

CONSULTATION QUESTIONS

Please identify the main area of interest you identify with :

- | | |
|-------------------------------|-------------------------------------|
| Nature Conservation | <input type="checkbox"/> |
| Fisheries | <input type="checkbox"/> |
| Industry/Transport | <input type="checkbox"/> |
| Energy | <input checked="" type="checkbox"/> |
| Aquaculture | <input type="checkbox"/> |
| Recreation/tourism | <input type="checkbox"/> |
| Academic/scientific | <input type="checkbox"/> |
| Local authority | <input type="checkbox"/> |
| Community group | <input type="checkbox"/> |
| Public sector/Regulatory body | <input type="checkbox"/> |
| Local Coastal Partnership | <input type="checkbox"/> |

Other (Please state)

N/A

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

EDF Energy welcomes the National Marine Plan and the approach as set out by the Scottish Government.

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

The National Marine Plan appropriately sets out the requirement for the integration between marine planning and land use planning systems.

We believe that the relationship between terrestrial planning and marine planning systems is important, particularly for large-scale development projects which require consent under both regimes. Integration would ensure that key principles and objectives for specific Plan Areas can be incorporated into both planning processes. Ensuring consistency and reducing the risk of conflicting objectives within the two planning processes

would mean that requirements for development projects would be clear, transparent and consistent. This would reduce the risk of projects being unduly delayed and also avoid any unreasonable additional costs for the developer through the application process.

It is important that there is sufficient resource and priority allocated by the Scottish Government to develop the necessary guidance and regulatory framework in order to underpin this.

We fully support the following statement:

'Integration between marine and terrestrial planning will be important and will be achieved through consistency of policy, guidance, plans and decisions, and local authorities will be represented within Marine Planning Partnerships. Legislation has been amended to require terrestrial planning authorities to give consideration to marine plans which apply to inshore waters, when developing strategic and local development plans (The Town and Country Planning (Miscellaneous Amendments) (Scotland) Regulations 2011).'

We believe the National Marine Plan should make specific reference to the draft planning circular and in particular to the paragraph outlined above.

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 order to ensure that National Policy and requirements under existing legislation are met it is imperative that there is clear guidance and resource provided to regional planners, along with sufficient oversight of regional marine planning objectives. It is currently not clear what guidance and resource will be available in practice and EDF Energy seeks clarification on this point.

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?

EDF Energy acknowledges the position being taken by the Scottish Government and supports the principles and objectives relating to

sustainable economic development and requirements under the Marine (Scotland) Act 2010 and for meeting Good Ecological Status (GES) under the Marine Strategy Framework Directive (MSFD).

We believe that in order to fully integrate and achieve long-term sustainable development there should be appropriate focus on the socio-economic requirements as well as environmental within Marine Plan Areas. This will ensure that national energy development needs are met in accordance with National Policy and targets under the Section 44 of the Climate Change (Scotland) Act 2009.

EDF Energy continues to support the UK's statutory requirement to reduce its emissions by at least 80% from 1990 levels by 2050 through the generation of electricity through nuclear power and both onshore and offshore wind farm developments. In order to achieve sustainable and long-term low-carbon energy generation it is fundamental that Scotland's National Marine Plan reflects this.

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?

EDF Energy fully supports the approach as set out in Chapter 3 for strategic objectives under the National Marine Plan.

However, it is not clear how the Scottish Government plan to approach the adaptive management within the plan. Does this simply refer to the five year review process or is a more frequent adaptation process envisaged? A consistent management approach with UK-wide adaptation management would be fully supported.

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

No Comment.

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?

EDF Energy understands that these policies need to be consistent with National Policy and also existing legal requirements. These would include

those under Environmental Impact Assessment (EIA) Directive (and Habitats and Wild Birds Directive).

In order to clarify this point it is requested that this section includes a statement that developers are expected to comply with their legal obligations in relation to EIA (and other relevant legislation) and the objectives are merely descriptors of information expected to be contained within an EIA.

The general policies should also take account of national planning policy and guidance. From the perspective of the energy sector, we would highlight the National Planning Framework (NPF2), which sets out national importance of low-carbon electricity generation in delivering economic and social benefits.

We welcome the recognition of the important role of energy production in the Plan. However, we believe that the Scottish Government should give greater recognition to the contribution of coastal and estuarine nuclear thermal power plant in delivering affordable, reliable and secure energy supplies.

EDF Energy owns and operates two nuclear power stations in Scotland; Torness and Hunterston B Power Stations, located on the east and west coasts respectively. These stations are vital components of the existing Scottish electricity system. The two power stations currently generate up to a combined capacity of about 2000 MW of electricity, which would supply at least 3 million homes.

Nuclear power generation requires very large quantities of cooling water. At coastal locations they use direct cooling systems abstracting seawater, which can have an impact on the local environment. Equally, environmental changes can have an impact on the operation of the power stations which, due to their coastal locations, require protection from flooding and coastal erosion. Adaptation to the risks associated with climate change (seawater temperature rises, weather events, sea level rise and changes in marine biodiversity) is key to the development and safe operation of all inshore and offshore energy generation. These points should be reflected in Scottish Marine Planning.

We support the presumption of sustainable development when consistent with the policies and objectives of the plan. We also support the policy encouraging developments which provide economic and social benefits to Scottish communities.

