



Scottish Government  
Marine Scotland  
Marine Planning and Policy Division  
Area 1-A South  
Victoria Quay  
Edinburgh  
EH6 6QQ

SSE  
Inveralmond House  
200 Dunkeld Road  
Perth  
PH1 3AQ

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greg.clarke@sse.com  
01738 453235

### **Planning Scotland's Seas: Scotland's National Marine Plan and associated consultations**

SSE plc welcomes the opportunity to respond to Scotland's National Marine Plan draft consultation and associated consultations.

SSE is Scotland's largest private company and is Scotland's and the UK's largest generator of energy from renewable sources. SSE have a number of existing assets and planned developments within Scottish waters and the current consultations are therefore of significant importance and interest to the SSE group.

SSE's group companies which Scotland's National Marine Plan will have a direct impact on, and of which this response represents, include:

- **Scottish Hydro Electric Transmission plc** (SHE Transmission), the licensed electricity transmission owner in the north of Scotland, who is responsible for connecting renewable energy generation throughout the north of Scotland, including Scotland's main island groups;
- **Scottish Hydro Electric Power Distribution** (SHEPD), who own and operate the electricity distribution network in the north of Scotland, connecting most Scottish islands with over 100 subsea cable links already in operation; and
- **SSE Renewables**, the renewable energy division of SSE, who have significant offshore energy projects in development.

### **General comments**

#### Scotland's National Marine Plan

SSE welcomes the explicit reference that *'the Scottish marine planning system should promote development and activities that promote sustainable economic growth'* and in line with this overarching objective, SSE strongly believe renewable energy development and associated infrastructure will have a crucial role to play in meeting this objective.

SSE also welcomes the Scottish Government's statement that *'there is a presumption in favour of adopted Plan Options identified through the Sectoral Marine Plan process'*. The Scottish Government have set ambitious renewable energy and climate change targets and SSE believe Scotland's abundant marine energy resources will play a key role in helping



achieve these targets. This policy statement is considered as a clear intention that projects in development will not be adversely affected by the creation of Scotland's National Marine Plan, which SSE welcomes. However, SSE does have some concerns that this is not consistent with other aspects of the Marine Plan, in particular, the introduction of MPAs. This is covered in more detail below.

Whilst SSE believes the draft Marine Plan and associated consultation documents present a very helpful exercise and will provide a clear direction regarding the future management of Scotland's seas, there are a number of aspects which cause SSE significant concerns.

Specific responses to the consultation documents are provided under separate cover but the following outlines our main two concerns.

### **1) Possible Nature Conservation Marine Protected Areas**

Whilst SSE fully supports government plans to introduce a network of MPAs, it has concerns that its existing developments have not been fully considered when setting the boundaries for MPAs, with potential overlap of MPAs and SSE projects in development.

SSE, through both its renewable and transmission businesses, has significant development planned in Scotland's seas and these developments have been progressed in line with existing policy requirements. All SSE marine renewable projects have been development following the award of Agreements for Lease by The Crown Estate and detailed EIA and HRA studies have either been conducted or are ongoing for all SSE renewable developments to assess any potential effects on the marine environment. All SSE marine transmission projects have been developed to provide new connections and/or essential grid upgrades. Voluntary Environmental Assessments have been carried out for all current projects in development.

The inclusion of new environmental designations with their associated management measures at this stage therefore presents a real risk to the continued development and investment for these projects. SSE do not believe it appropriate to introduce changes to planning policy relating to such designations particularly where it is unclear how this would affect projects already in development or in the future to projects consented prior to MPA designation. SSE believes that the lack of a quantitative assessment of the potential economic affect of projects no longer proceeding as a result of MPA designation is a serious omission from the supporting documentation and requests that this is addressed via further work. SSE notes that a process of placing an economic 'value' on MPA designations has been undertaken and believes that if such a process is possible for a non-market good such as environmental designations then it is reasonable to undertake a similar process for renewable energy projects.

The Scottish Government have set a clear direction to the industry regarding their renewable energy ambitions and Scotland's vast offshore renewables potential. In line with this, SSE has invested substantially in the development of energy related projects, both renewable generation and transmission upgrades and connections, within Scottish waters. The development of these projects has entailed significant expenditure by SSE and at a time when the energy industry is faced with significant political and regulatory uncertainty, any additional barriers to development could significantly affect the viability of these projects.

