

**The Highland Council**  
**Planning, Development and Infrastructure Committee**  
**17 Feb 2016**

Agenda Item	<b>11</b>
Report No	<b>PDI 09/16</b>

**Pilot Pentland Firth and Orkney Waters Marine Spatial Plan**

**Report by Director of Development and Infrastructure**

**Summary**

This report introduces the final Pilot Pentland Firth and Orkney Waters Marine Spatial Plan. It is supported by the draft Consultation Analysis and Modifications Report following consultation on the draft Plan. The documents have been jointly prepared by Marine Scotland, Orkney Islands Council and the Highland Council.

Members are asked to endorse the final Pilot Pentland Firth and Orkney Waters Marine Spatial Plan prior to approval by Scottish Ministers and agree that any minor changes be made to the Plan are delegated to the Chair of the Planning, Development and Infrastructure Committee to endorse, following consideration by Scottish Ministers.

It is recommended that, subject to approval by Scottish Ministers in March 2016, the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan is adopted as non-statutory planning guidance.

**1. Background**

- 1.1 The Pilot Pentland Firth and Orkney Waters (PFOW) Marine Spatial Plan (“the Plan”) process is led by Marine Scotland, supported by Orkney Islands Council and the Highland Council. The Plan provides guidance for marine users and consenting bodies in the PFOW area, and is intended to be taken forward as non-statutory Planning Guidance. It will complement and support existing ambitions and responsibilities rather than replace them, along with supporting sustainable development of new marine activities. It has been developed alongside the National Marine Plan process, where possible in accordance with the process for preparing Regional Marine Plans as per the Marine Scotland Act.

**2. Pilot Pentland Firth and Orkney Waters Marine Spatial Plan**

- 2.1 A copy of the final Pilot Pentland Firth and Orkney Waters Marine Spatial Plan (**Appendix 1**). A copy has been placed in the Members’ Library for review. The content had been informed by an Advisory Group, best practice, technical guidance from various national and international sources, various stakeholder meetings and public consultations on an Issues and Options document (previously considered by the Planning, Environment and Development Committee, August 2013) and the draft Plan (previously considered by the

Caithness and Sutherland Area Committee, May 2015). The guidance has been prepared in accordance with the National Planning Framework 3, Scottish Planning Policy (2014) and takes cognisance of the National Marine Plan and related marine policy and guidance.

- 2.2 The Plan aims to streamline the process of preparing and determining marine planning applications, consents and activities by ensuring information on the variety of marine activities and their potential interactions is available in one document. It also ensures greater integration of marine and terrestrial planning, as required by Scottish Government policies.
- 2.3 Ultimately, this non-statutory document will be a material consideration and provide planning guidance for making marine planning decisions to support environmentally, economically and socially sustainable development along the north Highland coast and in Orkney. The document also represents a pilot approach to developing statutory marine spatial plans around Scotland. As Highland contains three of the eleven Regional Marine Plan areas across Scotland, this work is particularly beneficial.
- 2.4 The document's introductory section outlines the Plan's vision, aims and objectives, supported by an indicative spatial diagram. This section also outlines the various steps taken to develop the plan. As this is a pilot process, a 'Lessons Learned' report is being prepared and is a key element of the plan-making process. This work will therefore help inform the subsequent development of other statutory marine plans.
- 2.5 Section 2 outlines how to use the Plan, including information on the various consents and licences required, whilst Section 3 provides the legislative and policy context.
- 2.6 Section 4 contains nine general policies that address cross-cutting issues such as sustainable development, community well-being, climate change, natural and historic environments, waste and the integration of marine and terrestrial planning. Where appropriate, these policies are supported by spatial information. Additional information boxes are also provided throughout the document to clarify key points or provide examples.
- 2.7 Section 5 contains ten sectoral policies that focus on the main economic activities in the Pentland Firth and Orkney Waters area. These have been developed through ongoing consultations with key stakeholders, statutory agencies and the Advisory Group, as well the wider public consultation events.
- 2.8 The guidance within the whole document will ensure that there is clear integration of marine and terrestrial planning, as required by Scottish Government. The Plan will promote transparency and clarity in the marine planning and consenting process. Implementation of the guidance should support the sustainable development of marine activities in the north Caithness and Sutherland coastal area; this is of a significant economic value given the growing maritime activities in these relatively remote rural areas.

- 2.9 Final versions of the comprehensive additional support documents, including the Sustainability Appraisal, incorporating the Strategic Environmental Assessment and Habitats Regulation Assessment requirements; Socio-Economic Baseline Review, Regional Locational Guidance, Consultation Reports and the Lessons Learned report, will be available on the Marine Scotland website, once final approval has been given by Scottish Ministers. These documents, along with a variety of research studies and consultation reports, provide a wealth of underpinning evidence and support material. These can help developers and consenting bodies by providing detailed guidance on specific elements to be considered when considering development. Some data is still being gathered at a national scale, often using the PFOW as a case study. This data will therefore be used to inform subsequent Regional Marine Plans in due course.
- 2.10 The draft Consultation Analysis and Modifications Report outlines the changes made following consultation on the draft Plan, along with a justification of the modifications made (**Appendix 2**). A copy has been placed in the Members' Lounge for review.
- 2.11 Due to the timings of the Highland Council and Orkney Islands Council committees and ministerial sign off, the versions presented today may be subject to minor changes including formatting, typographic and any consequential amendments following consultation with Scottish Ministers. It is recommended these changes are agreed be delegated to the Director of Development and Infrastructure in consultation with the Chair of the Planning, Development and Infrastructure Committee.
- 2.12 It is recommended that, subject to approval by Scottish Ministers in March 2016, the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan is adopted as non-statutory planning guidance.
- 2.13 To ensure the Plan and the experience gained from its production processes are shared as widely as possible, a Lessons Learned document is being prepared. It will outline the key steps, resources, evidence, governance arrangements, engagement strategies, supporting documents, general discussion and future considerations required to develop a regional marine plan.

### **3. Final sign off arrangements**

- 3.1 Subject to feedback from Committee, the document will be referred for sign-off by Scottish Ministers in March 2016. Once any final comments have been considered, the Plan and relevant supporting documents will be finalised by March 2016.

### **4. Implications**

#### **4.1 Resource**

The cost of publication, advertising and consultation will be met by Marine Scotland therefore there are no additional resource implications associated

with the development and adoption of the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan. Marine Scotland also contributed around £18k towards the final year of the officer's staff costs.

- 4.2 Legal, Equality, Climate Change/Carbon Clever, Risk, Rural and Gaelic  
There are no direct legal, equality, climate change/Carbon Clever, risk, rural or Gaelic implications directly arising from this report.

### **Recommendation**

The Committee is invited to:

- agree the final Pilot Pentland Firth and Orkney Waters Marine Spatial Plan, prior to approval by Scottish Ministers;
- agree that any minor changes be made to the Plan are delegated to the Director of Development and Infrastructure in consultation with the Chair of the Planning, Development and Infrastructure Committee; and
- subject to approval by Scottish Ministers in March 2016, the Pilot Pentland Firth and Orkney Waters Marine Spatial Plan is adopted as non-statutory planning guidance.

Designation: Director of Development and Infrastructure

Date: 12 Jan 2016

Author: Shona Turnbull

Background Papers: Appendix 1 – Link to PFOW MSP  
Appendix 2 – Link to Consultation Analysis and Modifications Report



The Scottish Government  
Riaghaltas na h-Alba

# Final Plan for Council Committee Consideration

## Pilot Pentland Firth and Orkney Waters Marine Spatial Plan



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# Pilot Pentland Firth and Orkney Waters Marine Spatial Plan

## Final Plan for Council Committee Consideration

Prepared by the Pilot Pentland  
Firth and Orkney Waters  
Working Group

**marinescotland**



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# Executive Summary

A working group consisting of Marine Scotland, Orkney Islands Council and Highland Council have developed this pilot Pentland Firth and Orkney Waters Marine Spatial Plan. The Plan sets out an integrated planning policy framework to guide marine development, activities and management decisions, whilst ensuring the quality of the marine environment is protected. The marine environment is used for a wide variety of different purposes and this Plan aims to set out a coherent strategic vision, objectives and policies to further the achievement of sustainable development. This will include the protection and, where appropriate, enhancement of the marine environment within the Plan area. As a non-statutory Plan, it will complement and support existing ambitions and responsibilities rather than replace them.

The working group have undertaken this pilot to put in place a planning policy framework in advance of statutory regional marine planning. It is anticipated that this Marine Spatial Plan will establish a useful basis for the preparation of the two separate regional marine plans for Orkney and the North Coast Scottish Marine Regions. Through the process of producing this pilot Marine Spatial Plan for Pentland Firth and Orkney Waters, there have been many lessons learned. These will be published separately and will inform the preparation of future regional marine plans and the governance arrangements that could underpin Marine Planning Partnerships.

The final pilot Plan will be used by the Marine Scotland Licensing Operations Team (MS-LOT) as a material consideration in the determination of marine licensing and section 36 consent applications within the Pentland Firth and Orkney Waters area (subject to approval by Scottish Ministers). Highland Council and Orkney Islands Council will be provided with the option to adopt the final pilot 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.





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# Section 1: Introduction and Plan Vision

## Purpose of this Marine Spatial Plan

**1** We are in an era of great change with regard to the use of the marine environment with many emerging opportunities to support the sustainable management of resources and sustainable economic growth. The pilot Pentland Firth and Orkney Waters Marine Spatial Plan (PFOW MSP) sets out an integrated planning policy framework to guide marine development, activities and management decisions, whilst ensuring the quality of the marine environment is protected.

**2** It is essential that marine resources are appropriately managed if we are to realise the enormous potential for our seas to provide sustainable resources, jobs and wider economic benefits. Many activities such as commercial fishing, renewable energy, tourism, recreation, aquaculture, shipping, and oil and gas all contribute towards this diverse marine-based economy and these need to be properly managed to ensure these benefits are lasting and sustainable. This pilot Marine Spatial Plan aims to balance the needs of these economic sectors and local communities, whilst protecting the environment on which they depend.

**3** The main purposes of the pilot Plan are:

- to establish a coherent strategic vision, objectives and policies to further the achievement of sustainable development including the protection and, where appropriate, enhancement of the health of the Plan area
- to inform and guide the regulation, management and use of the area to which the Plan applies
- to provide reliable and robust information to support the Plan policies
- to guide the location of all marine uses and activities and ensure they occur in the most suitable and least sensitive areas
- to minimise conflicts of interest and encourage compatible uses
- to provide clarity and direction to users of the marine environment as to how it will be managed and regulated and the framework within which decisions will be taken
- to set out sustainable development objectives that respect environmental limits to ensure healthy and productive seas in the future
- to develop a policy framework that supports integrated marine and terrestrial planning and development

## **The purpose of the pilot Marine Spatial Plan process**

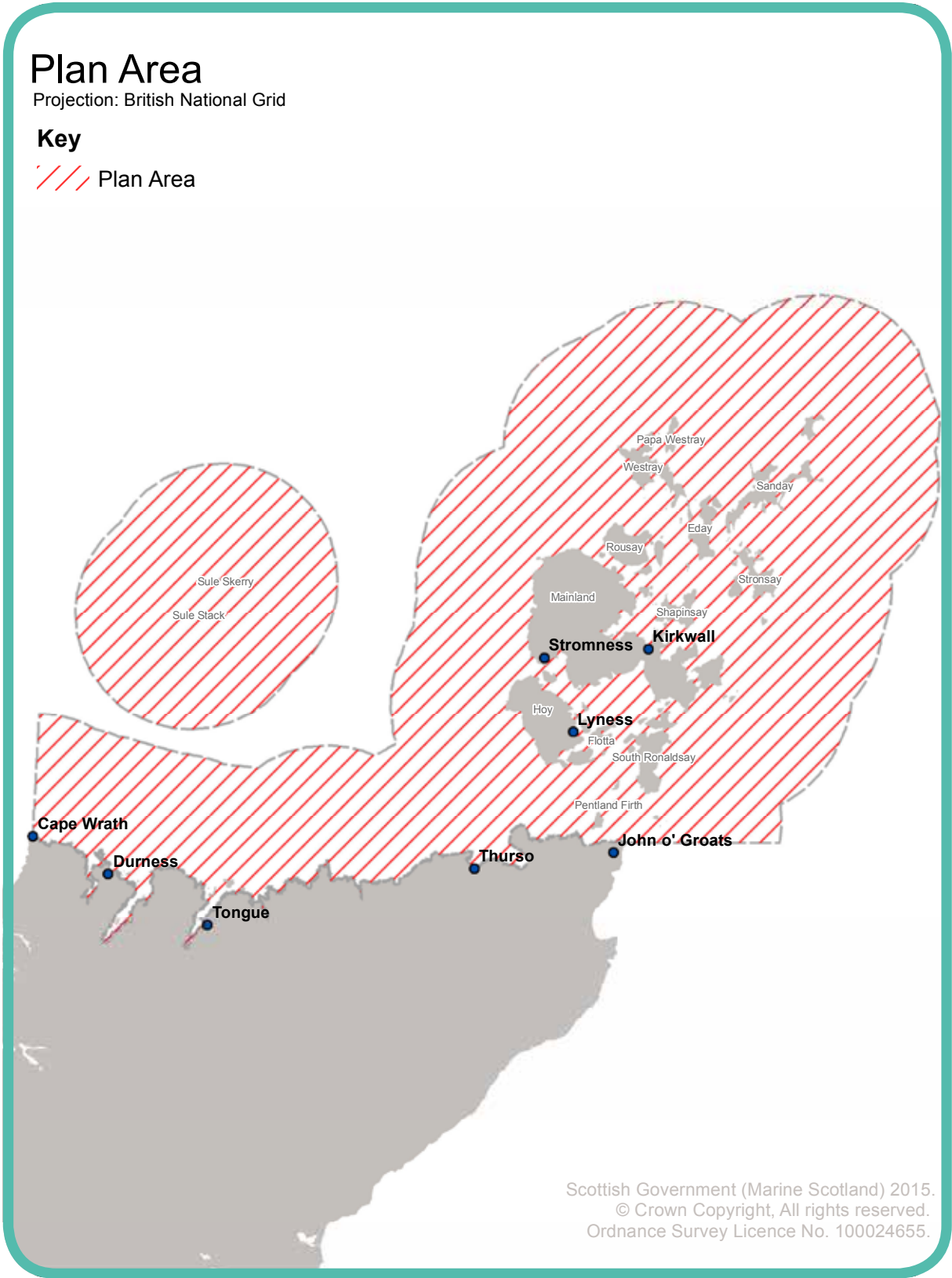
**4** The marine spatial planning pilot in the Pentland Firth and Orkney Waters aims to put in place a planning policy framework in advance of statutory regional marine planning to support sustainable decision making on marine use and management. It is anticipated that this Marine Spatial Plan will establish a useful basis for the preparation of the two separate regional marine plans for Orkney and the North Coast Scottish Marine Regions. Through the process of producing this pilot Marine Spatial Plan for Pentland Firth and Orkney Waters, there have been many lessons learned. These will be published separately and will inform the preparation of future regional marine plans and the governance arrangements that could underpin Marine Planning Partnerships. The pilot has enabled the working group (see paragraph 26) to consider effective ways to:

- consult relevant stakeholders and communities to develop a strategic vision, objectives and plan policies
- where possible, streamline the processes for input from stakeholders to minimise unnecessary burden
- document the process of developing a pilot Marine Spatial Plan so that it can then be utilised by future marine spatial planners, i.e. to develop regional marine plans across Scotland
- consider appropriate governance arrangements and identify lessons learned to effectively deliver marine plans at the regional level. Governance arrangements for the pilot Plan are set out in the Pentland Firth and Orkney Waters Marine Spatial Plan Governance Paper

**5** Following the preparation of the pilot Marine Spatial Plan, the working group plan to review the process, document the outcomes and disseminate the knowledge gained to inform other marine planning initiatives.

## **Geographical coverage of this Marine Spatial Plan**

**6** The geographical extent of this Marine Spatial Plan comprises the territorial waters from mean high water springs out to 12 nautical miles. The Plan area includes the intertidal coastline of Orkney, Sule Skerry and Sule Stack, Stroma and the north coast of mainland Scotland from Duncansby Head along the Caithness and Sutherland coast to Cape Wrath (Map 1). This area encompasses the full extent of the Orkney and North Coast Scottish Marine Regions.



**Map 1: Geographic coverage of the pilot Pentland Firth and Orkney Waters Marine Spatial Plan. The area combines the Scottish Marine Regions of Orkney and the North Coast.**



## Spatial approach to the coastal zone

**7** A coastal zone has not been geographically identified within this Marine Spatial Plan. For Orkney, the Orkney Local Development Plan (Adopted – April 2014)<sup>1</sup> identifies a coastal zone. The revised Caithness and Sutherland Local Development Plan proposes to include elements on marine and coastal planning to ensure an integrated approach though it is not intended that the coastal zone will be identified.

**8** Marine and terrestrial environmental assets, sensitivities and/or constraints (e.g. nature conservation designations, listed buildings, scheduled ancient monuments) have been spatially identified within this Plan. To avoid duplication, and to avoid plans becoming outdated and inconsistent with each other, as a general principle other terrestrial planning constraints, assets and receptors identified in neighbouring local development plan proposals maps, or in supplementary guidance, have not been mapped within this Plan. For example, coastal land use allocations (e.g. housing, business and industrial land) have not been spatially identified within this Plan. For these land allocations, reference to the relevant local development plan, associated supplementary guidance or development brief has been provided.

**9** The location of existing coastal infrastructure (e.g. ports, harbours, slipways and coastal defences) has been identified in this Plan.

## Vision, guiding principles, aims and objectives

**10** An overarching vision, set of guiding principles, aims and objectives establish the context for the preparation of the policies with this Plan. The Planning Issues and Options Consultation Paper<sup>2</sup> published in 2013, provided an opportunity for stakeholders to put forward their vision for the Plan area and to provide input into the development of the Plan's guiding principles, aims and objectives. The working group, in collaboration with the advisory group, have developed the following framework taking cognisance of stakeholder views and the wider legislative and policy context including the UK Marine Policy Statement<sup>3</sup> and the National Marine Plan<sup>4</sup>.

**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 Scotland's National Marine Plan for further information on relevant topics and issues. Future regional marine plans will be expected to adhere to the objectives and policies within the National Marine Plan.

1 Orkney Local Development Plan (Adopted – April 2014) <http://www.orkney.gov.uk/Service-Directory/O/Orkney-Local-Development-Plan.htm>

2 Pilot Pentland Firth and Orkney Waters Marine Spatial Plan – Planning Issues and Options Consultation Paper <http://www.gov.scot/Publications/2013/06/9672>

3 UK Marine Policy Statement <https://www.gov.uk/government/publications/uk-marine-policy-statement>

4 Scotland's National Marine Plan <http://www.gov.scot/Topics/marine/seamanagement/national>

## Vision

Pentland Firth and Orkney Waters will be a clean, healthy, safe, attractive and productive marine and coastal environment that is rich in biodiversity and managed sustainably to support thriving and resilient local communities.

## Guiding Principles

- Sustainable development
- An ecosystems approach to the management of human activities, climate change adaptation and mitigation
- Multiple use of marine space, supporting coexistence of marine development and activities
- Partnership working and stakeholder involvement

## Aims

To ensure sustainable use and management of the marine environment by providing a strategic planned approach that supports:

- sustainable licensing, consenting and management decisions in relation to development and activities in the Pentland Firth and Orkney Waters area
- marine developers in early identification of localities of most and least constraint
- environmental protection and, where appropriate, enhancement measures, to satisfy statutory requirements and policy commitments, and to provide identifiable socio-economic benefits for local communities and wider stakeholders

## Objectives

1. Support long-term productivity in the marine environment that provides benefits and prosperity for local communities and wider stakeholders.
2. Support the transition to a low carbon economy.
3. Encourage a sustainable coexistence and synergies between existing and new marine activities and developments, to the mutual benefit of multiple stakeholders.
4. Provide reliable information on existing and proposed marine activities.
5. Promote best practice to manage and make use of natural resources within sustainable limits.
6. Within an ecosystem approach, protect and enhance the biological, chemical and physical functioning of the marine and coastal environment, the scenic quality and coastal character.
7. Promote an ecosystem based approach to the management of human activities to support the achievement of Good Environmental Status of marine and coastal waters under Marine Strategy Framework Directive.
8. Support the cultural and social wellbeing of local communities including the maintenance and enhancement of quality of life, and visual amenity in coastal areas.
9. Support management of the marine environment, marine development and infrastructure that mitigates and is resilient to the effects of climate change.
10. Support sustainable management of the coastal zone and inshore waters, including minimising and mitigation of cumulative impacts from marine developments.
11. Identify marine planning and/or governance related issues to inform the future regional marine planning process.
12. Pilot the development of an integrated marine planning policy framework for the future North Coast and Orkney Scottish Marine Regions.
13. Assist Plan users to navigate the complex legislative and policy framework more easily and effectively.
14. Provide a clear strategic direction and greater certainty for prospective developers, investors and local communities in the Pentland Firth and Orkney Waters area.

## Spatial Diagram

**12** The spatial diagram (see next page) presents an indicative overview of key marine activities, infrastructure, natural and historic environment assets within the PFOW area. It should be noted that the spatial diagram is designed to give an overall impression of the complex patterns of use in the Plan area. The detailed data that underpins the spatial diagram is displayed in the general and sectoral policy maps in the Plan. The diagram shows that the use of the Plan area is highly complex with most areas having multiple uses. For accurate versions of these datasets please see National Marine Plan interactive or the map accompanying the relevant policy within the Plan. Marine aggregates data is not displayed on this diagram as there is currently no commercial marine aggregate extraction activity in the Plan area and its inclusion on the diagram would have significantly reduced legibility.

## The PFOW marine environment

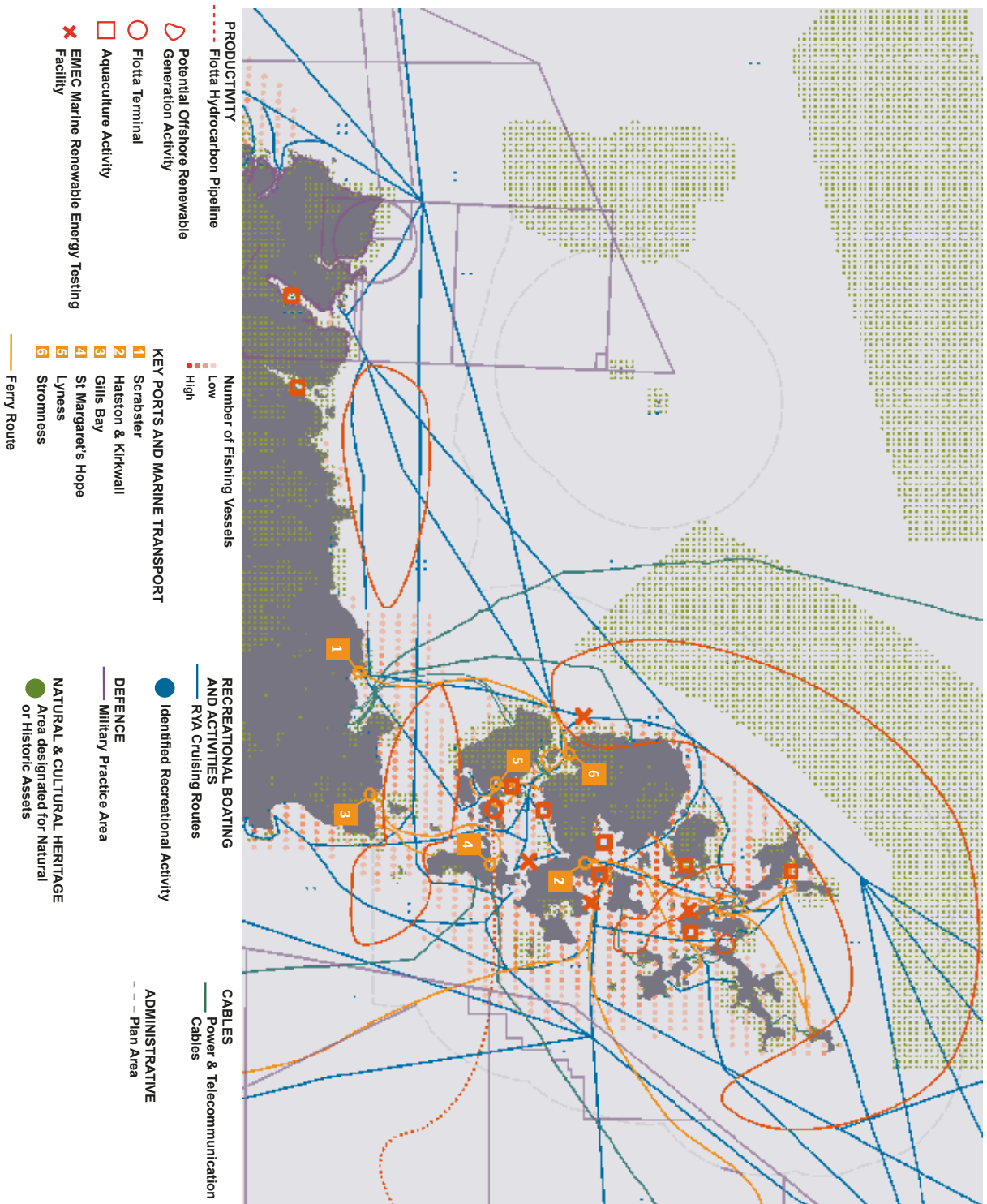
**13** The waters of the Pentland Firth and around Orkney are rich in biodiversity, supporting a wide range of valuable and important habitats and species, many of which are considered rare and/or vulnerable. In addition to forming key elements of the quality of biodiversity in the PFOW and Scotland's seas, these species and habitats also provide essential environmental, social and economic benefits.

**14** The value of many marine and coastal habitats such as submerged reefs, maerl beds, sandbanks, salt marshes and dune systems is recognised through their designation at the European (e.g. EC Habitats Directive (92/42/EEC<sup>5</sup>) Special Areas of Conservation (SACs)) and national levels (e.g. Sites of Special Scientific Interest (SSSI)). There are four SACs in Orkney (Sanday, Loch of Stenness, Stromness Heaths and Coast, and Hoy) and three SACs on the north Caithness and Sutherland coast (Strathy coast, Invernaver, and Caithness and Sutherland Peatlands). These are designated for the protection of marine and coastal habitats, with 29 sites having coastal or marine biodiversity interests in Orkney and along the north Caithness and Sutherland coast receiving protection as SSSI. Furthermore, three Marine Protected Areas (MPAs) were designated in the PFOW in 2014 with biodiversity interests; North-west Orkney for sandeels; Wyre and Rousay Sounds for kelp and seaweed communities on sublittoral sediment and maerl beds; and Papa Westray for black guillemots.

**15** Outwith these designations, some 27 seabed habitats are considered to be Priority Marine Features (PMF), including many that are considered to be characteristic of Scotland's marine environment<sup>6</sup>. These features, ranging from kelp beds and flame shell beds in coastal areas, to coldwater reefs and offshore deep sea muds in deeper seas, are considered to be of conservation importance.

<sup>5</sup> The Habitats Directive [http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

<sup>6</sup> SNH (2014) Priority Marine Features in Scotland's Seas [online] available at: <http://www.snh.gov.uk/protecting-scotlands-nature/priority-marine-features/priority-marine-features/>



**16** The Pentland Firth and Orkney Waters are internationally renowned for their importance to many species ranging from seabirds and wintering waterfowl to a variety of marine mammals (e.g. cetaceans, seals) and other marine fauna (e.g. fish, elasmobranchs, etc.). The Caithness and Orkney coastlines are recognised for their importance in supporting extensive colonies of migratory and breeding seabirds such as Atlantic puffins, black-legged kittiwakes, Arctic skuas, Arctic terns, razorbills, northern fulmars, common guillemots, storm petrels, northern divers, Slavonian grebes and greater black-backed gulls. The importance of the Plan area for many bird species and populations is further reflected by the designation of 12 Special Protection Areas (SPAs) in coastal areas in Orkney and along the north Caithness and Sutherland coast.

**17** In addition to birdlife, the waters of the Plan area supports a wide range of fish species and marine mammals. The River Borgie and River Thurso SACs have been identified in recognition of the Atlantic salmon populations they support. Additionally, the PFOW are internationally recognised for their importance for seal populations in particular, demonstrated by the designation of a harbour seal conservation area surrounding Orkney, the presence of two SACs within Orkney Waters for breeding seal colonies (i.e. Faray and Holm of Faray for grey seals, and Sanday for harbour seals). Additionally, 19 cetacean species have been recorded in the PFOW since 1980, and of these, six species occur regularly (i.e. harbour porpoise, minke whale, white-beaked dolphin, Risso's dolphin, killer whale and bottlenose dolphin)<sup>7</sup>. Several, such as bottlenose dolphins and harbour seals, are also listed under Annex II of the Habitats Directive.

**18** Marine habitats and species depend on a clean and healthy water environment and, in turn, water quality plays a crucial role for many industries including aquaculture, fishing and water recreation. The primary mechanism for monitoring and managing the quality of Scotland's waters is the Water Framework Directive (WFD)<sup>8</sup>. The PFOW area is largely classified as 'good' status under the WFD, the eastern portion of the Pentland Firth from Duncansby head southwards are of 'high' status. Several transitional waters in the PFOW, such as the Loch of Stenness, Long Ayre and Loch of Ayre in Orkney, amongst others, are also classified as being of 'high' status. The Marine Strategy Framework Directive (MSFD)<sup>9</sup> aims to ensure that priority is given to achieving or maintaining Good Environmental Status (GES) in the marine environment through adherence to targets, for which 'descriptors' of GES have been established.

**19** A review of the Environmental Baseline for the Pentland Firth Orkney Waters area has been prepared to inform the preparation of the Marine Spatial Plan, and this is presented as part of the Sustainability Appraisal. The Sustainability Appraisal outlines the findings of a Strategic Environmental Assessment (SEA) and Socio-Economic Assessment on the draft Marine Spatial Plan and its policies. The Appraisal also presents the findings of work undertaken to meet obligations under the European Commission (EC) Habitats Regulations.

7 SNH (2012) SNH Commissioned Report 419: Abundance and behaviour of cetaceans and basking sharks in the Pentland Firth and Orkney Waters [online] Available at: <http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=1875>

8 The Water Framework Directive [http://ec.europa.eu/environment/water/water-framework/index\\_en.html](http://ec.europa.eu/environment/water/water-framework/index_en.html)

9 The Marine Strategy Framework Directive [http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/marine-strategy-framework-directive/index\\_en.htm](http://ec.europa.eu/environment/marine/eu-coast-and-marine-policy/marine-strategy-framework-directive/index_en.htm)



## Social and economic activity

**20** The Pentland Firth and Orkney Waters area supports a diverse marine economy including commercial fisheries, marine renewables, aquaculture, oil and gas, ferries, shipping, recreation, tourism and heritage. A Socio-Economic Baseline Review of the Pentland Firth and Orkney Waters area has been prepared to inform the preparation of this Marine Spatial Plan and is presented as part of the Sustainability Appraisal.

## Pressures and impacts

**21** The use of coastal and marine resources within the Plan area has the potential to result in direct and cumulative effects on the environment and human activities. The Strategic Environmental Assessment (SEA) carried out in parallel with this Plan identifies the key environmental pressures to be addressed. In terms of pressures on human activities, while many activities are likely to be compatible, there is potential for displacement of some marine users due to increased competition for space. The following pressures identified in the SEA highlight some the key issues which the Plan policies aim to tackle:

### Biodiversity

- Potential for adverse effects on marine and coastal habitats and species from increased development in marine and/or coastal areas (e.g. disturbance, barrier effects, damage to, or loss of, habitats, pollution)
- Potential for cumulative or in-combination effects on biodiversity interests from increased use of coastal and marine environments (e.g. disturbance, barrier effects, damage to, or loss of, habitats)

### Climatic factors

- Climate change impacts on coastal areas are expected to include sea level change, exacerbating the effects of extreme waves and storm surges
- Climate change impacts on marine ecosystems can include changing ocean acidity, salinity, rising sea temperatures and rising sea levels
- Scotland has set targets and implemented actions for reducing greenhouse gas emissions across many sectors, including those for renewable energy generation, with the potential for increased spatial pressure on coastal and marine areas
- Climate change adaptation is likely to be required in response to the predicted effects on the coastal and marine environment, particularly in the minimisation of impacts and the potential loss of vulnerable species and habitats

### **Population and human health**

- Potential loss of amenity value of settlements, key routes and landscapes. Disturbance during construction works (e.g. noise)
- Potential for increased accident risk associated with greater use of the marine environment and installation of infrastructure (e.g. collisions)
- Potential for secondary effects on human health through impacts on water quality

### **Landscape and seascape**

- Sensitivity of coastal landscapes and communities to landscape and visual impacts from coastal and marine development as a result of their high landscape and seascape quality, natural character and wildness
- Potential for cumulative impacts from often incremental and increased onshore and offshore development on landscape/seascape character and scenic value
- Pressures on landscape/seascape in coastal areas from coastal erosion due to the expected effects of climate change and inappropriate development

### **Cultural heritage and historic environment**

- Inappropriate development has the potential to affect the setting of historic assets located in both coastal and marine areas
- Construction or infrastructure installation works have the potential for both direct and indirect impacts to historic assets located in coastal areas or on the seabed, either as direct damage to historic features or through seabed disturbance, or secondary effects such as changes to coastal processes and sediment dynamics



### **Soil, marine geodiversity and coastal processes**

- Pressures from coastal erosion due to both natural effects, offshore or coastal development, and the expected effects of climate change have been widely identified

### **Material assets**

- Increased use of coastal and marine resources within the PFOW and the potential for cumulative effects from these activities
- While many activities are likely to be compatible, there may be the potential for displacement of some marine users from increased activity or the placement of infrastructure in marine or coastal areas

### **Water**

- Potential for contamination of the water environment from marine or coastal activities such as the use of anti-fouling paint, pollution from oil spillage and sewage, construction activities
- Potential for pollution of coastal waters resulting from activities on land, particularly agricultural activities and storm water runoff
- Potential for secondary impacts to coastal and marine industries such as inshore fisheries, tourism and aquaculture, amongst others
- Potential for secondary impacts to coastal and marine biodiversity, including impacts of marine litter and other marine activities

## Integration of marine and terrestrial planning

**22** Marine plan boundaries extend up to mean high water springs and local development plan boundaries (i.e. terrestrial planning) extend to mean low water springs, with the exception of marine fish farming. There is therefore an overlap in the intertidal area. This overlap is intended to assist the integration of, and consistency between, both planning regimes.

**23** It is essential that strategic planning for marine and terrestrial areas is carried out in a consistent and integrated way. Marine and land use policies and guidance need to be consistent and mutually supportive, particularly when making provision for resources, development and infrastructure that encompass the land sea divide, e.g. for ports and harbours, grid connections and natural heritage designations. To achieve integration at the national level, local development plans should be consistent with the UK Marine Policy Statement and the marine plans for that area. Equally, marine plans should be consistent with local development plans and with national objectives for land use planning set out in Scottish Planning Policy<sup>10</sup> and the National Planning Framework<sup>11</sup>, this pilot Marine Spatial Plan has taken account of these.

