

# Pilot Pentland Firth and Orkney Waters Marine Spatial Plan

The Plan Scheme 2012



marinescotland

# Pilot Pentland Firth and Orkney Waters Marine Spatial Plan

The Plan Scheme 2012



**marinescotland**



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## SECTION 2 WORK PROGRAMME

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## SECTION 3 BACKGROUND TO MARINE PLANNING

Sets out where the pilot plan fits within the new legislative and management framework for the marine environment as outlined in the Marine (Scotland) Act 2010.

## SECTION 4 KEY STAGES IN THE PLANNING PROCESS AND OPPORTUNITIES FOR STAKEHOLDER PARTICIPATION

An update on the stages in the planning process that have been successfully completed and the stages that remain to be completed. Participation Statements are presented for each stage in the process with information on how and when you can get involved in the development of the pilot plan.

## SECTION 5 SUMMARY OF KEY OUTPUTS

A summary is provided on the key outputs from the pilot marine planning process for Pentland Firth and Orkney Waters 2012 - 2014.

## SECTION 6 HOW TO GET INVOLVED

The key organisations and people that will be involved in the preparation of the Plan are identified in this document - the Plan Scheme. Publicising the Plan Scheme also provides an opportunity for interested individuals and organisations to register their interest and provide their details for the plan stakeholder database.





SANGO BEACH, DURNESS.



HOLBORN HEAD LIGHTHOUSE, THURSO BAY, CAITHNESS

# SECTION 1

## INTRODUCTION

### BACKGROUND

Marine Scotland (MS), Highland Council (HC) and Orkney Islands Council (OIC) have established a working group to develop a pilot non-statutory Pentland Firth and Orkney Waters Marine Spatial Plan (the pilot plan). This will be supported by an advisory group that will be set up during 2013. The pilot plan will promote the sustainable management and development of the marine environment and will incorporate economic, environmental and social considerations into marine development decision making.

The pilot plan aims to develop a strategic decision making framework for licensing and other consent applications in the marine area. The plan will seek to reconcile the aspirations of all users of the marine area including the interests of the marine renewable energy sector, inshore fisheries, shipping and navigation, aquaculture, the oil and gas sector, recreation (by locals and visitors) and tourism. The plan will promote sustainable economic growth and management of the marine environment.

