into the future as part of other key objectives in relation to sustainability, communities and environmental concerns.

Currently the plan only fosters insecurity for fishing as an activity as it down plays the status of fishing.

The plan cannot over-ride CFP regulations and while we are in general support of a carefully implemented discard ban, we do not feel that spatial measures will be sufficient to eliminate unwanted catches completely, at least not without the potential for incurring significant economic costs to individual vessels. The NMP acknowledges the inevitability of catching unwanted species, even in the most selective fisheries. An important issue which should be addressed in the NMP (in order that this objective can be achieved sustainably) is for the provision of facilities to process/dispose of unwanted catch in instances where a local market does not exist for their sale.

We would like to make it clear, however, that we would be extremely cautious to support facilities which might produce fish meal (to support aquaculture) for reasons outlined in Q15. In global terms the use of wild protein to feed farmed protein is questionable at best with 3kg-1kg ratio typical of the amount of wild fish used to

create a farmed product. There is therefore a conflict between global and local goals of sustainability.

**Effects of interactions – displacement:** We would like to see the last statement about the positive socio-economic impacts of displacement removed from the NMP. Given the potential consequences for the individual fishers being displaced (loss of fishing opportunity, extra fuel costs etc.) we do not feel that the inclusion of such a statement is conducive to the objective of the NMP to encourage activities which deliver social benefits and ensure equitable access to marine resources. Fishers are legitimate users of the sea and as such developments should not go ahead if they restrict access to individual fishing grounds.

**Climate Change:** We would like to see the NMP recognise the difficulties of achieving MSY in a mixed fishery. One of the fundamental problems of attempting to maintain different stocks at MSY is that it ignores interactions between different species and natural fluctuations in fish populations. In some cases, it will be impossible for all species to be at MSY at the same time. MSY cannot nor can any fisheries management measure be a constant within a plan as it is constantly subject to change.

We would like the NMP to note the possibility of increased fishing effort in sheltered inshore areas as a result of offshore vessels moving inshore to shelter from more frequent adverse wind and wave conditions. Adverse conditions may also place additional limits on inshore vessels reducing their time at sea and catches which would require them to maximise areas of sheltered fishing. The plan should also recognise that fishermen require spatial flexibility to be able to respond to the impacts of climate change on the distribution of their stocks.

The OFA would like to suggest some minor changes to some of the marine planning policies for commercial fisheries:

**Fisheries 1:** Manage fishing in a manner consistent with the ecosystem approach to ensure the sustainability of fish stocks

**Fisheries 2:** Take account of fishing in consideration of any development in the marine environment. Local fishing interests should be consulted **at an early stage** where appropriate.

**Fisheries 4:** Consider the **cultural and economic importance** of fishing, in particular to vulnerable coastal communities.

**Fisheries 5:** We would advise against the use of the term “fisheries management



plan” to be prepared by developers to avoid confusion with the fisheries management plans currently being prepared by Inshore Fishery Groups.

We are concerned that there is a lack of objectivity in the planning process when developers fund assessments and plans and that greater independence should be sought in this process.

We would like inserted

- A recognition that fishermen should not have their legitimate fishing opportunity diminished or incomes reduced by an activity.

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

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?**

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

We are concerned that a section on aquaculture’s interactions with other users has not been included in the draft NMP. From a fisheries perspective, aquaculture development represents a significant potential for spatial conflict, albeit on a local scale. In Orkney for example, over 20 consents have been granted for finfish farms across the Islands which, when fully developed, will cumulatively occupy approximately 200 hectares of sea surface area. This represents 200 hectares of lost fishing opportunity. The displacement of divers and creelers from prime fishing grounds is a serious concern.

Furthermore, organic enrichment (from waste feed, faecal matter, chemical pollutants) can cause algal blooms, anoxia and changes in sediment quality and benthic species composition. These effects can spread to as far as 1.2km from finfish cages (Milewski, 2001) depending on intensity and direction of currents. Since healthy shellfish stocks are dependent on maintaining good water quality, an increasing number of aquaculture developments will inevitably impact on the local shellfisheries. Increased use of wrasse while mitigating some effects will contribute to others namely increased faecal pollution which will impact on stock density.