**24** At the regional level, the role of the Highland and Orkney Islands planning authorities in the preparation of this Plan has facilitated integration and consistency with the respective local development plans, particularly addressing a joined-up approach to development in the coastal zone. Representation from the Orkney Harbour Authority and Scrabster Harbour Trust on the advisory group has sought to facilitate an integrated approach to policies for ports and harbours. For further information about the relationship of this Marine Spatial Plan to the relevant local development plans refer to Section 3 *Legislative and Policy Context*.

**25** Further guidance is available in Planning Circular 1/2015: *The relationship between the statutory land use planning system and marine planning and licensing*<sup>12</sup>. General Policy 7: *Integrating coastal and marine development* sets out guidance relating to development with marine and land based components.

## Governance arrangements for preparing the Plan

**26** This pilot marine planning process has tested governance mechanisms to consider how Marine Planning Partnerships might operate in the future. The pilot Pentland Firth and Orkney Waters Marine Spatial Plan Governance Paper prepared in 2012 set out the governance arrangements for preparing the Plan which included the role of the working group, the advisory group and the linkages with decision making processes within the 'parent' organisations.

<sup>10</sup> Scottish Planning Policy <http://www.gov.scot/Topics/Built-Environment/planning/Policy>

<sup>11</sup> National Planning Framework 3 <http://www.gov.scot/Topics/Built-Environment/planning/NPF3-SPP-Review/NPF3>

<sup>12</sup> Planning Circular 1/2015 <http://www.gov.scot/Publications/2015/06/5851/downloads>

### ***The working group***

**27** The preparation of the pilot Marine Spatial Plan has been led by Marine Scotland as part of a working group including Highland Council and Orkney Islands Council. Between 2008 and May 2012 the Marine Spatial Plan process was managed by Marine Scotland. The working group was created in May 2012, establishing a partnership approach to the delivery of the Plan between Marine Scotland and the local Councils. This approach enabled the pilot Marine Spatial Plan to be prepared in way that balances local and national issues, and has enabled more effective engagement with local stakeholders. This partnership arrangement between Marine Scotland and the local planning authorities has been a successful mechanism for developing marine planning policies that integrate with local land use planning policy.

### ***The advisory group***

**28** To provide additional guidance, an advisory group was set up in January 2013. The advisory group has overseen the work of the working group and provided expertise and guidance on its outputs. The advisory group was established to ensure that the essential statutory requirements are addressed within the pilot Marine Spatial Plan and to provide high-level technical input across a broad range of expertise. The members of the advisory group were drawn from organisations with knowledge of the protection and enhancement of the Pentland Firth and Orkney Waters area and from those whose members use the area for commercial and recreational purposes.

**29** The advisory group members are:

- Orkney Harbour Authority
- Scrabster Harbour Trust
- Scottish Natural Heritage
- Historic Environment Scotland
- Scottish Environment Protection Agency
- Highland and Islands Enterprise
- Royal Yachting Association Scotland

**30** The advisory group was not intended to represent every single interest in the Pentland Firth and Orkney Waters area. Specific sectoral, recreational and community interests, for example, were addressed through engagement and consultation with those stakeholders, including on a one-to-one basis as required.

### ***Stakeholder engagement and consultation***

**31** Input from a wide range of stakeholders is critical to the success of a Marine Spatial Plan. To this end, the Plan preparation process has been publicised at the various key development stages to seek engagement from a broad range of stakeholders.

**32** The interests of local communities, the various commercial sectors, community and interest groups have been taken into account through focused discussions, stakeholder engagement events and consultation. The list of organisations and individuals that have been engaged in the making of this Plan are provided in Annex 1. The compilation of the stakeholder database commenced at the very beginning of the Plan-making process and was updated as new stakeholders came forward through each stage of the Plan's development.

### **The Plan preparation process**

**33** The preparation process has followed, as closely as possible, the key steps set out in the Marine (Scotland) Act 2010 Schedule 1<sup>13</sup> for the preparation of a regional marine plan (see Table 1 and Figure 1). However, as this is not a statutory regional marine plan, the plan-making process could not follow all of these steps (e.g. undertaking an independent investigation) though many lessons have been learnt for the preparation of future regional marine plans by broadly adhering to the statutory plan-making process.

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13 Marine (Scotland) Act 2010 <http://www.gov.scot/Topics/marine/seamanagement/marineact>

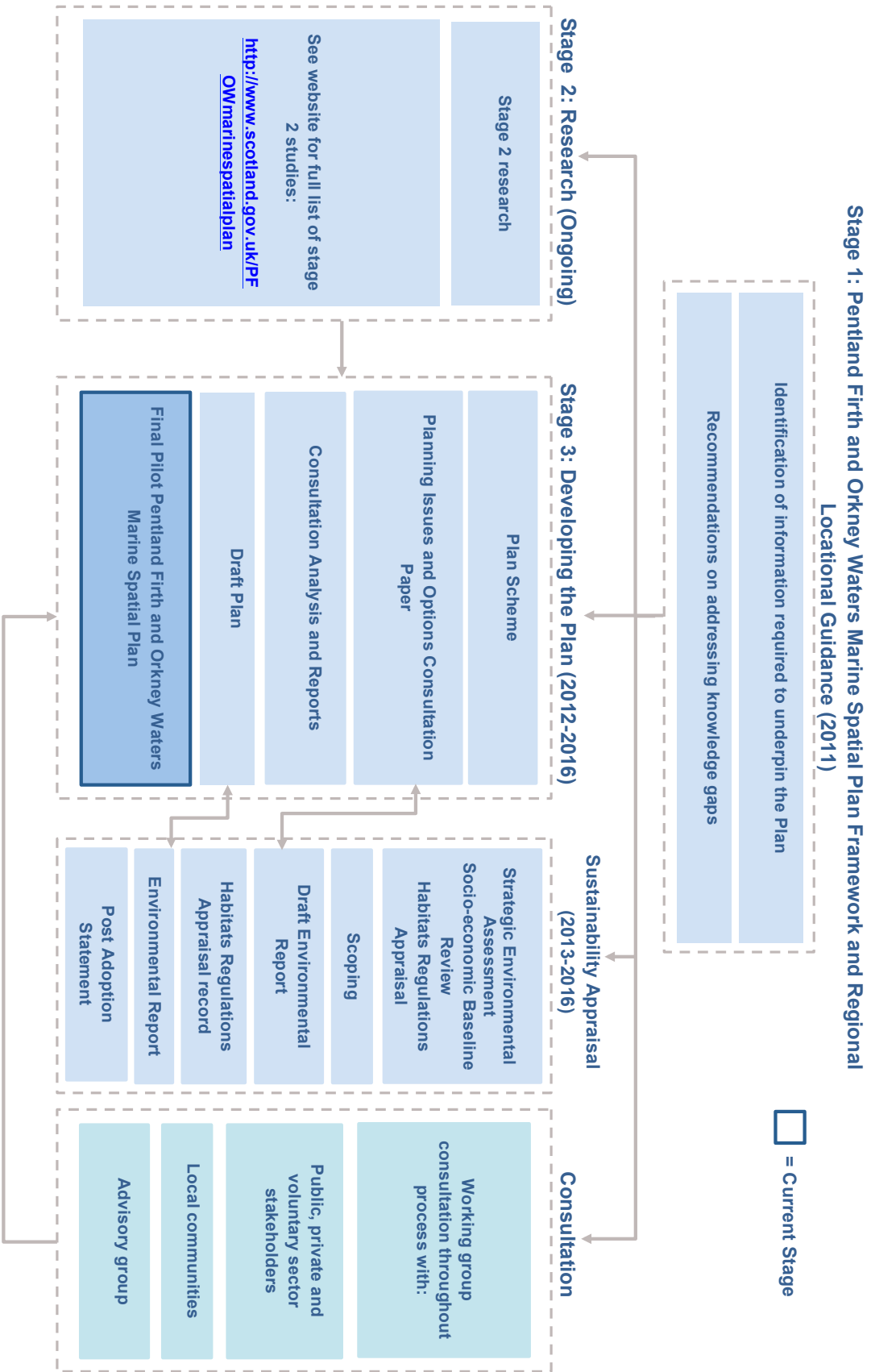


Figure 1: Illustration of the plan-making process. The table overleaf provides an explanation of the key stages.

**Table 1: Stages undertaken to develop this pilot Marine Spatial Plan.****Stage 1: The Pentland Firth and Orkney Waters Marine Spatial Plan Framework (2011)**

This document set out a high-level framework for the preparation of the pilot Marine Spatial Plan. It established a three-stage process to develop the Plan. Stage 1 was the framework itself and included a baseline review of existing relevant information, identification of gaps in that information and recommendations on how those gaps should be addressed.

**Stage 2: Research studies (ongoing)**

Various research studies to support the policies in the Plan were undertaken to fill data gaps and ran in parallel with Stage 3 (see Figure 1). These studies can be viewed at the Scottish Government Pentland Firth and Orkney Waters webpage<sup>14</sup>.

Many of the Stage 2 studies commissioned were based on the original PFOW defined area that did not include the full north Sutherland coast. It is therefore recognised that subsequent regional marine plans may have to attempt to fill these data gaps.

**Stage 3: Preparing the Marine Spatial Plan**

The following stages were undertaken and documents prepared and consulted on as appropriate:

**The Plan Scheme<sup>15</sup> 2012:** this sets out the key stages for the preparation of this Plan, the schedule for stakeholder engagement, consultation and identified the key stakeholders. The document performed the function of a Statement of Public Participation as detailed in the Marine (Scotland) Act 2010.

**The Planning Issues and Options Consultation Paper<sup>16</sup>** enabled early stakeholder engagement in the Plan preparation process. It performed a similar function to a 'Main Issues Report' used in the local development plan process. It set out the key issues and challenges facing the Pentland Firth and Orkney Waters area for consultation, based on an analysis of the characteristics of the area, the framework document and the available Stage 2 studies. It was considered important to undertake the Planning Issues and Options (PIOP) stage for the following key reasons:

- to facilitate early engagement so that stakeholders could help define the scope, objectives and policies of the Plan before a draft was deposited for consultation
- to test whether the working group had identified all the matters that should be addressed

14 Pilot Pentland Firth and Orkney Marine Spatial Plan Stage 2 Studies <http://www.gov.scot/Topics/marine/seamanagement/regional/pentlandorkney/two>

15 Pilot Pentland Firth and Orkney Waters Marine Spatial Plan – Plan Scheme 2012 <http://www.gov.scot/Publications/2012/11/4241>

16 Pilot Pentland Firth and Orkney Waters Marine Spatial Plan – Planning Issues and Options Consultation Paper <http://www.gov.scot/Publications/2013/06/9672>

- to explain the broad options for developing the Plan policies and seek views as to which of those options should be reflected in the draft pilot Pentland Firth and Orkney Waters Marine Spatial Plan

Stakeholder workshops, public drop-in sessions and individual meetings with stakeholders took place in July 2013 to discuss the document. The responses to this consultation are presented in the Consultation Analysis<sup>17</sup> and the Consultation Report<sup>18</sup>.

An Interactions Matrix used in the PIOP process to highlight potential interactions between development, activities and the environment, was a useful tool in identifying various sectoral and cross-cutting themes. However, as many activities are likely to have both positive and negative effects, however minor, it was clear that repeating the matrix in the draft Plan would not add anything of significant value and has therefore been omitted from the Plan.

### **Draft Pilot Pentland Firth and Orkney Waters Marine Spatial Plan**

The draft Plan was prepared from the information gathered at the previous stages, in consultation with a diverse range of stakeholders and taking the action points from the Consultation Report into account.

### **Final Pilot Pentland Firth and Orkney Waters Marine Spatial Plan**

Following consultation on the draft Plan between June and September 2015, the final Plan was prepared. It was presented to the Orkney Islands Council and Highland Council committees in early 2016, prior to approval by Scottish Ministers in March 2016.

A Sustainability Appraisal (SA) was undertaken alongside the preparation of the draft Plan to consider the potential for social, economic and environmental effects of both the Plan and its reasonable alternatives. The SA included a Strategic Environmental Assessment (SEA) required under Directive 2001/42/EC and the Environmental Assessment (Scotland) Act 2005 (the 2005 Act), a Socio-economic Assessment and work undertaken to meet obligations under the EC Habitats Regulations. The Socio-economic Assessment component was informed by the Socio-economic Baseline detailed in an accompanying report. The Sustainability Appraisal process was undertaken alongside the Plan's development from an early stage in the process, building upon the work undertaken for the development of the Draft SEA Environmental Report for the PIOP. Together, the Draft Environmental Report and the Sustainability Appraisal have enabled decision-making in this process to be informed by relevant environmental and socio-economic information, and assisted in the development and refinement of the policies contained within the draft Plan whilst also ensuring that the relevant information has been included in the accompanying Regional Locational Guidance.

17 Pilot Pentland Firth and Orkney Waters Marine Spatial Plan – Planning Issues and Options Consultation Paper – Consultation Analysis <http://www.gov.scot/Publications/2013/12/6618>

18 Pilot Pentland Firth and Orkney Waters Marine Spatial Plan – Planning Issues and Options Consultation Paper – Consultation Report <http://www.gov.scot/Publications/2014/04/5576>



## Section 2: How to use the Plan

### Introduction

**34** The pilot PFOW Marine Spatial Plan aims to guide regulators, developers, planners and marine users when making decisions that affect the coastal and marine environment and the diverse activities that take place within the Plan area. This section provides guidance on how the Plan can be used in decision-making by public authorities. Further guidance is provided to support government agencies when providing advice on licensing and consenting related matters, e.g. marine licensing advice, scoping opinions for environmental impact assessments. Guidance is also provided to support the use of the Plan by wider stakeholders including developers, local communities and non-governmental organisations.

### Status of the Plan

**35** The final pilot Marine Spatial Plan will be used by the Marine Scotland Licensing Operations Team (MS-LOT) as a material consideration in the determination of marine licensing and section 36 consent applications within the Pentland Firth and Orkney Waters area (subject to approval by Scottish Ministers).

**36** 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.

**37** It is anticipated that other regulators will pay due regard to the final pilot Marine Spatial Plan when making authorisation and enforcement decisions relating to marine and coastal management, development and activities within the Plan area. As this is a non-statutory pilot Marine Spatial Plan, decisions regarding the status and use of this Marine Spatial Plan will rest with the relevant regulators.

### The limitations of the Plan

**38** The pilot Plan will not provide decisions on proposed development and management. The Plan sets out the strategic vision, objectives, policies and relevant data to guide the relevant consenting bodies when making decisions on individual development proposals. It is intended that the pilot Plan will become one of a number of material considerations in the determination of consent applications. As the pilot Plan is non-statutory, marine planning decisions will not have to be made in accordance with the pilot Marine Spatial Plan as prescribed in the Marine (Scotland) Act 2010; rather it would be a key guidance document. As this pilot Plan is being developed during a period of evolving national policy and guidance, with new evidence becoming available continually, it should be viewed as part of an ongoing marine planning process.



## The spatial approach to the Plan

**39** The general consensus expressed by stakeholders during the Planning Issues and Options consultation was that given the current state of knowledge of environmental impacts, technology development and marine activities/use, zoning areas for exclusive use activities (i.e. identifying areas for the sole use of one type of development/activity) is not a realistic prospect in the short term. The principle of supporting co-existence and compatibility between marine users was considered the preferred approach. For this reason, this Marine Spatial Plan does not identify areas for exclusive use for specific developments and/or activities. The Plan spatially identifies where existing activities are taking place and the location of natural, historic, economic and community resources. Future marine plans may consider identifying areas for preferential use by specific sectors, as suggested by the National Marine Plan. 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.

## Use of the policy framework and definition of policy terms

**40** To implement the Plan's overall vision, aims and objectives, the Plan's policy framework consists of a suite of General Policies and Sectoral Policies. The General Policies are, in principle, applicable to all development and activities. The relevance of the General Policies to any given development and/or activity will vary depending on the particular circumstances including type, scale, location and any potential impacts. The Sectoral Policies are designed to support the sustainable development and management of specific sectors. It should be noted that all the policies in the Plan are afforded equal weight in decision-making and should be read in conjunction with each other. Furthermore, the Sectoral and General Policies should be considered alongside the relevant legislation, policies and plans set out in Section 3 and Annex 2.

**41** The General and Sectoral Policies were identified through a process of stakeholder engagement undertaken as part of the Planning Issues and Options consultation stage.

**42** To provide clarity and consistency on the terminology used within the General and Sectoral Policies the following definitions are provided:

- **Development(s)** 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.
- **Activities** 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 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.

- **Marine users** refers to the broad range of legitimate users of the marine environment for purposes such as, but not limited to, recreation, fishing, shipping, passenger transport and other economic activities.

## How to use the Plan's Spatial Information and National Marine Plan Interactive

**43** The Marine Spatial Plan policies are supported by relevant spatial information presented in associated maps within each of the policy sections. Further to this, the Plan's spatial information can be accessed on National Marine Plan interactive (NMPi)<sup>19</sup> allowing users to overlay data to build up a more sophisticated picture of marine development, infrastructure, activities and resources.

**44** Data layers contained within the Plan 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 the 'North Coast and Orkney' folder which can 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.

## Implementing the Plan

**45** One of the key mechanisms for delivering the vision, objectives and policies of this Plan will be the decisions made by a range of public authorities relating to the management and development in the PFOW marine area. The Plan aims to promote consistent decision-making via the implementation of the General and Sectoral Policies to achieve sustainable development and management. The following text sets out a summary of the main licensing and consenting requirements that developers need to consider. This is not intended to be an exhaustive list of the licensing and consenting requirements for all developments and activities.

## Licensing and consents

### *Marine Licence*

**46** The Marine (Scotland) Act 2010 and the UK Marine and Coastal Access Act 2009<sup>20</sup> provides the statutory framework for marine management. The Marine (Scotland) Act 2010 legislates for marine planning and licensing and conservation activities in Scottish territorial waters (0-12 nautical miles). The UK Act provides executive devolution to Scottish Ministers for marine planning, licensing and conservation powers in the offshore region (12-200 nautical miles).

<sup>19</sup> <http://marinescotland.atkinsgeospatial.com/nmpi/?region=NC>

<sup>20</sup> UK Marine and Coastal Access Act 2009 [www.legislation.gov.uk/ukpga/2009/23/contents](http://www.legislation.gov.uk/ukpga/2009/23/contents)

**47** The provisions of the Acts and executive devolution of some reserved functions mean that Marine Scotland is the appropriate authority for licensing most developments and activities in Scotland's marine environment. Exceptions include most activities relating to oil and gas, defence and shipping, which remain reserved by the UK Government and fish farming development which requires planning permission from local planning authorities.

**48** The Acts introduced a streamlined marine licensing system with accompanying enforcement powers. The marine licence supersedes the former Food and Environmental Protection Act 1985<sup>21</sup> (FEPA) licence and Coast Protection Act 1949<sup>22</sup> (CPA) consents and makes Scottish Ministers responsible for issuing new marine licences in Scottish inshore and offshore waters.

**49** A marine licence from Scottish Ministers is required if any person intends to do any of the following from a vehicle, vessel and other structure in Scottish Waters (from mean high water springs out to 12 nautical miles under the Marine (Scotland) Act 2010 and 12-200 nautical miles through devolved powers from the Marine and Coastal Access Act 2009):

- deposit any substance or object in the sea or on or under the seabed
- construct, alter or improve works on or over the sea or on or under the seabed
- remove substances or objects from the seabed
- dredging (including plough, agitation, side-casting and water injection dredging)

**50** Certain activities are specifically exempted from licensing by Order, for example maintenance of ports and harbours (if carried out for, or on behalf of, a Harbour Authority within the area of the existing works) and coastal defences (for, or on behalf of, a local authority), as are certain activities required for safety and in emergency situations. Fishing is also exempt from marine licensing as it has its own regime.

**51** For fish farming development planning permission from local planning authorities is required (see paragraphs 64-66). Marine farms for fish and shellfish require a marine licence for navigational purposes if they involve the creation, alteration or maintenance of artificial reefs or, if their installation causes, or is likely to cause, obstruction to danger of navigation. Marine Scotland considers that all fish and shellfish farms have the potential to cause navigational obstruction and so all fish and shellfish farms should be covered by a valid marine licence. Discharge of chemotherapeutant from wellboats also requires a marine licence.

### ***Marine Licence – Public Pre-Application Consultation (PAC)***

**52** The Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013<sup>23</sup> came into force on 6 April 2014. The Regulations require applicants for

21 Food and Environmental Protection Act 1985 [www.legislation.gov.uk/ukpga/1985/48](http://www.legislation.gov.uk/ukpga/1985/48)

22 Coast Protection Act 1949 [www.legislation.gov.uk/ukpga/Geo6/12-13-14/74](http://www.legislation.gov.uk/ukpga/Geo6/12-13-14/74)

23 Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013 [www.legislation.gov.uk/ssi/2013/286/regulation/5/made](http://www.legislation.gov.uk/ssi/2013/286/regulation/5/made)

certain activities in the Scottish Inshore Region to carry out a public pre-application consultation. Applications affected will include those activities covered by the Marine (Scotland) Act 2010 with the potential to have significant impacts upon the environment, local communities and other legitimate uses of the sea. The purpose of these new requirements is to allow local communities, environmental groups and other interested parties to comment upon proposed marine developments at an early stage, before an application is submitted to MS-LOT.

**53** The prescribed classes of activities affected are:

- submarine cables over 1853 metres (approx. 1 nautical mile) in length and where the intertidal boundary is crossed
- reclaiming land, where the area exceeds 10,000 square metres
- any bridge, causeway or walkway, including pontoons, over 50 metres in length
- construction works or alterations (other than for a renewable energy structure or fish farms) (does not apply) exceeding 1000 square metres
- renewable energy structure, or alteration or improvement, where the total area in which the structure is to be located exceeds 10,000 square metres

**54** On the submission of suitable supporting evidence, a prospective applicant for a marine licence may request a 'pre-application consultation statement' from MS-LOT, confirming whether the marine licensable activity in question is subject to the public pre-application consultation procedure. MS-LOT will provide a pre-application statement within three weeks of receiving the required information. Further information is provided in the Marine Scotland Guidance on Marine Licensable Activities subject to Pre-Application Consultation<sup>24</sup>.

### **Section 36 Consent (s36)**

**55** Section 36 consent under the Electricity Act 1989<sup>25</sup> is administered by MS-LOT on behalf of Scottish Ministers. Section 36 consent is required to construct, extend or operate generating stations above 1MW capacity inshore (from 0-12 nautical miles) and above 50MW offshore (12-200 nautical miles). Applicants are required to obtain the consent of Scottish Ministers which, as with marine licences, can be granted with conditions to ensure full compliance with all relevant legislation. Section 35 of the Marine (Scotland) Act 2010 allows for section 36 electricity consents and marine licences to be considered together. Marine developments with a capacity of 1MW or less do not require section 36 consent, in these cases, a marine licence is required from MS-LOT.

**56** Planning permission will, in most cases, be required for certain onshore development associated with marine electricity generation (e.g. substations, control buildings, compounds), which are above mean low water springs. A statutory

<sup>24</sup> Marine Scotland Guidance on Marine Licensable Activities subject to Pre-Application Consultation [www.gov.scot/Topics/marine/Licensing/marine/guidance/preappconsult](http://www.gov.scot/Topics/marine/Licensing/marine/guidance/preappconsult)

<sup>25</sup> Electricity Act 1989 [www.legislation.gov.uk/ukpga/1989/29/contents](http://www.legislation.gov.uk/ukpga/1989/29/contents)

provision in the Growth and Infrastructure Act 2013<sup>26</sup>, amending section 57 of the Town and Country Planning (Scotland) Act 1997<sup>27</sup>, allows Scottish Ministers to direct that planning permission is deemed to be granted for the ancillary onshore components and related onshore infrastructure for a marine based electricity generating station consented under section 36. This allows for a single application process consented by Marine Scotland. Developers can still choose whether to make a separate planning application for onshore components of a development and should seek early pre-application consultation with MS-LOT and the planning authority to consider the appropriate consenting process.

**57** Reserved matters such as defence and oil and gas exploration are licensed by the Department of Energy and Climate Change (DECC) on behalf of the Secretary of State and DECC should be consulted when requiring a marine licence for any of these reserved activities.

### ***Department of Energy and Climate Change (DECC) – Decommissioning***

**58** Sections 105 to 114 of the Energy Act 2004<sup>28</sup> introduced a statutory decommissioning scheme for offshore renewable energy installations in English, Welsh and Scottish territorial waters and in the Renewable Energy Zone. Under the statutory scheme, the Secretary of State for Energy and Climate Change may require those persons with an interest in such installations to produce a fully-costed decommissioning programme. This should detail how they intend to remove the installation when it comes to the end of its useful life and how the costs of doing so will be funded.

**59** Responsibility for decommissioning remains with the UK Government and is administered by the Department of Energy and Climate Change (DECC) and must be agreed by the Secretary of State. Liaison with DECC should be via MS-LOT in the first instance. Applicants should bear in mind that all information presented in the Decommissioning Programme will be made publicly available. If applicants feel that the financial section of the programme is likely to be of high commercial sensitivity, they should discuss this issue directly with DECC.

**60** DECC is keen to assist developers and offer feedback on proposed decommissioning programmes. Developers should ensure that they have fully read and followed the DECC Guidelines<sup>29</sup> for decommissioning before approaching them to discuss their proposals in greater detail.

<sup>26</sup> Growth and Infrastructure Act 2013 [www.legislation.gov.uk/ukpga/2013/27/contents/enacted](http://www.legislation.gov.uk/ukpga/2013/27/contents/enacted)

<sup>27</sup> Town and Country Planning (Scotland) Act 1997 <http://www.legislation.gov.uk/ukpga/1997/8/contents>

<sup>28</sup> Energy Act 2004 <http://www.legislation.gov.uk/ukpga/2004/20/contents>

<sup>29</sup> DECC Guidance Decommissioning offshore renewable energy installations <https://www.gov.uk/government/publications/decommissioning-offshore-renewable-energy-installations>



### **European Protected Species Licence (EPS)**

**61** European Protected Species Licences are issued by MS-LOT. Scottish Natural Heritage (SNH) are the licensing authority for marine activities with a research or education purpose and are the licensing authority for otters in all circumstances. The Conservation (Natural Habitats, &c.) Regulations 1994<sup>30</sup> (as amended by The Nature Conservation (Scotland) Act 2004<sup>31</sup>) implement the species protection requirements of the EU Habitats Directive<sup>32</sup> on land and inshore waters to 12 nautical miles. Certain species are listed in Annex IV of the Habitats Directive as species of European interest and in need of strict protection. The protective measures required are outlined in Articles 12 to 16 of the Directive and are transposed into Scottish law through the following:

- Regulation 39 (1) and (2) and 43 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended): (Scottish inshore waters within 12 nautical miles)
- Regulation 39 (1) and 43 of the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 applies (Offshore Marine Regulations)
- The Wildlife and Natural Environment (Scotland) Act 2011 (WANE)

**62** Applicants are required to satisfy European Protected Species licensing tests, for further information refer to the Scottish Natural Heritage guidance<sup>33</sup>. Licences are usually granted subject to conditions and licence holders are responsible for ensuring compliance with conditions. Failure to comply with conditions is an offence.

### **Works Licence**

**63** The Orkney County Council Act 1974, as amended, provides powers to Orkney Islands Council to issue licences for works within the Orkney Harbour Area. A works licence is required to construct, place, maintain, alter, renew or extend any works on, under or over tidal waters or tidal lands below mean high water springs. A licence is also required under the Act to dredge any part of the Harbour Area. Fish farming developments do not require a works licence. It is recommended that any developers considering undertaking works in the Orkney Harbour Area should consult the Orkney Islands Council Development Management team at an early stage in the development process. The Harbour Area is presented in Map 21.

30 The Conservation (Natural Habitats, &c.) Regulations 1994 <http://www.legislation.gov.uk/ukSI/1994/2716/contents/made>

31 The Nature Conservation (Scotland) Act 2004 <http://www.legislation.gov.uk/asp/2004/6/contents>

32 EU Habitats Directive [http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

33 Scottish Natural Heritage European Protected Species guidance: <http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/european-species-licensing>

### **Planning permission (*The coastal zone and fish farming*)**

**64** Development<sup>34</sup> that is located landward from mean low water springs may require planning permission under the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006. Orkney Islands Council and Highland Council are the planning authorities for the coastal areas within the area of this Marine Spatial Plan. Developers should consult the local planning authority to determine whether planning consent is required for any element of a planned development<sup>35</sup>. Orkney Islands Council is the planning authority for Orkney and Highland Council are the planning authority for Caithness and Sutherland.

**65** Planning applications will be determined in accordance with the relevant adopted local development plan, including any adopted supplementary guidance. It is therefore recommended that developers, and other relevant stakeholders, should consider the appropriate local development plan to inform project development and the preparation of any planning applications.

**66** 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. 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 Planning Circular 1/2015: 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.

**67** Planning permission is required for fish farming developments including alterations to existing sites (excluding seaweed cultivation at the time of writing). It should also be noted that fish farming developments are afforded certain Permitted Development rights under the Town and Country Planning (General Permitted Development) (Fish Farming) (Scotland) Amendment Order 2012. Aquaculture planning applications in Orkney will be considered in accordance with the Orkney Local Development Plan Policy SD8 and the Aquaculture Planning Policy Advice. In Caithness and Sutherland applications will be considered in accordance with Policy 50 of the Highland-wide Local Development Plan, which is currently under review, along with Supplementary Guidance for aquaculture that is presently being developed. Sectoral Policy 2: *Aquaculture* provides non-statutory guidance relating to aquaculture development and signposts to the relevant policies within the respective local development plans.

<sup>34</sup> <http://www.legislation.gov.uk/ukpga/1997/8/section/26Next>

<sup>35</sup> Section 26 of the Town and Country Planning (Scotland) Act 1997 <http://www.legislation.gov.uk/ukpga/1997/8/section/26Next>

**68** Development classed as ‘national’ under the National Planning Framework or ‘major’ under the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 will require formal pre-application consultation. The Scottish Government Circular<sup>36</sup> 5/2009 Hierarchy of Developments provides useful guidance regarding the requirements of the regulations.

### ***Water Environment (Controlled Activities) (Scotland) Regulations (CAR)***

**69** Within the marine environment, the CAR authorisation is primarily concerned with controlling the discharge of pollutants, including from fin fish aquaculture developments and water abstraction. Detailed guidance on the level of authorisation required for an activity, which is dependent on the risk to the environment, is available in the CAR Practical Guide<sup>37</sup> on the Scottish Environment Protection Agency’s (SEPA) website. Developers are advised to consult with SEPA (the licensing authority) to identify if a CAR licence is necessary, and to determine the extent of the information required by SEPA to fully assess any licence application.

### ***Department of Energy and Climate Change Oil and gas consents***

**70** Within the Plan area (out to 12 nautical miles) DECC is responsible for environmental impact assessment and habitat and species issues in relation to the Petroleum Act functions. However, DECC’s environmental regulations relating to emissions and discharges do not apply in internal or controlled (0-3 nautical miles) waters and competence in relation to pollution matters in these areas rests with the Scottish Government.

### ***Environmental Impact Assessment***

**71** Environmental Impact Assessment (EIA) is a process that aims to protect the environment by ensuring that the appropriate consenting authority has full knowledge of the environmental effects of a proposed development. It takes these into account in the decision-making process. The appropriate consenting authorities for all marine developments from mean high water springs to 12 nautical miles are likely to be the local planning authority, MS-LOT on behalf of Scottish Ministers, or DECC on behalf of the Secretary of State for reserved matters.

**72** European Directive (2011/92/EU which codified version 85/337/EEC as amended by 97/11/EC, 2003/35/EC and 2009/31/EC) requires an EIA to be completed in support of an application for development of certain types of project, as listed in Schedules 1 and 2 of the Directive. EIA is mandatory for Schedule 1 projects and Schedule 2 developments have to undergo screening to determine whether an EIA is required. Screening for an EIA refers to the process by which a specific project or development is reviewed to determine if a statutory EIA is required.

<sup>36</sup> Scottish Government Circular 5/2009 Hierarchy of Developments: <http://www.gov.scot/Publications/2009/07/03153122/0>

<sup>37</sup> The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) – A Practical Guide [http://www.sepa.org.uk/water/water\\_regulation.aspx](http://www.sepa.org.uk/water/water_regulation.aspx)



**73** The European EIA Directive has been transposed into various regulations relating to development type and location. These include:

- The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended) which apply to applications made under Section 36 and 37 of the Electricity Act<sup>38</sup>
- The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 which apply to terrestrial developments that require planning permission<sup>39</sup>
- The Marine Works (Environmental Impact Assessment) 2007 (as amended) which apply to marine licensing<sup>40</sup>

**74** If an EIA is required, a scoping exercise should be undertaken to determine the issues and impacts to be assessed, the data required, the assessment methodologies to be applied and how this information should be documented in the Environmental Statement. A Scoping Report should be submitted to the appropriate consenting authority by the applicant and the authority will respond by producing a formal Scoping Opinion following consultation with statutory consultees.

**75** EIAs are required to assess cumulative effects as well as any direct and indirect effects resulting from a proposed development or activity. The assessment of cumulative effects should consider any existing and proposed project in the public domain which may interact to result in cumulative impacts and those environmental receptors that may be impacted by cumulative effects. The European Commission (EC) has produced guidance on how cumulative impacts can be assessed<sup>41</sup>. For further guidance relating to EIA requirements for developments that have marine and terrestrial components refer to General Policy 7A: *Integrating coastal and marine development* and the supporting text to this policy.

### **Habitats Regulations Appraisal**

**76** The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) require competent authorities to assess certain plans or projects which may affect Natura sites (Special Areas of Conservation and Special Protection Areas). Any development proposal, which requires planning permission or other consent, is considered a 'project' requiring consideration under the Habitats Regulations via a Habitats Regulations Appraisal (HRA). Where there is potential for significant effect on the qualifying interests (species and/or habitats) of a Natura site alone or in-combination, irrespective of distance of the proposal from that site, the development proposals must be subject to an Appropriate Assessment under the provisions of the Habitats Regulations. Permission for the proposal can only be granted by the relevant planning or licensing authority where it can be shown, beyond

38 Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000  
<http://www.hmso.gov.uk/legislation/scotland/ssi2000/20000320.htm>

39 Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2011  
<http://www.legislation.gov.uk/ssi/2011/139/contents/made>

40 Marine Works (Environmental Impact Assessment) 2007 (as amended)  
<http://www.legislation.gov.uk/uksi/2007/1518/contents/made?view=plain>

41 EC Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions  
<http://ec.europa.eu/environment/eia/eia-support.htm>

reasonable scientific doubt, that the proposal will not adversely affect the integrity of the site. Where a proposal does not satisfy this test, it can only proceed if there are no alternative solutions and imperative reasons of over-riding public interest. Compensatory measures must also be put in place by Scottish Ministers to secure the continued coherence of the Natura network.