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 outlined in our answer to Question 8 we strongly believe that the National Marine Plan should give greater recognition to the contribution of coastal and estuarine nuclear thermal power plant in delivering affordable, reliable and secure energy supplies.

Nuclear power generation requires very large quantities of cooling water. At coastal locations they use direct cooling systems abstracting seawater, which can have an impact on the local environment (regulated by existing legislation and policy). Equally, environmental changes can have an impact on the operation of the power stations which, due to their coastal locations, require protection from flooding and coastal erosion. Adaptation to the risks associated with climate change (seawater temperature rises, weather events, sea level rise and changes in marine biodiversity) is key to the development and safe operation of all inshore and offshore energy generation. These points should be reflected in Scottish Marine Planning process.

Sea Fisheries

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

No Comment

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

No Comment

Aquaculture

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

No Comment

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

No Comment

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

No Comment

Wild Salmon and Migratory Fish

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

EDF Energy wishes to highlight the following extract taken from Marine Planning Policies, Chapter 8:

'Where evidence of impacts on salmon and other migratory species is inconclusive, mitigation should be adopted where possible and information on impacts on migratory species from monitoring of developments should be used to inform subsequent marine decision making.'

We believe that this should be re-worded to more accurately reflect overall Regulatory Principles and the approach taken through other existing assessments (e.g. EIA Directive):

'Where evidence of impacts on salmon and other migratory species is inconclusive or deemed to be significant, mitigation should be adopted where it is cost-beneficial and feasible to do so, taking into account any existing legal requirements. Relevant information on impacts on migratory species from monitoring of developments can be used to inform subsequent marine decision making, taking into account any uncertainties and the differences between development projects.'

This would ensure that the approach taken by the decision-making authority and the subsequent requirements or mitigation would be development-specific, fair, evidence-based and proportionate.

'The Scottish Government is committed to undertaking a review of the management of salmon and freshwater fisheries in Scotland, which will consider a number of these issues.'

Will there be a public consultation undertaken as part of this review and also in the event of any regulatory changes? EDF Energy seeks further clarification on this point.

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?

No Comment.

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?

No Comment.

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

The following points relate to the 2013 Possible Nature Conservation Marine Protected Areas (MPA) Consultation Overview:

- It is important to note that all licensed activities both onshore and offshore are already heavily regulated through the development (and operational phases).
- Developers are required to comply with EIA and HRA requirements.
- Mitigation measures for any significant or adverse environmental impacts are already employed through these processes; as such any introduction of any further management measures deemed to be

necessary in order to achieve the conservation objectives of a nature conservation Marine Protected Area (MPA) designated under the Marine (Scotland) Act 2010 should be done through the normal licensing process for energy developments.

- This would avoid any duplication of effort and would ensure that requirements are consistent with existing legislation.

EDF Energy seeks further clarification on how the MPA network will be reviewed and what the implications for the management of activities within designated areas will be, particularly on already licensed activities. We support commitment to developing management options and measures in conjunction with stakeholders. Any uncertainty in this process will result in potential consenting and investment risk to development projects as well as to existing infrastructure.

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?

No Comment.

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?

No comment.

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.

The following points relate to the 2013 Possible Nature Conservation Marine Protected Areas (MPA) Consultation Overview:

- It is important to note that all licensed activities both onshore and offshore are already heavily regulated through the development (and operational phases).

- Developers are required to comply with EIA and HRA requirements.
- Mitigation measures for any significant or adverse environmental impacts are already employed through these processes; as such any introduction of any further management measures deemed to be necessary in order to achieve the conservation objectives of a nature conservation Marine Protected Area (MPA) designated under the Marine (Scotland) Act 2010 should be done through the normal licensing process for energy developments.
- This would avoid any duplication of effort and would ensure that requirements are consistent with existing legislation.

EDF Energy seeks further clarification on how the MPA network will be reviewed and what the implications for the management of activities within designated areas will be, particularly on already licensed activities.

- Any changes to existing consents/permissions *in lieu* of an MPA designation hold serious concerns for us.
- New management measures would impose significant uncertainty on licensed activities and it is strongly requested that this requirement (as outlined in the management handbook) is redrafted in order to clarify that existing consents will not be reviewed due to a new MPA designation under this process.
- The same point is repeated for monitoring requirements of licensed activities in the event a new MPA designation.
- Assessments of licensed activities must incorporate previous EIA and HRA assessments, existing legal requirements and cost-benefit analysis (incorporating cost, significance, resource, socio-economic impacts as well as a proportionate and evidence-based approach).
- This will ensure that all costs will be understood, be proportionate to potential impact on the MPA protected features, and take into account existing legal arrangements.
- Ensuring exemption of existing consents/permissions from the MPA process in the event of a new designation would be consistent with earlier iterations of the draft management handbook.

We support commitment to developing management options and measures in conjunction with stakeholders. Any uncertainty in this process will result in potential consenting and investment risk to development projects as well as to existing infrastructure.

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?

All onshore and offshore energy developments are subject to the requirements of EIA and HRA. By meeting these requirements under these existing legal frameworks, developments will avoid significant adverse effects on biodiversity.

In relation to climate change, we believe that the long-term environmental benefits that low-carbon energy generation (including renewable technologies and nuclear power) can provide in meeting UK CO2 emission reduction targets should be further acknowledged in this Appraisal.