

CONSULTATION QUESTIONS

Please identify the main area of interest you identify with :

Nature Conservation

Fisheries

Industry/Transport

Energy

Aquaculture

Recreation/tourism

Academic/scientific

Local authority

Community group

Public sector/Regulatory body

Local Coastal Partnership

Other (Please state)

Comments

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

The government is to be commended on the progress made in developing this draft plan and the underlying data gathering as presented within the marine atlas and the online NMPi, which are a great resource for Scotland and the UK.

The inclusion of additional information (within background sectoral information to the NMP) regarding the fisheries sector would help provide a clearer economic as well as environmental evaluation of the strategic importance of these ecosystem elements to guide future decision making.

The draft NMP recognises key overarching objectives but would benefit from the inclusion of more forward-reaching and proactive proposals to actively guide integrated management of the increasing interaction between sectors.

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

While the need for integration between the marine and land use planning systems is adequately recognised within the NMP, potential mechanisms for achieving this are not.

The sectoral approach adopted within the NMP has highlighted issues that are key to understanding sector needs, but the plan does not go far enough towards identifying how these key sectoral interests and all other relevant interests can be managed in an integrated way.

A further issue is the granting of licences by The Coal Authority for the Underground Coal Gasification for an area beneath the Firth of Forth.

This is particularly the case for fisheries, which are already subject to very complex legislation and management measures, as a further layer of potential controls at local level would prove difficult to implement.

We appreciate that feedback from the ongoing consultation on the links between terrestrial and marine planning systems may provide further guidance on improving links to the National Planning Framework, and that the plan will continue to evolve in future iterations, but consider that some additional guidance should be added to the draft.

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?

It is clear that any Regional Marine Plans must conform to the NMP guidelines, but it is not sufficiently apparent from the current draft :-

- a) how or when the marine planning partnerships are to be set up or regional marine plans are to be developed;
- b) how will planners be able to adequately assess the needs, relative socio-economic values and potential impacts of different sectors on a scientific and objective basis when deciding between development proposals by competing interests.
- c) Although decisions will require to be made on a case by case basis with consideration of all local factors, there will also need to be a Scotland, or UK wide strategic overview as well as collaboration between areas, and it would be helpful to have some additional guidance within the plan as to how this may be achieved .
- d) how Inshore Fisheries Groups, who will be implementing area Fisheries Management Plans (0-6 Nautical Miles), and the Inshore Fisheries Management Conservation group (iFMAC) covering 6-12 Nm, can best input to the process (We presume that IFGs would need to be represented on any Marine Planning Partnership.)
- e) the extent to which, and means by which, IFG “Fisheries Management Plans“ (in the process of being agreed) will in future be subject to regional marine plans, and vice versa.

- f) The mechanisms by which regional marine planning might seek to impact on the activities of fishing vessels, which are licensed under separate legislation, not under the Marine (Scotland) Act 2010.

For energy, the Sectoral Marine Plan for Wind, Wave and Tidal Energy in Scottish Waters (currently being consulted on) will establish nationally important sites. For fisheries interests, there needs to be a mechanism to help identify key areas for different species, issues re seasonal stock availability, and potential impacts of displaced fishing effort on other areas.

The stated presumption in favour of development of energy sectors (which may have significant knock-on effects on local fisheries and biodiversity) needs to be offset by a clearer recognition of the economic and food security value of the fisheries sector.

It is not clear how Strategic Seas Areas would be treated within the proposed hierarchy, or what designation as a SSA would mean in practical terms.

If Strategic Seas Areas are to be adopted, Aberdeen Harbour may also merit inclusion, given its national importance as regards energy, fisheries, tourism, cetacean and many other competing interests.

There are concerns that designation of the Pentland Firth as a Strategic Seas Area to further renewables developments may result in restrictions on free passage of vessels that could affect vessel safety.

The lack of information as to how or when (or even whether) regional marine planning partnerships are to be set up and managed, how national objectives are to be taken forward within local plans, and how different sectoral interests are to be managed in an integrated way adds an unhelpful layer of uncertainty to the plan. We have some concerns that too many decisions are being deferred for consideration when setting up the Marine Planning Partnerships.

