

# Pilot Pentland Firth & Orkney Waters Marine Spatial Plan

## Consultation Analysis and Modifications Report

March 2016

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March 2016

Report prepared by the Pilot Pentland Firth and Orkney  
Waters Working Group:



marinescotland



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## **EXECUTIVE SUMMARY**

This report presents an analysis of the responses received from a consultation on a draft pilot Pentland Firth and Orkney Waters Marine Spatial Plan (the Plan) and associated documents. The report also lists modifications and changes suggested by the consultation responses and the working group response and action taken. The purpose of this format is to provide a clear link between the responses received and the changes made to the Plan.

The report begins with an outline of the number of responses received and which stakeholder groups were represented. This is followed by an overview of the comments received in relation to specific questions on the approach taken to develop the Plan and the responses received to a question asking for any other comments. This section contains a table of the key points and a response from the working group on the action taken and the lessons learned for future regional marine plans.

The comments received for Sections 1, 2 and 3 of the Plan and each of the General and Sectoral policies are dealt with individually. A standard format is followed by providing a brief analysis of the responses received, outlining the main themes of the comments and a table of suggested modifications and the action taken by the working group in response to these suggestions. A similar format is used for the question relating to future development of Regional Marine Plans.

The responses relating to the supporting documentation from the consultation are dealt with in a different manner. Many of the comments received on the Sustainability Appraisal and the Socio-Economic Baseline Review will be considered in the Strategic Environmental Statement (SEA) Post Adoption Statement that will be published with the final Plan, so a brief overview is given here to avoid repetition of information between documents. The Regional Locational Guidance has been updated on the basis of comments received and the main changes are provided in a table. The Business Regulatory Impact Assessment and Equality Impact Assessment will be updated as necessary and published with the final Plan.

## **ACKNOWLEDGMENTS**

The development of the pilot Pentland Firth and Orkney Waters Marine Spatial Plan has benefited greatly from input from a wide range of people. The working group of Marine Scotland, Highland Council and Orkney Islands Council have been supported by their organisations to carry out this work. They are very grateful for the input and support they have had from a very wide range of external and internal stakeholders on both a formal and informal basis throughout the time it has taken to develop the Plan. The working group would also like to thank the advisory group who provided useful advice and comment throughout the process. All this input has been invaluable in helping develop the Plan.

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# 1. Introduction

## 1.1 Background

- 1.1.1 A pilot Pentland Firth and Orkney Waters (PFW) Marine Spatial Plan (MSP) (the Plan) has been developed by a working group consisting of Marine Scotland, the Highland Council and Orkney Islands Council. The working group have been developing the Plan since April 2012.
- 1.1.2 The working group published a Plan Scheme<sup>1</sup> in November 2012, this outlined the process of developing the marine spatial plan and indicated when there would be opportunities for public consultation.
- 1.1.3 In July 2013 the working group published two documents, a Planning Issues and Options Consultation Paper (PIOP)<sup>2</sup> and a draft Environmental Report (ER)<sup>3</sup>. The PIOP had a similar purpose to the terrestrial equivalent of a Main Issues Report and aimed to facilitate stakeholder and community consultation by seeking views on what form the marine spatial plan should take.
- 1.1.4 There was a public consultation on these documents in July 2013 and a Consultation Analysis<sup>4</sup> and Report<sup>5</sup> were produced.
- 1.1.5 The results from the public consultation were used by the working group to draft the marine spatial plan and the supporting documents. The Plan went out for consultation in June 2015 along with several supporting documents i.e. a Sustainability Appraisal, Regional Locational Guidance, Socio-Economic baseline review, a partial Business and Regulatory Impact Assessment and an Equality Impact Assessment Record. These are all available on the Scottish Government Consultation Hub<sup>6</sup>.
- 1.1.6 The public consultation allowed respondents to comment on each of the draft policies contained within the Plan as well as provide comment on the process of developing a Plan. This Consultation Analysis and Modifications

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<sup>1</sup> Pilot Pentland Firth and Orkney Waters Marine Spatial Plan. The Plan Scheme 2012.

<http://www.gov.scot/Publications/2012/11/4241>

<sup>2</sup> Pilot Pentland Firth and Orkney Waters Marine Spatial Plan. Planning Issues and Options Consultation Paper.

<http://www.gov.scot/Publications/2013/06/9672>

<sup>3</sup> Pilot Pentland Firth and Orkney Waters Marine Spatial Plan. Draft Environmental Report.

<http://www.gov.scot/Publications/2013/06/3988>

<sup>4</sup> Pilot Pentland Firth and Orkney Waters Marine Spatial Plan. Consultation Analysis November 2013.

<http://www.gov.scot/Publications/2013/12/6618>

<sup>5</sup> Pilot Pentland Firth and Orkney Waters Marine Spatial Plan. Consultation Report April 2014.

<http://www.gov.scot/Publications/2014/04/5576>

<sup>6</sup> Scottish Government Consultation Hub.

<https://consult.scotland.gov.uk/marine-scotland/pfowmarinespatialplan>

(CAM) Report provides an analysis of the responses and how they have been taken into account in the final Plan.

## 1.2 Consultation

- 1.2.1 In accordance with the Environmental Assessment (Scotland) Act 2005: Section 16(2) Environmental Report, the consultation was advertised in the print media (The Orcadian, John O’Groat Journal and the Caithness Courier) in June 2015. A4 inserts with information on the consultation and events were also placed into The Orcadian and John O’Groat Journal in the week prior to the public events.
- 1.2.2 In addition, information regarding the consultation was sent to a list of >250 stakeholders with an interest in this work (Annex 1) and highlighted on the webpages of each of the working group members. Each organisation also used social media and blogs to raise awareness of the consultation and associated events. Posters were put up in the local area and sent out via the council networks. Orkney Islands Council and the Highland Council each issued a press release. An e-mail was sent out to fishermen via the regular Scottish Government marine licence variations update and information regarding the consultation was placed in local fisheries offices.
- 1.2.3 The consultation included three public events in Stromness, Thurso and Durness. These took the form of a drop in session during the day and an evening session with a presentation and a question and answer session.

## 1.3 Analysis Method

- 1.3.1 The analysis of the responses has been carried out using a combination of analysis via the Scottish Government Consultation Hub and following the Scottish Government’s Good Practice Guidance. The guidance ensures that the responses are analysed objectively and accurately, and that the reporting of the findings is accessible and transparent.
- 1.3.2 The analysis has been undertaken by members of the working group.

## 1.4 Report Structure

- 1.4.1 The report is divided into sections that reflect the main structure of the Plan and is divided up in the following way:
- A description of the documents that were part of the consultation and an analysis of the responses in terms of the number of respondents, who the respondents represented and their geographic distribution.
  - An overview and analysis of the comments received in relation to the format and layout of the consultation documents.

- The comments received in relation to each section of the Plan are then dealt with in turn i.e. Section 1, Section 2 and on so. Within Sections 4 and 5, the comments received for each policy are considered as a separate item.
- This is followed by an analysis of the comments received in response to the questions contained in the consultation questionnaire on the future development of regional marine plans.
- The next part of the report contains the analysis of the comments received with regard to the supporting documents that formed part of the consultation.
- The report concludes with a summary of the discussions at the consultation events.

## 1.5 Report Availability and Distribution

1.5.1 The report has been compiled in line with best practice and the analysis has been made available to maximise the transparency of the decision making process.

1.5.2 The report will be made available on the Scottish Government's Consultation Hub<sup>7</sup> and consultations website<sup>8</sup>. The reports will also be uploaded to the pilot Pentland Firth and Orkney Waters Marine Spatial Plan website<sup>9</sup>. An update will be sent to the stakeholder distribution list.

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<sup>7</sup> Scottish Government Consultation Hub.

<https://consult.scotland.gov.uk/marine-scotland/pfowmarinespatialplan>

<sup>8</sup> Scottish Government Consultations.

<http://www.gov.scot/Consultations/Closed/Q/page/1?rowId=1832#conRow1832>

<sup>9</sup> Pilot Pentland Firth and Orkney Waters Marine Spatial Plan website.

<http://www.gov.scot/Topics/marine/seamanagement/regional/activity/pentlandorkney>

## 2. Responses to Consultation Documents

### 2.1 Background

2.1.1 The consultation consisted of the following documents:

- Consultation Draft Pilot Pentland Firth and Orkney Waters Marine Spatial Plan  
<http://www.gov.scot/Publications/2015/06/3393>
- Sustainability Appraisal (incorporating a Strategic Environmental Assessment (SEA)), a Socio-Economic Assessment and work undertaken to meet obligations under the European Commission (EC) Habitats Regulations Appraisal (HRA).  
<http://www.gov.scot/Publications/2015/06/8421>
- Socio-Economic Baseline Review  
<http://www.gov.scot/Publications/2015/06/9524>
- Regional Locational Guidance  
<http://www.gov.scot/Publications/2015/06/3335>
- Partial Business and Regulatory Impact Assessment  
<http://www.gov.scot/Publications/2015/06/1373>
- Equality Impact Assessment Record  
<http://www.gov.scot/Publications/2015/06/3315>

2.1.2 These reports were published on the Scottish Government website<sup>10</sup> and Consultation Hub<sup>11</sup> on 15 June 2015 with responses requested by 6 September 2015.

2.1.3 The public consultation events were held on 6 July in Stromness, 7 July in Thurso and 9 July in Durness.

### 2.2 Number of Responses

2.2.1 A total of 31 responses were received, these included 28 that had comments specifically in relation to the Plan and three from the Consultation Authorities (Scottish Natural Heritage (SNH), Scottish Environment Protection Agency (SEPA) and Historic Environment Scotland (HES)) that were specifically in relation to the Sustainability Appraisal. For

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<sup>10</sup> Scottish Government Consultations.

<http://www.gov.scot/Consultations/Closed/Q/page/1?rowId=1832#conRow1832>

<sup>11</sup> Scottish Government Consultation Hub.

<https://consult.scotland.gov.uk/marine-scotland/pfowmarinespatialplan>

the purposes of this analysis the 28 responses received in relation to the Plan will be discussed first and the responses received in relation to the Sustainability Appraisal discussed in Section 38.

- 2.2.2 Each response received was read in detail and given due consideration. All respondents gave permission to publish their responses and this was done via the Consultation Hub<sup>12</sup>.

## 2.3 Respondent Classification

- 2.3.1 Each respondent to the consultation was assigned to one of six broad stakeholder groups and then subdivided (where necessary) to a further sub-group to allow a detailed analysis of their responses. Table 2.1 shows the six groups and 14 sub-groups used in the consultation analysis and the number of responses received against the broad stakeholder category and for each sub-group within that.

**Table 2.1 Definitions of stakeholder categories and responses received.**

Broad Stakeholder Group	Total responses received	Detailed Stakeholder Sub-Group	Responses received by category
Public sector	9	Local Authority	1
		SEA Consultation Authorities	2
		Other public bodies	6
Commercial	6	Marina	1
		Renewable Energy	2
		Energy	1
		Fisheries	1
		Other commercial bodies	1
Individual	4	Individual	4
Fisheries and Aquaculture	3	Fishermen's Association	3
Recreation	3	Canoeing	1
		Yachting	2
Non-Governmental Organisation	3	Environmental Group	2
		Planning	1
<b>Total</b>	<b>28</b>		<b>28</b>

<sup>12</sup> Scottish Government Consultation Hub.  
<https://consult.scotland.gov.uk/marine-scotland/pfowmarinespatialplan>

- 2.3.2 It can be seen that most responses were received from the public sector and the commercial sector (9 and 6 responses respectively) with individuals having 4 responses and the remaining sectors being made up by responses from the recreation sector, non-governmental organisations and the fisheries and aquaculture sector with 3 responses each.
- 2.3.3 For some groups the responses came from a wider range of stakeholders as shown by the sub-group counts e.g. the commercial sector had five sub-groups whereas all the fisheries and aquaculture sector responses were received from fishermen’s associations representing the industry as a whole.
- 2.3.4 For the remainder of this report the ‘fisheries and aquaculture’ group will be referred to as ‘fisheries’ where comments are in relation to commercial sea fisheries or relevant to both industries, with specific aquaculture comments i.e. those in relation to the keeping of fish or shellfish, highlighted where necessary.

## 2.4 Geographical Distribution of Respondents

- 2.4.1 The geographical distribution of the respondents is shown in Table 2.2. There were 4 responses each for Orkney and Caithness and Sutherland but the majority of the responses (16 of 28 responses) were received from organisations that had a Scotland-wide remit. One response was received from a company based in Ireland but with a commercial interest in renewable energy development in Scotland.

**Table 2.2 Geographical origin of responses received.**

Geographical origin	Responses received
Orkney	4
Caithness and Sutherland	4
Highland	1
Scotland-wide	16
Shetland	1
UK	1
Ireland	1
<b>Total</b>	<b>28</b>

## 2.5 Analysis of Responses

- 2.5.1 The consultation consisted of a total of 55 questions<sup>13</sup>, the majority of which were asking for comments on specific parts of the Plan or supporting documents. There were also questions where respondents could comment on the marine planning process more generally.

<sup>13</sup> Respondent Information Form – Consultation Questionnaire.  
<http://www.gov.scot/Publications/2015/06/3393/downloads>

- 2.5.2 Respondents were asked to complete an online survey on the Scottish Government Consultation Hub. The majority of the respondents choose not to do this and either submitted their responses by e-mail using an electronic copy of the questionnaire or by sending a letter.
- 2.5.3 When responses were sent by e-mail or letter the responses were uploaded manually to the Consultation Hub by Marine Scotland staff. Where it was not clear which question the response referred to the comments were noted in an 'any other comments' box and were read and used to inform this Consultation Analysis and Modifications Report.
- 2.5.4 For the purposes of the analysis outlined below only responses that provided comment or text were discussed, those that did not supply text or provided text such as 'no comment' or 'no' to a question were included in the counts of responses for each question but not considered further.
- 2.5.5 The remainder of this report follows the structure of the consultation draft of the Plan and outlines the responses received for each section or policy. In each section the main themes from the responses are discussed and a table that has modifications suggested by respondents and the working group response is included as a summary for each section. Sections containing the analysis of the supporting documents are also included and a similar format followed.
- 2.5.6 The tables of suggested modifications has been used to update the Plan. Where the working group themselves have identified a change or correction that was needed these are included in the relevant modifications table. Minor spelling corrections and formatting changes are not included in these tables.
- 2.5.7 Where a paragraph number is used to refer to specific text the number from the consultation draft is used and, if the number has changed during the updates of the Plan, the new paragraph number is contained in brackets.
- 2.5.8 The text for the suggested modifications has, in most cases, been copied directly from the response but on other occasions similar comments have been combined into one suggestion and in other cases the comments have been edited for clarity or brevity.



### 3. Overview of comments received

#### 3.1 Approach to the Plan

3.1.1 Comments received on the approach taken by the working group to developing the Plan were mostly in response to the question ‘Do you have any further comments about the approach to the marine planning process?’.

#### 3.2 Summary of responses received on the approach to the marine planning process.

Stakeholder	Count
Commercial	2
Fisheries and aquaculture	2
Individual	1
Non-governmental organisation	0
Public sector	6
Recreation	2
<b>TOTAL</b>	<b>13</b>

3.2.1 Some respondents provided comments on the approach to the Plan in covering letters and in response to other questions. These responses have been taken into account in this overview.

3.2.2 Overall, the respondents welcomed the Plan and the approach taken by the working group. Respondents comments included ‘overall an excellent MSP’, a ‘ sound attempt to put a huge amount of complex information into a useable format’ and ‘the authors should be commended for the level of detail and broad context provided within the Plan’.

3.2.3 Other respondents commented they welcomed the opportunities to be involved in the development of the Plan.

3.2.4 Although broadly welcomed by the majority of those who commented the respondents also provided feedback on how the process could be improved. The overall tone of the comments was that the Plan was a very good start and will form a good basis for the statutory Regional Marine Plans but some respondents felt there were further improvements that could be made and these are outlined in Table 3.1 below.

### 3.3 Layout of Plan

- 3.3.1 A specific question was asked about the layout of the Plan ‘Are there any changes to the overall layout of the Plan and/or presentation of information within it which would increase its usefulness to your organisation or business?’.

### 3.4 Summary of responses received on the layout of the Plan.

Stakeholder	Count
Commercial	2
Fisheries and aquaculture	3
Individual	1
Non-governmental organisation	1
Public sector	6
Recreation	2
<b>TOTAL</b>	<b>15</b>

- 3.4.1 Although some respondents who provided comment noted that the layout of the Plan was consistent and easy to follow and the hard copy well laid out and accessible others felt a different approach could have been taken.
- 3.4.2 Some respondents suggested following the approach that had been taken by the Shetland Marine Spatial Plan where the ‘Clean and Safe’ and ‘Healthy and Diverse’ policies needed to be adhered to first before considering the relevant ‘Productive’ policy.

### 3.5 Length of the Plan

- 3.5.1 There were many comments in relation to the length of the Plan with many respondents acknowledging the Plan contained a lot of information but noting that there were ways in which it could be presented differently in order to be more concise.
- 3.5.2 The suggestions included placing information in a Lessons Learned report, removing the Information Boxes, shortening the Further Reading section to a list of Key References, streamlining the background information in the How to use the Plan section and making Section 3 an appendix.
- 3.5.3 One respondent noted that Section 2 provided useful information on regulations and legislation but for future regional marine plans it may be more useful to have this as a stand-alone guidance document. The suggestion was that this could be an addendum to the National Marine Plan. This would be more efficient and reduce the potential for errors.

### 3.6 Spatial information within the Plan

- 3.6.1 The general theme in relation to the spatial information within the Plan was that it was not sufficient. Some respondents felt there should have been a much more regional approach and that the spatial data should have been presented in a manner that could guide potential developers and streamline the planning process.
- 3.6.2 One respondent noted that the Plan should have contained a constraints mapping, or equivalent, component.
- 3.6.3 One respondent noted that the spatial data as presented did not add significant user value to the policy framework already provided by the National Marine Plan and other instruments.

### 3.7 Policy information within the Plan

- 3.7.1 Some respondents felt the text in relation to the policies should be more concise (one gave the example of the General Policies within the National Marine Plan). Another respondent felt that to someone with an interest in a specific sector the layout would enable them to find the policies relevant to them.
- 3.7.2 Another respondent noted there was not enough detail contained within the policies and would not provide adequate guidance for developers and decision makers.
- 3.7.3 One respondent felt the policies should have had more of a focus on particular issues relevant to the area. They suggested this could be guided by the issues that emerge during the stakeholder engagement phase of the Plan process rather than following the policies contained within the National Marine Plan.
- 3.7.4 Some respondents raised concerns about duplication of effort and potential confusion and also the potential burden of updating and working within multiple tiers of planning policy.

### 3.8 Membership of working group and advisory group

- 3.8.1 A specific question was asked 'Do you have any comments on the membership of the Plan Working Group and/or Advisory Group that could be addressed through future Marine Planning Partnerships?'

### 3.9 Summary of responses received on membership of the working group and advisory group.

Stakeholder	Count
Commercial	2
Fisheries and aquaculture	3
Individual	1
Non-governmental organisation	1
Public sector	6
Recreation	2
<b>TOTAL</b>	<b>15</b>

- 3.9.1 One respondent noted that they welcomed the strong links between members of the working group and local land-use planners. The same respondent noted that they hoped future regional marine plans would be led by local stakeholders.
- 3.9.2 In terms of the advisory group there were comments that it was important that a wide variety of interests were represented and that it should be kept to a small size and managed in such a way that stakeholders with a larger representation should not be allowed to dominate.
- 3.9.3 Two fisheries stakeholders made the point that their interests were not represented on the advisory group for this Plan. One also raised the issue of potential conflicts of interest within the advisory group e.g. Orkney Islands Council (a member of the advisory group) operates arms-length companies. The other stakeholder noted that although the fishing industry had been consulted during the drafting of the Plan they felt that any advisory group should have had fisheries representatives as members.
- 3.9.4 The same stakeholder also noted that the National Marine Plan states that inshore fishing interests should be represented by Inshore Fisheries Groups in Marine Planning Partnerships and that their management plans will inform and reflect the regional plan. They felt this was not accurately reflected in the Plan.

### 3.10 Other comments

- 3.10.1 It was noted that the collaborative work between Marine Scotland, Orkney Islands Council and the Highland Council was a very positive aspect of this pilot process.
- 3.10.2 It was noted by one stakeholder that there had been a ‘An honest attempt to include stakeholders has been made and this is to be welcomed..’. Another stakeholder noted the work done to pull together information and engage with regional stakeholders will be of real benefit to the development of future regional marine plans.

- 3.10.3 One respondent noted that they did not feel the Plan will contribute towards achieving sustainable management of the PFOW region's marine environment. Another respondent felt it would be difficult to support the adoption of the Plan as supplementary guidance or as the basis of the Orkney and North Coast regional marine plans.
- 3.10.4 One respondent felt the Plan should more strongly reflect strategic/forward thinking in the planning process and provide a 'call to action' that informs activity management not subject to marine licensing. In relation to this they noted that setting out key actions (similar to the Action Programmes of the terrestrial planning process) would help the regional marine plans drive progress beyond current statutory regulatory requirements or contribute to the management of activities that do not currently require spatially specific consent.
- 3.10.5 The same respondent noted the 'issues' stage had been very useful and provided comment on how e.g. phrasing of the questions at this stage, could improve the process. It was also noted that a Coastal Issues Report (CIR) could contain information on the key coastal issues in a region and could help ensure consistency with terrestrial plans. The respondent suggested the spatial limits of a CIR are defined by relevant issues rather than an arbitrary distance from the sea.
- 3.10.6 One respondent noted that the environmental assessment of the Plan does not recognise that the Sectoral Marine Plans and their Habitats Regulations Appraisal (HRA) are still in draft. This respondent felt that there exists a technical omission regarding the Plan's HRA. It relies on the fact the Sectoral Plans have already been assessed, when in fact they haven't. Unless the Sectoral Marine Plans and their HRA are finalised, then the Plan will require an Appropriate Assessment.

### 3.11 Summary of comments

- 3.11.1 The comments received on the process of developing the Plan and on the Plan itself suggested ways in which the work could have been carried out differently and, in some cases, provided suggestions for changes that could be made before finalising the Plan.
- 3.11.2 The working group have considered the comments received and took them into consideration during the finalisation of the Plan. The key changes are outlined in the table below.

**Table 3.1 Table of key points and working group response**

No.	Key point made	Action taken	Lesson Learned
1	The layout of the Plan was felt to be consistent and easy to follow although some respondents suggested ways in which it could be improved.	The working group note the comments but feel that to change the layout at this stage would create confusion.	It will be noted that a more streamlined approach would be welcome. The Shetland Marine Spatial Plan approach could be considered for future Regional Marine Plans.
2	The length of the Plan was considered to be too long and there were many suggestions as to how this could be shortened.	The working group note the concerns but felt for a pilot process it was important to provide information for people who may not necessarily be aware of e.g. the legislative requirements.	Future regional marine plans could use some of the suggestions e.g. a stand alone document for the legislative requirements.
3	Spatial information within the Plan was considered to be insufficient.	Whilst it is acknowledged that there is no 'constraints' mapping within the Plan this was owing to a lack of resources to carry out this work. National Marine Planning interactive is a very useful and up to date tool that provides a lot of extra data and the Plan highlights this tool.	Future regional marine planning will need to consider methods to map constraints.
4	Policy information within the Plan was considered to duplicate existing legislation and some respondents felt the policies did not have to mirror the National Marine Plan.	The purpose of the Plan is to provide a framework of everything that would be necessary to be considered for potential developments. Consistency with the National Marine Plan was felt to be important as the marine planning process is new and both plans were	It is likely as regional marine planning develops there will be opportunities to streamline the policies used.

No.	Key point made	Action taken	Lesson Learned
		being drafted in parallel.	
5	It was noted that any advisory group should be kept small but also represent a range of interests. Two fisheries stakeholders voiced their concern that their interests were not represented on the PFOW advisory group.	The advisory group was deliberately kept small and were chosen to represent organisations with an interest in the protection and enhancement of the region, the use of the region for recreational purposes and the use of the region for commercial purposes as outlined in the Marine (Scotland) Act 2010.	Marine Planning Partnerships are in the process of being developed and will likely be different for each region. However, the core group will likely involve Local Authorities and fishing interests should be represented by Inshore Fisheries Groups, or equivalent, whose management plans will inform and reflect the regional plan.
6	It was noted that the collaborative working between Marine Scotland, Orkney Islands Council and Highland Council worked well and would benefit future work.	This set up worked very well and although it is likely each Marine Planning Partnership will be set up differently the lessons learned by the working group during this process will be useful.	This will be included in the Lessons Learned report.
7	Regional stakeholder engagement was felt to have worked well.	Agreed, although this aspect of the work is very resource intensive and this should be factored into any future Marine Planning Partnerships.	This will be included in the Lessons Learned report.
8	The 'issues' stage was felt to have been a success although there were suggestions for how it could be improved.	Agree, this stage was very useful and there is potential to make it more efficient and set up in a way that will generate useful debate.	This will be included in the Lessons Learned report.
9	It was felt the Plan could have a more strategic approach and a 'call to action' that informs activity not subject to	This was beyond the scope of the resources of this Plan.	This will be included in the Lessons Learned report.

No.	Key point made	Action taken	Lesson Learned
	marine licensing.		
10	It was also noted that a Coastal Issues Report (CIR) could contain information on the key coastal issues in a region and could help ensure consistency with terrestrial plans.	This was beyond the scope of the resources of this Plan.	This will be included in the Lessons Learned report.
11	One respondent noted that the environmental assessment of the Plan does not recognise that the Sectoral Marine Plans and their Habitats Regulations Appraisal (HRA) are still in draft.	The Sectoral Marine Plans and their associated HRA are in the process of being finalised and the Plan text will provide a link to the webpage where they will be published.	Future regional marine planning will need to ensure related work being drafted in parallel is used to inform the development of the regional plans.



## 4. Section 1: Introduction and Plan Vision

### 4.1 Summary of responses received

Stakeholder	Count
Commercial	3
Fisheries and aquaculture	3
Individual	1
Non-governmental organisation	3
Public sector	7
Recreation	2
<b>TOTAL</b>	<b>19</b>

### 4.2 Main themes

- 4.2.1 The respondents were in broad agreement with the information regarding the Plan Vision, Guiding Principles, Aims and Objectives although some provided specific comments where they felt the text could be made more clear or should include extra detail. One respondent noted that the purposes of the Plan were clearly stated and appropriate to the function of marine spatial planning. Another commented that the stages undertaken to prepare the Plan have been well considered and noted the need to ensure the lessons learned from the process are fully considered.
- 4.2.2 Two respondents commented on the spatial diagram with one welcoming its inclusion and the other stating it was overly complicated and difficult to read.
- 4.2.3 One respondent noted that the interactions matrix that had been used in the Planning Issues and Options Consultation Paper was not included. They commented that they felt a matrix approach could be useful as a starting point for exploring negative and positive interactions at more specific locations within the wider marine region.
- 4.2.4 Two aquaculture stakeholders commented that the commitment to ‘using sound science responsibly’ should be stated more clearly. Two other respondents made a similar point to highlight they felt the ecosystem approach needed to be more clearly defined and the principle more embedded into the framework of the policies.
- 4.2.5 One respondent requested more clarity on whether the Plan will be treated as planning policy advice or as supplementary guidance. The same respondent noted it would be useful to know how the Plan will guide non-regulated activities and how some of the objectives will be measured. This respondent also felt the membership of the advisory group was too narrow and could have included local policy and planning representation.

- 4.2.6 A representative of the aquaculture industry noted it was not clear what mechanisms had been put in place to ensure the Plan does not become outdated, inconsistent and/or duplicate other marine or coastal guidance.
- 4.2.7 A fisheries respondent provided extensive comments on this section of the Plan. The key points are listed in Table 4.1 below.
- 4.2.8 A further fisheries respondent noted that Objective 8 should recognise that the quality of life in many island communities is dependent on the positive effects of a local fishing industry. The same respondent welcomed that the Plan acknowledged the need to take into account the UK Marine Policy Statement and the National Marine Plan but felt Clause 2.2.1 from the UK Marine Policy Statement was not strongly enough transposed into the draft Plan.

**Table 4.1 Section 1 Introduction and Plan Vision - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
12	The Spatial Diagram on page 8 identifies “RYA Cruising Lanes”. This data is not correctly represented and referenced in accordance with the licence issued to Marine Scotland.	The RYA Cruising Lanes data and reference in the Spatial Diagram have been updated.	For accuracy as advised by the Royal Yachting Association.
13	Insert ‘recreation’ into Paragraph 19	PARAGRAPH 19 (now 20): The word ‘recreation’ has been inserted.	To acknowledge the importance of recreation in the Plan area.
14	Change the Definition of Ecosystem Approach to: A strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way.	GLOSSARY: The National Marine Plan definition of the Ecosystems Approach has been inserted into the Plan glossary: ‘An ecosystem-based approach to the management of human activities means an approach which ensures the collective pressure of human activities is kept within the levels compatible with the achievement of good environmental status; that does not compromise the capacity of marine ecosystems to respond to human induced changes; and that enables the sustainable use of marine goods and services’.	To provide consistency with National Marine Plan and an appropriate link to the Marine Strategy Framework Directive.
15	Suggest that “by adopting and adapting the RYA/Marine Federation Green Blue scheme” be added to Objective 7: Promote an ecosystem based approach to the management of human activities to support the achievement of Good Environmental	None.	Objective 7 applies to all sectors and is not intended to be specific to boating.

No.	Suggested modification	Action taken	Reason
	Status of marine and coastal waters under Marine Strategy Framework Directive.		
16	Spatial Diagram The RYA Cruising routes are only indicative and will vary considerably due to tide and wind. The Amendment Fig 8.11 Shipping Study of the PFOW Halcrow/Anatec Nov 2012 Rev 4 will give a better picture.	None.	A reference to the Shipping Study is provided, along with links to other regional information, in paragraph 427 (now 432).
17	Purpose  We suggest that in order to align better with the objectives of the plan on page 6, the second bullet in paragraph 3 is worded “to promote an ecosystems approach to the regulation, management and use of the area to which the plan applies”.	None.	The wording to ‘inform and guide’ in this bullet point is considered appropriate.
18	Para. 5 – It would be helpful to know when and how the process will be reviewed. Will there be a specific “Lessons learnt” report?	None.	A Lessons Learned report will be produced.
19	The two principal documents the PPFOWMSP must comply with, if it was a statutory document, are the UK Marine Policy Statement and the National Marine Plan. While the ‘Vision’ for the PPFOWMSP, set out on Page 5, appears to be generally in accord with these documents, the	GENERAL POLICY 1A: Inserted an additional bullet point at the end of the first set of bullet points that states ‘Sound science has been used responsibly’.	To provide greater consistency between the policy criteria in General Policy 1A and the Plan definition of sustainable development in Information Box 1.

No.	Suggested modification	Action taken	Reason
	'Guiding Principles' lack one key element, namely, the commitment to 'using sound science responsibly'. This omission should be rectified.		
20	The ecosystem approach has been listed as one of the guiding principles – we welcome and support its inclusion but the plan has not adequately defined the approach or embedded the principle fully into the framework of the policies. Instead the Plan as it currently stands is influenced and appears to be driven by development and the need to ensure 'sustainable economic growth'.	None.	A Sustainable Development and Safeguarding the Marine Ecosystem Policy has been developed in the Plan.
21	It would be useful at this stage to know whether the PFOW MSP will be treated as planning policy advice or as supplementary guidance.	<p>Text deleted from final paragraph of Executive Summary and paragraph 35 (now 36) 'or as supplementary guidance to the Orkney Local Development Plan and the Highland-wide Local Development Plan, as revised'.</p> <p>PARAGRAPH 35 (now 36) and last sentence of EXECUTIVE SUMMARY: Amended sentence to 'Highland Council and Orkney Islands Council will be provided with the option to adopt the final pilot Marine Spatial Plan as non-statutory planning guidance, acknowledging the status of the Plan as a material consideration in the</p>	<p>To state the preferred status of the Plan as non-statutory planning guidance as opposed to Supplementary Guidance.</p> <p>To clarify the options for the adopted status of the Final Plan.</p>

No.	Suggested modification	Action taken	Reason
		determination of relevant planning applications. Orkney Islands Council will also be provided with the option to approve the Final Plan as a material consideration in the determination of works licence applications'.	
22	Page 7-9 discusses the marine environment and biodiversity protection and enhancement; however, there is no mention of the proposed SPA/MPA/SACs, or indeed maps to show them. Additional maps may well be useful at this point as this relates directly back to Paragraph 3 – the main purposes of the marine plan and the desire for 'enhancement of the health of the Plan area'.	None.	The nature conservation site maps in the Plan will identify the designated Marine Protected Areas and classified and/or proposed Special Protection Areas/Special Area of Conservation at the point at which the Plan is published.
23	Page 11 'Population and Human Health' only contains negative statements. It would be useful to include some positive wording here also such as up skilling, increased numbers of children in rural schools thus protecting them and potential for increased local amenities.	None.	Paragraph 20 (now 21) identifies key environmental pressures addressed as part of the Strategic Environmental Assessment.
24	Paragraph 32 mentions that the Plan is non-statutory; therefore, doesn't follow certain preparatory steps. As the Plan is being set out to inform upcoming statutory Plans then it would be useful	Note added to the key lessons on planning process in Lessons Learned report.	To inform upcoming statutory plans.

No.	Suggested modification	Action taken	Reason
	to set out the steps that have not been followed as part of this learning process.		
25	Paragraph 24 - note that the circular has now been finalised and published <a href="http://www.gov.scot/Publications/2015/06/5851">http://www.gov.scot/Publications/2015/06/5851</a> and is no longer draft, as referred to.	Reference to Draft Planning Circular in PARAGRAPH 24 (now 25), PARAGRAPH 271 (now 270), FOOTNOTES on page 13 and FURTHER INFORMATION on page 113: amended to 'Planning Circular 1/2015 The relationship between the statutory land use planning system and marine planning and licensing'. Changed weblink to: <a href="http://www.gov.scot/Publications/2015/06/5851/downloads">http://www.gov.scot/Publications/2015/06/5851/downloads</a>	To update reference to reflect the updated status of the Circular.
26	There needs to be a clear definition of sustainability.	None.	Definition of sustainable development provided in glossary with an expanded definition in Information Box 1.
27	It was pointed out that Sule Skerry and Sule Stack are not within territorial waters out to 12 miles.	None.	Sule Skerry and Sule Stack are within UK Territorial Waters and the Orkney Scottish Marine Region.
28	Constraints should include biological constraints e.g. spawning, hatching and juvenile areas.	Acknowledged data gaps will be noted in the Lessons Learned report.	Sectoral Policy 1 and associated supporting text acknowledges the importance of safeguarding juvenile and spawning stocks.
29	The Plan needs to take into account the three dimensional nature of the marine environment.	None.	The Plan acknowledges the challenge of considering the complex spatial requirements of each sector within a three-dimensional environment including the water surface, the water column and the seabed. The Plan aims

No.	Suggested modification	Action taken	Reason
			to address water surface, water column and seabed issues and the interactions between these factors.
30	The Plan should support productivity that benefits local communities first and before 'wider stakeholders' (Objective 1).	None.	The Plan takes a balanced approach to supporting long term productivity in the marine environment deriving local and wider benefits.
31	A much more comprehensive baseline of existing fishing activity is required before this Plan can properly inform new developers and this is a data gap the Government must fill.	None.	Lessons Learned report will note that the Scottish Government has undertaken a Scotland wide ScotMap project to provide baseline data of fishing activity and supported regional projects in the PFOW to provide real time fine scale information. There will be ongoing discussion with the fishing industry to improve and refine these data.
32	The Spatial Diagram on page 8 is overly complicated and difficult to read. As it serves only to highlight the high levels of activity within the PFOW region, we think it should be removed.	None.	The spatial diagram is considered an appropriate method for illustrating the complexity of use in the Plan area and was developed in response to stakeholder feedback received during the Planning Issues and Options consultation. All the data within the spatial diagram are contained within the Plan maps.
33	The quality of life in many island communities is dependent on the positive effects of a local fishing industry and that should be recognised in Objective 8 (page 6).	None.	Objective 8 is a high level objective that is not specific to fisheries but to all activities and sectors.



