

## CONSULTATION QUESTIONS

Please identify the main area of interest you identify with :

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

Other (Please state)

Comments

### Introduction

The National Trust for Scotland (NTS), as owner of the only natural heritage World Heritage Site (WHS) in Scotland which includes the marine environment (as part of the mixed WHS of St Kilda) and a number of island and coastal properties, strongly supports the principle of a National Marine Plan. Scotland's seas are a vast and vital national resource, which apart from their intrinsic value provide innumerable vital services to the people of Scotland and beyond, but which are coming under increasing pressure from activities and developments. The Trust believes the creation of a plan that brings together all sectors and users of the marine environment, to agree a long term approach to managing Scotland's seas is essential and timely and the only way of ensuring Scotland's seas remain clean, healthy, safe, productive and biologically diverse, now and in the future.

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

There are many positive aspects to the NMP however the Trust does not believe the current draft of the NMP will appropriately guide management of Scotland's marine resources.

#### Confusion about the overall aim of the NMP

The main issue the Trust has is the confusion set up in the opening pages of the

draft plan about whether the plan is there to deliver on sustainable development or sustainable economic growth, which the Trust contends is one element of sustainable development (which brings together social, economic and environmental concerns).

Underpinning the NMP are various Scottish, UK and EU pieces of legislation and policies. The Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009 are the principal acts, the former which requires Scottish Ministers to prepare and adopt a National Marine Plan covering Scottish inshore waters and the latter which requires Scottish Ministers to seek to ensure that a marine plan is in effect in the offshore region also. As such we would like to see the duties contained within the 2010 Act explicitly stated as the overriding aim of the NMP e.g.

- Sustainable development and protection and enhancement of the health of the Scottish marine area, and
- Mitigation of and adaptation to climate change

and for all subsequent objectives and policies to directly contribute to the delivery of these key aims. Inclusion of phrases such as ‘the Scottish marine planning system should promote development and activities that support sustainable economic growth (p7) as the introduction to the chapter on marine planning, then creates confusion. Achieving a sustainable economy is undoubtedly a key objective of the plan as it is a key aspect of sustainable development, but it should not be confused as the overriding aim of the plan, which has to be sustainable development. This must be made much clearer in the introduction to the plan.

### **Taking an ecosystem based approach**

The NMP contains many objectives for the different sectors which rely on the marine environment for goods and services. However it does not provide guidance on how these varying objectives should be integrated, which are priorities and what should happen in the event of objectives conflicting. The objectives appear to be something of a wish list for the sector concerned with little regard for how they will impact on other sectors or how they will contribute to the duties of the 2010 Act, as set out above.

The EU Marine Strategy Framework Directive sets out that management of the marine environment should be undertaken through an ecosystem based approach which would allow for the sustainable use of marine goods and services but which would ensure that ‘... the collective pressure of such activities is kept within levels comparable with the achievement of good environmental status and that the capacity of marine ecosystems to respond to human-induced changes is not compromised ...’. This would require a shift of focus of the plan but would help integrate the objectives and ensure cumulative impacts were considered in the planning process.

### **Making ‘mitigation of and adaptation to climate change’ more explicit throughout the plan**

We welcome the analysis in each chapter about how a particular sector would interact with other users; how it contributes to or should contribute to living within environmental limits and climate change. However, particularly with the latter it appears to look at what climate change would do to the sector rather than how the sector contributes to climate change or how it could help to adapt to or mitigate climate change. It was also at times not obvious how the issues raised within these sections were then translated to objectives or policies for the sector.

We welcome the inclusion of land/seascape and historic environment as general policies. However their importance and the need to protect them needs to be reinforced to a much greater extent throughout the plan.

**Timescale**

No-where does it specify the period over which the plan runs. This will be crucial in setting targets, reviewing and evaluating the plan, identifying what has been achieved and what still needs to be achieved prior to the next plan.

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

The NMP references the requirement for integration of marine planning and land use planning systems and we fully support this. Much of the marine environment is influenced by activities on land and many proposed developments in the marine environment will have land based requirements and these must be planned for and agreed in the round and not separately.

However the NMP lacks any guidance on how this should be taken forward; how conflicts between the two realms should be resolved; when there is overlap, which planning system should take precedence or the role the Crown Estate in this.