### WHAT IS A PLAN SCHEME?

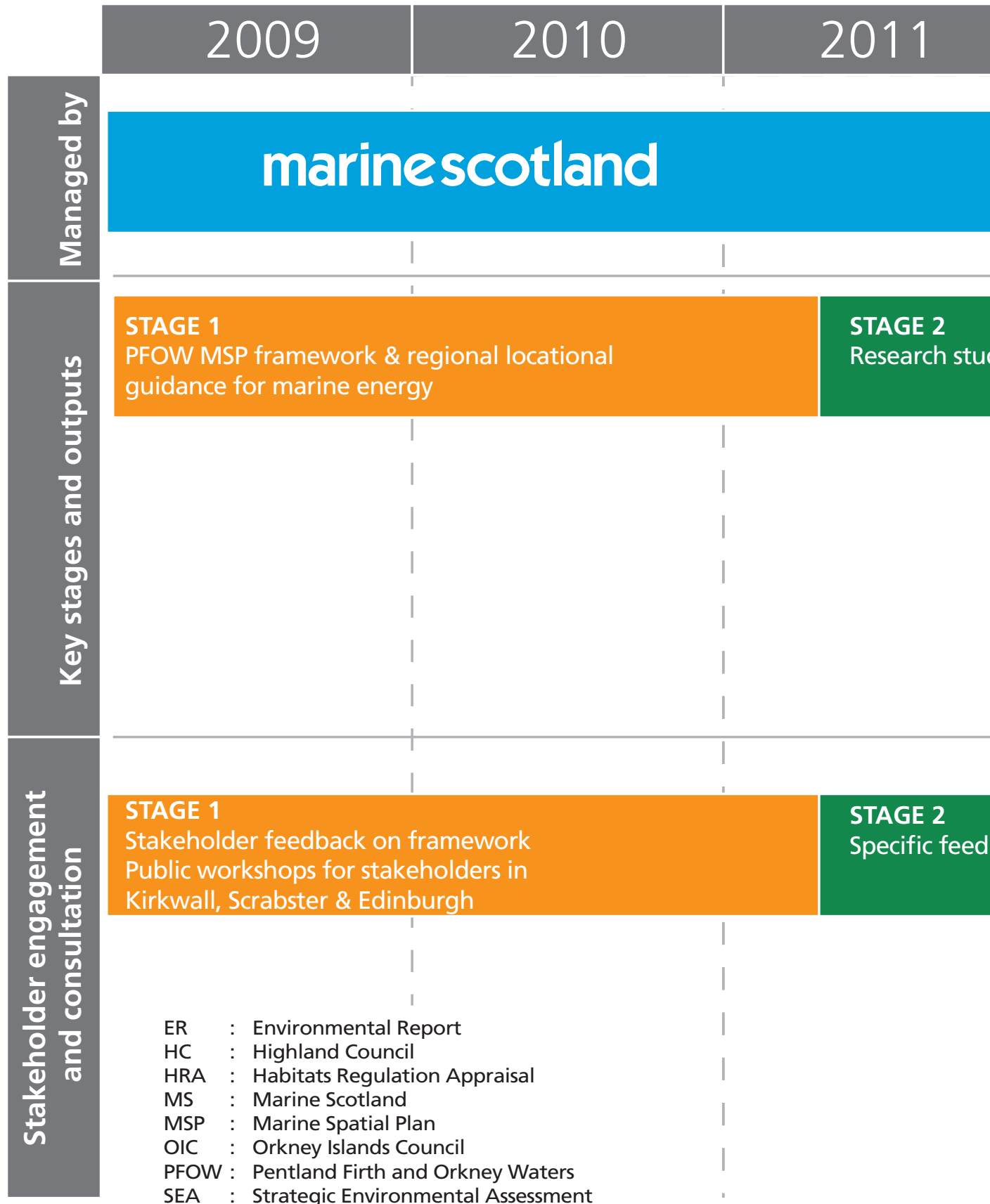
The Plan Scheme sets out step by step how the pilot plan will be prepared and outlines the opportunities for stakeholders to get involved. The Plan Scheme is updated and publicised at key stages in the process to inform stakeholders and the general public on progress made with the development of the pilot plan.



FIGURE 1  
MAP OF AREA COVERED BY THE PILOT PLAN

# SECTION 2

## WORK PROGRAMME





	2012	2013	2014
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Establish working group (MS, HC, OIC)	PFOW MSP Pilot working group		
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udies

**STAGE 3**

Plan scheme & identify planning issues & options <b>A</b>	Scoping & draft Environmental Reports. Consultation paper <b>B</b>	Draft MSP & final Environmental Report <b>C</b>	Final Pilot MSP & consultation report <b>D</b>	Adoption of Pilot MSP and review <b>E</b>
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Strategic Environmental Assessment (SEA). Habitats Regulation Appraisal (HRA).	Post adoption statement
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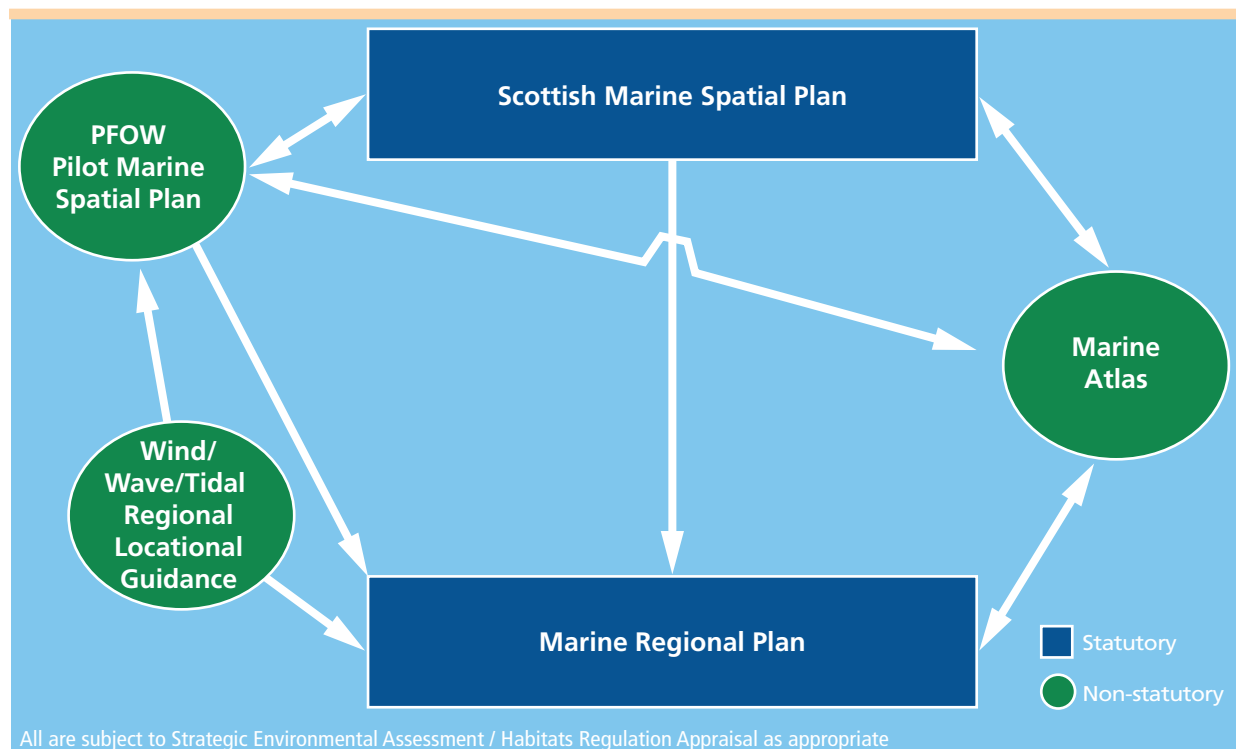
back from stakeholders on research studies

