
Scotland's National Marine Plan: Consultation Draft

Response from The Crown Estate

November 2013

Executive Summary

The Crown Estate welcomes the opportunity to comment on the consultation draft of Scotland's National Marine Plan (NMP). This response is one of four consultation responses submitted by The Crown Estate as part of the 'Planning Scotland's Seas' consultation package and should be considered in conjunction with our responses to the Sectoral Plan for offshore wind, wave and tidal energy, proposals for Marine Protected Areas and the Planning Circular on integration of marine and terrestrial planning. This response is informed by The Crown Estate's extensive experience of managing activities within the marine environment and, within its core remit, of balancing economic activity with stewardship of natural resources for future generations to use and enjoy.

We consider marine planning an integral part of the sustainable management of the marine environment. As a key stakeholder, The Crown Estate has been actively engaged in the process leading up to the production of this draft plan and have attended a number of the public consultation events held in coastal communities around Scotland as part of the 'Planning Scotland's Seas' consultation. We therefore welcome the opportunity to comment and look forward to working with Marine Scotland, communities and industry to deliver the objectives of the NMP.

The National Marine Plan will play a vital role in the planning, management and sustainable development of Scotland's marine resources. This consultation is therefore an important milestone in setting the legislative and policy context for marine planning and in giving clarity and certainty for industry and other users of the marine environment.

We broadly welcome the overall policy support for the sustainable development of existing and emerging industries; however, we would welcome further consideration and clarification within the final NMP, of how objectives that have the potential to conflict with each other will be managed. It is evident that as marine plans are delivering multiple activities and obligations, there will be points at which conflict between plan objectives arises and we consider that the NMP could do more to set out how these objectives will be reconciled.

We welcome the reference to the ongoing consultation on the Planning Circular on the integration of the marine and terrestrial planning regimes and we have submitted a separate response to this consultation. However, the NMP should go further to set out the relationship between the NMP and other planning initiatives relevant to the marine environment and ensure a consistent approach is taken across areas adjacent to plan boundaries. For instance, as well as the NMP, the following plans may be relevant to marine industries such as renewables: the Sectoral Plans for offshore wind, wave and tidal energy, Regional Marine Plans, the Pentland Firth and Orkney

Waters (PFOW) Pilot Marine Plan, and relevant terrestrial local development plans. Therefore it is vital that the NMP clearly sets out the hierarchy between these plans to enable industry and stakeholders to understand the policy requirements upon them.

It is important that the final NMP provides more detail on the forthcoming Regional Marine Plans. As well as the finalised Regional Marine Plan boundaries, the final plan should provide detail on the process for developing and implementing the Regional Marine Plans, including whether these will adopt a policy-led or spatially specific planning approach. Further information in the form of guidance is required to set out how national strategic and sectoral objectives should be transposed into regional planning. Regional marine planning partnerships will have a key role in developing and implementing regional marine plans and we look forward to understanding how local stakeholders will be engaged in the process.

We trust that you will find this consultation response constructive. We are happy to provide additional information on any of the points we have raised above and would be pleased to discuss these matters with you.

All of this response may be put into the public domain and there is no part of it that should be treated as confidential.

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CONSULTATION RESPONSE

Introduction

The Crown Estate manages a diverse portfolio. We operate on a commercial basis, taking a long-term perspective and managing assets sustainably at all times.

In Scotland, The Crown Estate manages around 50% of the foreshore and beds of tidal rivers, together with almost all the seabed out to the 12 nautical mile limit. In addition to this, we have the sovereign rights to explore and make use of the natural resources of the UK continental shelf, with the exception of oil, coal and gas.

Under the Energy Act 2004, The Crown Estate was vested with the rights to issue leases for development beyond the territorial limit within the Renewable Energy Zone (REZ) out to 200nm and the Energy Act 2008 vested us with the rights to sub-surface storage within the Gas Importation and Storage Zone (GISZ) out to 200nm. We are working with our partners to ensure that Scotland is well placed to take advantage of the socio-economic benefits that the development of offshore energy will bring.

The Crown Estate's Rural and Coastal portfolio includes around 850 aquaculture sites and 5000 moorings; and 42,000 hectares of rural land including the Glenlivet, Fochabers, Applegirth and Whitehill estates, with agricultural tenancies, residential properties and forestry. Our land management activities make a significant contribution to the local economies of coastal and remote rural areas. We also manage important mineral resources and almost 140 salmon fishing tenancies. The Crown Estate's urban estate in Scotland includes retail property in Edinburgh.

The Crown Estate is committed to working with the Scottish Government, the Scottish Parliament, local authorities, communities and industry to support sustainable economic development in key sectors such as offshore renewables, carbon capture and storage, aquaculture, recreation and tourism, cables and pipelines and aggregates.