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?

This issue requires further consideration and information on how SSAs could be most effective within the overall planning system. Where SSAs are designated, there should be clear guidance on the policies to be applied.

Given the national recognition of key areas for energy, natural heritage and aquaculture, the case could be made for the designation of Strategic Seas Areas critical for fisheries, national food security etc., or the inclusion of

fisheries interests within one or more SSA.

Q5. Are the objectives and policies in the NMP appropriate to ensure they further the achievement of sustainable development, including protection and, where appropriate, enhancement of the health of the sea?

The objectives and policies appear appropriate, but are set at such a high strategic level that it is not clear how regional decisions can be assessed or evaluated in terms of achieving these, or whether weighting should be applied to the individual elements. E.g. more guidance, and a national overview, may be needed by marine planners when evaluating competing proposals with potentially equivalent economic value, but which would meet different objectives such as employment, food security or energy security.

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?

Scotland's Marine Atlas provides broad brush information on the status of fish stocks and the impacts of fishing on different types of environment. There is currently insufficient information on how to evaluate different ecosystem services and their component parts, or the cumulative effects that potential developments may have on these.

Fishing is however recognised within the NMP in Chapter 6 *“as an important source of sustainable protein and essential nutrients, often caught with lower associated carbon emissions than the rearing of meat.”*

This factor underlines the importance of the fishing industry contribution to food production with a low carbon footprint, and supports the suggestion of creating Strategic Seas Areas or equivalent for fishing .

The impacts of climate change on sea temperatures, currents, species availability, migration etc are only just beginning to be understood, and ongoing changes can be expected . Any regional marine planning mechanisms and guidance (including MPAs) will need to have built in flexibility so they can be adapted to meet changing circumstances where mobile species move out of the areas designated for their protection.

Signs are already emerging of some fish species moving further north to cooler waters, which may result in a long-term change in the types of fish available within our inshore waters. Fishermen will require flexibility to sustainably prosecute accessible fisheries within local waters to maintain food supplies without increasing their carbon footprint.

It is important that fishermen are involved in the management process and associated decision making.

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

Although fishing vessel-licensing is outwith the Marine (Scotland) Act 2010, the impacts of vessel activities will fall within the overall NMP or regional marine plan policies and objectives. There needs to be further consideration as to how these two systems can be integrated in a way that is clear and fair, along with the potential role of the Inshore Fisheries Groups and /or the Inshore Fisheries Management And Conservation Group in advising on requirements for variations of licence, perhaps on a spatial or temporal basis.

GES 9 should help safeguard fisheries in relation to pollution events.

GES 11 may have particular relevance for fisheries in relation to the siting of renewables developments and infrastructure including sub sea cabling.

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?

Gen 1. This presumption in favour of sustainable development where consistent with the plan is held to be important for fisheries (food and drink), and will be particularly relevant for some more remote areas of Scotland.

Gen 6. We would wish to see inclusion within the general guidelines of a clearer reference to the principles contained in Fisheries Policy 6. i.e. that terrestrial planners (and not just ports) should engage with key stakeholders regarding any proposed changes in existing infrastructure that might affect the viability of dependant fishing fleets, and that there should be a presumption in favour of maintaining necessary infrastructure.

Gen10. Data gathered as part of ongoing EIA processes and subsequent monitoring should be held centrally and made widely available so a clearer picture can emerge of what is in the marine environment, and the potential impacts and cumulative impacts of proposed developments.

The availability of current data, and the collection of new national data will also be key for inshore fisheries groups and marine planning decision makers to meet the needs for maintaining healthy fish populations.

Gen 12 states *“Marine planning and decision making authorities should ensure that development and use of the marine environment complies with legal requirements for protected areas and protected species and does not result in a significant adverse effect on the national conservation status of other habitats or populations of species of conservation concern.”*

The wording of this policy seems to suggest that significant adverse effects on habitats or species not of conservation concern could be acceptable. This would conflict with HLMO18 which stipulates that the use of the marine environment recognises the protection and management needs of marine cultural heritage.