**STAGE 3**

Plan scheme	Planning issues & options paper preparation. Five week mandatory consultation on Scoping Report	Formal consultation on planning issues and options paper & draft Environmental Report	Formal consultation on draft MSP, ER & HRA Record
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# SECTION 3

## BACKGROUND TO MARINE PLANNING



LINKS BETWEEN STATUTORY AND NON-STATUTORY MARINE PLANNING PROCESSES

### INTRODUCTION

Marine (Scotland) Act 2010 (“the Act”) provides Scottish Ministers with the powers to introduce statutory marine planning for Scotland’s seas. The Act creates a new legislative and management framework for the marine environment to manage the competing demands of the use of the sea whilst ensuring protection of the marine environment.

The Act sets out a simplified marine licensing process that will cover nearly all anticipated activities in the marine environment with the exception of aquaculture within 3 nautical miles, which is consented by local authorities. Public authorities have to take authorisation decisions in accordance with marine plans, as defined in the Act, unless relevant considerations indicate otherwise.

**Scotland’s National Marine Plan** sets out the Scottish Government’s policies and priorities for sustainable development of Scotland’s seas.

A pre-consultation draft of the National Marine Plan was prepared by the Scottish Government in 2011. Further consultation on the Plan will be carried out towards the end of 2013. The Plan promotes the sustainable management of the marine environment, encouraging economic development of marine industries and incorporating environmental protection into marine decision making. National marine planning policies will be provided within the Plan.

**Regional marine plans** will set out the policies and priorities for sustainable development at the regional level. A consultation on the boundaries of future statutory regional plans was undertaken in 2011 and work is ongoing to enable these to be defined and finalised in secondary legislation.

**Sectoral Marine Plans** provide a framework for the sustainable development of commercial scale offshore renewable energy developments in Scotland's marine environment, extending to 200 nautical miles from shore. They explore how offshore wind, wave and tidal energy can contribute to meeting Scotland's target of generating the equivalent of 100% of energy demand from renewable sources. The Plans also seek to maximise the contribution of these technologies in achieving a low carbon economy.

**Regional Locational Guidance (RLG)** for offshore renewable energy is currently being developed and will sit within the wider marine planning structure being developed by Marine Scotland. This guidance will contain information in relation to the options for future offshore wind, wave and tidal energy emerging from the Sectoral Marine Planning process. The guidance will contain relevant information including, for example, information on environmental sensitivities, other marine users and the socio-economic structure of the area / region.

The work on this current Pilot Marine Spatial Plan (See Section 4) will be closely linked to the work on Regional Locational Guidance for offshore renewable energy during the development of the plan. The 2009 Regional Locational Guidance which contains information on the Pentland Firth and Orkney Waters will also be updated to accompany the Pilot Marine Spatial Plan.