**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?**

In the Trust's view, more guidance is required to help regional marine planners translate the many objectives and policies within the NMP into regional marine plans including the setting of priorities, conflict resolution etc. This comes back to making the overriding objectives of the NMP clear and the need to adopt an ecosystem based approach to managing Scotland's seas. Proper guidance on how to put in place a management framework that would deliver the ecosystem based approach would be helpful, in addition guidance on what duties and obligations the various relevant pieces of legislation place on regional marine planners and marine users; guidance on establishing priorities when conflicts arise and further guidance on how marine plans should interact with terrestrial and neighbouring marine plans would also be of use.

**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?**

As this question refers to a proposal in a separate consultation, it would be useful to have a brief summary within the NMP about the purpose of these Strategic Sea Areas and how designation would benefit these particular areas.

If these areas go ahead, lessons learnt from these areas should be used to enhance and improve management of the whole marine environment.

**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 strategic objectives set out in chapter 3 provide a good foundation for achieving sustainable development, including protection and, where appropriate, enhancement of the health of the sea. However we do not see these objectives being fully translated into the general and sector specific objectives laid out in subsequent chapters.

In addition to this, reference to both sustainable development and sustainable economic growth at the outset of the plan, causes confusion as to what is the overriding aim of the plan. We would like to see the achievement of sustainable development, including protection and, where appropriate, enhancement of the health of the sea; in addition, mitigation of and adaptation to climate change, made much more explicit as the overriding objectives of the NMP. Without this clarity of purpose, we believe will lead to conflict between sectors and developments and no obvious way of deciding what should take priority.

As we said in answer to Q1, many of the sector specific objectives appear to be something of a wish-list for the industry to which they apply with the underlying aim of delivering sustainable economic growth rather than sustainable development and these should be refocused to deliver the latter.

The general policies were more in tune with achieving sustainable development, however we do not believe that they will actively ensure the enhancement of the health of the seas and this needs to be made more explicit.

One element that would help address this would be the inclusion of the Precautionary Principle as one of the general policies within the plan. This is a well recognised and well understood concept and puts protection and enhancement at the heart of decision making.

**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?**

With regard to setting economic, social and marine ecosystem objectives, having strategic objectives and then sector specific objectives is a useful way of distinguishing between the broad overarching strategic objectives and the more targeted objectives that will deliver for a particular sector. However what does not come across are the linkages between sectors; how conflicts between sector specific objectives will be resolved; and how different sectors will work together to resolve any cumulative effects that arise.

The Trust also has serious concerns that the sector specific marine objectives are all written from the perspective of the industry in question and how that industry

can maximise benefits from the marine environment, rather than how the industry can help Scotland achieve sustainable development, including protection and where appropriate, enhancement of the health of Scotland's seas as well as delivering on Scotland's commitments under the Climate Change (Scotland) Act. A number of these objectives require a considerable re-think.

Again we would reiterate the need to make explicit throughout the plan that mitigation of and adaptation to climate change is an overriding objective of the plan, alongside achieving sustainable development, including protection of and, where appropriate, enhancement of the health of the sea and that all the objectives within the plan should be contributing to this. Although the impacts of climate change and occasionally the impacts on climate change are looked at for each sector, this very rarely translates into concrete objectives or policies.

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

Chapter 3 provides a great deal of information on the various pieces of legislation, objectives, outcomes and principles that have a bearing on the National Marine Plan. It is a complicated area and would benefit from a diagram showing the linkages and in addition an appendix with a list of all the approved or in draft strategies that will influence decision making eg *A Strategy for Marine Nature Conservation in Scotland's Seas* and the *Marine Litter Strategy* etc with links to them.

#### **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 commitments made in the plan to the principles of sustainable development and believe many of the policies will help to achieve this. However there are others that the Trust would like to see re-written so that they too contribute to the achievement of sustainable development in Scotland's marine environment.

GEN policies 1, 2 & 3 move some way towards achieving sustainable development with the presumption they make in favour of sustainable developments that will promote economic and social benefit. However this only partially achieves sustainable development. We would like to see these first 3 policies added to to reflect the five guiding principles of sustainable development as agreed in the UK framework for sustainable development, namely:

- 1 Living within environmental limits
- 2 Ensuring a strong, healthy and just society
- 3 Achieving a sustainable economy
- 4 Promoting good governance
- 5 Using sound science responsibly.

To achieve this we would like to see an additional policy making a presumption in favour of developments that will protect and enhance the biodiversity and health of

the marine environment and also the policy on research, strengthened.

GEN 4 – we would like to see other stakeholders also included in this policy, as there are often communities of interest as well as communities of place that have a legitimate interest in development proposals.

GEN 5 – agree

GEN 6 - we are supportive of a general policy that aims to integrate marine and terrestrial planning. However marine and land based components required by developments and activities should only be supported where they are sustainable. '*where these are sustainable*' should be added to the end of GEN 6.