Furthermore, SSE is greatly concerned regarding proposals to introduce new SPAs within the MPA consultation process. This has the potential to severely delay the Beatrice and Seagreen Phase 1 projects, which are currently in determination and subsequently, impact their feasibility. The increased uncertainty these proposals provide at this point in these projects is significant. Whilst we understand and agree with the need for environmental designations, these should not be to the detriment of projects which have been in development for some time and which have been the subject of detailed EIA and HRA.



SSE therefore feels it would be wholly inappropriate for new planning policies or designations to be introduced which may impact on the viability of progressing existing developments. In line with the intention that *'there is a presumption in favour of adopted Plan Options identified through the Sectoral Marine Plan process'*, SSE seek comfort that this will apply to its existing projects in development, and no changes to planning policy will be retrospectively applied to its existing developments and assets.

## **2) Lack of consideration for electricity networks**

SSE is concerned that there is a lack of focus and recognition regarding the importance of electricity networks within Scottish seas. Whilst we acknowledge that there is to be a strategic planning exercise for the provision of grid infrastructure once the National Marine Plan is finalised, we are concerned that this will be far too late.

As the electricity distribution network operator for the north of Scotland, we distribute electricity to the majority of Scottish islands, with over 100 subsea links, providing an essential lifeline service to island communities. It is essential that all sectors take this into consideration with regard to any interaction within Scotland's seas and this should be explicitly referenced within the marine plan.

There is also a lack of clarity regarding accessing our existing cable assets in the event of a fault. Would access be automatically granted or would a marine licence need to be applied for? Gaining immediate access to subsea cable faults is essential to maintain security of supply for Scotland's island groups and SSE is concerned that there is no reference to this within the marine plan. This also applies to SSE's current and future generation asset connections within Scottish Seas.

SSE also have significant concerns that the breach of a marine licence could result in an order to remove the asset within one month. Whilst this is clearly concerning for all SSE's group activities within the marine environment, it is of particular concern regarding our networks businesses, due to the essential lifeline services they provide. Furthermore, the term 'pressure removal' with regard to existing assets also causes SSE significant concern.

For the reasons outlined above, SSE is concerned that there is a severe lack of clarity regarding electricity networks and we firmly believe there should be a specific section within the marine plan for electricity networks, both distribution and transmission, and we would request the opportunity for further consultation regarding this.

## **Conclusion**

I hope the information provided has adequately outlined SSE's main concerns and we would welcome the opportunity to discuss these issues further with officials. In the meantime, if you have any questions regarding our representation please do not hesitate to contact me.

Yours Sincerely

Greg Clarke  
**Public Affairs Manager (Scotland)**

## CONSULTATION QUESTIONS

Please identify the main area of interest you identify with :

- |                               |                                     |
|-------------------------------|-------------------------------------|
| Nature Conservation           | <input type="checkbox"/>            |
| Fisheries                     | <input type="checkbox"/>            |
| Industry/Transport            | <input type="checkbox"/>            |
| Energy                        | <input checked="" type="checkbox"/> |
| Aquaculture                   | <input type="checkbox"/>            |
| Recreation/tourism            | <input type="checkbox"/>            |
| Academic/scientific           | <input 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

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

Yes, as an overarching document with strategic guidance, SSE believes it is a helpful tool if implemented correctly. Provided site specific considerations can be applied to each development, it is an appropriate vehicle to give an overview of key principles for marine resources.

SSE also welcomes the Scottish Government's intention to consolidate both inshore and offshore Scottish waters into a single integrated plan and believes the draft NMP sets out how this will work. However, there are certain aspects of the draft NMP which are either inconsistent or require further clarification. Specific detail regarding this is covered later on within this submission.

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

SSE does have some concerns regarding proposals to integrate existing terrestrial and marine planning regimes.

Whilst SSE recognises the potential benefits of the Government's intention here, namely a more streamlined and efficient planning regime for offshore developments, it is essential that Government present a clear vision in relation to the process for early engagement of terrestrial and marine planning authorities to ensure that timeframes and identification of issues/risks on one or both of the elements are identified.