**Strategic Environmental Assessment (SEA)** provides a means of assessing the impact that a public plan, programme or strategy is likely to have on the environment. SEA provides an opportunity for public participation in the plan decision making process. A SEA of the pilot Pentland Firth and Orkney Waters Marine Spatial Plan will be undertaken and the findings of the assessment will inform the development of the plan and be documented in an Environmental Report. A public consultation on the Marine Spatial Plan and the Environmental Report has to be carried out before the plan is adopted.

**Habitat Regulations Appraisal (HRA)** is a process designed to meet the requirements of the Conservation (Natural Habitats, & c.) Regulations 1994 that requires certain plans which are likely to have a significant effect on a 'Natura 2000' site must be subject to an "Appropriate Assessment" by the plan-making authority. HRA includes determining whether an appropriate assessment is required, together with the appropriate assessment itself where necessary. Natura 2000 is the Europe-wide network of protected sites developed under the European Commission Habitats Directive (Directive 92/43/EEC) and the Birds Directive (79/409/EEC).

**The Pilot Plan:** Marine spatial planning at a regional level is being piloted in the Pentland Firth and Orkney Waters. This non statutory pilot plan covers from Mean High Water Springs to a seaward boundary of 12 nautical miles. This area has been chosen to pilot the marine spatial planning process because of its tidal and wave resources, which have recently led to The Crown Estate entering into agreements for lease for wave and tidal projects in this area. The pilot plan will aim to guide future decisions made on the proposed offshore renewable energy activities, and other developments in the marine area, minimise potential impacts on other users of the sea, and coordinate marine development with proposed onshore activities.

This non-statutory pilot will not perform the function of a regional marine plan as defined with the Marine (Scotland) Act 2010. If the pilot plan is approved by the Scottish Ministers it will become a material consideration in the determination of marine licensing applications. Consideration will also be given to the pilot by the Scottish Ministers when they make relevant decisions even if it is not subsequently approved by them. There is potential for Highland Council and Orkney Islands Council to adopt the pilot plan as Supplementary Planning Guidance or as Supplementary Guidance to the appropriate Local Development Plan.



# SECTION 4

## KEY STAGES IN THE PLANNING PROCESS AND OPPORTUNITIES FOR STAKEHOLDER PARTICIPATION

### INTRODUCTION

The process for developing a pilot marine spatial plan for Pentland Firth and Orkney Waters started in 2009. The marine spatial plan will consist of three stages, one of which has been completed, one is ongoing and the third will be the plan itself. Marine Scotland has led on the first two stages, which has involved information gathering and setting out a high level framework as a baseline from which to work. A working group consisting of Marine Scotland, Orkney Island Council and Highland Council has now been created to continue the work and to develop the pilot plan itself. The work of the group will be carried out in conjunction with Marine Scotland's work on the statutory regional marine plan process i.e. setting the boundaries, considering governance and make-up of future regional marine planning partnerships as contained within the Marine (Scotland) Act 2010.

This section of the Plan Scheme sets out the main stages in the process so far and in the future. It contains Participation Statements with details of planned and completed stakeholder engagement and consultation.

### STAGE 1 PENTLAND FIRTH AND ORKNEY WATERS MARINE SPATIAL PLAN FRAMEWORK

The **Pentland Firth and Orkney Waters Marine Spatial Plan Framework** and Regional Locational Guidance for Marine Energy was completed and published by Marine Scotland in March 2011.

The documents are available on the Scottish Government website:

<http://www.scotland.gov.uk/Topics/marine/marineenergy/wave/rlg/pentlandorkney>

The main purposes of Stage 1 were:

- To set out a high level framework for taking forward the Plan in three stages;
- To identify the categories of information and knowledge that are required to underpin the plan including, but not limited to, biodiversity, fisheries, shipping, tourism and recreation;
- To summarise what is already known in each category; and
- To make recommendations on how the resulting information and data gaps should be addressed.

## Participation Statement – Stage 1

Date: March 2010 to July 2010

Method of Stakeholder Engagement / Consultation	Audience
Stage 1 draft document published on Marine Scotland website	All stakeholders and interested parties
Draft document emailed to stakeholders and feedback invited	All stakeholders
Public workshops for stakeholders held in Kirkwall, Scrabster and Edinburgh	All stakeholders

## STAGE 2 PENTLAND FIRTH AND ORKNEY WATERS RESEARCH STUDIES

Stage 2 is currently underway and consists of a suite of research studies undertaken, or commissioned, by Marine Scotland to address the information gaps identified at Stage 1.