No.	Suggested modification	Action taken	Reason
34	Paragraph 70 should read Scottish Ministers not Scottish Government. Paragraph 73 Delete reference to non-statutory consultees. Paragraph 77 change references from MS-LOT to competent authorities.	PARAGRAPH 70: changed Scottish Government to Scottish Ministers.  PARAGRAPH 73: deleted reference to non-statutory consultees.  PARAGRAPH 77: changed references to MS-LOT to read 'competent authorities'.	Correction.

## 5. Section 2: How to Use the Plan

### 5.1 Summary of responses received

Stakeholder	Count
Commercial	3
Fisheries and aquaculture	2
Individual	1
Non-governmental organisation	2
Public sector	7
Recreation	1
<b>TOTAL</b>	<b>16</b>

### 5.2 Main themes

5.2.1 One of the key themes in responses to the question requesting comments on Section 2 was a request for more clarity regarding the status of the Plan and concerns that, as currently drafted, the text was unclear and appeared contradictory.

5.2.2 Two respondents sent in similar responses that stated some of the text in relation to fish farming/aquaculture were incorrect. Both provided detail regarding how the text could be clarified and corrected. They noted the importance of a clear definition of fish farming and aquaculture and that this should be consistent throughout the document.

5.2.3 There were several comments provided on ‘zoning’ of areas with most respondents acknowledging that a strict zoning approach was not likely to be useful but suggesting other ways in which this could be carried out. This included identifying ‘restricted areas’ ‘preferred areas’ or presumption for or against certain activities as a means of steering activities to the areas of least constraint. One respondent noted the need for clarification on how policy will relate to developments depending on whether they are inside or outside the Sectoral Plan Option Areas. This respondent also noted that although their opinion was that Plan Option area OWN1 is not likely to be suitable for development there were other locations within the PFOW that could be suitable for development and they raised concerns this would be in contravention of the Plan policy. A recreation stakeholder welcomed the approach of supporting co-existence and compatibility between users rather than zoning activities and felt early consultation could allow many activities to co-exist.

5.2.4 Two respondents (individual and fisheries) both raised concerns with how aquaculture planning is carried out in Orkney. One expressed the opinion that current guidance appears to be ignored and that consultation with regard to sailing interests only appears to take place after planning

permission has been given. The other respondent expressed the opinion that the consenting of aquaculture has been poorly discharged by Orkney Islands Council and that no appeals are available to objectors.

- 5.2.5 Two correspondents made suggestions regarding how this section could be streamlined and made more concise.

**Table 5.1 Section 2 How to use the Plan - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
35	<p>Paragraphs 33 – 37 appear to be somewhat at odds with each other. At paragraph 33 it states that the MSP aims to guide regulators, developers, etc when making decisions that have potential to affect the coastal and marine environments. However the following paragraph (34) states the MSP will be a material consideration in licensing/s36 determinations by MS-LOT. As any finalised PFOW MSP will not have any statutory basis under the Marine (Scotland) Act 2010, it is not clear how it can be a material consideration in marine licensing applications (which fall to determination under the 2010 Act) or s36 applications (which fall to determination under the 1989 Electricity Act or joint consideration under s35(1) of the 2010 Marine Act).</p> <p>There is perhaps a need to clarify paragraphs 33 – 37 to highlight that any finalised MSP can only be used to guide developers, regulators, etc. but that, in this regard, its use is to be greatly encouraged as a precursor to statutory Regional Marine Plans.</p>	<p>Paragraph 33-37 (now 34-38) will be updated to reflect the approved status of the Plan following consideration of the Final Plan by the appropriate Council committees and Scottish Ministers.</p>	<p>The Plan will, subject to approval by Scottish Ministers, be one of a number of material considerations in the determination of Marine Licence and section 36 applications and will therefore help guide decision making. A material consideration is not the same as making decisions in accordance with a statutory plan. The Final Plan will be updated appropriately once it has been considered by the Council committees and the Minister.</p>

No.	Suggested modification	Action taken	Reason
36	Paragraph 75: Delete 'for proceeding' from end of penultimate sentence.	Paragraph 75 (now 76): The phrase 'for proceeding' has been deleted.	To improve the clarity of the text.
37	Paragraph 39 indicates that each policy has equal weight. Further guidance should be given in order to prevent delays to decision making should policies be in conflict with each other for a specific application e.g. if some policies strongly support it, but others do not.	None.	A balanced approach to decision making will be taken on a case by case basis. In principle the policies in the Plan are afforded equal weight in decision making, though, where there is a statutory requirement, (e.g. for protected sites) these requirements will have to be satisfied whilst balancing this decision with other policy considerations.
38	Paragraph 43 states that data layers used in the plan will not be updated. Decision makers should use the most up to date information available in the consenting process. The RYA dataset is currently undergoing a significant update, and we would expect the most accurate data to be used. It would be useful if this section could indicate what should be done where more recent data is available, where policies link to out of date information.	<p>PARAGRAPH 42 (now 43): The word 'the' deleted from before the word 'each' in the first sentence.</p> <p>PARAGRAPH 43 (now 44): Paragraph text replaced with 'Data layers contained within the Plan area can be found in the 'North Coast and Orkney' section of the data layers control under 'Regions'. The data contained within the Pentland Firth and Orkney Waters Marine Spatial Plan folder are archived copies of the maps included in the Plan. As such these data will not be updated and represent the use of the Plan area at the time of publishing the Plan. Further supporting spatial information is located within this folder and the separate 'Orkney' and 'North</p>	<p>To correct a typographical error.</p> <p>To provide greater clarity regarding the use of spatial data.</p>

No.	Suggested modification	Action taken	Reason
		Coast' folders which will be updated as new data are identified or produced. For more information on how to use National Marine Plan interactive please use the in-system help menu'.	
39	The licensing and consents section (p.21) is useful. However it could be misleading as it contains a mixture of consents and assessments (e.g. EIA, HRA), and does not contain all the possible consents or assessments that might be required for a development, particularly on the coast. Consideration should be given to whether this section is removed or significantly revised.	None.	Paragraph 45 states that the list of licences and consents is not exhaustive. Assessments including Habitats Regulations Appraisal and Environmental Impact Assessment have been discussed in this section of the Plan in relation to licensing and consenting requirements.
40	We agree that identifying areas for the exclusive use of one kind of development/activity is not always a realistic prospect in the short term and may not be desirable in the long term. However, 'zoning' may also include 'softer' spatial approaches. Consequently, as the evidence base improves, future plans may find that identifying 'restricted areas', 'preferred areas' (or presumption for or against certain activities) may be a more effective means of steering activities to the right places than simply identifying constraints. Indeed the SEA of the	<p>PARAGRAPH 38 (now 39): Text in first sentence amended to 'zoning areas for exclusive use (i.e. identifying areas for the sole use of one type of development/activity) is not a realistic prospect in the short term'.</p> <p>PARAGRAPH 38 (now 39): The following sentence has been added to the end of paragraph 38 (now 39), 'Future marine plans may consider identifying areas for preferential use by specific sectors, as suggested by the National Marine Plan'.</p>	To clarify the spatial approach to the pilot Plan and suggest a potential spatial approach for future regional marine plans.

No.	Suggested modification	Action taken	Reason
	<p>plan (Annex C) suggests that such an approach may have more positive environmental effects than the proposed approach.</p> <p>It would be helpful therefore if an explanation of ‘zoning’ could be provided and that the text could be amended to make it clearer that other spatial-planning ‘tools’ weren’t being ruled out. We therefore suggest the following alternative for the third/forth line of paragraph 38: “exclusive-use zoning of activities (i.e. identifying areas for the sole use of one type of development/activity) is not a realistic prospect in the short term” and that the following sentence is added to the end of this paragraph 38. “Future marine plans may consider identifying areas for preferential use by specific sectors, as suggested by the National Marine Plan”</p>	<p>Alternative approach to spatial planning considered in the Lessons Learned report.</p>	
41	<p>Para. 46-79: It is very useful to have an explanation of all the regulations and licences/consents that apply to activities and development in the Scottish marine environment in one place, though it may be more appropriately placed in Section 3. However, in order to ensure that future</p>	<p>No modification to the Plan.</p> <p>Lessons Learned report should consider recommending that one piece of national guidance be produced outline the relevant authorisation and enforcement mechanisms associated with marine planning in Scotland.</p>	<p>It is considered appropriate that Section 2 How to Use the Plan contains a brief outline of the key licensing, consenting and associated assessment processes as these mechanisms are an essential implementation methods for the Plan objectives and policies.</p>

No.	Suggested modification	Action taken	Reason
	<p>RMPs can be as concise as possible, it might be better (and more efficient) if one piece of guidance could be produced to cover Scotland, (perhaps as an addendum to the NMP) so that there was no need for this information to be reproduced (with the risk of mistakes and inconsistencies) in every RMP. In addition, it would be easier to revise one document if there were changes in regulations, rather than a number of RMPs suddenly being out of date.</p>		
42	<p>Para. 47 - The final sentence is incorrect. Only fish farming in the marine area is regulated, under the Town and Country Planning (Scotland) Acts, by local planning authorities, and only out to 3 Nm (See Circular 1/2007 Planning Controls for Marine Fish Farming Annexe B Para. 6).</p>	<p>PARAGRAPH 47: Reference to 'aquaculture' changed to fish farming.</p>	<p>To align with Planning Acts.</p>
43	<p>The phrase "which is determined by local planning authorities" is not entirely correct given that, under the T&amp;CP(S) Acts, Scottish Ministers have a key role both in the development planning system (local development plans) and in development management (planning applications and appeals). Furthermore it is Scottish Ministers who issue Orders</p>	<p>PARAGRAPH 47: Replaced text 'and aquaculture development which is determined by local planning authorities' with 'and fish farm development which requires planning permission from local planning authorities'.</p>	<p>For accuracy.</p>



No.	Suggested modification	Action taken	Reason
	and Regulations implementing the provisions of the Acts.		
44	Para. 51. - The first sentence is incorrect and poorly written	PARAGRAPH 51: First sentence replaced with 'For fish farming development planning permission from local planning authorities is required (see paragraphs 64-66)'.	For accuracy.
45	Para. 63 - The term 'aquaculture' is used here where the term 'fish farming' would be more appropriate (see comments above).	PARAGRAPH 63: Reference to 'aquaculture' changed to 'fish farming'.	For accuracy.
46	Para. 64 - If, in using the term 'aquaculture', what is meant is 'fish farming' then why not be specific and say 'fish farming' (see comments above). The final sentence repeats what is said earlier in the paragraph and is therefore unnecessary.	<p>PARAGRAPH 64: Reference to aquaculture in the title at paragraph 64 has been changed to 'fish farming'.</p> <p>PARAGRAPH 65: New paragraph (now 66) inserted immediately after paragraph 65 – 'Planning control for marine fish farming extends from Mean High Water Springs to 12 nautical miles (the limit of territorial waters) as set out in Section 26(6) of the Town and Country Planning 1997 Act (as amended). Marine waters out to 3 nautical miles were divided into marine planning zones by the Town and Country Planning (Marine Fish Farming) (Scotland) Order 2007 which also sets out which local authority is the planning authority for the purposes of marine fish farming within a zone.</p>	<p>For accuracy.</p> <p>To clarify the extent of local planning control for marine fish farming.</p>

No.	Suggested modification	Action taken	Reason
		As the fish farming industry looks to develop beyond 3 nautical miles Scottish Ministers will consider the need to extend these marine planning zones further. As stated in the Circular 1/15: The Relationship Between the Statutory Land Use Planning System and Marine Planning and Licensing; In future, should fish farming extend beyond 12 nautical miles a Marine Licence from Marine Scotland would be required as the primary consent to develop’.	
47	Para. 66 - The use of the term ‘aquaculture’ appears inappropriate given that it is only fish farming that is covered by the T&CP(S) Acts. It might be helpful if the document described the licensing regime for seaweed cultivation and other types of aquaculture activities that are not covered by the T&CP(S) Acts.	PARAGRAPH 66 (now 67): Changed reference to ‘aquaculture’ to ‘fish farming’ in first and second sentences. Changed first word in third sentence from ‘aquaculture’ to ‘fish farming’.	For accuracy.
48	The reference to "Aquaculture Supplementary Guidance" in the context of the OIC LDP is incorrect as there is none at present. "Sectoral Policy 2" relates solely to fish farming therefore should be renamed accordingly (see comments above).	PARAGRAPH 66 (now 67): Changed reference to ‘Aquaculture Supplementary Guidance’ to ‘Aquaculture Planning Policy Advice’ in third sentence.	To reflect the current status of this planning guidance.
49	Paras. 70 &71 - The description of the role of EIA, and the processes	PARAGRAPH 71 (now 72): Changed second sentence to ‘EIA is mandatory	To amend typographical error relating to Environmental Impact Assessment

No.	Suggested modification	Action taken	Reason
	<p>involved, could be improved. EIA is a process whereby the likely significant impacts of a development are identified and assessed. Primarily this is to assist developers in the mitigation of any negative impacts, but it is also designed to help decision makers consider fully the environmental effects of a development before they arrive at a decision. Para. 71 is inaccurate in its description of the need for screening for Sch. 2 developments and contains typing errors.</p>	<p>for Schedule 1 projects and Schedule 2 developments have to undergo screening to determine whether an EIA is required.'</p>	<p>Schedules.</p>
50	<p>Paragraph 34 states that the PFOW MSP will be used as material consideration in Marine Licence and s36 decisions. Clarity would be useful as to how this sits with the current NMP and future RMPs in this regard and how this Plan constitutes a 'material consideration', where it has been referenced in paragraph 32 that the plan is non-statutory.</p> <p>Paragraph 35 states that the Plan could be adopted as PPA, which goes beyond acting as guidance and/or being non-statutory in nature.</p>	<p>None.</p>	<p>The Plan will, subject to approval by Scottish Ministers, be one of a number of material considerations in the determination of Marine Licence and section 36 applications and will therefore help guide decision making. A material consideration is not the same as making decisions in accordance with a statutory plan. The Final Plan will be updated appropriately once it has been considered by the Council committees and the Minister.</p> <p>Paragraphs 4, 32 (now 33), 34 (now 35), 35 (now 36), 36 (now 37) and 37 (now 38) provide information regarding</p>

No.	Suggested modification	Action taken	Reason
	Clarification should be given with regards this statement.		the status of the pilot Plan and the relationship of the Plan to future regional marine plans.
51	Paragraph 35 states that the Plan could be adopted as PPA, which goes beyond acting as guidance and/or being non-statutory in nature. Clarification should be given with regards this statement.	PARAGRAPH 35 (now 36): Amend sentence to 'Highland Council and Orkney Islands Council will be provided with the option to adopt the final pilot Marine Spatial Plan as non-statutory planning guidance acknowledging the status of the Plan as a material consideration in the determination of relevant planning applications. Orkney Islands Council will also be provided with the option to approve the Final Plan as a material consideration in the determination of works licence applications'.	For greater clarity.
52	Paragraph 36 states that the status and use of the Plan rests with the Regulator; however, it is necessary to define the status of the Plan at the consultation stage. How the Plan should be treated is unclear at this moment; therefore, this may add to uncertainty amongst users of the PFOW area.	None.	Decisions regarding the status and use of this Marine Spatial Plan will rest with the relevant regulators.
53	It is unclear how the first sentence of Paragraph 37 aligns with Paragraphs 34-36 and the Plan's use as material consideration, as PPA and/or its use being open and up to the Regulator. It	None.	Paragraph 37 aims to make clear that the Plan itself does not provide decisions on proposed development and management.

No.	Suggested modification	Action taken	Reason
	would be useful to remove any ambiguity.		
54	For accuracy, we would suggest the heading above paragraph 78 refers to The Crown Estate Leases & Licences (this covers both coastal and seabed agreements). The term 'presumed to belong' is unclear and misleading. Suggest rewording this to "approximately half of the foreshore and most of the seabed out to 12 nautical miles is managed by The Crown Estate. The Crown Estate is able to grant leases and licences over the foreshore and seabed it manages. It is therefore likely that a lease or licence from The Crown Estate will be required for most marine developments and it is advisable that prospective developers consult with The Crown Estate'.	<p>PARAGRAPH 78 (now 79): Changed title to 'The Crown Estate Leases and Licences'.</p> <p>PARAGRAPH 78 (now 79): Change text to 'In Scotland approximately half of the foreshore and most of the seabed out to 12 nautical miles is managed by The Crown Estate. The Crown Estate is able to grant leases and licences over the foreshore and seabed it manages. It is therefore likely that a lease or licence from The Crown Estate will be required for most marine developments and it is advisable that prospective developers consult with The Crown Estate'.</p>	For accuracy.
55	58-60 these paragraphs deal with DECC whilst it is noted at 79 that the Smith commission agreement may see Crown estate assets transferred to Scottish Parliament. Clause 54 of the proposed legislation would also see some of the DECC responsibilities transferred. As this is still in draft maybe not appropriate to comment too much at this stage.	None.	Reform of the Crown Estate is an ongoing process and up-to-date information regarding this can be found on the Smith Commission website. This website is signposted at paragraph 79 (now 80).

No.	Suggested modification	Action taken	Reason
56	Section 2: How to use the Plan (pg. 19 – 29) needs to be streamlined. For example, all background information on the Plan’s development is not required to be in the Plan itself (include in a Lessons Learned document) and information on how to use the NMPi site is not necessary.	None.	<p>The process of preparing the Plan is central to purpose of the MSP pilot and should therefore be set out in the Plan.</p> <p>It is considered appropriate to assist plan users to access the relevant PFOW MSP information on NMPi.</p>
57	In paragraph 39, the PFOW states that ‘all policies in the plan are afforded equal weight in decision-making and should be read in conjunction with each other’, which fails to acknowledge or emphasise the importance of environmental protection – a key component of the ecosystems approach. The protection, and where appropriate the improvement, of environmental health should be identified as the defining objective of the PFOW and this should be reflected in a weighted policy structure that favours the environment. This approach has been taken in the Shetland Islands Marine Spatial Plan (SIMSP), where priority is awarded to ‘Clean and Safe’ and ‘Healthy and Diverse’ policies, before ‘Productive’ policies. We consider the adoption of a similar structure for the PFOW would have been more beneficial for the	None.	The Plan seeks to take a balanced approach to Sustainable Development and gives significant weight to the health of the environment through a raft of ecosystems and natural heritage related policies. General Policy 1C highlights the importance of safeguarding marine ecosystems specifically.

No.	Suggested modification	Action taken	Reason
	development of the North Coast and Orkney RMPs.		
58	We note that paragraph 38 makes clear that that the MSP is not seeking to zone specific areas for development. In general we support this approach, particularly for emerging technologies such as wave, tidal and floating wind, but seek clarity on how policy will relate to developments depending on whether they are inside or outside the Plan Option areas as presented in the RLG. Paragraph 395 of the MSP states that the plan option areas are those within which commercial scale development should be sited but further notes that developers can choose to locate outwith these. We perceive the potential for confusion regarding the relative approaches of the MSP and the Sectoral Plans to zoning of marine development.	PARAGRAPH 38 (now 39): Last sentence deleted and replaced with 'This approach aims to identify potential sensitivities and constraints to support the identification of opportunities for future sustainable development and activities. The exception to this approach is the inclusion of the Plan Option areas identified for offshore wind, wave and tidal development. These have been identified in the Plan to be consistent with the National Marine Plan'.	To provide clarity regarding the spatial approach to the Plan.
59	Paragraph 35 – 'There is potential for the final pilot Marine Spatial Plan to be adopted as planning policy advice or as supplementary guidance to the Orkney Local Development Plan and the Highland-wide Local Development Plan, as revised.' Note that the correct terminology is non-statutory planning	EXECUTIVE SUMMARY and PARAGRAPH 35 (now 36): Text deleted 'or as supplementary guidance to the Orkney Local Development Plan and the Highland-wide Local Development Plan, as revised'.  PARAGRAPH 35 (now 36): Amended	To state the preferred status of the Plan as non-statutory planning guidance as opposed to Supplementary Guidance.

No.	Suggested modification	Action taken	Reason
	<p>guidance rather than planning policy advice. If adopted as SG it will be important to ensure that the MSP can be adapted to be specific to each respective planning authority area. In addition it is important to be aware that some of the content of the MSP considers policy areas beyond the remit of statutory terrestrial planning.</p>	<p>sentence to ‘Highland Council and Orkney Islands Council will be provided with the option to adopt the final pilot Marine Spatial Plan as non-statutory planning guidance, acknowledging the status of the Plan as a material consideration in the determination of relevant planning applications. Orkney Islands Council will also be provided with the option to approve the Final Plan as a material consideration in the determination of works licence applications’.</p>	
60	<p>Paragraph 41 – in relation to the definition of development it would be useful to note, perhaps by way of a footnote, that there is a statutory definition of development for land use planning purposes and which is relevant to the intertidal area. Please see Section 26 of the Town and Country Planning (Scotland) Act 1997 <a href="http://www.legislation.gov.uk/ukpga/1997/8/section/26">http://www.legislation.gov.uk/ukpga/1997/8/section/26</a></p>	<p>PARAGRAPH 64: Inserted footnote number with the following reference next to the first word ‘development’.</p> <p><a href="http://www.legislation.gov.uk/ukpga/1997/8/section/26">http://www.legislation.gov.uk/ukpga/1997/8/section/26</a>Next</p>	<p>To provide clarity as to the definition of development provided within the Planning Acts.</p>
61	<p>The text ‘Decisions must also accord with policies of the National Marine Plan and any subsequent statutory regional marine plans, unless relevant considerations indicate otherwise.’ <i>Planning Circular 1/2015: The relationship between the statutory land</i></p>	<p>Text added to PARAGRAPH 67 before last sentence.</p>	<p>To provide clarity.</p>



No.	Suggested modification	Action taken	Reason
	<p><i>use planning system and marine planning and licensing provides further information on the role of marine planning in aquaculture consenting' should be added to provide clarity on statutory requirements.</i></p>		

## 6. Section 3: Legislative and Policy Context and Annex 2 Legislation, Policy and Plans

### 6.1 Summary of responses received

6.1.1 This table describes the responses received on Section 3: Legislative and policy context.

Stakeholder	Count
Commercial	2
Fisheries and aquaculture	2
Individual	0
Non-governmental organisation	0
Public sector	4
Recreation	1
<b>TOTAL</b>	<b>9</b>

6.1.2 This table describes the responses received on Annex 2 Legislation, Policy and Plans.

Stakeholder	Count
Commercial	1
Fisheries and aquaculture	1
Individual	0
Non-governmental organisation	0
Public sector	2
Recreation	0
<b>TOTAL</b>	<b>4</b>

### 6.2 Main themes

6.2.1 The majority of the comments in relation to this section were suggestions for changes to the text and Figure 2 and these are included in the table below.

6.2.2 Two aquaculture respondents made very similar comments with regard to providing clarity on the dates that documents referenced in this section were published. They both noted they had provided comment to the Highland Council Draft Aquaculture Supplementary Guidance (July 2015) and that this could be taken into consideration where the comments were also relevant to the Plan.

6.2.3 A fisheries respondent stated that existing fishing activity should feature among the priorities of this section. They welcomed the need to take account of the UK Marine Policy Statement and the National Marine Plan.

**Table 6.1 Section 3 Legislative and Policy Context and Annex 2 - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
62	Paragraph 85 should give greater emphasis to the requirements of the Maritime Spatial Planning Framework Directive.	None.	The Marine Spatial Planning Directive is highlighted in the text and all Directives are considered appropriately.
63	Insert section on the UK Marine Strategy and future proof to include requirements of MSFD when fully implemented (e.g. Programmes of Measures) to link to RBMP section.	None.	Information Box 3 highlights the aims of Marine Strategy Framework Directive in relation to the Plan.
64	Para. 89 Should state that the National Marine Plan (NMP) has been adopted and provide the date. Any Regional Marine Plan (RMP) must be consistent with the NMP. If the PPFOWMSP is intended to be a model for future RMPs, then it should be completely consistent with the current NMP. As currently written, it is not.	<p>PARAGRAPH 89: Changed reference in final sentence to refer to ‘Scotland’s National Marine Plan’ as opposed to ‘the National Marine Plan’. Added a new final sentence ‘This pilot Plan has therefore been prepared to conform with the National Marine Plan’.</p> <p>PARAGRAPH 84: Paragraph 84 deleted. Inserted the following new paragraph immediately following paragraph 10 (now 11) – ‘This Marine Spatial Plan has been developed to closely align with the National Marine Plan, National Planning Framework 3 and Scottish Planning Policy. To achieve this, the Plan was prepared in parallel with Scotland’s National Marine Plan. It is recommended that users of this Marine Spatial Plan refer to</p>	<p>To refer accurately to the title of the current National Marine Plan and provide clarity on how this Plan relates to the National Marine Plan.</p> <p>Adoption dates have not been included as the National Marine Plan may be updated within the lifetime of the Plan.</p> <p>The Plan is consistent with the National Marine Plan.</p>

No.	Suggested modification	Action taken	Reason
		Scotland's National Marine Plan for further information on relevant topics and issues. Future statutory regional marine plans will be expected to adhere to the objectives and policies within the National Marine Plan'.	
65	Para. 90: This paragraph should identify the date of publication of Scottish Planning Policy (2014) (SPP). The SPP contains policies on fish farming and not just land use planning matters.	None.	Adoption dates have not been included as Scottish Planning Policy may be updated within the lifetime of the Plan.
66	Para. 96: It is not clear how the RBMP objectives specific to the plan area are considered within the dMSP. This paragraph should identify the RBMPs that are in place, the date they were published/adopted, and when they might be reviewed.	ANNEX 2 - removed reference to Orkney and Shetland Area Management Plan and North Highland Area Management Plan 2009-15. Replaced with 'River Basin Management Plan for the Scotland River Basin District'. Included link to <a href="http://www.sepa.org.uk/environment/water/river-basin-management-planning/">http://www.sepa.org.uk/environment/water/river-basin-management-planning/</a>	
67	Para. 97 - There is a current, adopted Orkney LDP which should be referenced. It is not unreasonable to identify the process and timescales for Review of the LDP, however the detail of this would be out of date quite quickly. The terminology used to describe the Guidance that OIC might	PARAGRAPH 97: Deleted all text and replaced with 'The Orkney Local Development Plan - Adopted April 2014 provides the current statutory land use planning framework for Orkney. This Marine Spatial Plan has been developed to provide an integrated planning policy framework	To provide updated information on the Orkney Local Development Plan.

No.	Suggested modification	Action taken	Reason
	use, and the options for incorporation of the PPFOWMSP within it, is confusing. 'Supplementary Guidance', in the context of an adopted Local Development Plan, has a specific statutory meaning and status, as defined in the Development Plan Regulations. Anything that is not 'Supplementary Guidance', adopted as part of a Local Development Plan, should not be called 'Supplementary Guidance' in order to avoid confusion (see Circular 6/2013).	across the relevant terrestrial and marine area. It should be noted that a review of the Orkney Local Development Plan is taking place during 2015-16'.	
68	Para. 98: This paragraph should also refer to Policy 50 of the HWLDP given its relevance to the dMSP. Scottish Sea Farms Ltd and Scottish Salmon Producers Organisation have recently provided feedback on the Highland Council Draft Aquaculture Supplementary Guidance (July 2015), and would wish this to be taken into consideration where comments are also relevant to the dMSP.	PARAGRAPH 98: Deleted second sentence and replaced with 'The current Policy 49: Coastal Development will likely be replaced by a Coastal and Marine Planning policy to support the integration of marine and land use planning'.	To provide updated information on the Highland-wide Local Development Plan.
69	Para. 99 - It is not unreasonable to identify the process and timescales for the preparation of the Caithness and Sutherland Local Development Plan, or for that matter, the Review of the HWLDP. However the detail of this would be out of date quite quickly. If	PARAGRAPH 99: New second sentence added 'To support this the proposed Plan was published for consultation from January to March 2016'. Changed 'the proposals' to 'the position' in third sentence.	To provide accurate information regarding the current status Caithness and Sutherland Local Development Plan and Highland-wide Local Development Plan.

No.	Suggested modification	Action taken	Reason
	these paragraphs are not to be simply a 'snap shot' of the process, rewording is recommended.		
70	Fig 2 should refer to Scottish Planning Policy not policies. The same box could refer to national planning guidance. The local development plan box could also usefully refer to Supplementary Guidance. And the box on other non-statutory plans should technically state non-statutory planning guidance.	FIGURE 2: Amended to 'Scottish Planning Policy and Guidance' and 'Other Non-statutory Plans and Guidance etc'.	For accuracy.
71	National Planning Framework 3 – in addition to the national developments referred to it might also be useful to make reference to the 'further key actions' set out in section 6.10 of NPF3 and the MSPs support for their delivery. These include actions around a joined up approach to marine and terrestrial planning, support for the growth of the aquaculture sector, and support for renewable energy including a reference to the areas of coordinated action.	None.	Relevant National Planning Framework 3 references are adequately covered in Paragraphs 91-94.
72	If Scottish ministers do support isles and coastal communities and the inshore fishing industry then the existing activity of fishing should feature among the priorities identified on page 33.	PARAGRAPH 92: Additional sentence added at the end of the paragraph: 'Furthermore, NPF3 highlights that land use and marine planning should aim to balance development with environmental quality and activities	To reflect the role of marine and land use planning as identified in National Planning Framework 3.

No.	Suggested modification	Action taken	Reason
73	The Annex should include a reference to "A Fresh Start - The Renewed Strategic Framework for Scottish Aquaculture", published by Marine Scotland in 2009, as this is the primary strategic document that sets out the Scottish Government's vision and objectives for the industries involved in aquaculture, including salmon farming.	such as fishing and tourism'. FURTHER INFORMATION (page 148): Inserted reference to A Fresh Start - The Renewed Strategic Framework for Scottish Aquaculture <a href="http://www.gov.scot/resource/doc/272866/0081461.pdf">http://www.gov.scot/resource/doc/272866/0081461.pdf</a>	To update document references.
74	We consider that the Bathing Water Directive (BWD) and revised BWD should be listed; this legislation has resulted in significant historic, current and planned Scottish Water investment to the benefit of public health and Biodiversity.	ANNEX 2: Inserted reference to Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006L0007">http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006L0007</a>	To update document references.

## 7. General Policies

### 7.1 Summary of responses received

7.1.1 This section deals with responses received in relation to the questions ‘Do you have any comments on the format of the general policies?’ and ‘Do you have any comments on Table 2?’.

7.1.2 This table describes the responses received in relation to the format of the general policies.

Stakeholder	Count
Commercial	3
Fisheries and aquaculture	1
Individual	0
Non-governmental organisation	2
Public sector	4
Recreation	1
<b>TOTAL</b>	<b>11</b>

7.1.3 This table describes the responses received in relation to Table 2.

Stakeholder	Count
Commercial	1
Fisheries and aquaculture	1
Individual	2
Non-governmental organisation	0
Public sector	5
Recreation	2
<b>TOTAL</b>	<b>11</b>

### 7.2 Main themes

7.2.1 There was a mix of comments in relation to this question. Some respondents felt the format of the policies was clear and set at the appropriate level. Other respondents felt the policies were too long and provided suggestions on how to change them. The suggestions included having policies in a similar format to the general policies within the National Marine Plan, removing Information Boxes, having Key References and pointing to existing legislation rather than have policies that reiterate much of the information. Another respondent noted the general policies were not detailed enough and did not provide adequate guidance for potential developers and decisions makers.

7.2.2 The format of the Shetland Marine Spatial Plan was suggested as a good example of embedding the principles of sustainable development and the ecosystem approach.



- 7.2.3 One respondent noted that additional policy guidance such as identifying areas of conflict and the required compromises is needed in the Plan. This respondent felt this would increase clarity for developers and improve the efficiency of decision making.
- 7.2.4 It was noted that it would be helpful to have the policies cross referenced to the equivalent policy in the National Marine Plan. Another suggestion was to have a quick guide or summary of the policies up front to allow identification of the policies relevant to a specific development. One respondent felt it would be good to have the relevant National Marine Plan interactive data referenced within each policy.
- 7.2.5 One respondent felt the 'Pressures' section should be renamed 'Issues' to provide a link with the 'Issues and Options' stage of the process and a clear connection with issues raised by stakeholders to the policies intended to address those issues. This respondent felt the Plan should address pressures on particular sectoral or policy targets (e.g. economic or social pressures) and potential pressures (on the marine environment) caused by particular sectors.
- 7.2.6 The same respondent noted that the Future Considerations section does not set out long term challenges and could be renamed 'Future Issues and Actions' as this is the type of information that is contained within these sections of the Plan. This information could then be used in future regional marine plans to identify actions to take forward and medium and long term issues to start thinking about.
- 7.2.7 One respondent commented that the policies must be in line with existing Environmental Impact Assessment and Strategic Environmental Assessment requirements.
- 7.2.8 One respondent commented that many of the policies relate to existing legislation and it may be better to point to that legislation rather than outline the requirements in the Plan.
- 7.2.9 The majority of respondents who replied to the question on Table 2 had no further comments. Of the remaining four responses one stakeholder felt it was a useful checklist but would likely not be used by the majority of readers. Another felt that classifying impacts as indirect should not reduce the importance of the impacts. One respondent felt that the provision of reliable information on existing and proposed marine activities was listed in the table as not contributing to achieving the majority of the Plan objectives and challenged this as they felt having reliable data is important for making informed decisions.
- 7.2.10 The remaining respondent thought the table was clear and concise and was a useful tool.

**Table 7.1 General Policy format and Table 2 - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
75	It would be useful to have a quick guide or summary of the policies up front for when more experienced users are familiar with the background but need to understand which policies may apply to a specific development, without having to go through the whole section.	None.	The application of policies to a development should be undertaken on a case by case basis given the different features and locations of specific developments.
76	We suggest that the 'Pressures' section is renamed 'Issues'. This would provide a more direct and transparent link with the 'Issues and Options' stage of the plan-making process, allowing a clear connection from the issues raised by stakeholders to the policies intended to address those issues. This would also facilitate an assessment of the success of the plan in addressing the identified issues.	None.	Pressures is considered an appropriate term in the context of this marine spatial plan.
77	We suggest that instead the 'Future Considerations' section be called "Future Issues and Actions". This more closely reflects the actual content of these sections, which is a mix of actions that we might expect the next RMPs to take forward and medium long term issues they might start to think about. In doing so this	None.	Future Considerations is considered appropriate given the current position regarding the two future Marine Planning Partnerships, associated resources and priorities. This section allows for the identification of future action as appropriate.

