

PLANNING SCOTLAND'S SEAS: NATIONAL MARINE PLAN

CONSULTATION RESPONSE FROM COMHAIRLE NAN EILEAN SIAR

Comhairle nan Eilean Siar has prepared the consultation response within the framework of the on-going Our Islands Our Future initiative.

Under the Our Islands Our Future initiative the Outer Hebrides, Orkney and Shetland recognise that Islands by their very nature are special places with special requirements and call for a commitment that the needs and status of the island areas are clearly recognised.

The three islands group believe that the principle of subsidiarity should be at the heart of policy development across the islands. Applying the principle of subsidiarity will give the three islands group the opportunity and responsibility to provide the services and carry out the functions appropriate to their communities. It will also give the power to develop initiatives and introduce strategies to meet the special needs of their areas and ensure sustainable economic growth.

The current consultation on the National Marine Plan has been preceded by proposals for Scottish Marine Regions which would see each of the three island groups have a distinct Scottish Marine Region for their surrounding inshore waters (0-12 nautical miles). Under the Marine Act, planning powers may be devolved to Regional Planning Partnerships.

At the same time the three islands group wish an active part in the planning and licensing of development and exploitation of resources in and around their respective shores in order to ensure they benefit their communities without compromising the local environment.

CONSULTATION QUESTIONS

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

The Plan should be more strategic setting out clear policies for issues of national importance including for Strategic Sea Areas and giving guidance as to what matters should be addressed at a more local level in Regional Marine Plans (RMP). For instance, the Defence section (pols MOD 1 - 3) clearly provides a national direction and it is unlikely there would be a more local approach required through the RMP. In contrast, the policies in the Aggregates section refer to marine aggregate sites but these are not identified in the NMP. Regional Marine Plans could be required to identify appropriate sites.

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

The proposals for integration between the terrestrial and marine planning systems have been set out in a Draft circular. The Comhairle does not consider the Circular

adequately addresses matters of integration particularly in the overlapping intertidal areas.
A detailed response on the draft Circular is appended.

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?

Although it is understood that Marine Scotland is working with local authorities in the development of a spatial plan for the Pentland Firth and Orkney waters, the National Marine Plan does not describe clearly what will constitute a Regional Marine Plan, how a Marine Partnership will be formed, who will comprise or lead the Partnership, the extent of powers a Partnership might hold, or how it will be resourced. Nor does the NMP mention alternative arrangements for delivery of Regional Marine Planning which are provided by the Marine Act.

The three Islands Authorities of Shetland, Orkney and Comhairle nan Eilean Siar under the Our Islands – Our Future campaign have presented to Scottish Ministers the case for devolving powers to them in respect of marine planning and marine licensing. The three islands group believe that the Scottish Government has the competence to effect this irrespective of the outcome of the referendum to be held in September 2014.

Section 12 of the Marine (Scotland) Act 2010 gives Scottish Ministers the power to delegate aspects of the regional marine planning function, and under Section 51 the power to delegate aspects of marine licensing. The delegate must comprise of 'a person nominated by Scottish Ministers and either a public authority or a person nominated by a public authority'. Where delegation is to a group, Ministers must ensure, so far as reasonably practicable, that the group comprises representatives with an interest in protection and enhancement of the region, recreational use and commercial use.

In accordance with the principle of subsidiarity, the Comhairle together with the islands authorities of Orkney and Shetland, wish direction to be given by the Scottish Government under Section 12 of the Marine (Scotland) Act 2010 to delegate the function of preparing a regional marine plan to each Islands Authority.

Similarly, the Comhairle together with the islands authorities of Orkney and Shetland, wish direction to be given by the Scottish Government under Section 51 of the Marine (Scotland) Act 2010 to delegate the marine licensing function to each Islands Authority. And also, powers will be devolved to the three Islands Authorities in respect of Section 36 Electricity Act consent for offshore energy generation.

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?

If areas are to be designated as Strategic Sea Areas there has to be clear policies for these areas and a clear direction as to who will be responsible for determining consents within these areas. The draft Plan nor the map showing SMR boundaries does not contain any reference to SSAs

In addition consideration should be given to the national significance of the fisheries sector in terms of food production. Similar to renewables, defence and transport this importance should be recognised through specific Strategic Sea Area designation.