The studies have been undertaken to inform and underpin the future development of the Plan. The studies are presented in the table below and will all be available from <http://www.scotland.gov.uk/Topics/marine/marineenergy/wave/rlg/pentlandorkney> once complete. Some of the research projects are relatively short term studies but others are longer term so the results from the studies will feed in as and when they are available.

Pentland Firth and Orkney Waters Stage 2 Research Studies	Date due
Scot Map Inshore Fishing Study Pilot in Pentland Firth and Orkney Waters	Complete draft document published June 2012
Commercial shipping and recreational boating study.	November 2012
Environmental studies: <ul style="list-style-type: none"> <li>Sea birds strategic monitoring;</li> <li>Marine mammals strategic monitoring;</li> <li>Marine electric cable influence on migratory fish; and</li> <li>Survey, deploy and monitor strategy.</li> </ul>	November 2012 Draft completed End of 2013 <i>Published</i>
Hydrodynamic model of the physical oceanographic environment and energy resources	June 2014
Value added study to examine value added to commercial fish landing as a result of processing and branding	End 2012
Tourism and recreation study	Spring / Summer 2013
Aquaculture study to review existing and future development	To be developed

## Participation Statement - Stage 2

Date: 2011 - 2014

Method of Stakeholder Engagement / Consultation	Audience
Relevant stakeholders were engaged, as appropriate, for each study outlined in the table above.	Relevant stakeholders

## STAGE 3 PILOT PENTLAND FIRTH AND ORKNEY WATERS PILOT MARINE SPATIAL PLAN

### 3a) Plan Scheme

The Plan Scheme will be reviewed, updated and publicised at key stages in the plan making process to inform stakeholders of progress made. The Participation Statement below outlines how the Plan Scheme 2012 will be distributed and publicised.

#### Participation Statement Stage 3a – The Plan Scheme

**Target Date: October – November 2012**

Method of Stakeholder Communication/Engagement/ Consultation	Target Audience
Publish Plan Scheme 2012 – Raising awareness about the pilot marine spatial planning process.	All stakeholders – Published on Marine Scotland and Council websites and available at local libraries and Council Offices
Mail out via email or letter to stakeholders on the stakeholder database.	Plan Scheme sent to stakeholders
Local press advertisements.	General public / All local stakeholders
Press releases for local media e.g. newspaper and radio.	General public / All local stakeholders
Pilot Pentland Firth and Orkney Waters Marine Spatial Plan, Working Group –raising awareness of the process and identifying / consulting on the main issues and options.	General public / All local stakeholders

*New contacts will be added to the stakeholder database as new stakeholders are identified through Stage 3a (see Section 6).*



SEA CLIFFS AT MARWICK HEAD, ORKNEY



### 3b) Planning Issues and Options Consultation Paper

#### What is the Planning Issues and Options Consultation Paper?

The consultation paper is not a draft version of the pilot plan; it sets out the options and policy areas that the plan could address. It seeks views through stakeholder engagement and consultation and will enable stakeholders to inform the content of the pilot plan and consider alternative approaches to policies and proposals.

The paper will set out a preferred option and alternative options to addressing key issues and seeks views on these options through consultation with stakeholders. These options will be developed through workshops and public participation events.

Participation Statement Stage 3b – Planning Issues and Options Consultation Paper	
Target Date: Winter 2012 – June 2013	
Method of Stakeholder Engagement / Consultation	Target Audience
Preparing the Planning Issues and Options Consultation Paper:	
Preparation of Scoping Report and draft Environmental Report for Strategic Environmental Assessment.	Consultation authorities (SNH*, SEPA*, Historic Scotland) and other relevant stakeholders
Public consultation workshops in Orkney and Caithness – Raising awareness of the process and identifying / consulting on the key planning issues and options.	All members of the public and interested stakeholders
Record responses to workshops, other public participation and feed back on the Plan Scheme.	All attendees and responders to consultation to identify issues and options
Focused discussion groups on key issues identified through consultation, as appropriate.	Interested Stakeholders
One to one stakeholder meetings, as appropriate	Interested Stakeholders
Local planning / Marine Scotland officers available to discuss the pilot plan.	Members of the public and interested stakeholders
Briefing Note to OIC/HC Councillors to invite comment	Councillors/public
Analyse responses to workshops, public participation events and feed back on Plan Scheme.	N/A
Consultation on the Planning Issues and Options Consultation Paper:	
Consultation Paper deposited for a minimum 6 week consultation period.	General public and all stakeholders
Notification sent to all stakeholders on the Plan database by email or letter inviting consultation responses.	Stakeholders that have registered interest
Local press advertisements.	General Public
Press releases for local media e.g. newspaper and radio.	General Public
Presentations / meetings with key agencies and interest groups.	Key agencies and interest groups