For distribution and transmission submarine cable projects the Marine (Scotland) Act 2010 largely replaced the marine licensing and consent controls previously exercised under Part 2 of the Food and Environment Act 1985 and the Coast Protection Act 1949. These projects are generally exempt from marine environmental regulations given the methods used to install them. Given the long lead in times for cable manufacture and installation SSE would be concerned if consent for submarine cables were delayed due to an associated terrestrial planning application.

Although the Government's desire for better case management is clear, SSE do not believe it provides enough clarity towards putting in place a regulatory system that manages all elements of a proposed offshore development into one integrated process with an appropriate structure and management system.

There is also mention of a representative managing any interaction but it is not clear from which body would this representative come from. Furthermore, in the event of a conflict it is not clear which regime would have the deciding vote nor is it clear how appeals against such decisions would be made.

Overall SSE believes the Draft Planning Circular should make more explicit reference to the General Duties which sit at the highest level in the Marine Act. These duties should underpin all decision making within the context of marine planning. The general duties are:

- Sustainable development
- Mitigation and adaptation to climate change

Therefore, SSE believes further detail is required to clearly state the hierarchy of legislation and integration on the proposal to integrate the two planning regimes, with the opportunity for industry to provide additional feedback before any such change is implemented.

**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?**

Yes, providing regional marine plans are consistent with Scotland's National Marine Plan. The NMP provides general principles and overarching policies for the regional plans to follow, which providing these are adopted within regional plans, will provide developers, such as SSE, the planning policy certainty and clarity necessary to pursue future developments throughout Scottish waters.

SSE also believe representative membership of the regional marine planning partnership bodies will be crucial in achieving the implementation of regional plans, while managing regional interests – e.g. aquaculture on the west coast, offshore wind on the east coast, oil & gas in the offshore area of the North Sea.

**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?**

Yes, SSE believes the NMP should have specific policies for these strategic areas, specific to each Strategic Area. As they are strategic areas, it is important that there are strategic policies in place to support this. As the NMP is a strategic overarching document it is an appropriate mechanism to implement such policies.

However, SSE notes that the Pentland Firth and Orkney Waters area is covered by three separate proposed Marine Regions and is also the subject of a pilot Marine Spatial Plan which straddles these 3 regions. It is unclear what the linkages will be between the pilot Marine Spatial Plan, the Marine Regional policies and the National Marine Plan policies.

On this basis SSE wish to understand in greater detail what the legislative standing of Strategic Sea Areas would be and how the policies associated with these would relate to the policies of other plans. SSE therefore request clarity on which legislation would be used to designate an area with the title 'Strategic Sea Area'.

**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?**

Yes, however, SSE believes greater focus should be placed on the vast renewable potential of Scotland's seas.

The Scottish Government have set ambitious climate change and renewable targets and offshore energy development will play a crucial role in achieving these targets, whilst also contributing to sustainable economic growth. SSE believes the NMP should specifically acknowledge the potential of the NMP to contribute to national renewable energy and climate change targets.

In order to meet these targets, SSE suggests there should be a clear presumption in favour of renewable energy and/or sustainable development in non-sensitive locations.

Whilst SSE welcomes that this is stated in policy "GEN 1", SSE would recommend this commitment is strengthened with a clear overarching aim within the NMP, as well as the general policy position as currently drafted.

**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?**

SSE welcomes the explicit objectives set out within chapter 3 and the sector specific marine objectives in chapters 6-16, which it believes sets out the approach to setting planning policy objectives and outcomes.

SSE support the Government's main strategic outcomes 'Wealthier and fairer' and 'Greener' and believe the development of renewable energy and associated infrastructure in Scotland's seas will greatly contribute towards meeting these objectives.

Scotland is home to some of the worlds most abundant offshore and marine renewable resources, presenting a significant economic opportunity, whilst also contributing towards Scottish renewable energy and climate change targets. SSE strongly believes the development of energy within Scottish Waters is in line with the High Level Marine Objectives and Good Environmental Status outlined within the draft NMP.

However, SSE has some concerns about "GES11", which states "*Introduction of energy, including underwater noise, is at levels that do not adversely affect the marine environment*". It is unclear from this statement how this would be measured.