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?

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?

The National Marine Plan sets out to promote development and activities that support sustainable economic growth and planning policies have been developed to deliver the strategic economic, social and ecosystem objectives and the Plan identifies where sectoral objectives and policies support these strategic objectives.

Whilst the Comhairle supports this approach, the development and implementation of marine planning, whether at national or regional levels must reflect the balance between economic, social and environmental considerations which the Plan is endeavouring to achieve. Many opportunities for economic growth currently exist in the seas around the Outer Hebrides which have the potential to benefit our island communities in terms of business enterprise, employment, training, and financial and/or in-kind payment by developers to affected communities.

The Comhairle believes that in the past environmental considerations have taken precedence over economic and social aspects, such as demonstrated by designation of SACs and SPAs which afford a high level of protection under the Habitats Regulations in respect of Natura sites. This issue is detailed in the Comhairle's response to the Marine Protected Areas Consultation. While the Comhairle recognises the importance of having high quality marine and terrestrial environments, better cognisance must be taken of the impact environmental designation has on the economic prospects and resulting social change of island communities. Moreover, the feeling of helplessness held by local communities in the face of outside bodies imposing environmental designation must be overcome.

Under Marine Planning Policies: Sectoral – Informing decision making; while recognising the Plan is of a ‘high level’ nature, it states general and sectoral policies will together inform the content of regional marine plans and be a consideration in decision-making including renewal of licenses for existing activities. The NMP needs to describe in more detail who the decision-makers are likely to be, and the processes to be utilised in incorporating the various sources of economic, social and scientific evidence in putting into practice the development of regional marine plans.

With regard to adapting to the impacts of climate change, the Comhairle’s response to the consultation on Scotland’s Adaptation to Climate Change Programme expressed significant concerns relating to the omission of coastal erosion from the Programme. General Policy 17 in the NMP states that developments and activities should be resilient to coastal change, but this issue is not adequately addressed by the Adaptation Programme. There should be improved alignment between marine, climate change and flood risk management in relation to coastal change with regard to implementation of respective legislation recognising that it is people who need to adjust and adapt their behaviour in relation to coastal development.

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

See detailed comments on policies in the General Comments from Comhairle nan Eilean Siar section at the end of the respondent form.

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?

The Comhairle welcomes the statements made in support of Gen Policies 1, 2 & 3. However, our concerns relating to past environmental designation and impact on economic growth and social benefit are detailed in response to Q6.

With regard to Gen Policies 5 to 10, tools and methods such as sectoral interaction analysis, spatial planning, Integrated Coastal Zone Management, stakeholder identification and analysis, and participatory processes can all be usefully employed by the marine planning process.

Clearer guidance is required to provide definition of how marine spatial plans will be developed in relation to policies and objectives contained in the National Marine Plan, and how the NMP will relate to terrestrial Local Development Plans. Spatial

planning is likely to be the focus of Regional Marine Planning and while it is clear the NMP gives direction to RMPs further guidance is needed on how this will work in practice.

Integrated Coastal Zone Management (ICZM) has been defined by UK Government as 'a process that brings together all those involved in the development, management and use of the coast within a framework that facilitates the integration of their interests and responsibilities. The objective is to establish sustainable levels of economic and social activity in our coastal areas while protecting the coastal environment. ICZM is essential to the ecosystem-based approach'. Eight guiding principles of ICZM describe how this can be put into practice. The draft NMP does not mention ICZM which seems to be a glaring omission.

A common goal of spatial planning and ICZM is to define, develop and protect coastal zones; ICZM is most common at the local scale while spatial planning is often applied at larger scales. Both share policies with the same goal, the resolution of land use conflicts for the development and conservation of coastal and marine environment. While the policy driven NMP is necessary at national level, the use of ICZM as a tool at regional and local level should be described in the NMP. The eight principles provide the basis for delivery of marine and coastal management both in the marine and coastal environments and should be recognised in the NMP.

As our responses states in answer to Q2 the Comhairle does not consider the Planning Circular adequately addresses matters of integration particularly in the overlapping intertidal areas. Our response to the consultation on the Planning Circular describes our concerns in detail. However, the Planning Circular does mention ICZM as a tool which can be used to resolve conflict in situations where interactions between activities are complex. As stated above the role of ICZM should be clearly stated in the NMP.