GEN 7 – agree

GEN 8 – agree

GEN 9 – agree

GEN 10 – this general policy is key to ensuring decisions are based on sound evidence. We would like this policy strengthened so that it encourages research and the gathering of data at all opportunities so that our evidence base continually improves. Reference should be made to the monitoring and research that Marine Scotland and other statutory agencies are currently undertaking and facilitating. This work will be crucial to informing marine spatial planning and decision making in future.

'The Precautionary Principle' is an internationally agreed approach and 'one of the key elements for policy decisions concerning environmental protection and management' (JNCC website, November 2013). This key approach gains brief mention in GEN 10. The draft SPP (para 133) sets out that 'Planning authorities should apply the precautionary principle where the impact of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain. If there is any likelihood that damage could occur, modifications to the proposal which would eliminate the risk should be considered'. The precautionary principle should be a general policy within the NMP and we would propose that it is elevated to a standalone policy.

GEN 11 – we would like to see this policy amended so that development does not just 'take account of' achieving or maintaining Good Environmental Status, but rather developments must '*be consistent with*' achieving or maintaining GES'.

GEN 12 – we suggest that this policy includes the actual designations to which marine planners must adhere eg the SPAs, SACs, MPAs etc. We would also like clarification on what 'the national conservation status of other habitats or populations of species of conservation concern', are? We are unclear about whether or if this refers to the Priority Marine Features currently being consulted upon, and/or features included in MPAs/ SACs/ SPAs and would like to see clarification in the plan. This would provide greater clarity for marine planners about what is required and therefore what needs to be planned for.

Cumulative impacts of developments should be raised as a potential issue and one that must be considered in the regional planning process so that developments, when taken together, do not transgress environmental limits.

None of the general policies deal with enhancing the health of the marine environment – a crucial aspect of the Marine Act. This could either be a standalone policy or GEN 12 could be amended to include enhancement as well as protection.

GEN 13 - we strongly welcome the inclusion of the marine historic environment as a general policy and in particular inclusion of both designated and undesignated sites. As with Scotland's natural heritage, these sites have their own intrinsic value but they are also a key element of Scotland's tourism product. Tourism, as has been recognised in the sectoral chapter on recreation and tourism is crucial to many rural and coastal communities and ensuring valued heritage assets are protected and where possible enhanced in any future development, will be critical to ensuring the future of Scotland's tourism industry and the many people and communities that rely on it.

We would like to see greater recognition given to the impacts on the historic environment in the sector specific chapters in the plan and in conjunction with this protection and enhancement of this sector embedded throughout the plan. We are concerned that not enough weight is given to the importance of the marine historic environment and that where developments can show economic benefits in particular, then developments will be permitted and the heritage asset allowed to degrade, or be destroyed.

We agree with the wording provided on Page 30: 'GEN13: Marine planning and decision making authorities should aim to protect and, where appropriate enhance, heritage assets in a manner proportionate to their significance when progressing development and use of the marine environment.'

However we have concerns over aspects of the wording on page 31, in particular the wording for designated assets. The plan sets out that 'Substantial loss or harm to designated assets should be exceptional and should only be permitted if this is necessary to deliver social, economic and environmental benefits that outweigh the harm or loss'. 3.63 of the Scottish Historic Environment Policy (SHEP) sets out what the 2010 Act means for marine historic MPAs. 'Under section 96 of the 2010 Act, it is an offence to intentionally or recklessly carry out a prohibited act that significantly hinders or may significantly hinder the achievement of the stated preservation objectives for a Historic MPA. Prohibited acts are (a) works or activities which (or which are likely to) damage or interfere with a marine historic asset or have a significant impact on the protected area, (b) acts to remove, alter or disturb a marine historic asset.' Currently there are very few designated marine historic assets whether hMPAs, listed buildings or scheduled monuments in the marine environment and we believe that these should be afforded the utmost protection.

In addition to the few designated marine historic assets there are a great many undesignated historic assets in the marine environment. Where their preservation in-situ is not feasible and development is justified, marine decision making authorities must require a detailed archaeological investigation to be carried out. 'Should' require in this instance we do not believe is strong enough.

Re: final paragraph on page 32. The Royal Commission on the Ancient and Historical Monuments of Scotland is to be merged with Historic Scotland in the near future to become Historic Environment Scotland and perhaps reference should be made to this rather than RCAHMS. In addition to Historic Environment

Scotland, this information should also be archived with the adjacent Local Authority Archaeology Service, not or the Local Authority Archaeology Service.