- What would be an acceptable level?
- How is this calculated?
- What information would developers require to demonstrate the noise



impact of their developments?

Whilst SSE acknowledges that the construction of renewable energy developments and subsea cables may result in increasing noise levels throughout construction, during operation, SSE believe that there will be minimal noise impact on the marine environment. SSE therefore requests further clarification to allow developers to understand the potential impacts of this policy on future energy developments.

There is also no clarification regarding the priorities under the NMP regarding the resolution of competing marine users, e.g., offshore wind vs. fishing vs. transport etc. SSE would welcome more clarification on this and further opportunity to provide comment on any such proposal.

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

In regard to the 'adaptive management approach' and requirement to monitor if unexpected / undesirable ecosystem effects are detected. SSE believes this should be achieved through a robust and rigorous approach to EIA, where this is a necessary planning requirement, and consenting, avoiding the need for unnecessary precaution, so that developers fully understand project planning and commitments.

The adaptive management approach also conflicts with Chapter 4 (pg24) General Policy 1 i.e. the Scottish Government wishes to encourage developer certainty and confidence (see also pg27 - General Policy 10).

However, SSE do acknowledge that an 'adaptive management approach', particularly with regard to wave and tidal projects where some environmental effects may be uncertain, could be very helpful in resolving potential conflicts and allowing development to proceed. However we would request further detail on when this approach may be adopted and wish to understand in greater detail how it would be applied.

#### **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?**

SSE welcomes the Government's commitment that *'there is a presumption in favour of **sustainable development**' (Gen 1)* and that *'Sustainable developments and marine activities **which provide economic benefit to Scottish communities are encouraged**'*. The development of renewable energy and associated infrastructure in Scottish Waters presents a



significant opportunity to benefit not just local communities but Scotland as a whole, providing employment, skills development and substantial associated economic benefits. Furthermore, to meet the Scottish Governments ambitions renewable energy and climate change targets, offshore energy development will have a crucial role to play.

SSE does have some comments regarding a number of the general policy statements, as outlined below.

“Gen 4” - SSE is concerned that the scenario mapping process is not well defined in the Plan and as a result it is unclear what is involved. There is no information on how the outputs from scenario mapping will be used as part of the marine planning process and in particular as part of the consideration for licensing and consenting of projects.

The assessment of a project’s socio – economic impacts are already required to be considered as part of the EIA process and appropriate information is already included within environmental statements/appraisals. SSE considers at the licensing/consenting stage that this is the relevant method for the impacts of developments to be considered.

While information forming part of environmental statements/appraisals could be used at a high level to inform the initial stage of the scenario mapping process it is important to recognise that information on supply chain strategy and decisions on procurement will only be taken post consent.

Therefore, SSE consider that it is not appropriate to include scenario mapping as a policy requirement within the NMP and that scenario mapping should be promoted separately by Marine Scotland outwith National Marine Planning Policy objectives.

“Gen 5” - Whilst SSE understands the Government’s intention here, and agrees that utilising marine space for multiple users is a sensible approach, we do have some concerns about how this will work, in particular when there is a conflict if multiple use is not possible. SSE believes further clarification is required in respect of utilising marine space for multiple users, in particular, regarding conflict resolution.

“Gen 6” – As outlined above in response to question 2, whilst SSE understands and supports this approach the statement in the draft, although clear in terms of intentions, does not facilitate a means for this integration to happen. How will this be achieved? How will timeframes of each regime align with the other to ensure that one element of the development is not delayed as a result of delays in the other? Aside from the integration of plans SSE considers that the main objective of this policy is unclear as it covers both access requirements and infrastructure components straddling marine / onshore. These should be dealt with by separate policies. SSE therefore believe this policy requires stronger wording such that it places a requirement on Local Authorities to develop policies which facilitate appropriate access to the shoreline for development integral to projects with

a significant marine component.

“Gen 7” it is assumed that the reference to “planners” in this policy should actually be “planning authorities”.

“Gen 8” - The intent of this policy seems to be a transposition of the general duty within the Marine (Scotland) Act 2010 with regard to sustainable development. If this is the case, the policy wording would benefit from revision to emphasise this, as it is assumed the requirement to act with fairness and transparency is already captured by other primary legislation.