Marine planning will introduce a new system of planning for the coast and seas which will require people who possess appropriate skills and knowledge to undertake the development and implementation of marine plans at national and regional levels. Attention should be given to whether these skills exist within organisations such as national and local government and whether education and training will be required to satisfy this emerging discipline.

Also, adequate resources in terms of appropriate staff and adequate funding will be necessary in terms of establishing, developing and monitoring marine plans.

General Policy 10 - 1st para, 2nd sentence - add in 'New social, economic, historic and environmental information...'

Gen Policy 13 - Last para, last sentence - add in 'RCAHMS and the adjacent Local Authority Archaeology Service.'

A map showing the density of shipwrecks etc off the coastline would perhaps help illustrate the scale of the offshore historic environment in an attempt to compliment Map 4: Marine Cultural Heritage Statutory Designations.

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

Yes – this accords with the Comhairle’s approach as expressed through its land use policies in the Outer Hebrides Local Development Plan, including the adopted Supplementary Guidance for Marine Fish Farming.

However the reference to core wild land areas should be omitted. This is a matter for the terrestrial plan to address. Through consultation on the National Planning Framework Scottish Ministers have stated that they do not intend to legislate for new environment designations in Scotland, and core areas of wild land would not be designated under statute.

Consultation on these is not yet concluded. It is therefore not yet clear how they are to be dealt with through the planning system. The Comhairle’s position is that it would wish Scottish Planning Policy to state that ‘wild land’ areas are to be identified through the (terrestrial) development plan process and policies prepared within the framework of the specific plan.

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

A number of policies in the Sectoral Chapters cover issues that could apply across the board. These matters should be brought forward as General policies so as to avoid repetition. Eg policy Rec and Tourism 4 requires that ‘*marine recreation and tourism activity should not unacceptably impact on sensitive or important habitats and species...*’. This is a basic principle that would apply to a range of activities, therefore may be better addressed through a policy in the General section. Gen policy 12 could be expanded to encompass this.

Note: the expressions ‘*significant adverse effect*’ and ‘*not unacceptably impact*’ are both used. It would be better to have consistency throughout the document in this respect.

In relation to Gen policy 17, see comments in response to Q6.

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?

Comments

Sea Fisheries

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

The objectives identified cover all of the main areas of concern and the Comhairle specifically welcomes the identification of sustaining fishing communities and decentralised management. On the latter topic Inshore Fisheries Groups are ideally placed to provide local management expertise and experience but must be resourced to do this.

As part of Marine Planning the Comhairle welcomes the confirmation that fishing is to be taken into consideration of any development in the marine environment. In addition the identification of the economic importance of fishing, in particular to vulnerable coastal communities as part of any development is important. The preparation of a fisheries management plan by a developer where an impact on existing fishing activity may occur must be properly executed and gives an opportunity to recognise positive and negative impacts of a development and address mitigating factors.

The fishing sector is an extremely important element of the economy of the Outer Hebrides sustaining employment and populations in remote rural areas.

This importance is reflected in the investment the Comhairle has made and continues to make in the industry. A Fisheries Investment Scheme has been developed with the Royal Bank of Scotland and the Western Isles Fishermen's Association to support fishing business development and investment in fit for purpose vessels to match current catching opportunities.

The Comhairle has also invested in nephrop quota to ensure long term access to fish catching opportunities. With a national strategic objective of a wealthier and fairer nation the basis of access to fish quotas and how they are allocated needs to be reviewed with opportunities for communities closest to that resource able to benefit from that resource.

The Comhairle also supports the fishing industry and communities through the provision of infrastructure throughout the islands i.e. harbours and landing sites, provision of ice and marine fuel.

The Comhairle recognises the importance of understanding industry issues and supports a Fisheries Joint Consultative Committee which gives a regular opportunity for representatives from the Comhairle to hear and discuss issues and opportunities facing the fishing industry and to propose specific actions to the Comhairle for the long term benefit of the industry.

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

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?

Whilst the draft Plan requires terrestrial plans to “*give consideration*” to marine plans (which apply to inshore waters) the hierarchy of plan is not set out, and this has been further queried in the Comhairle’s accompanying response to the consultation on the draft Circular. The Comhairle already has in place adopted statutory Supplementary Guidance for Marine Fish Farming which sets out a spatial strategy for determine marine aquaculture activity.

