



CONSULTATION QUESTIONS

Please identify the main area of interest you identify with :

- Nature Conservation
- Fisheries
- Industry/Transport
- Energy
- Aquaculture
- Recreation/tourism
- Academic/scientific
- Local authority
- Community group
- Public sector/Regulatory body
- Local Coastal Partnership

Other (Please state)

Comments

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

SEPA believes that the National Marine Plan establishes a good general approach to the planning of marine resource utilisation within Scottish waters. It sets the context of the UK marine policy statement together with the need for Scottish Marine Regional Plans. The document also highlights the international obligations required in managing the marine resource. Although the geographic scale of our marine environment means that we might expect less sectoral conflict than in other parts of the UK, we think it is important that the National Marine Plan provides guidance to public bodies, regulatory authorities and other sectoral stakeholders on how different activities can make sustainable use of the marine environment.

We suggest that the Plan would benefit from more clarity on how this plan and regional plans will be implemented.

The Plan usefully reinforces the importance of international requirements (eg. MSFD, WFD, OSPAR) as thresholds for regulatory compliance.

SEPA welcomes the inclusion of principles of sustainable development in the High Level Main Objectives, and their prominence within the policies and objectives. However, we recommend that the different levels of protection required in protected areas (for example, MPA, historic sites, bathing waters, shellfish waters) are highlighted and reiterated in the general environmental policies detailed throughout the rest of the plan.

The associated Sustainability Assessment provides some general definitions of what 'sustainable' means for each environmental topic as part of chapter 5, sustainability appraisal results, but there is no reference to this in the plan. For example 5.2.15 of the SA states: '*for the purpose of this assessment, we have assumed that "sustainable" therefore includes avoidance of unacceptable adverse effects on water quality (e.g. spills during construction/installation)*'

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

The overview of the different components of marine planning in Scotland and associated consents/authorisations is useful since there are a number of different regulatory drivers influencing the marine planning system.

The statement requiring the need for integration between the marine and terrestrial planning regimes is very much supported. The relationship between these two planning regimes will be very interactive and SEPA welcomes the intention that terrestrial plans should take account of marine plans, equally there should be an emphasis that the reverse should also be required. We think it would be helpful to set out in more detail the role of NFP3 and its integration with marine planning (eg. the proposal to identify and designate the key onshore infrastructure requirements arising from proposed offshore energy production as a 'national development').

A range of activities, including aquaculture, electrical transmission from wind/wave energy generation, oil and gas infrastructure, ports and harbours are of relevance to both terrestrial and marine planning. We think it would be helpful to develop general principles for integrated planning for such activities, especially since there is now an overlap in the two planning regimes between the MHWS and MLWS marks.

SEPA believes that stronger links and integration between marine planning and River Basin Management Plans will assist in delivering the objectives of protecting and improving coastal waters. SEPA is keen to continue to support and work with Marine Scotland and others on the formation and delivery of plans, policies and guidance, in order to ensure that this

integration is as effective as possible.

Q3. Does the NMP appropriately guide development of regional marine planning? What, if any, further guidance is required for regional marine planners in terms of implementation and how to interpret the NMP?

It is important that this section highlights and emphasises the links and working relationships between the Marine Planning Partnerships, River Basin Management Plan Area Advisory Groups, Flood Risk Management Plans and the Inshore Fisheries Groups. The interaction of these groups will be vital in co-ordinating the delivery of a large number of Directive policy objectives. This will be important as the groups will consist mainly of the same core stakeholders, but will have input from other stakeholders who will be limited to interaction through only one of the groups.

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?

The Draft Scottish Marine Regions Order 2013 establishes the Scottish Marine Regions out to 12 nautical miles and this would appear to ensure all relevant marine areas would be covered by a regional plan.

SEPA acknowledges that Strategic Sea Areas could potentially be useful where these locations cover areas in two or more Regional Plans.

SEPA recommends early discussions on any additional policies applicable above those required for the Scottish Marine Regional Plans.

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?

SEPA welcomes the inclusion of principles of sustainable development in the High Level Main Objectives, and their prominence within the policies and objectives. However, we recommend that the different levels of protection required in protected areas (for example, MPA, historic sites, bathing waters, shellfish waters) are highlighted and reiterated in the general environmental policies detailed throughout the rest of the plan.

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?