“Gen 9” – SSE fully support the early and effective engagement with public and interested stakeholders throughout the development process. As a responsible developer, SSE and its JV companies always engage well in advance of projects entering into the planning process or beginning enabling/construction works to allow interested parties ample opportunity to comment on and find out more about development plans. What, if any, timeframes would the Government consider putting in place as a guideline on this early engagement and how would that differ from the current industry practice? SSE would also welcome clarification of what is meant by early and effective engagement and how “all interested stakeholders in planning and consenting process” are to be defined through further guidance. The definition of these aspects of the policy will be important in order to ensure that consultation on marine projects is carried out in accordance with the Policy requirements. SSE is aware that prospective pre-application consultation requirements for prescribed classes or descriptions of licensable marine activity are set out in Section 23 and 24 of the Marine (Scotland) Act. The prospective consultation requirements in Section 23 and 24 mirror onshore requirements for major applications. SSE understands that secondary legislation is still required to implement Sections 22-24 of the Marine (Scotland) Act 2010 and would welcome further clarification of this in the context of any additional guidance on Policy Gen 9.

“Gen 10” – SSE fully agrees that sound, accurate evidence, is necessary to allow robust decision making for all offshore developments and developers, such as SSE, should make every effort possible to provide a robust case for developments within Scotland’s marine environment. However, the statement ‘*Where evidence is inconclusive, reasonable efforts should be made to **fill evidence gaps***’ is concerning. SSE do not believe “gap filling” can be viewed as an acceptable means of presenting evidence and allow for such evidence to be viewed objectively. The onus should be placed on developers to provide the necessary evidence for their applications to be determined and no “gap filling” for any sector should be considered appropriate. SSE therefore believes this statement should either be removed or reworded accordingly. SSE supports the approach proposed of ‘adaptive management’ subject to discussing in more detail how this would be managed.

“Gen 12” - This is of great concern to SSE and its JV interests as certain of

the proposed areas would partly and potentially wholly impact on areas that are in adopted plans that have already gone through SEA and where agreements are already in place with The Crown Estate. SSE has incurred significant costs already in developing offshore energy and transmission projects, developments which have been pursued in line with existing planning policy.

- How can alternative locations be considered where zones have already been identified and awarded to developers with legal agreements being put in place for such development?
- How will any conflicts with the existing offshore zone regime be managed if there are conflicts with protected areas and protected species?

SSE does not believe it acceptable for new planning policy to supersede decisions which have already been taken in regard to offshore energy development. SSE therefore seek clarity and comfort that existing developments will be protected from any changes to planning policy which may alter the planning decision making process.

“Gen 13” The policy wording includes reference to enhancement of heritage assets. The supporting text refers to enhancement only in the context of enhancing the knowledge of assets through recording and provision of information for archiving with RCAHMS or a local authority archaeological service. SSE suggest that “enhancement” should be removed from the policy wording and reference made to this within the supporting text only.

“Gen 16” – SSE believes the examples of bubble curtains or soft start pilings are misleading as mitigation measures. A marine licence will contain specific conditions in relation to mitigation and environmental statements which will give due consideration to any potential impact (noise and otherwise) with the identification of mitigation measures that can be employed. Is this statement adding a further hurdle for mitigation or will it align with that which is already in place through the terrestrial and marine planning regimes? SSE believes further clarification regarding this is necessary and would suggest current mitigation measures, as determined in the granting of marine licences, is an appropriate method for dealing with mitigation requirements.

“Gen 17” - A development or activity associated with it could fail a test of purely ‘adverse’ impacts despite the impact being what may be considered of a minor nature. SSE therefore suggests that this test is restated to be one of ‘unacceptable adverse impacts’.

“Gen 19” - It is unclear over what spatial extent a test of this nature would be applied and SSE therefore request clarity on what is meant by ‘complete loss’ within a geographical context.

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

Yes, SSE believes this is a relevant consideration and the policy ensures it will be considered, but rightly does not set out specific requirements which will be set out in focused policy.

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

As stated previously, SSE believes there should be a clear presumption in favour of energy developments sited in appropriate locations. Whilst this is alluded to in some areas, a policy should clearly state this presumption, particularly as marine energy development is likely to play a key role in Scotland achieving its renewable energy and climate change targets and is therefore of great national importance.