General Comments

- We welcome the signposting approach as set out on Page 18, identifying which strategic objective the sectoral objectives support. This provides greater clarity as to how the overall intent of the plan is being achieved and will assist stakeholders in identifying how the strategic objectives of the plan should be delivered.
- Where possible, we would urge that the final plan specifically references where objectives have been derived from existing government policy. This will also help stakeholders understand any new policies or objectives coming forward as part of the NMP.
- In order to assist stakeholders and users of the NMP, we would recommend including a list of definitions with the final plan and where these are already defined in other policy documents, consistency across documents would be helpful. The definitions could include words and phrases such as 'area of search', 'co-existence', 'co-location', 'development'. We note that the MMO have drafted a set of definitions for the East of England Marine Plans so it would be practical for users of the plan if these were consistent where relevant and

appropriate to do so. In addition, we feel it would be helpful to have 'decision-making authorities' defined in the document – i.e. which powers and for which decisions?

- The NMP should ensure that all relevant policies are signposted so that each sector can clearly see which policies are relevant. For example, there are policies within the fisheries section requiring offshore renewable energy developers to produce a fisheries management plan but these are not referenced in the renewable energy section; clear signposting will ensure that each sector is fully aware of any policies which apply to it.
- The NMP clearly sets the legislative and policy context for marine planning in Scotland, however, we would suggest that the final plan provides more detail on regional marine plans. The draft NMP marine plan acknowledges that the boundaries of the regional plans are due to published and that approaches to developing the regional marine plans are being considered. As well as including the finalised regional marine plan boundaries, we would like to see the final plan provide detail on the process for developing the regional plans and indicate whether the plans will adopt a policy-based or spatial approach. Further guidance will also be necessary to assist regional marine planning partnerships in developing and implementing regional marine plans and should include information on how national strategic and sectoral objectives should be transposed into regional planning. Where objectives have the potential to conflict, guidance as to how to manage these conflicts should be provided.
- We welcome reference to the Marine Policy Statement in Chapter 1 of the NMP as this helps provides the context for marine planning around across UK waters and recognises that the NMP must be compatible with other marine plans being developed around the UK. Further to this, we would ask that the NMP also sets out how it will ensure consistency across marine regions in Scotland, particularly for adjacent regions.

Response to Consultation Questions

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

The NMP will play a vital role in the planning, management and sustainable development of Scotland's marine resources. Overall the NMP is supportive of the development of existing and emerging industries; however, we would welcome further consideration and clarification within the final NMP, of how objectives that have the potential to conflict with each other will be managed. It is evident that as marine plans are delivering multiple activities and obligations, there will be points at which conflict between plan objectives arises and we consider that the NMP could do more to set out how these objectives will be reconciled.

We have provided detailed comments in the pages below on the general and sectoral policies set out in the NMP.

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

The NMP sets out the requirement to integrate marine and terrestrial planning but the plan could go further to highlight the issues which will ensure marine and terrestrial planning are successfully integrated. We acknowledge that a separate consultation is being undertaken on the Planning Scotland's Seas Planning Circular (we have submitted a separate response to this consultation), and suggest that the final NMP clearly signposts the Planning Circular with reference to the key points/recommendations.

Where possible, we would encourage a more collaborative approach across planning jurisdictions (land and sea) to establish an understanding of respective roles and responsibilities and ensure this is consistently communicated across communities and industry etc.

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?

The NMP could do more to clarify the relationship between the NMP, regional marine plans and other marine planning initiatives. The final NMP should include a clear explanation of how the Pentland Firth and Orkney Waters (PFOW) Pilot Marine Plan will interact with the NMP and the forthcoming regional marine plans which will use different boundaries to those used for the PFOW Pilot Marine Plan.

In terms of guidance, it is vital that further guidance on the development and implementation of regional marine plans is produced to assist regional marine planning partnerships and stakeholders in the formation of the plans. Guidance should include information on how national strategic and sectoral objectives should be transposed into regional planning and where objectives have the potential to conflict, how these conflicts should be managed.

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?

From the draft NMP, it is not clear what the rationale is for an additional level of planning for Strategic Sea Areas. If Strategic Search Areas were to be identified then a clear rationale setting out why these areas have been designated would have to be established. We would suggest that effort should be focused on ensuring the objectives and policies within the final NMP reflect the priorities within areas such as the Pentland Firth, the Minches and the Clyde. If these priorities cannot be reflected within the NMP, then consideration should be given to setting specific policies for Strategic Sea Areas within the NMP.

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?

We see that the strategic objectives proposed in the NMP are balanced across economic, social and environmental imperatives as well as incorporating themes such as governance, applying best practice and climate change mitigation, all of which drive the sustainable use of the marine environment.