SEPA welcomes the strategic objectives although the climate change objective would appear to be a reiteration of the public bodies' duties. Given the significance of climate change, strategic level objectives on this issue should be specifically developed to provide the framework for strategic level climate change policy implementation.

This section would benefit from a discussion of the risks posed by new diseases emerging in aquaculture, possibly due to changes in environmental conditions (see our comments on Aquaculture). This may be as significant as the risk of plankton or algal blooms.

The chapter on Oil and Gas highlights climate change impacts on the industry, but it might also be relevant to consider how to best manage the industry's own contribution to climate change.

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

Chapters 1-3 summarise all of the pertinent drivers at the national planning level. This should enable the National Marine Plan and the Regional Marine Plans to refer to the same drivers. However, more cohesion is needed between the visions, objectives and policies; this line of sight is missing at the moment.

The full list of High Level Marine Objectives (HLMO) and Good Environmental Status (GES) descriptors might be moved to an annex which could include a chart to show how these objectives are being met by the policies included within the NMP. This information could then be taken on further within the Regional Marine Plans, giving confidence that as local strategies are being developed they are tied to the overall policies of the NMP.

The NMP could identify and designate nationally significant marine developments, along the same line as 'national developments' in NPF3. This would help streamline the delivery of nationally important marine developments. Similar criteria could be used to designate them as used for NPF3. In addition this could potentially strengthen the strategic planning of terrestrial and marine interactions of national developments.

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?

SEPA welcomes the development of the general policies designed to ensure that all future decisions lead to sustainable economic growth which is sensitive to the environment, other users and the long-term health of the seas. The draft NMP, in attempting to be fully inclusive, has created a large number of policies.

The NMP might benefit from more guidance on how these wide-ranging policies should be balanced in decision making, especially when there are tensions between them. In addition, whilst it is not expected that there will be many conflicting activities, or divergences from the policies, it would be advantageous for the NMP to detail how decisions can be scrutinised and appealed.

Some of the policy statements are generally worded and possibly open to wide ranging interpretation and application at the regional level. GEN 1 provides an overarching policy principle for all marine development and we would recommend that it be supported by a clear definition of sustainable development in line with the five guiding principles of sustainable development in the HLMOs.

Comments relating to specific policies from Chapter 4 are noted below:

GEN 6 – It is important to strengthen the two-way interaction between the NMP (and Regional Plans) and the terrestrial Development Plans.

GEN 11 – Compliance with the Directive might be stated as the minimum requirement. Appropriate guidance on the achievement of GES while enabling sustainable economic growth might be useful for some sectors.

Gen 17 – This policy would benefit from the inclusion of the need for developments and activities not to increase flood risk in coastal areas and reference to flood management and coastal defence to facilitate adaptation to climate change and improving resilience. In addition this should include climate change as well as coastal change and flooding (consistent with supporting text par 3, page 36).

GEN 18 – SEPA supports the clarity of the wording of this policy. This policy and GEN 7 are particularly welcome in setting out the integrated approach with River Basin Management Plans.

GEN 19 – This policy is welcomed and SEPA feels that this should be supported by a strategic objective in the previous chapter. This also supports climate change mitigation, minimising emissions and supporting carbon sinks – as well as increasing resilience against climate change impacts.

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?

The current draft version of the NMP has broadly captured the relevant sectors; however Underground Coal Gasification is an important sector which has not been mentioned.

Sea Fisheries

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

In response to the pre-consultation draft version of the National Marine Plan, SEPA highlighted the possible negative impact of mobile gear on benthic environments, on nursery grounds and on the ability of the sector to deal with discards. The current draft acknowledges the possible effects of mobile gear and the potential for conflict between trawling and the use of fixed methods and the benefits on carbon emissions in switching between different gear types. Part 4 dealing with the future also provides useful commentary on the effects of mobile gear and the potential for conflict within the sector between different users. The acknowledgement of these issues is welcomed albeit that the Chapter dealing with fisheries could have been improved by a more profound policy steer towards the more widespread use of fixed gears.

SEPA retains a degree of concern regarding a policy approach that seeks to ensure the full utilisation of stocks to Maximum Sustainable Yield (MSY). Utilisation at MSY is an improvement compared to the overfishing of stocks but a degree of precaution within the utilisation target would be beneficial and would recognise the difficulty in accurately predicting the size of stocks available for the capture sector.

