

Planning Scotland's Seas

Consultation Overview

PLANNING SCOTLAND'S SEAS

CONSULTATION OVERVIEW

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The views expressed in this report are those of the researcher and do not necessarily represent those of the Scottish Government or Scottish Ministers.

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1 INTRODUCTION

Background

1.1 In 2013, Marine Scotland consulted on a number of proposals to take forward integrated marine planning for Scotland's seas. The joint consultation 'Planning Scotland's Seas' included five individual areas for consultation:

- Draft National Marine Plan.
- Possible Nature Conservation Marine Protected Areas.
- Sectoral Marine Plans for Offshore Wind, Wave and Tidal Energy.
- Priority Marine Features.
- Draft Planning Circular.

1.2 Analysis was conducted on responses to each of these consultations and a separate analysis report of written responses produced for each. Interested parties also had the opportunity to participate in the consultation through associated events. Reports on the events are provided on the Scottish Government website.

The consultations

1.3 The five consultations that made up 'Planning Scotland's Seas' were as follows:

1.4 **Scotland's National Marine Plan (NMP)** set out the Scottish Government's vision for Scotland's marine environment. The document set marine planning in context, presented key objectives and planning policies related to achieving sustainable development and use of the marine area. The aim is to provide a single framework to manage all activity in Scottish waters, offering clarity to developers and decision makers on Scotland's priorities for sustainable use of the sea.

1.5 **Marine Protected Areas.** The Scottish Government received advice from Scottish Natural Heritage and Joint Nature Conservation Committee on 33 possible Marine Protected Areas (pMPAs) which have been developed and a further four Marine Protected Area search locations which are still being assessed. The 'Possible Nature Conservation Marine Protected Areas' consultation sought views on whether the 33 areas should be considered as pMPAs to supplement the existing protected areas and create a wider network of Marine Protected Areas.

1.6 **Sectoral Marine Plans for Offshore Wind, Wave and Tidal Energy in Scottish Waters** outlined proposed spatial policy at the national and regional level for the development of commercial scale offshore renewable energy in Scottish Waters. The draft Plans contained ten proposed options for offshore wind energy, ten for tidal energy and eight for wave energy.

1.7 **Priority Marine Features.** In light of its three pillar approach to conservation (species conservation, site protection and wider seas policies and measures) Marine Scotland has developed a list of Priority Marine Features (PMFs). The concept of PMFs is not intended to replace existing lists, but rather to provide a

new focus for marine conservation activities. The intended purpose of the list is to support advice on marine biodiversity, guide future research priorities and help deliver marine planning and licensing systems set out in the Marine (Scotland) Act and other statutory processes.

1.8 **The Draft Planning Circular** outlines the details of the new relationship between the statutory land use planning system and marine planning and licensing. The Circular is in draft form, and accompanies the consultation on the Draft National Marine Plan (NMP) for Scotland. The Draft Planning Circular will be issued in final form concurrently with the final National Marine Plan.

1.9 The following table shows the responses to each of the written consultations. Many respondents replied to more than one of the consultation papers.

Table 1.1 Consultation responses

Respondent group	Marine Protected Areas	Sectoral Marine Plans	Draft National Marine Plan	Draft Planning Circular	Priority Marine Features
Total Individuals	216	115	16	1	4
Academic/ scientific	3	1	7	1	1
Aquaculture	5	1	5	2	3
Community group/ Local group	12	11	5	1	-
Energy	10	9	12	3	3
Environment/Conservation	20	6	9	3	4
Fisheries	n/a	10	13	1	4
Mobile fishing	16	n/a	n/a	n/a	n/a
Static fishing	3	n/a	n/a	n/a	n/a
International fisheries	5	n/a	n/a	n/a	n/a
Historic/ heritage	-	2	5	1	1
Industry/ transport	5	2	9	2	-
Local authority/ Planning authority	12	12	15	10	6
Local coastal partnership	2	-	7	2	-
Other Public sector/ Regulatory body	10	9	10	5	1
Recreation/ tourism	9	7	7	4	3
Other	4	2	4	2	1
(Total Organisations)	(116)	(72)	(108)	(37)	(27)
Total consultation responses	332	187	124	38	31
Total campaign responses	14,371	443	-	-	-
Total responses	14,703	630	124	38	31

1.10 As can be seen in the table above, the consultations attracted very different numbers of responses. The 'Priority Marine Features' consultation attracted the smallest number of responses (31) while the 'Possible Nature Conservation Marine Protected Areas' consultation had 14,703 responses including a very large number (14,371) of non-standard responses¹.

