

## 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)

The Marine Spatial Planning team at the NAFC Marine Centre are responsible for drafting the Shetland Islands Marine Spatial Plan and supporting research.

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

Yes

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

Yes

**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?**

In the preparation of Regional Marine Plans (RMPs), marine planners would benefit from legislative and policy workshops to ensure that regional plans

are prepared according to the statutory requirements and timeframes; are legally correct and enforceable. Marine spatial planning (MSP) is a new discipline which requires a multidisciplinary approach/ expertise in policy making and an understanding of marine issues so adequate training, where available, should be provided. This could be in the form of Continuing Professional Development (CPD) courses. It is acknowledged that these issues cannot be addressed in the National Marine Plan but should be considered when MSP is being introduced at a regional level.

It would be useful if guidelines on how to undertake an economic/ business regulatory impact assessment and equality impact assessment are provided. These could be similar to the DTA/SNH Guidance on how to undertake a Habitats Regulation Appraisal. Also, holding workshops/ forums would be useful such as the Scottish Government HRA of Development Plan Forum (due November 2013).

**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?**

No comment.

**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

**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?**

It is important to set out the general strategic objectives as they apply to Scottish waters and meeting the aims of the Government's overarching vision. The specific sector policies as set out in Chapters 6-16 may lend themselves to a single sector approach to MSP which has been until now the way marine planning has been done in the past, instead of a more integrated approach which MSP should be encouraging. The use of cross-cutting themes may be appropriate such as policies for noise and litter being included under the theme of 'clean and safe' as well as safe navigation and avoidance of cables and pipelines that all sectors must adhere to. The use

of cross-cutting themes has been incorporated into the pending fourth edition of the Shetland Islands Marine Spatial Plan (SMSP).

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

In reference to the Sustainability Appraisal it is stated that a Habitats Regulations Appraisal was carried out with screening outcomes concluding that an Appropriate Assessment is not required. It would be useful if the screening report was made publicly available for other regions to view.

**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?**

General comments – would have expected to see the use of more ‘direct/stronger’ policy wording. For example – developments that result in a deterioration in water quality status **will not be permitted**. This provides more clarity and decision-makers are in no doubt as to what is considered to be acceptable in terms of compliance with other legislation.

Gen 4: Community Impact – it would be useful if some detail is provided as to what scenario mapping involves. The text suggests similar information as to what you would expect to include in an EIS however the mapping would suggest a more spatial assessment. Some clarification would be welcome as to what should be included in scenario mapping exercise.

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

Yes

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

It would be useful to include a policy on marine litter or waste management as marine and coastal developments have the potential to result in associated impacts.

**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?**

No comments

**Sea Fisheries**

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

Fisheries 5 – a Fisheries Management Plan - We welcome the inclusion of this Policy to protect sea fisheries from the potential adverse impacts caused by marine and coastal developments. We emphasise the importance of developers engaging with local fishing interests in the preparation of any fisheries management plan.

Fisheries 8 – Specific management measures for the Clyde may be more appropriately referenced within the RMP for this area. Alternatively, if there is an opportunity to reference good practice within the NMP then we would recommend highlighting the exemplar work recently carried out by the Shetland Shellfish Management Organisation (SSMO) in managing closed areas to scallop dredging for the protection of important seabed habitats.

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

No comments.

**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?**

There is no reference to Farm Management Agreements, Area Management Agreements or Farm Management Statements as per the Aquaculture and Fisheries (Scotland) Act 2007 (as amended).

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

No comments

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

No comments

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

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

No comments

**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?**

No comments

**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?**

No comments

**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?**

Not necessarily if detail is provided in the Sectoral Plans as long as a link is provided to the relevant documents.

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

In Shetland as part of the Shetland Marine Spatial Plan (SMSP) a mapping exercise was undertaken to develop local guidance for wave and tidal devices, and cable landing points around Shetland. Maps showing potential areas of constraint were created through a process of consultation with local advisors, planners, regulators, communities and developers. This exercise was the preferred option over arbitrary zoning in agreement with local stakeholders. The findings of the assessment are part of an on-going process which will be updated as new information becomes available.