**77** The assessment of effects on integrity is made against the conservation objectives for the European sites, which are available on SNH<sup>42</sup> and Joint Nature Conservation Committee (JNCC)<sup>43</sup> websites. The onus is on demonstrating the absence of such effect so the question which an Appropriate Assessment must satisfy is ‘can it be ascertained that the proposal will not adversely affect the integrity of the site?’.

**78** Developers will undertake and fully document the HRA process and produce an ‘Information for Appropriate Assessment’ report for the competent authorities. The competent authorities will review the supplied documentation in consultation with SNH and JNCC and make the necessary judgement.

### ***Crown Estate Leases and Licences***

**79** 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.

**80** As part of the Smith Commission Agreement, responsibility for the management of the Crown Estate’s economic assets in Scotland, and the revenue generated from these assets will be transferred to the Scottish Parliament. This is an ongoing process and up-to-date information regarding this can be found on the Smith Commission<sup>44</sup> website.

### **Monitoring and review process**

**81** Monitoring the effectiveness of any plan is an essential part of the planning process. In the case of this pilot Marine Spatial Plan, the pilot process will be reviewed to identify lessons learned that can inform the process of future statutory regional marine planning. It is not intended that a detailed monitoring programme will be put in place for this pilot Plan as it is likely that the regional marine planning process will commence immediately following the pilot.

**82** At this point in time, there is an inherent degree of uncertainty surrounding the potential impacts of the Plan policies, particularly as many are likely to be influenced by a range of site and project specific factors. In addition, with the limited availability of baseline data and absence of specific measurable targets there are many challenges that need to be addressed. The review of the pilot planning process will aim to highlight these challenges and present key principles for how monitoring and review can be carried out in the future.

42 Scottish Natural Heritage – Site Link <http://gateway.snh.gov.uk/sitelink/>

43 Joint Nature Conservation Committee – UK Protected Sites <http://jncc.defra.gov.uk/page-4>

44 The Smith Commission <https://www.smith-commission.scot/>

## Section 3: Legislative and Policy Context

### Introduction

**83** This Marine Spatial Plan been prepared within the context of the relevant legislation, policy and plans developed at the international, European, national, regional and local level; the key regulatory and policy documents are summarised at Annex 2. Annex 2 does not provide an exhaustive list of all relevant legislation, policies and plans; it simply aims to identify the main legislation, policies and plans of relevance. The Strategic Environmental Assessment Appendix 1: *Analysis of key environmental objectives* contains an overview of relevant data sources and an analysis of key environmental objectives considered relevant to the Plan.

**84** This section of the Marine Spatial Plan describes the strategic policy context for marine planning that has directly influenced the vision, aims and objectives of the Plan. Figure 2 illustrates the relationship between this Marine Spatial Plan, relevant legislation and the various strategic plans being developed for the marine area around Scotland.

### International context

**85** This Marine Spatial Plan has been prepared within the context of the international regulatory and policy framework for marine planning and management. This includes UN Convention on the Law of the Sea (UNCLOS) which provides the international regulatory framework for the use of the world's seas and oceans. The Plan also pays due regard to the requirements of various EU Directives including the Marine Strategy Framework Directive, Marine Spatial Planning Directive, Water Framework Directive, Habitats Directive, Birds Directive, and the EU Common Fisheries Policy governing commercial fishing rights and obligations.

### UK Marine Policy Statement

**86** The UK Marine Policy Statement (MPS) was published jointly by all the UK Administrations in March 2011. It sets a vision for the whole UK marine area and provides a framework for preparing marine plans, including economic, social and environmental considerations which need to be taken into account and strategic policy objectives for key marine sectors. The Marine Policy Statement sets out a presumption in favour of sustainable development in the marine planning area. The Scottish National Marine Plan and any subsequent Scottish regional marine plans must accord with the Statement.

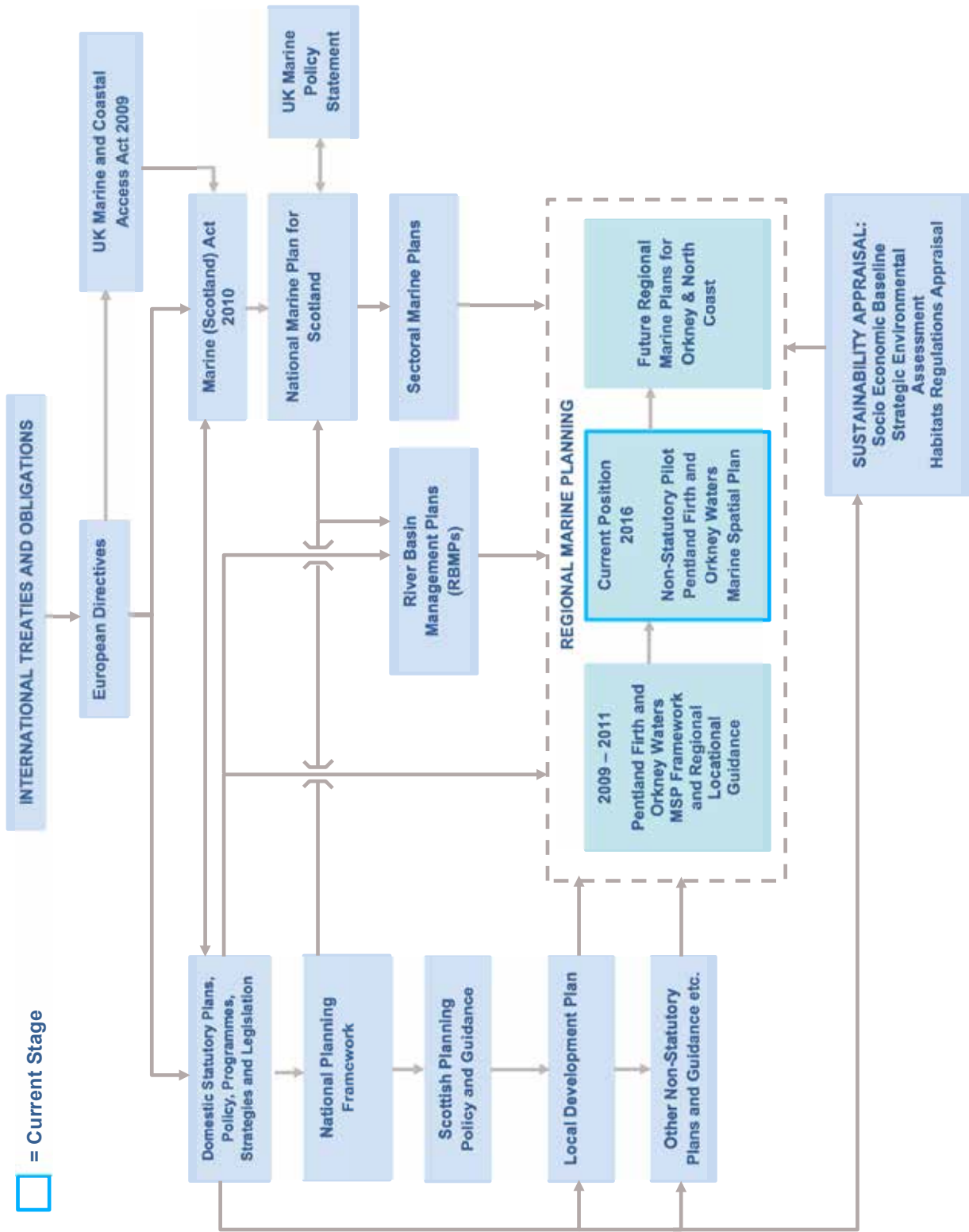


Figure 2: The context of the pilot Pentland Firth and Orkney Waters Marine Spatial Plan in relation to other legislation.

**87** The Marine Policy Statement has been prepared and adopted for the purposes of section 44 of the Marine and Coastal Access Act 2009, which requires all public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area to do so in accordance with the Marine Policy Statement unless relevant considerations indicate otherwise. It also requires that Marine Plans must be in conformity with any Marine Policy Statement in effect in the marine plan area, unless relevant considerations indicate otherwise.

**88** The Marine Policy Statement facilitates and supports the formulation of Marine Plans, ensuring that marine resources are used in a sustainable way in line with the high-level marine objectives and thereby:

- promote sustainable economic development
- enable the UK's move towards a low-carbon economy, in order to mitigate the causes of climate change and ocean acidification and adapt to their effects
- ensure a sustainable marine environment which promotes healthy, functioning marine ecosystems and protects marine habitats, species and our heritage assets
- contribute to the societal benefits of the marine area, including the sustainable use of marine resources to address local social and economic issues.

## **Scotland's National Marine Plan**

**89** The Marine (Scotland) Act 2010 requires Scottish Ministers to prepare and adopt a National Marine Plan for Scottish inshore waters. In addition, the Marine and Coastal Access Act 2009 requires Scottish Ministers to seek to ensure that a marine plan is in place in the offshore region when a Marine Policy Statement is in effect. In response to these statutory requirements, the National Marine Plan sets out strategic policies for the sustainable use of Scotland's marine resources out to 200 nautical miles and conforms with the overarching direction provided by the Marine Policy Statement. A marine plan for Scottish inshore waters and a marine plan covering Scottish offshore waters is published in one document, referred to as the 'National Marine Plan', however, it is recognised that the National Marine Plan is still comprised of two plans made under two separate pieces of legislation. Scotland's National Marine Plan, Scottish Planning Policy and National Planning Framework 3 have been developed in a consistent manner to provide an integrated policy framework across land and sea.

## Scottish Planning Policy

**90** Scottish Planning Policy (SPP) is the Scottish Government policy on how nationally important land use planning matters should be addressed across the country. SPP is a statement of Scottish Ministers' priorities, and carries significant weight in the preparation of development plans and is a material consideration in planning decisions. SPP supports an integrated approach to coastal planning to ensure that development plans and regional marine plans are complementary. Government bodies with responsibility for marine and terrestrial planning will need to ensure integration with policies and activities arising from the National Marine Plan, Marine Planning Partnerships, regional marine plans, and Integrated Coastal Zone Management.

## National Planning Framework 3

**91** Published in June 2014, National Planning Framework 3 (NPF3), provides a statutory framework for Scotland's long-term spatial development priorities for the next 20 to 30 years. Statutory development plans must have regard to the NPF, and Scottish Ministers expect planning decisions to support its delivery.

**92** Orkney, Pentland Firth and North Caithness is identified as an area of coordinated action in NPF3; a location of particular significance to the delivery of the Scottish Government's low carbon strategy. NPF3 states that the area is an internationally renowned historic and natural environment, with significant future prospects for growth and innovation. There are unparalleled opportunities for marine renewable energy development, generating significant new business and employment opportunities for the surrounding coastal and island communities. This emerging pilot Marine Spatial Plan, together with land use planning, is identified in NPF3 as a key mechanism to support delivery of offshore renewables and to help ensure that infrastructure and onshore facilities are provided in a co-ordinated way. Furthermore, NPF3 highlights that land use and marine planning should aim to balance development with environmental quality and activities such as fishing and tourism.

**93** NPF3 identifies 14 national developments that are needed to help to deliver the spatial strategy. The following three national developments are located within or directly adjacent to the PFOW MSP area:

- an Enhanced High Voltage Energy Transmission Network – Mainland Scotland to Orkney
- a Digital Fibre Network – Caithness, Sutherland and Orkney
- a National Long Distance Cycling and Walking Network

**94** Hatston, Lyness and Scrabster Enterprise Areas are a particular priority for action in NPF3. Furthermore, Scapa Flow is identified as a key port and deep-water asset with plans for a transshipment container hub within Scapa Flow supported. This Marine Spatial Plan aims to support the national developments and priorities identified in NPF3.



## **Regional Marine Plans and Marine Regions**

**95** Marine planning will be implemented at a local level within Scottish Marine Regions, sea areas extending from mean high water springs out to 12 nautical miles. Within these regions, regional marine plans will be developed by Marine Planning Partnerships to take account of local circumstances and engage local stakeholders. They will be developed in accordance with the National Marine Plan and Marine Policy Statement to ensure they are consistent with national objectives and priorities. The Scottish Marine Regions Order 2015 sets out the boundaries for 11 Scottish Marine Regions including Orkney and North Coast which are located within the area of this Marine Spatial Plan.

## **River Basin Management Plans**

**96** The production and implementation of River Basin Management Plans are a requirement of the Water Framework Directive. The River Basin Management Plan for the Scotland river basin district sets out objectives for how Scotland's wetlands, rivers, lochs, transitional waters (estuaries), coastal waters (out to three nautical miles) and groundwater will be protected and improved to achieve good ecological status/potential. The policies within this Marine Spatial Plan will play a part in ensuring River Basin Management Plans objectives are met by supporting the maintenance and, where possible, the enhancement of the ecological status of water bodies in the Plan area.

## **Orkney Local Development Plan**

**97** 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 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.

## **Highland-wide Local Development Plan and the Caithness and Sutherland Local Development Plan**

**98** The Highland-wide Local Development Plan 2012 and its supporting guidance are under review to ensure they reflect evolving national policy. 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.

**99** Highland Council has also recently begun preparation of the new Caithness and Sutherland Local Development Plan. To support this, a Main Issues Report went out to consultation from November 2014 to January 2015. This document sets out the proposals on managing the marine and coastal environment in recognition of the key role of marine planning in the area. It includes an option to identify the Marine Spatial Plan as Supplementary Guidance to the Highland-wide Local Development Plan. For the time being, the Caithness Local Plan (2002) and the Sutherland Local Plan (2010) remain 'As continued in force (2012)'.

### **Further information**

Refer to Annex 2 – *Legislation, Policy and Plans* for web links.



## Section 4: General Policies

### Introduction

**100** A general policy is one that is potentially relevant to the determination of an authorisation or enforcement decision for development or activities by any sector. These types of policies are often referred to as cross-cutting policies as the issues they address usually apply to many inter-related issues. For example, virtually all development has the potential to have impacts on habitats and species. Having a suite of general policies helps ensure the Plan is contributing to both high-level government targets and helps meet our commitment to local sustainable development as outlined in our objectives.

**101** The cross-cutting general policy themes provide a consistent framework to ensure the Plan delivers sustainable development through the identification of policies that deliver environmental benefits alongside the needs of each sector.

**102** Proposed developments and activities must comply with legal requirements and should adhere to all of the general policies, be cognisant of all the sectoral policies and consider the likely cumulative impacts. In all cases, marine safety is paramount. The associated text for each policy includes relevant supporting information that should be taken into account.

### How they will be applied

**103** All of the general policies:

- Apply to all development(s) and activities
- Should be applied proportionately
- Are not given in any order of priority: all have equal weight

See Section 2 *How to use the Plan* for more information on the planning and licensing process.

### Policy format

**104** To aid understanding of the Plan, all of the policies will be set out using the following format:

**105** A summary of how each of the general policies contributes to meeting the objectives of the Plan is included at the start of the section (Table 2).

**106** An analysis of the likely socio-economic and environmental effects of each of the general policies can be found in the Sustainability Appraisal. The Sustainability Appraisal also explores the likelihood of cumulative effects associated with the collective group of general and sectoral policies, including consideration of the wider policy and regulatory context. These findings should be read in conjunction with this Marine Spatial Plan.

**107 Background and Context:** in this section, a brief summary of the underlying reasons for the policy is set out.

**108 Key legislation and policy guidance:** the main legislative and policy drivers are provided, this is intentionally not an exhaustive list. It is acknowledged there are likely to be many supplementary and inter-linked policies and documents. Where legislation covers several policies, it will usually only be listed once in the most relevant policy to reduce repetition, therefore an element of cross-referencing will be required. A more comprehensive list is provided in Annex 2.

**109 Current status:** in this section, the baseline condition of the policy topic is outlined. Where appropriate, further information may be found for most of these general policies in the Sustainability Appraisal.

**110 Pressures:** the issues leading to significant pressures on the policy topic are outlined. In some cases, these pressures may be applicable to a number of the policies, therefore an element of repetition is unavoidable.

**111 Policy:** this is the policy that will guide development and activities.

**112 Justification:** this outlines both the key legislative drivers and, where appropriate, the feedback from the consultation on the Planning Issues and Options Consultation paper that informed the drafting of the Plan.

**113 Supporting spatial information:** where data are readily available, links to the underlying spatial data are provided. In most cases, these data layers will be hosted on Marine Scotland's National Marine Plan interactive (NMPi), therefore reference to it will not be repeated in each policy. NMPi is regularly updated so it should be consulted to ensure the most up-to-date information is used. This will ensure that the latest information is accessible as new research becomes available.




**114 Future considerations:** some of the likely significant issues that may be encountered during the life of the Plan and any subsequent regional marine plans are summarised.





















































































**115 Further information:** provides information on the key documents referenced in the policy and sources of additional information.

**116 Information boxes:** throughout the Plan, information boxes are provided. These include supporting information, clarification of terms or legislation or provide examples related to the policy.

**Table 2: The contribution of each of the General Policies to the Plan objectives.**

**Key:**

-  Direct contribution
-  Indirect contribution
-  No clear contribution

Objective	Sustainable development	Supporting sustainable social and economic benefits	Safeguarding the marine ecosystem	The well-being, quality of life and amenity of coastal communities	Climate change	Nature conservation designations	Protected species	Wider biodiversity	Landscape and seascape	Geodiversity	Water environment	Coastal processes and flooding	Historic environment	Integrating coastal and marine development	Noise	Waste and marine litter	Invasive non-native species
Support long-term productivity in the marine environment that provides benefits and prosperity for local communities and wider stakeholders.																	
Support the transition to a low carbon economy.																	
Encourage a sustainable coexistence and synergies between existing and new marine activities and developments, to the mutual benefit of multiple stakeholders.																	
Provide reliable information on existing and proposed marine activities.																	
Promote best practice to manage and make use of natural resources within sustainable limits.																	

Objective	Sustainable development	Supporting sustainable social and economic benefits	Safeguarding the marine ecosystem	The well-being, quality of life and amenity of coastal communities	Climate change	Nature conservation designations	Protected species	Wider biodiversity	Landscape and seascape	Geodiversity	Water environment	Coastal processes and flooding	Historic environment	Integrating coastal and marine development	Noise	Waste and marine litter	Invasive non-native species
Within an ecosystem approach, protect and enhance the biological, chemical and physical functioning of the marine and coastal environment, the scenic quality and coastal character.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Promote an ecosystem based approach to the management of human activities to support the achievement of Good Environmental Status of marine and coastal waters under Marine Strategy Framework Directive.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Support the cultural and social well-being of local communities including the maintenance and enhancement of quality of life, and visual amenity in coastal areas.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Support management of the marine environment, marine development and infrastructure that mitigates and is resilient to the effects of climate change.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Support sustainable management of the coastal zone and inshore waters, including minimising and mitigation of cumulative impacts from marine developments.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Objective	Sustainable development	Supporting sustainable social and economic benefits	Safeguarding the marine ecosystem	The well-being, quality of life and amenity of coastal communities	Climate change	Nature conservation designations	Protected species	Wider biodiversity	Landscape and seascape	Geodiversity	Water environment	Coastal processes and flooding	Historic environment	Integrating coastal and marine development	Noise	Waste and marine litter	Invasive non-native species
Identify marine planning and/or governance related issues to inform the future regional marine planning process.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Pilot the development of an integrated marine planning policy framework for the future North Coast and Orkney Scottish Marine Regions.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Assist Plan users to navigate the complex legislative and policy framework more easily and effectively.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Provide a clear strategic direction and greater certainty for prospective developers, investors and local communities in the Pentland Firth and Orkney Waters area.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

## GENERAL POLICY 1A: SUSTAINABLE DEVELOPMENT

### Background and context

**117** Sustainable development is integral to the Scottish Government's overall purpose and the broad purposes of the marine and land use planning system. Achieving sustainable management, development and use is the central purpose of this Marine Spatial Plan. It is envisaged that through a balanced consideration of social, economic and environmental factors, sustainable development can be achieved for a diverse range of economic sectors in Pentland Firth and Orkney Waters.

#### Information Box 1

##### What is sustainable development?

The goal of sustainable development is to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.

The Scottish Government has, as its overall purpose, to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

Sustainable economic growth means building a dynamic and growing economy that will provide prosperity and opportunities for all, while respecting the limits of our environment in order to ensure that future generations can enjoy a better quality of life.

UK Government and Devolved Administrations high-level marine objectives<sup>1</sup> are articulated in the context of the five sustainable development principles which set out the outcomes sought by these governments. It is intended that actions and regulatory structures will support the delivery of these outcomes to achieve sustainability.

The five guiding principles of sustainable development are:

- achieving a sustainable economy
- ensuring a strong, healthy and just society
- living within environmental limits
- promoting good governance
- using sound science responsibly

## Key legislation and policy guidance

**118** Under the Marine and Coastal Access Act 2009<sup>2</sup> and the Marine (Scotland) Act 2010<sup>3</sup>, marine plans must set out policies for, and in connection with, the sustainable development of the area to which the Plan applies.

## Current status

**119** Delivering sustainable economic development by supporting Scotland's transformation to a low carbon economy is central to Scottish Government objectives. These objectives are coupled with the drive to reduce greenhouse gas emissions and the harmful effects of climate change. In the context of the Pentland Firth and Orkney, the sustainable development of the marine renewable energy industry forms part of this wider vision and is one of the key drivers for change within the Plan area.

## Pressures

**120** To achieve sustainable development, the needs of many established marine and coastal users, such as commercial fisheries and recreation, need to be assessed and, in turn, appropriately addressed through development consent and management decisions. This Plan aims to ensure that valued environmental, cultural and economic resources are safeguarded and, where appropriate, enhanced through this development and management decision-making process.

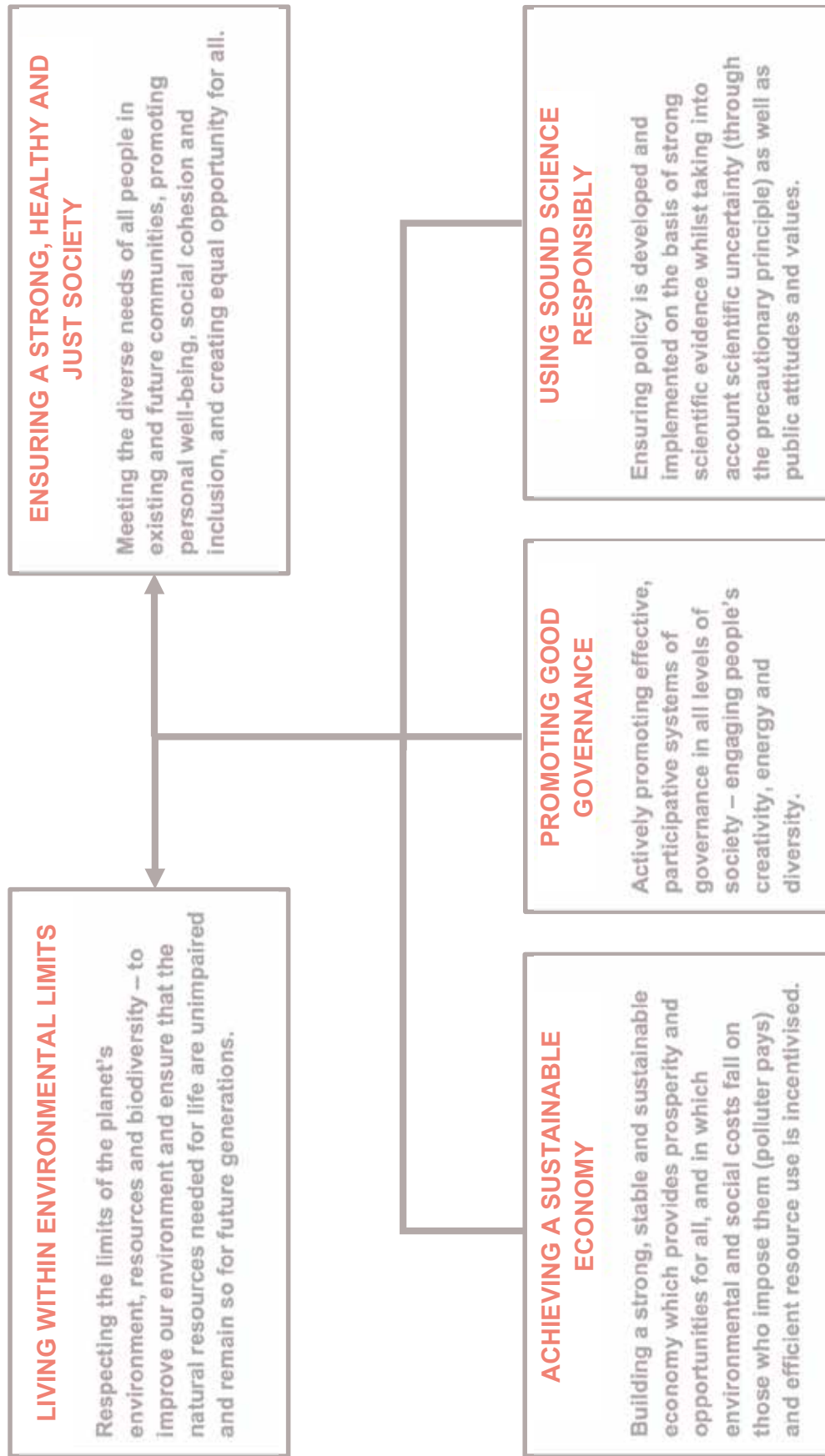


Figure 3: Principles for Sustainable Development (adapted from Scotland's Sustainable Development Strategy, 2005)



## General Policy 1A: Sustainable development

Development(s) and/or activities will be supported by this Plan when it can be demonstrated that:

- they will not have significant adverse direct, indirect or cumulative social, environmental or economic effects
- they will maintain and, where possible, enhance, existing built, natural and culture heritage resources
- they 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
- they will not create an unacceptable burden on existing infrastructure and services that cannot be resolved

Public authorities should adhere to the following sustainable development principles in the determination of any authorisation or enforcement decision:

- the protection and, where appropriate, enhancement of the health of the marine area
- maximise opportunities for lasting social, environmental and economic benefits balancing these considerations through the consenting process
- maximise the efficient use of existing infrastructure and services (e.g. port and harbour infrastructure)
- support the efficient use of marine space and co-existence between marine users
- sound science has been used responsibly

### Justification

**121** The achievement of sustainable development is the central aim of this Marine Spatial Plan and the UK and Scottish Governments. General Policy 1A: *Sustainable development* has been developed as an overarching policy to ensure that sustainable development principles underpin developer decisions when planning and implementing projects and the authorisation and enforcement decisions made by public authorities. The policy also aims to guide marine users to carrying out their activities taking cognisance of sustainable development principles.

### Supporting spatial information

- See Spatial Diagram for further detail.

## Future considerations

**122** Monitoring the effectiveness of General Policy 1A: *Sustainable development* will provide a useful measure of the overall effectiveness of this Marine Spatial Plan. Further work is required to establish baseline data and a benchmark against which the monitoring of specific targets and indicators can be delivered. The development of an appropriate monitoring framework will need to be considered as part of the future statutory regional marine planning process.

## Further information

**<sup>1</sup> UK Government and Devolved Administrations high-level marine objectives**  
<https://www.gov.uk/government/publications/our-seas-a-shared-resource-high-level-marine-objectives>

**<sup>2</sup> Marine and Coastal Access Act 2009**  
<http://www.gov.scot/Topics/marine/seamanagement/marineact/ukbill>

**<sup>3</sup> Marine (Scotland) Act 2010**  
<http://www.gov.scot/Topics/marine/seamanagement/marineact>

**The Government Economic Strategy 2011**  
<http://www.gov.scot/Publications/2011/09/13091128/0>

**European Union Sustainable Development Strategy**  
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:l28117>

**Choosing Our Future: Scotland's Sustainable Development Strategy**  
<http://www.gov.scot/Publications/2005/12/1493902/39032>

**UK Marine Policy Statement**  
<https://www.gov.uk/government/publications/uk-marine-policy-statement>

**Scotland's National Marine Plan**  
<http://www.gov.scot/Topics/marine/seamanagement/national>

**National Planning Framework 3**  
<http://www.gov.scot/Topics/Built-Environment/planning/NPF3-SPP-Review/NPF3>

**Scottish Planning Policy**  
<http://www.gov.scot/Topics/Built-Environment/planning/Policy>

## GENERAL POLICY 1B: SUPPORTING SUSTAINABLE SOCIAL AND ECONOMIC BENEFITS

### Background and context

**123** Marine planning has an important role in enabling economic opportunities to be realised, supporting the achievement of national economic aspirations for growth. Marine licensing decisions for development and activities should support opportunities to increase employment and productivity to benefit the local and national economy. As well as providing jobs and income for local people, the growth of marine sectors should add value through the production of goods and services maximising opportunities for local supply chains.

**124** 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. This challenge includes considering the complex spatial requirements of each sector within a three-dimensional environment including the water surface, the water column and the seabed. It also brings into play a wider range of interactions between these sectors with potential positive and negative social, economic and environmental effects. Marine licensing decisions will implement the policy framework in this Plan aiming to balance these complex considerations, maximise benefits and support potential synergies between sectors.

#### Information Box 2

##### What is meant by synergies?

In this Plan, the term synergies refers to the interaction or cooperation between two or more developments and/or activities to achieve combined mutual benefits.

For example, an offshore wind farm co-locating with an aquaculture development to share infrastructure, development costs and make more efficient use of marine space.

**125** The growth of the marine renewable energy sector has the potential to have a transformational effect on the local economy and the surrounding coastal communities. The existing marine industries operating within the Pentland Firth and Orkney Waters area make a vital social and economic contribution towards productivity and employment and their ongoing importance is supported by the policies in this Plan. The scale of the wind, wave and tidal energy resource provides an opportunity for economic development that could transform the economic structure of the area. This Plan aims to support the growth of the renewable energy sector to bring forward social, economic and environmental benefits in a way that co-exists with existing economic activities.

## Key legislation and policy guidance

**126** In 2011 the European Commission adopted a Communication on Blue Growth<sup>1</sup> showing how Europe's coasts, seas and oceans have the potential to be a major source of new jobs and growth that can contribute to the Europe 2020 strategy<sup>2</sup>. The EU Blue Growth Strategy<sup>3</sup> identifies sectors that have high potential for sustainable jobs and growth including aquaculture, coastal tourism, marine biotechnology, ocean energy and seabed mining. Marine spatial planning is an essential component of the strategy supporting greater knowledge, legal certainty and security in the blue economy.

**127** The Government Economic Strategy<sup>4</sup> gives clear priority to accelerating economic recovery, with a range of measures to tackle unemployment and promote employability. It focuses actions on six Strategic Priorities which will drive sustainable economic growth and develop a more resilient and adaptable economy.

## Current status

**128** The current socio-economic characteristics of Orkney, Caithness and Sutherland are set out in the Socio-Economic Baseline Review<sup>5</sup> of the Pentland Firth Orkney Waters Area which is summarised in the Sustainability Appraisal that supports this Plan.

## Pressures

**129** Island and peripheral mainland communities are particularly vulnerable to the effects of significant social and economic change which can result from the growth of major new industries. In the PFOW area, the growth of the renewable energy and aquaculture sector, for example, could have significant impacts on infrastructure and services. These impacts can be particularly acute in remote islands and other remote areas where new developments can create additional pressures on local harbours, schools, housing and ferry services. Major structural change in the local economy can also place significant pressure on the operation of existing industries in terms of the available workforce, spatial requirements and use of local infrastructure.

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

Development(s) and/or activities will be supported by this Plan when the proposal can demonstrate:

- sustainable employment benefits
- that opportunities to support local supply chains and create skilled employment in local communities have been maximised
- that any adverse social, economic and operational effects on existing activities have been avoided, or where avoidance is not possible, adverse effects have been appropriately mitigated
- that opportunities to support synergistic benefits between development and activities have been maximised

Developers should undertake early engagement with the local authority, and any other relevant bodies, if there are likely to be significant impacts on local infrastructure or services.

### **Justification**

**130** The delivery of sustainable social and economic benefits as an integral component of future development is central to both national and local planning policy. To achieve these objectives, social and economic change needs to be sustainably managed to maximise benefits for local communities and support local infrastructure and services. As many local businesses and jobs rely on marine industries it is important that existing jobs are safeguarded and opportunities for growth are maximised.

### **Supporting spatial information**

**131** This policy is not supported by specific spatial information.

### **Future considerations**

**132** The delivery of social and economic benefits through marine development will need to be monitored as part of future marine planning activities in Pentland Firth and Orkney Waters.

## Further information

<sup>1</sup> **EC Communication COM (2014) 254** – Innovation in the Blue Economy: realising the potential of our seas and oceans for jobs and growth  
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=COM:2014:254:REV1&from=EN>

<sup>2</sup> **EC Europe 2020**  
[http://ec.europa.eu/europe2020/index\\_en.htm](http://ec.europa.eu/europe2020/index_en.htm)

<sup>3</sup> **EU Blue Growth**  
[http://ec.europa.eu/maritimeaffairs/policy/blue\\_growth/](http://ec.europa.eu/maritimeaffairs/policy/blue_growth/)

<sup>4</sup> **The Government Economic Strategy** [www.gov.scot/Topics/Built-Environment/planning/Policy](http://www.gov.scot/Topics/Built-Environment/planning/Policy)

<sup>5</sup> **Pilot Pentland Firth and Orkney Waters Socio-Economic Baseline Review**  
<http://www.gov.scot/Topics/marine/seamanagement/regional/activity/pentlandorkney>

## GENERAL POLICY 1C: SAFEGUARDING THE MARINE ECOSYSTEM

### Background and context

**133** The natural marine ecosystems of Orkney and the North Caithness and Sutherland coasts are of significant intrinsic value, which must be preserved for future generations. They form part of much larger marine ecosystems in a dynamic three dimensional environment, providing a variety of vital ecosystem services such as nutrient recycling, waste assimilation and food provision.

**134** The area is rich in features, habitats and species that collectively support diverse biological communities. Species survive in a wide range of habitats from wide, sandy beaches, towering cliffs and colourful rock-pools to extreme tidal races, muddy seabed and shifting water columns. This natural heritage is a recognised world-class resource, which contributes to, and enhances, the quality of life enjoyed in the region. This Marine Spatial Plan makes a contribution to safeguarding these ecosystem resources and sustainably managing the use of the natural assets now and for future generations.

### Key legislation and policy guidance

**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<sup>1</sup>. By adopting an ecosystems approach, integrated management of this diverse marine environment should promote conservation and sustainable use of these resources in an equitable way. This methodology will help to build resilience and contribute to ensuring 'Good Environmental Status' of our marine waters, as required by the Marine Strategy Framework Directive<sup>2</sup> (see box). In addition, this strategy will also help meet the demands of the Water Framework Directive<sup>3</sup>, whilst General policies 4A-4C deal with specific habitats and species protection.