No.	Suggested modification	Action taken	Reason
	section could be of great value to future statutory planners, clearly indicating the aspects of marine planning that have not been deliverable in this pilot.		
78	We strongly believe all policies must be in line with existing EIA/SEA requirements.	None.	Policies have been developed alongside an Strategic Environmental Assessment and are compliant with appropriate Environmental Impact Assessment requirements.
79	The format of the Shetland Marine Spatial Plan has successfully embedded the principles of sustainable development and the ecosystem approach and we recommend that is referred to for guidance in preparing the PFOWs Plan and subsequent Regional Marine Plans.	Consider the Shetland Marine Spatial Plan approach through the Lessons Learned process.	To compare both approaches to Marine Spatial Planning.
80	Additional policy guidance is required in the Plan, e.g. areas of conflict need to be identified and the required compromises stated. Additional guidance of this type increases certainty for stakeholders and improves and makes decision making more efficient.	Consider this spatial approach through the Lessons Learned process.	To consider an alternative spatial approach for future marine planning exercises.
81	We would prefer that the data available on NMPi is also referenced within each policy.	None.	Relevant NMPi data has been referenced with supporting policy text. An exhaustive list of NMPi data is not considered appropriate.

No.	Suggested modification	Action taken	Reason
82	<p>Many of the 'information boxes' are not pertinent to the policy (rather background or supplementary information) and should be removed or, where appropriate, included in the Glossary at the end of the Plan. Also, the 'Further Reading' sections at the end of each sector should be shortened to a list of Key References (similar to NMP). If the PFOW is to adopt the same policy structure as the NMP, we suggest that the General policies section be shortened and remain consistent with the NMP.</p>	None.	<p>The Plan is intended to be a resource for future marine planners and has therefore often provided context to policies within information boxes to signpost access to relevant information. The Further Information section is considered to be concise given the breath of available material.</p>
83	<p>As many of the policies relate to existing legislation it is suggested that repeating these here makes the MSP longer than is necessary. It also means that any changes to these wider pieces of legislation will need to be reflected within the MSP. It would perhaps be more efficient to point the user towards these other pieces of legislation rather than creating policies which are a direct transcript of them.</p>	None.	<p>The role of a regional marine plan is to coordinate statutory and non-statutory elements that influence the formulation of planning policy at the regional level. Statutory bodies require that statutory requirements are reflected in planning policies at the regional/local level. The role of local development plans or a regional marine plan is to synthesise a range of data/policies/statutory instruments to create regionally appropriate planning policy that reflect the aspirations of the diverse stakeholder base. These planning policies need to inform and be accessible to a broad range of plan users with a varying knowledge,</p>

No.	Suggested modification	Action taken	Reason
			sectoral interests, national/local interests and familiarity with the policy and legal framework. Therefore, reflecting statutory requirements in policy is essential to ensure compliance as well as aiding transparency in decision making.
84	It would be helpful to have policies cross-referenced with the equivalent 'parent' policy in the NMP.	None.	The links to the appropriate policies in the National Marine Plan are clear.
85	Para. 100. 'local sustainable development' needs definition	None.	Sustainable development is defined in Information Box 1 and the local/regional interpretation of this is reflected in General Policy 1A and the wider policy framework within the Plan.
86	Para. 102. 'Marine safety' must include the navigational safety of fishing vessels navigating to and from grounds and setting gear – this is all navigation between fishing activity and is not captured or generally identified as such when maritime navigation is referred to.	None.	The reference to marine safety in paragraph 102 includes the navigational safety of fishing vessels.
87	Table 2 - The majority of readers are likely to move past this table and therefore we advise that it would be of most use in a supporting document/ evidence base, rather in the plan itself.	None.	Table 2 provides a clear and concise diagram illustrating how the Plan policies contribute either directly, indirectly or have no clear contribution to the Plan objectives.
88	We note that table 2 implies that providing reliable information on	Table 2 has been amended to acknowledge that all General Policies	To acknowledge that all General Policies can make a direct contribution

<b>No.</b>	<b>Suggested modification</b>	<b>Action taken</b>	<b>Reason</b>
	existing and proposed marine activities is unlikely to directly contribute to achieving the majority of the plan objectives. We would challenge this assertion as we believe reliable data in proportion to the issue being considered is at heart of making informed future decisions.	can make a direct contribution to Objective 4, which is to provide reliable information on existing and proposed marine activities.	to Objective 4.

## 8. General Policy 1A Sustainable Development

### 8.1 Summary of responses received

Stakeholder	Count
Commercial	4
Fisheries and aquaculture	3
Individual	1
Non-governmental organisation	1
Public sector	4
Recreation	1
<b>TOTAL</b>	<b>14</b>

### 8.2 Main themes

- 8.2.1 The majority of comments were concerned with how the term sustainable development is used in the policy with some respondents suggesting changes to the text contained within the figures to clarify this.
- 8.2.2 Two stakeholders from the aquaculture sector (one commercial and one association) both made the same point that aquaculture is not ‘an emerging growth sector’ and notes that ‘fish farming has a proven record of sustainable development’. Both noted that the Plan should be even handed ‘in expressing support for all industries that have positive economic impacts’.
- 8.2.3 Two respondents (public sector and a renewable energy stakeholder) both raised concerns regarding co-existence. A similar point was raised in a letter received from a renewable energy stakeholder. Although the efficient use of marine space was welcomed both had concerns that this was challenging to achieve and could put ‘co-existence ahead of commercial viability’. It was noted that the ability to achieve co-existence should be assessed on a case by case basis. One stakeholder noted it must be acknowledged that there are a variety of reasons why it will not always be possible for activities to co-exist.
- 8.2.4 Two stakeholders (both public sector) made comments regarding efficient use of infrastructure. One noted they are keen to maximise the effective use of current infrastructure and may be able to offer support to people and companies who wish to utilise the facilities and promote sustainable development. The other stakeholder, Scottish Water, welcomed this policy and noted that proposals for new or expanded environmental designations should consider whether the demands this may place on Scottish Water are reasonable in a sustainable context.

- 8.2.5 Another comment was that care is needed to ensure policies are in accord with national and local terrestrial planning and the example of differences in approach between the Plan and Scottish Planning Policy in relation to sustainable development was given. It was also noted that it may be ‘unrealistic for the overall policy approach to be set by accordance with terrestrial policy’.



**Table 8.1 General Policy 1A Sustainable Development - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
89	Add 'they encompass the Ecosystem Approach and that:' to the end of the first sentence in the policy box for GEN 1A.	None.	General Policy 1C addresses safeguarding marine ecosystems.
90	Suggested that to avoid confusion the word 'activities' is taken out the first sentence and an additional sentence is included towards the bottom as follows "The sustainable development principles outlined above are also applicable to the good management of other activities that take place in the marine environment that do not require specific consent"	<p>No modification made to General Policy 1A as suggested.</p> <p>PARAGRAPH 41 (now 42): Text changed to' <b>Development(s)</b> are defined as construction that requires a specific form of statutory consent from a competent authority to utilise a defined area. This can include new developments or alterations, extensions or changes in material use to existing developments that require a statutory consent. The definition of development for purposes of this Plan includes but is not limited to the definition provided under the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.</p> <p><b>Activities</b> include current or future use that is covered by a public right of use (e.g. navigation, rights of access) or use that requires a specific</p>	<p>While many activities are not regulated / consented, decisions may be taken that relate to them, therefore reference to development and activities is considered appropriate.</p> <p>The Marine (Scotland) Act 2010 refers specifically to marine licensable activities, therefore, the Plan definition of activities has been up dated to include those activities that require consent in addition to those activities that do not.</p>

No.	Suggested modification	Action taken	Reason
		statutory consent from a competent authority (e.g. dredging). The term activities also includes any other legitimate use that is not specifically addressed by a public right, e.g. recreational activities such as surfing, open water swimming etc.	
91	GEN 1A should include reference to the sustainability principle of ‘using sound science responsibly’.	POLICY TEXT: Inserted an additional bullet point at the end of the first set of bullet points that states ‘Sound science has been used responsibly’.	To provide greater consistency between the policy criteria in General Policy 1A and the Plan definition of sustainable development in Information Box 1.
92	Add extra bullet point to second list of bullets in policy text: ‘the protection and, where appropriate, enhancement of the health of the marine area.’	POLICY TEXT: Added new bullet point to top of second bulleted list ‘the protection and, where appropriate, enhancement of the health of the marine area’.	To comply with Section 3 of the Marine Act.
93	Change emphasis of text regarding aquaculture and fish farming to note that it is an established industry and contributes to the sustainable economic growth of Scotland.	PARAGRAPH 124: The words ‘the emerging’ have been removed from the first sentence.	For greater accuracy.
94	Changes to Figure 3 to change direction of arrows.	FIGURE 3: Arrows removed.	To improve the clarity of the diagram.
95	General Policy 1A should include indirect effects.	POLICY TEXT: The word ‘indirect’ has been inserted into the first bullet point.	To support a more comprehensive assessment of social, environmental and economic effects.

No.	Suggested modification	Action taken	Reason
96	Too much focus on economic gains, text needs greater focus on living within environmental limits and associated benefits.	None.	The Plan objectives and policies take a balanced approach to delivering sustainable development through the consideration of a range of social, economic and environmental factors including living within environmental limits.
97	Re-word the emphasis placed on co-existence so it is not applied where not necessary or appropriate.	POLICY TEXT: The third bullet point has been amended to 'it will make efficient use of marine space, and where appropriate, maximise opportunities for co-existence between marine users and support the multiple use of marine space'.	To enable opportunities for co-existence between marine users and the ability to support multiple use of marine space to be considered on a case by case basis.
98	Consider paragraphs 28 and 29 of the Scottish Planning Policy and take into account in approach.	None.	General Policy 1A: Associated text supports the delivery of the 5 Sustainable Development principles in the UK Marine Policy Statement and the relevant National Marine Plan General Policies. Elements of Scottish Planning Policy sustainable development policy that are directly relevant to planning in the marine environment have been addressed.
99	The UK Marine Policy Statement text 'A key principle will be to promote compatibility and reduce conflict' would strengthen the text.	None.	Reference to supporting co-existence between marine users in Objective 3 and General Policy 1A seeks to promote compatibility and reduce conflict.

<b>No.</b>	<b>Suggested modification</b>	<b>Action taken</b>	<b>Reason</b>
100	Biological sustainability should be included in GEN 1A.	None.	Biological factors sit under the environment in General Policy 1A.
101	Change policy text to developments and activities.	POLICY TEXT changed to read 'development(s) and/or activities'	Clarity.

## 9. General Policy 1B: Supporting sustainable social and economic benefits

### 9.1 Summary of responses received

Stakeholder	Count
Commercial	4
Fisheries and aquaculture	3
Individual	1
Non-governmental organisation	2
Public sector	3
Recreation	1
<b>TOTAL</b>	<b>13</b>

### 9.2 Main themes

- 9.2.1 The respondents were supportive of this policy and most stated that they welcomed the statements within the policy. The fisheries and aquaculture sector (two associations and one commercial stakeholder) specifically welcomed the policy and one noted the recognition of the complexity of the three dimensional marine environment.
- 9.2.2 Other respondents welcomed the statements in relation to support of local supply chains although concern was also expressed as to how this could be assessed. One public sector respondent noted that their local framework agreements supported the development of local businesses. Others noted the importance of safeguarding existing jobs and maximising opportunities for growth.
- 9.2.3 One respondent noted that there are already examples of e.g. the marine renewable sector benefiting the existing industries in the Orkney area. The example given was dive vessels being used as survey platforms around the islands for renewables.
- 9.2.4 There was some concern raised by the renewable industry that the basic requirements of a development need to remain commercially attractive and the wider project viability should be taken into account. A non-governmental organisation noted the need to progress with environmental limits should be acknowledged.

**Table 9.1 General Policy 1B Supporting sustainable social and economic benefits - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
102	Add text in italics to Paragraph 123, Marine planning has an important role in enabling economic opportunities to be realised, supporting the achievement of national economic aspirations for growth <i>without damaging the environment</i> .	None.	Environmental protection is addressed in other relevant policies in the Plan.
103	Add word in italics to Paragraph 124: A key challenge for marine planning is to balance the aspirations and requirements of traditional marine industries (e.g. commercial fishing, shipping, <i>recreation</i> and marine transport) and the emerging growth sectors such as marine renewable energy, <i>marine tourism</i> and aquaculture.	PARAGRAPH 124: Amended to 'A key challenge for marine planning is to balance the aspirations and requirements of traditional marine industries (e.g. commercial fishing, shipping, recreation and marine transport) and growth sectors such as marine renewable energy, marine tourism and aquaculture'.	To take account of the recreation and marine tourism.
104	For General Policy 1B add the text in italics: Development and/or activities will be supported by this Plan when the proposal can demonstrate <i>that they encompass the Ecosystem Approach</i> .	None.	Issue addressed in General Policy 1C Safeguarding the marine ecosystem.
105	Clarification on how 'sustainable employment benefits' will be defined and assessed.	None.	Sustainable employment benefits from larger developments will be assessed through socio-economic impact assessments in Environmental Impact Assessment or stand-alone assessments as required.

No.	Suggested modification	Action taken	Reason
106	More detail on how developers would demonstrate they had supported local supply chains and created local skilled employment in the local area.	None.	This would be part of the information included in the application and would be discussed with relevant authorities.
107	Acknowledge the need to progress within environmental limits.	None.	An overarching purpose of the Plan is to set out sustainable development objectives that respect environmental limits to ensure healthy and productive seas in the future. This is supported within Objective 5 and the sustainable development definition in Information Box 1.
108	Change emphasis of wording to acknowledge developments need to remain commercially attractive and maximising potential benefits should not be at the expense of the wider project viability.	None.	The commercial viability of a development is considered a prerequisite factor for the sustainable employment benefits highlighted in bullet point 1.
109	Strengthen policy wording in line with Para 2.2.1 from the UK Marine Policy Statement i.e. 'a key principle will be to promote compatibility and reduce conflict'.	None.	Reference to supporting co-existence between marine users within Objective 3 and General Policy 1A seeks to promote compatibility and reduce conflict.

## 10. General Policy 1C: Safeguarding the marine ecosystem

### 10.1 Summary of responses received

Stakeholder	Count
Commercial	2
Fisheries and aquaculture	1
Individual	1
Non-governmental organisation	1
Public sector	4
Recreation	1
<b>TOTAL</b>	<b>10</b>

### 10.2 Main themes

- 10.2.1 The respondents generally welcomed this policy, the commitment to contributing to Marine Strategy Framework Directive targets, the ecosystems approach and that a high quality marine ecosystem is a 'fundamental requirement for its intrinsic value and as a basis for sustainable development'.
- 10.2.2 One stakeholder (public sector) noted that there was more clarity required as regards what the concerns highlighted in the text refer to and how the Plan will contribute to solving them. This stakeholder noted this policy or the Commercial Fisheries policy should set out which fish species are a concern and also suggested more clarity on the importance of ecosystem services to distinguish this policy from those relating specifically to water quality and marine biodiversity.
- 10.2.3 The same stakeholder welcomed the commitment to contributing to Marine Strategy Framework Directive targets and noted that future Regional Marine Plans could set out in broad terms the condition of the region in relation to the condition of the relevant European Region/sub region. It was also noted it would be useful to include some form of measure of whether the policies are making a positive contribution to the targets.
- 10.2.4 Scottish Water noted that mixing zones for final effluent discharges and receiving waters may not be compatible with some other uses and activities. It was noted that impacts are managed by licence conditions issued by the Scottish Environment Protection Agency under the Controlled Activities Regulations (CAR). They also noted they will invest to protect the marine environment where there is sound scientific evidence that investment will achieve the desired outcome.



- 10.2.5 A response from the fisheries sector noted that chemicals used in the aquaculture industry have an impact on developmental stages of commercial crustaceans. This stakeholder felt there should be rigorous independent monitoring and testing of such activities.
- 10.2.6 A stakeholder from the renewable energy sector suggested that the marine environment exists in a 4D rather than a 3D system if time is taken into account. This stakeholder also pointed out that changes to seabird populations could be entirely natural and that, as this is outwith anyone's control, development should not be limited in response to this.

**Table 10.1 General Policy 1C Safeguarding the marine ecosystem - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
110	Change 3D to 'three dimensional'	PARAGRAPH 133: Change 3D to: 'three dimensional'.	To accommodate request.
111	Policy 1C has a different format/wording to that of 1A and 1B due to the presence of the initial sentence. Suggest that this is either removed or included as a bullet point to maintain conformity.	POLICY TEXT: First sentence deleted and new bullet point added 'Safeguard the integrity of coastal and marine ecosystems'.	To accommodate request.
112	Clarify use of word targets and in Information Box 3 add text in italics 'This will be done through adherence to <i>environmental</i> targets, for which...'.	None.	As the section is discussing 'good environmental status' and the marine ecosystem, it is felt that the existing text is unambiguous.
113	Articulate more clearly the importance of ecosystem services to distinguish policy from those relating to water quality and marine biodiversity.	<p>TEXT ADDED before first sentence of PARAGRAPH 135: 'The marine ecosystem delivers a variety of goods, such as food resources, and services, such as waste assimilation and treatment, which are beneficial to human society as well as maintaining ecosystem functioning'.*</p> <p>*Frid, C. et al (2011) Marine Planning and Management to Maintain Ecosystem Goods and Services. In <i>The Ecosystem Approach to Marine Planning and Management</i> [Eds, Kidd, Plater &amp; Frid]. Earthscan, London.</p>	To accommodate request.

No.	Suggested modification	Action taken	Reason
114	Para. 137. Add text to clarify what the problems are and how the Plan will contribute to solving them.	PARAGRAPH 136: Footnote added at to refer reader to the Marine Atlas.	To accommodate request.
115	Set out which fish species are of concern and cross reference to Commercial Fisheries policy.	As above.	To accommodate request.
116	Reference should be made to the UK's Shared Framework: Principles of Sustainable Development'.	No action taken.	A definition of sustainable development is provided; an exhaustive list of documents that could be added would excessively add to the Plan, which was suggested by some as already being too long.
117	Para. 133. Suggestion that marine environment is 4D rather than 3D if time is taken into account.	No action taken.	In this context, it is felt the text is appropriate as it refers to the physical properties of the marine environment.
118	Acknowledge that some changes in e.g. bird populations could be entirely natural and development should not be limited by something beyond anyone's control.	No action taken.	Any development would consider the environmental aspects on a case-by-case basis: the text does not suggest developers would be responsible for aspects beyond their control but would have to consider aspects where they could have a significant impact due to their development.

## 11. General Policy 2: The well-being, quality of life and amenity of coastal communities

### 11.1 Summary of responses received

Stakeholder	Count
Commercial	2
Fisheries and aquaculture	2
Individual	1
Non-governmental organisation	1
Public sector	5
Recreation	1
<b>TOTAL</b>	<b>12</b>

### 11.2 Main themes

- 11.2.1 Although generally welcomed the respondents had some concerns as to how well-being, quality of life and amenity can be measured and therefore how this policy could be implemented. There was some concern this could be interpreted quite broadly and that it would be useful to have some examples of what development proposals would be assessed against.
- 11.2.2 Two aquaculture sector stakeholders (one commercial and one association) both noted that a degree of subjectivity would be required when interpreting this policy. Both noted that consenting and regulatory authorities should use 'sound science responsibly' and be committed to use risk analysis principles, tools and methodologies in the decision making process. Both suggested there should be reference to National Marine Plan Policy GEN 19.
- 11.2.3 There was support for using the Community Benefit Policy from one public sector respondent but a renewable energy stakeholder felt the policy needed to state more explicitly that many of the benefits are realised as a result of investment from development driving improvements to quality of life. This stakeholder felt the requirements of this policy were covered by other legislation.
- 11.2.4 Another response from a public sector stakeholder noted that they already contribute to communities and well-being through various investments and volunteer programmes.
- 11.2.5 A fisheries sector stakeholder noted that it is difficult to quantify what a 'significant' effect and noted that the emphasis should not be on monetary value alone but should take into account more intangible aspects e.g. belonging, identity, a sense of place and community.

**Table 11.1 General Policy 2 The well-being, quality of life and amenity of coastal communities - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
119	Para 145 could be reworded to better explain/clarify the purpose of OIOF along the lines of: 'In 2013 .... Together with the Council leaders in ... under the campaign banner of Our Islands, Our Future.	None.	Existing text is considered to be clear.
120	Info Box 4: Remove footnotes	INFORMATION BOX 4: footnotes references removed and placed in glossary.	For greater clarity.
121	Use of the word 'mitigation' requires care as changing to correct one thing may have an adverse impact on something else.	None.	Mitigation is an appropriate term within the General Policy 2.
122	Clarity on what level of community engagement would be required and how this would be achieved.	None.	Lessons Learned report - Further supporting guidance could be developed on assessing well-being and community engagement.
123	Para. 147. Suggest changing 'important' for 'long established'.	None.	The word 'important' is considered appropriate in this context.
124	Para. 149. Substitute 'with' to 'within'.	PARAGRAPH 149: The word 'with' has been replaced with 'within' in the first sentence.	To correct typographical error.
125	Concerned that, while the economic benefits of development can be measured and quantified reasonably well, impacts on 'well being, quality of life and amenity' are much less easily measured, especially when	None.	Lessons Learned report- Further supporting guidance could be developed on assessing well-being and community engagement.

No.	Suggested modification	Action taken	Reason
	considering a development that is proposed, and therefore hypothetical.		
126	Clarify how policy will be implemented and consider reference to risk analysis principles, tools and methodologies.	None.	Lessons Learned report- Further supporting guidance could be developed on assessing well-being and community engagement.
127	Text needs to explicitly state that many of the requirements of this policy are realised as a result of investment from development which drives an improvement in quality of life.	None.	The economic and well-being impacts of investment in development are acknowledged in the supporting text to General Policy 2 and General Policy 1B.
128	Policy needs to take account of more intangible benefits.	None.	<p>This policy aims to take account of more intangible benefits.</p> <p>Lessons Learned report - Further supporting guidance could be developed on assessing well-being and community engagement.</p>

## 12. General Policy 3: Climate change

### 12.1 Summary of responses received

Stakeholder	Count
Commercial	2
Fisheries and aquaculture	1
Individual	1
Non-governmental organisation	1
Public sector	3
Recreation	2
<b>TOTAL</b>	<b>10</b>

### 12.2 Main themes

- 12.2.1 Two stakeholders (public sector and non-governmental organisation) highlighted areas where they felt some rewording was required in relation to the use of the word 'mitigation' and 'adaptation'.
- 12.2.2 Two stakeholders (public sector and fisheries sector) noted that the designation of Marine Protected Areas are not an adaptation measure and are in place to protect priority marine species.
- 12.2.3 Some stakeholders supported the policy and highlighted areas where their own sector has taken action to minimise greenhouse gases.
- 12.2.4 One response from the recreation sector provided comments that climate change could result in increased storminess and less suitable conditions for recreational boating. This respondent provided a reference to a study that had been carried out on this issue.
- 12.2.5 There were two responses from the renewable energy sector. One queried why paragraph 156 singled out wave and tidal sectors when aquaculture and oil and gas would have the same issue. This respondent also felt there should be mention of the potential impact on commercial fisheries. The other respondent did not feel that this policy added anything of substance beyond the National Marine Plan GEN 5.

**Table 12.1 General Policy 3 Climate change - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
129	Suggest changing 'the Plan will support' to 'developments will be supported where'.	POLICY TEXT: Amended to 'Development will be supported by the Plan where the proposal can demonstrate appropriate... '.	To accommodate request.
130	Suggest moving the information regarding the change in shipping routes from the Information Box 5 to the 'Future considerations' section.	INFORMATION BOX 5: Last sentence in the information box removed and added to the end of paragraph 160 in the Future Considerations section.	To accommodate request.
131	Suggested change of text in Para. 155 to "These established sectors also undertake mitigation measures to reduce both costs and climate change impacts. Examples include more efficient fuel use...and locating new infrastructure so that impacts on saltmarsh, kelp beds, sea grass beds and coastal peatland are avoided"	PARAGRAPH 155: Fourth and fifth sentences amended as suggested: 'These established sectors also undertake mitigation measures to reduce both costs and climate change impacts. Examples include more efficient fuel use for shipping and locating new infrastructure so that impacts on saltmarsh, kelp beds, sea grass beds and coastal peatland are avoided'.	To accommodate request.
132	Correction to text referring to movement of dolphins to accurately reflect information in the reference.	INFORMATION BOX 5: Third sentence changed to 'For example, Atlantic white-sided dolphins are moving northward out of UK waters and short-beaked common dolphins are being sighted in the Northern North Sea and northern most part of the Scottish Continental Shelf more regularly.	For accuracy.
133	Noted that text conflates mitigation and adaptation and suggests the	INFORMATION BOX 6: Amended to: 'Mitigation' refers to measures to	To accommodate request and provide clarity.



No.	Suggested modification	Action taken	Reason
	<p>following changes in the policy text:            Bullet one, suggest “the mitigation measures taken to reduce carbon emissions”</p> <p>Additional bullet “the measures taken to adapt to climate change”</p> <p>Additional bullet “measures that ensure that habitats that store and capture carbon are not adversely affected”</p>	<p>reduce emissions of carbon and other greenhouse gasses or to remove them from the atmosphere. ‘Adaptation’ refers to measures to adjust infrastructure or natural systems to provide resilience to the harmful consequences of climate change (e.g. better coastal protection against storm surges).</p> <p>POLICY TEXT: Amend first bullet to: ‘measures to mitigate the effects of climate change’</p> <p>Second bullet amended to: ‘measures taken to adapt to climate change’</p> <p>Third bullet: unchanged</p>	
134	Suggested change of text to ‘mitigation measures and adaption to climate change’, instead of ‘mitigation measures taken to adapt to the effects of climate change’.	See above.	As above.
135	Noted that designation of Marine Protected Areas is not an adaptation measure and the text should reflect this.	See above.	As above.
136	Para. 156. Suggestion that other industries could be mentioned here e.g. aquaculture, oil and gas and commercial fisheries.	INFORMATION BOX 6: Text amended as above and reference to Marine Protected Areas removed.	To accommodate request and provide clarity.

No.	Suggested modification	Action taken	Reason
137	Change 'mitigation measures taken to adapt to the effects of climate change' to 'mitigation measures and adaptation to climate change'.	PARAGRAPH 156: Text added to end of paragraph 'and other marine infrastructure'.	To accommodate request.

## 13. General Policy 4A: Nature conservation designations

### 13.1 Summary of responses received

Stakeholder	Count
Commercial	4
Fisheries and aquaculture	1
Individual	1
Non-governmental organisation	2
Public sector	4
Recreation	2
<b>TOTAL</b>	<b>14</b>

### 13.2 Main themes

- 13.2.1 The policy was broadly welcomed with several stakeholders noting the importance of such designated sites. However, two stakeholders (recreation and renewable energy sectors) felt this policy duplicated existing legal requirements and questioned the value of having this policy in the Plan.
- 13.2.2 Some stakeholders also suggested that all designated (existing and proposed) should be marked on the relevant maps.
- 13.2.3 One public sector stakeholder noted that there is a need for them to have discharges of e.g. treated water to the marine environment in compliance with environmental licences and that the impact of potential new or extended designations should consider whether the demands this may place on them are reasonable in a sustainable context.
- 13.2.4 The majority of the comments were suggested changes to the text and these are contained within the table below.

**Table 13.1 General Policy 4A Nature conservation designations - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
138	Information Box 7 should follow rather than precede paragraph 167 and should explain Marine Protected Areas are designated by Scottish Ministers under the Marine (Scotland) Act 2010.	INFORMATION BOX 7: Moved to follow paragraph 167.	To amend formatting error.
139	In Policy 4A: Locally designated sites text – insert ‘it’ between ‘where’ and ‘can’ in the second line of the paragraph. Should read ‘site’ at the start of line 2 in the second paragraph.	POLICY TEXT: For Locally designated sites: inserted ‘it’ between ‘where’ and ‘can’ in second line of first paragraph; and added ‘site’ at the start of line 2 in second paragraph.	To correct typing errors.
140	<p>Propose amending the statement that development and activities will be supported ‘where due regard is given to the importance of...’ designated areas. Would propose amendment to:</p> <p>‘The Plan will support development and activities compliant with the statutory requirements of international, national and locally designated nature conservation sites.’</p> <p>The text below should then accurately set out the statutory requirements for each of the designations. There are currently inaccuracies, particularly in relation to Natura 2000 sites. We propose using the text as contained in the General Policies section of the</p>	<p>None.</p> <p>Noted: see above.</p>	<p>The existing wording of the first sentence is appropriate. What constitutes ‘due regard’ is set out within the policy text for international, national and local sites. The suggested wording is not appropriate as some local sites are non-statutory e.g. Local Nature Conservation Sites.</p> <p>See above.</p>

No.	Suggested modification	Action taken	Reason
	<p>National Marine Plan, paragraphs 4.41 to 4.49.</p> <p>Also propose amending the justification to:</p> <p>‘There is a statutory requirement to ensure developments are compatible with the conservation objectives of designated sites.’</p>		
141	Draft Special Protection Areas and Local Nature Conservation Areas should be highlighted on all relevant maps in the Plan.	None.	<p>Prior to final publication, should the status of the draft Special Protection Areas have changed to proposed Special Protection Areas, the Plan will be updated appropriately.</p> <p>The local nature conservation sites are currently under review and are set out in supplementary guidance.</p> <p>NMPi will be updated regularly to reflect any subsequent changes.</p>
142	Draft Special Protection Areas should be included and treated as if they were in policy.	None.	Prior to final publication, should the status of the draft Special Protection Areas have changed to proposed Special Protection Areas, the Plan will be updated appropriately.
143	Clarity required as to what ‘the public benefit outweighs the environmental impact’ means e.g. life and limb,	None.	This would be assessed on a case by case basis, in accordance with the legislation.

No.	Suggested modification	Action taken	Reason
	political, financial or other and at who's behest.		
144	Substitute 'aquaculture' with 'fish farming'.	None.	Conformity with the National Marine Plan; a definition is given in the Sectoral Policy in relation to marine fish farming. In this instance, wider consideration is given to aquaculture activities other than solely fin fish and shellfish as defined by the relevant planning acts.

## 14. General Policy 4B: Protected species

### 14.1 Summary of responses received

Stakeholder	Count
Commercial	3
Fisheries and aquaculture	2
Individual	0
Non-governmental organisation	1
Public sector	4
Recreation	1
<b>TOTAL</b>	<b>11</b>

### 14.2 Main themes

- 14.2.1 The majority of the responses received provided specific comment on the wording of the policy or suggestions as to how the maps should be changed and these are outlined in the table below.
- 14.2.2 Other comments included that protection of these species requires coordination between marine and land consenting authorities, and that there should be additional detail on the importance of the PFOW area for breeding, wintering and foraging seabirds and waterbirds.
- 14.2.3 Scottish Water noted concerns about the approach required for marine European Protected Species (EPS) and how the precautionary principle is applied in relation to their discharges. They note it is essential that sound science is applied if any area is proposed as significant in relation to EPS. For this reason they suggest this policy should be developed at a national level rather than a regional level.
- 14.2.4 A fisheries sector stakeholder suggested there was a need for clarification that fishing per se is not a pressure and that only some types of fishing may be a pressure on some priority marine features.
- 14.2.5 One stakeholder felt this policy duplicated existing legislation.

**Table 14.1 General Policy 4B Protected species - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
145	Para. 177. Replace 'calving' with 'breeding' in the third sentence.	PARAGRAPH 177: Replaced 'calving' with 'breeding' in third sentence.	To accommodate request.
146	Information Box 8. May wish to add that designation comes through The Protection of Seals (Designation of Haul-out Sites) (Scotland) Order 2014. Could also highlight that Orkney is designated as a seal conservation area for common seals under the Marine (Scotland) Act 2010.	Second sentence amended as per below (row number 147).	As below (row number 147).
147	Include text to explain difference between seal management areas and seal conservation areas. Link provided to relevant information on webpage.	<p>INFORMATION BOX 8: Text added to explain difference between seal management areas and seal conservation areas. AMENDED TITLE TO: Seal Conservation Areas and Haul-out sites.</p> <p>TEXT: 'Seal conservation areas are designed to protect vulnerable, declining Common Seal populations. Seal haul-outs are locations on land where seals come ashore to rest, moult or breed. These designated sites provide additional protection for seals from intentional or reckless harassment'.</p> <p>Link to information page provided added to 'Further information' section: SNH seal protection guidance <a href="http://www.snh.gov.uk/protecting-">http://www.snh.gov.uk/protecting-</a></p>	For clarity and to provide further information.



No.	Suggested modification	Action taken	Reason
		<a href="http://scotlands-nature.gov.scot/protected-species/which-and-how/mammals/seal-protection/">scotlands-nature/protected-species/which-and-how/mammals/seal-protection/</a>	
148	Recommend that seal usage maps are removed and referred to in the 'Further Information' section to avoid misinterpretation of data. Link provided to relevant report.	FURTHER INFORMATION: Link to information added to section: Marine mammal research <a href="http://www.gov.scot/Resource/0043/00433252.pdf">http://www.gov.scot/Resource/0043/00433252.pdf</a>	The Plan highlights in paragraphs 43-44 that all the maps only provide a snapshot and readers are directed to use NMPi for the most up to date information. Additional text regarding different types of seal areas and information link adds clarity.
149	Replace current maps with ones that show seal management areas, seal conservation areas, seal Special Areas of Conservation and designated seal haul outs.	None.	See above.
150	Para 178: Clarify that a licence will only be granted once all other deterrent options have proven unsuccessful and that any licence will be referenced against a Potential Biological Removal level to ensure there is no decline in overall local population levels and this may result in no licence being issued.	PARAGRAPH 178: Text added to the end of second sentence: 'taking of seals, once all other deterrent options have proven unsuccessful'.	To accommodate request.
151	Para 183: It is unclear how the evolving MPA process is relevant to this policy when it covers specific protected species wherever they occur whereas MPAs protect species/habitats purely within a defined designated area.	PARAGRAPH 183: Second sentence amended to '... process should help show...'	Marine Protected Areas will provide an additional layer of protection to specific protected species when they are present in the Marine Protected Area.

No.	Suggested modification	Action taken	Reason
152	Use the same wording as General Policy 4A i.e. 'The Plan will support development or activities that do not have an adverse effect on...'	POLICY TEXT: Amended to 'The Plan will not support development or activities that would be likely to have...'	The suggested change is not in accordance with legal onus on developers and regulators.
153	Require accurate reflection of the statutory requirements addressing European Protected Species. Propose using the equivalent wording from the National Marine Plan as set out in paragraphs 4.51 – 4.54.	None.	Scottish Natural Heritage consulted to ensure wording is acceptable.
154	Para. 177. Include information on importance of PFOW area for protected breeding, wintering and foraging seabirds and waterbirds.	None.	The level of detailed information requested would have to be replicated for all species; it is felt the current information and links to further information is sufficient.
155	Consider developing this policy at a national rather than a regional level and applying a scientific and evidence based approach.	None.	The purpose of the Plan is to provide a framework of everything that would be necessary to be considered for potential developments. Consistency with the National Marine Plan was felt to be important as the marine planning process is new and both plans were being drafted in parallel.