### 3c) Preparing the Draft Pilot Marine Spatial Plan

The Draft Pilot Marine Spatial Plan will set out policies and proposals for the management, development and use of the marine area. It will address the key planning issues identified in the Planning Issues and Options Consultation Paper and contain detailed policies and maps of plan. It will also contain a section on how to use the plan.

#### The policies:

It is anticipated that policies will be presented on the various types of development that are likely to take place in the marine area, for example, renewable energy development. The policies will contain some of the criteria for assessing consent applications for these various sectors. Other policies of relevance to all types of development are likely to focus on how the environment, natural resources and the interests and amenity of marine and coastal users will be assessed and safeguarded.

#### Maps of plan options:

The draft pilot plan will contain maps which could present key opportunities for development and the identified social, economic and environmental constraints or sensitivities. Constraints or sensitivities may include but not be limited to navigation routes, areas of importance for inshore fisheries, ferry routes and aquaculture sites, but do not necessarily mean that particular developments may not go ahead, only that additional mitigation may be required to address these issues.

Participation Statement Stage 3c - Draft Pilot Marine Spatial Plan	
Target Date: June – November 2013	
Method of Stakeholder Communication / Engagement / Consultation	Target Audience
<b>Developing the Draft Pilot Plan:</b>	
Record and analyse responses to the Planning Issues and Options Consultation Paper; prepare consultation report.	All attendees and responders to consultation to identify main issues and options
Focused stakeholder meetings to inform preparation of policies and proposals.	Interested Stakeholders
<b>Consultation of the Draft Plan:</b>	
Draft Pilot Plan, Environmental Report and the Habitats Regulation Appraisal (HRA) Record deposited for a minimum of 6 week consultation.	General public and all stakeholders
Notification sent to all stakeholders on the stakeholder database by email or letter inviting consultation responses.	Stakeholders that have registered interest
Local press advertisements.	General Public
Press releases for local media e.g. newspaper and/or radio.	General Public
Presentations / meetings with key agencies and interest groups.	Key agencies and interest groups

### 3d) Final Pilot Plan

The final pilot plan will be produced taking into consideration the comments received from the above consultation process.

### 3e) Pilot Plan Review

A review of the adopted pilot plan will be undertaken by the working group in consultation with the advisory group and stakeholders to consider the effectiveness of the policies and spatial guidance and to inform the development of Regional Marine Plans.



THE OLD MAN OF HOY IN EVENING LIGHT



# SECTION 5

## SUMMARY OF KEY OUTPUTS

Key Outputs	
Date: 2012 - 2014	
Output	Delivered
Pentland Firth and Orkney Waters Research Studies	2012 - 2014
The Plan Scheme (including Participation Statements)	October – November 2012 (updated at key stages in the plan making process)
SEA Scoping Report	2012 – Jan / Feb 2013
Planning Issues and Options Consultation Paper and draft Environmental Report	2012 – April 2013
Consultation Report on Planning Issues and Options Consultation Paper	June 2013
Draft Pilot Pentland Firth and Orkney Waters Marine Spatial Plan, including Environmental Report and HRA Record	June – November 2013
Consultation Report on Draft Pilot Pentland Firth and Orkney Waters Marine Spatial Plan	Spring 2014
Final Pilot Pentland Firth and Orkney Waters Marine Spatial Plan including SEA Post Adoption Statement	Spring / Summer 2014
Review the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan and the effectiveness of pilot planning process	Summer 2014



SEA CLIFFS AT YESNABY, ORKNEY

# SECTION 6

## HOW TO GET INVOLVED

There are many agencies, organisations, businesses and individuals with an interest in the development of the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan and a list of these is provided in this section. In some cases general names have been used e.g. Community Councils rather than providing individual contact names. However, if you would like to check if you or your organisation are listed in the database or would like to be added to the stakeholder database please provide your name, telephone number, e-mail and address along with any comments you have on the plan scheme to:

**Offshore Renewable Energy  
Marine Scotland  
Marine Policy and Planning  
Victoria Quay  
Edinburgh  
EH6 6QQ**

**T: 01224 295573 (Tracy McCollin)**

**E: [PFOWmarinespatialplan@scotland.gsi.gov.uk](mailto:PFOWmarinespatialplan@scotland.gsi.gov.uk)**

**For general inquiries relevant to your local area please contact:**

Tracy McCollin Marine Renewable Energy Project Manager <i>Marine Scotland</i> Marine Laboratory 375 Victoria Road Aberdeen AB11 9DB  Tel: 01224 295573	James Green Marine Planner  Development & Marine Planning <i>Orkney Islands Council</i> School Place Kirkwall KW15 1NY  Tel: 01856 873535	Dr Shona Turnbull Coastal Planning Officer  Planning & Development <i>Highland Council</i> Glenurquhart Road Inverness IV3 5NX  Tel: 01463 702220
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# KEY STAKEHOLDERS

## Key Agencies and Government Bodies

Civic Aviation Authority  
Defence Estates  
Dounreay Site Restoration  
Health and Safety Executive  
Hi Trans  
HIE Orkney  
Highlands and Islands Fire Brigade  
Historic Scotland  
JNCC  
Local MP and MSP  
Marine Scotland  
Maritime and Coastguard Agency  
National Air Traffic Control  
Northern Constabulary  
Northern Lighthouse Board  
Nuclear Decommissioning Authority  
Scotland Transerv  
Scottish Water  
SEPA  
SNH  
SportScotland  
The Crown Estate  
The Scottish Government  
Transport Scotland

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### Local Government

Shetland Island Council  
Highland Council  
Orkney Islands Council (including the Harbour Authority)  
All Elected Members

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### Business and Industry

AMC Engineering Ltd  
Aquatera Ltd  
Arch Henderson  
Babcock  
Briggs Marine  
British Hydropower Association  
Brough Head Wave Farm Ltd  
Caithness and North Sutherland Regeneration Partnership (CNSRP)  
Caithness Chamber of Commerce

Caithness Engineering Alliance  
Caithness Partnership  
Cantick Head Tidal Development Ltd  
Chamber of Shipping  
Dunbeath Engineering  
E.on Climate and Renewables UK Developments Ltd  
Edward Mackay Ltd. (EML)  
EMU Limited  
Energy Hunt  
European Marine Energy Centre  
Federation of Small Businesses  
G&A Barnie  
Gills Harbour Ltd  
Gow's Lybster Limited  
Grant Thornton  
Highland and Islands Airport Limited  
Highland Harbours  
Hugh Simson (Contractors) Ltd.  
Icetek Freezers Ltd.  
Invest Caithness  
JGC Engineering & Technical Services Ltd.  
John O'Groats Ferries  
Kirby Power  
Mackay Underwater Technology Ltd  
MacRoberts Energy Group  
Mainstream Renewable Power  
Malakoff Limited  
Marine 5  
Meridian Salmon Farms Ltd  
MeyGen Ltd  
MM Miller  
MTDS  
Narec  
National Grid  
Network Rail  
Newpark Ltd  
North Scotland Industries Group  
Numax Energy Services  
Nuvia Limited  
Ocean Power Delivery Ltd  
Open Hydro  
Orcades Marine  
Orkney Ferries  
Orkney Fisheries Association  
Orkney Fishermen's Society  
Orkney Means Business  
Orkney Renewable Energy Forum

Orkney Salmon Company  
Orkney Skate Trust  
Pager Power  
Pelamis Wave Power  
Pentland Ferries  
Precision Gear Company  
Pulteneytown People's Project  
Red7Marine  
Res Group/Renewable Energy Systems Ltd  
RWE npower renewables  
Scotrenewables Tidal Power Ltd  
Scottish Hydro-Electric Transmission Limited  
Scottish Power Renewables UK Ltd  
Scottish Renewables  
Scottish Renewables Forum  
Scottish Sea Farms Ltd  
Scrabster Harbour Trust  
Sea Generation Ltd  
Serco North Link Ferries  
Simpsons Haulage  
SSE Renewables Developments (UK) Ltd  
St Margaret's Hope Pier Trust  
Subsea 7  
Sutherland Partnership  
Wick Harbour Authority  
Wind Prospect  
Xodus Group