#### Information Box 3

##### Marine Strategy Framework Directive

Fundamental aims of the MSFD are to:

- ensure that priority should be given to achieving or maintaining Good Environmental Status (GES) in the EU Community's marine environment
- continue its protection and preservation
- prevent subsequent deterioration

This will be done through adherence to targets, for which 'descriptors' of GES have been established. The PFOW Marine Spatial Plan will therefore make a contribution to implementing the Directive.

**136** The Marine Nature Conservation Strategy provides guidance on developing a network of marine conservation areas at a national level (see General Policy 4A: *Nature conservation designations*). Scotland's Marine Atlas<sup>4</sup> provides a wealth of background information on the health and diversity of the PFOW areas seas.

### Current status

**137** Most of the environment in the PFOW area is of relatively high quality, as evidenced by the clean and safe seas assessment in the Marine Atlas. There are, however, a number of concerns regarding the health and biodiversity of the area, particularly in relation to some fish, bird, marine mammal and non-native species. Baseline environmental data is discussed in detail within General Policies 4A-E and in the accompanying Environmental Report.

### Pressures

**138** The pressures on the marine ecosystems are many and complex. Climate change is a significant issue which is likely to become increasingly relevant and noticeable over the next few decades. Related issues include ocean acidification and changing marine food webs, whilst related sea-level rise increases flooding risk. In addition, there are many development pressures competing for use of the natural environment's resources and ecosystem services, as outlined within this Marine Spatial Plan.

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

The Plan will support proposed development(s) and/or activities when they:

- safeguard the integrity of coastal and marine ecosystems
- contribute towards the MSFD objectives to promote enhancement or improvement of the environmental status of the marine environment
- demonstrate how any significant disturbance and degradation of coastal and marine ecosystems has been avoided or appropriately mitigated

### Justification

**139** A high-quality marine ecosystem is a fundamental requirement for both its intrinsic value and as a basis for sustainable development. Fisheries and coastal/marine tourism depend on well-functioning marine ecosystems. The quality of life of local communities is greatly enhanced by the existence of healthy seas.

### Supporting spatial information

**140** See maps for General Policies 4A-4C.



## Future considerations

**141** Subsequent regional marine plans will provide continued support for safeguarding the marine ecosystem.

**142** Effects of climate change such as sea-level rise, increase of invasive non-native species and changing food webs may lead to significant changes in the natural environment, with associated social and economic impacts.

## Further information

<sup>1</sup> **Frid, C. et al (2011)** Marine Planning and Management to Maintain Ecosystem Goods and Services. In *The Ecosystem Approach to Marine Planning and Management* (Eds, Kidd, Plater & Frid). Earthscan, London.

<sup>2</sup> **Marine Strategy Framework Directive**

<http://www.msfd.eu/>

<sup>3</sup> **Water Framework Directive**

<http://www.gov.scot/Topics/Environment/Water/15561/WFD>

<sup>4</sup> **Scotland's Marine Atlas**

<http://www.gov.scot/Topics/marine/science/atlas>

**Scottish Natural Heritage**

<http://www.snh.gov.uk/>

**The Ecosystem Approach to Marine Management**

<http://www.msfd.eu/knowseas/library/PB2.pdf>

## GENERAL POLICY 2: THE WELL-BEING, QUALITY OF LIFE AND AMENITY OF COASTAL COMMUNITIES

### Background and context

**143** Orkney and the Caithness and Sutherland coast are attractive places to live and work, with a unique environment that provides a high quality of life for their communities. The natural environment, cultural heritage and traditions and high level of general amenity all contribute to the well-being of local people.

**144** Through the ages, these places have inspired creativity and innovation as people have changed and adapted to make a living from their environmental resources and create a unique way of life. Island and peripheral communities have benefited from a general culture of cooperation and solidarity. That culture can enable local communities to be progressive; embracing new social and economic opportunities whilst safeguarding the environment and wider quality of life.

**145** In 2013 the Scottish Government formed the Island Areas Ministerial Working Group together with the Our Islands Our Future Council leaders in Orkney, Shetland and Western Isles. This initiative considers how a future Scottish Government could recognise and address the needs of remote island areas. The Empowering Scotland's Island Communities prospectus<sup>1</sup> sets out a range of proposals based on three underpinning objectives:

- promoting islands' voice
- harnessing island resources
- enhancing islands well-being

**146** For further background information, the Office of National Statistics<sup>2</sup> is developing new measures of national well-being with an aim to provide a fuller picture of how society is doing by supplementing existing economic, social and environmental measures.

#### Information Box 4

**Well-being** – The state of being comfortable, healthy or happy.

**Quality of life** – The standard of health, comfort, and happiness experienced by an individual or group.

**Amenity** – A positive element or elements that contribute to the overall character or enjoyment of an area.

## Key legislation and policy guidance

**147** Supporting individual well-being is a well-established principle within policy for health and social care but is less established within policy for the planning system. That said, planning has played a long-established role in improving people's quality of life and well-being by creating places that are enjoyable to live in, work in and visit. The environmental protection and safeguarding of amenity afforded by the land use and marine planning system means that related policy and decision making is well placed to impact profoundly on the well-being, quality of life and amenity of local communities.

## Current status

**148** Caithness, Sutherland and Orkney residents enjoy a high quality of life as compared to the UK average. Marine and land use planning policy aims to safeguard the local environment and the area's amenity value. Additionally, the Highland Council has developed a Community Benefit Policy<sup>3</sup> to support the well-being of local communities. Within that policy, it recognises that in the short to medium term, off-shore renewable energy developments may be of a research and experimental nature. This means that community benefit may only become available as these developments become commercially viable. Similarly, Orkney Islands Council has approved community benefit principles to support future community benefits from the marine renewable energy industry. It is recognised that community benefit can be provided by other sectors, for example aquaculture, and opportunities to secure appropriate community benefits are being taken forward with the relevant industry representatives.

## Pressures

**149** The growth of economic activity within the PFOW area has the potential to create many benefits for local communities and, on the other hand, exert a range of social, environmental and economic pressures. The landscape and seascape, historic assets, natural habitats, water quality and tranquillity experienced in the PFOW area all make a significant contribution to local people's quality of life. These features are vulnerable to potential direct and cumulative impacts from future development including renewable energy, ports and harbours, aquaculture and other infrastructure.

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

Development(s) and/or activities will be supported by this Plan when it can be demonstrated that:

- significant adverse effects on the well-being, quality of life and amenity of local communities have been avoided, and where appropriate, mitigation measures to address any adverse effects have been incorporated as part of the proposals and agreed with the consenting authority
- local stakeholders, relevant Community Councils and interested community groups have been engaged at an early stage in the development process when assessing any potential impacts on the well-being, quality of life and amenity of local communities

### Justification

**150** General Policy 2: *The well-being, quality of life and amenity of coastal communities* has been developed in response to the Planning Issues and Options consultation and wider stakeholder engagement as part of the preparation of this Marine Spatial Plan. These engagement methods highlighted that the existing high quality of life and well-being of local communities needs to be safeguarded. The aim of this policy is to provide an opportunity for a fuller assessment of new development and activities supplementing existing economic, social and environmental measures with this Plan.

### Supporting spatial information

**151** The spatial information supporting the General and Sectoral policies within the Plan are relevant when considering the well-being, quality of life and amenity of coastal communities.

### Future considerations

**152** Further research is required to better understand the factors that contribute towards the well-being, quality of life and amenity of coastal communities within the Plan area.

### Further information

**<sup>1</sup> Empowering Scotland's Island Communities**

<http://www.gov.scot/Publications/2014/06/2708>

**<sup>2</sup> Measuring National Well-being – Office of National Statistics**

<http://www.ons.gov.uk/ons/guide-method/user-guidance/well-being/index.html>

**<sup>3</sup> Highland Council Community Benefit Policy**

[http://www.highland.gov.uk/downloads/file/4542/community\\_benefit\\_policy](http://www.highland.gov.uk/downloads/file/4542/community_benefit_policy)

## GENERAL POLICY 3: CLIMATE CHANGE

### Background and context

**153** Climate change is a global issue. The marine environment plays a major role in mitigating its effects by carbon capture, whereby marine life, especially algal communities, absorb carbon which is then stored. However, warmer temperatures, rising sea levels and changing weather patterns will increasingly affect our marine environment and, in turn, our society in important ways. Its effects in Scotland include impacts on native marine plants and animals, increased flooding and erosion rates and changing weather patterns. These effects are likely to increase in the mid to longer term as actions taken now to reduce greenhouse gases may take years to have a positive effect.

#### Information Box 5 Climate change

Increases of greenhouse gases such as methane (CH<sub>4</sub>) and carbon dioxide (CO<sub>2</sub>) from human activities have resulted in rapid changes to our climate, particularly over the last 50 years. These changes include rising sea temperatures which, in turn, have led to changes in species' normal habitat ranges, leading to changes in marine food webs. For example, Atlantic white-sided dolphins are moving northward out of UK waters whilst short-beaked common dolphins are moving in to the areas vacated<sup>1</sup>.

On an economic level, changes in commercially available fish and shellfish species could have significant impacts, requiring changes in fishing practices.

### Key legislation and policy guidance

**154** Mitigating and adapting to climate change are key strategic objectives of the National Marine Plan, as determined by the Marine (Scotland) Act 2010. The Scottish Government's targets to generate the equivalent of 100% of Scotland's electricity demand from renewable sources makes a significant contribution to climate change targets as a supporting commitment under the Climate Change (Scotland) Act 2009<sup>2</sup>. In addition, the Scottish Climate Change Adaptation Programme<sup>3</sup>, Framework<sup>4</sup> and Mitigation Policy provide a range of guidance to support the Act. The PFOW area, which this pilot Plan supports, therefore has a significant role to play in realising these national targets.

## Current status

**155** The PFW area is at the forefront of wave and tidal energy development. These developments will make an important contribution to decarbonisation and climate change targets. This Plan highlights potential synergies between this new sector and the existing, more established sectors and activities, therefore allowing maximum opportunities to reduce climate change impacts. 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. The current national and regional approaches to marine spatial planning also make a contribution to adapting to climate change pressures, a key objective of the National Marine Plan.

## Pressures

**156** The pressures of climate change are complex and some may require years to fully detect. Already, climate change may have contributed to changes in plankton communities, fish stocks and seabird populations. It has been predicted that climate change may lead to the thinning of shellfish shells due to increased acidity and affect the viability of some species, to the benefit of others. An increase in winter storms and sea-level rise could speed up coastal erosion, affecting communities, infrastructure and key cultural heritage sites or result in higher levels of flooding and harbour damage or impact the wave and tidal devices and other marine infrastructure.

### General Policy 3: Climate change

Development(s) and/or activities will be supported by the Plan where the proposal can demonstrate appropriate:

- measures to mitigate the effects of climate change
- measures taken to adapt to climate change
- resilience has been built into the project over its lifetime

All proposals for development(s) and/or activities must minimise, as far as practicable, emissions of greenhouse gases and clearly demonstrate mitigation measures taken.

## Information Box 6

### Adaptation

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).

### Mitigation

Mitigation refers to measures to reduce emissions of carbon and other greenhouse gases or to remove them from the atmosphere.

## Justification

**157** Combatting the effects of climate change is a global issue. At a national level, there are legal requirements to ensure measures are taken to help reduce the effects of climate change, as outlined in the Climate Change (Scotland) Act 2009. This is supported by a key objective of the National Marine Plan.

**158** By providing a Plan that ensures all development considers its implications for climate change, but also allows flexibility by providing a wide suite of environmental issues for consideration, the Plan has tried to provide an adaptable framework for tackling the issues raised by climate change.

## Supporting spatial information

**159** This policy is not supported by specific spatial information.

## Future considerations

**160** Effects of climate change such as sea-level rise, increase of invasive non-native species and algal blooms, along with changing food webs, may lead to significant changes in the natural environment, with associated positive and negative social and economic impacts. Changing shipping routes caused by a reduction in Arctic sea ice could see an increase in maritime traffic around the PFOW area as tankers make use of shorter global routes.

**161** Climate change may increasingly affect coastal heritage assets and may impact on both the assets themselves and the related important tourism links. This could be of particular concern in Orkney.

**162** Climate change will be a consideration in any subsequent regional marine plans, as per the Scottish Climate Change Adaptation Programme.

## Further information

**<sup>1</sup> Marine Climate Change Impacts Partnership Annual Report Card**

<http://www.mccip.org.uk/annual-report-card/2013/regional-snapshots.aspx>

**<sup>2</sup> Climate Change (Scotland) Act 2009**

<http://www.legislation.gov.uk/asp/2009/12/contents>

**<sup>3</sup> Climate Ready Scotland: Scottish Climate Change Adaptation Programme (2014)**

<http://www.gov.scot/Publications/2014/05/4669/downloads>

**<sup>4</sup> Scotland's Climate Change Adaption Framework**

<http://www.gov.scot/Topics/Environment/climatechange/scotlands-action/adaptation/AdaptationFramework>

**Rennie, A.F. & Hansom, J.D. (2011)** Sea level trend reversal: Land uplift outpaced by sea level rise on Scotland's coast. *Geomorphology*, 125, 193-202



## GENERAL POLICY 4A: NATURE CONSERVATION DESIGNATIONS

### Background and context

**163** The Pentland Firth and Orkney area hosts a diverse range of habitats and species that exist alongside geological features, coastal landscapes and seascapes. Furthermore, important sectors in the economy including, but not limited to, fisheries, renewable energy, aquaculture, tourism and recreation are dependent on these natural resources and associated ecosystems to thrive.

### Key legislation and policy guidance

**164** Statutory international and national nature conservation designations represent the best examples of Scotland's habitats, plants and animals, rocks, fossils and landforms. Their protection and management will help to ensure that they remain in good health for all to enjoy.

**165** The Habitats Directive (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) was adopted in 1992. Along with the Birds Directive (see General Policy 4B: *Protected species*), they are the drivers for designation of areas known as 'Natura sites' or Special Areas of Conservation (SAC) and Special Protection Areas (SPA) respectively. This legislation covers not just the requirements for protected European (Natura) sites, but also for European Protected Species, as well as other aspects of the Directive. The Habitats Directive was translated into law in Great Britain by the Conservation (Natural Habitats, &c.) Regulations 1994, usually called 'the Habitats Regulations'. Ramsar sites are designated as internationally important wetlands. All Ramsar sites in Scotland are also either SPAs or SACs.

**166** Sites of Special Scientific Interest (SSSI) are protected under the Nature Conservation (Scotland) Act 2004 and are those areas of land and water to the seaward limits of local authority areas considered to best represent our natural heritage. Many SSSIs are also Natura sites.

**167** Seventeen nature conservation Marine Protected Areas (MPAs) have been designated under the Marine (Scotland) Act 2010 for sites in Scottish territorial waters. A further 13 have been designated in offshore waters under the Marine and Coastal Access Act 2009. These MPAs aim to protect a range of biodiversity or geodiversity features in their current state for the future, or to allow them to recover to the state in which they should be in order to remain healthy and productive. Marine Scotland has developed a draft management handbook<sup>1</sup> for nature conservation MPAs, which provides information on how management measures for these sites will be assessed and undertaken.

### Information Box 7

#### Nature Conservation Marine Protected Areas

The Strategy for Marine Nature Conservation in Scotland's Seas (2011) explains the approach being taken to develop a coherent network of nature conservation Marine Protected Areas. These will protect biodiversity and geodiversity but may still allow multiple uses of low-impact activities that do no damage to the ecological integrity of the sites.

Three PFOW MPAs, all located in Orkney: NW Orkney; Papa Westray and Wyre; and Rousay Sounds, were designated in summer 2014.

**168** To complement statutory designations, local nature conservation designations identify important habitats and species in the local context<sup>2</sup> and aim to promote appropriate protection and management within these areas.

#### Current status

**169** There are numerous Natura sites and other designated sites with the PFOW area, with other sites under consideration. These have been assessed in the accompanying Sustainability Appraisal. In summary, much of the Caithness coast and many Orkney Islands are designated Special Protection Areas (SPA) to conserve their bird life. In addition, work is ongoing to complete the SPA network at sea to meet the needs of seabirds and waterfowl. A draft suite of marine Special Protection Areas (dSPAs), including two sites within the Plan area, has been developed for consideration by the Scottish Government. Formal consultation on those dSPAs confirmed for progression by Scottish Ministers is anticipated in 2016. Proposed SPAs taken forward for public consultation will be given policy protection from that point. For the avoidance of doubt, reference to the dSPAs in this draft Plan does not give dSPAs any formal policy protection status.

**170** General Policy 4A: *Nature conservation designations* below sets out the nature conservation designations that will be taken into account in the assessment of development proposals that require authorisation or enforcement decisions by a public authority. The policy explains how proposals will be assessed, the required assessment processes and the factors that will be taken into account in the determination of relevant consent applications. This demonstrates that whilst additional mitigation or information may be required, designated sites may be able to accommodate some sustainable development or activities.

**171** Designated sites outwith the PFOW boundary may need to be considered by developers where the impact of relevant pressures overlaps with the site or, in the case of Natura sites, there is connectivity with the qualifying mobile species. Data on all marine designated sites are available on NMPI.

## Pressures

**172** The pressures on designated sites are similar to those discussed in General Policy 1C: *Safeguarding the marine ecosystem* (e.g. climate change, sea-level rise, competition for space and/or resources) but due to the higher level of protection granted to them, they require a more robust application of safeguards. For example, in relation to Natura sites, most major developments are likely to be subject to a Habitats Regulations Appraisal (HRA) and therefore may require an accompanying Appropriate Assessment if a Likely Significant Effect is identified during the assessment process. Scottish Natural Heritage will be consulted to advise the competent authority on the HRA.

## General Policy 4A: Nature conservation designations

The Plan will support development(s) and/or activities where due regard is given to the importance of international, national and locally designated nature conservation sites.

### Internationally designated sites

Development(s) and/or activities likely to have a significant effect on a site designated or proposed to be designated as a SPA, SAC (collectively known as Natura 2000 sites) alone or in combination and not directly connected with, or necessary to the conservation management of that site, must be subject to an Appropriate Assessment in order to assess the implications for the site's conservation objectives.

Development(s) and/or activities will only be permitted in circumstances where the assessment ascertains that:

- they would not adversely affect the objectives of the designation or the integrity of the site; or
- there is no alternative solution; and
- there are imperative reasons of over-riding public interest, including those of a social or economic nature.

The international importance of Ramsar sites should also be appropriately protected.

### Nationally designated sites

Development(s) and/or activities capable of affecting a Nature Conservation Marine Protected Area (NC MPA) will only be permitted where it can be demonstrated to the satisfaction of the relevant public authority that there is no significant risk of hindering the achievement of the conservation objectives of the NC MPA. Where this cannot be satisfactorily demonstrated authorisation can only be granted if the relevant public authority is satisfied that:

- there is no alternative that would have a substantially lower risk of hindering the achievement of the conservation objectives of the NC MPA;
- the public benefit outweighs the risk of damage to the environment; and
- the applicant will arrange, to the satisfaction of Scottish Ministers, for measures of equivalent environmental benefit to the damage that will or is likely to occur.

Continued on next page

## General Policy 4A: Nature conservation designations continued

Development(s) and/or activities that affect a SSSI or Geological Conservation Review (GCR) site will only be permitted where (for SSSIs) the objectives of designation and overall integrity of the area, or (for GCR sites) the reasons for selection, will not be compromised, or where significant adverse effects on the qualities for which the area has been designated/selected are clearly outweighed by social, environmental or economic benefits of national importance.

### **Locally designated sites**

Development(s) and/or activities that affect a Local Nature Conservation Site (LNCS) or Local Nature Reserve (LNR) will only be permitted where it can be demonstrated to the satisfaction of the consenting authority that any significant adverse impact on the integrity of the site, or the qualities for which it has been designated, have been appropriately addressed or mitigated or any such impact is clearly outweighed by social, environmental or economic benefits and there is no satisfactory alternative.

In addition, in all cases where development(s) and/or activities affecting a nature conservation site can be consented, satisfactory mitigation measures will be required to minimise any potential adverse impacts during the construction, lifetime and decommissioning of the development(s) and/or activities.

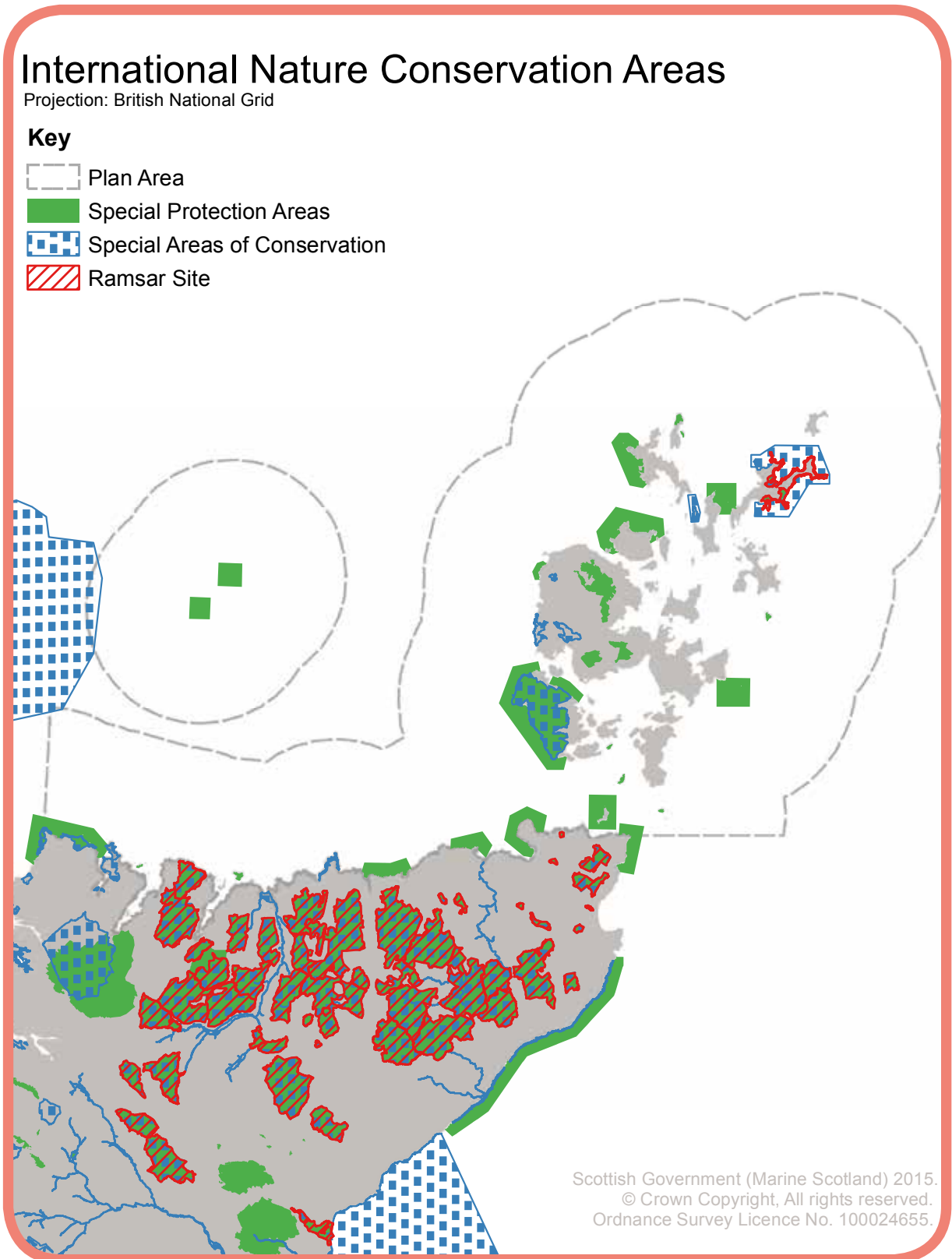
Where the impact of development(s) and/or activities on an international, national or local natural heritage resource are uncertain, but there are good scientific grounds that significant irreversible damage could occur, the precautionary principle will apply.

### **Justification**

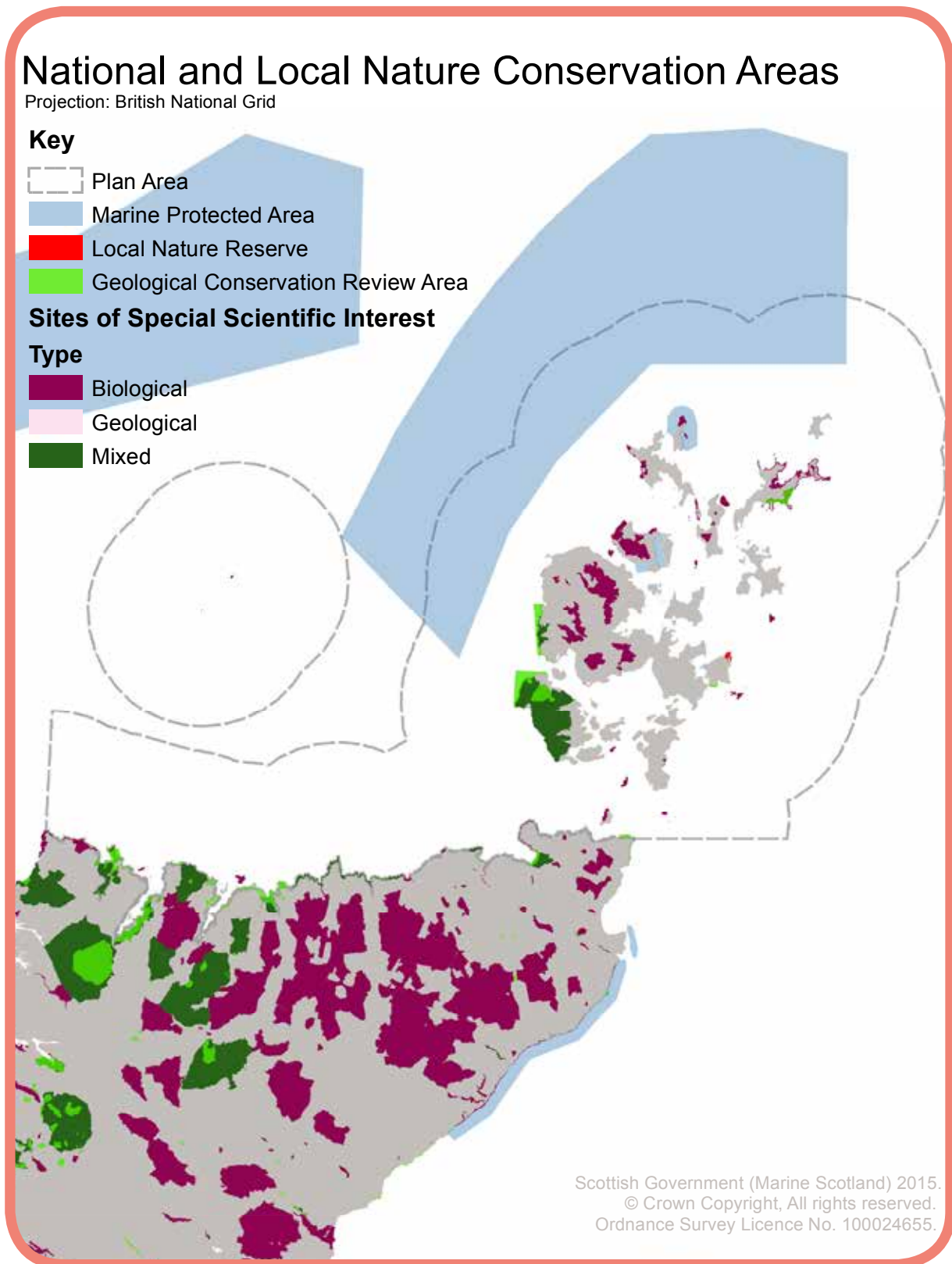
**173** There is a statutory requirement to protect designated sites from inappropriate development.

### **Supporting spatial information**

**174** The supporting spatial information identifies the location of the nature conservation designations within the Plan area. Nature conservation designations that straddle the Plan's terrestrial boundary (mean high water springs) are also identified.



**Map 2: Nature conservation areas established under international legislation in the Pentland Firth and Orkney Waters area including Special Protection Area, Special Area of Conservation and Ramsar sites.**



**Map 3: Nature conservation areas established under national and local legislation in the Pentland Firth and Orkney Waters area including Marine Protected Areas, Sites of Special Scientific Interest (including Geological Conservation Review Areas) and Local Nature Reserves.**



## Future considerations

**175** The continued protection of designated sites should help ensure that the natural assets they contain are safeguarded for the future. As new research and information becomes available, the subsequent regional marine plans can be updated.

## Further information

### **<sup>1</sup> Draft MPA Management Handbook**

<http://www.gov.scot/Topics/marine/marine-environment/mpanetwork/engagement/ManagementHandbook>

### **<sup>2</sup> Orkney Natural Heritage Supplementary Guidance**

[http://www.orkney.gov.uk/Files/Planning/Development-and-Marine-Planning/Related-Planning-to-2014/Natural\\_Heritage\\_SG.pdf](http://www.orkney.gov.uk/Files/Planning/Development-and-Marine-Planning/Related-Planning-to-2014/Natural_Heritage_SG.pdf)

### **A Strategy for Marine Nature Conservation in Scotland's Seas (2011)**

<http://www.gov.scot/Topics/marine/marine-environment/Conservationstrategy/marineconstrategy>

### **Scottish Natural Heritage: Protected Areas**

<http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/>

### **Scottish Natural Heritage: Sitelink**

<http://gateway.snh.gov.uk/sitelink/>

### **Orkney Local Development Plan**

<http://www.orkney.gov.uk/Service-Directory/O/Orkney-Local-Development-Plan.htm>

### **Caithness and Sutherland Local Development Plan**

[http://www.highland.gov.uk/info/178/local\\_and\\_statutory\\_development\\_plans/283/caithness\\_and\\_sutherland\\_local\\_development\\_plan](http://www.highland.gov.uk/info/178/local_and_statutory_development_plans/283/caithness_and_sutherland_local_development_plan)

### **Orkney Islands Council policy principles on new national or international environmental, natural heritage or marine related designations**

<http://www.orkney.gov.uk/Council/C/general-meeting---3-march-2015.htm>

(Click on the minute of the 3 March 2015 General Meeting of the Council in the Related Downloads column, policy principles are presented at Item 8.2.1).



## GENERAL POLICY 4B: PROTECTED SPECIES

### Background and context

**176** While some species are protected within or through association with designated sites (see General Policy 4A: *Nature conservation designations*), other species are protected wherever they occur, with different levels of protection afforded depending on the legislative mechanism. The potential for impacts upon a legally-protected species is an important consideration, requiring steps to establish their presence, assess the potential impacts and apply any appropriate mitigation and or licensing.

### Key legislation and policy guidance

**177** Some marine species, including many seabirds, have protection under the Wildlife and Countryside Act 1981<sup>1</sup> and the EU Birds Directive<sup>2</sup>, whilst other endangered species are classed as European Protected Species. Of particular relevance in the PFOW, all cetacean species, marine turtles and otters are given protection under the Conservation (Natural Habitats, &c.) Regulations 1994<sup>3</sup> (as amended) as European Protected Species. As these are mobile species, particular care is required when any development may impact on their migratory routes or key feeding or breeding areas, as the animals are unlikely to be present all year round. Depending on the activity, a licence is required from either Marine Scotland or SNH, if the animals are likely to be injured or disturbed.

#### Information Box 8

##### Seal conservation areas and haul-out sites

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.

**178** The Marine (Scotland) Act 2010 makes specific provision for the conservation of seals. However, to protect the health and welfare of farmed fish, Scottish Ministers may grant a licence authorising the killing or taking of seals, once all other deterrent options have proven unsuccessful.

**179** The Wildlife and Natural Environment Act (WANE) 2011<sup>4</sup>, among other things, amends the provisions for basking sharks under the Wildlife and Countryside Act 1981 by providing for a licensing requirement. It also affords greater protection to wild birds, creates a new regime for regulating invasive and non-native species (see General Policy 9: *Invasive non-native species*) and makes changes to the protected species licensing. Although under domestic rather than European legislation, the requirements are very similar to those for European Protected Species. In addition, the Sharks, Skates and Rays (Prohibition of fishing, landing, and transshipment) Order 2012<sup>5</sup>, offers protection to these species, which is relevant to recreational anglers as well as commercial fishing.

## Current status

**180** Data from the Marine Atlas shows the overall status of protected species in the north Scotland coast is not positive, with concerns regarding most mapped species. Whilst the distribution of some protected species may be reasonably well understood, there may be a lack of knowledge on, for example, species ecology or behaviour. The main issues are assessed in the Strategic Environmental Assessment and discussed in the accompanying Sustainability Appraisal.

## Pressures

**181** The pressures on protected species include changes in their environment due to climate change and fishing and disturbance from increasing development of marine areas. Some species will be particularly vulnerable to competition from invasive non-native species (see General Policy 9: *Invasive non-native species*), which may lead to competition for food resources or habitat.

### General Policy 4B: Protected species

The Plan will not support development(s) and/or activities that would be likely to have an adverse effect on a European Protected Species unless the relevant consenting or planning authority is satisfied:

- there is no satisfactory alternative;
- the development(s) and/or activities are required for preserving public health or public safety or there are other imperative reasons of overriding public interest; and
- the development(s) and/or activities would not be detrimental to the maintenance of the population of a European Protected Species concerned at a favourable conservation status in its natural range.

Where the impacts of development(s) and/or activities on an internationally or nationally protected species are uncertain, but there are good scientific grounds that significant irreversible damage could occur, the precautionary principle will apply.

