

How to Respond

Responding to this consultation

You are invited to respond to this consultation by 13 November 2013 using the form in Appendices D & E.

Please send your response with the completed Respondent Information Form (see 'Handling your Response' below) to:

Responses can be sent by email, by post or by online electronic response form:

Email: [Marine Environment Mailbox@scotland.gsi.gov.uk](mailto:Marine_Environment_Mailbox@scotland.gsi.gov.uk)

Post: MPA Network Consultation
Scottish Government
Marine Planning and Policy Division
Area 1-A South
Victoria Quay
Edinburgh
EH66QQ

On line: www.scotland.gov.uk/consultations

If you have any enquiries please send them to [Marine Environment Mailbox@scotland.gsi.gov.uk](mailto:Marine_Environment_Mailbox@scotland.gsi.gov.uk) or call Sebastian Howell on 0131 244 5301, Michael McLeod on 0131 244 5562 or Paul Cook on 0131 244 0381.

We would be grateful if you would use the consultation questionnaire provided in your response as this will aid our analysis of the responses received. This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>.

The Scottish Government has an email alert system for consultations, <http://register.scotland.gov.uk>. This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). It complements, but in no way replaces SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** which forms part of the consultation questionnaire as this will ensure that we treat your response appropriately. If you ask

for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library and on the SEConsult web pages. You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

What happens next?

Following the closing date, all responses will be analysed and considered to help us make a decision on the shape of the MPA network. We aim to issue a report on this consultation process in early 2014.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to Sebastian Howell. (0131 244 5301 or Sebastian.howell@scotland.gsi.gov.uk).

The Scottish Government Consultation Process

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

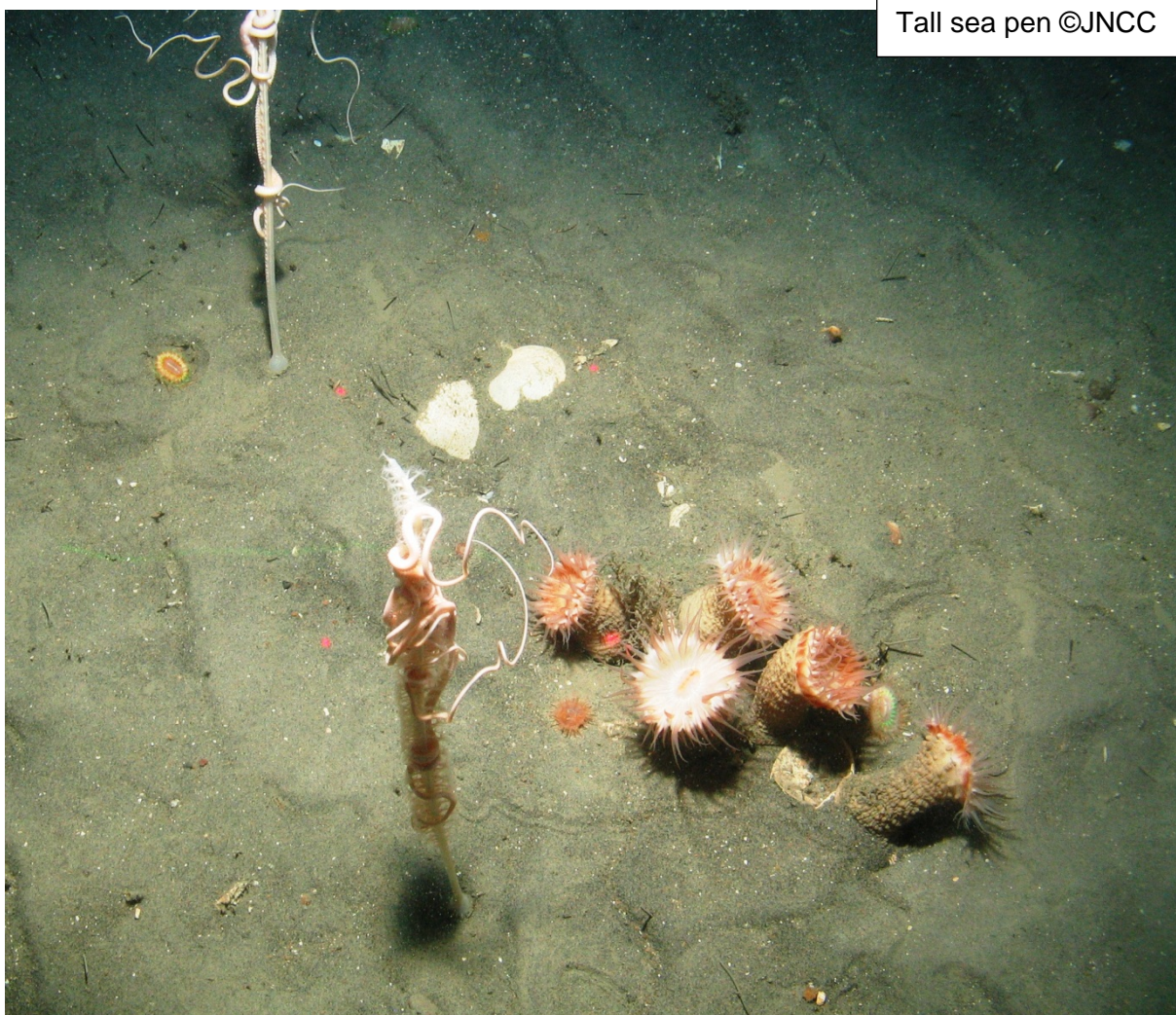
Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses.

Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises.

Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH113XD, telephone 0131 244 4565).

All Scottish Government consultation papers and related publications (e.g. analysis of response reports) can be accessed at: Scottish Government consultations (<http://www.scotland.gov.uk/consultations>) The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may: indicate the need for policy development or review; inform the development of a particular policy; help decisions to be made between alternative policy proposals; be used to finalise legislation before it is implemented. Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



CONSULTATION QUESTIONS

1. Do you support the development of an MPA network in Scotland's Seas?

Yes ✓ No

Seagreen supports, in principle, the creation of an MPA network in Scotland's seas. However, Seagreen does not support the proposed approach to class all marine designations as an MPA and collectively as an MPA network. This suggestion seriously risks undermining and confusing the underlying legislative context under which each area has been designated.

Onshore there is the same diversity (or possibly greater) of designations and a similar approach as that proposed has not been taken. The designation title and naming needs to maintain the explicit connection with the legislation used to create it.

Individual possible Nature Conservation MPAs

2. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Clyde Sea Sill* possible Nature Conservation MPA?

Designation: Yes No ✓

Management Options: Yes No ✓

Socioeconomic Assessment: Yes No ✓

All of the above: Yes ✓ No ✓

3. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *East Caithness Cliffs* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

4. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *East of Gannet and Montrose Fields* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

5. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Faroe-Shetland sponge belt* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

6. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Fetlar to Haroldswick* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

7. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Hatton-Rockall Basin* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

8. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Loch Creran* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

9. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Loch Sunart* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

10. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Loch Sunart to the Sound of Jura* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

11. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Loch Sween* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

12. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Lochs Duich, Long and Aish* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

13. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Monach Isles* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

14. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Mousa to Boddam* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

15. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *North-east Faroe Shetland Channel* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

16. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *North-west Orkney* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

17. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *North-west sea lochs and Summer Isles* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

18. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Noss Head* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

19. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Papa Westray* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

20. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Rosemary Bank Seamount* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

21. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Small Isles* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

22. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *South Arran* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

23. Do you have any comments on the case for designation, management options and socioeconomic assessment for *The Barra Fan and Hebrides Terrace Seamount* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

24. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Turbot Bank* possible Nature Conservation MPA?

Designation: Yes No

Seagreen fully supports the identification of alternative MPAs on scientific grounds to deliver the same outcome as the Firth of Forth Banks pMPA (Turbot Bank and Norwegian Sediment Plain). These sites should be taken forward for designation and not the Firth of Forth Banks pMPA.

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

25. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Upper Loch Fyne and Loch Goil* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

26. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *West Shetland Shelf (formerly Windsock)* possible Nature Conservation MPA?