This policy needs to be clarified in line with the Strategy for Marine Nature Conservation et al..

The list of Priority Marine Features includes commercial species, and habitats that support these. Further guidance may be appropriate regarding integrating and ensuring the compatibility of the fishing (particularly inshore fishing) and other marine planning activities and objectives.

Gen 16. When considering the effects of anthropogenic noise etc on sensitive species, account must be taken also of the potential impacts on spawning grounds, migration routes etc of priority species, including the effects of electromagnetic fields from sub sea power cables etc. and the warming of the seabed due to combustion of deep underground coal seams.

Gen 19. Regional marine planning decisions require to attempt to minimise emissions of greenhouse gases. This can be achieved by preserving the inshore fishing fleet's access to 'local' fishing grounds and healthy fish stocks. Consideration should therefore be given to avoid developments in the marine environment that diminish access to locally productive fisheries areas and stocks.

The terrestrial National Planning Framework makes provision for “areas for co-ordinated action”. Is something similar proposed for the Strategic Seas Areas? Or could something similar be used to integrate the fisheries management and general marine management plans for key fisheries areas?

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

No comment

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

No comment

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?

As stated previously, the requirements of the fisheries sector(s) need to be fully recognised within the NMP, given that the spatial and temporal distributions of fish stocks and nursery areas are not uniform and may be subject to major change due to climate change and other factors. The loss of fishing opportunity in one area may not be able to be met by increased effort in another area. This is particularly relevant to the inshore fishing fleet.

Also, policies guiding the interactions between sectors and those enabling multiple, cross-sector activities need to be further developed. The current NMP does not have a strong spatial focus so this aspect will need to be addressed more fully within the next iteration and / or the regional marine planning proposals.

Sea Fisheries

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

The NMP would benefit from the inclusion of a map showing all fishing - dependent communities and all ports, with data on the scale and type of fish landings etc, to show marine planners their comparative values in relation to other activities.

The draft NMP notes that the Scottish fishing fleet comprises four broad sectors:-

- The pelagic fleet
- The demersal / whitefish fleet
- The mixed demersal and shellfish fleet
- The shellfish fleet

Commercial, wild salmon fishing also needs to be recognised

Whilst the individual NMP fisheries objectives seem appropriate, we consider they provide too incomplete an explanation of fishing activities and environmental impacts to be used as planning policy guidance for regional marine planning.

It is suggested that marine planning policy guidance needs a **clearer**

demarcation between the type of gear used, and the implications in terms of its potential effect on the environment, e.g.

- Towed gear (pelagic)
- Towed gear (whitefish / shellfish / beam trawl)
- Towed gear (dredges)
- Static gear.

The disparate range of opportunities available to the inshore and offshore fleets also needs to be recognised.

Hand gathered and dived fisheries should also be recognised.

Smaller fishing communities are often reliant on small scale, seasonal and niche fishing opportunities, potentially including both shellfish and finfish. The proportionality of the effect of planning decisions on local communities should be adequately taken into account.

Activities such as scallop dredging are recognised as having the most significant impacts on the seabed habitats within Scotland's waters. Fishing using mobile gear can also cause damage to features and habitats, which must be weighed against their significance in economic terms.

The addition of "*on sensitive habitats or locations*" may give the policy context more objectivity i.e.:- "Scallop dredging is recognised as having the most significant impact on sensitive habitats or locations within Scotland's waters".

However, it should also be noted that scallop grounds can recover within a relatively short period of time, confirmed by the fact that commercial scallop fisheries keep returning to the same areas. Scallop fishing can therefore be sustainable, as evidenced by the Marine Stewardship Council (MSC) accreditation already granted to a Shetland scallop fishery.

A variety of benthic habitats support important demersal fisheries, providing essential habitats and nursery, feeding and recruitment areas for fish species. Nephrops also rely on a specific muddy habitat to construct burrows. Both water depths and currents are key in the distribution of fish stocks and sufficient weight needs to be given to this within planning policy guidance, since most conflicts over resource-use are likely to occur between marine industry users in the shallower, inshore areas or shallower reefs and sandbanks.