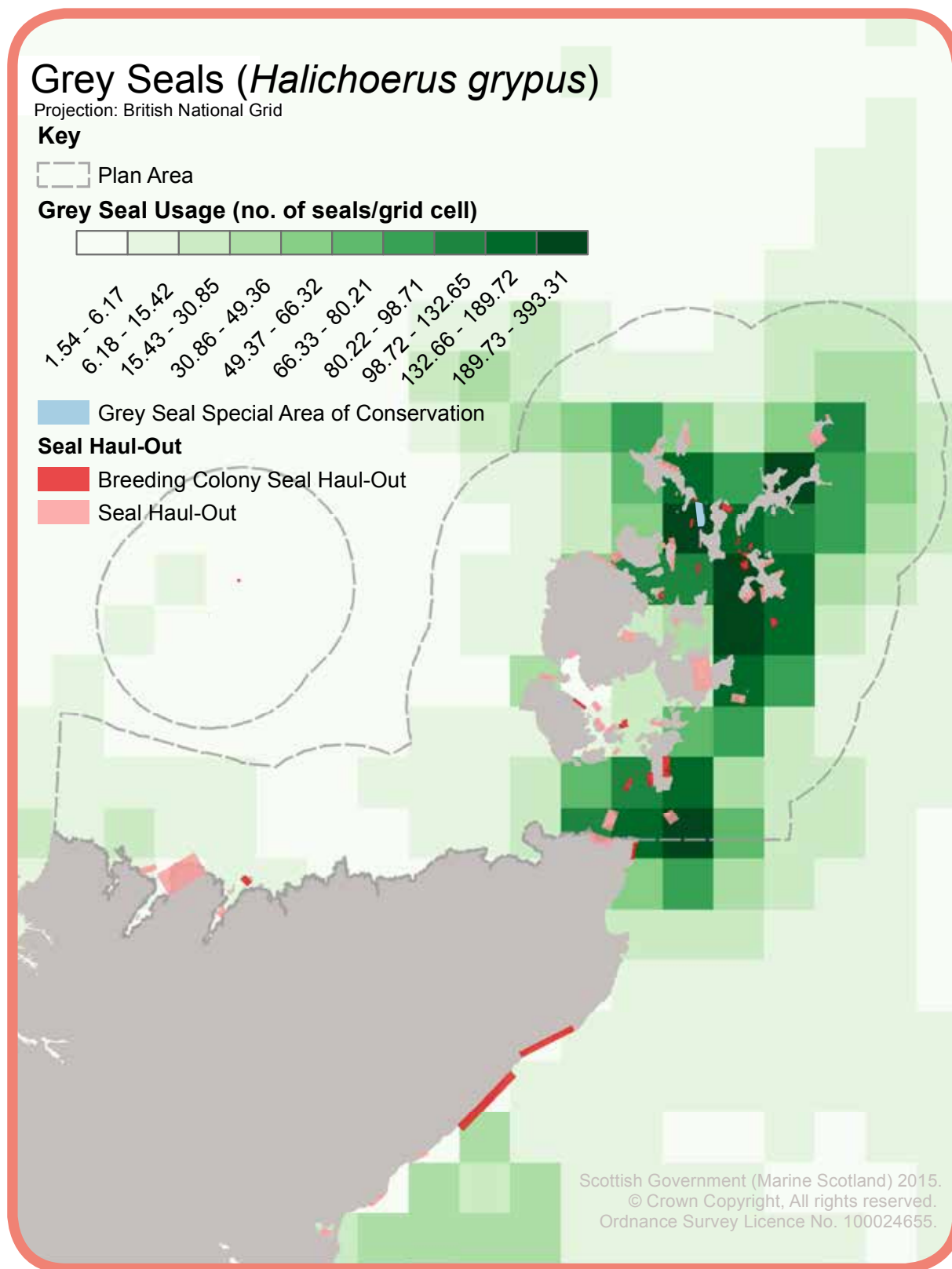
Development(s) and/or activities will only be permitted where they comply with any licence granted by the appropriate authority required for the purpose of species protection.

Development(s) and/or activities likely to have an adverse effect on other species protected under current wildlife legislation, individually and/or cumulatively will only be permitted if those effects can be mitigated to the satisfaction of the relevant consenting or planning authority, or if they are satisfied that legislative requirements to proceed can be met.

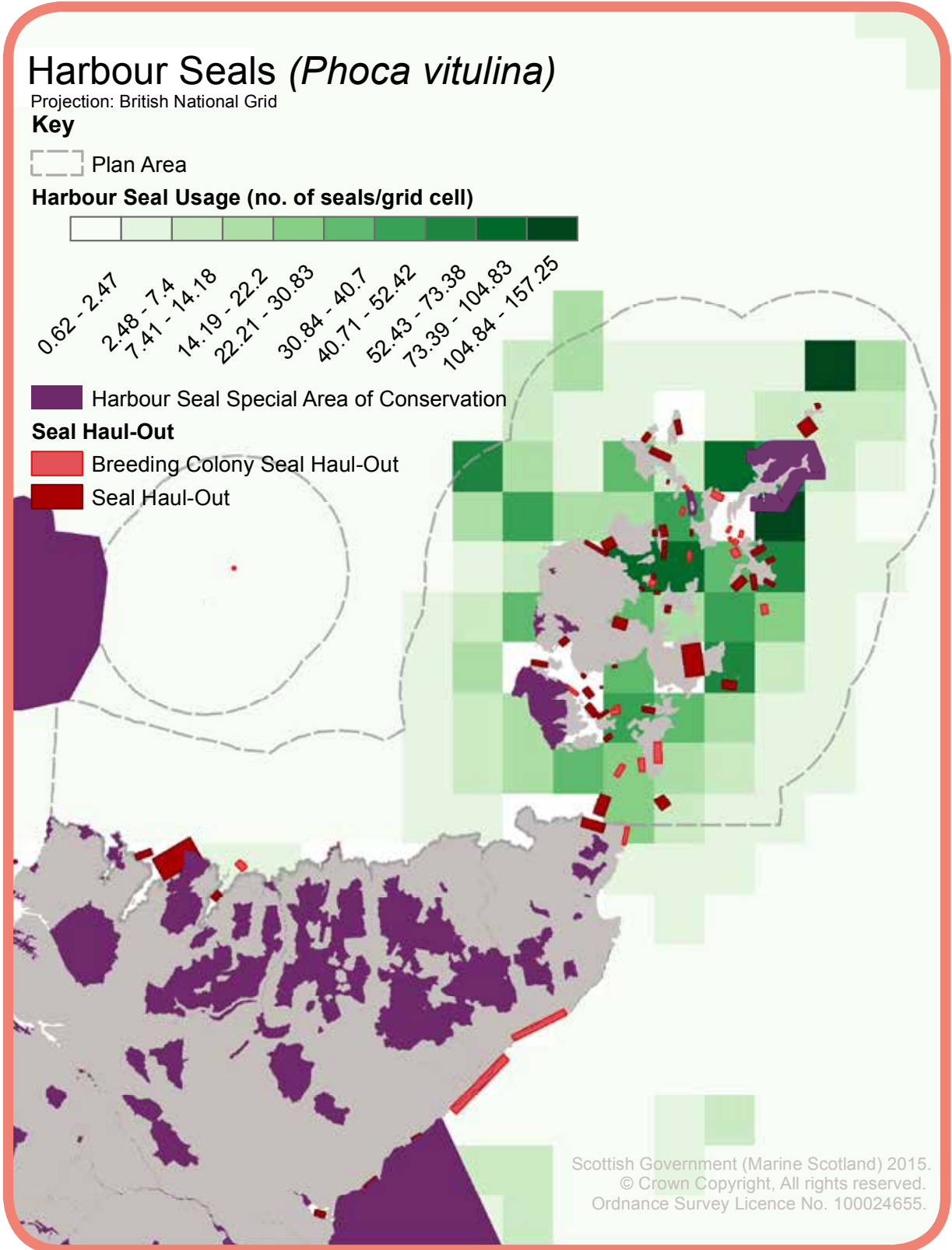
## Justification

**182** There is a statutory requirement to protect protected species from inappropriate development.

## Supporting spatial information



**Map 4: Grey seal ‘usage’ and haul-out sites. Grey seal ‘usage’ has been calculated by scaling the patterns recorded by electronically-tagged seals to the population level. Population levels have been calculated by aerial survey at seal haul-out sites. Data calculated by the Sea Mammal Research Unit.**



**Map 5: Harbour seal ‘usage’ and haul-out sites. Harbour seal ‘usage’ has been calculated by scaling the patterns recorded by electronically-tagged seals to the population level. Population levels have been calculated by aerial survey at seal haul-out sites. Data calculated by the Sea Mammal Research Unit.**

## Future considerations

**183** Subsequent regional marine plans will provide continued support for protected species. The evolving MPA process should help show in due course how effectively protection measures are working.

## Further information

### **<sup>1</sup> Wildlife and Countryside Act 1981**

<http://www.legislation.gov.uk/ukpga/1981/69/contents>

### **<sup>2</sup> EU Birds Directive**

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009L0147>

### **<sup>3</sup> The Conservation (Natural Habitats &c.) Regulations 1994**

<http://www.legislation.gov.uk/uksi/1994/2716/contents/made>

### **<sup>4</sup> The Wildlife and Natural Environment Act (WANE) 2011**

<http://www.legislation.gov.uk/asp/2011/6/contents>

### **<sup>5</sup> The Sharks, Skates and Rays (Prohibition of fishing, landing and transshipment) Order 2012**

<http://www.legislation.gov.uk/ssi/2012/63/contents/made>

### **Marine Strategy Framework Directive**

<http://www.msfd.eu/>

### **Protected Species**

<http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/>

### **Scottish Natural Heritage Seal Protection Guidance**

<http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/which-and-how/mammals/seal-protection/>

### **Marine Protected Areas**

<http://www.gov.scot/Topics/marine/marine-environment/mpanetwork>

### **Marine Mammal Research**

<http://www.gov.scot/Resource/0043/00433252.pdf>

### **National Biodiversity Network**

<http://www.nbn.org.uk/>

### **Seal Haul-Out Maps**

<http://www.gov.scot/Topics/marine/marine-environment/species/19887/20814/maps>

## GENERAL POLICY 4C: WIDER BIODIVERSITY

### Background and context

**184** Biodiversity includes all living things and their habitats. Whilst some species and habitats have specific protection, as discussed in the policies above, the rest of biodiversity forms the bulk of the ecological interests in the PFOW area. This local biodiversity is important as it underpins the distinctive characteristics of the region.

**185** The various broad habitat types support specific communities of species. For example, a sandy beach will support an array of marine worms and crustaceans whilst the marine water column will have a diverse mix of plankton, crabs and fish, amongst other species. Many of these species are interdependent on each other in complex food webs and habitat requirements at different stages of their life-cycle development.

#### Information Box 9

#### Priority Marine Feature: Serpulid aggregations

*(Serpula vermiculari)*

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 Priority Marine Feature because they provide a habitat for a wide variety of other marine creatures such as sponges, sea squirts, spider crabs and starfish.

**186** General Policies 4A *Nature conservation designations* and 4B *Protected species* addressed designated sites and protected species, respectively. The Priority Marine Features (PMF) list<sup>1</sup>, adopted by Scottish Ministers in summer 2014, is relevant to these in that subsets of the PMF list are also either protected features of Marine Protected Areas, and/or legally protected species (e.g. cetaceans). In other circumstances, and of relevance to this policy, PMFs should be considered as 'wider biodiversity' of recognised importance. Other biodiversity interests may also be regionally or locally relevant, and a general biodiversity duty applies to all public bodies, but the PMF list provides a focus for conservation efforts across Scottish waters.



## Key legislation and policy guidance

**187** Wildlife and Countryside Act 1981 (as amended)<sup>2</sup> protects many species in Scotland. In addition, elements of wider biodiversity have some statutory protection under what is generally termed the ‘Biodiversity Duty’ of the Nature Conservation (Scotland) Act 2004<sup>3</sup>. This places a duty on every public body and office-holder to “further the conservation of biodiversity so far as is consistent with the proper exercise of those functions”. This duty is supported by the Scottish Biodiversity Strategy (2004)<sup>4</sup> and the subsequent 2020 Challenge for Scotland’s Biodiversity (2013)<sup>5</sup>, both of which contain marine chapters.

**188** The UK Biodiversity Action Plan<sup>6</sup> list identifies species and habitats that are conservation priorities in the UK. The Scottish Biodiversity List<sup>7</sup> is a list of animals, plants and habitats that Scottish Ministers consider to be of principal importance for biodiversity conservation in Scotland. The purpose of the list is to help public bodies carry out their Biodiversity Duty by identifying the species and habitats which are the highest priority for biodiversity conservation in Scotland. The formation of the Scottish Priority Marine Features list has considered these and other lists (e.g. IUCN red list) to identify habitats and species considered to be particular marine nature conservation priorities in Scottish waters.

**189** At a more local level, Orkney, Caithness and Sutherland each have Local Biodiversity Action Plans that support actions to protect the marine or coastal environment.

### Information Box 10

#### Wild salmonids

##### **Salmon (*Salmo salar*)**

An objective of the National Marine Plan is to maintain healthy salmon (and diadromous fish) stocks. This, therefore, requires effective management of both marine and freshwaters, i.e. an integrated approach. In the freshwater environment, some rivers are designated as a Special Area of Conservation (SAC) to protect salmon in the freshwater part of their life-cycle. To complement this, salmon are now designated as a Priority Marine Feature for the marine part of their life-cycle.

##### **Trout (*Salmo trutta*)**

The sea trout is a brown trout that migrates to the sea for a part of its life cycle, returning to freshwater burns to spawn. During its sea phase, it tends to transit close to the shore. Sea trout is a Priority Species in the UK Biodiversity Action Plan list, the Scottish Biodiversity List and is a Priority Marine Feature.

## Current status

**190** Some areas of the PFOW coastal and marine habitats are relatively undisturbed, offering refuge to a variety of species. Data on the status of species not covered by international or national designations are harder to determine as survey coverage is often poor or infrequent. However, some groups of animals such as seabirds are relatively well studied and new developments, such as marine renewable energy proposals, are required to undertake various surveys prior to commencement which will provide additional data.

## Pressures

**191** The pressures on wider biodiversity are not always easy to define as many of the species and habitats have no formal monitoring mechanism. However, it is likely that they will be similar to those of General Policy 4B: *Protected species* above, e.g. climate change, fishing.

### General Policy 4C: Wider biodiversity

The Plan will not support development(s) and/or activities that result in a significant impact on the national status of Priority Marine Features.

Where development(s) and/or activities are likely to have an adverse impact on species of regional or local importance to biodiversity, proposals should demonstrate that:

- the public benefits at a local level clearly outweigh the value of the habitat for biodiversity conservation;
- the development(s) and/or activities will be sited and designed to minimise adverse impacts on environmental quality, ecological status or viability; and
- any impact will be suitably mitigated.

## Justification

**192** This policy gives protection to habitats and species even when they are not associated with specifically-designated nature conservation sites. It promotes enhancement measures for local biodiversity and ecosystem function. It therefore ensures the Plan contributes to meeting the Biodiversity Duty as required under the Nature Conservation (Scotland) Act 2004.

## Supporting spatial information

**193** This policy is not supported by specific spatial information.



## Future considerations

**194** Subsequent regional marine plans will be able to provide more detailed information on local biodiversity as ongoing research data becomes available. This may include identification of species (and habitats) that could be considered to be of regional or local importance.

## Further information

### **<sup>1</sup> Priority Marine Features**

<http://www.snh.gov.uk/protecting-scotlands-nature/priority-marine-features/priority-marine-features/>

### **<sup>2</sup> Wildlife and Countryside Act 1981 (as amended in Scotland)**

<http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/legal-framework/wca-1981/>

### **<sup>3</sup> Nature Conservation (Scotland) Act 2004**

<http://www.legislation.gov.uk/asp/2004/6/contents>

### **<sup>4</sup> Scottish Biodiversity Strategy**

<http://gov.scot/Publications/2004/05/19366/37250>

### **<sup>5</sup> 2020 Challenge for Scotland's Biodiversity**

<http://www.gov.scot/Publications/2013/06/5538/downloads#res425276>

### **<sup>6</sup> The UK Biodiversity Action Plan**

<http://jncc.defra.gov.uk/ukbap>

### **<sup>7</sup> Scottish Biodiversity List**

<http://www.gov.scot/Topics/Environment/Wildlife-Habitats/16118/Biodiversitylist/SBL>

### **Orkney Local Biodiversity Action Plan**

<http://www.orkney.gov.uk/Service-Directory/L/Local-Biodiversity-Plan.htm>

### **Caithness Local Biodiversity Action Plan**

<http://www.caithnessbiodiversity.org.uk/>

### **Sutherland Local Biodiversity Action Plan**

<http://www.sutherlandpartnership.org.uk/Sutherland-Partnership-Biodiversity-Group-g.asp>

## GENERAL POLICY 4D: LANDSCAPE AND SEASCAPE

### Background and context

**195** The Plan area features a wide range of landscapes and seascapes, which are fundamental elements of people's enjoyment of the coastal and marine environment. The quality of this coastal landscape has been recognised by national and local designations. The National Scenic Area (NSA) in Orkney (Hoy and West Mainland) and along the north coast of Scotland (Kyle of Tongue) both recognise the outstanding scenic and landscape value of the area as a national resource to be protected and managed. In both areas the value of the coastal character is intrinsic to many of the Special Qualities of the NSA. Specifically in Orkney, the unique coastal character contributes to the Location Specific Qualities of the setting to Stromness. On a local level, Highland Council has five Special Landscape Areas in the PFOW area. The setting of the Heart of Neolithic Orkney World Heritage Site provides essential context for the site.

### Key legislation and policy guidance

**196** The recently completed wildness mapping by Scottish Natural Heritage (SNH) has identified a series of Wild Land Areas (WLA)<sup>1</sup>, which display consistently strong physical and perceptual attributes of wildness. The high sensitivity of this important resource is established through Scottish Planning Policy. WLA 41 Hoy centres on the central upland area of Hoy comprising Knap of Trowieglan and Withl Gill, extending west to incorporate the dramatic cliff coastline extending south between Rackwick and Little Rackwick. Along the north coast landscapes of Scotland, of the four WLAs that are defined in varying proximity to the coast: WLA 37 Foinaven – Ben Hee and WLA 40 Cape Wrath both have a coastal component. Citations with detailed descriptions and sensitivities for each WLA are currently being drafted by SNH.

**197** The Scottish Government is committed to implementing the principles of the European Landscape Convention, which applies an 'all landscapes approach' and although it does not specifically define seascape this should be taken as meaning 'landscapes with views of the coast or sea and the adjacent marine environment with cultural, historical and archaeological links to each other'.

### Current status

**198** For the PFOW area the landscape and coastal character are assessed at a regional scale within the Orkney landscape character assessment (1988)<sup>2</sup> and Caithness and Sutherland landscape character assessment (1998)<sup>3</sup> reports. These studies identify a series of landscape character types and island character areas, providing descriptions with a consideration of pressures for change and management guidance. This characterisation work can be used as an initial baseline to inform judgements on the capacity for the existing landscape and seascape to accommodate new development proposals which should be assessed for every proposed development. It should be noted that landscape and seascape can be perceived from the sea as well as from the land, e.g. from ferries, fishing boats, cruise liners and recreational vessels.

**199** Established professional methodologies exist for the assessment of coastal character, landscape/seascape and visual impact assessment, and assessment of impact on national resources including the NSAs and WLAs.

## **Pressures**

**200** Development or use of the marine environment is not precluded but should take account of the effects on landscape, seascape and visual impacts, all of which will vary according to the type of activity, its location and its setting and any established sensitivities.

**201** Landscape and seascape can be sensitive to inappropriate development and consenting authorities should ensure the potential effect, including the cumulative effect, of developments are considered when deciding planning applications, works licences and marine licences. Landscape and seascapes should be protected and managed from incremental change and developments that are inappropriate in both the type and siting of the development as well as aspect of scale and design.

### **General Policy 4D: Landscape and seascape**

The siting and design of any proposed development(s) and/or activities should demonstrate how the proposal takes into account visual impact and existing character and quality of landscape and seascape.

Development(s) and/or activities that affect National Scenic Areas (NSAs) and Special Landscape Areas (SLAs) should only be permitted where:

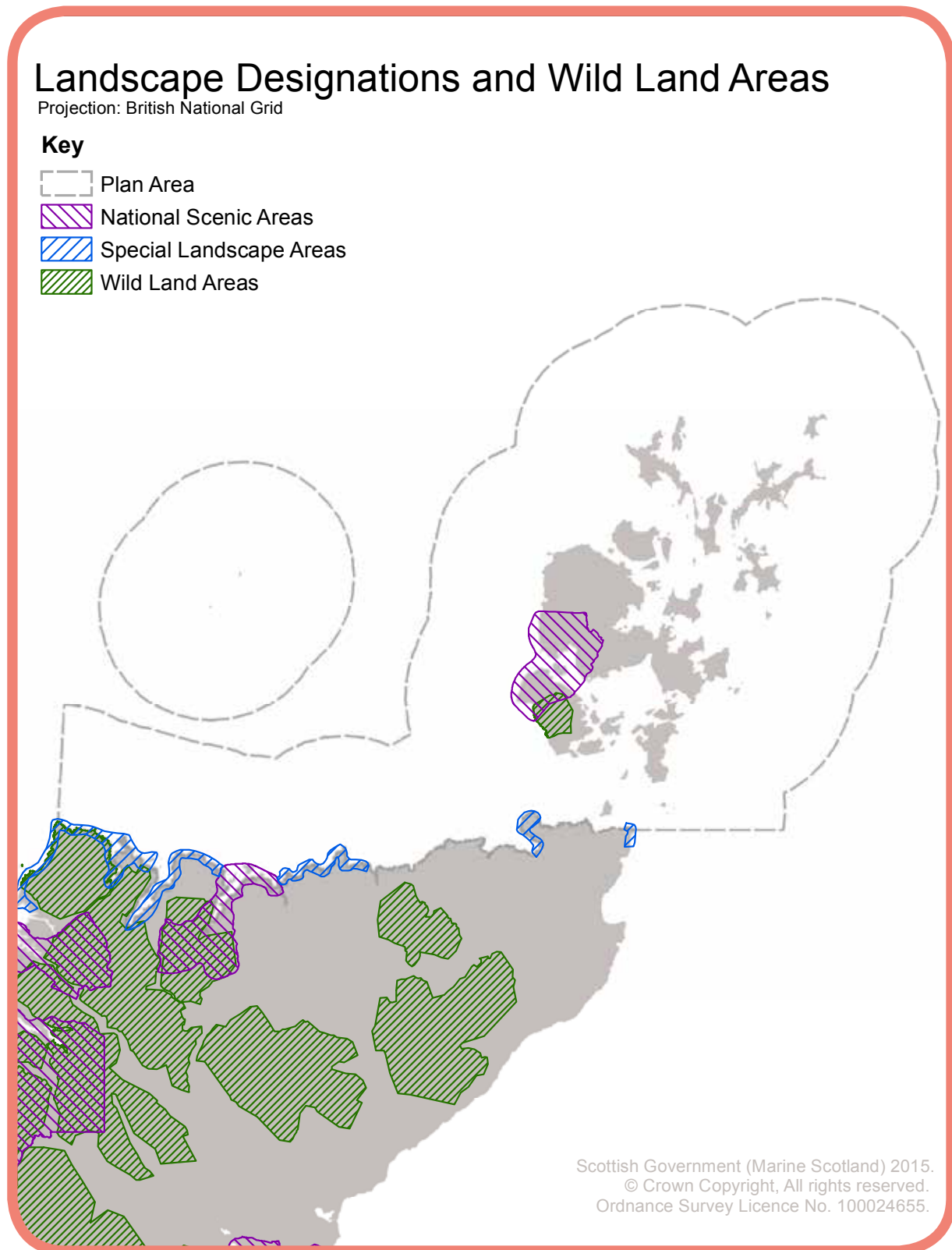
- they will not adversely affect the integrity of the area or its special qualities for which it has been designated; or
- any significant adverse effects are clearly outweighed by social, environmental or economic benefits of national importance for NSAs and local importance for SLAs.

Scottish Planning Policy should be considered in both the planning and decision-making stages.

## Justification

**202** Landscape and seascape change is inescapable. The recognition of this often highly sensitive and valuable resource is translated into this policy, which aims to maintain and enhance the distinctive character in Orkney and the north Caithness and Sutherland coast, whilst facilitating positive change. Different landscapes and seascapes will have differing capacities to accommodate new development and the siting and design of development should be informed by local landscape and coastal character. Some of the most sensitive areas may have little or no capacity to accept new development and should be protected from inappropriate development. Careful planning and design should encourage innovative positive development, whilst avoiding or minimising adverse effects.

## Supporting spatial information



**Map 6: Protected areas designated for their special landscape value and nationally important Wild Land areas.**

## Future considerations

**203** Consideration will need to be given to managing potential landscape/ seascape and visual impacts of commercial development of marine renewables and associated onshore infrastructure, such as sub-stations, both in terms of the scale and magnitude of change. Cumulative impacts, both within similar developments and between different types of development and those arising across the land/sea boundary (for example multiple sub-station developments associated with offshore renewables, onshore renewables and grid infrastructure upgrades) will need to be managed. Effective communication between different consenting authorities and organisations will be key to this. The impact of design in managing landscape/ seascape and visual impacts and associated potential conflicts between sectors should also be taken into account.

**204** There will be ongoing lessons learned as new industries such as marine renewables develop and it is important that marine planning takes into account the ongoing professional development of methodologies for coastal and seascape characterisation and assessment. Of most direct relevance to this pilot Plan it should be noted that SNH's draft Coastal Character Assessment Methodology is about to go out for consultation.

## Further information

### <sup>1</sup> SNH Wild Land Area Map

<http://www.snh.gov.uk/protecting-scotlands-nature/looking-after-landscapes/landscape-policy-and-guidance/wild-land/mapping/>

<sup>2</sup> Land Use Consultants 1988. Orkney landscape character assessment. Scottish Natural Heritage Review No. 100.

<sup>3</sup> Stanton, C. 1998 Caithness and Sutherland landscape character assessment. Scottish Natural heritage review No. 103.

## Local Development Plans and Supplementary Guidance

### Highland:

[http://www.highland.gov.uk/info/178/local\\_and\\_statutory\\_development\\_plans/199/highland-wide\\_local\\_development\\_plan](http://www.highland.gov.uk/info/178/local_and_statutory_development_plans/199/highland-wide_local_development_plan)

### Orkney:

<http://www.orkney.gov.uk/Service-Directory/O/Orkney-Local-Development-Plan.htm>

### Scottish Planning Policy

<http://www.gov.scot/Publications/2014/06/5823>

### Institute of Environmental Management and Assessment (IEMA) and Landscape Institute – Guidelines for Landscape and Visual Impact Assessment

<http://www.iema.net/news/glvia3-guidelines-now-available>

**Scottish Natural Heritage and the Countryside Agency – Guidance for Landscape Character Assessment**

<http://www.snh.org.uk/ww0/sharinggoodpractice/CCI/cci/guidance/Main/Content.htm>

**Scottish Natural Heritage – Information and Guidance**

<http://www.snh.gov.uk/protecting-scotlands-nature/looking-after-landscapes/>

**Scottish Natural Heritage Guidance on Landscape and Seascape and Siting of Marine Aquaculture Developments**

<http://www.snh.gov.uk/protecting-scotlands-nature/looking-after-landscapes/landscape-policy-and-guidance/landscape-planning-and-development/landscape-and-aquaculture/>

## GENERAL POLICY 4E: GEODIVERSITY

### Background and context

**205** The PFW area is particularly rich in geodiversity. It comprises a variety of landscape and seabed features that contribute to our valued natural heritage resources. Its geological heritage is of significant scientific quality, which is of great educational value. It is also of particular importance in terms of its rarity and aesthetic appeal.

**206** Geodiversity provides services such as freshwater and mineral resources; it helps regulate the climate and contributes to carbon sequestration and soil formation. It is therefore a key component of our marine and coastal ecosystems.

#### Information Box 11

**Geodiversity** is defined as a variety of geological environments, phenomena and processes that make those landscapes, rocks, minerals and soils, which in turn provide the framework for biodiversity. World class examples of geodiversity can be found in the North West Highlands Geopark.

### Key legislation and policy guidance

**207** Scotland's Geodiversity Charter<sup>1</sup> sets out why geodiversity is important, and presents a vision that geodiversity is recognised as an integral and vital part of our environment, economy, heritage and future sustainability to be safeguarded for existing and future generations in Scotland.

### Current status

**208** Orkney and northern Caithness are largely made up of beds of siltstone and sandstone. These were laid down around 370 million years ago during the Devonian Age when the area was part of a vast freshwater lake and is therefore particularly rich in fish fossils. The whole of Sutherland is rich in geological variety, with rock formations spanning over 2,800 million years. North Sutherland is mainly composed of relatively soft schist and granulite, interspersed with harder rock masses. A number of designated sites such as Marine Protected Areas, Sites of Special Scientific Interest and Geological Conservation Review sites include geological interests (see Map 3 and NMPi).

**209** Highland Council is a signatory to the Geodiversity Charter and supports the work of the North West Highlands Geopark.



## Pressures

**210** The pressures on marine geodiversity can be from developments such as cable laying, oil and gas developments and onshore elements of renewable energy developments. Climate change and sea-level rise can also erode geological features.

### General Policy 4E: Geodiversity

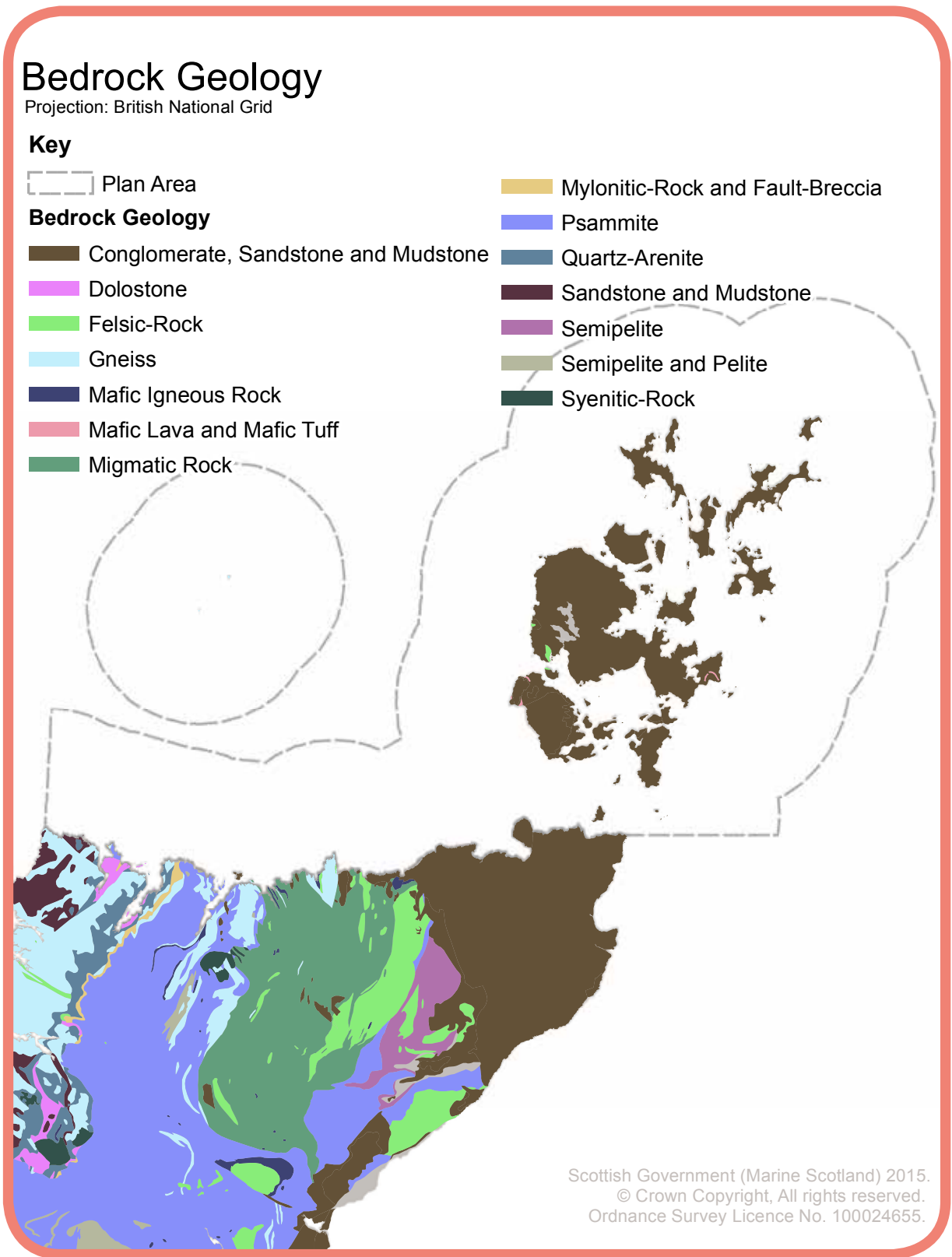
Development and/or activities will only be supported by this Plan where they:

- do not have a significant adverse effect on geodiversity interests of international, national and regional/local importance;
- provide mitigation to minimise any adverse effects on such features.

## Justification

**211** Geodiversity contributes to a variety of essential provisioning services, e.g. water circulation and habitat for species, therefore its protection underpins most marine development and activities.

## Supporting spatial information



Map 7: Bedrock geology of the Pentland Firth and Orkney Waters area.