**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?**

SSE believes there should be a far greater focus on electricity networks, i.e., distribution and transmission cables. SSE, through its electricity distribution network division Scottish Hydro Electric Power Distribution, is the licensed electricity distribution network operator in the north of Scotland connecting the majority of Scottish islands to the electricity grid, providing key lifeline services for island communities. Through its transmission division, SHE Transmission, SSE is developing connections to the three main Scottish Island groups to facilitate the proposed development of renewable generation in these locations. The Scottish Government have previously indicated that such developments are key to meeting their own energy objectives, which will also likely facilitate significant economic growth in each island group. For these reasons, SSE believe electricity networks should have a far greater focus due to the key role they play in meeting a number of essential and government objectives.

**Sea Fisheries**

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

SSE is committed to working constructively with the sectors, including the fisheries sector, when developing marine energy projects and as part of our rigorous approach to marine energy developments we already assess the potential impact on other sectors.

SSE therefore welcomes and agrees with the acknowledgement that

offshore energy developments can interact positively with fisheries. The statement that the potential effects from energy developments should be considered on a case-by-case basis is deemed to be an appropriate approach with SSE supports.

This chapter again refers to climate change considerations; however it does not specifically refer to the benefits that energy developments could have in this respect. Co-existence with other sectors will be necessary and this should be emphasised, while any fisheries concerns must be addressed in each instance. However SSE believes policy statements regarding beneficial co-existence should be avoided and each case should be considered on a case by case basis.

In the '*Interactions with new physical development and associated activity*' sector, the NMP states that *There may be potential for some wind energy areas to act as nursery grounds for fish and if appropriately protected these may lead to an increase in fish stocks in the surrounding areas. This possibility should be considered on a case by case basis.*

Whilst SSE, understands that this may be possible following offshore wind development, it believes this should be classed as an associated environmental benefit of energy development and does not believe it appropriate for this to be a planning consideration. Furthermore, this suggestion appears to indicate that fishing would be excluded from such locations, in order for them to develop as 'nursery grounds for fish'. SSE is determined to work closely with all sectors to ensure energy development has minimal impact on other marine users. The statement above appears to contradict this, potentially excluding fisheries activity in areas where offshore wind development has taken place. SSE recognises that there may be instances where this is the case but believes that each case should be dealt with on its own merits, again, on a case by case basis.

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

No comment

### **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?**

No comment

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

No comment

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

No comment

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

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

As a responsible developer, where necessary SSE undertake detailed EIA and HRA which will give due consideration to the impact of a development on the migration patterns of fish (and other sea mammals) following extensive surveys in and around the area proposed to be developed. SSE believes the NMP should acknowledge the already rigorous approach taken in developing marine energy developments as it is already a requirement for any application at present. SSE does not believe it appropriate that there should be an extra layer of consultation/investigation in this respect.

SSE is concerned that the stated potential effects of renewable energy projects and their associated infrastructure has been given a likelihood of occurrence and significance that is unjustified and unproven. The plan wording with regard to this arguably describes these potential effects in stronger language than that in respect of the effects of climate change, for which there is significantly greater evidence that this is having serious effects on migratory fish ecology.

The text within the document could easily be interpreted as stating that the potential effects of renewable energy developments are more serious and likely than climate change effects. SSE requests that this disparity is addressed.

Furthermore, Chapter 8 identifies that effects on wild salmon and migratory fish can occur as a result of renewable energy developments, and states that these effects should be considered. However, there is no admission that renewable energy developments have a fundamental role in helping Scotland achieve its renewable energy and climate change targets, and that appropriate design and location can ensure effects from renewable energy developments on wild salmon and migratory fish are not significant.

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

No comments

## **Oil & Gas**

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

Whilst SSE supports the Scottish Government's intention to move towards a low carbon economy, SSE agrees that oil and gas will continue to play a crucial role in meeting energy demand requirements, contributing significantly to economic growth.

SSE agrees that at this time it is unknown how spatially compatible renewable arrays and oil/gas infrastructure is, however this is a consideration which SSE believes should be explored in the near future and would request the opportunity to engage in this exercise. It should be recognised that with appropriate buffers for helicopters and/or health and safety reasons it is thought that there can be some degree of compatibility.