Designation: Yes No

Comments

Management Options: Yes No

Comments

Socioeconomic Assessment: Yes No

Comments

All of the above: Yes No

Comments

27. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Wyre and Rousay Sounds* possible Nature Conservation MPA?

Designation:

Yes No

Comments

Management Options:

Yes No

Comments

Socioeconomic Assessment:

Yes No

Comments

All of the above:

Yes No

Comments

Choices to represent features in the MPA Network

28. Recognising the scientific advice from JNCC included alternatives for representing offshore subtidal sands and gravels, ocean quahog and shelf banks and mounds in the Southern North Sea, do you have a preference or comments on the following combinations to represent these features, bearing in mind Turbot Bank will need to be designated to represent sandeel in this region:

- Firth of Forth Banks Complex
- Turbot bank and Norwegian Boundary Sedimentary Plain
- Or Firth of Forth Banks Complex, Turbot bank and Norwegian Boundary Sedimentary Plain

Seagreen has significant concerns over the identification of the Firth of Forth Banks pMPA within the pre-existing Firth of Forth Round 3 Zone. In reliance upon the identification of the Firth of Forth Round 3 Zone and its award of exclusive rights to develop it by The Crown Estate. Seagreen has made a very substantial investment in the responsible development of projects in the Zone, including detailed EIA and HRA for the Phase 1 consent applications currently under consideration by the Scottish Ministers, and the application for Planning Permission in Principle for the onshore transmission works which was granted on 26 November 2013. The Firth of Forth Zone has been endorsed and is supported by the Scottish Government as evidence by the draft NMP. The status of this area as one already identified for renewable energy development should form part of the baseline to identification of possible MPA sites. When this is done it is clear that there are more suitable alternatives to the Firth of Forth pMPA.

There is a risk that additional costs and delays which could result from the designation of a substantial area of the Zone as an MPA. The implementation of management measures (please see response to Q29 below), coupled with the fact the pMPA introduces the real prospect of Marine Licences in those areas being varied or revoked could render the development of the Zone economically unviable.

The Firth of Forth Round 3 Zone having a 3.5GW capacity, would make a significant contribution to achieving Scottish Government's renewable energy and climate change targets. It represents a major economic investment for Scotland which would be lost if it doesn't proceed. There are also potential implications for development of a Scottish based supply chain for other smaller projects if the large scale Firth of Forth Round 3 development doesn't proceed.

The Firth of Forth Banks pMPA features (shelf banks and mounds, offshore subtidal sands and gravels, ocean quahog aggregations) are relatively insensitive and are also well represented by the Turbot Bank and Norwegian Boundary Sediment Plain pMPAs. As acknowledged by JNCC, the Turbot Bank and Norwegian Boundary Sedimentary Plain pMPAs together provide a suitable science based alternative to the Firth of Forth

Banks pMPA. Neither of these sites is identified for renewable energy development. Seagreen therefore considers that these sites should be designated.

29. Do you have any comments on the case for designation, management options and socioeconomic assessments for the preference you have indicated in the question above, regarding alternatives for representing offshore subtidal sands and gravels, ocean quahog and shelf banks and mounds in the Southern North Sea?

Yes ✓ No

Management

The Firth of Forth Banks pMPA conservation objectives include conservation for Ocean Quahog (condition uncertain). However, this species appears to be widely distributed in the North Sea, suggesting that inclusion in an MPA in this location designation is not essential or appropriate.

The Firth of Forth Banks pMPA management options paper provides little developer reassurance. It appears to suggest that preventing wind farm development is considered as a management option (“remove/avoid pressure”) despite The Crown Estate previously awarding Seagreen rights to develop within the Firth of Forth Round 3 Zone. It also suggests that variation to license conditions could be considered. Statements like this represent a clear risk to consenting and could have a severely negative effect on investor confidence. The management options fail to give sufficient weight to the fact the pMPA is a pre-existing site for renewable energy development, and is identified as such in the draft NMP.