## Seabed Habitat

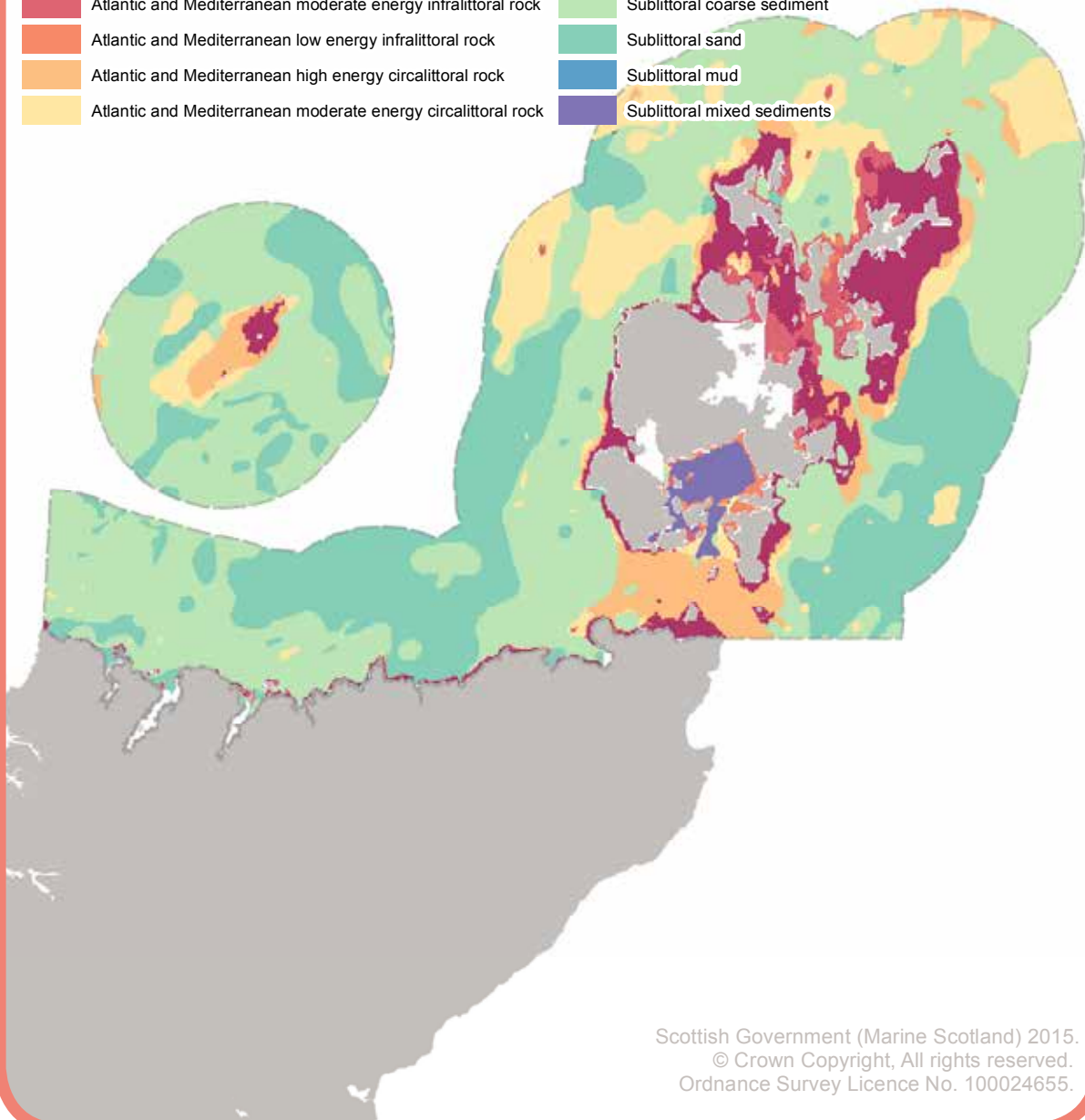
Projection: British National Grid

### Key

 Plan Area

### Seabed Habitat Type

	Atlantic and Mediterranean high energy infralittoral rock		Atlantic and Mediterranean low energy circalittoral rock
	Atlantic and Mediterranean moderate energy infralittoral rock		Sublittoral coarse sediment
	Atlantic and Mediterranean low energy infralittoral rock		Sublittoral sand
	Atlantic and Mediterranean high energy circalittoral rock		Sublittoral mud
	Atlantic and Mediterranean moderate energy circalittoral rock		Sublittoral mixed sediments



**Map 8: Seabed habitat in the Pentland Firth and Orkney Waters Plan area. Seabed habitats are classified according to the European Nature Information System (EUNIS) habitat classification system.**

## Future considerations

**212** Issues such as climate change and changing priorities may alter the approaches taken to protect geodiversity.

## Further information

### **<sup>1</sup> Scotland's Geodiversity Charter**

<http://scottishgeodiversityforum.org/charter/>

### **NW Highlands Geopark Geodiversity Audit and Action Plan 2013-2016**

[www.nwhgeopark.com/wp-content/uploads/GeodiversityAuditFinal.pdf](http://www.nwhgeopark.com/wp-content/uploads/GeodiversityAuditFinal.pdf)

### **NW Sutherland Local Geodiversity Action Plan**

<http://www.sutherlandpartnership.org.uk/Theme-5-Natural-resources-g.asp>

### **Scotland's Geodiversity: Development of the Basis for a National Framework**

<http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=1735>

### **Assessing the Sensitivity of Geodiversity Features in Scotland's Seas to Pressures Associated With Human Activities**

<http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=2036>

## GENERAL POLICY 5A: WATER ENVIRONMENT

### Background and context

**213** The water environment (inland, coastal and marine) is an important asset that provides habitat to support wildlife and ecosystems. It is used as a resource for a wide range of activities such as fisheries, recreation, tourism, aquaculture and the energy industry.

**214** It is important that the water environment is protected to ensure that the ecological and environmental quality is maintained and, where possible, improved. This protection should enable continued, sustainable use for wildlife and the wide range of other activities that take place in the water environment.

### Key legislation and policy guidance

**215** There are a number of key pieces of legislation that aim to ensure the sustainable management and protection of inshore and offshore waters.

**216** The Water Framework Directive (WFD)<sup>1</sup> requires member states to achieve “good ecological status/potential” for all waters out 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 (RBMPs) for the Scotland and the Solway Tweed River Basin Districts in co-ordination with a wide range of organisations with interests in the water environment. The RBMPs set out how river basin planning will be implemented and timescales for implementation. Where improvements are likely to take longer, then extended objectives deadlines can be set over two further river-basin planning cycles, to 2021 and 2027. For those water bodies currently at good or better status then the objective is to prevent deterioration.

**217** The WFD was transposed into Scottish law by the Water Environment and Water Services (Scotland) Act (WEWS) 2003<sup>2</sup>. The Water Environment (Controlled Activities) (Scotland) Regulations 2011<sup>3</sup> provide a mechanism for obtaining authorisation to carry out certain activities which may affect Scotland’s water environment.

**218** The Marine Strategy Framework Directive (MSFD)<sup>4</sup> aims to achieve “good environmental status” (GES) in Europe’s seas by 2020. The Directive was transposed into Scottish law by the Marine Strategy Regulations 2010<sup>5</sup>. The MSFD assessments are carried out at subregion level, i.e. the Greater North Sea and the Celtic Seas. The MSFD and WFD overlap in coastal waters as the WFD extends out to 3 nautical miles and overlaps with MSFD in coastal waters. The MSFD includes coastal waters (as defined by WFD) and out to the extent of the UK jurisdiction.

## Information Box 12

### Water Framework Directive (WFD)

The objectives of the WFD are to prevent deterioration and promote improvements in the water environment, in order that all water bodies achieve Good Ecological Status by 2015. River Basin Management Plans have been produced to help meet the aims of the Directive.

**219** The Urban Waste Water Treatment Directive<sup>6</sup> sets out timetables for the implementation of appropriate treatment for sewage discharges which, for example, would require secondary treatment for all sizeable communities unless the discharge is to highly dispersive receiving waters.

**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 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>.

**221** The Water Environment (Shellfish Water Protected Areas: Designation) (Scotland) Order 2013<sup>10</sup> aims to improve the quality of water where shellfish grow. In Scotland, 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<sup>11</sup>. 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<sup>12</sup>. There are three Shellfish Water Protected Areas in the PFOW area (Bay of Firth, Kyle of Tongue and Loch Eriboll).

**222** 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 *Escherichia coli* monitoring which assist in determining the hygiene status of protected areas, where those areas have also been classified under food law by FSS.

## Current status

**223** Currently, all water bodies in the Plan area are at “good ecological status” and any development or use of the marine environment should not cause a deterioration in this status.

**224** The three Shellfish Water Protected Areas in the PFOW area have been sampled for compliance and all had an overall pass result for the years 2011-2013.

**225** The classification of shellfish harvesting areas can change and the most up-to-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.

**226** Work undertaken by Scottish Water aims to protect and enhance the water environment through the most cost-effective and sustainable approach. This work is underpinned by sound science and evidence to ensure that only measures resulting in a measurable environmental benefit are undertaken. Scottish Water note that the selection of shellfish harvesting sites should consider the location of sewage discharges and water quality information available from SEPA and FSS.

**227** There are European Commission designated Bathing Beaches at Dunnet Bay and Thurso<sup>13</sup>. In 2013, both these sites met the more stringent guideline quality standards set out in the Bathing Waters Directive and the standard of these beaches should be maintained and, where possible, improved.

## Pressures

**228** The water environment is used for a wide variety of purposes, not all of which are compatible, e.g. shellfish harvesting areas and waste water treatment and discharge. The use and treatment of water is subject to strict regulation and water quality has improved over time.

**229** The multiple uses of the water environment can cause issues, e.g. people taking part in water sports do not want the water to pose a risk to health. Careful planning is required to ensure that incompatible activities are not located in the same area, e.g. development of an incompatible activity near an established legitimate activity, such as a licensed discharge, may lead to requirements for enhanced levels of treatment above and beyond that agreed and set out in the licence.

### General Policy 5A: Water environment

The Plan will support development(s) and/or activities in the marine environment when the proposal:

- does not cause any water body to deteriorate in status nor prevent the achievement of established objectives set out in the River Basin Management Plan for the Scotland river basin district
- contributes, where possible, towards objectives to improve the ecological status of coastal water bodies and the environmental status of marine waters
- does not cause deterioration in the standard of waters designated under European Commission Directives and national legislation
- is accompanied by sufficient information to enable a full assessment of the likely effects, including cumulative effects, on the water environment
- has taken into account existing activities in the proposed location for development and undertaken early consultation to ensure that activities that may not be compatible (e.g. development of an incompatible activity near an established legitimate activity, such as a licensed discharge) are not located together

### Justification

**230** The water environment is a vital habitat that supports a wide range of wildlife and ecosystems and is also used for a wide variety of purposes that are not always compatible. The water environment is strictly regulated by a range of legislative requirements. However, careful planning is required to ensure that, whenever possible, incompatible activities are not located together.






## Supporting spatial information



### Water Environment

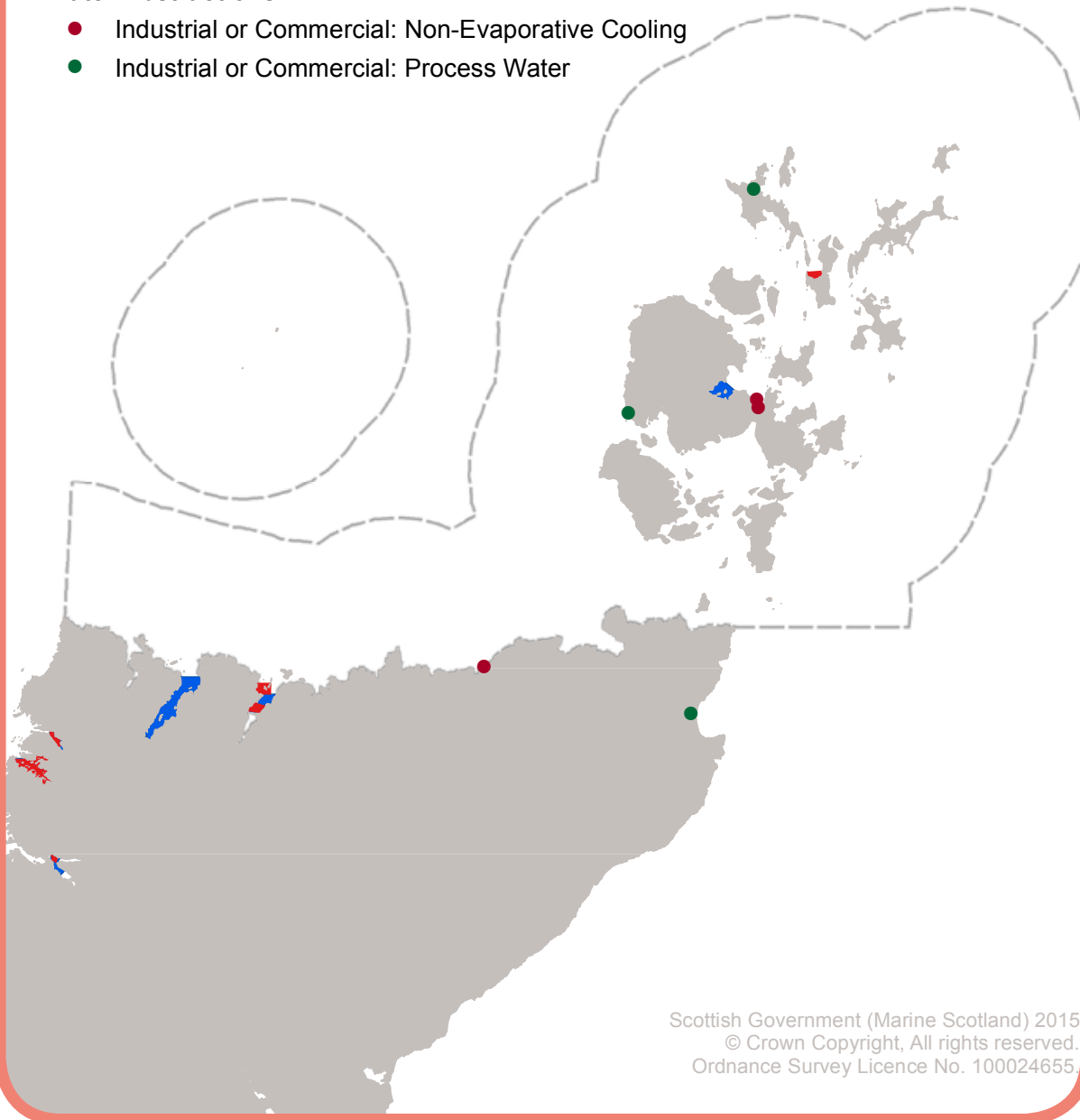
Projection: British National Grid

#### Key

-  Plan Area
-  Shellfish Harvesting Waters
-  Shellfish Water Protected Areas

#### Water Abstractions

-  Industrial or Commercial: Non-Evaporative Cooling
-  Industrial or Commercial: Process Water



**Map 9: The water environment in the Plan area showing designated shellfish areas and designated water abstractions.**

## Future considerations

**231** The use and treatment of water is subject to strict regulation and there are ongoing efforts to maintain and improve water quality. Future work on the WFD is expected to give more attention to transitional and coastal waters and this should be taken into account when developing regional marine plans.

## Further information

### **<sup>1</sup> Water Framework Directive**

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0060>

### **<sup>2</sup> Water Environment and Water Services (Scotland) Act (WEWS) 2003**

<http://www.legislation.gov.uk/asp/2003/3/contents>

### **<sup>3</sup> Water Environment (Controlled Activities) (Scotland) Regulations 2011**

<http://www.legislation.gov.uk/ssi/2011/209/contents/made>

### **<sup>4</sup> Marine Strategy Framework Directive**

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0056>

### **<sup>5</sup> Marine Strategy Regulations 2010**

<http://www.legislation.gov.uk/uksi/2010/1627/contents/made>

### **<sup>6</sup> Urban Waste Water Directive**

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31991L0271>

### **<sup>7</sup> Bathing Water Directive**

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32006L0007>

### **<sup>8</sup> The Bathing Waters (Scotland) Regulations 2008**

<http://www.legislation.gov.uk/ssi/2008/170/contents/made>

### **<sup>9</sup> Scottish Environment Protection Agency – Results of Bathing Water Sampling Programme**

<http://apps.sepa.org.uk/bathingwaters/Index.aspx>

### **<sup>10</sup> The Water Environment (Shellfish Water Protected Areas: Designation) (Scotland) Order 2013**

<http://www.legislation.gov.uk/ssi/2013/324/contents/made>

### **<sup>11</sup> Scotland River Basin District (Quality of Shellfish Water Protected Areas) (Scotland) Directions 2015**

<http://www.gov.scot/Publications/2015/03/8135/downloads>

### **<sup>12</sup> Water Environment (Shellfish Water Protected Areas: Environmental Objectives etc.) (Scotland) Regulations 2013**

<http://www.legislation.gov.uk/ssi/2013/325/contents/made>

### **<sup>13</sup> SEPA Bathing Water Reports**

[http://www.sepa.org.uk/media/143136/sepa\\_bathing\\_waters\\_2014-15\\_web.pdf](http://www.sepa.org.uk/media/143136/sepa_bathing_waters_2014-15_web.pdf)

### **SEPA Site Data for Shellfish Water Protected Areas**

<http://www.sepa.org.uk/environment/water/monitoring/protected-areas/shellfish-site-reports/>

## GENERAL POLICY 5B: COASTAL PROCESSES AND FLOODING

### Background and context

**232** The marine, and particularly coastal, environments are highly dynamic systems. There are strong connections between physical processes within the coastal zone and the management of flood and erosion risks. As a result, there are close links between climate change adaptation to manage the flooding and erosion effects of sea-level rise.

**233** Whilst this part of Scotland has experienced submergence for millennia, climate change projections suggest that future rates of sea-level rise in this part of Scotland may, in the coming decades, approach rates not experienced here for several thousand years. In addition, exposure to extreme weather and sea conditions means that a number of coastal settlements and other assets within the coastal zone are particularly vulnerable to coastal erosion and flooding. Sea levels are already rising in the PFOW area and the anticipated increased rate of rise is expected to cause more erosion and exacerbate the effects of storm surges and localised marine flooding.

**234** Coastal erosion is being recognised as an important issue in Scotland at both national and local levels. It mainly affects our soft shorelines and can have both negative and positive effects. It can lead to loss of land and increasing flooding risk, with significant economic and social costs. It also releases coastal sediment to augment the sediment supply to natural and man-made coastal defences and maintains important habitats. On much of the soft shoreline, natural landforms make up the coastal defences; they depend on this supply of sediment. On defended coasts, intertidal sediments enhance the resilience of these defences. Conflict arises when coastal erosion causes instability adjacent to assets which are (or are perceived to be) static or fixed.

### Key legislation and policy guidance

**235** Responsible authorities under the Flood Risk Management (Scotland) Act 2009<sup>1</sup> and the Water Environment and Water Services (Scotland) Act 2003<sup>2</sup> have a duty to manage flood risk. These responsibilities enable planning authorities to help meet the requirements of the Water Framework Directive<sup>3</sup>. Ensuring close co-ordination between physical works, such as defences or marine developments, in coastal areas and action to manage flood risk is essential.

### Information Box 13

#### Flood Risk Management Act 2009

The Flood Risk Management Act aims to reduce the adverse consequences of flooding on communities, the environment, cultural heritage and economic activity. It provides:

- a framework for coordination and cooperation between all organisations involved in flood-risk management
- assessment of flood risk and preparation of flood-risk management plans
- new responsibilities for Scottish Environment Protection Agency, Scottish Water and local authorities in relation to flood-risk management
- a revised, streamlined process for flood-protection schemes
- new methods to enable stakeholders and the public to contribute to managing flood risk
- a single enforcement authority for the safe operation of Scotland's reservoirs

**236** Coastal erosion and flood risk will be included in the strategic appraisal of flood-risk management measures that SEPA is carrying out under the Flood Risk Management Act. This appraisal will identify areas that have a significant risk of coastal flooding in accordance with the Flood Risk Framework in Scottish Planning Policy (2014).

**237** Scottish Planning Policy<sup>4</sup> sets the national framework for considering developments at risk of flooding. It promotes a precautionary approach to flood risk from all sources. It advocates flood avoidance, by safeguarding flood storage and conveying capacity, along with flood reduction measures, such as Sustainable Drainage Systems (SuDS). SEPA has produced indicative maps<sup>5</sup>, available on their website, which show areas that are potentially at risk from flooding.

**238** Development proposals that have the potential to alter the coast are also subject to screening under the Environmental Impact Assessment (Scotland) Regulations 1999<sup>6</sup> and the Marine Works (EIA) Regulations 2007<sup>7</sup> (as amended).

**239** Whilst acknowledging the link to erosion-induced flooding, areas which experienced coastal erosion in the past, and are expected to be susceptible to future erosion, are being investigated within the National Coastal Change Assessment (NCCA) (see below). The NCCA uses a similar approach as Shoreline Management Plans which will support this Plan and linked terrestrial plans (e.g. Local Development Plans) to consider management policies and approaches to encourage adaptation and enhance resilience.

**240** Locally, both the Orkney and Highland Local Development Plans have policies that support flood avoidance. In Orkney, a Strategic Flood Risk Assessment has been undertaken that supports the identification of flood-risk areas in more detail. In Highland, the Council has adopted supplementary guidance on flood risk that outlines how proposals that may be at risk of flooding, or cause flooding, will be considered. Development applications on the coast may require to be supported by a Flood Risk Assessment.

## **Current status**

**241** Around 12% of the Scottish coastline is recognised as in a state of erosion. Work has commenced on the National Coastal Change Assessment project, which focuses on erosion patterns in Scotland, including two pilot zones one of which will be in the PFOW area. This is an inter-agency research project to establish an evidence base to better enable sustainable development along our extensive coastal zone.

**242** In Orkney, almost a third of important archaeological sites are either being damaged by, or are at risk from, coastal erosion, and Sanday beach in Orkney has eroded significantly over the last few years. Buildings and gardens are under threat in Thurso Bay, and some coastal footpaths require ongoing monitoring and maintenance. Whilst natural landforms protect a large amount of assets, within more developed areas, seawalls and rock armour are often used to protect roads, paths and buildings from the effects of both erosion and flooding.

**243** Local authority plans have identified actions to alleviate flooding, including preparation of Flood Risk Management Plans. For example, there are proposals to redesign the Thurso boating pond to help manage flood events.

## **Pressures**

**244** Climate change poses the main risk to increased rates for erosion and flooding. Associated wind and wave conditions may prove particularly challenging for wave and tidal devices and aquaculture. New developments such as large areas of reclaimed land to increase harbour lay-down areas may contribute to coastal squeeze or changing sediment patterns. Parts of existing development and infrastructure may also be particularly vulnerable to erosion and flooding. Orkney's rich archaeological heritage is already under threat but the damage is likely to increase over the next few decades.

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

The Plan will support proposals for development and/or activities, including any linked shore-base requirements, that demonstrate, potentially by way of a flood risk assessment:

- compliance with Scottish Planning Policy
- that they will not exacerbate present or future risks of flooding or erosion
- that sensitive uses, such as accommodation, should generally not be located in areas shown to be at risk of flooding unless appropriate measures are in place
- how resilience and adaptation strategies have been incorporated within proposed developments over their lifetime to adapt to the effects of climate change, coastal erosion and coastal flooding

Any development must not compromise the objectives of the Flood Risk Management Act.

### Justification

**245** Responsible authorities have a duty to manage and reduce flood risk under the Flood Risk Management (Scotland) Act 2009 and the Water Environment and Water Services (Scotland) Act 2003.

### Supporting spatial information

**246** This policy is not supported by 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.

### Future considerations

**247** Over the next few generations, significant increased investment is likely to be required to manage the effects of coastal change and elevated sea levels. The new National Coastal Change Assessment project discussed above will make a significant contribution to our understanding of the issues arising. Subsequent regional marine plans may be able to provide more detailed flooding and erosion assessments based on emerging work by various agencies.

## Further information

### **<sup>1</sup> Flood Risk Management (Scotland) Act 2009**

<http://www.legislation.gov.uk/asp/2009/6/contents>

### **<sup>2</sup> Water Environment and Water Services (Scotland) Act (WEWS) 2003**

<http://www.legislation.gov.uk/asp/2003/3/contents>

### **<sup>3</sup> Water Framework Directive**

[http://eur-lex.europa.eu/resource.html?uri=cellar:5c835afb-2ec6-4577-bdf8-756d3d694eeb.0004.02/DOC\\_1&format=PDF](http://eur-lex.europa.eu/resource.html?uri=cellar:5c835afb-2ec6-4577-bdf8-756d3d694eeb.0004.02/DOC_1&format=PDF)

### **<sup>4</sup> Scottish Planning Policy**

<http://www.gov.scot/Publications/2014/06/5823>

### **<sup>5</sup> SEPA Flood Maps**

[http://www.sepa.org.uk/flooding/flood\\_maps.aspx](http://www.sepa.org.uk/flooding/flood_maps.aspx)

### **<sup>5</sup> SEPA's Land Use Vulnerability Guidance**

<http://www.sepa.org.uk/media/143416/land-use-vulnerability-guidance.pdf>

### **<sup>6</sup> Environmental Impact Assessment (Scotland) Regulations 1999**

<http://www.legislation.gov.uk/ssi/1999/1/contents/made>

### **<sup>7</sup> Marine Works (EIA) Regulations 2007 (as amended)**

<http://www.legislation.gov.uk/uksi/2007/1518/contents/made>

### **SEPA's Technical Flood Risk Guidance for Stakeholders**

<http://www.sepa.org.uk/media/162602/ss-nfr-p-002-technical-flood-risk-guidance-forstakeholders.pdf>

### **SNH Coastal Erosion Guidance**

<http://www.snh.gov.uk/about-scotlands-nature/rocks-soils-and-landforms/coasts/erosion/>

### **Rennie, A.F. & Hansom, J.D. (2011)**

Sea level trend reversal: Land uplift outpaced by sea level rise on Scotland's coast. *Geomorphology*, 125, 193-202

### **Highland Council Supplementary Guidance**

[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)

### **Coastal Flooding In Scotland: A Guidance Document for Coastal Practitioners**

<http://www.crew.ac.uk/publications/coastal-flooding-scotland-guidance-document-coastal-practitioners>

**Coastal Erosion Susceptibility Model:** data will be available in due course



## GENERAL POLICY 6: HISTORIC ENVIRONMENT

### Background and context

**248** The historic environment includes all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged. It can be described as “the cultural heritage of places”. The PFOW area has an exceptionally rich marine and coastal historic environment, which plays a vital role in the culture, infrastructure and economy of the region. The historic environment in Orkney is internationally renowned, whilst the northern Caithness and Sutherland coasts have a wealth of historic assets. The archaeology, designed landscapes, historic settlements, buildings and structures distributed throughout the area are abundant and, in many cases, represent a world-class resource.

**249** The Plan area has an extensive range of heritage sites both above and below the low water mark, made up of a wide variety of site types from shipwrecks to submerged prehistoric landscapes. The conservation requirements and development implications of each type of site is different; it is important to understand the nature and conservation requirements of each type of site in order to understand the effect development may have (see *Further information* for more details).

### Key legislation and policy guidance

**250** The historic environment is recognised as an important resource by policy and legislation at all levels. The UK is a signatory to a number of international treaties regarding the preservation of cultural heritage, notably the European Convention on the Protection of the Archaeological Heritage (the ‘Valletta Convention’) and the UNESCO World Heritage Convention, which established the concept of World Heritage Sites. General duties to protect and enhance the historic environment are set out in the UK Marine Policy Statement, National Marine Plan in Scotland, and Scottish Planning Policy, which obliges planning authorities to have regard for archaeology when assessing applications.

**251** At the UK and Scottish level, a range of legislation exists to protect specific sites within the historic environment, including the Marine (Scotland) Act 2010<sup>1</sup>, the Ancient Monuments and Archaeological Areas Act 1979<sup>2</sup> (as amended), the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997<sup>3</sup> (as amended), and the Protection of Military Remains Act 1986<sup>4</sup> (as amended). Further non-statutory designations exist within the planning system. There are also provisions within the Marine (Scotland) Act 2010 and the Merchant Shipping Act 1995<sup>5</sup> governing the removal of wrecks from the seabed which may offer protection to the marine historic environment. Protection of the historic environment is also established in other policies and guidance, such as the Crown Estate’s lease conditions and codes of practice for recreational wreck divers.



## Information Box 14

### Definitions of key terms

A *heritage asset* is a site with archaeological, architectural, artistic or historic significance.

*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.

*Setting* is the way in which the surroundings of a heritage asset contribute to how it is experienced, understood and appreciated, and forms an important part of its significance.

*Adverse effects* or *impacts* are effects of a development which are harmful to its significance. These can be direct, indirect or cumulative.

*Mitigation* describes measures taken to reduce adverse impacts on a site, and include preservation in situ and preservation by record.

**Table 3: Different types of heritage asset designation.**

Relevant legislation/policy	Consenting authority	Statutory	Terrestrial/Marine	Designation
Marine (Scotland) Act 2010	Marine Scotland/OIC	Y	Marine	Historic Marine Protected Areas
Ancient Monuments and Archaeological Areas Act 1979 (as amended)	Historic Environment Scotland	Y	Terrestrial & marine	Scheduled Ancient Monuments
Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended)	Local authority	Y	Terrestrial	Listed buildings
Protection of Military Remains Act 1986 (as amended)	Ministry of Defence	Y	Terrestrial & marine	Protected Places
Protection of Military Remains Act 1986 (as amended)	Ministry of Defence	Y	Marine	Controlled Sites
Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended)	Local authority	Y	Terrestrial	Conservation areas
Ancient Monuments and Archaeological Areas Act 1979 (as amended)	No additional consents required, but Historic Environment Scotland consulted	Y	Terrestrial	Gardens & Designed Landscapes
Ancient Monuments and Archaeological Areas Act 1979 (as amended)	No additional consents required, but Historic Environment Scotland consulted	Y	Terrestrial	Battlefields
UNESCO World Heritage Convention	(No additional consents required)	N	Terrestrial & marine	World Heritage Sites
Supplementary Guidance: Listed Buildings and the Orkney Local List	Orkney Islands Council	N	Terrestrial	Orkney Local List

## Current Status

**252** The understanding and management of the historic environment relies on the accurate recording of heritage assets in publicly-accessible databases. The Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS; Historic Environment Scotland after April 2015) maintains a national database known as Canmore, which holds records on historic sites in Scotland and UK waters adjacent to Scotland. Note that the majority of the marine historic environment is documented approximately at best, particularly for certain site types such as older wrecks and submerged prehistoric landscapes. Records are also held by local authorities in the Orkney Sites and Monuments Record and the Highland Historic Environment Record.

**253** Much of the daily activity and economy of the communities living around the Plan area directly involves the historic environment. All of the major population centres around the Plan area, and the majority of smaller ones, are historic coastal settlements. Here in particular the historic environment co-exists with, and supports, a variety of industries and commercial activities, from tourism to retail and light industry, as well as housing a large proportion of the local community. Historic harbours, causeways and lighthouses are essential to the economic and transport infrastructure of the area.

### Information Box 15

The historic environment is a major driver of tourism in the area: in 2013-14 approximately 1800 dive tourists visited Orkney, and staffed Historic Environment Scotland sites adjacent to the Plan area recorded 90,970 visits.

## Pressures

**254** Whilst the large number of visitors to historic sites in and around the Plan area brings many benefits, it also creates pressures. Theft and vandalism are growing concerns, and the number of visitors to key tourist attractions, such as Skara Brae, creates challenges for the management of these sites. Human activity near historic sites can also create pressures by affecting settings of monuments. Careful management of development at sea and in harbour areas so as to avoid or minimise adverse impacts on the settings of heritage assets is an ongoing responsibility. Requirements of navigation can also have detrimental effects on heritage assets or their settings, through activities such as dredging and the visibility requirements of new structures in the marine environment.

**255** The historic environment in the Plan area is also affected by pressures from the natural environment, primarily from climate change. The increased frequency and intensity of storm events is placing coastal heritage sites under unprecedented threat, as structures and archaeology are damaged and destroyed on an annual basis, often before they can be properly recorded. Flooding events also place the historic environment under strain, as has been experienced in Kirkwall and St Margaret's Hope in recent years.

## General Policy 6: Historic environment

Development(s) and/or activities with 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 social, economic, environmental, navigation or safety benefits.

Preservation in situ will always be the preferred form of mitigation. The results of any mitigation measures must be published in an agreed format, and all supplementary material lodged with an agreed publicly accessible archive.

Heritage assets of very high significance should be protected from all but minor adverse effects to their significance unless there are overwhelming social, economic or environmental benefits from the development(s) and/or activities. For these sites the highest levels of mitigation will be required. This includes sites where there is a substantial likelihood of the survival of human remains, and protected sites identified in Table 3.

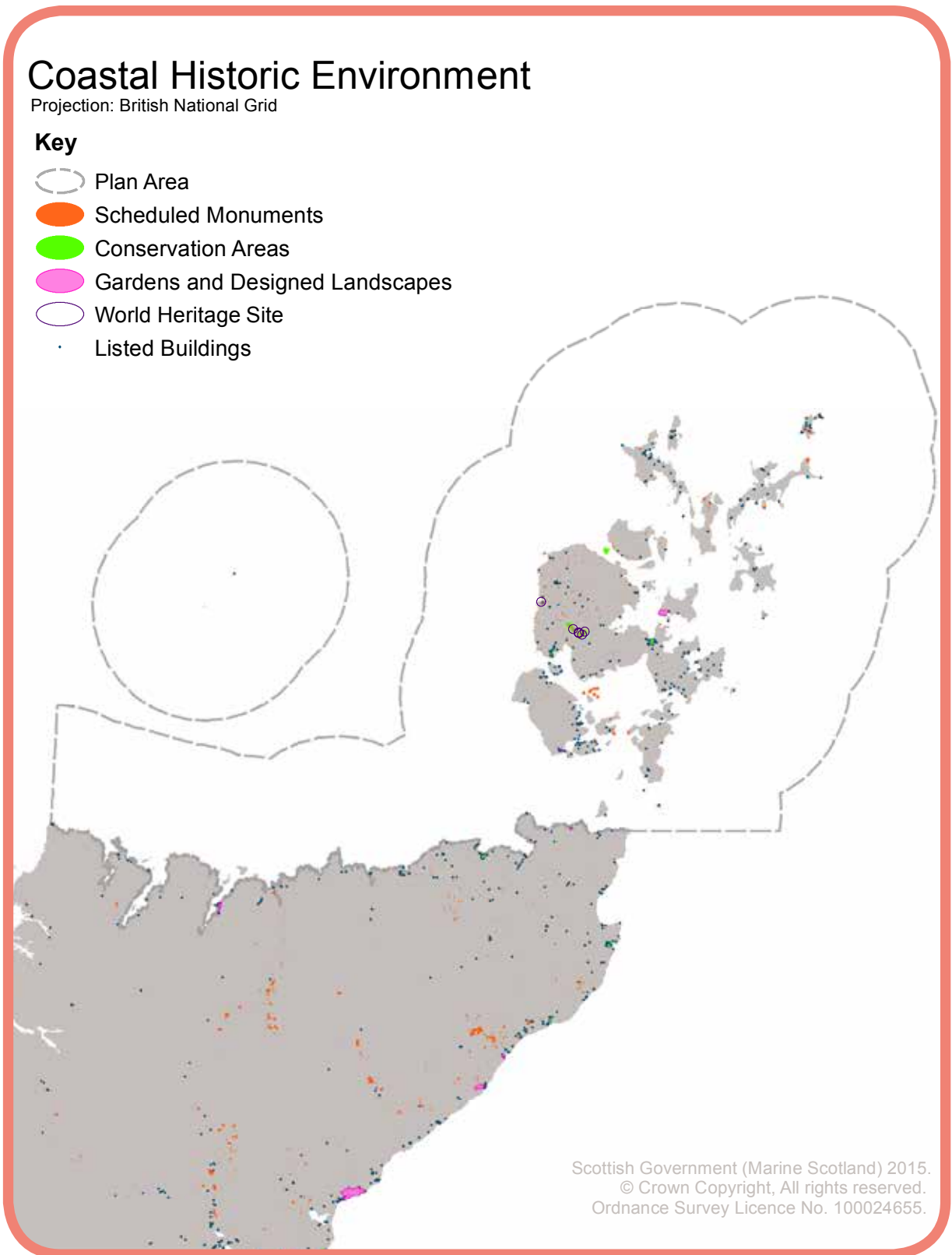
For those sites which are designated, licences or consents are likely to be required from the relevant authority before the commencement of development(s) and/or activities. Receiving these consents may be a condition of marine licence approval. Proposals for development(s) and/or activities that may affect the historic environment should provide information on the significance of known heritage assets and the potential for new discoveries to arise. They should demonstrate how any adverse impacts will be avoided, or if not possible minimised and mitigated. Where it is not possible to minimise or mitigate impacts, the benefits of proceeding with the proposal should be clearly set out.