The translation of the NMP's stated objectives into practical marine planning proposals will require clearer information and understanding regarding the different types of fisheries prosecuted, their seasonality and the competitive interactions between sub-sectors, particularly between the inshore vessels and the pelagic and whitefish offshore sectors.

Mobile and static gear fisheries have different issues and should be referred to separately in terms of the species being fished and the size of vessel (over 10m and 10 metres or under).

The scenarios for inshore fish stock management based on typical fishing activity needs to be recognised within the planning process where it is significantly different from the offshore position. E.g. regarding discards, where shellfish discards may primarily be returned to the sea alive.

The type of information marine planners will require to obtain an accurate impression of activity (e.g. that around 70% of the '10 metre or under vessels' are currently creelers) is complex and rapidly changing. As suggested elsewhere, sectoral information like this should be considered as background information and not embedded within the NMP.

The Inshore Fisheries Groups' current area of remit only extends to 6Nm. The Inshore Fisheries Management and Conservation Group currently has responsibility for fisheries management in the 6 – 12 Nm area.

Marine planning policy guidance needs to reflect the fact that between 6 – 12 Nautical miles (Nm), only EU states with historic fishing rights have access to Scottish waters and these rights relate to pelagic species.

Marine measures such as sea area closures are often managed at EU level or through the North East Atlantic Fisheries Commission. National measures may be put in place by Scottish ministers, but outside the 6 Nm zone, other EU member states are not obliged to observe these closures.

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

One of the Plan's Objectives is

- Support the sea fisheries industry to:
 - Maximise annual quota opportunities across Scotland's stocks

That will not be achieved in future unless there is not only a recognition of the impact of seals on fish stocks but also a management plan put in place to regulate the growth of the grey seal population to what may be agreed as acceptable levels.

The University of St Andrews reported that in 2011 that 42,000 seal pups were expected to be born in Scotland that year. Using a simplified assumption of 7kg* fish per day x 42,000 seals x 365 days, this kind of population increase would require 107,310 tonnes of fish to maintain one year's pups, on top of the food requirements of the existing adult population. Sand eel, another element of the seal diet is an important food source for puffins and other bird species that are facing decline.

Uncontrolled expansion of grey seal populations is not sustainable, either for fisheries, or other key species such as cetaceans, common seals and seabirds, and a balanced approach is required.

The grey seal management plans should include options for sustainable use of seals or seal products. Grey seal numbers should be sufficiently high to

maintain healthy breeding populations and provide visitor attractions (where compatible with avoiding disturbance) as part of a balanced ecosystem approach, but not so high as to endanger other populations.

Aquaculture

Q14. Does Chapter 7 appropriately set out the relationship between terrestrial and marine planning for Aquaculture? Are there any planning changes which might be included to optimise the future sustainable development of aquaculture?

Aquaculture is currently not an issue for east coast Scotland and the presumption against marine fish farms in this area is generally considered appropriate.

However, given the relatively limited number of sheltered sites on the east coast that could accommodate aquaculture production, the NMP should perhaps reflect the future potential need for biosecurity, and identify any sites or additional measures that would be required to secure healthy shellfish hatcheries, both onshore and offshore.

The current “footprint” of fish farms that requires to be declared within planning applications does not include the full area around the farm that may be “blighted” in terms of other activities. E.g. there are often anchor cables, exclusion zones and supply vessel activity in the area around the fish farm that preclude other fishing activity taking place. This current loophole should be closed and the full extent of the impact of fish farms, or any other development, on other sectors should be declared and taken into account as part of the marine planning process.

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

Aquaculture 5 states that “Shellfish waters will be protected in a proportionate manner by designation. Once shellfish waters are designated, there will be a presumption that future expansion should be located in designated areas.”

We consider that this policy may have significant implications for other fisheries that currently use these designated areas, since access may become more difficult or restricted. The restricted areas for fisheries extend well beyond the footprint of fish farms as stated in planning applications due to anchor cables, exclusion zones etc and this should be more fully recognised within the current and any future planning system.