As stated above in response to question 1, we would welcome further consideration and clarification within the final NMP about how objectives that have the potential to conflict with each other will be managed. We see that a clear and comprehensive implementation plan to support the NMP would help to clarify such issues. It is evident that as marine plans are delivering multiple activities and obligations, there will be points at which conflict between plan objectives arises and we consider that the NMP or subsequent implementation plan could do more to set out how these objectives will be reconciled.

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?

We welcome the approach taken to set overarching objectives for economic, social, marine ecosystem and climate change issues, complemented with sectoral specific objectives. However, in line with comments above (in response to 1), the final NMP must also set out how prioritisation of conflicting objectives will be reconciled. This will provide a clearer steer to regional planning partnerships as to where areas of priority lie to ensure that the objectives of the NMP are delivered through the regional plans.

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

The introduction (Chapter 1) is clear and concise and in our view will help stakeholders understand the relationship between the NMP for Scotland and the Marine and Coastal Access Act, the Marine Scotland Act and the Marine Policy Statement.

In general, we feel the plan would benefit from a glossary or list of definitions of commonly used terms to help stakeholders and users of the plan interpret the plan. This could include words and phrases such as 'area of search', 'co-existence', 'co-location', 'sustainable development' and 'sustainable economic growth'. In terms of Chapter 1 in particular, it would be helpful if 'decision-making authorities' were defined in the document – i.e. which powers and for which decisions?

Chapter 3 includes an Assessment of the Scottish Marine Area (Box A). Paragraph 3 includes reference to "*new pressures are likely to include those associated with the storage of carbon dioxide and renewable energy*". We note that there is an assumption made here that pressures will lead to an impact, however significant work is still needed to assess whether this is actually the case, particular in reference to CCS.

For clarity, we would also suggest that bullet point 4 of the 'productive' heading of Box A is reworded to provide greater clarity:

- *The potential of renewable energy generation from offshore wind, waves and ~~tides~~ tidal energy has started to be realised. There is potential for **carbon dioxide captured by** 'carbon capture and storage' schemes **to be transported and then stored** under the seabed.*

Q8. Are the general policies in Chapter 4 appropriate to ensure an approach of sustainable development and use of the marine area? 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?

We are supportive of the approach taken to sustainable development and the sustainable use of the marine environment which considers not only the direct economic benefits from development but also employment opportunities, skills development, wealth, quality of life, well-being and supporting vibrant communities.

Policy GEN 4 suggests that "*Government, planning authorities and stakeholders should consider the need for Scenario Mapping where there is potential for development to impact on communities.*" However, it would be useful to clarify that while developers will be expected to co-operate in contributing to practical scenarios for the

construction, operation and maintenance of their development, these will be undertaken at a more strategic level and developers *will not* be expected to actually undertake any scenario mapping work as part of their consent application.

Policy GEN 5 states that *“development proposals which enable multiple uses of marine space are encouraged where possible in planning and decision-making processes, when consistent with policies and objectives of the Plan”*. While we support the principle of this approach, the draft NMP does not make clear which activities may be suitable for co-location. Therefore we feel the supporting text should be expanded to guide developers, planning authorities and decision-makers as to which marine activities are appropriate for co-location. We also take this opportunity to note that the Marine Policy Statement encourages the co-existence of activities in the marine environment rather than co-location. We see that there is significantly more opportunity to facilitate the co-existence of activities as it allows for temporal factors to be considered more easily.

We support the approach taken to encourage the integration of the marine and terrestrial planning systems as set out in policies GEN 6 and GEN 7.

We are supportive of the aims of Policy GEN 8 which states that *“all marine interests will be treated with fairness and transparency when decisions are being made in the marine environment”*. However, the policy and supporting text alone does not set out how this objective will be achieved.

In terms of the Historic Environment (pages 30-32), the plan suggests that *“where substantial disturbance is envisaged, a protocol for archaeological discoveries should be adopted by developers to ensure that unrecorded archaeological sites are assessed and proportionate mitigation applied”*. We support this approach and refer to the Wessex archaeological protocol which is already in place and seeks to achieve the same purpose. The Protocol was developed for The Crown Estate by Wessex Archaeology and came into effect in December 2010. More information can be found here: <http://www.wessexarch.co.uk/projects/marine/tcerenewables/protocol>

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

Policy GEN 14 states that *“Marine planning and decision making authorities should ensure that development and use of the marine environment take seascape, landscape and visual impacts into account”*. We welcome this approach but feel the policy would benefit by including reference to how seascape will be considered and impacts on it measured. As referenced in the supporting text for this policy, existing character and quality must be taken into account in order to better assess impact on seascape. The document referenced for this purpose (no. 45 – link not working) *‘Scottish Natural Heritage (2010). The special qualities of the National Scenic Areas’*, provides a clear characterisation of these natural areas, however does not discuss their capacity to accommodate change specific to any development. This is considered to be an important aspect of how marine planning will deal with seascape, as set out in section 2.6.5.3 of the Marine Policy Statement, which states that *“in considering the impact of an activity or development on seascape, the marine plan authority should take into account existing character and quality, how highly it is valued and its capacity to accommodate change specific to any development. Landscape character assessment methodology may be an aid to this process”*.