## 15. General Policy 4C: Wider biodiversity

### 15.1 Summary of responses received

Stakeholder	Count
Commercial	3
Fisheries and aquaculture	1
Individual	0
Non-governmental organisation	0
Public sector	3
Recreation	1
<b>TOTAL</b>	<b>8</b>

### 15.2 Main themes

- 15.2.1 The policy was generally welcomed but the responses raised issues in relation to some of the wording of the policy and associated text.
- 15.2.2 Two stakeholders (representing the recreation and renewable energy sectors) felt this policy would place more protection than was currently required by existing legislation. One stakeholder noted that there is a test of imperative reasons of overriding public interest (IROPI) for Natura designations but that there is no such test stated here for the Priority Marine Features.
- 15.2.3 Two responses from aquaculture stakeholders requested their comments on the Highland Council Draft Aquaculture Supplementary Guidance was used to provide further information for Information Box 10.

**Table 15.1 General Policy 4C Wider biodiversity - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
156	<p>Information Box 9. Suggested alternative wording:</p> <p>“Priority Marine Feature: Serpulid aggregations</p> <p>The Serpulid worm is a beautiful marine tubeworm with a shiny crown of feathery red pink and orange tentacles, contrasting with a hard white tube. It has a worldwide distribution but in a few places, hundreds of them grow together forming bush like aggregations or ‘reefs’. These aggregations have been identified as a PMF because they provide a habitat for a wide variety of other marine creatures such as sponges, sea squirts, spider crabs and starfish”.</p>	<p>INFORMATION BOX 9: Text amended to:</p> <p>‘Priority Marine Feature: Serpulid aggregations</p> <p>The Serpulid worm is a beautiful marine tubeworm with a shiny crown of feathery red pink and orange tentacles, contrasting with a hard white tube. It has a worldwide distribution but in a few places, hundreds of them grow together forming bush like aggregations or ‘reefs’. These aggregations have been identified as a PMF because they provide a habitat for a wide variety of other marine creatures such as sponges, sea squirts, spider crabs and starfish.’</p>	To accommodate request.
157	<p>To avoid confusion with the legal protection given to Natura sites the following wording is suggested:</p> <p>“The Plan will not support development and activities that result in a significant impact on the national status of Priority Marine Features.”</p>	<p>GENERAL POLICY 4C: Text in first section amended to: ‘The Plan will not support development and activities that result in a significant impact on the national status of Priority Marine Features’.</p>	For further clarity and to accommodate request.
158	<p>The Plan should reflect the National Marine Plan text in relation to Priority Marine Features (‘where planned</p>	<p>GENERAL POLICY 4C: Text regarding Priority Marine Features clarified as detailed above.</p>	As above.

No.	Suggested modification	Action taken	Reason
	developments or use have the potential to impact PMFs, mitigation, including alternative locations, should be considered. Actions should be taken to enhance the status of PMFs where appropriate’).		
159	Use the same wording as in General Policy 4A i.e. “The Plan will support development and activities that do not result in significant adverse effects....”.	POLICY TEXT: Amended as above.	Text amended as advised by Scottish Natural Heritage.
160	In ‘Future considerations’ Para. 190 states that “some areas of the PFOW coastal and marine habitats are relatively undisturbed” and it is suggested that these areas could be mapped.	PARAGRAPH 194: Future considerations section: Sentence added at the end ‘This may include identification of species (and habitats) that could be considered to be of regional or local importance’.	To accommodate request.
161	Reference should be made to extensive comments sent by Scottish Salmon Producers Organisation and Scottish Sea Farms to the consultation on the Highland Council Draft Aquaculture Supplementary Guidance.	Noted.	All comments received have been taken into consideration.

## 16. General Policy 4D: Landscape and seascape

### 16.1 Summary of responses received

Stakeholder	Count
Commercial	2
Fisheries and aquaculture	2
Individual	0
Non-governmental organisation	0
Public sector	4
Recreation	1
<b>TOTAL</b>	<b>9</b>

### 16.2 Main themes

- 16.2.1 The main issue raised by the stakeholders that responded to this question was the lack of clarity regarding Wild Land and the fact that the policy as worded suggests such areas have a legal designation. Several stakeholders pointed out that this is not correct and that Wild Land areas are identified as nationally important in Scottish Planning Policy but are not a statutory designation.
- 16.2.2 It was also noted that the wording in relation to National Parks should be removed (as there are none in the PFOW area) and that the Heart of Neolithic Orkney World Heritage Site might be better dealt with in the Historic Environment chapter.
- 16.2.3 Two aquaculture sectors stakeholders wish to see the Plan state clearly that fish farming should be an exception in terms of locational and operational needs as it has a minimal impact on land and seascapes.
- 16.2.4 Other responses noted the need for coordination between marine and terrestrial planning and noted the importance of the visual impact of development on the existing character and quality of landscape and seascape.
- 16.2.5 One stakeholder suggested the terms used in the last paragraph of the policy such as ‘unspoiled’, ‘isolated’ and ‘undeveloped’ are not clear when considering how development proposals will be judged against them. Another stakeholder suggested the use of the terms coastal wildness could cause confusion with Wild Land areas.

**Table 16.1 General Policy 4D Landscape and seascape - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
162	Policy 4D. Amend last line of sentence to read ‘...be considered in both the planning and decision making stages’.	NEW THIRD PARAGRAPH OF POLICY TEXT ADDED: Scottish Planning Policy should be considered in both the planning and decision making stages.	To ensure Scottish Planning Policy is taken into account in decision making.
163	<p>Clarify text regarding Wild Land areas. Suggested changes: Second bullet is reworded as follows:</p> <p>“they will not adversely affect the integrity of the area or the special qualities for which it has been designated/ identified”</p> <p>“ any significant adverse effects are clearly outweighed by social, environmental or economic benefits of national importance for NSAs and WLAs and local importance for SLAs”</p>	<p>Suggested change to second bullet not included.</p> <p>POLICY TEXT: Deleted ‘Wild Land Areas (WLAs)’.</p> <p>POLICY TEXT: Removed reference to World Heritage Site.</p> <p>PARAGRAPH 195: Added sentence to the end of this paragraph ‘The setting of the Heart of Neolithic Orkney World Heritage Site provides essential context for the site’.</p> <p>PARAGRAPH 196: Second sentence changed to ‘The high sensitivity of this important resource is established through Scottish Planning Policy’.</p> <p>THIRD PARAGRAPH OF POLICY TEXT: Deleted and replaced with ‘Scottish Planning Policy should be considered in both the planning and decision making stages’.</p>	<p>To ensure it is clear which designations are statutory and which are important for other reasons. References to Wild Land corrected and made clearer.</p> <p>World Heritage Site is dealt with in General Policy 6 so no policy text needed here. Sentence added to background text to highlight importance of setting.</p> <p>References to Wild Land corrected and made clearer.</p> <p>Clarity regarding when to consult Scottish Planning Policy</p>

No.	Suggested modification	Action taken	Reason
164	Remove reference to National Parks.	POLICY BOX: Removed reference to National Parks.	Correction as there are no National Parks in the area.
165	Rename map 6 to 'Landscape Designations and Wild Land Areas' and also it would be useful to indicate SNH's mapped wild land areas, as referred to in SPP, on Map 6, although please note that these cannot be referred to as designations.	MAP 6 renamed 'Landscape Designations and Wild Land Areas' and Wild Land Areas shown on the map.	To accommodate request.
166	Take account of comments by Scottish Salmon Producers Organisation and Scottish Sea Farms in relation to the Highland Council Draft Aquaculture Supplementary Guidance 2015 and the Orkney Islands Council Main Issues Report 2015.	Comments obtained and read.	All comments received have been taken into consideration.
167	Two aquaculture stakeholders would strongly argue that any policies proposed by local planning authorities with regard to 'wild land' ought to recognise the unique nature of fish farming in terms of its locational and operational needs and the overall minimal impact it has on land and seascapes. The respondents noted they would wish to see the final PFOWMSP state clearly that fish farming should be treated exceptionally in this regard.	FURTHER INFORMATION: Add link to Scottish Natural Heritage guidance on landscape and seascape and siting of marine aquaculture developments: [ <a href="http://www.snh.gov.uk/protecting-scotlands-nature/looking-after-landscapes/landscape-policy-and-guidance/landscape-planning-and-development/landscape-and-aquaculture/">http://www.snh.gov.uk/protecting-scotlands-nature/looking-after-landscapes/landscape-policy-and-guidance/landscape-planning-and-development/landscape-and-aquaculture/</a> ]	This is the guidance used to inform how all marine aquaculture developments should be designed and sited within the environment.
168	Use the same wording as in Policy 4A, i.e. "The Plan will support	None.	The policy wording is clear and does not require to be changed.



No.	Suggested modification	Action taken	Reason
	development or activities that do not have an adverse effect on.....".		
169	Para. 203: The wording here should be changed as it will be out of date very quickly.	None.	This paragraph covers the most likely future considerations so the text does not need changing.
170	Review use of terms such as 'unspoiled', 'isolated' and 'undeveloped' in the policy text in relation to how they will be applied to development proposals.	POLICY TEXT: Third paragraph deleted.	See comments above on providing clarity on status of Wild Land.
171	Cross reference to Scottish Planning Policy to clarify terminology with regard to coastal wildness and largely undeveloped coast.	Changes to text as noted above. This terminology has been removed.	See comments above.

## 17. General Policy 4E: Geodiversity

### 17.1 Summary of responses received

Stakeholder	Count
Commercial	1
Fisheries and aquaculture	1
Individual	0
Non-governmental organisation	0
Public sector	3
Recreation	1
<b>TOTAL</b>	<b>6</b>

### 17.2 Main themes

- 17.2.1 The majority of the responses were in relation to wording of the policy and suggested changes to Map 7. One fisheries stakeholder noted that Map 8 could be useful as a predictive map of where commercial fishing stocks are likely to be found.
- 17.2.2 One renewable energy stakeholder felt the wording in the first part of the policy affords all geodiversity interests the same level of protection from international to local and the second part set a requirement beyond that of Environmental Impact Assessment legislation. This stakeholder felt there should be a tiered approach to 'importance' and that the second part of the policy be removed or revised.

**Table 17.1 General Policy 4E Geodiversity - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
172	Para. 208. Reword to ‘..freshwater lake and is therefore particularly...’.	PARAGRAPH 208: Amended to ‘...vast freshwater lake and it therefore particularly...’.	To amend typing mistakes as highlighted.
173	Para. 210. Insert ‘as’ at end of the line.	PARAGRAPH 210: ‘as’ inserted at the end of first line.	To amend typing mistakes as highlighted.
174	Correct references to ‘NW Sutherland Geodiversity Park’ and the North West Highland Geodiversity Park’ to the correct name i.e. North West Highlands Geopark.	INFORMATION BOX 11 and PARAGRAPH 209: Text amended to refer to ‘North West Highlands Geopark’.	To amend typing mistakes as highlighted.
175	Suggest maps show the Marine Protected Areas that include geological interests, ‘coastal’ SSSIs that are designated for geological interest and the ‘coastal’ Geological Coastal review (GCR) sites that have not been designated SSSI. Link provided to site and offer of shape file.	Shapefiles to be added to NMPi if compatible and link added to ‘Further Information’ section.  PARAGRAPH 208: Text added to end of paragraph ‘A number of designated sites such as MPAs, SSSIs and GCRs include geological interests (see Map 3 and NMPi)’.	For clarity. The maps provided are a good baseline: subsequent Marine Planning Partnerships may be able to include the level of detail requested but these data may also be found on NMPi.
176	Remove or revise the second part of the policy text to reflect Environmental Impact Assessment legislation.	None.	Significant impacts are covered in the first section of the policy, so mitigation must apply to impacts in general.

## 18. General Policy 5A: Water environment

### 18.1 Summary of responses received

Stakeholder	Count
Commercial	2
Fisheries and aquaculture	1
Individual	1
Non-governmental organisation	0
Public sector	6
Recreation	2
<b>TOTAL</b>	<b>12</b>

### 18.2 Main themes

- 18.2.1 A number of respondents commented that corrections were required to references to legislation as the Shellfish Waters Directive was repealed and there have been associated changes with regard to Shellfish Water Protected Areas. One stakeholder noted that the references to Marine Strategy Framework Directive and Water Framework Directive boundaries in relation to marine, transitional and coastal waters need to be checked and clarified.
- 18.2.2 Other stakeholders welcomed the protection afforded by this policy to existing marine users with one noting that it would be good to include process water discharges on the map.
- 18.2.3 Scottish Water provided several points:
- Scottish Water are regulated within the existing legislation to protect the water environment and have invested to achieve Good Environmental Status
  - They promote the principle of using sound science to ensure investment has measurable benefits
  - They support future shellfish development being within Shellfish Water Protected Areas and note the selection of shellfish harvesting sites should consider the location of sewage discharges and water quality information
  - They invest in Waste Water Treatment Works and collecting systems and use a number of criteria such as the population within a network catchment and sensitivity and status of the receiving waters for the final effluent or discharge
  - They agree that incompatible activities should be sited separately

- There are existing and will likely be future Scottish Water assets, such as sea outfalls, located in the PFOW area and note the Plan should recognise this essential function
- 18.2.4 Another stakeholder representing the renewable energy industry requested clarification on the meaning of 'full assessment' in the policy text.
- 18.2.5 A fisheries stakeholder expressed the view that if some shellfish waters are protected it would be a reasonable ambition to protect all areas where commercial stocks are harvested.

**Table 18.1 General Policy 5A Water environment - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
177	Para. 221. Should be Food Standards Agency Scotland in penultimate line.	PARAGRAPH 221 (now 222): Text changed to '...are the responsibility of the Food Standards Scotland (FSS)'.	Corrected (throughout document) to take account of the name of the new organisation.
178	Rename the policy Water Quality or combine with the section on Marine Strategy Framework Directive and refer to achieving all objectives in estuarine, coastal and marine waters.	None.	Policy covers a wider range of issues than water quality.
179	Revise Paras. 220, 221 and 224 to reflect the fact the Shellfish Waters Directive was repealed and is now covered by the Water Framework Directive as Shellfish Water Protected Areas.	PARAGRAPH 220 (now 221): Changed to 'The Water Environment (Shellfish Water Protected Areas: Designation) (Scotland) Order 2013 aims to improve the quality of water where shellfish grow. In Scotland, the Scottish Environmental Protection Agency (SEPA) is the competent authority for assessing and classifying Shellfish Water Protected Areas in accordance with the Scotland River Basin District (Quality of Shellfish Water Protected Areas) (Scotland) Directions 2015. The objective is to prevent deterioration of shellfish water quality, and aim to achieve good shellfish water quality, as set out in the Water Environment (Shellfish Water Protected Areas: Environmental Objectives etc.) (Scotland) Regulations 2013. There are three Shellfish Water Protected Areas in the PFOW area	Correct reference to legislation and rewording for clarity.

No.	Suggested modification	Action taken	Reason
		<p>(Bay of Firth, Kyle of Tongue and Loch Eriboll).</p> <p>PARAGRAPH 221 (now 222):            Changed to 'Compliance with the Water Environment (Shellfish Water Protected Areas: Designation) (Scotland) Order 2013 in itself will not ensure the protection of public health, but their intention is to ensure that shellfisheries do not become contaminated thus adversely affecting the classification awarded by Food Standards Scotland (FSS). Public health in relation to food is set down in directly applicable EU wide food hygiene regulation, for which FSS is the Competent Authority in Scotland, and it is implemented domestically under the Food Hygiene (Scotland) Regulations 2006 (as amended). Whilst food business operators are ultimately responsible for ensuring that only safe food is placed on the market, FSS is responsible for a wide range of official controls, including routine <i>Escherichia coli</i> monitoring which assist in determining the hygiene status of protected areas, where those areas have also been classified under food law by FSS'.</p>	

No.	Suggested modification	Action taken	Reason
		<p>Links to legislation added and footnote numbering updated:</p> <p>10 The Water Environment (Shellfish Water Protected Areas: Designation) (Scotland) Order 2013  <a href="http://www.legislation.gov.uk/ssi/2013/324/contents/made">http://www.legislation.gov.uk/ssi/2013/324/contents/made</a></p> <p>11 Scotland River Basin District (Quality of Shellfish Water Protected Areas) (Scotland) Directions 2015  <a href="http://www.gov.scot/Publications/2015/03/8135/downloads">http://www.gov.scot/Publications/2015/03/8135/downloads</a></p> <p>12 Water Environment (Shellfish Water Protected Areas: Environmental Objectives etc.) (Scotland) Regulations 2013  <a href="http://www.legislation.gov.uk/ssi/2013/325/contents/made">http://www.legislation.gov.uk/ssi/2013/325/contents/made</a></p> <p>PARAGRAPH 222: Deleted, see new text above.</p> <p>PARAGRAPH 225: Changed to 'The classification of shellfish harvesting areas can change and the most up-to-</p>	



No.	Suggested modification	Action taken	Reason
		<p>date information can be obtained by contacting the FSS. In October 2015, there were no harvesting areas in Orkney and Kyle of Tongue had a classification of 'A' for Pacific oysters. Category 'A' sites are of the highest standard and means that shellfish can go directly for human consumption'.</p>	
180	<p>Add text in italics: The Plan will support development in the marine environment when the proposal: <i>Development should not take place where wind driven currents may cause pollution in areas where due to its enclosed nature there is little change of water particular attention being taken in places of recreation.</i></p>	None.	Policy text in last bullet point covers consideration of the location of activities that may not be compatible.
181	<p>Clarify boundaries of Marine Strategy Framework Directive and Water Framework Directive.</p>	<p>PARAGRAPH 218: Changed last sentence to: 'The MSFD and WFD overlap in coastal waters as the WFD extends out to 3 nautical miles and overlaps with the MSFD in coastal waters. The MSFD includes coastal waters (as defined by the WFD) and out to the extent of the UK jurisdiction'.</p>	To improve the clarity of the text.
182	<p>In the 'Future considerations' section note that the next cycle of work on the Water Framework Directive is expected to give more attention to transitional and coastal waters.</p>	<p>PARAGRAPH 231: Second sentence added: 'Future work on the WFD is expected to give more attention to transitional and coastal waters and this should be taken into account when</p>	To accommodate request.

No.	Suggested modification	Action taken	Reason
183	Add process water discharges to the map and distinguish between fully and partially treated and untreated, including sewage works.	developing regional marine plans'. None.	NMPi provides some information but this level of detailed information is not available for mapping purposes.
184	Include the Bathing Waters Directive in the 'Key legislation and policy guidance' section.	NEW PARAGRAPH 220: 'The revised Bathing Water Directive (2006/7/EC) <sup>7</sup> was translated into Scottish Law by The Bathing Waters (Scotland) Regulations 2008 <sup>8</sup> and requires the Scottish Environment Protection Agency (SEPA) to take water quality samples throughout the bathing season (1 June to 15 September). The results of these sampling programmes are reported and made available to the public <sup>9</sup> . <i>Links for footnotes:</i> 7: Bathing Water Directive [ <a href="http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006L0007">http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006L0007</a> ] 8: Bathing Water Regulations [ <a href="http://www.legislation.gov.uk/ssi/2008/170/contents/made">http://www.legislation.gov.uk/ssi/2008/170/contents/made</a> ] 9: [link to SEPA site <a href="http://apps.sepa.org.uk/bathingwaters/index.aspx">http://apps.sepa.org.uk/bathingwaters/index.aspx</a> ]	To accommodate request.
185	The Plan needs to take account of the need for existing and future Scottish Water assets and safeguard against	PARAGRAPH 226: Sentence added at the end of the paragraph 'Scottish Water note that the selection of	To accommodate request.

No.	Suggested modification	Action taken	Reason
	potential uses which could conflict with infrastructure needs.	shellfish harvesting sites should consider the location of sewage discharges and water quality information available from SEPA and FSS'.	
186	Reference to Scottish Environment Protection Agency's remit should be included.	PARAGRAPH 216: Changed to '...three nautical miles by 2015. The Scottish Environment Protection Agency (SEPA) is responsible for producing, and has a major role in implementing, the river basin management plans (RBMP) for the Scotland and the Solway Tweed River Basin Districts (RBDs) in co-ordination with a wide range of organisations with interests in the water environment. The RBMPs set out how river-basin planning.....'	To accommodate request.
187	Page 88 – Paragraph 220 talks about the EU Shellfish Waters Directive and the link (7) below opens up the Directive 2006/113/EC. Please note that The Water Environment (Shellfish Water Protected Areas: Designation) (Scotland) Order 2013 replaced the repealed EC Directive 2006/113/EC in December 2013. Link to Order <a href="http://www.legislation.gov.uk/ssi/2013/324/contents/made">http://www.legislation.gov.uk/ssi/2013/324/contents/made</a>	See change above with regard to updating references to legislation.	To accommodate request.
188	Clarify what 'full assessment' means in the fourth bullet point of the policy text.	None.	A proposal for a development in the marine environment that requires an

No.	Suggested modification	Action taken	Reason
			Environmental Impact Assessment would contain the information required for a full assessment of the likely effects.
189	The needs of the commercial fisheries stocks should be defined here in that all biological stages of commercial stocks as a source of human food should be protected. Food for humans should merit mention above wildlife and not just be categorised as in a 'range of other activities'.	None.	This issue is covered in Sectoral Policy 1.
190	Add the word 'activities' to the first sentence in the policy text.	POLICY TEXT: Added 'The Plan will support development and activities....'.	Consistency between policies.

## 19. General Policy 5B: Coastal processes and flooding

### 19.1 Summary of responses received

Stakeholder	Count
Commercial	1
Fisheries and aquaculture	0
Individual	1
Non-governmental organisation	0
Public sector	5
Recreation	1
<b>TOTAL</b>	<b>8</b>

### 19.2 Main themes

- 19.2.1 There was general support for this policy and the ongoing work through the National Coastal Change Assessment project.
- 19.2.2 One respondent noted that the Churchill Barriers in Orkney will eventually become unusable due to the rise in sea water levels and suggested ways in which a new barrier could be combined with a renewable energy installation.
- 19.2.3 A recreation stakeholder noted that construction shore side can have knock on effects considerable distances away. This respondent commented that where buildings have been 'wrongly situated' there may be pressures to build erosion or flood defences that may then cause environmental damage themselves. It was noted that trying to artificially manage coastal erosion could be harmful.
- 19.2.4 One respondent expressed surprise at the lack of spatial data within the Plan.
- 19.2.5 A public sector respondent suggested the policy make reference to development in the intertidal area being in compliance with the flood risk framework in Scottish Planning Policy and noted other areas where the policy may not be in line with the Scottish Planning Policy.

**Table 19.1 General Policy 5B Coastal processes and flooding - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
191	Para. 237. Suggestion to reword the last sentence 'SEPA .... maps, available on their website, which show areas that are .....flooding'.	PARAGRAPH 237: 'Last sentence reworded: 'SEPA .... maps, available on their website, which show areas that are .....flooding'.	To improve the clarity of the text.
192	Text should note potential on effects of building shore side and managing coastal erosion measures could both cause environmental damage.	No new text added but comments noted.	Any coastal development will have to undergo an assessment of impacts on a case by case basis, often as part of an Environmental Impact Assessment process. The accompanying Environmental Report also considers the cumulative impacts of development on flooding and erosion. As noted in paragraphs 236 and 239, work is ongoing to identify and manage flood risk.
193	Clarify lack of spatial information for this policy.	PARAGRAPH 246: Additional reference made to SEPA flood maps: '...specific spatial information as it changes regularly. Up to date mapping can be found on the SEPA website; details are in the 'Further information' section'.	As the flood risk data are continually updated, it is more appropriate to refer readers to the SEPA flood maps.
194	Page 97. Some of the flood links are not working.	FURTHER INFORMATION: Broken links resubmitted: <a href="http://www.sepa.org.uk/media/162602/ss-nfr-p-002-technical-flood-risk-guidance-for-stakeholders.pdf">http://www.sepa.org.uk/media/162602/ss-nfr-p-002-technical-flood-risk-guidance-for-stakeholders.pdf</a> <a href="http://www.sepa.org.uk/media/143416/and-use-vulnerability-guidance.pdf">http://www.sepa.org.uk/media/143416/and-use-vulnerability-guidance.pdf</a>	To rectify issue.

		<a href="http://www.snh.gov.uk/about-scotlands-nature/rocks-soils-and-landforms/coasts/erosion/">http://www.snh.gov.uk/about-scotlands-nature/rocks-soils-and-landforms/coasts/erosion/</a> <a href="http://www.highland.gov.uk/info/178/local_and_statutory_development_plans/213/supplementary_guidance/12">http://www.highland.gov.uk/info/178/local_and_statutory_development_plans/213/supplementary_guidance/12</a>	
195	<p>Ensure the policy is in line with Scottish Planning Policy (SPP) in relation to the flood risk framework and paragraph 88 of the SPP.</p>	<p>PARAGRAPH 236: Amended last sentence, ‘...flooding, in accordance with the Flood Risk Framework in Scottish Planning Policy (2014).</p> <p>POLICY TEXT: Amended to show new first bullet point: ‘compliance with Scottish Planning Policy’; current bullet two amended to ‘...such as accommodation, should generally not be located in areas shown to be at risk of flooding unless appropriate measures are in place’.</p>	<p>To accommodate request and add further information and clarity.</p>

## 20. General Policy 6: Historic environment

### 20.1 Summary of responses received

Stakeholder	Count
Commercial	3
Fisheries and aquaculture	1
Individual	1
Non-governmental organisation	0
Public sector	3
Recreation	1
<b>TOTAL</b>	<b>9</b>

### 20.2 Main themes

- 20.2.1 Some respondents noted that the policy was much longer and different in style to the other policies. Two respondents, both representing the renewable energy industry, suggested it would be better to have the information in this policy as supporting information or guidance.
- 20.2.2 One respondent noted that the setting of the Heart of Neolithic Orkney World Heritage Site is a key part of its special quality the designation is largely cultural/historical. They suggest the text from General Policy 4D relating to the site would be better placed in this policy (General Policy 6).
- 20.2.3 A recreational stakeholder noted that an explanation of conflicting policies needs to be contained within the Plan e.g. flood defences to protect an eroding historic site could cause environmental damage or impact on leisure use.
- 20.2.4 A renewable energy representative queried why the wave and tidal industry had been singled out in paragraph 260 as it was not clear what effects were being considered. Another renewable energy representative did not feel this policy added anything to the equivalent policy in the National Marine Plan.
- 20.2.5 A fisheries representative noted that fishermen will have knowledge of the location of wrecks that may not be mapped.
- 20.2.6 Historic Environment Scotland provided several comments, the suggested text changes are provided in the table below. The remaining points were:
- They note the reference to the UK Marine Policy Statement but suggest using the Scottish Historic Environment Policy (Annexes 1.3 and 4.2) to provide a more comprehensive indication of factors that contribute towards the significance of historic sites and monuments



- They suggest presenting the policy in a format similar to the rest of the Plan
- They note the map is difficult to interpret and suggest indicative mapping of selected areas may be appropriate for coastal archaeology and other data sets that do not display easily on the map

**Table 20.1 General Policy 6 Historic environment - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
196	Note that corrosion of the Scapa Flow wrecks will occur over time. Suggestion that digital mapping could take place and then the removable items could be placed in the museum at Lyness.	None.	Historic Environment Scotland have undertaken survey work on the High Sea Fleet in Scapa Flow including the Scapa Map project and the more recent Scapa Flow 2013 Marine Archaeology Survey Project commissioned by Historic Scotland.
197	Suggestion that text relating to the Heart of Neolithic Orkney World Heritage Site should be taken from general policy 4D and put in general policy 6.	Reference to the World Heritage Site has been removed from policy text of General Policy 4D to the background supporting information.	Although the landscape setting of the Heart of Neolithic Orkney World Heritage Site is a key part of its special quality, the designation is largely cultural/historical.
198	Format policy in the same style as the other policies in the Plan.	None.	Different policy styles have been developed for the range of policy areas.
199	Clarify why the wave and tidal industry is mentioned in paragraph 260 and what effects are being referred to.	PARAGRAPH 260: Deleted.	To reduce the overall length of the supporting text for General Policy 6 by removing this non-essential paragraph.
200	The Scottish Historic Environment Policy (SHEP) (Annexes 1.3 and 4.2) could provide additional context for this policy. The aspects of significance from SHEP should be included in this policy.	INFORMATION BOX 14: Second paragraph amended to 'Significance is the importance of the site in archaeological, architectural, artistic, historic, traditional, aesthetic, scientific or social terms. Understanding the type of significance a site has is crucial to its good management'.	To provide a more comprehensive definition of significance.
201	General Policy 6: Historic Environment – statement of policy	POLICY TEXT: Deleted from third paragraph:	To reduce the length of General Policy 6.

No.	Suggested modification	Action taken	Reason
	<p>It was suggested that the policy statement could be compressed so as to make the key considerations more explicit (e.g. removal of legislative references already contained in supporting text). In doing so, this policy could be re-presented in a similar format to other general policies within the plan – with key points expressed in bullet form.</p>	<p>‘all protected sites under the following Acts: Protection of Military Remains Act 1986 (as amended); Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended); Ancient Monuments and archaeological Areas Act 1979 (as amended); Marine (Scotland) Act 2010’ and replaced with ‘protected sites identified in Table 3’.</p>	
202	<p>Query on the wording of the final paragraph of General Policy 6 which states that “requirements of navigation and safety take precedence over the conservation of the historic environment”. Whilst the rationale is understood where a vessel is in grave and imminent danger and impacts are unavoidable, the policy as drafted could be interpreted much more widely to include planned developments such as capital dredging for the purposes of navigation. In such instances, avoidance of policy commitments would not be merited, particularly for designated heritage assets, except where, in accordance with stated policy, the development can be demonstrated to deliver social,</p>	<p>POLICY TEXT: Final paragraph deleted and replace first paragraph with ‘Development which has the potential to have an adverse effect on the archaeological, architectural, artistic or historic significance of heritage assets, including their settings, will be expected to demonstrate that all reasonable measures will be taken to mitigate any loss of significance, and that any lost significance which cannot be mitigated is outweighed by the social, economic, environmental, navigation or safety benefits of the development’.</p>	<p>To provide clarity regarding the relationship between the conservation of the historic environment and navigational safety considerations.</p>

No.	Suggested modification	Action taken	Reason
	economic or environmental benefits which outweigh the impact on the heritage asset, and then only if appropriate mitigation is put in place. We would advise, therefore, that this part of the policy be redrafted to take account of these issues and better reflect the other policy documents that form its source material.		
203	Consider displaying the spatial data in a different format so it is easier to interpret.	MAP 10: Has been updated as follows, TITLE changed to 'Coastal Historic Environment' and caption has additional sentence added at the end of the paragraph 'This map does not show listed buildings with the Conservation Areas, the location of these listed buildings can be viewed on National Marine Plan interactive'.	To improve its legibility particularly the data relating to the World Heritage Site.

## 21. General Policy 7: Integrated coastal and marine development

### 21.1 Summary of responses received

Stakeholder	Count
Commercial	3
Fisheries and aquaculture	2
Individual	1
Non-governmental organisation	0
Public sector	3
Recreation	2
<b>TOTAL</b>	<b>11</b>

### 21.2 Main themes

- 21.2.1 The policy was generally welcomed by respondents but some felt there should be changes or additional text added.
- 21.2.2 There were some comments in relation to the reference to a single Environmental Impact Assessment (EIA) with one respondent suggesting a single EIA should always be carried out for marine and terrestrial components of a development project that are inextricably linked to the main works and suggested that the phrase 'where appropriate' should be removed. Another respondent disagreed with the term 'inextricably' and noted it was unreasonable and not supported in precedent to require a developer to submit a single EIA where e.g. parts of the supporting infrastructure are not being developed by them but are separate projects in their own right and which in many cases will be developed by a separate entity (e.g. grid connections).
- 21.2.3 Another public sector respondent noted the policy should include consideration of indirect impact of terrestrial developments on marine ecosystems. This respondent felt there should be a more strategic approach to identifying cable landing issues and land based support infrastructure for renewables.
- 21.2.4 Other points raised included the need for the licensing and consenting authorities to consult one another at an early stage in order to streamline the process and enable projects to meet their planned timeframes.
- 21.2.5 Two aquaculture stakeholders raised a similar issue and felt the policy should go further and emphasise the importance of 'consenting authorities' to ensure they have sufficient resources in place to facilitate pre-application engagement and to deal with development proposals efficiently and

effectively. A different fisheries stakeholder noted the importance of fishing harbours as access to their working environment.

- 21.2.6 One stakeholder queried the value of Map 12 as the information contained within it does not show up well.
- 21.2.7 A recreation stakeholder noted there were many complex inter-related issues to be considered e.g. development of harbours to support high fee paying industry may reduce amenity for locals.
- 21.2.8 Another response queried whether users are 'relevant stakeholders' and, if so, why fish farm applications 'always miss out the users'?. The stakeholder expressed his view that this had only happened since planning permission was transferred to the Local Authority.

**Table 21.1 General Policy 7 Integrated coastal and marine development - Table of modifications suggested**

No.	Suggested modification	Action taken	Reason
204	Clarify text in relation to when there is a need for a single EIA. Suggestion to delete the wording 'where appropriate'.	POLICY TEXT: Deleted 'Where appropriate, a single EIA should be carried out for marine and terrestrial components of a development project that are inextricably linked to the main works'.	Point adequately addressed in paragraph 270 (now 269).
205	Add text to take account of indirect impacts of terrestrial developments on marine ecosystems.	None.	Issue addressed on General Policies 1A and 1C.
206	A more strategic approach to identifying cable landing issues and land based infrastructure for renewables is needed.	None.	This issue is addressed in the context of the associated local development plan and supplementary guidance.
207	Para. 264 - Consider substituting fish farming for 'aquaculture' (see comments above). Typo. "extend" should be "extends".	None.	Within this context the terminology 'aquaculture' is appropriate.
208	Para. 267 - The duty to have regard to the UK Marine Statement and Marine Plans extends to all functions of public bodies, not just planning functions.	None.	Paragraph 267 (now 266) is clear in this regard.
209	Para. 271 - Now Planning Circular 1/2015.	<p>PARAGRAPH 271 (now 270): Text replaced with 'Planning Circular 1/2015 The Relationship Between the Statutory Land Use Planning System and Marine Planning and Licensing, sets out further guidance '.</p> <p>PARAGRAPH 271 (now 270): Planning Circular 1/2015 reference</p>	<p>Updated to reflect the current status of the Circular.</p> <p>To updated weblink to the latest Circular.</p>

No.	Suggested modification	Action taken	Reason
		and weblink has been updated to <a href="http://www.gov.scot/Publications/2015/06/5851/downloads">http://www.gov.scot/Publications/2015/06/5851/downloads</a> .	
210	Para. 272 - Typo. "with the Plan area."	PARAGRAPH 272 (now 271): The final sentence has been amended to read 'within the Plan area'.	To correct a typographical error.
211	Para. 273 and Para 275 - Delete "together".	PARAGRAPH 273 (now 272) and 275 (now 274): The word 'together' has been deleted.	To accommodate the requested change.
212	Policy could go further and emphasise the importance of 'consenting authorities', ensuring they have sufficient resources to facilitate an efficient process.	None.	The resources available to the various consenting authorities are out with the remit of the Plan.
213	Consider using the 'Protocol for Preparing Planning Applications for Aquaculture Development' which is referred to in Circular 1/2015. As a model of best practice in this area, it is suggested this should feature in an "Information Box" in the final Plan.	None.	General Policy 7 is not an aquaculture specific policy.