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

No comments

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

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

SSE is a strategic partner in Shell's proposals to develop carbon capture and storage at SSE's Peterhead power station and the project is one of the projects shortlisted for DECC's CCS Commercialisation Programme. Whilst CCS is yet to be deployed and demonstrated at a commercial level, the technology has the potential to play a crucial role in meeting climate change targets and SSE therefore supports proposals to support this through planning policy.

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

No comments

## **Offshore Renewable Energy**

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

Yes – the NMP is a strategic document which appropriately identifies key



aims for the country, and incorporating the high level spatial information from the sectoral plans will be useful in creating a hierarchical policy framework which can then be expanded upon in more focused, area specific plans. The NMP should clearly inform decisions regarding the precedence or presumption of one sector over another.

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

SSE strongly supports the intention that there is a presumption in favour of existing proposals “Renewables 1” and similarly supports the intended support for the Pentland Firth and Orkney Waters Marine Energy Park “Renewables 2”, which will help Scotland maintain its position in the development of wave and tidal energy. The policy states that preference will be given to proposals in draft plan areas, however, it is unclear how this preference will be applied through the consenting process. SSE considers that the wording of this policy should make clear that the developments have status similar to national development status as proposed in NPF 3. This would ensure consistency between the Marine and Terrestrial National Plans.

The objective to promote offshore renewable developments in suitable locations and contribute to the national renewable energy and climate change targets is also welcomed.

In respect of the “interactions with other users” section of the chapter, SSE agrees that there will be mutually beneficial interactions with various sectors within the UK as a result of offshore energy developments. This section of the chapter also states that there is potential for academic and R&D institutes to benefit as a result of offshore development. Whilst SSE agrees with this, it should also be acknowledged that there are already various research projects underway which will form part of offshore development considerations and assessments. Continued offshore development will further enhance this to the benefit of Scotland as a whole.

Also within the “interactions with other users” section, the document states that offshore renewables may have implications with other activities and other sectors. Whilst SSE concedes this could potentially occur, depending on the location of the proposal, there is also scope for offshore renewables to operate in tandem with other sectors and, in some cases, benefit other sectors. SSE believes this should be acknowledged within the NMP.

The acknowledgements of how offshore developments, including wind, could contribute to national renewable energy and climate change targets are welcomed, as is the acknowledgement that offshore renewables can substantially contribute to mitigating climate change.

SSE does not agree that the wording in Policy “Renewables 5” is appropriate. The current wording of the policy states that “*Specific impacts on species and habitats should be mitigated through appropriate design,*

*construction and operation methods*". This wording indicates that all impacts should be mitigated, however, where impacts are acceptable, or "not significant" in EIA terms, it is not necessarily necessary to mitigate effects. The wording should be amended to reflect adverse effects that require mitigation, not all effects.

Renewables 6: It is unclear how this policy can help address or guide any substantive issues relating to grid development. It is entirely unclear whom it places an obligation on to carry out the activities described.

"Renewables 7: the term 'rock dumped' is too specific, given that other protection means may be adopted where appropriate, and SSE believe this should be changed to state 'suitably protected', which is less specific. The presumption with regard to tidal sites needs to be that cables will be surface laid with little or no additional cover. SSE would welcome clarification on the basis for the inclusion of this policy in the form of clearly worded supporting text.

Renewables 8: Whilst SSE supports in principle simplifying the EIA for offshore developments to incorporate the impact on both onshore and offshore infrastructure, this would be dependent on the integration of marine and terrestrial planning regimes. As previously stated SSE has concerns that proposals to integrate these planning regimes for offshore development have not been clearly stated and until such time that this has been adequately addressed SSE believe it inappropriate to streamline the EIA aspect of offshore energy developments. Statutory provisions also provide for developers to make separate applications for the onshore and offshore elements of projects. SSE considers that the format and content of an ES should be determined through formal scoping arrangements. Any relevant guidance on how EIA is carried out and how an ES is submitted should be contained in separate specific guidance in the context of the relevant EIA Regulations and should not be a National Planning Policy matter.