If Scottish Ministers are to designate the Firth of Forth site then it is imperative that the management options do not prejudice the development of that area for offshore wind in accordance with its pre-existing designation.

Socio Economic Assessment

It is Seagreen’s opinion that the evaluation of potential Offshore Wind projects, and the quantification of potential development cost impacts from designation of pMPAs, is inadequate and incomplete. A very specific value is given to the MPA network based on a very subjective assumption, whereas the value of renewables projects are described as uncertain.

The partial BRIA states there is uncertainty if MPA designation would obstruct development and suggests this would only occur if worst case economic impact occurs. It states scientific advice that intermediate scenario is most likely. Seagreen does not believe this assumption is justified and considers it very subjective. The full economic consequences of development not proceeding have not been properly considered and realistically evaluated. The assessment has failed to give due regard to the

obligations placed on Scottish Ministers when considering applications for Marine Licences in MPAs as set out in the Marine Scotland Act.

The intermediate scenario is evaluated as additional licensing costs to assess potential impacts within 5km of proposed activities. This would potentially cover up to 1800km² of the Firth of Forth R3 Zone, over 60% overlap. This is stated as potentially resulting in additional survey costs £12,000 per application, a figure that is regarded as unrealistic, being roughly equivalent to 1 days survey vessel charter cost.

The partial BRIA also states that the societal cost of not designating the site could be both large and irreversible and that the absence of management measures to conserve the identified features may produce future economic and social costs in terms of increased marine habitat and biodiversity degradation. This again, in Seagreen's opinion, is a highly subjective statement, and it is not balanced in any way by proper consideration of implications of designation. In particular it fails to consider the societal impacts and costs of the Firth of Forth MPA preventing or restricting renewable energy development in this area. Seagreen have provided Scottish Ministers with a detailed Environmental Impact Assessment of the Firth of Forth scheme, this includes detail on the socioeconomic benefits the development will produce. This evidence should be taken into account when considering the benefits and disbenefits of the Firth of Forth pMPA. In particular, this evidence is directly relevant to the value of the Firth of Forth pMPA when compared to other sites that do not have the significant societal benefits that the Firth of Forth offshore wind farm will provide.

The partial BRIA also states that the option to not designate the Firth of Forth Banks pMPA has the potential to undermine the overall ecological coherence of the Scottish MPA network. Seagreen does not agree with this, as a science base alternative proposal is included in the consultation as noted above.

The partial BRIA further states that in the absence of MPAs, there would be areas of Scotland's marine environment and a high number of species and habitats that would continue to be unprotected. This is not correct as the statement ignores the current EIA/HRA process, as followed by Seagreen.

The potential for MPA designation to render projects unviable is not properly evaluated (potentially very significant negative socio-economic impacts, negative impact on climate change targets) A potential positive socio-economic benefit was identified during both the construction and operational stages, based on conservative estimates of £1,575 million total capital expenditure during construction and over £75 million per year operational expenditure over the 25 year life of the Seagreen Alpha and Seagreen Bravo offshore wind farms, providing up to 200 jobs. Significant further economic benefit would be derived from the later phases of development of the Zone.

The Firth of Forth Banks pMPA management options paper includes

“remove/avoid pressure” as an option, suggesting that excluding wind farm development from the MPA could occur even where consents have been issued.

It is essential that developers and investors have certainty over the consenting regime and can work on the basis that once a consent is granted it will not be varied or revoked without the consent of the developer. The Firth of Forth pMPA and the accompanying management options and statutory powers available to Scottish Ministers removes that essential certainty. . Thus Seagreen considers designation is a major risk with the very real potential to deter investors and render the project unviable.

30. Recognising the scientific advice from JNCC included alternatives for representing the burrowed mud feature in the Fladens, do you have a preference or comments on the following combinations to represent these features, bearing in mind the part of Central Fladen (known as Central Fladen (Core)) containing tall seapen (*Funiculina quadrangularis*) will need to be designated to represent tall seapen in this region:

Central Fladen pMPA only

The tall sea-pen component of Central Fladen, plus Western Fladen

Or the tall sea-pen component of Central Fladen, plus South-East Fladen.