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

The Policies, taken in concert with Part 4, are reasonable and will aid in meeting the objectives for the sector set out in the Chapter. In particular the requirement for the interests of the sector to be considered in connection

with other marine developments (eg. Fisheries 2 and 4) is a useful principle.

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?

The relationship between terrestrial and marine planning is accurately described; the main factors affecting the sustainability of the sector are set out, such as wild fish interactions, landscape impacts and disease management.

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

SEPA is satisfied that the targets for marine production, while challenging for all involved, can be met either within the existing network of authorised sites or with a moderate degree of augmentation through the authorisation of new farms. Current assessments of the available capacity would suggest that for large areas of Scotland, there is more than sufficient scope for development to allow the introduction of new sites to meet the proposed increase in production.

Production based targets are useful but the use of a target based on the value of farmed fish produced may be an approach that might augment the proposed targets based upon tonnage alone. Increases in the numbers of tonnes produced on farms needs to be carefully managed to ensure that such increases do not in themselves impact upon the considerable premium which Scottish salmon attracts, giving a resultant negative impact on the sector as a whole. In this connection, value based targets would be particularly useful, potentially as an adjunct to those based on tonnage.

In contrast to marine-based production, the production of sufficient smolts in freshwater in order to achieve the marine production targets remains a concern in respect of potential environmental impact. Although the recent development and completion of a large facility in Lochaber based on recirculation is a good step in the right direction, further development of this type may be required to help achieve the marine production targets.

The section of the Chapter dealing with Climate Change would benefit from a discussion of the risks posed by new diseases emerging possibly due to changes in environmental conditions. The last couple of years have seen the incidence of Amoebic Gill Disease increase considerably and dealing with this disease in the absence of a specific effective medical treatment has been challenging. It is not clear whether this is related to climate change but the likelihood of rising sea temperature may pose challenges and a risk of the emergence of new diseases. This may be as significant as the risk of plankton or algal blooms. In addition aquaculture equipment

should be made resilient to climate change.

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

Aquaculture 9 could include a contingency to deal with new or emerging diseases, for example as a result of rising sea temperatures.

Wild Salmon and Migratory Fish

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

The chapter identifies the key pressures facing migratory fish stocks and the interactions that may impact upon their populations. SEPA welcomes research on the pressures posed by aquaculture on wild salmon stocks.

In page 70 the effects of climate change are considered 'unknown', which would imply the marine planning policies should include a specific reference to the effects of climate change.

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

The policy relating to wild salmon stocks and the need for mitigation to reduce impacts, even where impacts are inconclusive, is welcomed.

Oil & Gas

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

The National Marine Plan has been designed so that foreseeable future resource use decisions are within the context of sustainable development. The NMP would benefit now by covering the potential for Underground Coal Gasification. The Coal Authority has issued a number of conditional licences for the gasification of coal under the sea, e.g. Firth of Forth. There are environmental impacts and the potential for wider impacts on other industries.

This chapter highlights climate change impacts on the industry, but it might also be relevant to consider how to best manage the industry's contribution to climate change.

SEPA would recommend three specific amendments:

In the first objective the word "efficiency" could be inserted to read "To maximise the efficiency of the recovery of oil and gas ..."

The second objective might be better to emphasise that decommissioning

plans are included and agreed from the outset to ensure that the infrastructure is designed to accommodate decommissioning rather than being considered only “when resources decline.”

Under the first Marine Planning Policy SEPA suggests that the operator should have to “demonstrate” that they have taken on board environmental risk, rather than “consider.” The operators would “demonstrate” that they have prevented/minimised the environmental risks. The section on climate change (page 75) focuses on the impacts of climate change on oil and gas installations. This could be extended to include a general policy for such installations to minimise greenhouse emissions arising from their own operation.

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

No comments from SEPA

Carbon Capture & Storage (CCS)

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

SEPA would suggest that the information in this section needs to be more positive and concrete, and that care is required when including time sensitive information as this can quickly go out of date and lead to difficulties in planning and managing a sector.

In particular, in relation to climate change we agree with the benefits from CCS. However the use of CCS to augment oil and gas recovery from existing fields should take into account the resultant additional carbon made available from such an operation.

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

No comments from SEPA.

Offshore Renewable Energy

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

No comments from SEPA.