A very small proportion of the marine historic environment has been designated, whether as a listed building, scheduled monument or historic Marine Protected Area. A map indicating the sheer volume of undesignated heritage assets in the marine environment would provide a useful reminder about the true extent of the marine historic environment and what developers might encounter during a development.

GEN 14 – We strongly welcome the inclusion of landscape/seascape as a general policy. Scotland's land/seascapes, like Scotland's heritage assets have their own intrinsic value but they are also crucial to the tourism product that Scotland has to offer, which in turn is so vital to many rural and coastal communities. To ensure Scotland's tourism industry remains a key contributor to Scotland's economic and social prosperity, the country's valued land/seascapes must be protected and where possible enhanced in any future development. See also comments under Q.9.

GEN 15 – agree

GEN 16 – agree

GEN 17 – agree

GEN 18 – agree

GEN 19 – This policy should be amended so that it delivers on the duties contained within the Climate Change (Scotland) Act and Marine (Scotland) Act eg replacing the current policy with 'Developers and users of the marine environment should act in a way best calculated to mitigate, and adapt to, climate change.'

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

We strongly welcome inclusion of General Policy 14, highlighting the importance of land/seascapes in the National Marine Plan. However we do not believe that the current proposals on p34 will afford adequate protection for land/seascapes of national and local importance. The NMP highlights the many benefits that land/seascapes bring to society, especially coastal communities as well as the very significant contribution tourism based on Scotland's landscapes contributes to Scotland's economy each year - £420 million<sup>1</sup>.

A number of NSAs extend into the marine environment, however there is no clarity as to the extent to which they apply to the sea and it is hoped the NMP, in setting landscape objectives, will bring clarity to the implications of NSAs to the adjacent marine area.

Our own research on landscape preferences found that Scotland's wild coastal land and seascapes were the second most favoured landscape type among the Scottish public, second only to mountain landscapes. The variety of species and habitats supported in these environments was a major factor in their enjoyment.

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<sup>1</sup> Scottish Natural Heritage *Valuing nature based tourism in Scotland*



We would therefore like to see Gen 14 strengthened:  
'Marine planning and decision making authorities should protect and, where appropriate enhance valued seascapes and landscapes, when progressing development and use of the marine environment.'

In addition to National Scenic Areas and National Parks which the NMP affords additional protection, World Heritage Sites (WHS) and the Core Areas of Wild Land, identified by SNH should also be added to this list. WHS have been designated for their international significance and for St Kilda, for example, the archipelago's cultural landscape is one of the features for which it has been inscribed on the World Heritage List. With regards the Core Areas of Wild Land, only those with the 'most extensive areas of high wildness have been selected' [SNH map of Core Areas of Wild Land in Scotland 2013], some of which have coastal locations and would be impacted by inappropriate development whether in the marine or terrestrial environment.

NSAs, NPs and WHSs are of national/international importance. However to many communities it is their local landscape that is significant, contributing to their quality of life and well being, a sense of place and their livelihoods. We would like to see recognition of the importance of local landscapes in the NMP and guidance on how they should be protected in the development process.

Onshore infrastructure will also be a significant element of many marine developments and GEN 14 should highlight the importance of considering the onshore infrastructure at the same time as assessing the development so that all impacts can be identified and mitigated together. In particular significant national and valued local landscapes should be safeguarded.

A map showing designated landscapes would aid understanding.

Sustainable development is possible in the coastal and marine environment, but it should not come at the expense of Scotland's landscape character or visual amenity.

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

See above for suggestions for alternative wording for a number of policies and for two additional standalone general policies re a presumption in favour of developments that will protect and enhance the marine biodiversity and health of the marine area and in addition a general policy re the precautionary principle.

**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?**

It is useful to have sector specific chapters setting out the background, issues for marine planning, sectoral objectives and policies and current thinking on the future

for the sectors selected.

See response to Q.1 for comments on sectoral objectives.

## **Sea Fisheries**

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

#### **Sea Fisheries Objectives**

We agree with Objectives 3-4, 6-9 and have the following comments to make about Objectives 1, 2 and 5.

Objective 1 – we support fish stocks being harvested sustainably but we do not support fish stock being fished at maximum sustainable yield. This is an academic target which in achieving it often leads to over fishing. We would like to see this objective reworded to: *'Ensure fish stocks are harvested sustainably leading to increased long term stability.'* This would both contribute to the protect and enhance biodiversity objective and help secure the fishing industry in the long term.