1.11 In some cases, comments made in response to one consultation were relevant to another of the consultations. In these cases the response was added to all relevant consultations.

¹ Non-standard responses include submissions using alternative questionnaires or text from an organised campaign

Summary report

- 1.12 While many of the themes that emerged from responses to each of the individual consultations were specific to that consultation, several themes were found to be common to two or more of the consultations.
- 1.13 This summary report outlines the themes that were common to two or more consultations.
- 1.14 In addition, a small number of themes emerged which fell outwith the scope of the Planning Scotland's Seas consultations or which related to the consultation process itself. These other issues are also outlined in this report.

2 SUMMARY OF KEY THEMES

2.1 The majority of points made in relation to the Planning Scotland's Seas consultations were specific to one consultation and have been reported in the relevant analysis report on:

- Scotland's National Marine Plan (NMP).
- Marine Protected Areas (MPA).
- Sectoral Marine Plans for Offshore Wind, Wave and Tidal Energy in Scottish Waters (Offshore Renewable Energy ORE).
- Priority Marine Features (PMF).
- The Draft Planning Circular (DPC).

2.2 Most respondents were supportive of the proposals to take forward integrated marine planning for Scotland's seas although there were some suggestions and concerns over some proposals. Most of these points were specific to each consultation and are detailed in the individual consultation analysis reports.

2.3 A few points, however, emerged in responses to more than one of the consultations and these points are outlined below.

Legislation, policy and strategy

2.4 One key theme which emerged across most consultations was the need for better links between the Planning Scotland's Seas documents and any relevant legislation, policy and strategy; Scottish, UK and European. For example, that as targeting of commercial species is currently managed by the Common Fisheries Policy, additional regulation is unnecessary.

2.5 There were also requests, again across most consultations, for the same terminology to be used across different legislation, policies and guidance to provide linkage, consistency and clarity.

2.6 There were suggestions that the conservation priorities or protections outlined in the Priority Marine Features (PMF) and Marine Protected Areas (MPA) documents are not required as these are already provided under other legislation such as EC Directives, other Scottish legislation, Biodiversity Action Plans and the OSPAR list of threatened or declining habitats and species.

2.7 Fishing respondents expressed concern, in responses to the NMP, MPA and ORE consultations, over what they termed a lack of regard to both legislative and policy frameworks in various elements within the Planning Scotland's Seas documents. Mobile fishing interests in particular noted this had led them to be unable to support many of the proposals in the MPA document.

2.8 Many environment/ conservation respondents in the MPA and NMP consultations wanted to see more emphasis on conservation, although there was some concern that current proposals are outwith the remit of the NMP or the proposed MPA network.

Links between documents

- 2.9 There were several comments across most consultations on the need to ensure that there are no potentially conflicting messages across all relevant Planning Scotland's Seas documents. The need to use consistent presentational formats for ease of cross-referencing and the need for clear signposting between these documents was also raised.
- 2.10 There were comments on the need for clarity and ongoing linkage between the Planning Scotland's Seas documents. For example: that outputs from the Marine Protected Areas (MPA) network need to be fed back into the PMF list; or that clarification is required on how PMFs relate to MPAs.
- 2.11 Some respondents stressed the need to provide clearer links between all of the relevant plans and to ensure synchronisation of reviews and updates in an appropriate hierarchy. These points were noted in responses to the MPA, ORE, NMP and DPC consultations.
- 2.12 There were also suggestions from some respondents for the Sectoral Marine Plans to be seen as background information to the NMP rather than as stand-alone documents.
- 2.13 There were some requests for much more detail to be included in the Planning Scotland's Seas documents and for more signposting and/or links to other relevant documents. These points were made particularly in respect of the MPA, ORE and NMP consultations.