Although mentioned in Part 4: The Future, seaweed is only given passing mention. Trials are currently underway of an integrated multi-trophic aquaculture (IMTA) system in Loch Roag on the west coast of Lewis. In conjunction with a salmon farming operation, a company has introduced seaweed on its mooring ropes with the objective of reducing the level of nutrients coming from sites entering the water column. If successful IMTA may be applied on many other sites.

The Comhairle has stated in its response to the consultation on the Seaweed Policy Statement that in the case of consenting for cultivation of seaweed, which includes IMTA, the Comhairle should be the consenting authority in line with consenting for marine fish farming.

Wild seaweed harvesting is undertaken on an extensive scale on the coasts of Lewis and Harris and this form of collecting seaweed is soon to be carried out in the Uists and Benbecula. Although cutting of *Ascophyllum nodosum* has little adverse impact on marine biodiversity so long as it is carried out in a sustainable manner, harvesting of *Laminaria hyperborean* (kelp) on the sublittoral of the west coast of the Uists could have a detrimental impact as any depletion of the kelp forest could result in major loss of protection of the coast in terms of erosion, flooding and loss of land. In its response to the Seaweed Policy Statement consultation the Comhairle has recommended that a system of marine licensing is introduced for the regulation of existing and new commercial harvesting of seaweed.

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

Objectives:

The Comhairle in its response to the draft Scottish Planning Policy (SPP) consultation has already queried who would determine and monitor ‘sustainable growth targets’? Would these targets be set separately for each marine region?

Further, in an appendix to its response to the draft SPP, and in this NMP consultation the Comhairle seeks better definition of the term ‘remote and rural communities’.

Whilst there is scope to maximise benefits to Scottish companies through supply chains, the scope to direct benefits to local communities is diminished if applications are not determined locally, and there is no requirement to site onshore/support facilities locally either. The Comhairle's Marine Fish Farming Supplementary Guidance has a requirement for any supporting or associated onshore facilities to be sited within the Outer Hebrides and must be determined concurrently with offshore elements of a development.

It is noted that: "Outwith Shetland, the shellfish industry is predominantly comprised of small-scale operations, with a large number of small farms and many part-time farmers." This is no longer the case. Areas such as the Outer Hebrides are increasingly subject to larger developments, operated by multinational companies, and the Plan narrative should reflect this.

Pgs 60 & 61

Whilst 'environmental impacts' are acknowledged, they are not detailed and the NMP would benefit if these environmental impacts were detailed further and qualified.

With reference to the AutoDEPOMOD modelling tool - will planning authorities need access to this tool or data from it? Will it be a statutory part of the assessment process? Further information would provide clarity.

Aquaculture Planning Policies

Aquaculture Planning Policy 2

Whilst the draft Plan requires terrestrial plans to "*give consideration*" to marine plans (which apply to inshore waters) the hierarchy of plan is not set out, and this has been further queried in the Comhairle's accompanying response to the consultation on the draft Circular. The Comhairle already has in place adopted statutory Supplementary Guidance for Marine Fish Farming which sets out a spatial strategy to determine marine aquaculture activity.

Aquaculture Planning Policy 5

The identification of areas for shellfish activity is welcomed however there is a need to ensure that other potential areas/sites coming forward for shellfish development are not precluded e.g. as part of fin-fish production cycles or other IMTA developments.

Aquaculture Planning Policy 10

Is '*should*' sufficient – perhaps '*must*' would be more applicable.

Aquaculture Planning Policy 11

Policy 11 is welcomed. The Comhairle's Supplementary Guidance sets out further installation design requirements.

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

N/a

Wild Salmon and Migratory Fish

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

Predatory Controls (pg 70)

The license only measure for predatory controls should be retained.

The Future (Pg 70)

Measures to obtain better data on distribution and migratory routes on north and east coast in order to reassess the current presumption against fish farming would be welcomed.

Further details on measures to prevent cross transference of disease e.g. sea lice between wild and farmed fish stock would be valuable to both the aquaculture and wild fish sectors.