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#### **Academic Institutes**

Environmental Research Institute  
ICIT Heriot Watt University  
North Highland College  
Orkney College  
University of the Highlands and Islands

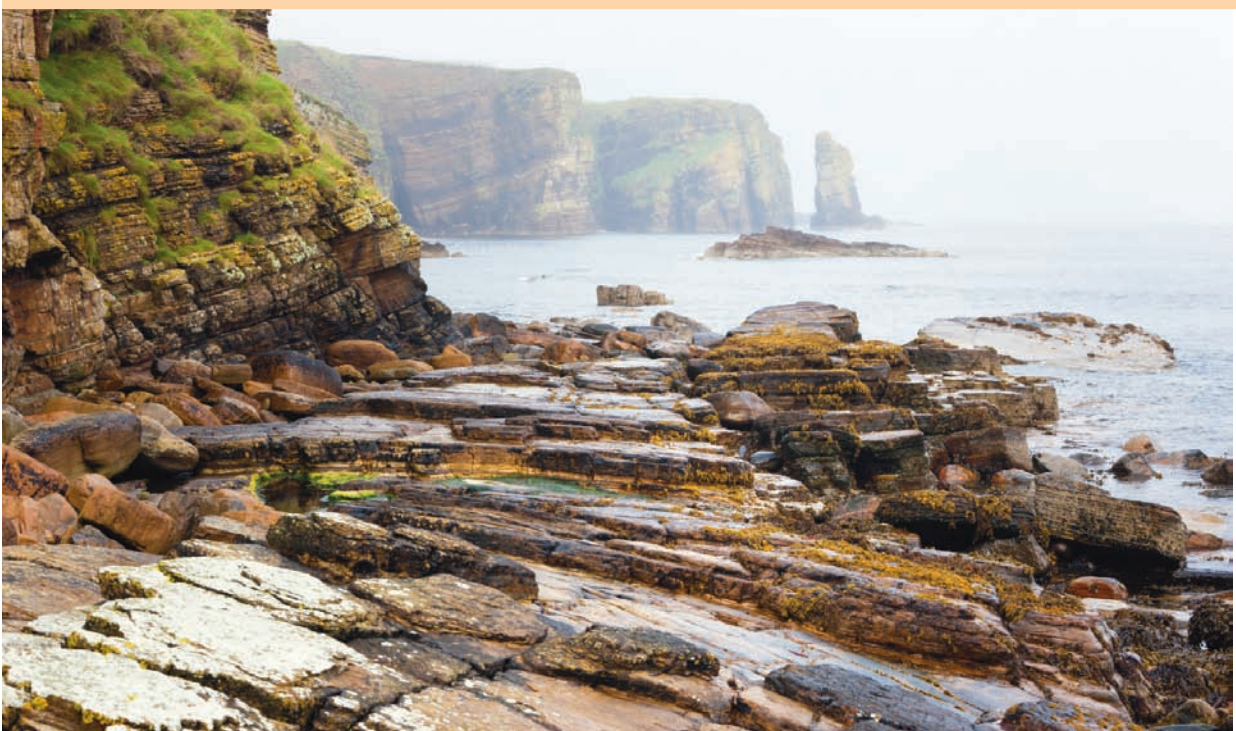
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#### **Community, Recreation, and Interest Groups**

All Community Councils (Orkney Islands and north Highland)  
Caithness Diving Club  
Caithness Field Club  
Caithness Kayak Club  
Caithness Sea Angling Association  
Clyde Cruising Club  
Cruising Association  
Environmental Concern Orkney  
Friends of the Earth (Scotland)  
Orkney Archaeological Trust  
Orkney Disability Forum  
Orkney Dive Boat Operator's Association  
Orkney Heritage Society  
Orkney Islands Sea Angling Association  
Orkney Sailing Club  
Orkney Sea Kayaking Association  
Orkney Tourism Group  
Orkney Trout Fishing Association  
Pentland Firth Yacht Club  
RNLI Stations  
Royal Yachting Association  
RSPB  
Scottish Boating Alliance  
Scottish Landscape Forum  
The Orkney Field Club  
Thurso Surf School  
Visit Highland  
Visit Orkney  
Visit Scotland  
Volunteer Action Orkney

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