## 22. General Policy 8A: Noise

### 22.1 Summary of responses received

Stakeholder	Count
Commercial	0
Fisheries and aquaculture	0
Individual	0
Non-governmental organisation	0
Public sector	3
Recreation	2
<b>TOTAL</b>	<b>5</b>

### 22.2 Main themes

- 22.2.1 The majority of the responses received were to suggest changes to the text. Two respondents suggested removing or re-drafting Information Box 16.
- 22.2.2 One respondent (recreational sector) felt this policy as worded goes beyond the current UK policy as per the consultation on Marine Strategy Framework Directive Programmes of Measures which concluded not enough is yet known about underwater noise to implement measures.

**Table 22.1 General Policy 8A Noise - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
214	Para. 281. Delete 'due' from second sentence.	PARAGRAPH 281 (now 280): Removed the word 'due' from the second sentence.	In response to request.
215	Current UK policy as per the consultation on MSFD Programmes of Measures is that not enough is yet known about underwater noise to be able to implement measures, other than to collect more data. This policy goes beyond this policy and (other than for protected species) is an additional burden on developers beyond current requirements.	None.	Marine Strategy Framework Directive is aiming to achieve Good Environmental Status within European Waters and the proposed Programme of Measures is therefore on a different scale to development that may take place in the PFOW marine spatial plan. On the scale of developments in the marine environment it is standard practice, as part of the marine licensing process, to require noise impact assessments, mitigation measures, assessment of cumulative impacts etc. for projects that are likely to generate significant underwater noise. This policy does not go beyond current requirements.
216	Suggestion to remove Information Box 16 or use alternative text. Suggested alternative below: "Marine mammals are key sensitive receptors to underwater noise but, many other species (including fish and potentially some invertebrates) may be sensitive to either the sound (pressure) wave or the particle motion components of underwater noise. This	INFORMATION BOX 16: Deleted.	Information Box did not add any extra essential information to the background text.

No.	Suggested modification	Action taken	Reason
	is a complex subject with as yet limited understanding. However the, likely ability of different species to perceive noise of different sound pressure levels and frequencies can be predicted to some extent by applying knowledge of animal physiology. Expert advice should be sought to consider such impacts, the potential for physical or behavioural consequences and what implications there could be at the population level.”		
217	Suggested text change to ‘This Plan will support developments and activities in the marine environment....’ to acknowledge some activities such as wildlife watching don’t require a specific licence but could have an impact on wildlife.	POLICY TEXT: First sentence changed to ‘This Plan will support development(s ) and/or activities in the marine environment.....’	The change in wording includes activities that may not have specific consents.
218	The policy could support management of activities e.g. wildlife watching through codes of practice.	None.	Covered by change of text to first sentence in policy box.
219	Add report on Kyle of Durness mass stranding event.	FURTHER INFORMATION: Added following reference and link: Brownlow et al. (2015) Investigation into the long-finned pilot whale mass stranding event, Kyle of Durness, 22nd July 2011. <a href="http://www.strandings.org/reports/Kyle_of_Durness_Mass_Stranding_Report.pdf">http://www.strandings.org/reports/Kyle_of_Durness_Mass_Stranding_Report.pdf</a>	Additional region specific information.

## 23. General Policy 8B: Waste and marine litter

### 23.1 Summary of responses received

Stakeholder	Count
Commercial and aquaculture	3
Individual	1
Non-governmental organisation	0
Public sector	5
Recreation	1
<b>TOTAL</b>	<b>11</b>

### 23.2 Main themes

- 23.2.1 This policy was generally welcomed and respondents provided information on activities they are involved in aimed at reducing the amount of marine litter.
- 23.2.2 One public sector respondent noted that there is increasing evidence that micro-plastics could have a negative impact on the functioning of certain marine ecosystems and this issue should be included in this section.
- 23.2.3 Two aquaculture sector respondents made the same comment in relation to disagreeing with the Plan stating that ‘aquaculture, and by implication fish farming, is a major source of marine litter’. Both wanted the text amended accordingly.
- 23.2.4 One respondent felt the first sentence of paragraph 301 should be re-drafted as it appears to directly link the amount of tourist litter to population size. This respondent noted that areas with small populations may receive larger numbers of tourists than other areas with larger populations.
- 23.2.5 Scottish Water noted they provide screening for many of their discharges and will be providing a sewerage system in Stromness that will provide screening for storm discharges. They also noted that their waste activities are carried out under Waste Management legislation and that they have a role in developing and implementing the Marine Litter Strategy for Scotland.
- 23.2.6 One renewable energy developer suggested the policy would benefit from stronger wording to clearly state what is required from development proposals. Another public sector stakeholder noted that an increase in activity in the PFOW would increase the risk of waste and marine litter and noted the policy needs to be highlighted to developers.

- 23.2.7 Another response suggested adopting and adapting the Green Blue Project for general use.

**Table 23.1 General Policy 8B Waste and marine litter - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
220	Information Box 18. Typo. "targeting at a 60 hectare". Replace 'targeting' with 'targeted'.	INFORMATION BOX 18 (now 17): Word 'at' removed from first sentence of second paragraph.	To correct typing mistake.
221	Include text in relation to the negative impact of micro-plastics on the functioning of certain marine ecosystems.	<p>PARAGRAPH 305 (now 304): Added new second sentence: 'In addition, microplastic is a relatively new concern: these are tiny plastic granules used as scrubbers in cosmetics and small plastic fragments derived from the breakdown of macroplastics<sup>1</sup>.* These toxic particles can bioaccumulate in marine organisms, causing harm'.</p> <p>Reference added to 'Further information' section: <sup>1</sup>Cole, M., Lindequie, P., Hisband, C. and Galloway, T. (2011) Microspastics as contaminants in the marine environment: A review. <i>Marine Pollution Bulletin</i>, 62, 2588-2597.</p>	To specifically identify microplastic as a key marine litter issue.
222	Para. 301 - Typo - The first sentence is missing some commas.	PARAGRAPH 301 (now 300): First sentence of text amended for clarity: '...that the amount of litter dumped by tourists is relatively lower than on more often-visited popular, densely-populated mainland areas'.	To accommodate request.
223	Para. 305 - The second sentence doesn't make sense and should be	PARAGRAPH 305 (now 304): Text amended after first sentence for	To accommodate request and correct typographical errors.

No.	Suggested modification	Action taken	Reason
	reworded.	<p>clarity: 'The changing climate may lead to more extreme weather events. This in turn could lead to greater chances of marine litter being created through, for example, land-based litter blowing out to sea. This can impact on wildlife, public health and amenity, as well as having a range of economic impacts'.</p> <p>THIRD SENTENCE changed to 'These toxic particles can bioaccumulate in marine organisms, causing harm through toxicity or by being mistaken for food particles.'</p>	
224	The text in relation to aquaculture being a major source of marine litter should be amended.	None.	The text provides examples of sources of marine litter; it does not state any one source is a major contributor. See reference to Cole <i>et al</i> (2011).
225	Reword paragraph 301 to take into account areas with small populations may receive larger numbers of tourists than other areas with larger populations.	Noted.	Relatively speaking, the information is correct.
226	Clarify what is required by this policy from development proposals.	Noted.	Specific details would need to be considered on a case by case basis therefore exact detail on what would be required would be considered at that stage.
227	Ensure the title of the policy in the heading matches that in the policy	POLICY TEXT: Changed heading to 'Waste and marine litter'.	To match with policy section heading and rectify typing mistake.

No.	Suggested modification	Action taken	Reason
	box. It is currently 'Waste and marine litter' in the title but is 'Waste management and marine litter' in the policy box.		
228	New information provided on the Pick Up Three Pieces campaign in Orkney.	New INFORMATION BOX added (number 18) with the following text 'Pick Up Three Pieces is an initiative which aims to encourage the public to pick up and dispose of marine litter when visiting Orkney's shores. Designated bins for disposal of marine litter have been established at a few key coastal locations. Pick Up Three Pieces aims to raise awareness of how individual actions can make a positive impact on the local and global environmental problem of marine litter.	New information provided.



## 24. General Policy 9: Invasive non-native species

### 24.1 Summary of responses received

Stakeholder	Count
Commercial	1
Fisheries and aquaculture	3
Individual	2
Non-governmental organisation	2
Public sector	3
Recreation	1
<b>TOTAL</b>	<b>12</b>

### 24.2 Main themes

- 24.2.1 The majority of the respondents welcomed this policy and noted invasive non-native species are a concern and that biosecurity planning is necessary to prevent their spread. It was also noted that control and containment measures are needed.
- 24.2.2 One respondent (public sector) noted that they already follow existing Codes of Practice.
- 24.2.3 One respondent supplied a reference to a baseline survey of non-native species in the PFOW area. Another respondent provided information on the development of a European Code of Practice for Recreational Boating and Invasive Alien Species.
- 24.2.4 Two respondents from the fishing industry noted that the effect of climate change on, and natural spread of, non-native species should be mentioned.

**Table 24.1 General Policy 9 Invasive non-native species - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
229	Include the following reference: Nall CR, Guerin AJ, Cook EJ. 2015. Rapid assessment of marine non-native species in northern Scotland and a synthesis of existing Scottish records. Aquatic Invasions 10(1): 107–121.	FURTHER INFORMATION: Added 'Nall CR, Guerin AJ, Cook EJ. 2015. Rapid assessment of marine non-native species in northern Scotland and a synthesis of existing Scottish records. Aquatic Invasions 10(1): 107–121'.	Provides data on presence of selected non native species in the region.
230	Paragraph 310 – note that the RYA (through the European Boating Association) is currently developing a European Code of Practice for Recreational Boating and Invasive Alien Species.	PARAGRAPH 310 (now 309): Additional sentence added to the end of the paragraph 'A European Code of Practice for Recreational Boating and Invasive Alien Species is being developed by the Royal Yachting Association (through the European Boating Association)'.	To accommodate request.
231	Paragraph 312 – see also the RYA website ( <a href="http://www.rya.org.uk/go/alienspecies">www.rya.org.uk/go/alienspecies</a> ).	PARAGRAPH 312 (now 311): Changed to 'Individual sectors also provide biosecurity advice, examples are the Green Blue website which provides guidance in relation to boating activity, the Scottish Canoe Association and the Royal Yachting Association website <sup>11</sup> '. Link to be added: <a href="http://www.rya.org.uk/infoadvice/planningenvironment/advice/Pages/AdviceonAlienSpecies.aspx">http://www.rya.org.uk/infoadvice/planningenvironment/advice/Pages/AdviceonAlienSpecies.aspx</a>	To accommodate request.
232	This policy refers to other marine users, which is not consistent with other policies. It is unclear what the	POLICY TEXT: Changed to: 'All developers and users of the marine environment should take into	Change of policy text to be consistent with other policies and definitions used in the Plan.

No.	Suggested modification	Action taken	Reason
	intention of this is and how will this be implemented where there is not a decision to be made.	account....' and 'collaborative approach is taken by developers and users of the marine environment'.	
233	Wording for General Policy 9 is strengthened by adding to the first paragraph of the policy: "Applications for marine-related developments should demonstrate that the potential risks of spreading INNS, and appropriate mitigation where needed, has been adequately considered in their proposal"	POLICY TEXT: Added following text to end of first paragraph 'Applications for marine-related developments should demonstrate that the potential risks of spreading non-native species, and appropriate mitigation where needed, has been adequately considered in their proposal'.	To strengthen wording as requested.
234	Note that climate change and natural spread are 'vectors' for non-native species.	None.	If non natives are spreading 'naturally' this is range extension and not an introduction. Climate change (though not natural) can facilitate range extension and, in some cases, could mean a species could survive in an area away from its native range to which it is introduced by human means (still an introduction in this case).
235	Page 123 - Information Box 19 - This appears to be a typo (?) "It is not one of the seven high risk species...."	None.	Information box 19 is correct as Orkney Islands Council have identified seven non native species that would require further action.
236	The links to the Clyde and Shetland Biosecurity plans need to be updated as direct links to the plans are available: <a href="http://clydeforum.com/attachments/bio">http://clydeforum.com/attachments/bio</a>	FURTHER INFORMATION: Updated links: <a href="http://clydeforum.com/attachments/bio_secplan.pdf">http://clydeforum.com/attachments/bio_secplan.pdf</a> <a href="http://www.nafc.uhi.ac.uk/departments">http://www.nafc.uhi.ac.uk/departments</a>	To accommodate request.

No.	Suggested modification	Action taken	Reason
	secplan.pdf <a href="http://www.nafc.uhi.ac.uk/departments/marine-science-and-technology/BiosecurityPlan.pdf">http://www.nafc.uhi.ac.uk/departments/marine-science-and-technology/BiosecurityPlan.pdf</a>	/marine-science-and-technology/BiosecurityPlan.pdf	
237	Clarify text in paragraphs 313 and 315 as once a non-native species has been found means it has already been introduced and therefore it would not be possible to control it.	None.	Although it is acknowledged that once introduced into the marine environment non natives are difficult to control there are options to e.g. control spread and in some, very limited cases, undertake control measures.
238	Replace text in paragraph 317 with “Non-native monitoring in Orkney. Contact: Orkney Islands Council, Marine Services, Marine Environmental Unit. Tel. 01856 873636.”	PARAGRAPH 317 (now 316): Text changed to ‘Non-native monitoring in Orkney. Contact: Orkney Islands Council, Marine Services, Marine Environmental Unit. Tel. 01856 873636’	To accommodate request.
239	Gen Policy 9 , General Policy 9 box on p124 last part. It states “Where non-native species .....” if this is taken literally all of the UK ports and coastal industries will be carrying out eradication programmes, as there are non-native species just about everywhere in the UK. It is only when a non-native species becomes invasive that there is a problem and an eradication programme is required – hence the GB NNSS hot list of those known species that will become invasive very quickly.	POLICY TEXT: Changed second paragraph to ‘Existing Codes of Practice, species control agreements and orders (under the WANE Act), risk assessments and international guidelines should be used to develop these measures where relevant to the marine environment’. Change third paragraph to: ‘Where non-native species assessed as high risk are known to be present, mitigation measures (e.g. an eradication plan).....’.	To clarify it is high risk species that require mitigation measures.

## 25. Sectoral Policies

### 25.1 Summary of responses received

25.1.1 This section deals with responses received in relation to the questions ‘Do you have any comments on the format of the sectoral policies?’ and ‘Do you have any comments on Table 4?’.

25.1.2 This table describes the responses received in relation to the format of the sectoral policies.

Stakeholder	Count
Commercial	1
Fisheries and aquaculture	2
Individual	1
Non-governmental organisation	1
Public sector	3
Recreation	1
<b>TOTAL</b>	<b>9</b>

25.1.3 This table describes the responses received in relation to the format of Table 4.

Stakeholder	Count
Commercial	1
Fisheries and aquaculture	1
Individual	1
Non-governmental organisation	1
Public sector	3
Recreation	0
<b>TOTAL</b>	<b>7</b>

### 25.2 Main themes

25.2.1 Two aquaculture stakeholders provided the same comment on the sectoral policies. Both considered that the sectoral policy for aquaculture would not meet the aim of paragraph 320 (now 319), which notes that the policies provide a consistent framework to ensure the Plan delivers sustainable development through the identification of policies that deliver economic, social and environmental benefits for each sector.

25.2.2 These stakeholders expressed the view that they felt fish farming (aquaculture) was not supported in the same way as other sectors. They noted that all other users appear to have to be treated as having the same ‘rights’ to develop or use the sea. Their opinion was that fish farming could be considered to be a very efficient use of the marine space owing to the

economic value and the very small areas used for this purpose. They felt because of this planning documents such as the Plan should have wording that promotes this specific use and development over others. It was suggested that establishing the economic value that is produced for every hectare of sea used for fish farming could be a tool that was used to prioritise this use over others.

- 25.2.3 These stakeholders felt that using economic value figures such as these could support the idea that areas thought to be suitable for fish farming should be protected from other forms of development. They felt this would fit with the objective for fish farming as stated in the Scottish Planning Policy.
- 25.2.4 Comments from other stakeholders included concerns that central government would override local preferences or other policies less politically leading. Another stakeholder felt the policies did not appropriately reflect the marine activities of the region and were too vague. This stakeholder also felt that not specifically mentioning protecting or minimising environmental impacts was a major oversight as one of the Guiding Principles of the Plan is 'an ecosystems approach to the management of human activities, climate change adaptation and mitigation'.
- 25.2.5 For Table 4 respondents provided comments in relation to where they felt changes or corrections were needed. One stakeholder reiterated comments made about Table 2 and noted most readers would likely not use the table.

**Table 25.1 Sectoral Policy format and Table 4 - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
240	Policy Format – should this read ‘Sectoral Policy Format’	None.	It is clear from the section title that sectoral policies are being referred to.
241	Why do we need the words “high level”. Surely targets are targets whether high, low or whatever.	None.	High level is a term referred to in the UK Marine Policy Statement.
242	We suggest that the ‘pressures’ section should address (in relation to the specific sector) pressures on the particular sector (e.g. economic pressures) and potential pressures (on marine ecosystems) caused by that sector (e.g. impact of aquaculture on benthic habitats). This is why we suggest this section should be called ‘issues’ rather than ‘pressures’.	None.	‘Pressures’ is considered an appropriate term in the context of this marine plan.
243	Given the economic value of fish farming, and given the very small areas used for this purpose, would it not be reasonable to find a form of words in planning documents such as this that actually promote this specific use and development over others. Establishing the economic value that is produced for every hectare of sea used for fish farming could be a useful tool in seeking the prioritisation of this use over others. Equally, figures like this could help support the idea, referred to extensively in the SSPO response to the ‘Planning Issues and	None.	A balanced approach to the social, economic and environmental factors influencing sectoral development has been taken within the Plan.

No.	Suggested modification	Action taken	Reason
	Options' consultation in 2013, that areas of the sea thought suitable for fish farming should be protected from other forms of development. These ideas would fit much better with the overall objective of planning for fish farming as stated in SPP (2014).		
244	The way policies for fish farming are worded is prejudicial compared to the wording used for other uses/development types.	None.	As the Plan is non-statutory, it is appropriate that the aquaculture policy signposts to the relevant statutory Local Development Plans and appropriate planning guidance.
245	We found the Sectoral policies were too vague and require additional detail. With the exceptions of policies 1, 5, and 8, there is no mention of protecting or minimising environmental impacts – a major oversight considering one of the Guiding Principles of the PFOW is 'an ecosystems approach to the management of human activities, climate change adaptation and mitigation'.	None.	The suite of General Policies including 1A, 1C, 4A, 4B, 4C, 4D, 4E, 5A, 6, 8A and 9 address the protection of the environment.
246	'local sustainable development' requires further definition.	None.	Sustainable development is defined in Information Box 1.
247	Recreation, sport, leisure and tourism has a clear contribution to "Support management of the marine environment, marine development..... etc" with the installation of the marinas	None.	The Objective 4 specifically relates to climate change as opposed the general management of the marine environment.



No.	Suggested modification	Action taken	Reason
	and the proposed development of Marine Tourism.		
248	The majority of readers are likely to move past this table and therefore we advise that it would be of most use in a supporting document/ evidence base, rather in the plan itself.	None.	Table 4 provides a clear and concise diagram illustrating how the Plan policies contribute either directly, indirectly or have no clear contribution to the Plan objectives.
249	Table 4's title and key are not clear. Is a 'contribution' considered to be positive or negative to the objective? If positive then further explanation needs to be provided for justifying why sectors such as oil and gas or marine aggregates contribute positively to, for example the objective to '...protect and enhance the biological.... functioning of the marine and coastal environment.'	None.	Table 4 identifies where a sectoral policy contributes towards a Plan objective by addressing a potentially positive or adverse effects.
250	<p>We suggest that the linkages between policies and objectives requires revisiting as note below:</p> <ul style="list-style-type: none"> <li>• 'Ports and Harbours' and 'Marine Transport' have at least an indirect role in 'Supporting transition to a low carbon economy' objective in context of marine development;</li> <li>• 'Ports and Harbours' have an indirect contribution to supporting an 'Ecosystem based approach';</li> </ul>	None.	<p>The policies as drafted make no obvious contribution towards objective 2.</p> <p>The policy as drafted make no obvious contribution towards objective 6.</p>

No.	Suggested modification	Action taken	Reason
	<ul style="list-style-type: none"> <li data-bbox="324 263 900 422">• 'Ports and Harbours' have an indirect contribution to supporting 'Management of the environment with respect to climate change';</li> <li data-bbox="324 454 900 566">• 'Aquaculture' has a direct link to sustainable management of the coastal zone.</li> </ul>	None.	The policy as drafted make no obvious contribution towards objective 9.  An indirect contribution has been identified as the policy signposts to the relevant local development plan policy.
251	Inshore commercial fisheries are highly supportive in terms of contributing to a low carbon economy. Low food miles for local consumption, low fuel use.	None.	Noted.

## 26. Sectoral Policy 1: Commercial Fisheries

### 26.1 Summary of responses received

Stakeholder	Count
Commercial	2
Fisheries and aquaculture	3
Individual	1
Non-governmental organisation	1
Public sector	5
Recreation	1
<b>TOTAL</b>	<b>13</b>

### 26.2 Main themes

- 26.2.1 Some respondents noted that this policy is very long and seems at odds with the format of the other policies within the Plan. There were several suggestions for changes to the text and some respondents provided corrections to the wording.
- 26.2.2 Two respondents (public sector and non-governmental organisation) noted that the policy needs to be clear that fisheries can be a pressure on target (and non-target) species and their habitats. One example provided was bycatch of non-target species including seabirds and marine mammals. One of these respondents provided text in relation to an ecosystem based approach based on Article 2.3 of the Common Fisheries Policy.
- 26.2.3 One of these respondents (public sector) noted that there is currently some uncertainty about how statutory regional marine plans and fisheries management will integrate in the future. This respondent felt this issue should be dealt with under the 'Future considerations' section of this policy to recognise potential conflicts and synergies between commercial fisheries activity and biodiversity conflicts.
- 26.2.4 A recreational sector respondent noted that there was a lot of science and legislation behind the control of fisheries to maintain sustainability but had concerns about how this was implemented at a local level in terms of issues such as e.g. risk to navigation, loss of anchorages and floating creel lines.
- 26.2.5 Scottish Water noted that access to public drinking supply and collection and treatment of wastewater may need consideration if ports are to develop or expand to facilitate the commercial fishing industry. It was noted consent would be required from Scottish Water with regard to the capacity of the receiving wastewater treatment works to treat the load.

- 26.2.6 Another respondent welcomed the importance placed on consultation with local fishermen and the relevant organisations prior to any proposed developments.
- 26.2.7 A respondent from Marine Scotland Licensing Operations Team noted that a Commercial Fisheries Working Group would normally be formed as part of the consent conditions for a development. This Group would generally be regional or area groups rather than individual groups for each consent.
- 26.2.8 A fisheries stakeholder noted that fishing is the longest established human industry and also noted that fishing displacement and stock habitat damage or juvenile stock damage needs to be properly understood as this is a significant data gap.
- 26.2.9 A letter from a fisheries stakeholder raised concerns that some text did not accurately reflect the National Marine Plan in terms of involvement of Inshore Fisheries Groups, or any proxy. This stakeholder felt there had been a lack of involvement of these groups in the development of this Plan and that this highlighted a potential issue for how they would be involved in future Marine Planning Partnerships.
- 26.2.10 The same respondent felt the use of Scotmap was insufficient as it only represents the activity of 72% of the relevant fleet and that further consultation as suggested by the Plan is essential to assess the impacts on displacement and habitat damage.

**Table 26.1 Sectoral Policy 1 Commercial Fisheries - Table of suggested modifications**

<b>-No.</b>	<b>Suggested modification</b>	<b>Action taken</b>	<b>Reason</b>
252	Suggestions to shorten policy by e.g. splitting into 2 or 3 separate policy statements.	None.	Policy will not be shortened as was based on extensive stakeholder discussion and agreement.
253	Provide text that is more simple and 'ensures developments don't cause significant damage to important fishing or spawning areas or navigational problems and alternatives don't exist'.	None.	Policy will not be shortened as was based on extensive stakeholder discussion and agreement.
254	The third bullet point needs rewording as it doesn't follow on from the opening sentence of the policy – what are developers required to demonstrate?	POLICY TEXT: Third bullet point has following text added 'consideration has been given to protection for vulnerable.....'	Clarity.
255	Change 'existing fishing opportunities and activities will be safeguarded wherever possible' to 'The Plan will support proposals for developments where it can be demonstrated that existing fishing opportunities and activities will be safeguarded and that: [items within box missing out first bullet]	None.	Suggested wording could be interpreted as requiring more than National Marine Plan.
256	Clarify what 'developments' means in first sentence of policy – developments other than commercial fisheries such as aquaculture or renewables?	None.	Development(s) are defined in Section 2 of the Plan.
257	Add text to 'Future considerations' section on integration of regional marine plans and fisheries	None.	Lessons Learned report - will acknowledge that the Plan has not addressed how fisheries has an

-No.	Suggested modification	Action taken	Reason
	management and how this will be achieved.		impact on the environment and how Regional Marine Plans can address the policy framework for the management of fisheries. This was outwith the scope of this Plan but will be an important aspect that can be dealt with by future statutory regional marine plans.
258	Para. 349 - Substitute "Owing to..." with "Given...". Add "adverse" after "... avoid displacement or...."	PARAGRAPH 349 (now 348): Changed to 'Given the nature....' And '...careful planning to avoid displacement or adverse socio-economic impacts on fishermen'.	To accommodate request.
259	Para. 351 - Substitute ".....owing to..." with "...grounds are. However, given that....."	PARAGRAPH 351 (now 350): Changed to '...important fishing grounds are. However, given that fishing may change over time....'.	To accommodate request.
260	Pages 136 and 137 Sectoral Policy 1 - In the final bullet point it is not clear how a requirement to create a 'Fisheries Management and Mitigation Strategy' could be reflected in conditions on a planning permission for a fish farm, given the requirements of Circular 4/1998 'The Use of Conditions in Planning Permissions'.	None.	Conditions requiring a Fisheries Management and Mitigation Strategy are already used, where applicable, within marine licences. The policy test requirements of Circular 4/1998 for imposing conditions on planning consents can in principle be satisfied in relation to the use of Fisheries Management and Mitigation Strategy for fish farm applications, where significant impacts on commercial fisheries are identified and follow the requirements of Circular 4/1998.
261	The Key Legislation and Policy	PARAGRAPH 349 (now 348): Added	To explain the pressures from fishing

-No.	Suggested modification	Action taken	Reason
	Guidance section of Sectoral Policy 1 must make clear the requirement to implement the ecosystem based approach to fisheries management to minimise the impact of fisheries on the wider marine environment, for example minimise the bycatch of non-target species including seabirds and marine mammals.	a sentence at the end of the paragraph 'There is also potential for pressures from fishing to have an environmental impact on the seabed and target and non-target species'.	activities on the seabed and marine species.
262	Amend second bullet based on text from Article 2.3 of the Common Fisheries Policy to read: The Plan will support proposals for developments where it can be demonstrated that: • an ecosystem based approach to the management of fishing which ensures the sustainability of fish stocks, minimises the negative impacts of fisheries on the marine environment and avoids the degradation of the marine environment has been implemented.	PARAGRAPH 338 (now 337): Changed to 'Within the UK finfish fisheries are managed through the EU Common Fisheries Policy (CFP) which, in Article 2.3, shall implement an ecosystem-based approach to fisheries management so as to ensure that negative impacts of fishing activities on the marine ecosystem are minimised, and shall endeavour to ensure that aquaculture and fisheries activities avoid the degradation of the marine environment. There are further requirements.....'	Do not wish to reiterate Common Fisheries Policy in bullet point as it has wider implications that this one issue. Additional background text added.
263	Para. 340 Provide a reference to the appropriate documentation in relation to the legal recognition of the right to fish.	None.	The right to fish largely stems from the development of cases under common law so there is no single statutory provision which outlines this right.
264	Page 137. Policy Box – we welcome the formalisation of the Fisheries Management and Mitigation Strategy within the National Marine Plan	None.	Noted.

-No.	Suggested modification	Action taken	Reason
265	Para. 348. Description of Caithness and Sutherland as a landing port should be Scrabster is a landing port.	PARAGRAPH 348 (now 347): Changed to 'In Caithness and Sutherland there is a different type of industry in that Scrabster is traditionally a landing port....'.	To accommodate request.
266	Para 339. The Inshore Fisheries Group equivalent in Orkney is Orkney Sustainable Fisheries Ltd. (not simply chaired by this organisation).	PARAGRAPH 339 (now 338): Changed to '...and Orkney Sustainable Fisheries Ltd is the Orkney Management Group, which is the equivalent of an IFG'.	Correction in response to request.
267	The first bullet point in the policy box 'existing fishing opportunities and activities will be safeguarded wherever possible' should be regarded as the gold standard for Marine Spatial Planning.	None.	Noted.
268	Para. 339 on page 132 does not accurately reflect the paragraph 2.10 of the National Marine Plan.	PARAGRAPH 339 (now 338): Changed last sentence to 'The National Marine Plan notes that inshore fishing interests should be represented on Marine Planning Partnerships by Inshore Fisheries Groups (or equivalent) whose management plans will inform and reflect the regional plan.'	Clarification.
269	Para. 2.2.1 from the UK Marine Policy Statement 'A key principle will be to promote compatibility and reduce conflict' is essential in terms of Para. 341 in the Plan.	None.	Noted. The Plan conforms with the UK Marine Policy Statement and provides background text in paragraphs 86-88 and a specific requirement for efficient and multiple use of marine space in General Policy 1A.



<b>-No.</b>	<b>Suggested modification</b>	<b>Action taken</b>	<b>Reason</b>
270	Paragraph 342 needs rewording as this will not apply to all marine licences. Paragraph 352 needs text to ensure this captures those developments with an impact on fisheries. Opening heading policy text needs clarification.	<p>PARAGRAPH 342 (now 341) first sentence changed to 'Any objections raised regarding a development that is likely to have an impact on fishing will be given consideration when making a determination'.</p> <p>POLICY TEXT heading changed to 'Taking account of the relevant EU policies and Directives marine planners and decision makers should aim to ensure'.</p> <p>FIFTH BULLET IN POLICY TEXT changed to read 'that appropriate consultation regarding proposed development....'</p>	Clarity and to ensure policy wording is relevant to remit of the Plan.

## 27. Sectoral Policy 2: Aquaculture

### 27.1 Summary of responses received

Stakeholder	Count
Commercial	2
Fisheries and aquaculture	3
Individual	1
Non-governmental organisation	1
Public sector	5
Recreation	2
<b>TOTAL</b>	<b>14</b>

### 27.2 Main themes

- 27.2.1 The respondents to this policy provided several changes and corrections to the text (noted in Table 27.1) in relation to referencing of economic data, definitions of aquaculture, suggestions for additional information to be included and comments on the impact of aquaculture developments.
- 27.2.2 One recreation sector respondent noted that aquaculture can impact on safety of navigation and that it should be made clear that aquaculture must comply with other policies and cannot be supported in all cases. This was echoed by a public sector respondent representing recreation who noted the key issues are avoidance of racing areas and cruising routes, appropriate marking and lighting of aquaculture sites and protection of harbours and the anchorages described in the Clyde Cruising Club Sailing Directions and Anchorages. This respondent noted there was also potential for benefits e.g. aquaculture developments allowing access to slipways.
- 27.2.3 A public sector respondent felt the Plan did not add anything to the existing framework for this sector and missed opportunities to identify a strategic direction for the sector at a regional scale and to identify other marine activities and issues relevant to future updates to aquaculture policies in Local Development Plans.
- 27.2.4 Two respondents welcomed Marine Scotland's work on the Spatial Planning for Aquaculture.
- 27.2.5 Two respondents from the aquaculture industry (commercial and association) made several detailed comments. The comments in relation to suggested text changes are dealt with in the table below. The main themes in the comments were:

- The term 'aquaculture' needs to be defined earlier than paragraph 358 (now 357) with a clear distinction made between fish farming and other forms of aquaculture.
- There needs to be clear distinctions between the definitions relating to production of finfish and shellfish and also between Atlantic Salmon production and the production of all other forms of finfish.
- Seaweed cultivation should not be ignored because it is not 'development' for the purposes of the Town and Country Planning (Scotland) Act 1997 as this means there is a lack of advice on such developments in the Plan.
- It is incorrect to refer to Orkney Islands Council having 'Supplementary Guidance' as their Planning Guidance for Aquaculture has not been adopted.
- It is not clear how the Plan, as currently written, contributes to the Scottish Government's objectives in relation to what the planning system should be doing to support the sustainable growth of fish farming in Scotland (reference given to paragraph 250 in the Scottish Planning Policy).
- Welcomes the recognition the Plan gives to the actual pressures on the salmon farming industry.
- The 'luke-warm, and significantly qualified' support for fish farm development does not reflect the text in the National Marine Plan. If the Plan were a draft regional marine plan this inconsistency would mean it could not be adopted. The respondent specifically noted the Plan does not identify areas suitable for fish farming as required by the Scottish Planning Policy and the National Marine Plan and falls short of legislative requirements.
- The scale of the map is inappropriate and the term 'active' should be defined.

27.2.6 A fisheries respondent (representing an association) queried how much of the £60 million quoted as being generated by the aquaculture sector remains in the area. This respondent also noted that any expansion of fish farming in Orkney will have an impact on wild fisheries both spatially and biologically. This respondent also noted the need to protect all developmental stages up to adulthood of its wild commercial stocks.

27.2.7 The same respondent commented that the consenting of aquaculture planning has been poorly discharged by Orkney Islands Council and no appeals are available to objectors.

27.2.8 Another respondent representing an association commented that measures such as the Controlled Activities Regulations (CAR) licence requirements

- are strictly adhered to and impacts continually assessed so that scientific rigour is given to the quest for a clean environment.
- 27.2.9 A recreational sector response supported local management within a national framework as long as it is managed correctly. Understanding of the local situation is required.
- 27.2.10 The Crown Estate noted they advocate non-salmonid (e.g. cod and halibut) marine finfish should be allowed to continue subject to necessary permits. The Crown Estate also considers the north and east coasts appropriate for shellfish and seaweed cultivation and would wish this to be clear in the Plan.
- 27.2.11 Scottish Water is supportive of any proposals for development of shellfish harvesting within Shellfish Water Protected Areas (SWPA). They note shellfish harvesting may be carried out in areas not designated as SWPA but consider it sensible that future shellfish development should be within these areas as they have confirmed Good water quality and support the Scottish Government aim to encourage development within SWPA. They note they do not consider they should invest to support new designations. They also highlight that selection of shellfish harvesting sites consider the location of sewage discharges and water quality.
- 27.2.12 Scottish Water note that they should be consulted on all proposals on a case by case basis to determine if there could be an impact on abstractions for drinking water, assets or discharges.
- 27.2.13 Scottish Water invests in relevant infrastructure to meet regulatory and environmental requirements based on a number of criteria and once an asset has been built to meet such standards and requirements they do not consider it feasible for an incompatible activity, such as a shellfish farm, to be developed in the mixing zone. Any such development may require enhanced levels of treatment beyond that agreed and set out in the licence. This would result in additional costs.
- 27.2.14 A respondent from the public sector noted the importance that the aquaculture sector has in the PFOW and highlighted the need for early engagement with Marine Scotland and other relevant consenting bodies.