Objective 2, 1st bullet - there is a great disparity across Scotland with fish quotas and so we would like to see the objective reworded to ensure that there is equitable access to annual quotas rather than maximising opportunities and suggest the following rewording: *'Ensure equitable access to annual quotas.'*

Objective 2, 2<sup>nd</sup> bullet - the aim should be to harvest wild fish sustainably, not to maximise the harvest and suggest the following rewording: *'Harvest wild fish sustainably'*.

Objective 5 – Rather than 'the whole sector', we would suggest making this 'appropriate stakeholders' to ensure that all stakeholders are empowered in the decision making process, and suggest the following rewording: *'Management of fisheries on a regional sea-basin basis with appropriate stakeholders empowered in the decision making process.'*

Re: historic environment and interaction with fishers. The text sets out that fishers avoid where possible heritage assets due to risk of damage to gear. However only a very small proportion of the historic environment has been designated and so we call for more research into the marine historic environment, both to gain a greater understanding of what is there, so all the most significant elements can be identified. This would not only help protect the heritage assets and but also aid fishermen and other marine users in avoiding key heritage assets.

#### **Part 4: The Future**

3<sup>rd</sup> sentence - the impact of exploitation of fisheries on the marine historic environment should also be recognised:

*'The exploitation of fisheries will continue to have an impact on marine ecosystems, habitats, biodiversity, production and the historic environment'*.

Re: maps - greater explanation required for each map

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

### **Policies**

We agree with policies 1, 2 & 4.

Fisheries 3 – 2<sup>nd</sup> bullet point – this should make explicit that this includes the marine historic environment.

Fisheries 5 – Rather than just ‘fishing interests’ that should be engaged with, we suggest that this should refer to ‘local stakeholders’.

*‘Where an impact on existing fishing activity may occur, a fisheries management plan should be prepared by the developer, involving full engagement with local stakeholders. All efforts ...’*

### **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?**

Aquaculture comes under terrestrial planning and we do not feel that the NMP adequately sets out the relationship between marine and terrestrial planning in relationship to aquaculture.

In the longer term we would like to see planning in relation to marine aquaculture coming under marine planning rather than terrestrial planning to ensure that it is fully integrated with all other marine activities.

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

### **Objectives**

We object to specific growth targets as set out in the objectives on p58. It is unclear how these targets have been arrived at and whether any environmental assessment has been undertaken on them.

### **Interactions with other users**

There did not appear to be a section on interactions with other users, which given some of the issues surrounding fish farming appears to be a significant omission. One of the main issues with finfish farming is its impact on wild fisheries, in particular the issue of sea lice.

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

### **Policies**

We broadly agree with Policies 1, 2, 6, 8 & 11 and have suggested alterations to policies 3-5, 10, 12 & 13

Aquaculture 3: We agree that there should continue to be a presumption against further marine finfish farm development on the north and east coasts to help protect migratory fish stocks. However with the fall in the wild salmon population we strongly believe that stocks of wild salmon and other migratory fish as well as

rivers used by migratory fish on the west coast and islands should also be protected. We would like to see appropriate measures in place to protect these important stocks/rivers also.

Aquaculture 4: We strongly oppose the proposals as set out in Map 3, in particular in relation to the areas identified as Category 3. Part 4 on p64 acknowledges that Marine Scotland are undertaking research to identify areas of opportunity and constraint for both finfish and shellfish sectors. The results of this research combined with proper strategic thinking is required into the areas that can and cannot withstand new finfish and shellfish farm developments on the west coast of Scotland. The current map appears to take no account of areas designated for their natural heritage e.g. Special Areas of Conservation, Special Protection Areas or proposed Marine Protected Areas. Neither does it take into account National Scenic Areas, despite acknowledging the visual impacts these industries can have (p60). It may turn out to be that finfish and shellfish developments can co-exist within some of these designated areas but others cannot and so at the very least any area currently designated for its natural heritage or scenic value should fall within Category 2. Map 10 should be amended and then it should clearly state that it will be amended again following the results of Marine Scotland's research and after proper strategic consideration, or the map should be removed entirely to prevent confusion.

Aquaculture 5: There appears to be an imbalance between shellfish farming and finfish farming, the former, which has a lower impact upon the environment, appearing to be much more restricted. Any areas to be designated for shellfish farming should be subject to rigorous environmental assessment prior to designation and this should be made clearer in the policy.

Aquaculture 10: In addition to pre-application discussions, consultation and engagement with local communities, which is crucial, the same should also apply to all relevant stakeholders.