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

There are no alternative policies we would suggest are included in Chapter 4.

Q11. Do you have any comments on Chapter 5? Are there other sectors which you think should be covered by the National Marine Plan?

We welcome the approach taken to develop sector specific policies as set out in Chapter 5 of the draft NMP.

For ease of understanding, it would be useful if the objectives set out for each sector could reference where they have been derived from existing policy and where they are new policy.

As mentioned in the key issues section, the policies within the sector chapters 6 to 16 impact a range of different sectors (for example there are policies relevant to offshore renewable energy in almost all chapters). Therefore, we strongly recommended that effort is made to cross-reference relevant policies so that each sector can clearly see which policies are relevant to it. This could be easily be achieved by inserting a table which displays which policies are relevant to each sector.

In addition, we would note that at present, grid provision is currently captured within the offshore renewables sector chapter. Whilst grid and renewables are closely linked, it may be useful to develop grid as a separate sector within the NMP to allow issues specific to grid provision to be addressed.

Sea Fisheries

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

We broadly support the objectives to support the sustainable development of the sea fisheries industry as this key sector makes an important contribution to Scotland's economy and is an important source of revenue and employment for many of Scotland's coastal communities.

The draft plan proposes a policy (Fisheries Policy 5) requiring developers to prepare a fisheries management plan in consultation with local fishing interests. The current wording of policy 5 is somewhat broad in terms of the scale of development and associated impact to which this would apply and therefore to ensure the principle of proportionality is incorporated into this policy, we would ask that:

- a) Fisheries management plans are required only where a significant impact on fishing activity is likely to occur. This will help ensure that the requirement is proportional to the likely impact.
- b) The policy should clearly set out whether the requirement is for the fisheries management plan to be produced as part of the consent application, or, as is the case with other management plans such as habitat management plans, the fisheries management plan is required as part of a consent condition. We would support the requirement as part of a consent condition as this will allow the proper consideration of the likely impact (and hence need for the fisheries management plan), and will also allow definition of local fishing interests on a case-by-case basis. However, if the intention is to require a fisheries management plan as part of the consent application, then full guidance on the requirement for this will need to be developed in consultation with industry.

- c) In addition to this and specifically in the case of renewables, we would ask that the Fisheries Policy 5 makes specific reference to work currently being undertaken by the Fishing Liaison with Offshore Wind and Wet Renewables Group (FLOWW) to revise and update the FLOWW Best Practice guidance for offshore renewables developments. The 'Recommendations for Fisheries Liaison' guidance is being updated to bring the guidance up to date with current practice in renewables development and fisheries liaison and to lead to more effective communication at all stages in the development and operation of offshore renewable energy installations. The FLOWW Group are currently agreeing revisions to the guidance and we will circulate the finalised guidance as soon as it is available.

Given the comments above, we ask that Fisheries Policy 5 be amended to read:

*FISHERIES 5: Where a **significant** impact on existing fishing activity **is predicted to** occur, a fisheries management plan may be required **as part of the consent conditions for a development**. **The plan** should be prepared by the developer, ~~involving full engagement~~ in conjunction with local fishing interests (as defined in the consent condition) **and All** efforts should be made to agree the plan with those interests **in line with best practice guidance**. ~~The plan and it~~ should include:*

- *an assessment of the potential impact of the development or use on the affected fishery or fisheries, both in socio-economic terms and in terms of sustainability;*
- *a recognition that fishermen should be able to catch their fish quota;*
- *reasonable measures to mitigate any constraints which the proposed development or use may place on existing or planned fishing activity;*
- *reasonable measures to mitigate any potential impacts on sustainability of fish stocks (e.g. impacts on spawning grounds or areas of fish or shellfish abundance) and any socio-economic impacts.*

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?

We see that chapter 7 could do more to clearly set out the relationship between terrestrial and marine planning for aquaculture. We think this could be made more explicit by signposting relevant terrestrial planning policy and planning circulars within the text of Chapter 7. We would also refer to our earlier comments calling for definition of relevant terminology such as decision-makers, regulators etc.

In terms of planning changes to optimise the future sustainable development of aquaculture, we would encourage efforts to ensure that national level policy is applied consistently across local authority boundaries and we welcome efforts by the Scottish Government to support local planning authorities in delivering this.