Chapter 7 part 4, The Future.

Longer Term. *“The potential to move to increasingly offshore or more exposed salmon farms may, in time, remove the main spatial constraint on the industry and could herald the next stage of aquaculture development. Potential sites could be much larger than existing sites and therefore*

represent a significant increase in the value of the Scottish industry. The Scottish Government will take a more proactive role to identify opportunities with the industry.”

Any expansion of the aquaculture sector to more exposed or larger offshore sites is likely to lead to more competitive interactions with the inshore fishing industry and / or the displacement of other fishing activity that could impact on other areas.

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

In the past, aquaculture sites that have been decommissioned or become fallow have left disused equipment on the seabed that is capable of fouling fishing gear. We recommend a clear planning presumption in favour of the removal of redundant equipment including mooring systems.

Wild Salmon and Migratory Fish

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

Details of heritable and other fisheries also need to be recognised and mechanisms outlined for managing these as part of the marine planning process.

More research requires to be completed regarding migration patterns and the effects of electromagnetic radiation from sub sea cabling etc. (Current studies at the Fish Laboratory have been using farmed salmon stocks, whose sensitivity to such influences may have been impaired compared to wild salmon.)

The detrimental effects of uncontrolled seal population increases and seal predation on salmon and trout as well as other species should be recognised as being an important factor in long term sustainable fisheries development.

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

No comment

Oil & Gas

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

Sea areas should be identified for mooring redundant rigs and structures awaiting decommissioning, that have least impact on fisheries areas.

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

No comment

Carbon Capture & Storage (CCS)

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

No comment

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

No comment

Offshore Renewable Energy

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

The sectoral marine plans should be considered as background information for the NMP rather than being part of the plan. If specific spatial information on renewable energy developments is required, this should be included within the NMP.

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

Sub Sea Cabling – we need more information on effects of electro magnetic fields on different species and migratory species before networks of cables cross the area both between arrays and main power transmission cables to onshore sub stations.

Consideration must also be given to the method of covering cables which cannot be buried due to seabed conditions.

Where rock armouring is required for seabed structures, it destroys key areas of fishing ground or nursery areas and mitigation measures such as recreating lobster habitats and restocking with young lobster should be considered.

Compensation for displaced fishing activity should be considered, especially as the effects of the installation, maintenance and exclusion zones round structures may have long lasting impacts both for that area, and displaced fishing effort will put increased pressures on stocks in other areas

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?

Recreational and tourism activities, which can have significant impacts on the environment, should also be subject to controls as part of an integrated marine and coastal management strategy.

For example, hobby fishermen currently enjoy unrestricted rights regarding the amount of fish they can catch, or the number of lobster or crab pots they can deploy, as long as the catch is taken for personal use and is not sold or disposed of for gain. The current lack of controls makes this sector very difficult to manage effectively and there are many reports of individuals with large numbers of creels (some up to 100) potentially illegal sales activity, undersized and inappropriate catches (eg berried lobster) that need better management.

This IFG wishes to see closer liaison and co-operation with hobby fishers, as well as future measures requiring all hobby fishers to record their catch. Only in that way can all fishing effort be monitored to ensure the long terms sustainability of our fisheries.

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

No comment

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?

What would designation entail and mean in practical terms?

Depending on the significance of “designation” in regional marine planning terms, the proposed list of nationally significant ports and harbours should be consulted on separately. Fraserburgh is of national significance in fishing terms and should potentially be added to the list.

Any designation of ports and harbours should not deflect attention from smaller ports and harbours that provide invaluable services to our national industries like fishing, albeit on a smaller scale.

The inclusion within the NMP of a map / diagrams showing the main types and quantities of cargo and fish landings for ports would help to establish their relative importance across different sectors.

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

No comment

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

No comment

Telecommunication Cables

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

No comment

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

No comment

Defence

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

No comment

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

No comment

Aggregates

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

No comment

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

No comment

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.

No comment

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 Comment

Sustainability Appraisal

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

No comment