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

Given The Crown Estate's (TCE) concurrent work on the establishment of an Offshore Wind Test and Demonstration Programme and also ones for Wave and Tidal SEPA believes it would be useful to explain the relationship between the Sectoral Plans and TCE's Test and Demonstration work. Clarification of the relationship between the TCE and both the proposed National Marine Planning and the marine licensing processes in Scotland would be of benefit.

Marine renewables have the potential to contribute to decarbonisation of Scotland's energy. Installations should be subject to carbon assessment, comparable to the process applied to large onshore wind farms to improve decision-making and minimise the carbon costs of such developments. This could be added to policy Renewables 11 (page 94).

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

As mentioned in Q24 above, policy renewables 11 (or an additional policy) should include the need for installations to undertake carbon assessment using a process comparable to that applied to large onshore wind farms.

Recreation and Tourism

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

We welcome mention of the importance of our generally high quality marine environment for recreation and tourism. Whilst the list produced on page 97 will never be comprehensive, SEPA suggests that bathing waters might be included. Bathing waters have their own regulatory regime, underpinned by the revised Bathing Waters Directive (and transposed into Scottish law via the Bathing Waters (Scotland) Regulations 2008)

The reference to the climate-related impacts is welcomed (page 101). There could also be a reference to the likely emissions resulting from marine-based tourism, for example from the use of cars to access sites and facilities.

There is an increasing frequency of visits by large cruise vessels to Scottish ports. For example, Inverclyde Now^[1] reported 40 visits in 2013 (to 28 September) by ships up to 150,000 tonnes and 10 of the visits by ships in excess of 100,000 tonnes. A similar situation was reported at Lerwick in 2012^[2], with 50 ships visiting in the year, over the Spring-Autumn period. This could be addressed in terms of tourism policy as well as transport.

^[1] Inverclyde Now web page *Cruise ships visiting Greenock – 2013* viewed on 30 October 2013 at <http://www.inverclydenow.com/sp/8031-cruise-ships-visiting-greenock-2013>

^[2] Lerwick viewed on 30 October 2013 at <http://www.lerwick-harbour.co.uk/assets/files/cruiselist2012.pdf>

Emissions of greenhouse gases (ghg) and particulates from large ships raises specific issue in ports, where use of heavy fuel oil to provide power for ships in ports increases risk of raising pollution levels in major urban areas like Greenock and raising levels in areas of good air quality – e.g. Orkney and Shetland. The impacts of increased cruise ship tourism should be considered against ghg emissions and air pollution. These comments have also been made in the response to the Sustainability Appraisal.

Specifically, emissions from cruise ships should be considered along with those from 'visitors travelling by private car' (page 74, par 5.6.14 in 'Recreation and Tourism').

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

A planning policy in relation to the adherence to the requirements of the Bathing Water legislation.

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 comments from SEPA.

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

The sections on objectives (page 105) and climate change (page 113) make reference to availability of shore-based electricity and this is welcomed.

As mentioned in Q26 in relation to recreation and tourism, emissions of ghg and particulates from large ships raises specific issue in ports, where use of heavy fuel oil to provide power for ships in port increases risk of raising pollution levels in major urban areas like Greenock and raising levels in areas of good air quality – e.g. Orkney and Shetland. The impacts of increased cruise ship tourism should be considered against greenhouse gas emissions and air pollution.

With reference to the Future (page 115) please note that a study by Highland Council revealed that increased storminess has already affected the numbers of ferry crossings to the Scottish Islands. With projections suggesting that extreme weather events will increase in frequency and severity, this will pose an issue of accessibility to and between the islands and a need for more resilient transport infrastructure.

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

No comments from SEPA.

Telecommunication Cables

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

Telecommunications infrastructure makes an increasingly important contribution to Scotland's economy and society. As climate change is projected to result in an increase in the frequency and severity of extreme weather events such infrastructure will require to become more resilient. This should be an additional consideration in this discussion of climate change.

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

No comments from SEPA.

Defence

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

This section should also include reference to the Ministry of Defence having a responsibility to minimise greenhouse gas emissions from installations in Scotland (see climate change in page 125).

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

No comments from SEPA.

Aggregates

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

No comments from SEPA.

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

No comments from SEPA.

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 comments from SEPA.

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 comments from SEPA.

Sustainability Appraisal

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

SEPA has commented separately on the Sustainability Appraisal.