We would also like to see the planning system support a more pragmatic approach to the regulation of aquaculture licensing that reflects the nature and requirements of the businesses in the sector, particularly those farming a number of sites across a wide geographic area and across local authority boundaries. Adequate recognition and consideration of the net strategic value accruable from aquaculture would provide an opportunity to enable the industry to optimise economic benefits whilst minimising environmental impacts. For example, adopting a strategic approach to permitting development applications will facilitate improved opportunity for the fallowing of particular areas, where available, thereby reducing risk of disease and improving control of parasites across the wider industry. Local planning authorities could be encouraged to adopt a 'planning for business' approach to aquaculture development, considering at a strategic level where the most viable areas are for the nature and scale of developments industry requires, and how these can be best supported whilst ensuring environmental, social and economic objectives are met.

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

Aquaculture is an important sector for Scotland, making a significant contribution to the Scottish economy, in particular providing jobs and contributing to economic activity in rural and coastal communities. Therefore, we welcome the inclusion of targets within the sectoral objectives to expand the sector as this will provide certainty for the industry in terms of future activity and investment. However, given the proposed increases, effort must be made to ensure that there is a focus on environmental and social sustainability and adequate consideration of the impacts of potentially significant expansion of the aquaculture industry on other users of the marine environment.

Given the importance of expanding the aquaculture industry in a sustainable manner and with regard to other users of the marine environment, we welcome reference to the current regulations which sets out a framework within which the industry can achieve sustainable growth targets including appropriate siting, a strategic approach to disease management and appropriate managed practices.

Unfortunately there is no section in the draft plan describing 'Interactions with other sectors' for Aquaculture and the plan should be amended to ensure consideration of the potential interactions with other sectors, consistent with other sectoral chapters.

It is important that the NMP does not duplicate existing policy with regard to aquaculture but clearly signposts existing policy, therefore we welcome the reference to existing terrestrial planning policy and guidance in Aquaculture Policies 1-8.

With respect to the continuing presumption against marine finfish farming on the north and east coasts of Scotland to 'safeguard migratory fish species', we recommend a review of this approach as more information becomes available in terms of whether presumption should apply to all marine finfish species or just marine cultivation of migratory species. Opportunities for cultivation of non-salmonid species, such as halibut or wrasse that do not present the anticipated risks to wild salmon should be investigated to ensure they are not lost through a precautionary policy that is not supported by robust data.

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?

With regard to interactions with other users, the plan states that there are potential interactions with offshore wind, wave and tidal energy development. Whilst there may be potential impacts, there is currently little evidence of these effects and we would ask that the text is amended to better reflect the uncertainty around impacts. A statement could be added to this paragraph after the description of potential impacts such as, *'there is a great deal of uncertainty however, around the likelihood and severity of these impacts and therefore continued efforts in better understanding potential impacts is strongly encouraged'*. Given this uncertainty, we also welcome the objective to *"better understand interactions with other activities in marine and coastal areas and resolve key issues"*.

The Crown Estate commissioned work to better understand the interactions between wave and tidal developments and migratory fish. Marine Scotland have attended the relevant workshops and fed into the discussion paper. The report is can be downloaded from our website: <http://www.thecrownestate.co.uk/media/432894/pfow-wave-and-tidal-stream-projects-and-migratory-salmonids.pdf>

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?

We have no specific comments on the objectives or background context but with regard to interactions with other users, page 74 states that *"a positive interaction is expected to exist between the emerging CCS and oil and gas sector with the potential for re-use of redundant infrastructure and shared use of existing pipelines and utility corridors"*. Whilst in principle this is true, there is currently no clear policy to ensure that closure, abandonment and de-commissioning of oil and gas infrastructure is regulated in a manner conducive to re-use of depleted reservoirs by interested CO₂ storage operators. We would encourage Marine Scotland and the Scottish Government to work with industry and regulators to ensure that decommissioning activities consider future use for CO₂ storage.

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

No alternative planning policies but it would be useful to include a linked reference to the Civil Aviation Authority guidance referred to in Oil and Gas Policy 4.

Carbon Capture & Storage (CCS)

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

Objective 4 sets the intent to “*further develop the existing oil/gas pipeline infrastructure and CO₂ storage capability, so that the North Sea can become Europe’s principal hub for surplus CO₂ storage...*” However it is unclear how developing existing oil and gas pipeline infrastructure supports CO₂ storage capacity. The Crown Estate has recently undertaken some analysis looking at infrastructure scenarios for the CCS sector and initial findings suggest that there are a number of challenges for the reuse of existing infrastructure, but that it should be encouraged where possible and practicable. Therefore we would suggest a more moderated position on the reuse of infrastructure and suggest the objective is reworded as set out below:

- To develop CO₂ storage capability, ***and where possible and practical***, develop existing oil/gas pipeline infrastructure, so that the North Sea can become Europe’s principal hub for surplus CO₂ storage, servicing electricity generators and heavy industry from sources in the UK and throughout Europe.

We would welcome further detail on objective 5, to “*initiate an environmental assessment, with relevant agencies, to allow early consideration of the environmental issues with deployment of CCS*”. Further information within the final plan or within supporting guidance which provided more detail on what will be covered by environmental assessment would be helpful.