**Table 27.1 Sectoral Policy 2 Aquaculture - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
271	Info Box 21: suggest placing this after para 358 for more relevance.	INFORMATION BOX 21: Moved to after paragraph 358.	To correct formatting error and to accommodate request.
272	Update information regarding seaweed harvesting and culture.	<p>INFORMATION BOX 21 : all existing text deleted and replaced with “Seaweed cultivation and harvesting</p> <p>In 2013, the Scottish Government consulted on a policy statement regarding seaweed cultivation, the consultation analysis was published in 2014. Scottish Ministers are currently considering whether a formal consenting mechanism should be put in place to ensure that harvesting of wild seaweed and seagrass in Scotland is sustainable. A Strategic Environmental Assessment (SEA) is currently being undertaken and will be used to support these considerations. A policy statement on seaweed cultivation will await the outcome of the SEA of wild seaweed harvesting, given the clear interaction which exists’.</p>	To provide up to date information.
273	Para 361: This paragraph needs some rewording. EPS licences are issued by SNH not Marine Scotland as the sixth sentence implies.	None.	Marine Scotland is the licensing authority if any legal marine activity is likely to cause disturbance or injury to a European Protected Species. Scottish Natural Heritage only issues

No.	Suggested modification	Action taken	Reason
			licences for activities relating to scientific research or conservation.
274	Para 364: Clarify that the presumption applies to the north and east coasts of mainland Scotland and not Orkney.	None.	The text directly reflects Scottish Planning Policy (2014) wording and the map clearly shows where the restriction is applicable.
275	Para. 356. Change to 'Aquaculture in Scotland helps provide food for the domestic market, export income and a range of employment opportunities, especially in the Highlands and Islands. The industry provides considerable benefit for fragile economic areas, including supply chains, processing and research'.	PARAGRAPH 356 (now 355): Reworded after the first sentence, which is retained: 'In the PFOW area, the industry provides considerable benefit for fragile economic areas, including supply chains, processing and research'.	To accommodate request and provide greater consistency.
276	Para. 356. The source of the economic data should be referenced appropriately, including the time period referred to.	See above.	See above. Detailed information on the economic value of aquaculture in the area is provided in the Socio-Economic Baseline Review.
277	Para. 356. Clear definition of aquaculture required and distinctions made between fish farming and other forms of aquaculture production of finfish and shellfish Atlantic Salmon production and production of all other forms of finfish	PARAGRAPH 358 (now 357): Amended to 'Aquaculture for the purposes of this policy.... PARAGRAPH 21: Amended to: '... with the exception of marine fish farming'.	A definition of aquaculture is given in paragraph 358, which highlights the different types of species cultivated. The general use of the term 'aquaculture' throughout the rest of the document conforms with the National Marine Plan.
278	Addition of wording to explain statutory requirements of the National Marine Plan and subsequent statutory regional marine plans.	PARAGRAPH 359 (now 358): Second sentence 'additional guidance' changed to 'additional policy'. New last sentence added 'However, decisions	For clarity regarding statutory requirements.

No.	Suggested modification	Action taken	Reason
		must also accord with policies of the National Marine Plan and subsequent statutory regional marine plans for an area’.	
279	Para. 357. Change to ‘this sector delivers significant economic benefit to the area’.	PARAGRAPH 357 (now 356): Existing text deleted and amended to.... ‘The Scottish Government supports the industry 2020 targets to grow the sector sustainably. To support these targets, a variety of research is underway by Marine Scotland, academia and various other research agencies’.	To accommodate request and provide greater consistency. Detailed information on the economic value of aquaculture in the area is provided in the Socio-Economic Baseline Review.
280	Refer to Government/Industry 2020 growth targets as outlined in the National Marine Plan as regulators are expected to take decisions that consider and support the potential for sustainable growth of aquaculture.	See above.	See above.
281	Map 15 indicates active shellfish sites but these may no longer be active.	Map 15: Text added to bottom of the map ‘ ‘Active’ in accordance with the Fish Health Inspectorate definition relates to the status of a site that is stocked or fallow with the intention of restocking in the foreseeable future’.	For clarity: the data for the map has been taken from NMPi, which uses the Fish Health Inspectorate records.
282	Page 144. Map 15. The scale of the map renders the information in it almost meaningless. The term ‘active’ is not defined, but should be.	See above.	All the maps provided are a snap shot; as outlined in paragraphs 42-44, readers are referred to NMPi for detailed, up to date mapping.

No.	Suggested modification	Action taken	Reason
283	Wording regarding commercial cultivation of seaweed needs to be included in the Plan to provide advice to anyone considering such a development. If no extra wording is put in remove reference to seaweed cultivation in paragraph 359.	<p>PARAGRAPH 359 (now 358):            ‘excluding seaweed’ removed from first sentence. New second sentence added and third sentence amended            ‘National guidance is therefore provided in Scottish Planning Policy, with additional policy provided in the National Marine Plan. At the local level, the two local authorities.....’            Two new sentences added at end of paragraph ‘At present, seaweed cultivation farms require a licence from Marine Scotland. However, decisions must also accord with policies of the National Marine Plan and subsequent statutory regional marine plans for an area’.</p> <p>POLICY TEXT: Text added at end of policy: ‘The Plan will support the sustainable growth of seaweed cultivation where it complies with any licensing or subsequent planning requirements’.</p>	To accommodate request and provide greater clarity. The National Marine Plan currently includes seaweed within aquaculture; future marine plans will be updated to reflect any subsequent changes.
284	Page 145. The list of ‘Further Information’ should include reference to ‘A Fresh Start The Renewed Strategic Framework for Scottish Aquaculture’, the Scottish Government’s Food and Drink Strategy, the National Marine Plan, the	<p>FURTHER INFORMATION: ‘Planning Circular 1/2007: Planning Controls for Marine Fish Farming  <a href="http://www.gov.scot/Publications/2007/03/29102026/1">http://www.gov.scot/Publications/2007/03/29102026/1</a>            added, but note this is in the process of being replaced.</p>	To accommodate request.



No.	Suggested modification	Action taken	Reason
	National Planning Framework, Circular 1/2015 and Circular 1/2007.	FURTHER INFORMATION: Inserted reference to A Fresh Start - The Renewed Strategic Framework for Scottish Aquaculture <a href="http://www.gov.scot/resource/doc/272866/0081461.pdf">http://www.gov.scot/resource/doc/272866/0081461.pdf</a>	
285	Para. 359. Please refer to Paragraph 6 of Circular 1/2007 'Planning Controls for Marine Fish Farming' for an accurate description of the extent of planning control over fish farming in the marine area. Reference should also be made to Circular 1/2015, SSPO's comments on the Pre-Consultation Draft of the Aquaculture Planning Circular and SSPO's comments on the Highland Council Draft Aquaculture Supplementary Guidance.	See above.	See above.
286	Para. 360. The reference to Orkney Islands Council (OIC) having 'Supplementary Guidance' for fish farming is not correct. The OIC Planning Guidance for Aquaculture has not been formally adopted and is therefore not 'Supplementary Guidance' in the context of the OIC Local Development Plan.	PARAGRAPH 360 (now 359): Text of first sentence updated to 'In addition, Orkney Islands Council has detailed Planning Policy Advice <sup>3</sup> to aid .....similar guidance.' Footnotes and links updated to latest information. <sup>3</sup> <a href="http://www.orkney.gov.uk/Service-Directory/R/aquaculture-supplementary-guidance.htm">http://www.orkney.gov.uk/Service-Directory/R/aquaculture-supplementary-guidance.htm</a>	Text updated to reflect latest available information.

No.	Suggested modification	Action taken	Reason
		Footnote 4 removed from 'Further information' section.	
287	Para. 361. Could be shortened to a paragraph commencing, "Finfish farms may need the following licences and consents from Marine Scotland...", followed by bullet points identifying the various consents and licences.	None.	The current format conforms better to the rest of the document than the suggestion provided.
288	Para 361 Include also safeguarding access to anchorages	PARA 361 (now 360): Third sentence amended to '...to safeguard navigation, including access to anchorages. Marine Scotland...'	To accommodate request.
289	Para 361 section implies seals are European Protected Species, which they are not.	PARA 361 (now 360): Sixth sentence amended to "In addition, it is the licensing authority..."	To accommodate request.
290	Paras. 358-362. Should be added to, re-ordered and re-written. Initially there should be reference to the high level strategy and policy documents, e.g. 'A Fresh Start', National Marine Plan, and National Planning Framework 3. Then the policies and guidance in SPP(2014) could be referred to, followed by Local Development Plans and any Supplementary Guidance that may exist. The least the text should do is refer to the high level 2020 targets set by Scottish Government for the finfish and shellfish sectors. Thereafter the text could describe, and summarize,	See various sections above.	See various sections above.  Paragraph 38 outlines the spatial approach to the Plan.  The Aquaculture Planning Policy Advice for Orkney referenced in Sectoral Policy 2 contains a spatial strategy for aquaculture development.

No.	Suggested modification	Action taken	Reason
	<p>the various, and extensive, regulatory controls that exist, especially for the finfish farming industry.</p> <p>It is not clear how the Plan, as currently written, contributes to the Scottish Government's objectives in relation to what the planning system, in general, should be doing to support the sustainable growth of fish farming in Scotland. i.e.</p> <p>" The planning system should:</p> <ul style="list-style-type: none"> <li>• play a supporting role in the sustainable growth of the finfish and shellfish sectors to ensure that the aquaculture industry is diverse, competitive and economically viable;</li> <li>• guide development to coastal locations that best suit industry needs with due regard to the marine environment;" (Para. 250- Scottish Planning Policy (2014)).</li> </ul>		
291	Page 143 Sectoral Policy 2 - As referred to above, the wording of this policy is distinctly different to the policies for other types of use or development in the marine area.	POLICY TEXT: First sentence amended to 'Aquaculture developments will be supported by the Plan where...'	To accommodate request.

No.	Suggested modification	Action taken	Reason
	<p>Compare - "Aquaculture development may be supported in principle....." with the following:-</p> <p>"Exploration and production of oil and gas will be supported..."</p> <p>"The Plan will support proposals (for renewable energy generation)..."</p> <p>"The Plan will support the sustainable development of marine recreation. etc....."</p> <p>"The sustainable growth of the ports.....will be supported...."</p>		
292	<p>The Draft PFOW MSP also does not identify areas suitable for fish farming as required by Scottish Planning Policy and the National Marine Plan (see Objectives and Aquaculture policies 1 and 2). In this respect also it falls short of the legislative requirements.</p>	None.	<p>Paragraph 38 outlines the spatial approach to the Plan.</p> <p>The Aquaculture Planning Policy Advice for Orkney referenced in Sectoral Policy 2 contains a spatial strategy for aquaculture development.</p>
293	Policy text updated	<p>POLICY TEXT: First bullet amended to 'Local Development Plans for Orkney Islands Council or Highland Council and any related planning guidance as appropriate'.</p> <p>Second bullet deleted.</p>	To reflect most up to date information and to provide further clarity.

No.	Suggested modification	Action taken	Reason
		Additional bullet point added: any Marine Scotland or Scottish Environment Protection Agency licensing requirements and guidance	
294	There is no policy information provided, other than to direct users to the relevant Local Development Plans. From an aquaculture perspective, the Plan does not provide any additional benefit.	Text updated as above.	As detailed above.
295	Para 364 should include reference to the National Marine Plan	PARAGRAPH 364 (now 363): amended to "...Policy (2014) <sup>8</sup> and the National Marine Plan have a presumption against..."	To accommodate request.
296	There should be more information on relevant pressures such as sea lice and potential conflicts in this area between the interests of aquaculture and managers of wild salmon and sea trout stocks. The respondent requested that 'If these conflicts no longer exist then it would be helpful to explain in this section how they have been resolved'.	PARAGRAPH 365 (now 364): New paragraph (365) added after paragraph 365 (now 364): 'The impacts of sealice and its treatments on farmed salmon, wild salmonids and the wider environment are a substantial challenge, with methods of improving sea lice control an urgent priority for research. Fish farm escapes can also pose a threat to wild salmonids, which has lead to the development of technical standards for finfish aquaculture. Aquaculture also has the potential to interact with inshore fisheries and recreation and	To accommodate request and provide further information.

No.	Suggested modification	Action taken	Reason
		tourism interests'. Footnote added and document added to 'Further information' section: 'Marine Scotland: A Technical Standard for Scottish Finfish Aquaculture <a href="http://www.gov.scot/Publications/2015/06/5747">www.gov.scot/Publications/2015/06/5747</a> '.	

## 28. Sectoral Policy 3: Oil and gas

### 28.1 Summary of responses received

Stakeholder	Count
Commercial	2
Fisheries and aquaculture	0
Individual	1
Non-governmental organisation	1
Public sector	2
Recreation	1
<b>TOTAL</b>	<b>7</b>

### 28.2 Main themes

- 28.2.1 One response from a public sector stakeholder felt the lack of information on the impact the oil and gas sector can have on climate change was a significant omission.
- 28.2.2 The same respondent felt this chapter should set out the short, medium and long term approaches to this industry and that this policy should facilitate the transition to a low carbon economy.
- 28.2.3 A respondent from the recreational sector noted concerns that ‘oil dollars’ will always win over environmental matters or local impacts.
- 28.2.4 The Crown Estate noted that Carbon Capture and Storage (CCS) is not mentioned in this policy but is mentioned in Sectoral Policy 10 Defence and suggested the reference is removed or text is added to this policy in relation to CCS.
- 28.2.5 The same respondent noted it was not clear from Map 16 where any conflict between ocean energy and offshore wind would occur and also suggested anchoring areas within Scapa Flow in relation to Ship-to-Ship transfers should be included on the map.
- 28.2.6 A public sector respondent noted the importance of this industry to the Plan area and it must be supported. The importance of engagement with this industry to ensure they are sighted of any modifications or changes within their areas of concern was noted.
- 28.2.7 Another respondent queried whether this policy covered shale gas and its various processes if this was ever found in the PFOW area.

**Table 28.1 Sectoral Policy 3 Oil and gas - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
297	Clarification as to whether this policy is intended to cover shale gas.	NEW PARAGRAPH 377 (now 378): 'No shale gas deposits or development pressures have been identified within the Plan area during the plan making process'.	To accommodate request.
298	Add climate change impacts to the 'pressures' section.	<p>NEW PARAGRAPH 378 (now 379): Scotland will need a mixed energy portfolio, including hydrocarbons, to provide secure and affordable heat and electricity for decades to come. As use of renewable energy sources is increased, there is also a duty to minimise carbon emissions in line with climate change targets. The approach is one of careful stewardship of finite resources.</p> <p>NEW PARAGRAPH 379 (now 380): The Scottish Government supports a low carbon economy which involves the move away from fossil fuels based energy consumption towards investment in renewable energy and increased energy efficiency. However, oil and gas are set to remain a vital source of energy while we move towards a future based upon renewable energy and it is sensible to secure reserves domestically as far as</p>	<p>Text added to note climate change targets and provide background to Scottish Government approach (provides background for next comment listed in row 299 as well).</p> <p>Text consistent with National Marine Plan.</p> <p>Outwith the scope of this Plan to set out the short, medium and long term approach to the oil and gas industry.</p>



No.	Suggested modification	Action taken	Reason
		possible for as long as they may be needed.	
299	Set out the short, medium and long term approach to this industry.	Text added (see row 298 above).	Text consistent with National Marine Plan. Outwith the scope of this Plan to set out the short, medium and long term approach to the oil and gas industry.
300	Policy should facilitate transition to low carbon economy.	New paragraphs 378 (now 379) and 379 (now 380) added as background information.	To accommodate request.
301	Provide text on Carbon Capture and Storage in this policy or remove reference in Sectoral policy 10.	Text on Carbon Capture and Storage removed from Sectoral Policy 10.	Clarity.
302	Map 16. Clarify where conflict as mentioned in paragraphs 378-379 would occur.	PARAGRAPH 378 (now 381): Second sentence changed to 'The main interactions in the Pentland Firth and Orkney Waters if there was further oil and gas related activity in this area are likely to be.....'	Clarity.
303	Map 16. Add Ship-to-Ship anchorages in Scapa Flow.	MAP 16: Anchoring areas within Scapa Flow in relation to Ship-to-Ship transfer added.	To accommodate request.
304	Policy too long in relation to level of oil and gas activity in the Plan area.	None.	Noted.
305	The correct name (and has been for a while) for the Flotta Oil Terminal operator is Talisman Sinopec Energy UK Ltd – not Talisman Energy as shown in Sec Policy 3. As oil and gas – both in supply type vessels and tankers – is going to remain a	PARAGRAPH 369: Changed third sentence to 'The terminal operators, Talisman Sinopec Energy, signed.....'.	Text change in response to request. All policies are cross linked in some way so no specific need for referencing in this policy. Text in relation to Paragraph 375 has been drafted in close consultation with DECC to ensure it is correct.

No.	Suggested modification	Action taken	Reason
	<p>relatively large industry for this part of Scotland for a while yet, perhaps there should be a cross reference to Sec Policies 3 (Oil &amp; Gas), 6 (Maritime Transport) &amp; 7 (Ports &amp; Harbours) as there is a link between each?</p> <p>In para 375 in Sec Policy 3 there appears to be a reference to “pollution matters” in the last sentence resting with the Scottish Government. Although at the beginning of this sentence there is a reference to emissions and discharges this may be lost to the general reader when the word pollution is used. Oil Pollution in the sea whether caused by a ship or terminal is the responsibility of the Harbour Authority / MCA all as per the National Contingency Plan – it is not a devolved matter. Perhaps this should be clarified in this para?</p>		
306	Update to take account of establishment of Oil and Gas Authority and to clarify text.	POLICY TEXT: First paragraph delete ‘and when established’ and ‘new’. Third bullet point delete ‘will’, sixth bullet point delete ‘must’ and change ‘take’ to ‘takes’.	Updated text to take account of establishment of Oil and Gas Authority

## 29. Sectoral Policy 4: Renewable energy generation

### 29.1 Summary of responses received

Stakeholder	Count
Commercial	3
Fisheries and aquaculture	2
Individual	1
Non-governmental organisation	1
Public sector	6
Recreation	1
<b>TOTAL</b>	<b>14</b>

### 29.2 Main themes

- 29.2.1 The respondents provided comments on a range of issues such as how, and if, co-existence in the Plan Areas will occur, floating offshore wind technology, the need for monitoring to increase data and knowledge regarding the impact of marine renewables, the remit of the Marine Renewables Facilitators Group and concerns regarding displacement of fisheries.
- 29.2.2 Suggested text changes and corrections are included in the table but the main points made by the respondents are discussed below.
- 29.2.3 Two respondents representing the recreational sector (yachting and public body) both noted that impacts can be mitigated if there is good communication with developers and good understanding of the effects on key issues such as small craft navigation, design and siting to avoid collision risk and avoidance of sailing and racing areas. Ongoing monitoring of this effects is critical to building on ongoing research.
- 29.2.4 Scottish Natural Heritage noted the importance of post consent monitoring of marine renewables to help plug some of the information gaps regarding the impact of renewables on the marine environment. They noted they have collaborated on research with the European Marine Energy Centre (EMEC) to develop techniques to understand animal interactions around tidal turbines and that these results will inform future deployments at the EMEC sites and also in Scotland and elsewhere. They suggest wording to strengthen the policy with regard to monitoring (see table).
- 29.2.5 Another respondent from the recreational sector echoed the sentiment that there are significant knowledge gaps regarding how species and habitats interact with, and are affected by, offshore renewables. This respondent

- noted there would need to be long term investment in environmental monitoring and research to address these gaps.
- 29.2.6 Some respondents felt there should be reference to floating offshore wind.
- 29.2.7 It was noted by some respondents that the Sectoral Plans are currently in draft format. There were also comments relating to the fact that it is likely that only a small proportion of the Plan Options outlined in the Sectoral Plan will be developed. The associated Sustainability Appraisal for the Sectoral Plans suggests under a 'high' development scenario this would be in the order of 25-26% for offshore wind, 1% for wave and 5% for tidal. One respondent noted that the Plan will assist during the planning process for identifying new commercial sites within the PFOW and ensure due consideration is given to all parties involved.
- 29.2.8 Two respondents commented on the text in relation to co-existence within these areas with one respondent noting it is incumbent on other proposed activities within these areas to address any potential impact they may have on future renewable deployments. Another respondent felt it must be acknowledged that it will not always be possible for all existing activities to continue within a development site without impact or for potential synergies to be realised.
- 29.2.9 Some respondents also noted that it is possible to develop outwith the Plan Option areas in some cases. One respondent from the renewable energy sector suggested that if the developer has been able to demonstrate a location outwith these areas is acceptable commercial developments (of all generation types) should be supported.
- 29.2.10 This respondent noted that they believe the offshore wind area (OWN1) identified within the Sectoral Plan is unlikely to be a near term development option but they are aware of other commercial scale opportunities that exist in the PFOW area. This respondent commented that locations outwith the Plan Option areas for near to medium term commercial scale developments will be required if the industry is to progress.
- 29.2.11 One of these respondents also asked for clarification regarding the transparency of the Marine Renewables Facilitators Group in how they provide advice to developers whose projects are being scrutinised. A different respondent noted this group is integral to proposed marine renewable developments in terms of provision of advice and feedback. Another respondent noted sporting interests should be represented on this group.
- 29.2.12 Scottish Water supported early and effective communication and noted that both onshore and offshore renewables can impact on their underground water and wastewater network.

- 29.2.13 A renewable energy stakeholder noted there are difficulties associated with projects being able to screen grid connections against local plans and suggested that for many marine projects the responsibility for the onshore grid connection infrastructure will rest with the grid network operator and not the project developer.
- 29.2.14 A fisheries stakeholder commented that there is a lack of understanding about what fishing displacement means. The respondent noted it is not always possible for fishermen to move their activities elsewhere and that there is a lack of understanding about the industry at government, political, non-governmental organisation and developer level. The respondent welcomed the text in paragraph 407 (now 411).
- 29.2.15 Another fisheries respondent suggested it was too late for the Plan to offer any protection to the fishing industry as the Crown Estate and Marine Scotland's Regional Locational Guidance have already offered the development industry 'huge swathes of seabed' with little input from fishing. The respondent noted it is essential that fishing interests are consulted before allocation of space in order to avoid any negative impacts.

**Table 29.1 Sectoral Policy 4 Renewable energy generation - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
307	Check text in relation to Crown Estate Lease Areas and Agreement for Lease areas and the figures quoted for the number of sites in the PFW.	PARAGRAPH 398 (now 402): New second sentence added 'A further five areas are leased to EMEC for sea trials, two of which are not planned to be grid connected'.	To accommodate request.
308	Para. 410. Should be 'tackling' in first line.	PARAGRAPH 410 (now 414): 'tacking' changed to 'tackling'.	Correction.
309	Add a footnote link to the Regional Locational Guidance in paragraphs 396, 401, 408 and Sectoral Policy 4 and include the hyperlink in the 'Further considerations' section.	PARAGRAPH 389 (now 393) and PARAGRAPH 396 (now 400): Footnotes to Sectoral Marine Plans and associated Regional Locational Guidance added and link provided in Further Information section.	To accommodate request.
310	A commitment to ensuring that navigational channels are kept open as some types of devices have the potential to close routes and this may not be able to be mitigated.	None.	Sectoral Policy 6 deals with key shipping routes and the importance of keeping them open so there is no need to reiterate this information in this policy.
311	Reference should be made to the potential for development of floating windfarms.	NEW PARAGRAPH 413 (now 417) added (see below).	To accommodate request.
312	Recognition that detailed understanding of the sporting uses of the area, understanding of the potential impact, appropriate early consultation, key issues addressed and consideration of a range of mitigation measures is required to mitigate any impact.	None.	No specific modification requested and covered in main themes section.

No.	Suggested modification	Action taken	Reason
313	Query as to whether the safety and/or loss of vessels and any subsequent loss due to the installation of manmade structures has been factored in especially as regards Search and Rescue and insurance.	None.	No specific modification suggested and links provided to relevant guidance.
314	Suggested text addition: Due regard to be taken of MCA Publications MGN 275, 371, 372 and IALA 0-139.	PARAGRAPH 409 (now 413): Added new last sentence 'Other guidance includes the Maritime and Coastguard Agency Marine Guidance Notes (MGN 371 and 372, or subsequent updates) in relation to offshore renewable energy installations and the International Association of Marine Aids to Navigation and Lighthouse Authorities recommendations on the Marking of Man-Made Offshore Structures'.	To accommodate request.
315	We strongly recommend that Policy 4 includes specific requirement for developers to submit a monitoring plan informed by advice from key agencies. This will provide a sound basis for requiring such monitoring as part of the relevant consent. We suggest the following wording: "The Plan will support proposals when:  a scheme is submitted that sets out how any potential long term residual environmental effects identified by the	None.	Monitoring would be considered as part of the licensing and consenting process so an additional bullet point has not been added. Ongoing updates to the Environmental Impact Assessment directive would have to be taken into account in future regional marine plans.

No.	Suggested modification	Action taken	Reason
316	<p>EIA will be monitored”</p> <p>Future considerations</p> <p>We suggest that this section more clearly articulates the expectation that statutory marine planning processes should refine the sectoral plan option areas relevant to the PFOW regions, potentially using more detailed opportunity/constraint mapping methods.</p>	<p>PARAGRAPH 415 (now 420): Second sentence added ‘Ongoing development of more detailed mapping methods to identify opportunities and constraints will help the statutory marine planning process refine e.g. the Plan Option areas.</p>	<p>To accommodate request.</p>
317	<p>‘The Plan will support proposals when any adverse impacts are satisfactorily mitigated.’</p> <p>We recommend this statement is amended to either refer to the general policies OR ensure consideration is made of the potential individual and cumulative/ in-combination effects of the proposal have been addressed and managed sustainably.</p>	<p>None.</p>	<p>Cumulative impacts are considered by the General Policies 1A, 4B, 5A and 8A and they apply to all developments.</p> <p>In-combination effects are addressed in General Policy 4A.</p>
318	<p>Clarify status of Sectoral Marine Plans i.e. whether draft or final.</p>	<p>Weblink provided to most up to date information on Sectoral Marine Plans.</p>	<p>To accommodate request.</p>
319	<p>Paragraph 395 states that development ‘should be’ sited in the Plan Option Areas; however, then goes onto say that development could happen outside of these areas. Therefore, instead of ‘should be’ a better phrase might be ‘is preferred’.</p>	<p>PARAGRAPH 395 (now 399): Added new second sentence ‘Plan Options are considered the preferred strategic locations for the sustainable development of offshore wind and marine renewables’.</p>	<p>Clarity.</p>



No.	Suggested modification	Action taken	Reason
320	Paragraph 404 highlights potential impacts between renewables and other sectors, without providing examples or reference to other documents. It is unclear what the potential impact pathways might be, for example between marine renewables and aquaculture, within the PFOW area given that these sectors do not seek out similar environments. Some additional information on the potential impacts, or links to other documents outlining these, would be useful.	PARAGRAPH 404 (now 408): Deleted 'aquaculture'.	Clarity.
321	Paragraph 410 – It is unclear from this paragraph whether or not the Marine Renewables Facilitators Group is transparent in nature with their advice being provided to the developers whose projects are being scrutinised. A list of members of the group would be useful, some information on when they fit into the process, whether they can be approached independently and some commentary on the transparency of their advice would be welcomed.	None.	The Marine Renewables Facilitators Group would be set up as and when needed and the membership would be as outlined on the webpage although it is possible people or organisations with specific expertise would also be invited to be part of the group if deemed necessary.
322	Map 17 – Firstly it should be noted that not all of these areas are Lease areas – many are at the Agreement for Lease (AfL) stage and yet to reach full	MAP 17: Legend updated to read 'The Crown Estate - Wave sites' and 'The Crown Estate - Tidal sites'	Correction.

No.	Suggested modification	Action taken	Reason
	Lease. Additionally, it should be noted that in relation to responses 're Paragraph 395 above, that there are multiple AfL's outside of the option areas, thus lending more weight to the proposed textual changes as set out above.		
323	Paragraph 414 – A link to any plan level HRA should be provided here.	PARAGRAPH 414 (now 419): Links provided elsewhere in this section to most up to date information on Sectoral Marine Plans.	To accommodate request.
324	Policy 4 Renewables 387-415 with information on EMEC. It should be noted at 410 the potential to utilise a facilitators group to resolve issues.	None.	Already covered in text.
325	Wording is skewed towards marine renewables with little treatment of offshore wind.	<p>NEW PARAGRAPH 413 (now 417): added: Floating offshore wind is a technology that is currently developing and Marine Scotland has created Regional Locational Guidance that identifies possible areas where test sites for deep water floating technology could be located. One of these areas is off Westray and as this is an area of potential development that would need to be taken into consideration in the future as the technology develops.</p> <p><i>Link to be added:</i> [<a href="http://www.gov.scot/Topics/marine/ma">http://www.gov.scot/Topics/marine/ma</a></p>	To accommodate request.

No.	Suggested modification	Action taken	Reason
326	<p>We would challenge and highlight difficulties associated with projects being able to screen grid connections against local plans. For many marine projects it is highly likely that responsibility for the onshore grid connection infrastructure will rest with the grid network operator and not the project developer. Whilst the marine project developer can request a particular point of connection to the grid network the ultimate decision rests with the grid asset developer.</p>	<p>rineenergy/Planning/DRLG] None.</p>	<p>The policy text would be inclusive of the grid asset developer who would also be required to consider the relevant Local Development Plan.</p>
327	<p>For all generation types the policy wording should support commercial developments outwith the plan option areas where the developer has been able to demonstrate the location is acceptable.</p>	<p>None.</p>	<p>The policy text notes the Plan Option areas are the preferred areas but the background text notes that development of offshore wind and marine renewables can be proposed for outwith these areas but that may present a higher risk in consenting terms (paragraph 399).</p>
328	<p>We request a statement is added at the beginning of the general policies section, and in sectoral policy 4, to clarify that developers are expected to comply with their legal obligations in relation to EIA and the objectives are merely descriptors of information expected to be contained within an EIA.</p>	<p>None.</p>	<p>Requirements of Environmental Impact Assessment are covered in paragraphs 71-75.</p>

## 30. Sectoral Policy 5: Recreation, sport, leisure and tourism

### 30.1 Summary of responses received

Stakeholder	Count
Commercial	1
Fisheries and aquaculture	2
Individual	2
Non-governmental organisation	0
Public sector	5
Recreation	3
<b>TOTAL</b>	<b>13</b>

### 30.2 Main themes

- 30.2.1 There were some general comments from stakeholders regarding corrections to the maps and updates to the list of stakeholders on the distribution list.
- 30.2.2 One respondent (Royal Yachting Association) noted that racing areas, moorings and anchorages are also important and should be protected alongside routes.
- 30.2.3 There was support for the ongoing work to fill the information gaps with regard to use of the marine environment for recreation, sport, leisure and tourism.
- 30.2.4 The Royal Yachting Association and Sportscotland both supported this policy. Sportscotland considered it a 'robust and well-considered approach' both in assessing proposals for development of the sector and for the impacts of the sector on other developments.
- 30.2.5 Sportscotland also noted they support the use of codes of best practice and guidance as opposed to the introduction of further management measures.
- 30.2.6 Another respondent representing a fisheries stakeholder considered that the activities covered by this policy should be assessed as to whether they were sustainable e.g. this respondent noted cruise ships may bring non-native species, create wear on fragile tourist sites, increase fuel emissions through increased bus traffic and create inconvenience to daily life such as restricting fishermen's access to harbour facilities.
- 30.2.7 Another fisheries respondent noted that the industries mentioned in this policy will never overshadow the real community benefits of a healthy

fishing industry and the needs of leisure activities should not take precedence over maintenance of a fishing industry.

- 30.2.8 It was noted that although the background text makes reference to cultural heritage tourism the policy itself focuses on natural heritage issues.
- 30.2.9 A recreational stakeholder noted that The Bay of Ireland is not included in the Royal Yachting Association areas on National Marine Plan interactive.
- 30.2.10 A public sector respondent felt the policy could have gone further and set out the strategic approach mentioned in paragraph 433 in more detail. It was suggested that if this was not undertaken in this Plan it should be considered for future regional marine plans. This respondent also suggested future plans could include key wildlife watching hubs and measures to support/promote this activity.
- 30.2.11 One respondent noted that although recreational use may only have an indirect impact on employment or revenue it should be considered equally to the other policies in the Plan. This respondent acknowledged that this meant it may be necessary to restrict or control recreational use if doing harm.
- 30.2.12 Scottish Water made a series of comments with regard to this policy:
- They consider full body emersion water sport activities are incompatible with their discharge areas and sports clubs should consider this when arranging events
  - Their discharges meet the required standards at designated bathing areas
  - Outfalls and undersea pipelines may be vulnerable to damage from trailing anchors etc. and care is needed so as not to damage the assets
  - When considering facilities for leisure activities it should be noted that public drinking water mains may not be readily accessible in all areas

**Table 30.1 Sectoral Policy 5 Recreation, sport, leisure and tourism - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
329	Page 164. The recommended routes from Cantick Head to cross the Pentland Firth between Swona and Stroma are missing (see Reeds Almanac).	MAP 18: RYA recommended route from Cantick Head to cross the Pentland Firth between Swona and Stroma added.	To accommodate request.
330	Add Scottish Canoe Association to the list of Stakeholders.	Added to list of stakeholders.	To accommodate request.
331	The Royal Yachting Association noted the mapping must comply with their licence requirements.	Licence requirements checked and updates made as necessary.	To accommodate request.
332	Recreational shipping (on the density map), is a curious term to use – this should presumably be recreational boating although the category does include some quite large vessels such as sail training vessels.	MAP 19: Term 'Recreational Shipping' changed to 'Recreational Vessel' in title, legend and caption.	Consistency with Shipping Study from which the data come.
333	Paras. 422 and 423 need to be updated now the Marine Tourism Strategy has been launched.	<p>PARAGRAPH 422 (now 427): Changed to '....and the Marine Tourism Strategy are aligned with this strategy'.</p> <p>Link to be added: <a href="http://scottishtourismalliance.co.uk/nature-heritage-activities/marine-tourism/">http://scottishtourismalliance.co.uk/nature-heritage-activities/marine-tourism/</a>].</p> <p>PARAGRAPH 423 (now 428): Changed to 'The Marine Tourism Strategy has been developed by a working group....' and delete 'It is</p>	Correction.

No.	Suggested modification	Action taken	Reason
		anticipated that the strategy will be published in 2015.'	
334	Para. 433 identifies a need for a strategic approach, it is suggested that if this approach is not set out in this Plan it this should be developed as part of future regional marine plans.	None.	Strategic approach to development of land-based facilities can be a point to note in the Lessons Learned report as a future requirement.
335	Suggest the policy considers the impacts of developments during planning, construction and operation.	POLICY TEXT: Third bullet point changed to ' during planning, construction and operation they minimise.....'	To accommodate request.
336	This policy should be considered equally to all the other policies in the Plan and its importance should not be based solely on how much employment or income it generates.	None.	All policies are given equal weight.
337	It was noted that some activities are incompatible with Scottish Water discharges areas and that care needs to be taken to not damage their outfalls and undersea pipelines.	None.	Noted in overview text and covered in General Policy 5A.
338	Recreational activities should be scored for sustainability against e.g. fuel use, emissions, secondary pollutants and footfall site pressure.	None.	A scoring system such as this is outwith the scope of this Plan but could be considered for the Lessons Learned report.
339	The policy wording should be amended to include the historic as well as the natural environment.	POLICY TEXT: Second bullet changed to 'they do not adversely affect the natural and historic environment which the resource....' Third bullet changed to '....including	To accommodate request.

