

## 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](http://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for your response not to be published we will regard it as confidential, and we will treat it accordingly.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](mailto: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.

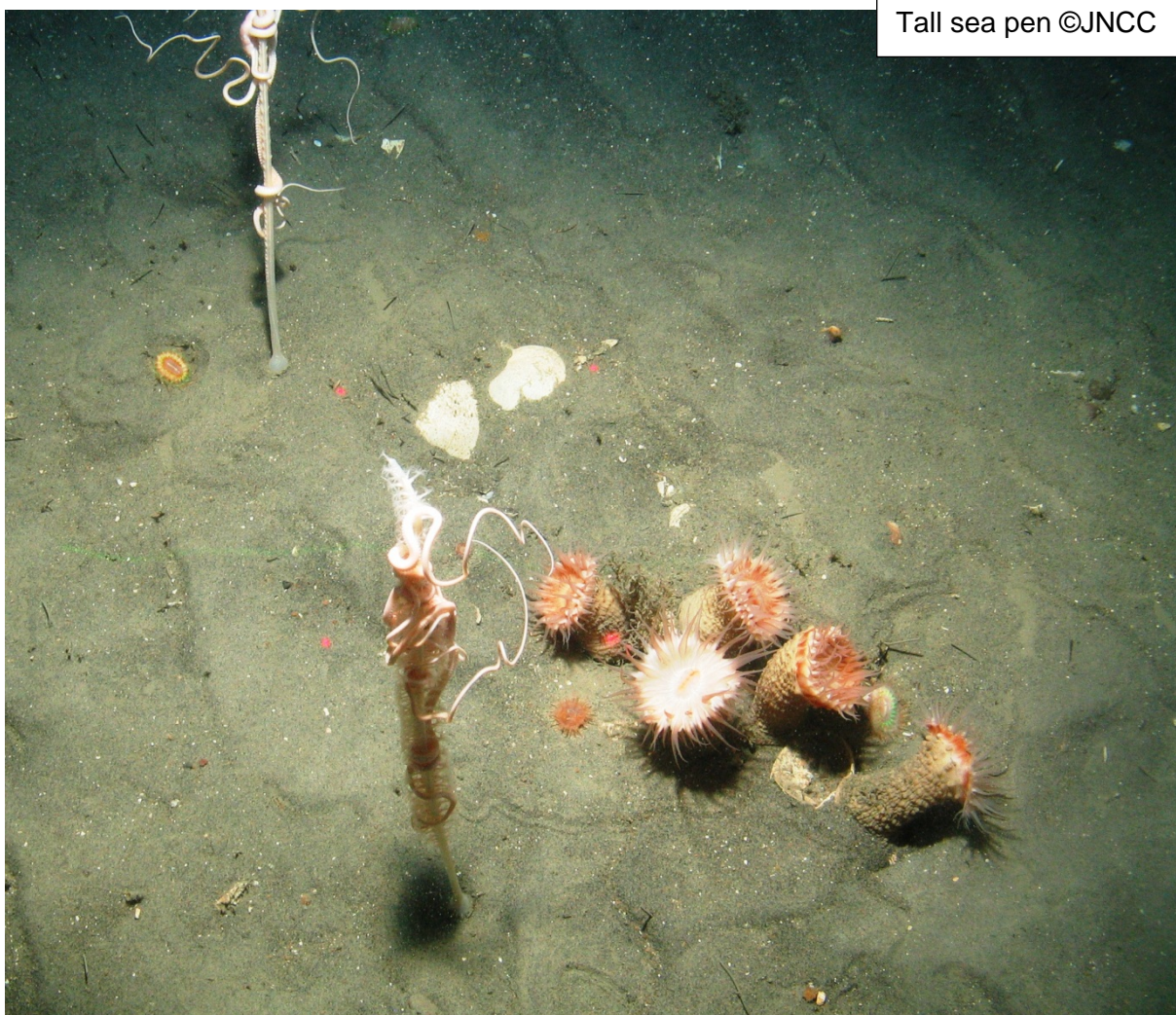
Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government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

SSE support in principle the creation of an MPA network in Scotland's seas. However, SSE do not support the proposed approach to class all marine designations as an MPA and collectively as an MPA network.. Whilst at face value it has the attraction of collectively bringing together all nature conservation designations under one title, this approach seriously risks undermining and confusing the underlying legislative context that each area has been designated under.

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

SSE has concerns regarding the designation of the Clyde Sea Sill pMPA because of the potential implications for the Islay Offshore Wind Farm export cable route. While no grid connection agreement is currently in place, it is most likely that the grid connection point will be at Hunterston. The export cable route may be unable to passing through the pMPA and this should be recognised in respect of the management options and also in the precedence given to the sectoral plan options.

Management Options: Yes ✓ No

The export cable route may be unable to passing through the pMPA and this should be recognised in respect of the management options and also in the precedence given to the sectoral plan options.