We would also suggest replicating objective 4 from the Oil and Gas section to make specific reference to the potential for skills transfer to the CCS sector. We would suggest including an additional objective to the effect of:

- Where possible, to work with established sectors such as the oil and gas industry so transferring the experience, skills and knowledge built up within the sector to benefit the emerging CCS industry.

Within the background and context section, it would be useful to reference www.CO2Stored.co.uk which is a Storage Evaluation Database being hosted by BGS in conjunction with The Crown Estate.

We would also suggest the following rewording of the section on CCS demonstration projects to reflect the most recent developments in regard to this programme:

“Bidders have been shortlisted for the next phase of this £1bn competition with two projects being identified as preferred bids and two as reserve bids. Of these four projects, one preferred bid and one reserve bid is located in Scotland:

- *Peterhead Power Station (Gas) Post-Combustion CCS (preferred)*
- *Summit Power (Coal-Gasification) Pre-combustion CCS (reserve)*”

Map 13 identifies ‘Potential Carbon Dioxide Storage Sites in Scottish Waters’. Clarification of what is meant by ‘best practice’ and ‘minimum requirements’ is needed in the supporting text as it is unclear what is meant by these sites at present.

Within the 'interactions with other users' section it would be useful to consider the possible interactions between potential CO₂ storage locations and any proposed Marine Protected Areas (pMPAs) or the locations identified within the sectoral plans for offshore wind, wave and tidal energy.

At present the wording of CCS policy 1 suggests that projects should not be supported if they do not reuse redundant oil and gas infrastructure. As discussed above, initial analysis of existing infrastructure suggests that the re-use of infrastructure will be challenging in terms of pipe specification, pressure rating and decommissioning. Therefore we suggest that CCS1 is reworded as set out below:

- CCS 1: **Where feasible**, the re-use of suitable existing redundant oil and gas infrastructure for CCS demonstration projects or developments should be encouraged.

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 NMP should link to the sectoral plans but we would suggest that in order to avoid any discrepancy in revision timeframes for the documents, that the NMP signposts the sectoral plans rather than including spatial information from the plans.

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

We are broadly supportive of all of the objectives set out for offshore renewable energy in this chapter and the wider aspiration to build a globally competitive offshore renewables industry in Scotland. We believe that The Crown Estate can play a pivotal role in this effort. Already we have contributed to the growth of the offshore energy sector in Scotland by committing £20 million to Scottish offshore wind and £5.7 million to wave and tidal energy. This includes the Pentland Firth and Orkney waters wave and tidal programme and a wider investment to develop the wave and tidal energy potential of other parts of the Scottish coastline. Our investment also includes enabling actions to support the development of Scotland's two offshore wind zones in the Round 3 programme, the Moray Firth and the Firth of Forth, which covers waters beyond 12 nautical miles and within the UK's continental shelf. Together with the development of offshore wind in Scottish Territorial Waters, this investment is helping to unlock the huge economic potential of offshore renewable energy that will benefit Scottish business and provide new jobs in both the construction and operation of these facilities.

One of the offshore renewable energy objectives is to "facilitate the development of demonstration facilities and projects for offshore wind, wave and tidal renewable energy devices" but there are no specific policies to support this objective. The Sectoral Plans provide policy support for commercial developments only and there is need for policy support to be provided for test and demonstration projects in either the NMP or the Sectoral Plans. We expect that the policy would refer to the use of Regional Locational Guidance when identifying appropriate locations as well as a reference to role of the consenting process in ensuring that there are no unacceptable impacts on the environment or other sea users from the development of offshore wind, wave and tidal test and

demonstration projects. It may also be useful to contextualise the need for test and demonstration projects. These provide an opportunity for innovative technologies and methods of installation/operation to be tested and demonstrated. Testing new technologies and methodologies makes it easier and cheaper to apply them to commercial scale projects which helps reduce the costs of these projects and therefore supports the overall development of the industry.

We suggest the following rewording of paragraph 2 of the offshore wind section of part 1:

*In terms of commercial scale developments, Scottish Ministers have undertaken the production of Blue Seas – Green Energy: A Sectoral Marine Plan for Offshore Wind Energy in Scottish Territorial Waters. **This plan was produced following the award of exclusivity agreements by The Crown Estate in early 2009, which were conditional on the findings of the SEA process. Following publication of the Blue Seas – Green Energy in March 2010, five of these sites have been awarded agreements for lease and one site has been relinquished by the developer and is out of the STW programme.** ~~The adoption of this Plan has allowed the Crown Estate to undertake a leasing round for approximately 5 gigawatts (GW) of offshore wind development. In addition, the Crown Estate has concluded a UK Round 3 leasing exercise to include a further two sites within Scottish Waters. The Scottish Territorial Waters (STW) Round and Round 3. Together, these leasing rounds account for up to 10 GW of offshore wind energy in Scottish Waters.~~*

The Marine Renewables section of Part 1 states “Six wave and six tidal schemes totalling over just 1.6GW were awarded leases in the Pentland Firth and Orkney Waters.” We suggest that this is amended and expanded as follows: “The Crown Estate has entered into Agreements for Lease for six wave and six tidal schemes with a potential capacity of up to 1600MW in the Pentland Firth and Orkney Waters.”