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

Comments

Oil & Gas

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

Oil and Gas policy 1 (pg 075)

(Typo - "1" is absent at the moment and should be instated).

Should last sentence reference be '*...impacts of noise, chemical pollution **and habitat change***' as per context? '*Consideration will be given to*' is ambiguous / not strong policy wording and does not provide clear guidance either to those determining consents or to those submitting applications as to the factors that will be taken into account.

Oil and Gas policy 5 (pg 075)

What are the '*potential risks*'? These need to be detailed or qualified. '*Have regard to*' is not strong policy wording.

Oil and Gas policy 6 (pg 075)

What are the '*adequate risk reduction measures*' and what areas are they specifically referring to? These need to be detailed or qualified.

General

If policy is intentionally generic because further detail is expected to be given in the regional marine plans; it should say so and state the areas where regional plans will be expected to expand on.

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

A policy or statement detailing what will be set out in the regional marine plans with regard to this section.

Carbon Capture & Storage (CCS)

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

Part 1: Background and Context (pg 079)

Typo (CSS) should read (CCS)

CCS Policy 1

This will be subject to satisfying other relevant policies.

CCS Policy 2

Is this a policy or a statement? If a policy, *when* and *by whom* will consideration be given?

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

A policy or statement detailing what will be set out in the regional marine plans with regard to this section.

Offshore Renewable Energy

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

Yes as this could help with integration of the policies in the plan and could help to identify where key areas of activity. Additionally it would be useful to include marine and coastal elements from the National Planning Framework (NPF3).

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

Objectives (pg 085)

Suggest the insertion of 'terrestrial' in third objective to read "*Ensure joined up marine and **terrestrial** planning and efficient licensing processes to...*" This will be

reflective of what will be a critical issue in realising the wider objectives in this section.

Background and Context section (pg 85- 86)

This section does not provide a broad view of the resource across Scotland. There are major opportunities on the western seaboard that do not seem to have been taken into consideration. For example, the Outer Hebrides are home to the best wave energy resource in Europe. Once commercialised, Wave Energy will outstrip Tidal Energy in terms of installed capacity with a technical extractable wave resource of 4.8GW estimated for the Outer Hebrides. Similarly the Outer Hebrides are well placed to host the first commercial floating Offshore Wind installation.

Interaction with Other Users (pg 088)

2nd para: First sentence is confusing. What are the ‘...*activities dependent on particular habitats or species*’, if these are not the same ones as listed in the next sentence? Suggest first sentence reads “...***other marine activities.***”

Electromagnetic Fields (EMF) (pg 088)

Does this equally apply to mammals?

Renewables 2 (pg 091)

Who will support?

Renewables 8 (pg 093)

With regard to EIA should this not be ‘***significant potential impacts***’ not just ‘*impacts*’, also sounds a retrospective process in current wording.

With regard to HRA, it is the competent authority which carries this out when a plan or project affects a Natura site not the *developer*.

If single EIA & HRA are proposed to encompass the impacts of both offshore projects and onshore elements, is there a requirement that applications will be submitted concurrently; what about staged developments which may require subsequent EIA/HRAs? Additionally as this is policy the Acroymns should be written in full.

Renewables 9 (pg 094)

No definition in footnote for ‘existing users’?

Renewables 10 (pg 094)

The thresholds for ‘commercial scale development’ are relatively high, will the requirement for scenario mapping with the communities for developments below 100mw (wind) and 30mw (wave and tidal) come through other mechanisms?

Part 4: The Future (pg 094)

The last paragraph in this section implies that ‘*wave and tidal interests in the Scottish Islands*’ are supplementary to the actions needed to progress Scotland’s energy targets. The Scottish Islands contain Scotland’s best wave and tidal resource and are fundamental to achieving the country’s long term energy targets. The reference to ‘barriers to development’ and assessing a ‘GB value for money

case' for the 'islands' resource contradicts the previous sentence which calls for support for innovation and investment in capital to realise national targets.

Our Islands, Our Future

The Outer Hebrides is part of the 'Our Islands, Our Future' Campaign, which will potentially have significant impacts on the National Marine Plan in 'the future'. This campaign has a vision for a stronger future following the Independence Referendum of 2014 and is calling for a commitment that whatever the outcome, the needs and status of island areas are clearly recognised in the new era for Scotland. The campaign includes proposals for the Scottish Government to delegate a range of marine licensing functions and planning powers to each of the island authorities.