Socioeconomic Assessment:

Yes ✓ No

See above

All of the above:

Yes ✓ No ✓

See above

**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

The East Caithness Cliffs (ECC) currently are designated as a SPA. This provides significant European protection to a range of bird species. It is acknowledged that the pMPA at ECC does not currently afford protection to the black guillemot. It is unclear what the effects of this area becoming an MPA would mean for the Beatrice Offshore Wind Farm. It raises significant concerns as currently a large range of bird species are afforded the highest level of protection

Management Options: Yes  No

It is unclear how the management options would be measured and what exactly they would involve.

The proposed MPA also potentially overlaps with SHE Transmissions Orkney to Dounreay transmission project. SHE Transmission would request an early opportunity to engage with Marine Scotland regarding this to ensure this does not adversely affect the viability or cost of the development of this project.

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

All of the above: Yes  No

**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

Management Options: Yes  No

Socioeconomic Assessment: Yes  No

All of the above: Yes  No

**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

Management Options: Yes  No

Socioeconomic Assessment: Yes  No

All of the above: Yes  No

**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

Management Options: Yes  No

Socioeconomic Assessment: Yes  No

All of the above: Yes  No

**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

Management Options: Yes  No

Socioeconomic Assessment: Yes  No

All of the above: Yes  No

**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

Management Options: Yes  No

Socioeconomic Assessment: Yes  No

All of the above: Yes  No

**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

Management Options: Yes  No

Socioeconomic Assessment: Yes  No

All of the above: Yes  No

**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

Management Options: Yes  No

Socioeconomic Assessment: Yes  No

All of the above: Yes  No

**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

Management Options: Yes  No

Isles transmission project. SHE Transmission would request an early opportunity to engage with Marine Scotland regarding this to ensure this does not adversely affect the viability or cost of the development of this project.

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

The proposed MPA potentially overlaps with SHE Transmissions Western Isles transmission project. SHE Transmission would request an early opportunity to engage with Marine Scotland regarding this to ensure this does not adversely affect the viability or cost of the development of this project.

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

The proposed MPA potentially overlaps with SHE Transmissions Caithness Moray transmission project. SHE Transmission would request an early opportunity to engage with Marine Scotland regarding this to ensure this does not adversely affect the viability or cost of the development of this project.

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

SSE supports the identification of alternative possible MPAs on scientific grounds to deliver the same outcome as the proposed Firth of Forth Banks (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

SSE has significant concerns over the identification of the possible Firth of Forth Banks MPA overlapping with the Firth of Forth Round 3 Zone, particularly given the preceding identification of the Round 3 Zone.

Seagreen Wind Energy Limited is the partnership between SSE and Fluor UK Limited which has plans to develop 3.5GW of offshore wind farm capacity under The Crown Estate's Round 3 Offshore Wind Development Programme. The potential MPA proposed therefore introduces a substantial risk to this project proceeding.

Seagreen has made very substantial investment in the responsible development of projects in the Firth of Forth Zone, including detailed EIA and HRA for the Phase 1 projects currently in consenting.

The Firth of Forth Round 3 Zone, potentially delivering 3.5GW capacity, significant contribution to achieving Scottish Government Renewables 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 also potentially overlaps with SHE Transmissions East Coast HVDC transmission project

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. SSE therefore believe that the Turbot Bank and Norwegian Boundary Sedimentary Plain pMPAs together provide a suitable science based alternative to the Firth of Forth Banks pMPA and 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 Wind Energy Limited 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.

#### Socio Economic Assessment

It is SSE'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. SSE 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 intermediate scenario is evaluated as additional licensing costs to assess potential impacts within 5km of proposed activities. This would potentially cover up to 1800km<sup>2</sup> 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 day's 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 SSE's opinion, is a highly subjective statement, and it is not balanced in any way by proper consideration of implications of designation.

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. SSE does not agree with this, as a science base alternative proposal is included in the consultation.

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 (a potentially very significant negative socio-economic impacts, negative impact on climate change targets)

For example, for SSE's Seagreen Joint Venture, 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.

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. Thus SSE 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. SSE 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, SSE has significant concerns regarding the potential introduction of identification of new SPAs into the consultation. This potentially represents a further major project risk, specifically to the development of the Firth of Forth Round 3 Zone and to the Beatrice offshore wind farm in the Moray Firth. It is SSEs 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. SSE does not believe this is appropriate as supporting legislation fundamentally different. The HRA process for SAC/SPA is very different to the EIA and provides no flexibility for decision makers.

The draft MPA Management Handbook states general principles, including (a) MPAs integrated with wider marine management. This is clearly not the case as the proposals conflict with 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”, SSE do not believe this can be classed as best scientific information.

SSE 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.

SSE 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.

SSE 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.