In addition to developers seeking the support of local communities and stakeholders, they should also be required to address the concerns of local communities and stakeholders.

Aquaculture 12: This policy needs some qualification. Use of biological controls should only be encouraged where they have been proven not to cause wider environmental damage. This policy should make explicit reference to what would be acceptable.

Aquaculture 13: This policy should be tightened up to specify what criteria would need to be satisfied.

We would like to see a new policy on requiring fishfarms to improve their husbandry to reduce deleterious impacts on the environment and other sectoral interests.

## **Wild Salmon and Migratory Fish**

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

Improved data on stock structure, distribution, abundance, population dynamics and migratory routes is important now and should be included in the current research being undertaken by Marine Scotland on salmonids, and not put off until some time in the future.

We would suggest a further objective is needed to keep areas important to wild salmon and migratory fish free of fishfarms on the west coast and islands of Scotland as well as on the north and east coasts.

We agree with Objectives 2 & 3

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

**Policies**

Marine Planning Policies: The Precautionary Principle should be included within this policy. Where evidence of impacts on salmon and other migratory species is inconclusive, rather than 'mitigation should be adopted where possible', instead the 'precautionary principle' should be adopted.

**Oil & Gas**

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

**Objectives**

We have a fundamental issue with Objective 1 – 'To maximise the recovery of oil and gas reserves...'. In no way can this be said to contribute to the duties placed upon Ministers and public authorities as set out in the Climate Change (Scotland) Act 2009, to act in the way best calculated to contribute to the delivery of the emissions reduction targets contained within the Act. We would like the Scottish Government to explain how it can square its commitment here with those in the Climate Change Act.

We agree with Objectives 2 & 4

The section on climate change refers only to the potential impacts of climate change on the sector and makes no mention of how the sector contributes to increased carbon emissions and climate change. This section should clearly state both, as is the case for Carbon Capture & Storage and Renewables in subsequent chapters.

The NMP suggests that in future oil reserves that are 'hard-to-reach' could be unlocked, suggesting significant environmental risk. We would like the NMP to provide a clear steer to marine planners to prevent new oil and gas exploration in areas considered to pose significant environmental risks.

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

**Policies**

Oil & Gas 1 – see comment above about maximising oil and gas exploration. We would like to see 'and ensuring global carbon emissions are limited' added to the end of the first sentence.

We agree with Policies 2, 3, 5 & 6

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

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

#### **Objectives**

Objective 1 – suggests that this technology has been tried and tested and is ready to be deployed. However, it has yet to be proven at a commercial scale whether it will be cost effective, safe and sustainable. The first objective should be about supporting development of CCS to achieve a safe, cost effective, sustainable and commercially viable industry.

Objective 2 – again should include ‘sustainable’ before ‘development’.

Objective 4 – we consider this to be premature given the status of the technology. We suggest this objective explore the sustainable development implications (economic, social and environmental) of this ambition during the lifetime of this plan.

We agree with Objectives 3 & 5

In the section ‘Supporting economically productive activities’ it sets out how critical CCS is to Scotland, however it does not acknowledge that this industry is still in its infancy and has yet to be proven at a commercial scale and within environmental limits.

We agree that monitoring will be important to assessing whether there are any leaks and that failure should be planned for. We also support the shared use of infrastructure, where this is the most environmentally sensitive option.

In addition to habitat damage or loss etc, new infrastructure could have impacts on the marine historic environment and this should be acknowledged.

With this industry still in its infancy, a number of the claims made in the text such as it being highly unlikely that there will be large scale leakage of CO<sub>2</sub> from deep ocean storage and that CCS will reduce the levels of CO<sub>2</sub> released into the atmosphere, appears overly simplistic and as yet unproven. We would suggest that the last paragraph of Part 4 needs to be moved to the start of the chapter on CCS. ‘In order for CCS to make a significant contribution towards the decarbonisation of the electricity sector by 2030, its capacity to deliver required outcomes needs to be proven’.

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

#### **Policies**

We suggest CCS1 should read, ‘CCS demonstration projects or developments should be supported where they can be delivered in an environmentally sound way and deliver genuine emissions reductions’.

We agree with CCS 2.