In addition, Part 1 should make reference to the sectoral plans for offshore wind, wave and tidal energy.

We do not have any comments on the text within the key issues section of this chapter, but welcome recognition of the key role of offshore renewables in terms of climate change mitigation.

The bullet points on page 91 (Spatial Planning) which refer to developments considered to be ‘planned developments at the licensing stage’ do not make reference to the Scottish Territorial Waters Offshore Wind sites – this should be amended.

Renewables Policy 2 to “Support the development of the Pentland Forth and Orkney Waters Marine Energy Park” may need further explanation as it is not clear what is being supported (i.e. wave and tidal developments within the Marine Energy Park, developments which support the Marine Energy Park or other aspects).

Renewables Policy 3 states that Regional Locational Guidance has been produced to inform a further Scottish Leasing Round for wave and tidal energy projects to support The Saltire Prize. The Crown Estate has recently launched a leasing round for wave and tidal test and demonstration zones. Although our leasing rounds do not specifically relate to the Saltire Prize, projects which receive an agreement through this process may be eligible for the Saltire Prize. Therefore we suggest that Renewables Policy 3 is reworded to say “Regional Locational Guidance (RLG) has been produced to inform further sites for wave and tidal energy projects which could form part of the Saltire Prize.”

Renewables Policy 7 states that *“there is a presumption that cables will be buried or rock dumped”*. However, in some cases it is not economically or technically feasible for cables to be buried. Where this cannot be achieved, there should be the opportunity for other protection measures to be considered where it can be demonstrated that these will not have unacceptable impacts on the environment and other sea users.

Renewables Policy 8 states that *“Developers should report on the effects of offshore projects and their onshore elements within a single EIA and a single HRA document”*. If possible, it would be useful to provide an update or link to progress with respect to deemed planning alongside this policy.

Renewables Policy 10 states that *“Scenario mapping should be undertaken for commercial scale development to allow local communities to fully understand the range of possible implications”*. As set out in our response to General Policy 4, it would be useful to clarify that while developers will be expected to co-operate and contribute to practical scenarios related to the construction, operation and maintenance of their development, they will not be expected to actually undertake scenario mapping work as part of their application.

In part 4: ‘The Future’, reference could also be made to the potential for seaweed cultivation as a means of biofuel production. We refer to the current consultation on the Scottish Government’s draft Seaweed Policy Statement and would suggest that if timescales allow, reference is made to the findings of this consultation in the final NMP.

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

No comment.

Recreation and Tourism

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

We welcome the supportive objectives within the NMP to promote recreation and tourism in Scotland and The Crown Estate has a key role to play in helping to meet these objectives. We have invested significantly in the development of visitor services and tourism facilities on the properties we manage in Scotland, to assist the economic development of remote rural communities and Scotland’s tourism economy. Sailing is a key part of Scotland’s tourism and recreation economy, and we are currently working with communities on projects that will increase berth capacity and improve supporting infrastructure in general. In addition, in recent years we have invested a total of £7 million in Rhu, Tobermory, Wick and Tarbert marinas and harbours to catalyse local economic development.

Overall, we believe that there is a need for strategic marine and terrestrial planning across local authority boundaries to help grow the sector in a way that unlocks the latent potential, grows the annual tourism spend, and delivers wider socio-economic benefits. The successful integration of the marine and terrestrial planning systems will be key to this and we have provided detailed comments in response to the consultation on the Planning Circular as part of the Planning Scotland’s Seas consultation package.

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?

For consistency, it is important that the NMP references ports and harbours designated as National Developments in the third National Planning Framework for Scotland (NPF3) and in the National Renewables Infrastructure Plan (N-RIP). However given the clear policy support already allocated within documents, we do not consider it necessary to designate these sites under the NMP. Specific reference to existing designations should be sufficient.

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

We welcome recognition of the support that the wider transport (shipping, ports, harbours & ferries) sectors will provide for sectors such as renewable energy and welcome the integration between the NMP, N-RIP and NPF3. We see that it is vital that this integration continues through to the regional marine plans.

With regards to Transport Policy 1, it is important that the nature of shipping routes to which this policy applies is characterised in some way, i.e. is this applicable to every shipping route identified in the marine plan area or restricted to those characterised by a certain number or type of vessel movements?

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?