No.	Suggested modification	Action taken	Reason
		the natural and historic environment as a resource....’	
340	Change wording to: The Plan will support the sustainable development of marine recreation, sport, leisure and tourism <i>in all their physical and educational requirements.</i>	None.	The term ‘marine recreation, sport, leisure and tourism’ is very broad and will cover the items in the suggested text so additional text does not need to be included.
341	The Bay of Ireland is not included on National Marine Plan Interactive RYA Sailing Areas.	This area has been mapped on the figure in the Plan but not added to National Marine Plan interactive.	New layers such as this will have to be supplied by the Royal Yachting Association and have undergone their quality assurance procedures.
342	Map 18 needs to be modified as regards sailing routes see Fig 8.11 of OWPF Shipping Study 00410623.pdf	MAP 18: Map modified to be consistent with Shipping Study.	To accommodate request.
343	Map 19 only represents around 17% of recreational boating as the majority of craft either do not carry AIS equipment or only carry a receiver. This should be stated in the title/description.	MAP 19: Last sentence changed to ‘these data cover the summer months of 2011 and 2012 and represent about 17% of recreational vessels visiting the local marinas.’	Clarity.



## 31. Sectoral Policy 6: Marine transport

### 31.1 Summary of responses received

Stakeholder	Count
Commercial	2
Fisheries and aquaculture	3
Individual	1
Non-governmental organisation	0
Public sector	4
Recreation	2
<b>TOTAL</b>	<b>12</b>

### 31.2 Main themes

- 31.2.1 Some respondents had some concerns regarding wording within the background text and policy and, in some cases, suggested alternatives. These are noted in the table below.
- 31.2.2 One public sector respondent noted that the policy did not cover the impacts of marine transport on the environment e.g. mooring and anchoring can have important benthic impacts.
- 31.2.3 A recreational stakeholder commented that they had more concerns regarding creel users with floating lines but that conflicts with marine traffic were few and far between. They noted that fish farms can sometimes be a problem as can fishing gear across bays. This stakeholder also made the point that the impact of marine renewables is yet to be seen but suspects it will be minor.
- 31.2.4 Scottish Water noted that their outfalls and undersea pipelines may be vulnerable to damage from trailing anchors and care should be taken not to damage the assets. They strongly believe that existing functional assets and rights to legitimate, licensed activities should be safeguarded.
- 31.2.5 There were two comments from aquaculture stakeholders regarding non-native species. One queried the assumption that an increase in fish farm traffic would lead to an increase in non-natives and asked whether this was justified when the increase in tanker traffic via the adoption of the Orkney Islands Council ballast water management policy could significantly increase the risk. The second comment noted that yachts, cruise liners and tankers are all vectors for invasive species.
- 31.2.6 A public sector stakeholder suggested the increase in marine traffic requires to be monitored so as not to lead to congestion or displacement issues.

- 31.2.7 A fisheries sector stakeholder noted that the Succorfish data will only provide a snap shot of some of the navigational routes. This stakeholder stressed the importance of ports and harbours to fishermen and also the different seasonal patterns of fishing and noted that data collected at a single point in time may miss the complexity of use.

**Table 31.1 Sectoral Policy 6 Marine transport - Table of modifications**

No.	Suggested modification	Action taken	Reason
344	The wording of SP6 is a different format to other sectoral policies. For conformity it should be in the form of: The Plan will support developments where: etc etc	POLICY TEXT amended to: 'Development and/or activities will be supported by this Plan when it can be demonstrated that: <ul style="list-style-type: none"> <li>Adverse impacts on existing or planned shipping and ferry routes, navigational safety and access to ports and harbours have been avoided or appropriately mitigated, taking account of movements in all weather conditions.</li> </ul> Development proposals which would have an adverse impact on efficient and safe movement of shipping between ports, harbours and other recognised anchorages should be refused'.	To accommodate request and to provide additional clarity.
345	Section 441 should include a definition of anchorages as being those marked on Admiralty charts and those listed in the Clyde Cruising Club Sailing Directions and Anchorages N & NE Scotland and Orkney Islands. There are issues related to anchorages that appear in sectoral policies 2, 5, and 6 and some cross referencing might be helpful.	GLOSSARY: Definition of anchorage added 'those anchorages marked on Admiralty charts and those listed in the Clyde Cruising Club Sailing Directions and the Anchorages N & NE Scotland and Orkney Islands'.	To provide additional clarity.
346	Make text referring to Shipping Study more clear as to why commercial fishing was not included.	PARAGRAPH 440 (now 445): Changed text to 'Commercial fishing (under licence) was excluded	To provide additional clarity.

No.	Suggested modification	Action taken	Reason
		from the work as this is covered by the other licensing requirements.	
347	In examples of marine transport change 'yachts' to 'recreation craft' as this is more inclusive and gets us away from the more common usage of the word yacht which is frequently misrepresented.	INFORMATION BOX 24: 'Yachts' changed to 'recreation craft'.	To accommodate request.
348	The terminology used in this policy, i.e. "...should be refused...", is distinctly different, and more explicit and definitive, than the text in other policies. It is unclear why there is this different approach to this marine use over others. In addition the terms "efficient" and "unduly compromised" appear significantly open to interpretation.	None.	Different topics and policies may require different approaches depending on the issues considered. This approach is similar to that taken by the National Marine Plan.
349	<p>Existing and likely future Scottish Water assets, such as sea outfalls, will be located within the geographical scope of the emerging marine spatial plan.</p> <p>The plan must recognise this essential function, make provision of appropriate development of this nature and safeguard against potential uses which could conflict with infrastructure needs or potentially cause damage to our assets.</p>	Noted.	As highlighted in paragraph 42, detailed mapping of infrastructure (including Scottish Water assets) can be found on NMPi.

No.	Suggested modification	Action taken	Reason
350	On what basis is it assumed that an increase in fish farm traffic would lead to an increased risk of introducing NNS? Is this justified when an increase in Tanker traffic (via the adoption of new OIC ballast water management policy) could lead to significantly increased risk?	PARAGRAPH 443 (now 448): First sentence amended to read 'As development, such as marine tidal devices and shipping, along with a growing aquaculture industry and all other marine traffic, accelerates....'.	Examples clarified and see General Policy 9.
351	Reword sentence regarding Emergency Towing Vessel provision as there is on-going discussion of this matter.	PARAGRAPH 443 (now 448): Change text to 'This anticipated increase in traffic will require careful consideration of Emergency Towing Vessel provision for the PFOW area'.	To take account of on-going discussions.
352	We note that the policy wording states in paragraph 2 that developments which have adverse impact are to be refused. Paragraph 3 further states that developments are not to unduly compromise shipping routes. We believe the test of adverse impact in paragraph 2 is too onerous and open to misinterpretation. We request the wording alters for paragraph 2 to state 'where no reasonable alternative exists'.	None.	The text is appropriate.
353	Paragraph 2 captures an economic and navigational safety issue in a single policy statement. These are separate issues and should be captured in separate policy wording. A proposed development may have	None	The text is appropriate.

No.	Suggested modification	Action taken	Reason
	economic impacts but the overall benefit outweighs these. A development with unacceptable navigational safety impacts should not proceed.		
354	We suggest that paragraph 3 is vague – it does not add anything further already captured in other wording of the policy.	None.	Elements of the text are a direct result of stakeholder requests at the Planning Issues and Options Paper stage.
355	Para. 442 it should be noted that fishing vessels have a right to safe navigation and this includes transit journeys and journeys to and within fishing grounds setting gear and moving gear.	None.	Text is sufficient as it states ‘...all vessels have the rights of innocent passage and freedom of navigation...’
356	Para 443 This section doesn’t cover the impacts of marine transport on the environment. Mooring and anchoring can have important benthic impacts but that doesn’t appear to be covered here.	PARAGRAPH 443 (now 448): Added after second sentence ‘In addition, anchoring can have important benthic impacts’.	To accommodate request. These issues are also covered in the Environmental Report. Mooring is generally in relation to attachment to land via a pier therefore would not have benthic impacts.
357	This section should highlight the importance of emergency tugs to the area.	PARAGRAPH 443 (now 448): New sentence added ‘This anticipated increase in marine traffic adds to the case to retain the existing Emergency Towing Vessel provision for the north of Scotland’.	To accommodate request.

## 32. Sectoral Policy 7: Ports, harbours and dredging

### 32.1 Summary of responses received

Stakeholder	Count
Commercial	2
Fisheries and aquaculture	1
Individual	0
Non-governmental organisation	0
Public sector	3
Recreation	2
<b>TOTAL</b>	<b>8</b>

### 32.2 Main themes

- 32.2.1 One public sector respondent noted that capital and maintenance dredging (and disposal) associated with ports and harbours can have a significant environmental effect and that this should be recognised in this policy. They also noted that there should a review of existing dredge disposal sites is needed to assess their suitability for further disposal of spoil.
- 32.2.2 A recreational stakeholder noted that local amenities should be kept available for all users and that developers should be responsible for additional harbour developments if necessary rather than taking over traditional harbours and squeezing out small operators and recreational users.
- 32.2.3 A public sector respondent noted that as marine renewables evolves there may be pressure on existing infrastructure and that this will be addressed as necessary. The respondent commented there is a diverse and complex ports and harbours infrastructure with the PFOW area that includes a wide range of existing facilities to facilitate growth of different sectors.
- 32.2.4 Scottish Water noted any ports facilities plans should consider their need for provision of public drinking water supply and wastewater treatment.

**Table 32.1 Sectoral Policy 7 Ports, harbours and dredging - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
358	Heading of section amended to include dredging.	POLICY HEADING AND TEXT BOX: Amended to read: 'SECTORAL POLICY 7: PORTS, HARBOURS AND DREDGING'.	To rectify omission.
359	Marinas are mapped as part of this policy, but not included in the wording. It should be made clear that marinas in the PFOW area are all in existing ports and harbours and that the policy therefore applies to them also.	PARAGRAPH 446 (now 451): First sentence amended to read 'Ports, harbours, marinas, piers and slipways, (collectively referred to as port and harbours hereafter), provide....'.	To accommodate request.
360	Text clarified regarding dredging.	PARAGRAPH 446 (now 451): New sentence added at the end 'Dredging and the dumping of the associated spoil may also be required in areas out with ports and harbours'. PARAGRAPH 447 (now 452): First sentence amended to '...and marine licensing legislation. Marine licences...'. PARAGRAPH 450 (now 455): Text added to end of sentence 'require a marine licence, as controlled by Marine Scotland'.	To provide more information and greater clarity regarding dredging and to improve grammar and accommodate request.
361	Capital and maintenance dredging (and disposal) associated with ports and harbours can have a significant environmental effect. We suggest this is recognised in Para. 456.	PARAGRAPH 456 (now 461): Amended to include new sentence at the start 'Dredging and disposal of material can have a significant environmental effect. For example it can cause loss or damage to habitats and species and exposure of buried	To provide greater clarity on the potential environmental impacts of dredging and disposal.



No.	Suggested modification	Action taken	Reason
362	<p>Future considerations</p> <p>We suggest that a review of existing dredge disposal sites is needed to assess their suitability for further disposal of spoil, particularly given the likely increase in such disposal if aspirations for port and harbours are to be met. We therefore recommended the following is added to this section:</p> <p>“Future RMPs should review existing dredge disposal sites to assess their suitability for further disposal of spoil”</p>	<p>archaeological remains’.</p> <p>None.</p>	<p>Dredging and the related spoil are strictly controlled by Marine Scotland and are assessed on a case by case basis.</p>
363	<p>Within bullet 1 it is unclear whether the policy wording is referring to road access or marine access.</p>	<p>None.</p>	<p>Both road and marine access is required to ensure effective transport integration.</p>
364	<p>The development of ports and harbours has much in common with renewable energy developments and we would therefore expect to see similar policy wording here as is found in SEC 4, especially with regard to:</p> <p>Reference to local development plans            Consultation with other users (onshore and marine)            Adverse impacts mitigated</p>	<p>None.</p>	<p>Paragraph 447 acknowledges the inter-relationship between land use and marine planning.</p>
365	<p>Amend policy to explicitly mention dredging.</p>	<p>POLICY TEXT: Additional sentence added at the end of the text: ‘Dredging within the PFOW area will be</p>	<p>To rectify omission regarding dredging.</p>

No.	Suggested modification	Action taken	Reason
		supported by the Plan where: <ul style="list-style-type: none"><li data-bbox="920 316 1413 416">• dredged material is recycled or disposed of in appropriate locations.'</li></ul>	

## 33. Sectoral Policy 8: Pipelines, electricity and telecommunications infrastructure

### 33.1 Summary of responses received

Stakeholder	Count
Commercial	2
Fisheries and aquaculture	2
Individual	0
Non-governmental organisation	0
Public sector	5
Recreation	1
<b>TOTAL</b>	<b>10</b>

### 33.2 Main themes

- 33.2.1 One of the main themes of the responses to this policy was that it was worded differently to the other policies and respondents suggested several changes to the text. These are included in the table below.
- 33.2.2 A recreational sector respondent provided information on a revision that is underway by the Maritime and Coastguard Agency to Marine Guidance Note (MGN) 371, which sets out requirements for UK navigational practice for developers of renewable energy installations. The revision will specify there should be no more than a 5% reduction in Chart Datum from cable protection and this is already an accepted practice.
- 33.2.3 Links with Local Development Plans was raised by two stakeholders (both public sector). One noted that network infrastructure such as that described in paragraphs 478 and 479 (now 484 and 485) could exert significant (particularly cumulative) impacts in the coastal zone. They noted that marine planning partnerships will need to have liaison and alignment with Local Development Plans to address landing points on the coast and suitable locations and routes for onshore and offshore grid infrastructure. The second respondent queried whether Local Development Plans make land allocations for such infrastructure and, if so, whether these could be included in the Plan.
- 33.2.4 Another public sector respondent highlighted that connectivity is a major factor in ensuring sectors can thrive in the PFOW and noted ongoing work on the 132kV Orkney/Caithness bootstrap and the Scottish Government's Digital Strategy will assist with the Plan's policy.

- 33.2.5 Scottish Water noted the proposal for colocation of existing pipeline corridors but stated they would wish to be consulted on a case by case basis where their assets may be affected.
- 33.2.6 Scottish Water noted they have contributed data on Urban Waste Water Treatment discharge locations to National Marine Plan interactive. However, they comment that to map some other infrastructure would be difficult owing to the numbers of locations. This would make accuracy an issue and could lead to a lack of consistency between marine regions.

**Table 33.1 Sectoral Policy 8 Pipelines, electricity and telecommunications infrastructure - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
366	Para 463: Delete the words in parenthesis in the second line.	PARAGRAPH 463 (now 468): Deleted words in parenthesis.	Correction.
367	As with SP6 the format of SP8 is different to all others within the Plan. Consider a change of format. SP8 is also a long and wordy policy – could it be split into two smaller, simpler policies?	None.	Policy was drafted with a lot of stakeholder input and has been worded to be consistent with National Marine Plan wording agreed with stakeholders.
368	Insert word development into first paragraph for consistency between policies.	POLICY TEXT: First paragraph amended to 'Development(s) and/or activities'.	Consistency between policies.
369	The MCA are currently revising MGN 371 (which will have a different number), which sets out the requirements for UK navigational practice for developers of renewable energy installations. In this revision, MCA specifies that there should be no more than a 5% reduction in Chart Datum from cable protection and this is already an accepted principle, unless the developer can demonstrate there is no adverse impact on navigational safety.	NEW PARAGRAPH 470 (now 476): The Maritime and Coastguard Agency also provides guidance in Marine Guidance Note 371 (or subsequent updates) in relation to cables associated with Offshore Renewable Energy Installations.	To accommodate request.
370	Add reference to additional guidance in relation to submarine cables.	PARAGRAPH 468 (now 473): Changed to 'The Crown Estate has published and supported several publications <sup>12</sup> dealing with submarine	To accommodate request.

No.	Suggested modification	Action taken	Reason
		cables....' and add link  <sup>12</sup> <a href="http://www.thecrownstate.co.uk/media/5658/ei-km-in-pc-cables-082012-proximity-of-offshore-renewable-energy-installations-submarine-cable-infrastructure-in-uk-waters-guideline.pdf">http://www.thecrownstate.co.uk/media/5658/ei-km-in-pc-cables-082012-proximity-of-offshore-renewable-energy-installations-submarine-cable-infrastructure-in-uk-waters-guideline.pdf</a> to FURTHER INFORMATION section.	
371	Existing and likely future Scottish Water assets, such as sea outfalls or drinking water pipelines, will be located within the geographical scope of the emerging marine spatial plan and should be recognised as performing essential functions. Planning should make provision for appropriate development and safeguard against potential uses which could conflict with infrastructure needs.	None.	Protection of existing and future Scottish Water assets is covered by text in paragraphs 460 (now 460) and 463 (now 468).
372	Scottish Water suggest 250m buffer zone, our outfalls and undersea pipelines may be vulnerable to damage from trailing anchors, fishing equipment etc. and care should be taken not to damage these assets.	None.	No specific guidance issued, 250m buffer is a suggested approach.
373	Page 177 Paragraph 460  SSEPD welcome the recognition that electricity distribution infrastructure is ultimately paid for by electricity bill	PARAGRAPH 460 (now 465): Deleted the word 'distribution' in last sentence.	Correction.

No.	Suggested modification	Action taken	Reason
	<p>payers in the north of Scotland and must therefore be economically justified. This principle must be considered in the approach to the installation of subsea cables, whether they be new installations or replacements of existing assets. SSEPD is undertaking a Cost Benefit Analysis approach to help inform the installation of future subsea cables and it is crucial that this process is supported by Marine Scotland and given appropriate weighting in the decision making process.</p> <p>The plan as currently drafted does not recognise that Transmission infrastructure may be installed in the future. SSEPD would therefore recommend the following change, or words to that effect:</p> <p>Currently States: “electricity distribution network...” Proposed Alteration: “electricity network”</p>		
374	<p>Page 177 - Paragraph 461 – Line 4</p> <p>There are currently two distribution cables between Orkney and Caithness. SSEPD would therefore recommend</p>	<p>PARAGRAPH 461 (now 466): Changed to ‘...Orkney and Caithness are at full capacity...’ and changed ‘cable’ to ‘cables’ in second sentence.</p>	Correction.

No.	Suggested modification	Action taken	Reason
	<p>the following change, or words to that effect:            Currently States:            “The existing cable between Orkney and Caithness is at full capacity...”            Proposed Alteration:            “The existing cables between Orkney and Caithness are at full capacity...”</p>		
375	<p>Page 177 Paragraph 463</p> <p>The plan as drafted discusses the fact that oil and gas and water need to be safeguarded but it does not recognise a similar requirement for power cables, which are essential infrastructure of national importance, providing key lifeline services for the island communities that depend upon it. SSEPD would therefore suggest electricity network infrastructure is recognised and supported to the same extent as that of oil and gas and water.</p>	<p>PARAGRAPH 463 (now 468): Added text ‘...associated with the electricity network, communications, water supply....’.</p>	To accommodate request.
376	<p>Page 179 - Paragraph 473 – Line 1</p> <p>The statement:            “The most common proven cause of damage to submarine cables is ship anchors followed by risk from fishing activity” suggests that there is evidence to support it, hence the use of the word “proven”.</p>	<p>PARAGRAPH 473 (now 479): Added numbered link to the word ‘proven’ to reference [Green, M. and Brooks, K. (2011) The Threat of Damage to Submarine Cables by the Anchors of Ships Underway. CIL-ICPC Workshop on the Protection of Submarine Cables 14-15 April 2011, Singapore. <a href="http://cil.nus.edu.sg/wp/wp-">http://cil.nus.edu.sg/wp/wp-</a></p>	To accommodate request.



No.	Suggested modification	Action taken	Reason
	<p>In SSEPD’s experience its assets, in the majority, fail due to electrical failure or abrasive wear after +25 years of operation. In the absence of any substantive evidence to support the above statements as drafted, SSEPD would therefore request this is either amended accordingly to reflect SSEPD’s experience of the common causes of cable faults, or evidence is provided to support the statement as currently drafted.</p>	<p>content/uploads/2011/04/Mick-Green-and-Keith-Brooks-The-Threat-of-Damage-to-Submarine-Cables-by-the-Anchors-of-Cables-Underway.pdf] and [International Cable Protection Committee (2009) Damage to Submarine Cables Caused by Anchors. Loss Prevention Bulletin 18 March 2009.]</p>	
377	<p>Third sentence requires rewording, it is not clear what the word ‘this ‘ refers to at the beginning of the sentence.</p>	<p>PARAGRAPH 473 (now 479):Text changed to ‘Burial protects the cable....’</p>	<p>To improve clarity.</p>
378	<p>Page 179 - Paragraph 473 – Line 4</p> <p>SSEPD believes there is a requirement on mariners to avoid conflict with subsea electricity infrastructure and this should be reflected within the Plan. SSEPD would therefore recommend the following change, or words to that effect: Currently States: “This protects the cable and minimises risk of interactions which can be a danger to maritime activity through snagging of the cable with fishing gear” Proposed Alteration:</p>	<p>None.</p>	<p>Already covered in paragraph 469 (now 474).</p>

No.	Suggested modification	Action taken	Reason
	<p>“Protecting the cable has the potential to minimise the risk of interactions with maritime activity, however, vessel operators still have a duty to avoid contact with existing and known submarine infrastructure to ensure the safety of the crew and vessel.”</p>		
379	<p>Page 179 Paragraph 475</p> <p>SSEPD believe the plan should also recognise the requirement that cable routes are also required to be put on UK Hydrographic Charts.</p>	<p>PARAGRAPH 475 (now 481): Added text at end of paragraph ‘After laying, cable routes should be notified to UK Hydrographic Office (UKHO) who will update charts in accordance with UKHO policy’</p>	<p>To accommodate request.</p>
380	<p>Page 180 – Paragraph 4 – Line 1</p> <p>Currently States:</p> <p>“Any deposit, removal or dredging carried out for the purpose of executing emergency inspection or repair works to any cable is exempt from the marine licensing regime...”</p> <p>Query:</p> <p>SSEPD strongly support provisions to exempt emergency inspection or repair from the marine licensing regime which will help maintain electricity supplies to Scotland’s island communities and allow for quicker repairs and restoration in the event of cable fault.</p>	<p>No changes to text.</p>	<p>Emergency inspection or repair works would be assessed on a case-by-case basis.</p>

No.	Suggested modification	Action taken	Reason
	<p>However, it would be helpful to understand what would be deemed as a repair.</p> <p>Cable replacement can often be deemed the most preferred method to repair cable faults given it can be more economical, less impacting on seabed, more sustainable in terms of securing future electricity supplies and can have less impact on other marine users as well as allowing faster restoration than a cable repair. Clarity on whether this example would be exempt from marine licensing would be helpful.</p>		
381	<p>Page 180 Paragraph 5</p> <p>Subsea Cables UK are a prominent force informing and promoting good “industry practice” which could be referenced here.</p>	None.	Already covered in paragraph 467 (now 472).
382	<p>Page 180 – Paragraph 5 – Line 1</p> <p>SSEPD supports the requirement for all policy and planning decision, including the installation of subsea cables, to be based on sound and robust evidence. SSEPD would therefore recommend the following change, or words to that effect: Currently States: “Cables should be suitably routed to</p>	None.	Need for sound evidence is covered by the ‘case-by-case’ text in the second paragraph and the requirement for sound evidence in General Policy 1A and the National Marine Plan GEN 19.

No.	Suggested modification	Action taken	Reason
	<p>provide sufficient requirements for installation and cable protection.”                      Proposed Alteration:                      “Cables should be suitably routed to provide sufficient requirements for installation and, where deemed necessary and evidence based, cable protection.”</p>		
383	<p>Page 180 – Paragraph 6 – Line 1</p> <p>SSEPD supports the requirement for all policy and planning decision, including the installation of subsea cables, to be based on sound and robust evidence. SSEPD also believes there is a requirement on mariners to avoid conflict with subsea electricity infrastructure.</p> <p>SSEPD would therefore recommend the following change, or words to that effect:                      Currently States:                      “Cables should be buried to maximise protection where there are safety or seabed stability risks and to reduce conflict with other marine users...”                      Proposed Alteration:                      “Cables should be buried to maximise protection where there are sufficient, evidence based, safety or seabed</p>	None.	Need for sound evidence is covered by the ‘case-by-case’ text in the second paragraph and the requirement for sound evidence in General Policy 1A and the National Marine Plan GEN 19.

No.	Suggested modification	Action taken	Reason
	stability concerns identified. If required and feasible, burial may potentially reduce conflict with other marine users...”		
384	<p>Page 180 – Paragraph 7 – Line 1</p> <p>SSEPD supports the requirement for all policy and planning decision, including the installation of subsea cables, to be based on sound and robust evidence. If protection is deemed necessary, following an evidenced based approach, SSEPD would therefore recommend the following change, or words to that effect:</p> <p>Currently States:</p> <p>“Where burial is demonstrated not to be feasible, cables may be suitably protected through recognised and approved measures (such as rock or mattress placement or cable armouring) where applicable and cost effective and as risk assessment direct.”</p> <p>Proposed Alteration:</p>	POLICY TEXT: Added additional examples to sixth paragraph ‘...cable armouring, shore end marker beacons and admiralty chart updates) where practicable and cost-effective and as risk assessment direct’.	Need for sound evidence is covered by the ‘case-by-case’ text in the second paragraph and the requirement for sound evidence in General Policy 1A and the National Marine Plan GEN 19.

No.	Suggested modification	Action taken	Reason
	<p>“Where evidence determines that protection is a requirement and burial protection is demonstrated not to be feasible, cables may be suitably protected through recognised measures (such as rock or mattress placement , cable armouring, shore end marker beacons and admiralty charts updates) where applicable, cost effective and as risk assessment direct.”</p>		
385	<p>Page 181 – Paragraph 1 – Line 1</p> <p>SSEPD conducts asset health checks of its subsea infrastructure as part of its overall maintenance programme. However, the Plan as drafted is unclear as to the expectations of post cable installation surveys and monitoring.</p> <p>Currently States:</p> <p>“The need to reinstate the seabed, undertake post-lay surveys and monitoring and carry out remedial action where required.”</p> <p>Query:</p>	None.	This wording was agreed with stakeholders and is consistent with the National Marine Plan.

No.	Suggested modification	Action taken	Reason
	What are the expectations for post-lay surveys? Is this dependent on protection being applied or not? Greater clarity on this would be welcome.		
386	Page 182 – Map  The Map doesn't highlight all SSEPD's existing cables. Accurate map provided in response.	MAP 22: Updated to show existing cables.	Correction.
387	We are concerned that the policy does not explicitly state any support for new infrastructure of this sort – as opposed to a number of other sectoral policies. We suggest adding words that state; 'New infrastructure of these types will be supported where....'.	None.	Covered in paragraph 460 (now 465) and in policy text 'When laying or replacing electricity and telecommunications....'
388	Do the Local Development Plans make any land allocations for such infrastructure which could be indicated in the MSP eg on proposed landfall requirements?	None.	Policy text notes the need to consider the appropriate policies in the relevant Local Development Plan(s) and there is ongoing work to produce supplementary guidance for these policies.
389	Para. 474 There should be a presumption for cable burial as safety in the marine environment is paramount.	None.	Text as phrased says cables 'should' be buried unless it is demonstrated not to be feasible. Risk assessments would be needed to demonstrate why the cable should not be buried and what alternative protection measures may be required.

<b>No.</b>	<b>Suggested modification</b>	<b>Action taken</b>	<b>Reason</b>
390	Where cable burial is not possible, mitigation is vital to ensure compatibility and reduce conflict between sectors as in the UK Marine Policy Statement 2.2.1.	None.	The policy text notes cables should be buried unless it is demonstrated not be feasible. Risk assessments would be needed to demonstrate why the cable should not be buried and what alternative protection measures may be required. Policy text requires action to ensure compatibility and reduce conflict.



## 34. Sectoral Policy 9: Marine aggregates

### 34.1 Summary of responses received

Stakeholder	Count
Commercial	0
Fisheries and aquaculture	0
Individual	0
Non-governmental organisation	0
Public sector	4
Recreation	0
<b>TOTAL</b>	<b>4</b>

### 34.2 Main themes

- 34.2.1 Two respondents had no comments to add. The points raised by the remaining two respondents both suggested modifications are so are listed in the table below.

**Table 34.1 Sectoral Policy 9 Marine aggregates - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
391	This policy should place a requirement on the aggregate industry to demonstrate they have explored alternatives such as alternative sources, alternative materials (such as recycle or secondary aggregate) or using dredged material.	None.	This would be a requirement for any individual proposal and as currently there is no demand for marine aggregate development in the area it is felt the current policy text is appropriate.
392	There is no policy regarding dredging as a separate activity though it may be associated with several policies such as Policy 9 on Marine aggregates, Policy 7 on ports and harbours and Policy 4 renewables. It is noted that there are a number of approved dump sites but it would be useful to have a policy seeking beneficial uses for dredge spoil.	Text amended in Sectoral Policy 7.	The 'dredging' heading was omitted in error from Sectoral Policy 7; text updated to show more specific dredging information and policy requirements.

## 35. Sectoral Policy 10: Defence

### 35.1 Summary of responses received

Stakeholder	Count
Commercial	1
Fisheries and aquaculture	0
Individual	0
Non-governmental organisation	0
Public sector	2
Recreation	1
<b>TOTAL</b>	<b>4</b>

### 35.2 Main themes

- 35.2.1 The two public sector respondents had no further comments on the policy. The respondent representing the commercial sector noted that the reference to Carbon Capture and Storage was only mentioned in this policy and nowhere else in the Plan and could be removed.

**Table 35.1 Sectoral Policy 10 Defence - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
393	The Ministry of Defence should consider the timing of exercises so they do not impact on nesting and sea spawning. An Environmental Impact Statement should be a consideration.	None.	Paragraphs 495 (now 501) and 496 (now 502) provide information regarding the environmental risk assessments that the MoD carry out for their various exercises.
394	Remove reference to Carbon Capture and Storage as not mentioned elsewhere in the Plan.	PARAGRAPH 494 (now 500): Text changed to ' such as aquaculture, oil and gas and marine renewables may cause... '.	Clarity.
395	Add report on Kyle of Durness mass stranding event.	<p>FURTHER INFORMATION: Added following reference and link: Brownlow et al. (2015) Investigation into the long-finned pilot whale mass stranding event, Kyle of Durness, 22nd July 2011.</p> <p><a href="http://www.strandings.org/reports/Kyle_of_Durness_Mass_Stranding_Report.pdf">http://www.strandings.org/reports/Kyle_of_Durness_Mass_Stranding_Report.pdf</a></p>	Additional region specific information.

## 36. Future Development of Regional Marine Plans

### 36.1 Background

36.1.1 There were five questions that set out to gather information that could be used to inform a Lessons Learned report. The summary of responses and the main themes are set out for each question below.

### 36.2 First question:

36.2.1 Are there any issues or opportunities relevant to the Pentland Firth and Orkney Waters area that you consider are not addressed by the pilot Plan and should be taken forward in future Regional Marine Plans?

### 36.3 Summary of responses received

Stakeholder	Count
Commercial	3
Fisheries and aquaculture	2
Individual	1
Non-governmental organisation	1
Public sector	6
Recreation	2
<b>TOTAL</b>	<b>15</b>

### 36.4 Main themes

36.4.1 Nine of the respondents had no further comments to make. Of the remaining responses two stakeholder (public sector and non-governmental organisation) made a number of specific points and these are listed in the table.

36.4.2 Of the remaining responses comments one respondent noted that work to fill the acknowledged data gap relative to tourism and recreation was ongoing.

36.4.3 Another stakeholder noted it would be useful to know how the two Scottish Marine Regions covered by the PFOW Plan are likely to interact in the regional planning process.

36.4.4 A fisheries stakeholder commented that a sustainability scoring method should be devised. The same stakeholder noted that there needs to be a biological plan to show sea temperature and salinity seasonally and at different depths and acknowledgement that the sea is already a worked area and has been shaped by human intervention.

## 36.5 Second question:

- 36.5.1 Do you believe you have had sufficient opportunity to influence the content of the Plan? If not, at what stage and how would you like to have input to the future statutory regional marine planning?

## 36.6 Summary of responses received

Stakeholder	Count
Commercial	3
Fisheries and aquaculture	2
Individual	1
Non-governmental organisation	0
Public sector	6
Recreation	2
<b>TOTAL</b>	<b>14</b>

## 36.7 Main themes

- 36.7.1 Only one respondent replied 'no' to this question but provided no further comment. The majority of the remaining responses responded 'yes' although one noted they would have preferred to have had earlier input to discussions and challenges relevant to this area and another noted that they would like post-consultation updates and continued engagement in the process.
- 36.7.2 One fisheries respondent acknowledged the 'productive meetings along the way' but felt there needed to be fisheries representation on the advisory group.
- 36.7.3 One respondent (public sector) provided a list of contributions they could make to the future marine planning partnerships. Another requested clarity on the transition from the PFOW Plan to the production of the regional marine plans.

## 36.8 Third question:

- 36.8.1 Do you believe that the Plan includes sufficient and accurate information about the activities of your sector or interests in the Pentland Firth and Orkney Waters area? Are there additional information sources that could be accessed or generated?

## 36.9 Summary of responses received

Stakeholder	Count
Commercial	3
Fisheries and aquaculture	2
Individual	1
Non-governmental organisation	1
Public sector	6
Recreation	2
<b>TOTAL</b>	<b>15</b>

### 36.10 Main themes

36.10.1 The respondents provided comments that related to the sector they represented and noted where they felt further data was required or could be accessed.

- The Royal Yachting Association noted the UK Coastal Atlas of Recreational Boating is currently being updated
- It was noted work on marine tourism and recreation was ongoing and would contribute to future plans
- The availability of data on species, habitats, substrates and processes of the marine environment was noted to be problematic and that efforts to generate more data of this kind would be useful
- The Royal Society for the Protection of Birds is working with Marine Scotland to have seabird tracking data available on National Marine Plan interactive
- More detail is required for floating offshore wind, including devices which combine wind and wave generation
- It was noted that there are a number of data gaps in relation to fishing, stocks and information on their biological vulnerability and development vulnerabilities are missed

### 36.11 Fourth question:

36.11.1 Do you believe that the Plan includes sufficient and accurate information about the activities or other sectors or interests? Identify any particular priorities for filling data gaps for future regional marine plans.

## 36.12 Summary of responses received

Stakeholder	Count
Commercial	3
Fisheries and aquaculture	2
Individual	1
Non-governmental organisation	0
Public sector	6
Recreation	2
<b>TOTAL</b>	<b>14</b>

## 36.13 Main themes

36.13.1 The majority of the stakeholders either agreed that there was sufficient and accurate information or had no further comment.