## **Offshore Renewable Energy**

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

Yes

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

#### **Objectives**

We support Objectives 1, 5 & 6 and 2–4 & 7 with slight alterations

Objective 2 - we do not support this objective in its current form. Sustainable economic growth does not have an internationally recognised definition and could put the achievement of sustainable development of the sector – as specified in Objective 1, at odds with the achievement of Objective 2. We would support a rewording of the objective to say '*To promote economic growth through the sustainable development of offshore renewable energy*'

Objective 3 – we suggest this objective should end with '*in the most suitable locations*'

Objective 4 – we suggest this objective should end with '*consistent with measures to protect valued landscapes*'

Objective 7 – this should be strengthened by the addition of the word 'sustainable' before development. In addition the addition of '*when consistent with the objectives and policies of the plan*' should be added to the end of the objective.

#### **Grid Provision**

##### **Interaction with other users**

New offshore renewables developments and the extensive grid infrastructure that they will require to support them (both off and onshore) are likely to have a significant impact on Scotland's habitats and species, the historic environment and onshore on Scotland's landscapes. SEA, HRA and EIA will be crucial in determining where these developments should be located with least environmental impact.

##### **Visual impact**

Of particular concern will be the visual impact of offshore wind energy developments on valued landscapes and seascapes, both national and local and the grid infrastructure that will be necessary to support them onshore. Scotland's landscapes and scenery are highly valued and contribute significantly to a sense of place and well-being for many people. They are central to Scotland's tourism industry and it is estimated are worth £420 million p.a. in terms of tourism. Scotland's tourism industry employs c. 200,000 people directly and this is of particular importance to rural and coastal communities where opportunities for alternative employment are more limited. Scotland's most valued landscapes and seascapes must be protected from inappropriate developments (offshore and

onshore) and at the very least areas designated National Scenic Areas, National Parks, World Heritage Sites and areas contained within SNH's Core Areas of Wild Land map, should be protected from such developments. A Seascape, Landscape and Visual Impact Assessment (SLVIA) should be undertaken as part of the EIA and where developments will impact on valued local landscapes, extensive consultation with local communities and other key stakeholders should be undertaken prior to consent being granted and mitigation undertaken where necessary. This applies both to the renewable developments themselves, in particular offshore wind energy developments and also any onshore grid infrastructure to support the renewables industry.

### **Climate change**

Reference should be made to deploying offshore renewables in as sustainable a manner as possible. Planning must take account of the environmental and land/seascape impacts of developments and permission only granted where the environmental benefits clearly outweigh the impacts and where the most valued land/seascapes are protected or impacts suitably mitigated.

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

### **Policies**

We support policies 4, 6-8 and make the following suggestions to policies 1-3, 5, 9-11

Renewables 1 – ahead of any areas being agreed for offshore renewable developments, offshore SPAs must be identified to protect seabird feeding areas.

Renewables 2 – there is potential for significant adverse cumulative effects of offshore renewables in this region particularly on mobile species and habitats. 'sustainable' should be inserted before 'development' and a caveat included that these developments will only be supported where their individual or cumulative impacts do not adversely impact on the heritage of this area.

Renewables 3 – comments as per Renewables 2

Renewables 5 – Impacts on the marine historic environment and landscapes/seascapes should also be included in this policy. Where mitigation is not possible, the policy should clearly state that 'relocation' should be followed e.g. '*Specific impacts on species, habitats, landscapes, seascapes and the marine historic environment should be mitigated through appropriate design, construction and operation methods or relocation of developments where mitigation is not possible.*'

Renewables 9 & 10 – All stakeholders should be actively engaged with at an early stage in any proposal, not just existing users or local communities and we would like to see these policies changed to reflect the need for wider engagement with all stakeholders.

Renewables 11 – The Government is there to represent the national interests which must include social and environmental benefits also.

## **Recreation and Tourism**



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

The Trust is pleased to see the importance of recreation and tourism has been recognised in the NMP. This is a crucial industry in Scotland and brings enormous benefit on many levels to the people and economy of Scotland. We agree with all the objectives as set out with slight amendments to Objective 3. Developments to support recreation and tourism must equally be sustainable and so we suggest the addition of '*sustainably*' before 'improve' at the start of the second sentence.

Re: objective 5 – at the end we would add '*and increased economic benefit*'. The Government has identified tourism as a growth sector with significant economic potential. However of all the sectors, recreation and tourism is least well understood in terms of the economic benefits it produces for the local and national economy relative to other sectors. The NMP sets out that it will support access to coastal and intertidal areas and infrastructure to support tourism, but it does not say anything about the importance of protecting key landscapes and scenery, ensuring environmental quality, through the planning system. These set the context within which tourism flourishes and without which, the tourism industry will suffer whether the infrastructure is there or access to the coast has been secured. In all planning in Scotland, impacts on the environment and landscapes and seascapes must be considered to ensure that these vital elements of Scotland's tourism product are not damaged. In addition research is needed into the interactions between recreation and tourism and other industries to gain a better understanding of how they interact and impact on each other and also on the relative benefits, including economic, the different sectors provide. We support Marine Scotland's further research into participation levels and key areas to assist with marine planning.