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

A policy or statement detailing what will be set out in the regional marine plans with regard to this section.

Recreation and Tourism

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

Yes

The economic benefits of coastal and marine recreation should not be understated and is an activity which has seen significant investment and expansion over recent years in the Outer Hebrides.

The draft Plan states that

Protecting areas for any specific use may run contrary to other objectives of the plan particularly in the intertidal area where there is a variety of activity, including the need for landfall infrastructure to support offshore renewables, oil and gas development. It would be better if the Plan recognised that there needs to be interaction such as requiring access routes to be maintained when other proposals are being considered. The NMP should require RMPs to identify specific the important areas that need to be 'protected'.

Small scale sea fishing and angling also require use of piers and harbours.

Waste associated with recreational activity has not been included as part of the Living within Environmental Limits section.

Policies;

Rec & Tourism 1 – This policy actually applies to development proposals other than recreational ones. The thrust of this should be embedded in a General principles policy. The policy does not set out the implications of the factors listed not being taken into account. What is the bottom line – refuse consent / licence? Those

using the policy need clarity and this could be achieved by separating out the last bullet point as the 'bottom line'.

Rec & Tourism 2 – rather than stating '*Marine Planning Partnerships should identify...*' substitute '*Regional Marine Plans should identify...*'

Wording such as '*...will be looked upon favourably ...*' does not provide a robust approach for assessment of development proposals.

Rec & Tourism 3 – '*protected*' against what and how?

Rec & Tourism 4 – Perhaps this should read: '*Marine recreation and tourism proposals should not...*' as not all activity will be controlled. The policy would benefit from an addition that would require the applicant to provide information that explains/justifies how the proposal will not unacceptably impact on these considerations. Again this is a fairly basic principle that may be better covered in the General policies as it applies to a range of activities.

Rec & Tourism 5 – '*Consideration should be given to...*' The policy needs to be clear who will be responsible for giving this consideration. It may be both the applicant and the assessor.

Rec & Tourism 6 – as stated elsewhere, wording such as '*should take account of ...*' is weak. It does not give any guidance as to the implications of '*not taking account of*'.

Rec & Tourism 7 – codes of practice are generally voluntary and it would be difficult to enforce compliance.

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

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?

No comment

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

There is general concern in regard to whether statutory harbour authorities will have representation on any proposed Marine Planning Partnership.

Part 4: The Future describes the expected trend for larger ships which require larger ports and the prospect of new trade routes opening as sea ice recedes. The paragraph describes opportunities for Scottish ports but does not mention plans

which are in development by Stornoway Port Authority and if Shetland plus ports mainly on the eastern seaboard are included in the description, then Stornoway should also be included.

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

Comments

Telecommunication Cables

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

No

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

Comments

Defence

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

No

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

No

Aggregates

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

Pol AGGREGATES 1 aims to protect the resource at '*identified marine aggregate sites*' however the Plan does not identify these. These either need to be identified in the Plan or the policy requires the RMP to do so taking account of other valuable resources. Otherwise this policy is meaningless.

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?

Comments

Sustainability Appraisal

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

No comment

General Comments from Comhairle nan Eilean Siar

It is assumed that the NMP will be used as a planning document for two main purposes similar to terrestrial development plans: i.e. to provide a framework within which consenting decisions are taken and to provide guidance and some degree of certainty for developers as to how their proposals will be assessed and what information they may be expected to provide in support of applications for consent. The following comments are made within the context of that assumption:

- The wording of many of the policies could be SMARTer. Expressions such '*should be considered*' or '*should be taken into account*' do not give the developer or the decision maker a sufficiently clear direction as to how proposal will be assessed and determined or what information will be required in order to take that decision. Where policies state '*consideration should be given to creation of...*' no indication of who will be responsible is provided. Statements '*there is a presumption in favour of ...*' add nothing unless there is a general principle of presumption against development embedded in the Act.

- A number of chapters have a sub section entitled INTERACTIONS WITH OTHER SECTORS. While synergistic relationship is expected between a number of sectors and activities this could be demonstrated through a single matrix showing where there may be either complementary or competing interests.

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)