36.13.2 Of the remaining responses the data gaps highlighted were:

- Inshore fisheries data is incomplete and there is a need for more rapid roll out of tracking systems for all vessel sizes
- Improvement of effort, catch and landing data for more inshore fisheries would ease the process of becoming part of a plan led regime
- It was noted that there is a data gap in terms of marine recreation but acknowledged that there is an ongoing study to fill this data gap
- Availability of data at the appropriate resolution to support regional marine planning was highlighted as a data gap
- One respondent felt there should have been more information on dinghy use in the area
- Data in relation to proposed nature conservation areas within the Plan area would be useful
- More information on impact pathways between sectors would be useful
- A requirement for better data and knowledge on human-introduced pollutants and their effects on the developmental stages of commercial fishing stocks

## 36.14 Fifth question:

36.14.1 Do you have any comments regarding the resources (human, financial, skills etc.) required to deliver Regional Marine Plans?



## 36.15 Summary of responses received

Stakeholder	Count
Commercial	3
Fisheries and aquaculture	2
Individual	1
Non-governmental organisation	2
Public sector	6
Recreation	2
<b>TOTAL</b>	<b>16</b>

## 36.16 Main themes

- 36.16.1 The main themes that were expressed were that there was need for proper financing and staffing of marine planning and that the team taking the work forward will require a range of skills ranging from project management, policy analysis and development and GIS skills as well as others.
- 36.16.2 It was noted that as well as resources there is a need for good leadership from national bodies and host institutions and appropriately skilled or trained planning staff.
- 36.16.3 One respondent noted it would be useful to centralise generic planning resources such as data and assessment of cumulative impacts and GIS skills.
- 36.16.4 The importance of conducting effective consultation and engagement with local communities was noted.
- 36.16.5 One stakeholder noted that for some organisations with a Scotland wide remit there would likely be limited resource to contribute to all eleven regional marine plans. Another stakeholder noted there was a risk of inconsistency between the marine regions and this could cause issues.

## 36.17 Lessons Learned

- 36.17.1 An overview of these key points will be included in the Lessons Learned report for use by future regional marine planning partnerships.

## 37. Supporting documents

### 37.1 Background

- 37.1.1 The consultation in 2015 consisted of a suite of documents, the Plan and a number of supporting documents: Sustainability Appraisal (SA), Socio-Economic Baseline Review, Regional Locational Guidance (RLG), a Business Regulatory Impact Assessment (BRIA) and an Equality Impact Assessment (EQIA).
- 37.1.2 This section of the Consultation Analysis and Modifications Report will provide an overview the comments received for each supporting document. The way in which the comments received are dealt with will be dependent on the purpose of each of the documents as outlined in the paragraphs below.
- 37.1.3 A Sustainability Appraisal, comprising a Strategic Environmental Assessment (SEA), Socio-economic Assessment and Draft Habitats Regulations Assessment (HRA) Record, was undertaken to inform the development of the Plan. The findings of these assessments are set out in the Sustainability Appraisal Report, published alongside the Consultation paper for the Draft Pilot Plan. Together, these assessments, the views of the working group, the Consultation Authorities (Scottish Natural Heritage, Scottish Environment Protection Agency and Historic Environment Scotland) and that of other respondents to the public consultation, were considerations in the development and finalisation of the Pilot Plan. A Post Adoption SEA Statement will be published with the final Plan, and this Statement will set out how the assessment findings and these views have been considered in the development of the Plan. To avoid repetition of information between documents, this section of the Consultation Analysis and Modifications Report will provide a brief overview of the responses received.
- 37.1.4 The Socio-Economic Baseline Review was prepared both to inform the Sustainability Appraisal and as a background document to the Plan. It was not intended that this document would be updated. The responses received have been considered and an overview will be provided here and the key points will be noted in the Lessons Learned report to aid and inform future regional marine planning.
- 37.1.5 The responses received in relation to the Regional Locational Guidance will be considered and the document updated as necessary ready for publication with the final Plan. The suggested modifications will be included in this report.

- 37.1.6 The responses received in relation to the BRIA and EQIA will be used to complete the process of these assessments and they will be published with the final Plan. A brief overview of the responses will be given in this section.

## 38. Sustainability Appraisal

### 38.1 Background

- 38.1.1 There were five questions in the consultation questionnaire relating to the Sustainability Appraisal (SA):
- Question 1: To what extent does the Sustainability Appraisal set out an accurate description of the current baseline (Please give details of additional relevant sources)?
  - Question 2: Do you agree with the predicted socio-economic and environmental effects as set out in the Sustainability Appraisal?
  - Question 3: Do you agree with the recommendations and proposals for mitigation of the socio-economic and environmental effects set out in the Sustainability Appraisal?
  - Question 4: Are you aware of any further information that will help to inform the findings of the assessment (Please give details of additional relevant sources)?
  - Question 5: Are you aware of other 'reasonable alternatives' to the proposed policies that should be considered as part of the Strategic Environmental Assessment process conducted for the draft Pilot Plan?

### 38.2 Summary of responses received from Consultation Authorities

- 38.2.1 All the Consultation Authorities, Scottish Natural Heritage (SNH), Scottish Environment Protection Agency (SEPA) and Historic Environment Scotland (HES), provided responses on the Sustainability Appraisal in the consultation.
- 38.2.2 The consultation yielded broadly positive feedback from respondents on findings of the SA and general agreement over the consideration of the SEA issues included within the assessment. All three consultation authorities broadly agreed with the description of the current baseline. However, SNH also provided comments on specific aspects where they disagreed with the assessment or felt information had been missed.
- 38.2.3 Similarly, all three respondents were in general agreement with the predicted socio-economic and environmental effects. However, they each noted that it was sometimes difficult to understand whether social, economic or environmental effects were being discussed. Two of the respondents felt that the approach of producing a Sustainability Appraisal Report, which outlined the findings of a Strategic Environmental Assessment (SEA) and Socio-Economic Assessment and work undertaken

to meet obligations under the European Commission (EC) Habitats Regulations, rather than presenting these findings separately had made it difficult to clearly identify the likely environmental effects.

- 38.2.4 Both SNH and SEPA provided specific examples where they felt further clarity was needed.
- 38.2.5 In relation to recommendations and proposals for mitigation, HES was in agreement with the recommendations. The respondents also provided targeted comments on the policy assessments, particularly in relation to the gradings used in assessing the potential for positive or negative effects associated with several policies. Several other recommendations for improvement to the assessment process were also made. For example, some noted that the integration of the SEA within a SA had resulted in some errors in notation in parts of the SA report; another queried why key questions were used for the second tier of assessment, but not explicitly referred to in the assessment of the Plan's policies; and another felt that the pressures listed in the baseline could have been more specific. SEPA also felt that there may be benefit in including a table in the Post Adoption SEA Statement to confirm what existing monitoring would be examined in the context of the Plan and whether any plan-specific monitoring was proposed.
- 38.2.6 SNH stated that they strongly supported the need for a more spatial approach and highlighted the importance of stakeholder engagement in the realisation of any of the positive effects identified in the SA. While HES stated their support for recommendations and mitigation measures, SNH stated that they would have anticipated recommendations for more specific mitigation measures to be included. They also noted that the monitoring section in the SA lacked the specific recommendations needed to address current gaps in environmental knowledge.
- 38.2.7 SNH provided several suggestions in relation to 'reasonable alternatives' to the overall approach to plan-making and to specific policies. SEPA also felt more consideration could have been given to alternative plan components such as alternative policies, vision wording or objectives. HES noted it would be helpful if the Post Adoption Statement could highlight the contrasting environmental performance of the overall alternatives for consideration in future iterations of the Plan and for other regional marine planning areas.

### 38.3 Summary of responses received

38.3.1 The same respondents replied to all the question except the last when one fisheries and aquaculture stakeholder did not provide an answer.

Stakeholder	Count				
	Q1	Q2	Q3	Q4	Q5
Commercial	3	3	3	3	3
Fisheries and aquaculture	2	2	2	2	1
Individual	1	1	1	1	1
Non-governmental organisation	1	1	1	1	1
Public sector	8	8	8	8	8
Recreation	2	2	2	2	2
<b>TOTAL</b>	<b>17</b>	<b>17</b>	<b>17</b>	<b>17</b>	<b>16</b>

### 38.4 Main themes

38.4.1 These comments will be considered for the Post Adoption Statement<sup>14</sup> so only a brief and high level overview is given here.

38.4.2 The key points were:

- Several respondents suggested the inclusion of additional information sources to inform the baseline; these were generally in relation to their sector. Some also commented on the information included in the SA Report. For example, one respondent felt that the inclusion of baseline data collected over one or two seasons may be insufficient, whilst others made suggestions on fisheries and tidal flow information, amongst others. Another, Marine Scotland’s Licensing Operations Team (MS LOT), noted that Sule Skerry and Sule Stack would not be included within territorial waters out to 12 nautical miles, and suggested that this be amended.
- Several queried the specific scores applied to the environmental topic areas in the Assessment Tables in the SA Report. In particular, one respondent felt that the SA overestimated the significant positive effects the Plan will have on the environment in some instances, and that they felt that it would be more neutral in some policy areas. Some queried several of the findings; for example, one respondent felt that the level of uncertainty in relation to the assessment of landscape/seascape impacts was not as high as set out in the Environmental Report.

<sup>14</sup> Pilot Pentland Firth and Orkney Waters Marine Spatial Plan  
[www.gov.scot/pilotpentlandfirhandorkneywatersmarinespatialplan-strategicenvironmentalassessmentpost-adoptionstatement](http://www.gov.scot/pilotpentlandfirhandorkneywatersmarinespatialplan-strategicenvironmentalassessmentpost-adoptionstatement)

- However, one respondent felt that greater emphasis should be applied to the direct and indirect benefits of the amenity aspects, not just commercial tourism.
- There was general support for the proposed iterative review process for the plan, the recognition of a need for a more spatial approach, and of the importance of stakeholder engagement.
- Another respondent noted that while the Plan had been screened out of the need for an Appropriate Assessment (AA), they felt that the information in the Report showed that it has not been able to be ruled out. They felt that it was not appropriate to simply defer HRA to project level without undertaking AA at this plan stage.
- It was noted there were still data gaps and that the sections on mitigation and monitoring could provide more specific information in terms of recommendations and commitments.

## 39. Socio-Economic Baseline Review

### 39.1 Summary of responses received

Stakeholder	Count
Commercial	3
Fisheries and aquaculture	2
Individual	1
Non-governmental organisation	1
Public sector	5
Recreation	2
<b>TOTAL</b>	<b>14</b>

### 39.2 Main themes

39.2.1 Of the responses received only three provided any detailed comments and these were mostly in relation to correcting text or suggesting other information that could have been included or different ways of presenting the data.

39.2.2 The Post Adoption Statement will provide a more detailed response to the comments received and therefore only the main key points are listed here.

39.2.3 The key points are:

- Consistency between the baseline review and the Plan e.g. the review has a chapter on Carbon Capture and Storage but this is only mentioned briefly in the Plan
- Aggregates and dredging is considered in the review but not carried over into the Plan
- Employment figures for commercial fisheries need to take into account part time fishermen and the fact many may also use their boats for e.g. the tourism industry
- Care needed in interpreting landings dependent on regional variations
- Suggestion to use biomass rather than enumerating fish farms sites
- The potential beneficial use of dredged material was not included in the Plan
- Gross income for isles sites would be a helpful figure to include
- Review of employment figures is required to ensure they are accurate



## 40. Regional Locational Guidance

### 40.1 Summary of responses received

Stakeholder	Count
Commercial	2
Fisheries and aquaculture	1
Individual	1
Non-governmental organisation	1
Public sector	3
Recreation	1
<b>TOTAL</b>	<b>9</b>

### 40.2 Main themes

- 40.2.1 The majority of respondents suggested changes and corrections based on their knowledge of the particular sector they were representing. These are listed in the table below.
- 40.2.2 Other comments were in relation to the status of the Regional Locational Guidance and the process for updating the information contained within it. One respondent commented it needed to be clear how this document differed from Regional Locational Guidance produced for the Sectoral Plans. Another respondent felt it offered limited added value to information already available on National Marine Planning Interactive and the Sectoral Plans.
- 40.2.3 The same respondent noted that they anticipated future marine planning partnerships would go beyond presentation of existing spatial data in maps to bespoke analysis of spatial data layers within their region. They noted this would refine existing sectoral option areas and provide more understanding of likely spatial constraints or opportunities for future development.
- 40.2.4 One respondent felt the Plan Options needed to be revisited to take account of the challenges relating to wind climate and grid connection in offshore wind areas and also the increasing interest in floating wind devices.
- 40.2.5 The working group also made corrections and updates to the document during the editing process. Some of these are listed below but minor changes and references to more up to date documents are not. Many of the figures have been updated with more up to date information, this will be an on-going process with Regional Locational Guidance so not every change has been noted.

**Table 40.1 Regional Locational Guidance - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
396	In Fig. 47 the cruising routes have been truncated at the old PFOW boundary because the shipping study was carried out before the boundaries were changed. The routes towards Cape Wrath can be found by extrapolating the existing routes as most vessels pass close to the cape except when the firing range is in operation. Many recreational vessels anchor in Loch Eriboll where there are several anchorages. The ones at Ard Neackie are the most important.	None.	The maps generated for the Shipping Study are considered appropriate for this Regional Locational Guidance. As the pilot marine spatial plan area had not been decided during the time of this study the area used was based on the Crown Estate strategic area. It is acknowledged that there is a data gap in the west of the pilot plan area but this is the best available data at this time.
397	Elaborating on section 4.15.5, about a quarter of visiting boats transmit an AIS signal and their tracks provide a good indication of the routes taken by most recreational vessels. However, smaller vessels with local knowledge are unlikely to transmit a signal and these boats tend to go closer inshore and cut through shallow passages.	Noted.	This is acknowledged as an issue with this type of study and there is on-going research to fill this data gap.
398	4.12.3 Denwick? I checked through the Admiralty Pilot to see if there was such a name and there isn't. The name should be Rerwick Head	This has been corrected in the text wherever it is mentioned.	Correction.

No.	Suggested modification	Action taken	Reason
399	4.14.9 The two fixed platforms are single point moorings. The eastern one is decommissioned.	The paragraph that mentions the moorings has been corrected.	Correction.
400	4.14.10 Houton does not appear to be a commercial development area any longer. Available land has been designated for housing.	The text has been updated as appropriate.	Correction.
401	4.14.11 Policy SD7 deals with waste the required Policy is SD6	The reference to the policy has been corrected.	Correction.
402	<p>Table 8. Ports and Harbours in the North Region</p> <p>This table needs to be updated. Ports and harbours at Birsay does not exist. Deerness is a slipway of which there are a numerable amount in Orkney. I would recommend that as far as Orkney is concerned you should use the Orkney Harbours Port Handbook. Brough is purely a slip. Recommend the use of the Admiralty Pilot, rather dated, and the Imray North and East Scotland Pilot although Scarfskerry is sadly missing from this.</p>	The table has been amended and updated.	In response to request.
403	4.15.7 This paragraph needs to be investigated remembering that AIS data for recreational craft only covers around 17%. The script looks more like	The reference to data has been checked and updated as necessary.	In response to request.

No.	Suggested modification	Action taken	Reason
	that for ferries.		
404	Paragraph numbering from after 4.15.11 seems to have gone a bit awry. Should be 4.15.12 - 18	The paragraph numbering has been corrected.	Correction.
405	4.15.3 (14) Dinghy sailing clubs are located in Kirkwall, Stromness, Holm (St Mary's), Longhope and Westray in Orkney and Scrabster on the North Coast (Figure 47). It is important that these dinghy sailing clubs are recorded, as the waters they have historically used should be free from pollution.	The dinghy clubs listed have been included on this figure.	Correction.
406	We welcome the inclusion of a section within the Regional Locational Guidance (RLG) on seabirds and illustrations of seabird vulnerability, Figures 21-28. We would recommend these vulnerability maps are supported by text that acknowledges they are indicative and they do not negate the need for project level survey required to support environmental assessment of the projects impacts.	The text has been updated to include the suggested change.	In response to request.
407	Seabird tracking data is being loaded onto the NMP interactive webmap. Referencing this data set within the	Noted, as these data are in the process of being updated on NMPi a link cannot be provided at present	It is clear in the Regional Locational Guidance that NMPi is one of the main sources of information so it is

No.	Suggested modification	Action taken	Reason
	RLG is recommended either through use of map extracts or links direct to the data set on NMPI.	although it has been made clear in the text that the data will be available.	anticipated that these data would be found easily.
408	It should state up front how this RLG document differs from the Sectoral Plan document due out shortly, given that the boundaries used appear the same. One potential difference is the use of region specific data; however, why this data is not used in the Sectoral Plans is unclear. This would intimate that the RLG data is more accurate and better informed than the Sectoral Plans.	None.	This Regional Locational Guidance has been updated and includes some regional specific data e.g. recreational data. There will always be a need to review and update Regional Locational Guidance as more data become available.
409	WN2 appears to bisect Westray, and there appears to be an additional area near Marwick Head.	This has been corrected.	Correction.
410	Paragraph 1.5.5 discusses the updating of the RLG. Will this remain necessary once the Sectoral Plans have been finalised and the RMPs are in place? Multiple updates of the same information may be a waste of resources.	None.	There will always be a need to review and update Regional Locational Guidance as more data become available. It is likely that Marine Planning Partnerships will play an important role in updating and developing Regional Locational Guidance further.
411	Paragraph 3.2.2 mentions eight AfL's in this area, which is incorrect. There	Relevant text has been updated.	Correction.

No.	Suggested modification	Action taken	Reason
	are currently only four AfL's for wave in the entire PFOW MSP area, including both EMEC sites.		
412	Figure 7 highlights how spatially distinct marine renewables and aquaculture are in this region. This point has been made in our comments above in relation to the main consultation document.	Noted and dealt with in relevant policy text in main Plan document.	In response to request.
413	Section 4.3 appears to have incorporated quite generic data. However, there is very accurate data for this region (gathered by MS, developers, EMEC, etc.) and how this has been incorporated into the assessment should be discussed where appropriate.	None.	As more data becomes available there will be a need to review and update the Regional Locational Guidance.
414	Figure 15 shows extensive overlap between offshore wind, marine renewables and nature conservation areas. Despite this there is no discussion in relation to potential co-location and how any issues may be resolved. Additional information should be provided given that this is a major theme within the main consultation document.	Noted and dealt with in Sectoral policy 4 text in main Plan document	In response to request.

No.	Suggested modification	Action taken	Reason
415	Paragraph 4.15.11 – it should be noted that certain dive boats have also been utilised for surveys in relation to marine renewables projects.	Text has been updated.	In response to request.
416	4.7.4 Seals no comments on the SACS however they are shown in table 2 page 24.	This section has been reviewed and updated as necessary.	In response to request.
417	We believe the RLG plan options require revisiting – particularly with regard to offshore wind and the increasing interest in floating wind. Whilst OWN1 has significant potential it has particular challenges relating to wave climate and grid connection. We would suggest that the RLG for offshore wind needs to recognise the need for near to medium term development options for floating wind which we believe exist along the north coast of Scotland both within and outwith the 12nm limit.	Noted.	Dealt with in response to comments received with regard to relevant policy.
418	4.1 Aquaculture activity would be better quantified by biomass rather than site number – as expansion of sites often equate to and entire new site. Also if spatial area is to be quantified it should take in the AZE also which potentially affects the	None.	Links to reports cited include biomass quantities from aquaculture farms.

No.	Suggested modification	Action taken	Reason
	development cycle of commercial shellfish.		
419	Table 7 – was any analysis done to identify if those in favour of the Orkney Caithness link were those who individually were set to benefit?	None.	Outwith the remit of this work.
420	4.3 Sea bed bathymetry is a good prediction of commercial species presence- predictive maps would be useful not just for protected species.	Noted.	Noted for future reference in Lessons Learned report.
421	4.14.10 a data omission for constraints are the capture grounds for adult commercial stocks (fin and shellfish) and the other areas where their cycles of development occur from spawning to juvenile feed grounds.	Noted.	This is an acknowledged data gap and there is on-going work, supported by Marine Scotland, to gather more data.
422	Table 8 – St Margarets Hope, South Ronaldsay port is run by a trust not the local authority	The text has been updated.	Correction.
423	4.15.1 The report cited here has been widely discredited.	None.	Noted for future reference.
424	4.15.2 The 145 figure relating to sea angling employees seems exaggerated.	None.	Noted for future reference.



No.	Suggested modification	Action taken	Reason
425	4.16 seasonal transiting of large pelagic vessels is not captured by snap shot studies which miss their fishing activity (Spring and Autumn).	None.	It is acknowledged that there are data gaps and there is on-going work to address these.

## 41. Partial Business and Regulatory Impact Assessment

### 41.1 Summary of responses received

Stakeholder	Count
Commercial	3
Fisheries and aquaculture	2
Individual	1
Non-governmental organisation	0
Public sector	4
Recreation	2
<b>TOTAL</b>	<b>12</b>

### 41.2 Main themes

- 41.2.1 Eight of the respondents had no further comments to make. The remaining four stakeholders made a number of specific points related to the potential impacts on business as a result of the Plan.
- 41.2.2 One respondent noted that even small additional costs may have a potentially detrimental impact on the viability of the wave and tidal industry.
- 41.2.3 One respondent noted the need to recognise that encouraging business to maximise a range of potential benefits should not be at the expense of the wider project viability.
- 41.2.4 A fisheries respondent felt that activities having a defined spatial or zoned footprint are favoured in the Plan while the wide-roaming nature of fishing operations places them at a disadvantage.
- 41.2.5 A respondent from the aquaculture industry felt that regulators and stakeholders were becoming overburdened with an increasingly complex planning process and duplication of policy documents.
- 41.2.6 Support for the development and adoption of a pilot Plan was received from one respondent.
- 41.2.7 A correction was made by the working group, Sectoral Policy 8: Pipelines, electricity and telecommunications infrastructure was moved to Annex A from Annex B. This is a baseline policy and had been listed with the new policies in error.

## 42. Equality Impact Assessment Record

### 42.1 Summary of responses received

- 42.1.1 No comments were received in relation to the Equality Impact Assessment Record. A final Equality Impact Assessment will be published with the final Plan.

## 43. Consultation events in Stromness, Thurso and Durness

### 43.1 Background

- 43.1.1 The pilot Pentland Firth and Orkney Waters Marine Spatial Plan Consultation Draft and supporting documents were released for consultation between 15th June and 6th September 2015. The working group held a series of consultation events to provide an opportunity for stakeholders and the wider public to learn about, and provide comments, on the Marine Spatial Plan.
- 43.1.2 The consultation events were held at the Warehouse Buildings in Stromness on 6th July 2015, Caithness Horizons in Thurso on 7th July 2015, and in the Village Hall in Durness on 9th July 2015.
- 43.1.3 Public drop-in sessions were held between 13:00 and 20:00 and the working group were available to provide information and discuss specific issues of interest with the members of the public that attended. A short presentation on the Plan was given by the working group at 18:30 with an opportunity for attendees to ask questions afterwards.
- 43.1.4 A sign-in sheet was available at each event and participants were asked to provide a name, details on occupation and an email address should they wish to receive updates on the work to develop the Plan. Details on occupation were collected to identify potential participants for the Scottish Firms Impact Test as part of the Business and Regulatory Impact Assessment.
- 43.1.5 Notes were taken of the discussion after the presentations and summaries are provided below.

### 43.2 Summary of Discussion from Stromness Drop-In Session

- 43.2.1 Twenty-nine individuals attended the public drop-in session during the day in Stromness and 22 individuals attended the evening presentation. Some of those present at the presentation had visited earlier in the day.
- 43.2.2 There were questions raised concerning the purpose of the Plan. One question addressed the need for marine spatial planning when there are already existing controls for marine developments (e.g. Environmental Impact Assessments). Another was with regards to the authority of the Plan in relation to marine development decisions. It was explained that the Plan itself does not make decisions on marine developments, rather it is

intended to provide guidance for existing consenting processes. Clarification was provided on the distinction between planning and consenting decisions.

- 43.2.3 A question was raised in relation to the differences in process used to develop the Shetland and Clyde Marine Spatial Plans and how these relate to the pilot PFOW Marine Spatial Plan. It was highlighted that a 'one size fits all' approach is not appropriate for marine planning and that the non-statutory nature of the pilot project offered much more flexibility toward its development. It was noted that the pilot Plan has been developed in line with the process detailed in the Marine (Scotland) Act 2010. The Lessons Learned report that is being prepared alongside the final Plan can be used to inform the development of the subsequent statutory Regional Marine Plans.
- 43.2.4 Another participant raised a number of concerns. This included pointing out the paucity of information on spawning areas for commercially important fish and shellfish as well as for the navigational routes of fishing activity. The participant felt that the spatial diagram within the Plan was misleading and that it did not represent a true baseline of existing activity given the prominence of fishing in the area. In response to this concern, it was noted that the spatial diagram is for indicative purposes and as such was only intended to highlight the diversity of activity in the Plan area and does not include every use of the marine environment. It was recognised by the working group that there are still data gaps that need to be addressed.
- 43.2.5 Another concern was for a perceived conflict of interest with regards to the inclusion of the Orkney Harbour Authority within the project steering group, particularly when it comes to addressing commercial issues such as cruise ships and ship-to-ship oil transfers. It was agreed that this could be considered in the Lessons Learned report to inform the make-up of the steering group in subsequent Marine Planning Partnerships. A discussion followed on the definition of sustainable development used throughout the Plan. The participant felt that sustainable development could not be achieved through spatial allocation alone.
- 43.2.6 Concerns regarding non-native species were raised, particularly in relation to the Ballast Water Policy in Scapa Flow. It was noted that the Plan contained a policy on invasive non-native species and that this highlighted the need for a co-ordinated approach to biosecurity. It was also noted that the transfer of non-native species is not related to just one industry and that there is a responsibility on individuals and businesses that use the marine environment to ensure that they take measures to reduce the risk of transferring species.

- 43.2.7 A concern was raised by one participant with regards to the removal of equipment remaining on the seabed from marine renewable energy developments that are no longer going forward. The response was that the Crown Estate had picked up on this point at a previous meeting and it was noted that the working group would try to get an update and pass this information on. The same participant expressed concern about when Crown Estate leases for wave energy sites would end. The working group advised that the Agreement for Lease at Marwick Head, as well three others, had been handed back to the Crown Estate.
- 43.2.8 Another participant questioned the feasibility of placing renewable energy structures within the Pentland Firth in the first place due to the nature of the current.
- 43.2.9 There was a question raised on whether the Plan would make things easier for local decision making. This question was directed at a local councillor who was in attendance. The response was that the Plan could be used to provide guidance during decision making, particularly to inform discussions and debate. However it was not considered to be perfect due to certain data gaps.

### 43.3 Summary of Discussion from Thurso Drop-In Session

- 43.3.1 Thirty-six individuals attended the public drop-in session during the day in Thurso and 18 individuals attended the evening presentation. Some of those present at the presentation had visited earlier in the day.
- 43.3.2 There was a question raised regarding whether low fly zones had been considered in the Plan. The participant was informed that new developments would be required to comply with standard procedures and guidance.
- 43.3.3 There was a question raised about the definition of the boundary between land and sea. The overlap between the terrestrial and marine planning systems was highlighted by a member of the working group and it was noted that estuarine waters are part of the marine planning system.
- 43.3.4 One participant wished to know where to find information about the progress of marine renewable energy projects. The participant was directed to the Marine Scotland Licensing and Operations Team website for updates.
- 43.3.5 There was a concern raised about using the online consultation as a participation tool. The participant felt that there was no opportunity for providing comments on what was missing from the Plan (routes for migratory species was used as an example). It was also considered that the online questionnaire was a lengthy process to complete. The participant

was directed to provide comments on the Plan in the 'any other comments' box at the bottom of the consultation and was informed that respondents could skip sections in the questionnaire that were not relevant to them. With regards to migratory species, current research projects and planning policies are detailed within the National Marine Plan.

- 43.3.6 A final comment was made on current knowledge of fish breeding areas within the local area. It was acknowledged that there was a lack of data for inshore areas, but information has been updated for offshore areas.

#### 43.4 Summary of Discussion from Durness Drop-In Session

- 43.4.1 Seven individuals attended the public drop-in session during the day in Durness and four individuals attended the evening presentation. Some of the discussion in Durness surrounded issues that could not be directly addressed in the Plan, but were nonetheless noted for consideration. This included the disposal of marine litter at sea, increased shipping traffic due to emergencies in other areas, and the movement of spent nuclear fuel in adverse weather conditions.
- 43.4.2 There was a discussion on the potential for the information contained within the Plan to be used by the Local Development Group to assist in moving forward with a local harbour project at Loch Eriboll. It was suggested by the working group that the information in the Plan could potentially be useful in the preparation of a business case to secure funding for a required wave modelling study. There was a strong concern that there was little landing access in the local area for yachting, recreational and other vessels, therefore potential economic opportunities were being missed. It was also considered a health and safety issue that access points between Kinlochbervie and Scrabster were sparse given the often changeable sea conditions. Participants were told that policies in the Plan would support development which provide socio-economic benefits and that information from the Plan could be used to support the case for new harbour development. The Marine Scotland Shipping Study was cited as a source of information on vessel traffic in the Pentland Firth which could also be used to help inform any development.

## 44. Annex 1: List of Stakeholders

### Government Bodies

Civil Aviation Authority	Marine Scotland
Defence Estates	Maritime and Coastguard Agency
Defence Infrastructure Organisation	Member of Scottish Parliament
Department of Energy and Climate Change (DECC)	National Air Traffic Control (NATS Safeguarding)
Department of Environment, Food and Agriculture (Isle of Man)	Northern Lighthouse Board
Dounreay Site Restoration	Nuclear Decommissioning Authority
Health and Safety Executive	Scottish Environment Protection Agency
Hi Trans	Scottish Natural Heritage
Highlands and Islands Enterprise Orkney	Scottish Water
Highlands and Island Enterprise	SportScotland
Historic Environment Scotland	The Crown Estate
Joint Nature Conservation Committee	The Scottish Government
Local Member of Parliament	Transport Scotland

### Local Government

All elected members	Orkney Islands Council Marine Services
Highland Council (including the Harbour Authority)	Shetland Islands Council
Orkney Islands Council (Community Council Liaison)	World Heritage Site Coordinator: Heart of Neolithic Orkney
Orkney Islands Council (including the Harbour Authority)	

### Business and Industry

A & W Sinclair	British Hydropower Association
Aquamarine Power	British Ports Association
Arch Henderson	British Telecoms
Armadale Salmon Fishing	British Trout Association
Associated British Ports	Brough Head Wave Farm Ltd
Association of Salmon Fishery Boards	C Ris Energy
Association of Scottish Shellfish Growers	Caithness and North Sutherland Regeneration Partnership (CNSRP)
Atlantic Salmon Trust	Caithness Chamber of Commerce
Babcock International	Caithness District Salmon Fishery Board
Blargoans Ltd	Caithness Partnership
Briggs Marine	Caithness Renewables
Brimms Tidal Array	



Caithness Seacoast	NCS Survey
Calder Engineering	Network Rail
Care Inspectorate	Northern District Salmon Fishery Board
Cragie Engineering Sales and Services Ltd	Numax Energy Services
DP Marine Energy	Oil and Gas UK
Dunbeath Engineering	Open Hydro
Edward Mackay Ltd.	Orcades Marine
European Marine Energy Centre	Orcadian Wildlife
Exodus Group	Orkney Creel Fishermen's Association
Federation of Small Businesses	Orkney Ferries
Fendercare Marine	Orkney Fisheries Association
Fishermen's Association Ltd	Orkney Fishermen's Society
Forum Energy Technologies	Orkney Renewable Energy Forum
G&A Barnie	Orkney Renewable Energy Ltd
Gills Harbour Ltd	Orkney Research Centre for Archaeology (ORCA) Marine
Gow's Lybster Ltd	Orkney Shellfish
Halton Charters	Orkney Sustainable Fisheries
Highland and Islands Airports	Pager Power
Hugh Simson (Contractors) Ltd	Pelagian Ltd.
Institute of Fisheries Management	Pentland Ferries
Institution of Engineers and Shipbuilders in Scotland	Pulteneytown People's Project
International Container Hubs Ltd (ICHL)	Red7Marine
Invest Caithness	Res Group/Renewable Energy Systems Ltd
James Wilson (Orkney) Ltd	Rivers and Fisheries Trusts of Scotland (RAFTS)
JGC Engineering & Technical Services Ltd	RWE npower renewables
John O'Groats Ferries	Salmon and Trout Association
Leslie Burgher Chartered Architect	Salmon Net Fishing Association
MacRoberts Energy Group	Scabster Port Services
Mainstream Renewable Power	Scibbilib Consultancy Ltd.
Malakoff Limited	Scotrenewables Tidal Power Ltd
Marine Current Turbines	Scottish & Southern Energy Ltd
Marine5	Scottish Enterprise
Meridian Salmon Farms Ltd	Scottish European Green Energy Centre
MeyGen Ltd	Scottish Federation of Sea Anglers
MM Miller	Scottish Fishermen's Federation
Moray and North East Inshore Fisheries Group	Scottish Inshore Fisheries Groups
Narec	Scottish Pelagic Fishermen's Association
National Grid UK	Scottish Power Renewables UK Ltd
Natural Power	Scottish Renewables
Navertech	

Scottish Salmon Producers Organisation	Sutherland Partnership
Scottish Sea Farms Ltd	UK Chamber of Shipping
Scottish Surfing Federation	West Sutherland Fisheries Trust
Scottish Whitefish Producers Association	Wind Prospect Group
Scrabster Harbour Trust	Xodus Group
Sea Generation Ltd	
SeaFish	
Serco North Link Ferries	
St Margaret's Hope Pier Trust	
Subsea 7	
Sustainable Inshore Fisheries Trust	

### **Academic Institutes**

Environmental Research Institute  
ICIT Heriot Watt University  
James Hutton Institute  
Scottish Association for Marine Science  
University of the Highlands and Islands

### **Community, Recreation and Interest Groups**

All Community Councils	Orkney Skate Trust
Caithness Archaeological Trust	Orkney Surf Club
Caithness Biodiversity Group	Orkney Tourism Group
Caithness Diving Club	Orkney Trout Fishing Association
Caithness Kayak Club	Pentland Canoe Club
Clyde Cruising Club	Pentland Firth Yacht Club
Clyde Forum	Ramblers Scotland
Crofting Commission	River Naver Superintendent
Durness Development Group Ltd	RNLI Stations
Environmental Concern Orkney	Royal Yachting Association
Friends of the Earth Scotland	Royal Yachting Association Scotland
Halladale River Superintendent	Royal Society for the Protection of Birds
Kirkwall Kayak Club	Royal Society for the Protection of Birds (Scotland)
National Farmers Union	Sail Orkney
Orkney Archaeological Trust	Scottish Canoe Association
Orkney Disability Forum	Scottish Environment LINK
Orkney Field Club	Scottish Sea Angling Conservation Network
Orkney Heritage Society	Scottish Wildlife Trust
Orkney Islands Sea Angling Association	SeaKayaking Leisure Group
Orkney Marinas	Stromness Sailing Club
Orkney Sailing Club	
Orkney Sea Kayaking Association	

Sutherland Biodiversity Group  
The Cruising Association  
Visit Scotland  
Volunteer Action Orkney  
Whale and Dolphin Conservation  
Wick Harbour Authority  
Word Wide Fund for Nature (Scotland)



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