In addition to the objectives as set out, a further objective on sustaining vibrant coastal communities where tourism is key to the area's social and economic future should be included.

### **Living within environmental limits**

We entirely agree with the first paragraph of this section which sets out the importance of an unspoilt environment, high quality landscape, a sense of closeness to nature and the importance of scenery and environmental quality in attracting visitors to Scotland and that the quality of the recreational experience relies on having a healthy, safe and high quality environment. We also entirely agree about how important it is that '... these qualities are maintained and enhanced when considering the impact of developments and activities'. However despite this acknowledgement, throughout the plan, the objectives that have been set, appear at times to give little regard to how they will impact on these crucial aspects that support the tourism industry, in addition to providing many additional health, wellbeing and social benefits to the people of Scotland. The importance of a high quality environment has been recognised in the plan, however the importance of high quality landscape and scenery is all too often forgotten when developments that will bring a direct economic benefit are being considered. Safeguarding these key aspects upon which the tourism industry relies, must be properly integrated throughout the NMP.

### **Part 4: The Future**

We would like to see research undertaken now rather than in the future, on marine recreation participation and facilities and also into identifying key areas for different marine and coastal recreational activities to ensure they are given better

consideration and protection in the marine planning process.

Re: Policy Rec & Tourism 4. A similar policy should be included in the sections on aquaculture, renewables and transport

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

**Policies**

We welcome Rec & Tourism policies 3, 5-7 and make the following comments about Rec & Tourism policies 1, 2 & 4

Rec & Tourism 1 – bullet point 4 – any mitigation measures should be ‘effective’ and so we would propose the addition of ‘effective’ before mitigation.

Rec & Tourism 2 – there is a danger that these areas could in the longer term suffer from over development and so we would propose the addition of ‘sustainable’ before ‘Proposals supporting tourism ...’ at the start of sentence 2.

Rec & Tourism 4 – in addition to marine recreation and tourism activity not unacceptably impacting upon sensitive or important habitats and species, they also should not impact upon important elements of the historic environment and valued landscape/seascapes.

**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?**

Any designation of nationally significant ports and harbours should be in agreement with the National Planning Framework as ports and harbours fall within terrestrial planning.

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

**Objectives**

Objectives 2, 3 & 5 - Growth of business in Scottish ports and development of the port and harbour infrastructure must be sustainable and so we would like to see the word ‘sustainable’ included in these objectives.

We strongly support the objective ‘to safeguard essential maritime transport links to island and remote mainland communities’.

We also support the objective contributing to climate change mitigation

**Key issues**

Renewable energy – Consideration should be given to environmental sensitivities including designated sites (natural and cultural heritage) and protected species when identifying suitable ports and harbours under N-RIP.

Re: Part 4: The Future

Re: the shift from road freight to marine transport – we question how this would fit with decarbonising the transport sector in the long-term.

Marine Environmental High Risk Areas (MEHRAs) are important in protecting particularly sensitive marine environments at risk from shipping activity. MEHRAs should be included in the NMP as a means of protecting such areas where appropriate, particularly in light of the forecast increase in shipping.

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

**Policies**

We support Transport policies 1 & 3

Transport 4 – only where this is sustainable and does not interfere with significant natural and cultural heritage

Transport 5 – in addition to climate change and sea level projections being taken into account in the design of any new ports and harbours or improvements to facilities, impacts on habitats and species and historic assets should also be taken into account.

We question the need to include Transport policies 7 & 8 as they appear to be about obeying the law, which should be taken

**Telecommunication Cables**

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

We agree with the objectives set out for telecommunications cables

**Re: Part 4: The Future**

This should include minimising impacts on the historic environment and also landscape/seascape

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

**Policies**

Telecommunication Cables policy 1 – this should be amended to include the marine historic environment

**Defence**

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

Comments

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

Comments

### **Aggregates**

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

We agree with the statement 'Impacts on lifeline ferry services and shipping would need careful consideration'. Acceptable mitigation would need to be agreed with the communities likely to be impacted before any alterations to these services are taken forward. Lifeline ferry services, as the name suggests, are vital to many island communities and should be safeguarded as such.

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

Comments

### **Business and Regulatory**

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

Comments

### **Equality**

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

Yes  No

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

Comments

### **Sustainability Appraisal**

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

Comments