## Justification

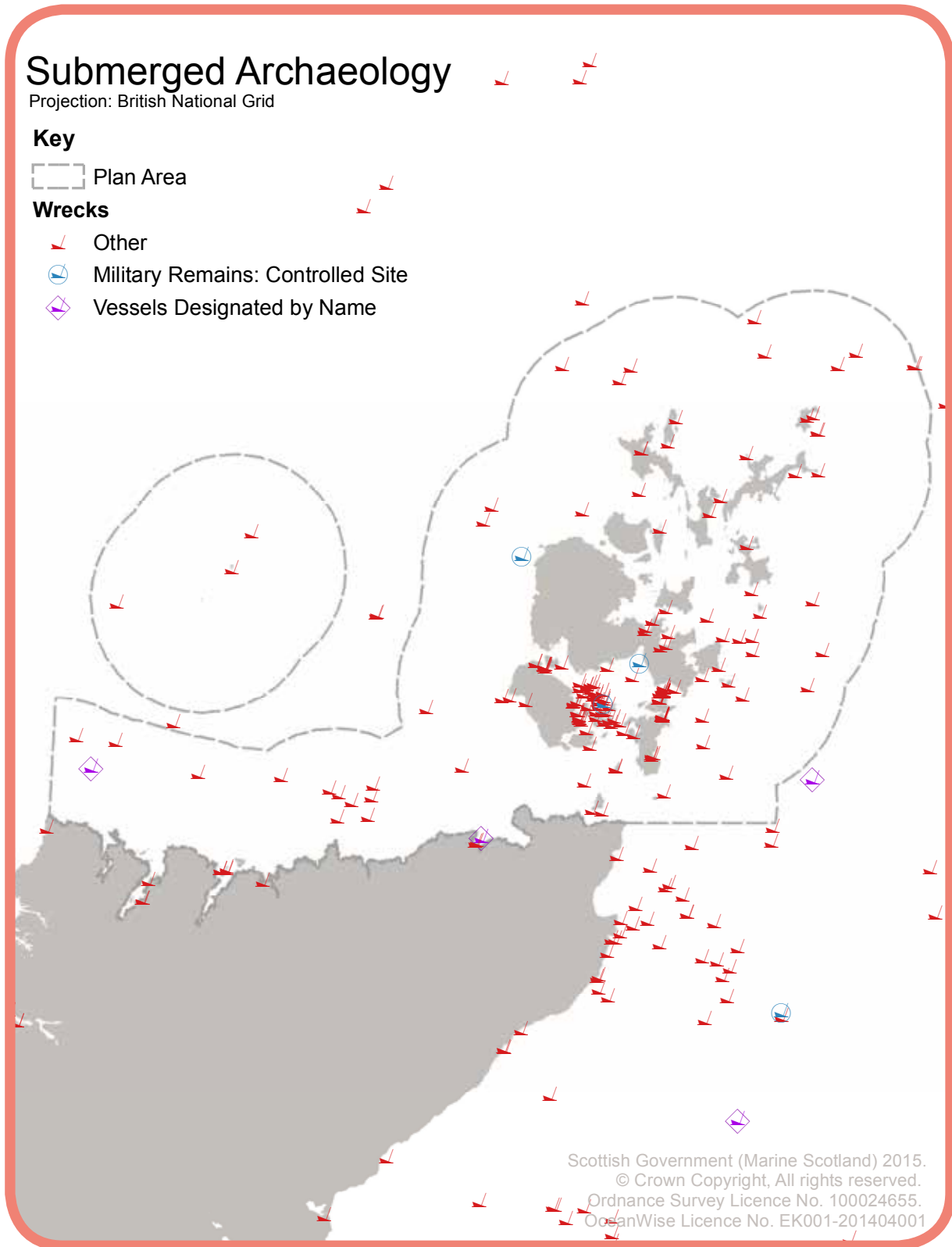
**256** The historic environment is recognised as intrinsically important, both for what it can teach us about the previous inhabitants of our landscapes and for the emotional connection it can provide to those who have lived before us. It also houses the population, drives tourism and is crucial for maintaining transport links and other key infrastructure. It enables world-class archaeological and historical research to happen locally, and is central to the cultural imagination and self-identity of local communities in the region. Its importance is recognised in the Scottish Government's Historic Environment Strategy for Scotland, and in numerous international charters to which the UK is a signatory, Acts of the UK and Scottish Parliaments, and local authority policies in Highland and Orkney.

**257** The chosen policy model, based in the first instance on the significance of heritage assets rather than designations, reflects the low level of current understanding of the marine historic environment. The majority of vessels lost off Scotland's coasts have never been located, and palaeo-environmental research is still in its early stages. This means that, when planning developments in the Plan area, a real likelihood exists of discovering previously unknown (and undesignated) heritage assets, which may be of very high significance. A precautionary approach is therefore necessary. In addition, a significance-based policy will ensure that mitigation required is proportionate and effective, with decisions based on sound evidence and analysis, therefore supporting sustainable economic growth. Over the long term, it is anticipated that taking this approach would lead to significant new research into the marine historic environment as a result of development in the Plan area, leading to greater understanding of the resource which will enable more informed assessment of future proposals.

## Supporting spatial information



**Map 10: This map shows designated historical environment sites including World Heritage Sites, Scheduled Monuments, Listed Buildings, Gardens and Designed Landscapes and Conservation Areas. This map does not show listed buildings within the Conservation Areas, the location of these listed buildings can be viewed on National Marine Plan interactive.**



Map 11: Submerged archaeology in the Pentland Firth and Orkney Waters area.

## Future considerations

**258** Climate change is already causing profound change to the coastal archaeology of the Plan area, and this is likely to get worse over time. The requirement for protection of key sites and for excavation and recording capacity to keep pace with the rate of loss of heritage assets may have implications for future development.

**259** There are currently no Historic Marine Protected Areas (HMPA) in the Plan area although one may be created in Scapa Flow during the lifetime of the Plan, subject to formal consultation processes. If created, this would require consenting bodies (including the harbour authority) to make decisions in accordance with the preservation objectives of the HMPA and any Marine Conservation Orders pertaining to it. This would enhance the protection of the marine historic environment, whilst giving clarity to developers about expectations for proposals.

**260** In addition, as research into the marine historic environment continues, greater understanding of the marine archaeological resource, in particular submerged prehistoric landscapes, is likely to further improve the assessment of development proposals over time.

**261** There is scope to produce more detailed guidance on the legislative framework, conservation requirements and implications for development of the marine and coastal historic environment to supplement this Plan.

## Further information

### *Legislation and Policy*

**<sup>1</sup> Marine (Scotland) Act 2010**

<http://www.legislation.gov.uk/asp/2010/5/contents>

**<sup>2</sup> Ancient Monuments and Archaeological Areas Act 1979 (as amended)**

<http://www.legislation.gov.uk/ukpga/1979/46/contents>

**<sup>3</sup> Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (as amended):** <http://www.legislation.gov.uk/ukpga/1997/9/contents>

**<sup>4</sup> Protection of Military Remains Act 1986 (as amended)**

<http://www.legislation.gov.uk/ukpga/1986/35>

**<sup>5</sup> Merchant Shipping Act 1995**

<http://www.legislation.gov.uk/ukpga/1995/21/contents>

**The Marine Historic Environment Strategy for the Protection, Management and Promotion of Marine Heritage 2012-2015**

<http://www.historic-gov.scot/marine-strategy-2012-15.pdf>



**Supplementary Planning Guidance: Heart of Neolithic Orkney World Heritage Site (Orkney Islands Council, 2010)**

<http://www.orkney.gov.uk/Service-Directory/R/heart-of-neolithic-orkney-world-heritage-site-spg.htm>

**Supplementary Guidance: Listed Buildings and the Orkney Local List (Orkney Islands Council, 2011)**

<http://www.orkney.gov.uk/Service-Directory/R/listed-buildings-and-the-orkney-local-list.htm>

**Scottish Historic Environment Policy (Historic Scotland, 2011)**

<http://www.historic-gov.scot/shep-dec2011.pdf>

***Guidance***

**Historic Environment Guidance for Wave and Tidal Energy (Firth, 2013)**

<http://www.historic-gov.scot/wave-tidal-energy-guidance-nov-13.pdf>

**Model Clauses for Archaeological Written Schemes of Investigation: Offshore Renewables Projects (Crown Estate, 2010)**

<http://www.thecrownestate.co.uk/media/5514/model-clauses-for-archaeological-written-schemes-of-investigation.pdf>

**Protocol for Archaeological Discoveries: Offshore Renewables Projects (Crown Estate, 2014)**

<http://www.thecrownestate.co.uk/media/148964/ei-protocol-for-archaeological-discoveries-offshore-renewables-projects.pdf>

**Standard and Guidance for Nautical Archaeological Recording and Reconstruction (Institute for Archaeologists, 2013)** <http://www.archaeologists.net/sites/default/files/node-files/IfASG-Nautical.pdf>

**Code of Practice for Wreck Divers (BSAC)**

[http://www.bsac.com/core/core\\_picker/download.asp?id=10203](http://www.bsac.com/core/core_picker/download.asp?id=10203)

**Historic Marine Protected Areas – A Guide for Visitors, Investigators and Managers (Historic Scotland)**

<http://www.historic-gov.scot/historic-mpa-leaflet.pdf>

***Data sources and supplementary information***

**Highland Historic Environment Record**

<http://her.highland.gov.uk/>

**Orkney Archaeology Society**

<http://orkneyarchaeologysociety.org.uk/index.php/information/orkney-archaeology>

**Aviation Research Group Orkney & Shetland**

<http://crashsiteorkney.com/>

**Project Adair**

<http://www.rcahms.gov.uk/rcahms-projects/project-adair>

**Canmore**

<http://canmore.rcahms.gov.uk/>

**Northern Lighthouse Board**

<http://www.nlb.org.uk/>

**Rising Tides Project**

[http://www.st-andrews.ac.uk/tzp/rising\\_tides.html](http://www.st-andrews.ac.uk/tzp/rising_tides.html)

## GENERAL POLICY 7: INTEGRATING COASTAL AND MARINE DEVELOPMENT

### Background and context

**262** Taking an integrated approach to the management of coastal and marine development is essential to avoid potential adverse effects on the coastal and marine environment. Decision-makers and developers need to take account of both the marine and terrestrial elements of any development so that any direct and cumulative adverse effects can be avoided or appropriately mitigated.

**263** Port and harbour, marine renewable energy and aquaculture developments, for example, often incorporate marine and terrestrial components with a potential requirement for multiple licences and consents. Marine licensing is required in the marine area up to mean high water springs and terrestrial planning control extend to mean low water springs, therefore, there is an overlap of consenting requirements in the intertidal zone. As a result, for certain developments there might be a need for both a marine licence and planning permission (e.g. electricity transmission cables connecting an offshore renewable energy array to the shore). In the case of renewable energy developments there could also be a requirement for a section 36 consent (Marine Scotland Licensing Operations Team) and decommissioning plan with a supporting bond (Department of Energy and Climate Change). Additionally, developments within the Orkney Harbour Area may require a works licence. General Policy 7: *Integrating coastal and marine development* aims to provide greater clarity and coordination of the various licensing and consent requirements for consenting authorities, developers and wider stakeholders.

**264** Details of licensing and consent requirements are set out in Section 2 *How to Use the Plan*.

### Key legislation and policy guidance

**265** All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the UK Marine Policy Statement, Scotland's National Marine Plan and any subsequent regional marine plan, unless relevant considerations indicate otherwise. This applies to, but is not limited to, decisions on marine licensing, section 36 consent and terrestrial planning applications and enforcement.

**266** Public bodies must have regard to the UK Marine Policy Statement and relevant Marine Plans when making decisions which are capable of affecting the UK marine area which are not enforcement or authorisation decisions. This applies to the preparation and adoption of local development plans and to other terrestrial planning functions.

**267** The EU Environmental Impact Assessment (EIA) Directive<sup>1</sup>, transposed into a variety of UK and Scottish legislation, applies to onshore and offshore developments identified in Annex 1 or 2 of the Directive. Its purpose is to ensure that the environmental effects of development are appropriately assessed, addressed and mitigated through the relevant consenting process.

**268** Licensable marine activities that form part of a development proposal may require Environmental Impact Assessment under the Marine Works (EIA) Regulations 2007<sup>2</sup> (as amended) and/or the Electricity Works (EIA) (Scotland) Regulations 2000<sup>3</sup> (as amended). Developments that require planning permission under the Town and Country Planning (Scotland) Act 1997<sup>4</sup> (as amended), depending on their size and location, may require an EIA under the Environmental Impact Assessment (Scotland) Regulations 2011<sup>5</sup>.

**269** Pre-screening consultation with Marine Scotland's Licensing Operations Team (MS-LOT) and the local planning authority is expected for developments that include marine and terrestrial components. In the case of works associated with a development that does not require an EIA in its own right, for example an electricity substation, it is expected that the EIA undertaken for the electricity generation would include these associated works.

**270** Planning Circular 1/2015 *The relationship between the statutory land use planning system and marine planning and licensing*, sets out further guidance<sup>6</sup>.

## **Current status**

**271** The marine renewable energy projects currently being developed in the Pentland Firth and Orkney Waters all have marine and terrestrial components that will require various consents and supporting impact assessments. Equally, port and harbour developments to support growing economic sectors are likely to encounter these complex consenting issues. The following sections consider the marine and terrestrial consenting issues for these two key growth sectors that are likely to be developed across the intertidal zone within the Plan area.

### ***Renewable energy developments***

**272** In addition to a Marine Licence and/or section 36 consent, consents may be required from other regulatory bodies such as local planning authorities, harbour authorities and the Scottish Environment Protection Agency. These bodies are expected to liaise closely to ensure that the various impact assessments and consents are delivered in an efficient and streamlined manner. To assist in tackling complex issues and/or to resolve areas of dispute anytime in the application process prior to determination, MS-LOT may decide to bring together a Marine Renewables Facilitators Group (MRFG). Further information on MRFGs is provided in Sectoral Policy 4: *Renewable energy*.

### ***Port and harbour developments***

**273** Port and harbour developments within Harbour Areas may require a Marine Licence and/or planning permission depending on the proposal. Statutory Harbour Authorities may benefit from permitted development rights in classes 29 or 35 of the Town and Country (General Permitted Development) (Scotland) Order 1992<sup>7</sup> (as amended).

**274** Improvements to ports and harbours may require the harbour authority to apply to Scottish Ministers for additional powers through a Harbour Revision Order under the Harbours Act 1964<sup>8</sup>. Planning authorities are statutory consultees in this process. The various consenting bodies are expected to liaise closely to ensure that the various impact assessments and consents are delivered in an efficient and streamlined manner.

## Pressures

**275** Given the aspiration to sustainably develop key sectors including marine energy sector and aquaculture within the Plan area, there is potential for significant direct and cumulative impacts on sensitive coastal areas. Marine development is often dependant on land-based infrastructure including harbours, electricity substations or operation and maintenance bases.

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

For development(s) and/or activities that require multiple licences, permissions and/or consents, applicants should undertake early pre-application engagement with the consenting authorities and relevant stakeholders.

For development(s) and/or activities that require an Environmental Impact Assessment and multiple licences, permissions and/or consents, applicants should produce a Consultation Strategy at the scoping stage.

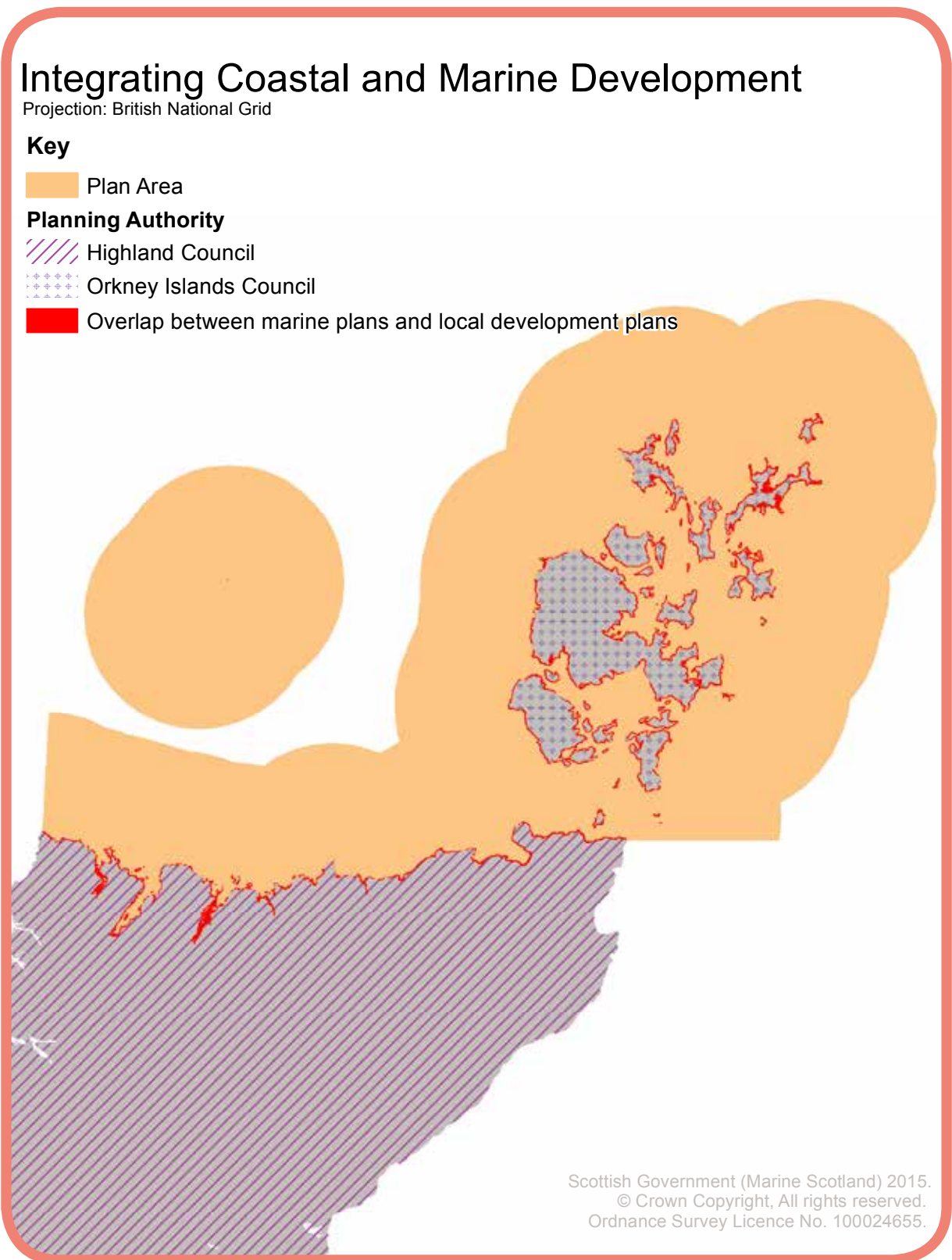
Where appropriate, proposals for construction projects should be supported by a construction environmental management plan which covers both the terrestrial and marine environment.

MS-LOT and other relevant consenting authorities should consult one another at an early stage to improve the efficiency of the consenting process and, where appropriate, coordinate and streamline the various consenting requirements.

## Justification

**276** The coastal and intertidal zones are areas of significant economic, ecological, recreational and landscape value. To protect these important resources the various regulatory requirements within these areas need to be coordinated to ensure that the potential impacts of development and activities are appropriately assessed and addressed. This policy aims to support an integrated approach to the authorisation of development in coastal areas and efficient consenting processes.

## Supporting spatial information



**Map 12: The Orkney Islands Council and Highland Council jurisdictions, the Plan area and the overlap of jurisdiction in the intertidal zone.**



## Future considerations

**277** Future regional marine planning for Orkney and the North Coast will play an important role in coordinating coastal and marine development and activities. Further initiatives should be explored to support the integration of marine and terrestrial planning policy and the activities of regulators.

## Further information

**<sup>1</sup> EU Environmental Impact Assessment (EIA) Directive**

<http://ec.europa.eu/environment/eia/home.htm>

**<sup>2</sup> Marine Works (EIA) Regulations 2007 (as amended)**

<http://www.legislation.gov.uk/ukxi/2007/1518/made>

**<sup>3</sup> Electricity Works (EIA) (Scotland) Regulations 2000**

<http://www.legislation.gov.uk/ssi/2000/320/contents/made>

**<sup>4</sup> Town and Country Planning (Scotland) Act 1997**

<http://www.legislation.gov.uk/ukpga/1997/8/contents>

**<sup>5</sup> Environmental Impact Assessment (Scotland) Regulations 2011**

[http://www.legislation.gov.uk/ssi/2011/139/pdfs/ssi\\_20110139\\_en.pdf](http://www.legislation.gov.uk/ssi/2011/139/pdfs/ssi_20110139_en.pdf)

**<sup>6</sup> Planning Circular 1/2015 *The relationship between the statutory land use planning system and marine planning and licensing***

<http://www.gov.scot/Publications/2015/06/5851/downloads>

**<sup>7</sup> Town and Country (General Permitted Development) (Scotland) Order 1992 (as amended)**

<http://www.gov.scot/Topics/Built-Environment/planning/Development-Management/Permitted-Development>

**<sup>8</sup> Harbours Act 1964**

<http://www.legislation.gov.uk/ukpga/1964/40/contents>

**Guidance on the Electricity Works (EIA) (Scotland) Regulations 2000**

<http://www.gov.scot/Topics/Business-Industry/Energy/Infrastructure/Energy-Consents/Guidance/EIA-Guidance>

**Guidance on the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011**

<http://www.gov.scot/Publications/2011/06/01084419/0>

## GENERAL POLICY 8A: NOISE

### Background and context

**278** Noise and vibration has the potential to disturb, or be damaging to, a number of species. The full extent of this type of damage for some species is still relatively unknown at either an individual or population level and there is ongoing research to fill these data gaps.

**279** Anthropogenic noise emitted within the marine environment has the potential to mask biologically relevant signals, can lead to a variety of behavioural reactions, affect hearing organs, and injure or even kill marine life. Sources of concern include explosions, shipping, seismic surveys, offshore construction and offshore industrial activities, e.g. dredging, drilling and piling, sonar of various types and acoustic deterrents.

**280** The Marine Policy Statement<sup>1</sup> notes that noise from marine activities can also affect people. This could occur when a noisy activity associated with a development takes place close to shore e.g. piling or an increase in shipping traffic in the vicinity.

**281** An EU Directive on Environmental Noise (EU 2002/49/EC)<sup>2</sup> that deals with noise impacts on people is currently under review. Excessive noise can have wide-ranging impacts on the quality of human life, health, and use and enjoyment of areas, including those areas with high visual quality. Its impact therefore needs to be considered and managed appropriately.

### Key legislation and policy guidance

**282** In accordance with the Marine Strategy Framework Directive (MSFD)<sup>3</sup>, the Scottish Government is required to address the potential impacts of underwater noise, one of the descriptors of Good Environmental Status. The descriptor is stated as “the introduction of energy, including underwater noise, is at levels that do not adversely affect the marine environment”.

**283** As part of the data collection to monitor noise for the Marine Strategy Framework Directive, Marine Scotland’s Licensing Operations Team sends records on noisy activities (piling, explosives and Acoustic Deterrent Devices) to the Joint Nature Conservation Committee (JNCC) to contribute to a Noise Registry that will be the national recording programme for anthropogenic noise in the marine environment.

**284** JNCC have guidelines for minimising the risk of injury and disturbance to marine mammals from underwater explosive seismic surveys<sup>4, 5</sup> and piling<sup>6</sup>.

**285** Marine Scotland have published guidance<sup>7</sup> for Scottish Inshore Waters in relation to ‘The Protection of Marine European Protected Species from Injury and Disturbance’. An evaluation of the effectiveness of Acoustic Deterrent Devices and other non-lethal measures on marine mammals has also been published by Marine Scotland<sup>8</sup>.



**286** The National Physical Laboratory Good Practice Guide No. 133 provides guidance<sup>9</sup> on best practice for in situ measurement of underwater sound, for processing the data and for the measurements using appropriate metrics.

## **Current status**

**287** An EU Directive on Environmental Noise that deals with noise impacts on people is currently under review.

**288** Some developers are required to monitor noise and information on the type, level and duration of noise (both underwater and above water) expected to be generated throughout all stages of the development. Developers may be required to implement noise mitigation measures if the noise level is considered too high.

**289** Noise mitigation measures could include marine mammal observers and passive acoustic monitoring, location of noise generating devices away from sensitive receptors, controlling noise generating activities during sensitive periods (i.e. breeding, rearing, migration), eliminating or controlling noise at source by enclosing or insulating the noise and routing ship movements away from sensitive receptors where feasible.

**290** For some species there is limited information on the effect that noise can have and there is ongoing research to fill these knowledge gaps.

## **Pressures**

**291** Developers need to consider whether there is potential to affect a European Protected Species (EPS) such as otters or cetaceans and if so, what mitigation measures can be applied to avoid committing an offence, failing which, there would be a need to apply for an EPS licence.

**292** The potential impact on all marine receptors therefore needs to be considered and managed appropriately. Licence applications that include noise activity would need to assess this and the risk to marine species.

### General Policy 8A: Noise

This Plan will support development(s) and/or activities in the marine environment where:

- developers have avoided significant adverse effects:
  - of man-made underwater noise and vibration on species sensitive to such effects
  - of man-made noise, vibration and/or disturbance on the amenity of local communities and marine users
- applications for marine development(s) and/or activities that are likely to have significant noise impacts (on sensitive species and/or people) include a noise impact assessment or supporting information to describe the duration, type and level of noise expected to be generated at all stages of the development (construction, operation, decommissioning)
- mitigation measures are in place to minimise the adverse impacts associated with the duration and level of significant noise activity
- the cumulative effects of noise in the marine environment and on local communities have been assessed
- developers have considered whether the level of surface or underwater noise has the potential to affect a European Protected Species (EPS) and have noted that any development(s) and/or activities which have the potential to disturb an EPS (otters, cetaceans) will require an EPS licence
- developers have consulted with the local planning authority, Marine Scotland and Scottish Natural Heritage in relation to potential noise impacts as early as possible in the design and development of any marine-related project

## Justification

**293** Noise and vibration has the potential to disturb, or be damaging to, a number of species in the marine environment. There is also potential to have an adverse impact on the amenity of local communities and marine users. These impacts need to be taken into account at an early stage and mitigation measures put in place to minimise the impact.

**294** There is a need to record levels of underwater noise to contribute to the aim of achieving Good Environmental Status for this descriptor under the Marine Strategy Framework Directive.

## Supporting spatial information

**295** There is no specific spatial information to support this policy.

## Future considerations

**296** There is ongoing research and data collection in relation to the impact of underwater noise and these data will inform the assessment of the potential of noise and vibration to disturb or be damaging to species in the marine environment. These data and the ongoing collection of data for the Noise Registry will all assist in assessing the potential risk of noise in the marine environment.

## Further information

### **<sup>1</sup> Marine Policy Statement**

<https://www.gov.uk/government/publications/uk-marine-policy-statement>

### **<sup>2</sup> European Directive on Environmental Noise**

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32002L0049>

### **<sup>3</sup> Marine Strategy Framework Directive**

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0056>

### **<sup>4</sup> Joint Nature Conservation Committee Guidelines For Minimising The Risk of Injury To Marine Mammals From Using Explosives**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/50007/jncc-ex-guide.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/50007/jncc-ex-guide.pdf)

### **<sup>5</sup> Joint Nature Conservation Committee Guidelines For Minimising The Risk Of Injury And Disturbance To Marine Mammals From Seismic Survey**

[http://jncc.defra.gov.uk/pdf/JNCC\\_Guidelines\\_Seismic%20Guidelines\\_Aug%202010.pdf](http://jncc.defra.gov.uk/pdf/JNCC_Guidelines_Seismic%20Guidelines_Aug%202010.pdf)

### **<sup>6</sup> Joint Nature Conservation Committee Statutory Nature Conservation Agency Protocol For Minimising The Risk Of Injury To Marine Mammals From Piling Noise**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/50006/jncc-pprotocol.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/50006/jncc-pprotocol.pdf)

**<sup>7</sup> Guidance: The Protection Of Marine European Protected Species From Injury and Disturbance**

<http://www.gov.scot/Topics/marine/marine-environment/species/19887/20813/epsguidance>

**<sup>8</sup> Scottish Government report on Evaluating and Assessing the Relative Effectiveness of Acoustic Deterrent Devices and other Non-Lethal Measures on Marine Mammals**

<http://www.gov.scot/Publications/2014/10/8271>

**<sup>9</sup> National Physical Laboratory Good Practice Guide No. 133**

<http://www.npl.co.uk/upload/pdf/gpg133-underwater-noise-measurement.pdf>

**OSPAR Assessment Of The Environmental Impact Of Underwater Noise**

[http://qsr2010.ospar.org/media/assessments/p00436\\_JAMP\\_Assessment\\_Noise.pdf](http://qsr2010.ospar.org/media/assessments/p00436_JAMP_Assessment_Noise.pdf)

**Southall et al. (2007). Marine Mammal Noise Exposure Criteria: Initial Scientific Recommendations. Aquatic Mammals 33: 411-521**

[http://sea-inc.net/assets/pdf/mmnoise\\_aquaticmammals.pdf](http://sea-inc.net/assets/pdf/mmnoise_aquaticmammals.pdf)

**Brownlow et al. (2015) Investigation into the long-finned pilot whale mass stranding event, Kyle of Durness, 22nd July 2011.**

[http://www.strandings.org/reports/Kyle\\_of\\_Durness\\_Mass\\_Stranding\\_Report.pdf](http://www.strandings.org/reports/Kyle_of_Durness_Mass_Stranding_Report.pdf)

## GENERAL POLICY 8B: WASTE AND MARINE LITTER

### Background and context

**297** Despite some initiatives to reduce marine litter, it remains one of the most significant environmental problems affecting the marine environment. Some 20,000 tonnes of litter is dumped into the North Sea alone every year. Whilst around 80% of marine litter originates from a terrestrial source, the PFOW area, with its many beaches and coves, may have a higher potential for litter from marine sources.

#### Information Box 16

##### KIMO: Fishing for Litter project

Five vessels working out from Scrabster Harbour are part of the Fishing for Litter project run by Kommunenes Internasjonale Miljøorganisasjon (KIMO)<sup>1</sup>.

KIMO directly provides fishing boats with large bags to deposit marine-sourced litter. When full, these bags are deposited safely on the quayside to then be collected for disposal.

This project reduces the volume of debris washing up on our beaches and also reduces the amount of time fishermen spend untangling their nets.

**298** Marine litter can cause a variety of problems for wildlife, which may ingest plastic waste in particular. Litter can also be a hazard to navigation, spoil the coastline and pose environmental health issues.

### Key legislation and policy guidance

**299** Litter is a key consideration in the Marine Strategy Framework Directive<sup>2</sup>. The target is for an overall reduction in the number of visible litter items within specific categories/types on coastlines from 2010 levels by 2020. The Directive requires Member States to have strategies to manage their seas in order to achieve Good Environmental Status by 2020. The Marine Scotland document 'A Marine Litter Strategy for Scotland'<sup>3</sup>, published in August 2014, requires that regional marine plans contribute to the reduction of marine litter.

### Information Box 17

#### Dounreay particle clean-up

This project addressed a legacy of radioactive particles in the marine environment around the site. These were fragments of irradiated nuclear fuel discharged to sea as a result of practices in reprocessing during the 1960s and 1970s. The most hazardous fragments were located close to an old discharge point on the seabed.

The underwater clean-up ran from 2008-2012, targeting a 60-hectare area of seabed known as the 'plume' where the most hazardous particles are located. Particles recovered from the seabed were returned to Dounreay for safe disposal and monitoring continues.

### Current status

**300** The sparse population of the north Highland coast and Orkney Isles means that the amount of litter dumped by tourists is relatively lower than on more often-visited popular, densely-populated mainland areas. Litter tends to be in the form of wind-blown debris from both land and marine-based businesses such as farming and aquaculture. Some bays and beaches will be more susceptible to accumulating marine litter due to prevailing wind and currents. Community initiatives such as the Royal Yachting Association's 'Green Blue' project, along with local beach cleans and 'adopt a beach' projects, play a very valuable part<sup>4</sup> in helping to reduce the problem. Sometimes these initiatives can identify the source of the problem and then help reach a solution.

### Pressures

**301** Marine litter, particularly plastics, kills a variety of seabirds, marine mammals and fish. It can also pose a navigational and safety hazard and cause entanglement of fishing gear. It can have significant impacts on the aesthetic value of our coastline and pose public health issues.

### **General Policy 8B: Waste and Marine Litter**

All developers and users of the marine environment should seek to minimise waste and discard all litter responsibly, recycling where possible.

Proposals for new development(s) or modifications to existing activities shall ensure that waste is reduced to a minimum and they do not add to marine litter.

Large developments may require a waste management plan, which shall be adhered to as a condition of the development, where appropriate. Where this is the case, a draft plan should be included in the application.

Where unavoidable litter is created, e.g. due to storms, a means of recovery, where reasonably practical, should be deployed.

Where appropriate, a decommissioning plan should be provided to ensure removal of redundant infrastructure.

### **Justification**

**302** Litter and waste reduction measures help to contribute to achieving Good Environmental Status, as required by the Marine Strategy Framework Directive. Regional marine plans should take account of marine litter as a requirement of the Marine Litter Strategy and the National Marine Plan.

### **Supporting spatial information**

**303** There is no specific spatial information to support this policy.

### **Future considerations**

**304** The increase in marine activity around the PFOW area will also increase the risk of new sources of waste and marine litter. 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>5</sup>. These toxic particles can bioaccumulate in marine organisms, causing harm. The changing climate may lead to more extreme weather events. This in turn, could lead to greater chances of marine litter being created including 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.

## Further information

**<sup>1</sup> KIMO Fishing for Litter initiative**

<http://www.kimointernational.org/FishingforLitter.aspx>

**<sup>2</sup> Marine Strategy Framework Directive**

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0056&from=EN>

**<sup>3</sup> A Marine Litter Strategy for Scotland**

<http://www.gov.scot/Publications/2014/09/4891/0>

**<sup>4</sup> Royal Yachting Association Green Blue project**

<http://www.thegreenblue.org.uk/>

**<sup>5</sup> Cole, M., Lindequie, P., Hisband, C. and Galloway, T. (2011)** Microplastics as Contaminants in the Marine Environment: A Review. *Marine Pollution Bulletin*, 62, 2588-2597.

**European Marine Litter project**

<http://www.marlisco.eu/partners.en.html>

**Code of Practice on Litter and Refuse (Scotland) 2006**

[www.keepsotlandbeautiful.org/media/42455/0043662.pdf](http://www.keepsotlandbeautiful.org/media/42455/0043662.pdf)

**Scottish Environment Protection Agency Waste Guidance**

<http://www.sepa.org.uk/regulations/waste/guidance/>



## GENERAL POLICY 9: INVASIVE NON-NATIVE SPECIES

### Background and context

**305** The introduction of non-native species poses a significant threat to the aquatic environment as they can have a negative impact in many ways, e.g. through competition with native species for resources, the transmission of diseases or parasites, habitat alteration, e.g. by becoming the dominant species in a habitat and ‘smothering’ other species or causing physical changes.

**306** Shipping and aquaculture are two of the main vectors that may introduce or facilitate the spread of non-native species into the marine environment, e.g. in ballast water, via hull fouling and transfer of livestock and/or equipment from one area to another.