Furthermore SSE believes the scope of proposed development that an HRA or EIA should cover is that for which the project developer is responsible. SSE requests confirmation that this policy is not intended to oblige developers to include within their EIA and HRA assessment of effects for activities related to their projects but being progressed by 3<sup>rd</sup> parties – the most obvious example being grid infrastructure.

Renewables 10: It is unclear how this policy will deliver anything further to what would be required as part of the EIA process. The test for whether a socio-economic assessment is required as part of a project proposal should remain that of whether the project is likely to have significant effects.

The text on page 86 states that wave and tidal developments have been awarded 'leases' by The Crown Estate. This should be corrected to 'Agreements for Lease'.

Lastly, through SSE's transmission business, SHE Transmission, we are

developing a number of sub-sea transmission links within Scottish waters, such as those to the northern and western Isles. SHE Transmission is also developing a transmission link from Kintyre to Hunterston. Consent and Ofgem approval for this development has already been awarded and construction is now underway; however, MAP 14 does not reflect this development. SSE therefore requests that the map is updated accordingly to incorporate this project.

In respect to the proposed timescales for completion of the planned transmission links, as a licensed transmission network operator, SHE Transmission is obliged to provide transmission connections when there is demand from developers. The proposed transmission projects referenced in the map are therefore ultimately dependent on developer commitment and for this reason, the timetable for completion is subject to change and SSE would request this is reflected.

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

No comments

### **Recreation and Tourism**

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

The plan text on page 100 makes a number of statements with regard to potential impacts which are not appropriate and for which there is little or no evidence base. This is particularly the case with regard to the potential effects attributable to wave climate. SSE requests that this text is removed or reworded so that it is in keeping with the nature of this document as an evidence based strategic policy document.

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

No comments

### **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?**

SSE acknowledges that this policy applies to inshore waters only, and agrees that nationally significant ports and harbours should be safeguarded from development that would restrict access to these ports. However, it should be noted that offshore developments can create substantial

economic benefits to nearby ports. Nationally significant ports located in close proximity of offshore developments are likely to experience an increase in traffic volume due to the operations required during construction, operation and decommissioning for offshore developments, and this is likely to significantly benefit the ports being used. Whilst safeguarding these ports from operations that could prevent access is important, SSE believe that offshore development in relatively close proximity could be highly beneficial to nearby ports and should be recognised within this chapter.

SSE believe a test of no interference is too onerous and request that the wording of policy Transport 3 is re-phrased to read; *'Developments will not be consented where they will significantly interfere with lifeline ferry services'*.

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

SSE believe a test of no interference is too onerous and request that the wording of policy Transport 3 is re-phrased to read; *'Developments will not be consented where they will cause unacceptable interference with lifeline ferry services'*.

Also, the grid infrastructure enhancements are not consistent with those identified in Map 14.

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

No comments

**Telecommunication Cables**

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

Whilst SSE fully agrees with the need to safeguard telecommunications infrastructure from damage, offshore energy infrastructure and telecommunications infrastructure should be able to co-exist in relatively close proximity provided developers ensure that appropriate distances from telecoms cables are maintained to ensure no damage will occur during construction or decommissioning activities.

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

No comments

## **Defence**

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

Whilst SSE acknowledges that marine energy developments can have an adverse effect on MoD activity, including radar, SSE believe the NMP should acknowledge that effects may be avoided through design considerations, or resolved via a mitigation solution if one is appropriate.

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

No comments

## **Aggregates**

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

The Chapter implies that there may be a future Aggregate industry in Scotland, and that the options for developing this industry will be explored going forward. SSE considers that given the advanced nature of the energy sector in comparison to the aggregate industry, energy development sites which have been previously identified for development by the Scottish Government should be afforded protection from aggregate developments that could adversely impact on renewable development.

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

No 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.**

SSE does not believe the vast potential economic benefits that may occur as a result of energy developments has been considered in full. Direct economic beneficiaries may include manufacturers, local port operators and maintenance staff, amongst many others. In respect to the proposed transmission upgrades planned by SHE Transmission, these provide enormous potential economic benefits to the three main island groups.

Whilst this is briefly mentioned in the NMP, the effects are likely to be greater than indicated within the document, and should be afforded greater importance.

### **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?**

No comments

### **Sustainability Appraisal**

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

No comments