Consistency in language

- 2.14 Respondents wanted to see clear definitions and their consistent application throughout the Planning Scotland's Seas documents.
- 2.15 Specifically, there was criticism of some of the documents, and in particular the Draft National Marine Plan, for interchangeable use of some terms. For example, 'sustainable development' and 'sustainable economic growth' are used interchangeably; however these are perceived to mean different things and the way in which they are used is seen as confusing and lacking in clarity.
- 2.16 There were requests for a consistent definition and use of 'sustainability' throughout the NMP, in line with the Draft Planning Circular.

The need for integration and balance

- 2.17 Another key theme across most consultations was the need for integration between marine and terrestrial planning and for clarification on how the two systems will integrate, which will take precedence and who will take the lead in areas where there is an overlap.
- 2.18 There were also calls to outline specific roles and responsibilities of the various authorities and other stakeholders involved in the marine planning process.

- 2.19 Responses to the NMP, MPA and DPC consultations included calls to outline the relationship between terrestrial planning and marine planning systems. This should make reference to National Marine Plan, Scottish Planning Policy, National Planning Framework and their respective hierarchies, the areas where they interact and an overall framework for integration.
- 2.20 Integration between sectors was also a recurring issue across some of the consultations with comments that there is not enough detail on integration across sectors, or enough detail on how integration will be brought about. This was noted in responses to the NMP and ORE consultations particularly in relation to integrating environmental proposals with both offshore and onshore developments including grid and port infrastructure.
- 2.21 Allied to this, a number of respondents in most of the consultations requested further clarity on sectoral priorities and how to deal with conflicts that may arise between different marine users.
- 2.22 While there was an acknowledgement that balancing competing interests presents specific challenges for the marine environment, there were some concerns that the Draft NMP focuses too heavily on economic uses of the environment and not enough on the marine environment itself, climate change or biodiversity. In relation to the proposed MPA network, however, some sectors such as mobile fishing felt that environmental issues are taking precedence over economic issues.
- 2.23 There were some concerns, in responses to the NMP, MPA, ORE and PMF consultations, over the potential for conflict between the fisheries sector and other marine users. There were requests that the NMP should not include a presumption in favour of development, particularly as this was perceived to potentially cause displacement and have a negative impact on fragile coastal communities.
- 2.24 In addition, respondents, particularly in the NMP and ORE consultations, wanted to see clarification as to how socio-economic and environmental impacts will be incorporated into the decision making process in the event of conflict between different sectors.

Cumulative effects

- 2.25 Comments on the need to consider cumulative effects of proposals appeared in the NMP, MPA, PMF and ORE consultations. There were requests for greater consideration to be given to the cumulative impact that differing and sometimes competing interests or sectors will have on the marine environment overall.
- 2.26 While there was broad support for the proposals in the draft National Marine Plan and for the proposed MPA network, there were also come calls for marine planning to consider cumulative impacts. This included the cumulative impacts of protection for species and habitats and of other management options across Scotland's seas, and the cumulative impact of proposals across sectors.

Species

- 2.27 Respondents to the PMF, ORE and the MPA consultations identified several additional species which they felt should receive mention and protection. Most commonly cited were whales, dolphins, grey and harbour seals and seabirds.
- 2.28 There were also some species which, respondents to these consultations felt, should not feature on the lists of protected or priority features. These included species not on the OSPAR list of Threatened or Declining Species and Habitats, for example Black Guillemot, and those with commercial significance such as Atlantic mackerel and Atlantic halibut.
- 2.29 A small number of respondents asked for clarification on how PMFs relate to MPAs.

A need for research

- 2.30 A recurring theme in responses to the NMP, MPA, DPC and ORE consultations was that more research and monitoring is required. There were calls across a number of the sectors for increased use of research and data to back up information within the NMP, particularly to ensure that data used is as up-to-date and comprehensive as possible.
- 2.31 A number of respondents noted the need for more investment in marine research with several commenting on the need for more data to back up information within the NMP or MPAs and for all decisions to be science-led and based on up-to-date, verified data.
- 2.32 The limitations of existing information and the need for ongoing research and monitoring also resulted in many respondents finding it hard to take a clear view on mitigation measures identified in the Socio-economic Assessments of the MPA and ORE consultations.
- 2.33 Many respondents found it hard to comment with confidence on the scale and pace of development that could be sustainably accommodated in Scottish waters given current information.