We are supportive of the objectives set out to protect submarine cables and to achieve the highest possible quality and safety standards. In addition to these objectives, we would suggest including an objective around future telecommunications cables, for example supporting the roll out of high speed broadband in the Highlands and Islands.

In terms of interaction with other users, it is useful to note that there are potential interactions between cables and sectors and activities such as fishing, dredging, renewables, etc. Therefore, the first sentence of this section should be removed as this is subjective and case by case dependent.

Telecommunication Cables Policy 2 states that "*consideration should be given to the creation of cable corridors to protect cables from damage by other marine users and where possible routed around obstacles to avoid displacement or disturbance.*" We note that given the potential cost implications of routing cables along

designated corridors, it may not always be feasible to do this and the policy should therefore be amended to include a line to the effect of 'where practical'.

In addition to the text included in the draft NMP, it would be useful to emphasise in Part 4, how the telecoms industry can be promoted as well as set out the conditions required for sectoral growth (e.g. protection of key cable landings etc.) In terms of future growth, it would also be useful to reference the Highlands & Islands Broadband roll-out as part of the Government's broadband delivery programme.

The Crown Estate played a key role in supporting the roll out of high-speed broadband to the furthest corners of the Highlands and Islands, bringing economic and social benefits to many isolated communities. Our asset management and legal teams worked closely with BT, Highlands and Islands Enterprise and Scottish Government to agree relevant terms for submarine telecoms cables that helped make the project viable – and in doing so, to help deliver this critical project to bring high-speed broadband to an estimated 80 per cent of homes and businesses in the Highlands and Islands.

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?

In terms of interactions with other users, the NMP makes specific reference to oil and gas, CCS and offshore renewables, stating that *"MOD activity has little impact on the infrastructure, although conversely the development of new infrastructure, such as that of marine renewables, may lead to navigational issues and possible disruption to MOD activity. Radar activity can also be affected by some installations and development requires careful consideration"*. We would welcome recognition that appropriate mitigation such as navigation marking can help address these issues.

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?

We welcome the objective within the draft NMP to protect existing aggregate sites from activities which would compromise future extraction potential, however further clarification on what is meant by 'strategic sites' would be helpful.

With regard to future activity, it would be useful to note within the background and context section (Part 2), that while historically the aggregate industry has been very small in Scotland due to available land supply and a lack of

suitable and easily accessible marine resource, dredging capability (in terms of the depth resource which can be accessed) has increased which may open up new areas of resource going forward. On behalf of The Crown Estate, BGS has completed a resource mapping project to spatially map sand and gravel resource on the UK continental shelf. This project provides a comprehensive assessment of resource opportunity offshore, consistent with the principles of safeguarding, and has been specifically designed to be useful for planning purposes. The outputs of this study are available via our website at <http://www.thecrownestate.co.uk/media/432233/Scotland-sand-and-gravel-resources-report.pdf>.

In terms of future activity, the aggregates industry could make a contribution to the Scottish economy, for example through the potential use of Scottish aggregates in gravity bases for offshore wind turbines and coastal defence or adaption measures. This could be better reflected in the 'supporting economically productive activities' section of the draft NMP.

There is a typo in the section entitled 'climate change' (page 128). The text should be amended to refer to either 'affect' or 'interfere'.

In terms of Aggregate Policy 1, we would request further clarification of 'identified marine aggregates sites' and whether this refers to licensed aggregated sites or resource opportunity for aggregates. Clarifications of this nature could also be addressed through the development of a glossary to support the final NMP (as suggested within our key comments section at the beginning of our response).

Aggregates Policy 2 makes specific reference to adverse impact on coastal processes. However, to our knowledge, there is no evidence that aggregate extraction results in coastal erosion so we would urge caution in drawing that conclusion with the NMP.

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

There are no additional policies we would like to see included within this chapter.

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?

No comment.

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?

Not applicable.

Sustainability Appraisal

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

Baseline information and context

The baseline information contained in the Sustainability Appraisal (SA) gives a useful overview of the current state of the environment and provides a helpful overview of the legislation context and key objectives for the marine environment.

Cumulative effects

The assessment of cumulative effects has looked at the combined effects of the NMP and Scottish Planning Policy, as both are high-level, policy-based documents. However, we would encourage consideration of other relevant plans and policies such as the sectoral plans for offshore wind, wave and tidal energy, when considering cumulative impact.

Assessment of alternatives

In terms of the assessment of alternatives, we welcome the identification of the preferred option for the NMP to be a 'high level plan setting out the broad policy direction for the marine environment'. This approach integrates social and environmental factors into the overall planning and decision-making process while also providing policy level support for the sustainable development of marine industries.

As mentioned above, we would welcome further clarity on the proposed approach for regional marine plans as whether they will take a policy approach as the NMP has, or whether they will take a more spatial approach to planning.