Comments

31. Do you have any comments on the case for designation, management options and socioeconomic assessments for the preference you have indicated in the question above, regarding alternatives for representing the burrowed mud feature in the Fladens?

Yes No ✓

Comments

32. Recognising the scientific advice from JNCC included alternatives for representing offshore subtidal sands and gravels, offshore deep sea mud,

and burrowed mud in OSPAR Regions III and V, do you have a preference or comments on the following combinations to represent these features:

South-West Sula Sgeir and Hebridean slope
Or Geikie slide and Hebridean slope

Comments

33. Do you have any comments on the case for designation, management options and socioeconomic assessments for the preference you have indicated in the question above, regarding alternatives for representing offshore subtidal sands and gravels, offshore deep sea mud, and burrowed mud in OSPAR Regions III and V?

Yes No

Comments

Sustainability Appraisal

34. Do you have any comments on the Sustainability Appraisal of the MPA network as a whole?

Yes No

SEA

This assumes that displacement will not occur, i.e. co-location is possible. Seagreen feels this is a simplistic and uncertain assumption.

The SEA does not acknowledge the potential risk of development not going ahead and the potential impact on renewable energy and climate change targets.

Final Thoughts

35. On the basis of your preferences on which pMPAs should be designated, do you view this to form a complete or ecologically coherent network, subject to the completion and recommendations of SNH's further work on the 4 remaining search locations?

Yes No

Comments

36. Do you have any other comments on the case for designation, management options, environmental or socioeconomic assessments of the pMPAs, or the network as a whole?

Yes No

As outlined in our covering letter, Seagreen has significant concerns regarding the potential identification of new SPAs into the consultation. This potentially represents a further major project risk to the development of the Firth of Forth Round 3 Zone. It is Seagreen's view that identification of new offshore SPAs should not be taken forward through the current marine planning consultation process.

The MPA draft management handbook uses similar terms to that associated with SAC/SPA management language. Seagreen does not believe this is appropriate as supporting legislation is fundamentally different. If it is the intention that MPAs are to be treated in the same way as SAC/SPAs then it is very clear that the BRIA has significantly underestimated the potential

impacts on the Firth of Forth zone.

The MPAs do not come within the ambit of UK and Scottish HRA legislation and as such it is Seagreen's view that the assessment of potential impacts on MPAs should be addressed through the EIA process and as such use of HRA terminology is not appropriate.

The draft MPA Management Handbook states general principles, including (a) MPAs integrated with wider marine management. Seagreen would challenge this statement given that the proposals conflict with pre-existing offshore wind sites currently under development and with climate change/Renewables policy and targets.

(b) Possible MPA identification uses best scientific information. Data bias is clearly apparent in the selection of possible MPAs that are skewed towards data rich areas (including developer data). This is not rigorous. Examples of this as follows:

- the inclusion of Ocean Quahog for the Firth of Forth Banks pMPA - it appears to be widespread in other datasets
- the Turbot Bank pMPA was only identified following pressure from offshore wind sector to seek an alternative site. Now it is included in its own right.
- the condition of features is described as "uncertain", Seagreen do not believe this can be classed as best scientific information.

Seagreen also have concerns that 'best available evidence' could disproportionately affect offshore renewable energy locations which often have higher quality data coverage than the wider marine area. The programme of surveys carried out by Marine Scotland and others in order to gather baseline environmental data to support possible MPA designations should continue and form the basis of the scientific evidence in determining designations.

Seagreen do support and would recommend the MPA management process to be adaptive as knowledge improves and we again seek re-assurance that there will be no retrospective amendments to existing licensed activities as a result of MPA designation.

We do have concerns that the present wording in paragraph 5.5.2 provides no comfort that a review of an existing licence for a relatively minor amendment would not result in that activity failing to obtain a licence.

To provide certainty Scottish Ministers should confirm that existing licences will not be revoked or varied. If this power is to be retained then Seagreen would suggest that there needs to be a significant test applied to licence amendments to protect the interests of already licensed activities. Such that if a licence amendment is required but the change in activity is insignificant then there will a presumption in favour of the entire activity retaining a licence.