We strongly recommend that the cumulative impacts of finfish farms are considered before any consents are granted, something that should be recognised in the NMP.

There are clear conflicts in the aspirations for sustainability with deterioration in the water quality from fish farm pollutants and there reliance on three times the wild stocks converted to feed with the carbon used in those manufacturing and transport methods.

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

We feel it is appropriate for inclusion in a high-level NMP, to encourage Regional Marine Plans to confer priority to existing fisheries when a negative interaction between the two sectors is likely to occur.

### **Wild Salmon and Migratory Fish**

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

None.

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

None.

## **Oil & Gas**

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

None.

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

None.

## **Carbon Capture & Storage (CCS)**

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

None.

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

None.

## **Offshore Renewable Energy**

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

No comment.

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

We strongly encourage a collaborative planning approach be adopted for the siting

of marine renewable energy developments at a local level and would like to see this recognised in the NMP.

Although fishery interests are often contacted during pre-application consultations, fisher's local knowledge on factors such as tidal regimes and seabed characteristics has not, at least until now, readily fed into the planning process. Furthermore, one of the main issues fishermen have for becoming involved in marine planning is the assumption that national priorities will take precedence over local concerns. In this context, consultations for marine renewables are often viewed as nothing more than 'tick the box' exercises with no real opportunity to object to an application.

We recommend that in areas where fishing represents an extensive component of human activity in the marine environment, the marine planning authority should facilitate working groups between fishery interests, The Crown Estate and individual developers with a view to discuss issues and concerns appropriate to the siting of wind, wave and tidal developments. **Future areas for lease must be identified in discussion with local fishers to minimise the impact of installations on the fishery.**

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

None.

### **Recreation and Tourism**

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

None

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

None.

## **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.

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

Marine planning should ensure that the needs of legitimate working harbours and ports are not compromised to maximise tourism potential (e.g. displacing fishing vessels from harbours for vessels transporting tourists onshore from cruise liners).

The exhausting nature of fishing when vessels may be operating for many hours on end and at anti social times of day and night mean that once in harbour they should not be expected to be got up to continually move their vessel especially if they are catching up sleep after night working. Adequate berths should be designated for fishing vessels to ensure crews can be rested.

Furthermore provision should include planning for fixed links or tunnels in island areas.

**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?**

None.

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

None.

### Defence

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

None.

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

None.

### Aggregates

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

None.

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

None.

### 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.**

With an increasing number of developments in the marine environment there is a real concern for the displacement of existing users into less suitable and, potentially, more hazardous areas. For fisheries, the cumulative impacts of displacing fishing activity need to be considered before any development should be granted a consent or marine licence. Research in the social, economic and environmental impacts of displacement should be prioritised.

Furthermore, we would wish to emphasise that the social impact on fishers from lost fishing opportunities (either from displacement or other spatial restrictions) should be considered in terms of individual “well-being” (the Office for National Statistics now rates well-being as a national policy goal). Fishing provides **long-term, autonomous jobs** for the traditional working sector of the population and is often an **integral part of the cultural identity of remote coastal and island**

**communities.** Small inshore vessels are usually small singly or family-owned businesses which operate at a modest profit, and while material gain is the prime driver other factors are also important such as job satisfaction and family tradition. Basing decisions purely on economic rationalism should be avoided.

### **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?**

#### **Objective 4: Tackle discarding through the elimination of unwanted catches.**

Catching unwanted species will sometimes be inevitable, especially in a mixed fishery situation. The SA should have acknowledged the negative (and potentially significant) economic impact to fishers having to land species of lower value than their target species. For species for which there is not currently market, fishers will be forced to dispose of unwanted fish. A lack of local facilities for processing or disposal could entail significant costs for transport to landfill or other facility.