This work at a regional level should be the preferred option over the national Sectoral Plans as the data used in the regional guidance tends to be more complete and detailed and has been subject to local stakeholder scrutiny to ensure quality control and assurance. It would be good to see some caveat included in Policy 'Renewables 1' which could state that for regions where local guidance is available, that this is the preferred decision- support tool over national datasets. As per [Draft Planning Circular 2013](#) Para 22, regional marine plans will be more spatially detailed than the National Marine Plan - reflecting their smaller scale, the input of local stakeholders and local knowledge, and the increased level and complexity of marine activity that often occurs in coastal zones.

Renewables 10 – the requirement for commercial scale developments to include scenario mapping again is queried as per our comments under Q8– We would welcome some additional information as to what this exercise would entail.

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

See comments above.

**Recreation and Tourism**

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

Rec & Tourism 1 – within the third point, it may be appropriate to specify 'where significant *negative* impacts are likely.....'

General comments – as recreational and tourism activities are often located within coastal areas designated for natural heritage i.e. SACs and SPAs, it might be necessary to include a specific policy caveat to ensure that there will be no adverse effects on these sites.

**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?**

The NMP states that opportunities for renewables development and activity are not restricted to the ports identified in N-RIP (map 19 refers), and that many other ports are currently engaged in discussions with renewables companies around how they can help meet the needs of the industry – including future Operations and Maintenance activity. If these are new areas outwith those already designated in the NPF and N-RIP then it may be worth considering these new areas for expansion. However, this could be something looked at in more detail with terrestrial planning i.e. within harbour masterplans.

It is also worth considering policies to address temporary structures. For example, in Shetland as a result of the on-going development of Sullom Voe oil and gas terminal, temporary accommodation in the form of barges/ coastels/ floatels have been brought in to facilitate additional workers. These temporary structures should also be considered in terms of accessibility, navigation and visual impact. How planning policy/ licensing should reflect and address these temporary structures/ uses (i.e. 2-3 years) is a consideration.

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

No comments

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

Consideration should be given to a specific policy/ reference to dredging and disposal of dredged material (for maintenance & commercial dredging), in particular, the associated environmental impacts.

## **Telecommunication Cables**

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

Policy Telecommunications Cables 4 – cable landings may also impact on coastal tourism, recreation and natural heritage features including landscape. Acknowledge that these impacts may be included in SPP but it may be worthwhile highlighting them in this policy also.

It is unclear whether all subsea electricity cables/ grid connections are to be covered by the marine renewables policies. There may be situations where electricity infrastructure is developed separate to marine renewables.

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

See comments above re: electricity cables.

In terms of wastewater pipelines, these should be considered as subsea infrastructure within the NMP. This could be incorporated in a section on general cables and pipelines.

Also, a policy on moorings should be considered in the NMP i.e. commercial moorings such as wave rider buoys etc.

### **Defence**

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

No comments

**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?**

No comments

**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.**

To avoid confusion, it may be easier to refer to ports & harbours as 'Transport' similar to the NMP policies.

### **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?**

### **Sustainability Appraisal**

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

General comments – it would be good if there was some guidance provided as to what should be included in a business & regulatory impact assessment (BRIA) and/ or the methodology and same for the equality impact assessment. Future plan-makers may not have experience of carrying out such impact assessments so any advice would be welcome.

For example, in the BRIA it is unclear whether regional marine areas will have to include figures on the costs of preparing and implementing a regional marine plan similar to the [Final RIA](#) as it related to the Marine (Scotland) Bill i.e. costs drilled down at a regional level.

It is unclear whether an Equality IA can only be addressed by way of consultation questions posed on behalf of those with protected characteristics.

It would be useful if the HRA screening report was made publicly available given that MSP is a new discipline and the number of HRAs published for marine plans is limited.

### **Other comments:**

There is no information on monitoring and review of the NMP which is a key step in marine spatial planning. It would be useful to include some proposed targets and indicators to determine how the NMP is performing. This is expected to incorporate information on quantitative and qualitative indicators.