Sustainability Appraisal

- 2.34 There were some comments, especially in NMP, MPA and PMF consultation responses, of the need for recognition of the incompatibility of some activities. Examples given included aquaculture and environmental objectives, and the need for more consideration of mitigation. There were also queries as to how the Scottish Government will balance environmental goals with its goals for climate change mitigation and energy security.
- 2.35 Some respondents found the models and assertions regarding the interface between economic development and environmental protection contradictory and confusing, and liable to give rise to conflicts between competing stakeholders.

3 SECTOR SPECIFIC THEMES

3.1 There were a number of sector-specific themes noted across consultations and these are outlined in the paragraphs below.

Fishing and aquaculture

3.2 A number of themes appeared in relation to fishing and aquaculture across the NMP, MPA, ORE and PMF consultations and these are discussed below.

3.3 In particular, that the fisheries sector felt the Draft NMP does not offer adequate support and protection, and that it prioritises sustainable development over the long term fishing sector.

3.4 Mobile fishing respondents commented that their methods have been in use for many years without evidence of damaging the environment; other respondents said they believed the opposite to be true.

3.5 A number of respondents asked for more information on implications of the plans included in the Planning Scotland's Seas documents for commercial and recreational fishing and for commercial and recreational species.

3.6 In relation to aquaculture, there was a preference for this to be integrated into marine planning processes to help clarify and create consistency across all marine activities and to create a more strategic approach to aquaculture.

Energy and telecoms

3.7 NMP and MPA responses contained themes relating to energy and telecoms. Respondents wanted to see more recognition of the impact of the oil and gas sector on climate change, with some queries as to the compatibility of oil and gas policies with the strategic objectives and climate change policies.

3.8 While the incorporation of Sectoral Marine Plans was seen as helpful to the integration of policies and interactions between the offshore renewable sector and the marine environment, there were also concerns over conflicts between Government targets for renewables and its goals for the marine environment.

3.9 Respondents from the energy and public sector groups asked for clarification and more certainty over the interaction of MPAs with existing and proposed installations and assets, for example pipelines and cables for oil and gas, renewables, and telecommunications sectors.

Recreation and Tourism

3.10 Several respondents, across most consultations, talked about the need to ensure the sustainable development of this sector and the need to balance the economic and well-being benefits of tourism and recreation against the need to protect habitats and species, or the environment in general. There was also a small amount of concern over any potential impact on recreational users of the sea and related tourism from renewables Draft Plans and MPAs.

4 OTHER ISSUES

4.1 Across the consultations, a number of points were raised that fell outwith the scope of the Planning Scotland's Seas consultations. These are summarised below.

Seaweed Policy

4.2 One main point that featured in responses, especially in the NMP and MPA consultations, related to another document that was out for consultation at the same time as the Planning Scotland's Seas consultations; the Scottish Government's draft Seaweed Policy Statement. Respondents wanted to see reference to the findings from the draft Seaweed Policy consultation included in the final NMP. There were also comments that several of the possible MPAs should be considered in the consultation on the draft Seaweed Policy Statement.

The consultation process

4.3 There was broad welcome, in particular from MPA and ORE respondents, for the opportunity to participate in the consultation and many supported the vision and principles put forward in the Planning Scotland's Seas documents, although there were also many suggestions and concerns about some of the content.

4.4 A small number of respondents to the NMP and MPA consultations commended the suite of consultation documents and the work put in to producing the consultation documents and running the consultation events.

4.5 Similarly, a small number (mainly individuals or small or local groups in many of the consultations) voiced concern over: the length and format of the consultation documents and the publicising of the consultation and events.

Ongoing consultation

4.6 One final theme that emerged across consultations was that respondents wish to see ongoing consultation with all relevant stakeholders.



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