**307** However, all users of the marine environment should ensure they minimise the risk of introducing non-native species by putting in place best practice biosecurity measures.

#### Information Box 18

##### New non-native species found

A new non-native species was found in Orkney by Marine Environmental Unit of Orkney Islands Council staff during their marine non-native species surveys in 2014. A Compass sea squirt (*Asterocarpa humilis*) was found in Kirkwall marina during a rapid assessment survey conducted in September 2014. It is not one of the seven high-risk species identified by the Marine Environmental Unit that would require further action if found.

This is the first record of this species in Orkney and its most northerly record to date. The compass sea squirt was first recorded in 2009 in England and in 2013 in Scotland. The native range of this species is in the southern hemisphere.

### Key legislation and policy guidance

**308** A three-stage approach of Prevention, Rapid Response and Control and Containment of non-native species is the approach taken by the Wildlife and Countryside Act 1981 as amended by the Wildlife and Natural Environment (WANE) (Scotland) Act 2011<sup>1</sup> and by the GB Non Native Species Framework Strategy<sup>2</sup>. The three-stage approach has also been followed by the EU who have published a Regulation on invasive alien species that entered into force in January 2015<sup>3</sup>. The Scottish Government has a ‘Code of Practice on Non-native Species’<sup>1</sup> and the Water Framework Directive<sup>4</sup> and the Marine Strategy Framework Directive<sup>5</sup> both have requirements to minimise or avoid the introduction of non-native species by human activities.

**309** In 2004 the International Maritime Organization (IMO) adopted (although has not yet ratified) a Ballast Water Management Convention<sup>6</sup>. In 2011 the IMO adopted Biofouling Guidelines<sup>7</sup> and a set of guidance for recreational craft<sup>8</sup> (these are both currently voluntary). These both contain information on the management measures vessels of all sizes can take to reduce the risk of introducing non-native species. 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).

**310** Within Great Britain the Non-Native Species Secretariat provides biosecurity advice to prevent the spread of invasive plants and animals in British waters and many of the best practice measures are applicable to the marine environment.

**311** Individual sectors also provide biosecurity advice, examples are the Green Blue website<sup>9</sup> which provides guidance in relation to boating activity, the Scottish Canoe Association<sup>10</sup> and the Royal Yachting Association website<sup>11</sup>.

### **Current status**

**312** Within the marine environment, the prevention aspect of the three-stage approach is particularly important as, in most cases, it would not be possible to control a species once it had been introduced.

**313** There are a variety of ways in which a suspected non-native species can be recorded and the GB Non-Native Species Secretariat has a range of useful information in relation to how this can be done.

### **Pressures**

**314** Orkney Islands Council has a ballast water management policy<sup>12</sup> and has implemented a monitoring programme to identify any adverse environmental impacts of ballast water management and shipping activities. This will include monitoring for the presence of invasive non-native species. A list of seven high-risk species have been identified and if any of these are found as part of the Scapa Flow monitoring programme then Orkney Islands Council will follow the guidance given to them by the GB Non-Native Species Secretariat in terms of the action required.

### **General Policy 9: Invasive non-native species**

All developers and users of the marine environment should take into account the risk of introducing and spreading non-native species and put in place biosecurity and management measures to minimise this risk. These measures will be most effective when a co-ordinated and collaborative approach is taken by developers and users of the marine environment. Applications for marine-related development(s) and/or activities should demonstrate that the potential risks of spreading non-native species, and appropriate mitigation where needed, has been adequately considered in their proposal.

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.

Where non-native species assessed as high risk are known to be present, mitigation measures (e.g. an eradication plan) or a contingency plan should be put in place to minimise the risk of spreading the species.

### **Justification**

**315** Invasive non-native species can have a negative impact on the marine environment and if all users of the marine environment put in place biosecurity and management measures this will reduce the risk of introducing and spreading non-native species. Creating and raising awareness of a wide range of marine users of the potential for non-native species to be introduced is important to ensure these measures are followed.

### **Supporting spatial information**

**316** Non-native monitoring in Orkney. Contact: Orkney Islands Council, Marine Services Marine Environmental Unit. Tel. 01856 873636.

#### **Marlin website**

<http://www.marlin.ac.uk/>

#### **Marine Aliens**

[http://www.marlin.ac.uk/marine\\_aliens/](http://www.marlin.ac.uk/marine_aliens/)

### **Future considerations**

**317** Managing the risk of introducing non-native species will be most effective where there is good awareness of the issue and a co-ordinated approach to putting in place measures to improve biosecurity, e.g. monitoring for non-native species. There is potential for marine users to consider implementing biosecurity plans in the PFOW area and this would be most effective if developers and marine users worked together to undertake monitoring and agree what action should be taken in the event of the introduction of a non-native species.

## Further information

### <sup>1</sup> **Wildlife and Natural Environment Code of Practice on Non-Native Species**

<http://www.gov.scot/Resource/0039/00398608.pdf>

### <sup>2</sup> **GB Non-Native Species Secretariat**

<http://www.nonnativespecies.org/home/index.cfm>

### <sup>3</sup> **EU Regulation on Invasive Alien Species**

[http://ec.europa.eu/environment/nature/invasivealien/index\\_en.htm](http://ec.europa.eu/environment/nature/invasivealien/index_en.htm)

### <sup>4</sup> **Water Framework Directive**

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0060>

### <sup>5</sup> **Marine Strategy Framework Directive**

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0056>

### <sup>6</sup> **Summary of International Maritime Organization Ballast Water Management Convention**

[http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Control-and-Management-of-Ships%27-Ballast-Water-and-Sediments-\(BWM\).aspx](http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Control-and-Management-of-Ships%27-Ballast-Water-and-Sediments-(BWM).aspx)

### <sup>7</sup> **International Maritime Organization Biofouling Guidelines**

[http://www.imo.org/blast/blastDataHelper.asp?data\\_id=30766&filename=207\(62\).pdf](http://www.imo.org/blast/blastDataHelper.asp?data_id=30766&filename=207(62).pdf)

<sup>8</sup> **Link to IMODOCS:** (*Register to find Guidance for minimizing the transfer of invasive aquatic species as biofouling (hull fouling) for recreational craft (Document BLG 16/5)*).

<http://www.imo.org/About/Pages/DocumentsResources.aspx>

<sup>9</sup> **The Green Blue** (advice on non-native species and boating activities)

[http://www.thegreenblue.org.uk/boat\\_users/antifoul\\_and\\_invasive\\_species.aspx](http://www.thegreenblue.org.uk/boat_users/antifoul_and_invasive_species.aspx)

<sup>10</sup> **Scottish Canoe Association guidelines**

<http://canoescotland.org/where-go/protecting-environment>

<sup>11</sup> **Royal Yachting Association**

<http://www.rya.org.uk/infoadvice/planningenvironment/advice/Pages/AdviceonAlienSpecies.aspx>

<sup>12</sup> **Orkney Islands Council Ballast Water Policy**

<http://www.orkneyharbours.com/pdfs/bwm/Ballast%20Water%20Management%20Policy%20for%20Scapa%20Flow%2010%20December%202013.pdf>

## **Biosecurity Information for Solway, Clyde and Shetland**

**Solway:** <http://www.solwayfirthpartnership.co.uk/invasive-non-native-species>

**Clyde:** <http://clydeforum.com/attachments/biosecplan.pdf>

**Shetland:** <https://www.nafc.uhi.ac.uk/research/msp/biosecurity/BiosecurityPlan.pdf>

**Scottish Natural Heritage Non-native Species Information**

<http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/non-native-species/>

**Alien Invasive Species and the Oil and Gas Industry**

<http://www.ogp.org.uk/pubs/436.pdf>

**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**

[http://www.aquaticinvasions.net/2015/AI\\_2015\\_Nall\\_etal.pdf](http://www.aquaticinvasions.net/2015/AI_2015_Nall_etal.pdf)

## Section 5: Sectoral Policies

### Introduction

**318** A sectoral policy is one that is specifically relevant to the determination of an authorisation or enforcement decision for a particular type of development or activity. Having a suite of sectoral policies helps ensure the Plan is contributing to both high level government targets and helps meet our commitment to local sustainable development as outlined in our objectives.

**319** The sectoral policy themes 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.

**320** Proposed developments and activities must comply with legal requirements and should adhere to all of the general policies, be cognisant of all the other sectoral policies and consider the likely cumulative impacts. In all cases, marine safety is paramount. The associated text for each policy includes relevant supporting information that should be taken into account.

### How they will be applied

**321** All of the sectoral policies apply to development(s) and activities and:

- Should be applied proportionately
- Are not given in any order of priority: all have equal weight

See Section 2 *How to use the Plan* for more information on the planning and licensing process.

### Policy format

**322** To aid understanding of the Plan, all of the policies will be set out using the following format:

**323** A summary of how each of the sectoral policies contributes to meeting the objectives of the Plan is included at the start of the section (Table 4).

**324** An analysis of the likely socio-economic and environmental effects of each of the sectoral policies can be found in the Sustainability Appraisal. The Sustainability Appraisal also explores the likelihood of cumulative effects associated with the collective group of general and sectoral policies, including consideration of the wider policy and regulatory context. These findings should be read in conjunction with this Marine Spatial Plan.

**325 Background and context:** in this section, a brief summary of the underlying reasons for the policy is set out.

**326 Key legislation and policy guidance:** the main legislative and policy drivers are provided; this is intentionally not an exhaustive list. It is acknowledged there are likely to be many supplementary and inter-linked policies and documents. Where legislation covers several policies, it will usually only be listed once in the most relevant policy to reduce repetition, therefore an element of cross-referencing will be required. A more comprehensive list is provided in Annex 2.

**327 Current status:** in this section, the baseline condition of the policy topic is outlined; where appropriate, further information may be found for most of these general policies in the Sustainability Appraisal.

**328 Pressures:** the issues leading to significant pressures on the policy topic are outlined. In some cases, these pressures may be applicable to a number of the policies therefore an element of repetition is unavoidable.

**329 Policy:** this is the policy that will guide development and activities.

**330 Justification:** this outlines both the key legislative drivers and, where appropriate, the feedback from the consultation on the Planning Issues and Options Consultation paper that informed the drafting of the Plan.

**331 Supporting spatial information:** where data are readily available, links to the underlying spatial data are provided. In most cases, these data layers will be hosted on Marine Scotland's National Marine Plan interactive (NMPi), therefore reference to it will not be repeated in each policy. NMPi is regularly updated so it should be consulted to ensure the most up-to-date information is used. This will ensure that the latest information is accessible as new research becomes available.




**332 Future considerations:** some of the likely significant issues that may be encountered during the life of the Plan and any subsequent regional marine plans are summarised.


















































**333 Further information:** this section will provide information on the key documents referenced in the policy and sources of additional information.

**334 Information boxes:** throughout the Plan, information boxes are provided. These include supporting information, clarification of terms or legislation or provide examples related to the policy.

**Table 4: The contribution of each of the Sectoral Policies to the Plan objectives.**


**Key:**

-  Direct contribution
-  Indirect contribution
-  No clear contribution

Objective	Commercial fisheries	Aquaculture	Oil and gas	Renewable energy generation	Recreation, sport, leisure and tourism	Marine transport	Ports and harbours	Pipelines, electricity and telecommunications infrastructure	Marine aggregates	Defence
Support long-term productivity in the marine environment that provides benefits and prosperity for local communities and wider stakeholders.										
Support the transition to a low carbon economy.										
Encourage a sustainable coexistence and synergies between existing and new marine activities and developments, to the mutual benefit of multiple stakeholders.										
Provide reliable information on existing and proposed marine activities.										
Promote best practice to manage and make use of natural resources within sustainable limits.										



Objective	Commercial fisheries	Aquaculture	Oil and gas	Renewable energy generation	Recreation, sport, leisure and tourism	Marine transport	Ports and harbours	Pipelines, electricity and telecommunications infrastructure	Marine aggregates	Defence
Within an ecosystem approach, protect and enhance the biological, chemical and physical functioning of the marine and coastal environment, the scenic quality and coastal character.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Promote an ecosystem based approach to the management of human activities to support the achievement of Good Environmental Status of marine and coastal waters under Marine Strategy Framework Directive.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Support the cultural and social well-being of local communities including the maintenance and enhancement of quality of life, and visual amenity in coastal areas.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Support management of the marine environment, marine development and infrastructure that mitigates and is resilient to the effects of climate change.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Objective	Commercial fisheries	Aquaculture	Oil and gas	Renewable energy generation	Recreation, sport, leisure and tourism	Marine transport	Ports and harbours	Pipelines, electricity and telecommunications infrastructure	Marine aggregates	Defence
Support sustainable management of the coastal zone and inshore waters, including minimising and mitigation of cumulative impacts from marine developments.										
Identify marine planning and/or governance related issues to inform the future regional marine planning process.										
Pilot the development of an integrated marine planning policy framework for the future North Coast and Orkney Scottish Marine Regions.										
Assist Plan users to navigate the complex legislative and policy framework more easily and effectively.										
Provide a clear strategic direction and greater certainty for prospective developers, investors and local communities in the Pentland Firth and Orkney Waters area.										

## SECTORAL POLICY 1: COMMERCIAL FISHERIES

### Background and context

**335** Fishing is a long-established industry within the Pentland Firth and Orkney Waters and includes a range of different fisheries such as herring, mackerel, haddock, cod, whiting, saithe, monkfish and prawn. Additionally, the shellfish (lobster, brown and velvet crab, whelk and scallop) industry has an important role in this area. Fishing is an important and integral part of these communities and provides employment in areas where there may be few alternative opportunities. Fishing also contributes to supporting a self-sufficient community, particularly on the islands. Fishing in this region can often be carried out from small ports in remote, rural communities and can be an important link in maintaining the local community and associated services.

**336** Fishing, by its very nature, is a dynamic industry and, when assessing any impact developments may have on this industry, the importance of safe access to all areas of the sea such as the seabed, water column and sea surface and navigational access to and from landfall areas that support vessels should be taken into account. Other considerations in relation to the impact that development may have are spawning and nursery areas, which may not necessarily be fished, but are important in maintaining fish stocks.

### Key legislation and policy guidance

**337** 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 in relation to the Marine Strategy Framework Directive (MSFD). The MSFD aims to deliver Good Environmental Status (GES) and for fisheries requires that “populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock”.

**338** There is an Inshore Fisheries Group (IFG) for Moray and the North Coast and Orkney Sustainable Fisheries Ltd is the Orkney Management Group, which is the equivalent of an IFG<sup>1</sup>. Inshore Fisheries Groups (IFGs) are non-statutory bodies that aim to improve the management of Scotland’s inshore fisheries out to 6 nautical miles, and to give commercial inshore fishermen a strong voice in wider marine management developments. 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.

**339** There is legal recognition and general acceptance of a public right to fish. However, that right is not absolute; it is restricted by statute and regulated by Ministers on the public's behalf through licensing and other means.

**340** When determining an application for a marine licence under the Marine (Scotland) Act 2010 the Scottish Ministers must have regard to, amongst other considerations, the need to prevent interference with legitimate uses of the sea (Section 27(1)(a)(iii)).

**341** Any objections raised regarding a development that is likely to have an impact on fishing will be given consideration when making a determination. Fishermen would have the opportunity to raise issues during the consultation process and any development that is likely to have an impact on fishing would require the developer to liaise with fishermen and take their concerns into account. If necessary, a liaison group, e.g. a Commercial Fisheries Working Group, would be set up to help resolve issues between the developers and fishermen.

**342** For the renewables industry there is guidance in place to assist this process: the Fishing Liaison with Offshore Wind and Wet Renewables (FLOWW) Best Practice<sup>2</sup> Guidelines.

## Current status

**343** The Scottish Sea Fisheries Statistics are published each year and provide information in relation to fishing and associated employment in Scotland. The most recent document relates to 2014 and was published in September 2015<sup>3</sup>.

**344** The following paragraphs summarise the findings of a Marine Scotland publication on Value Added in the Fish Supply Chain in Orkney and Northern Highlands<sup>4, 5</sup>. Landings in Orkney are dominated by under 15m vessels landing crustaceans (predominantly crab) whereas in Scrabster the landings are dominated by demersal species from over 15m vessels as well as landings from larger crabbing vessels.

**345** The fishing industry also supports employment onshore in terms of processing, transport and associated activities. A study undertaken by Marine Scotland outlines the value of landings in the Pentland Firth and Orkney Waters region and the impacts on the processing sector and the economic benefits to this region.

**346** Within Orkney, a fisherman's cooperative business model has been set up by the Orkney Fishermen's Society and this is closely linked to providing product marketed as coming from Orkney waters to a range of UK supermarkets as well as live shellfish export to the EU and beyond. This success means that there is a high value associated with the inshore fishery and it is important for the marketing and reputation of the product that it is provided by the inshore fishery fleet. The fishermen in Orkney are also supported by the Orkney Fisheries Association and both these organisations make representations on behalf of the local fishing industry.

**347** In Caithness and Sutherland there is a different type of industry in that Scrabster is traditionally a landing port although there is some primary processing industry in the area. The industry relies on export to markets in Scandinavia and Asia. The area does not have local organisations representing the fishermen in the way that Orkney does but if they are a member of a national organisation their interests will be represented at that level.

## **Pressures**

**348** Given the nature of the fishing industry, there is potential for interactions with a range of other sectors. Some of these may be positive but there is also potential for interactions that would require careful planning to avoid displacement or adverse socio-economic impacts on fishermen. Secondary interactions, such as impacts from non-native species, also need to be taken into account. There is also potential for pressures from fishing to have an environmental impact on the seabed and target and non-target species.

**349** Marine developments have the potential to prevent or displace fishing activities and could damage fishing habitats, grounds, nursery or spawning areas and fish stocks. These impacts could be temporary or permanent depending on the type of development and the degree of disturbance.

**350** Spatial information such as ScotMap and maps of spawning and nursery grounds can help determine where the important fishing grounds are. However, given that fishing may change over time, ongoing consultation will be essential to obtain up-to-date information. The effects of development in the long- and short-term should be considered as should the cumulative impact of developments in the area.

**351** Consultation with local fishermen and the relevant organisations (including, but not limited to, Scottish Fishermen's Federation, Scottish Pelagic Fishermen's Association, Scottish White Fish Producers Association, Orkney Fisheries Association and Orkney Fishermen's Society) will be needed for any proposed development likely to affect fishing activities.

**352** Use of best practice guidance (e.g. Fisheries Liaison with Offshore Wind and Wet Renewables (FLOWW)) is recommended for any proposed development.

## Information Box 19

### ScotMap

ScotMap is a Marine Scotland project which provides spatial information on the fishing activity of Scottish registered commercial fishing vessels under 15m in overall length. The data were collected during face-to-face interviews with individual vessel owners and operators and relate to fishing activity for the period 2007 to 2011. Interviewees were asked to identify the areas in which they fish, and to provide associated information on their fishing vessel, species targeted, fishing gear used and income from fishing.

The dataset, as of July 2013, is based on interviews of 1,090 fishermen who collectively identified 2,634 fishing polygons, the majority of which relate to creel (pot) fishing. The data collected were aggregated and analysed to provide raster data and mapped outputs of the monetary value, relative importance (relative value) and the usage (number of fishing vessels and number of crew) of seas around Scotland.

Not all fishermen initially targeted for the ScotMap project were interviewed (72% vessel coverage overall) and not all those interviewed provided earnings information (10% decline rate overall with regard to earnings disclosure).

Individuals defined their fishing areas with variable levels of precision. Users of the data should be aware of this, particularly of the coverage provided by the ScotMap data which varies regionally.

## Sectoral Policy 1: Commercial fisheries

Taking account of the relevant EU policies and Directives marine planners and decision makers should aim to ensure:

- existing fishing opportunities and activities will be safeguarded wherever possible
- an ecosystem based approach to the management of fishing which ensures the sustainability of fish stocks and avoids damage to fragile habitats has been implemented
- consideration has been given to protection for vulnerable commercial stocks (in particular for juvenile and spawning stocks through continuation of sea area closures, where appropriate)
- other sectors take into account the need to protect fish stocks and sustain healthy fisheries for both economic and conservation reasons
- that appropriate consultation regarding proposed development(s) and/or activities have been undertaken with local fishers and representatives of local and national fisheries organisations and Inshore Fisheries Groups (or equivalent)

The following key factors should be taken into account when deciding on uses of the marine environment and the potential impact on fishing:

- the cultural and economic importance of fishing, in particular to vulnerable coastal and island communities
- the potential impact (positive and negative) of marine development(s) and/or activities on the sustainability of fish and shellfish stocks and resultant fishing opportunities in the PFWO area
- the environmental impact on fishing grounds (such as nursery, spawning areas), commercially-fished species, habitats and species more generally
- the potential effect of displacement on: fish stocks; the wider environment; use of fuel; socio-economic costs to fishers and their communities and other marine users
- port and harbour operators should seek to engage with fishing and other relevant stakeholders at an early stage to discuss any changes in infrastructure, including commercial policy, that may affect them
- any port or harbour development(s) and/or activities should take account of the needs of the dependent fishing fleet with a view to avoiding commercial and environmental harm where possible

Continued on next page

## Sectoral Policy 1: Commercial Fisheries continued

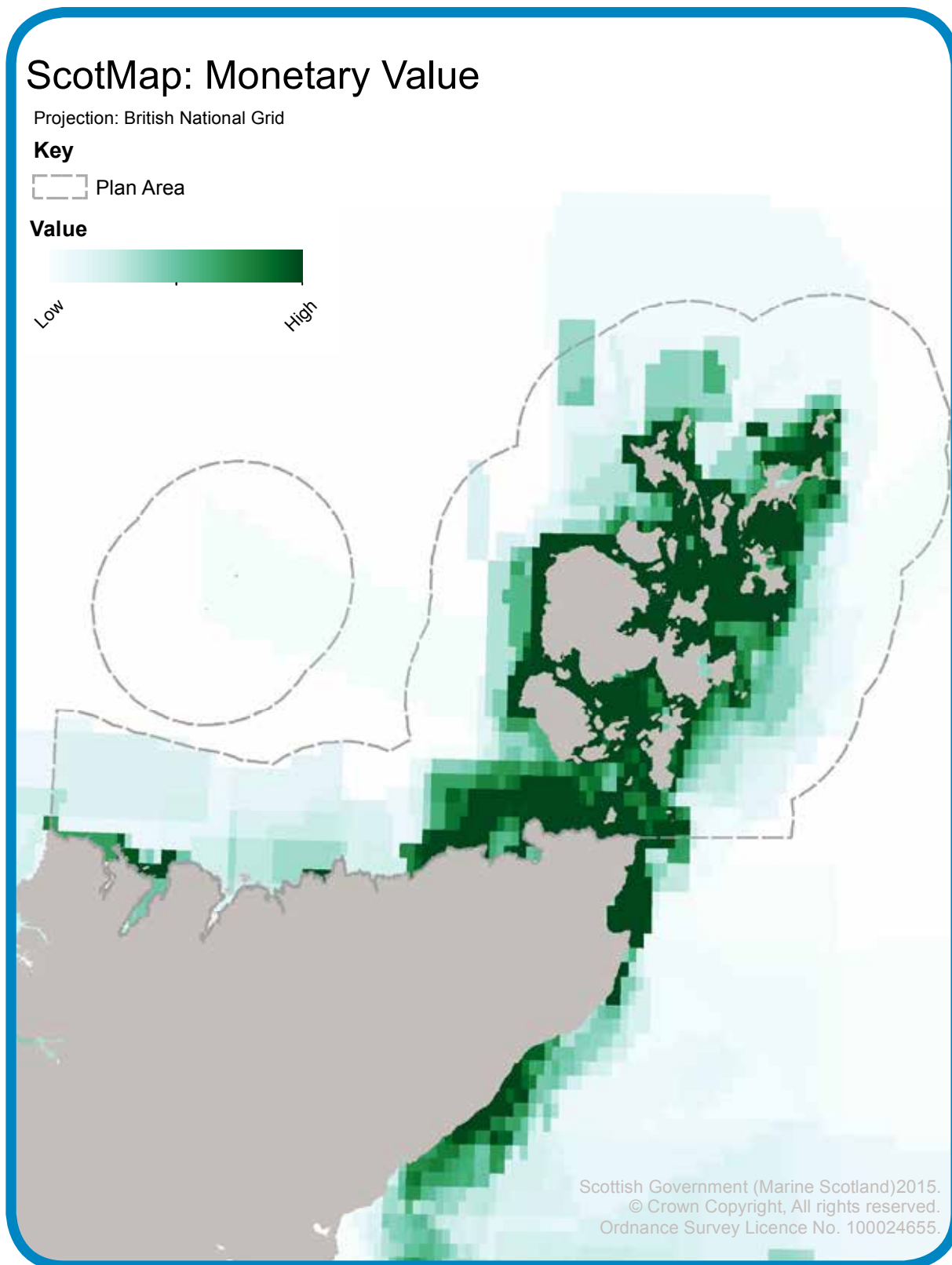
- Inshore Fisheries Groups, or the local equivalent, should work to agree joint fisheries management measures within inshore waters
- where existing fishing opportunities or activity cannot be safeguarded, a Fisheries Management and Mitigation Strategy should be prepared as outlined in the National Marine Plan. All efforts should be made to agree the Strategy with local fisheries interests who should also undertake to provide transparent and accurate information and data to help complete the Strategy. The Strategy should be drawn up as part of the discharge of conditions of permissions granted

### **Justification**

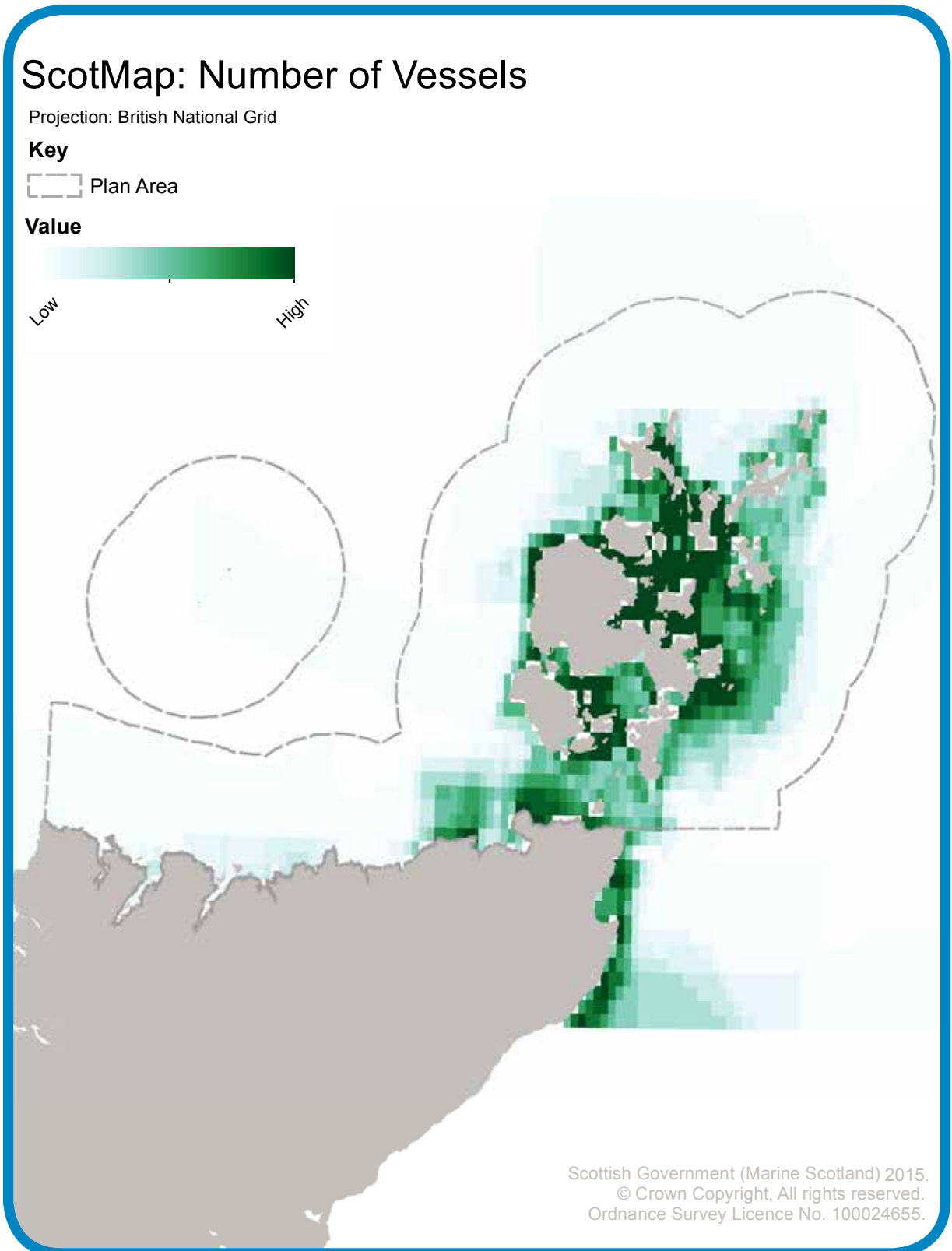
**353** Fishing and the associated socio-economic benefits it brings to the local economy is important to the region. Development in the marine environment can have a number of impacts on the industry such as restricting access, damaging important habitats and displacing fishing effort to other areas. This policy seeks to safeguard the commercial fisheries industry and its associated benefits.



## Supporting spatial information



**Map 13: Monetary value of commercial fishing by boats under 15m in length in the Pentland Firth and Orkney Waters area between 2009 and 2011. Data comes from Marine Scotland’s ScotMap project and was collected by interview.**



**Map 14: Number of vessels under 15m in length involved in commercial fishing between 2009 and 2011 in the Pentland Firth and Orkney Waters area. Data comes from Marine Scotland’s ScotMap project and was collected by interview.**

## Future considerations

**354** The future development of Marine Planning Partnerships, working with the Moray Firth and North Coast Inshore Fisheries Group, the Orkney Management Group and local organisations (such as the Orkney Fishermen's Society and Orkney Fisheries Association) and the local authorities could inform a regional model of marine management.

## Further information

### Inshore Fisheries Groups

<sup>1</sup> <http://www.gov.scot/Topics/marine/Sea-Fisheries/InshoreFisheries/IFGs>

### <sup>2</sup> Fisheries Liaison with Offshore Wind and Wet Renewables (FLOWW) Good Practice Guidelines

<http://www.sff.co.uk/sites/default/files/FLOWW%20Best%20Practice%20Guidance%20for%20Offshore%20Renewables%20Developments%20Jan%202014.pdf>

### <sup>3</sup> Scottish Sea Fisheries Statistics

<http://www.gov.scot/Topics/Statistics/Browse/Agriculture-Fisheries/PubFisheries>

### <sup>4</sup> Pentland Firth Orkney Waters Marine Spatial Plan: Value Added in the Fish Supply Chain in Orkney and Northern Highlands

<http://www.gov.scot/Publications/2014/12/2317/downloads>

### <sup>5</sup> The Importance for the Fish Processing and Merchenting Sector of Landings of Fish from the Waters of Pentland Firth and Orkney to the Local and Scottish Economies

<http://www.gov.scot/Publications/2014/12/5337>

### ScotMap

<http://www.gov.scot/Topics/marine/science/MSInteractive/Themes/ScotMap>

### Kingfisher Information Service – Offshore Renewables and Cables Awareness

<http://www.kis-orca.eu/>

### KIMO International

<http://www.kimointernational.org/Home.aspx>

## SECTORAL POLICY 2: AQUACULTURE

### Background and context

**355** Aquaculture in Scotland helps provide food for the domestic market, export income and a range of employment opportunities, especially in the Highlands and Islands. In the PFOW area, the industry provides considerable benefit for fragile economic areas, including supply chains, processing and research.

**356** 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.

### Key legislation and policy guidance

**357** Aquaculture for the purposes of this policy covers ‘fish farming’ which is legally defined in the Town and Country Planning (Scotland) Act 1997<sup>1</sup> (as amended) as “the breeding, rearing or keeping of fish or shellfish” (which includes any kind of crustacean or mollusc). This was amended by the Town and Country Planning (Marine Fish Farming) (Scotland) Regulations 2013<sup>2</sup> to include any kind of sea urchin. At the time of writing, seaweed cultivation is not covered by this Act.

**358** Unlike most other marine development, marine fish farming out to 12 nautical miles requires planning permission under the Town and Country Planning (Scotland) Act 1997, not Marine Scotland as is the case for most marine activities. National guidance is therefore provided in Scottish Planning Policy, with additional guidance provided in the National Marine Plan. At the local level, the two local authorities, Orkney Islands Council and the Highland Council determine fish farming planning applications. Their respective Local Development Plans set out the key policies and criteria against which planning applications will be assessed. At present, seaweed cultivation farms require a licence from Marine Scotland.

#### Information Box 20

##### Seaweed cultivation and harvesting

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.

**359** In addition, Orkney Islands Council has detailed Planning Policy Advice<sup>3</sup> to aid sustainable development of the sector and Highland Council is developing similar guidance. The policies in this document do not intend to add any further policy burden but to aid sustainable development by providing information on the wide variety of factors to be considered when developing this sector, including development of shore-based facilities such as processing plants.

**360** In addition to planning permission, most marine fish farming requires a seabed lease from the Crown Estate. Fish farming developments may also require a marine licence or authorisation from various Marine Scotland departments for some activities. For example, a marine licence from MS-LOT is required to safeguard navigation, including access to anchorages. Marine Scotland Science implements measures that regulate the movement of live fish with a view to preventing the spread of fish diseases. It issues a marine licence covering navigation issues and deposits in the marine environment, including discharges from well boats when used for treating fish. When a commercial activity could cause disturbance to a European Protected Species, Marine Scotland may issue a licence for the activity. In addition, it is the licensing authority for seals under the Marine (Scotland) Act 2010<sup>4</sup>, and it can issue licences and guidance for the killing of seals to protect the welfare of farmed fish. Another section of Marine Scotland, the Fish Health Inspectorate, issues consents for an Aquaculture Production Business Authorisation under the Aquatic Animal Health (Scotland) Regulations 2009<sup>5</sup>.

**361** Under the Water Environment (Controlled Activities) (Scotland) Regulations 2011<sup>6</sup>, the Scottish Environment Protection Agency (SEPA) regulates activities which may pose a risk to the water environment. For finfish farming, SEPA sets limits on the types and amount of fish (maximum allowable biomass) that can be held in a cage configuration and the amount of medicines (chemotherapeutants) that can be discharged into the environment from the fish cages. Known as a CAR licence, sites are assessed on the likely effects of discharges on an individual and cumulative basis, from a development on both the water column and the benthic environment. CAR licences are not required for shellfish farms. A parallel licensing regime exists under the Marine Act where chemotherapeutants are released from well boats following sea lice treatment.

## **Current status**

**362** Orkney and North Highland has a mix of both finfish and shellfish farming, mainly involving salmon, mussels and oysters. In Sutherland, there are several shellfish farms and two finfish farms in Loch Eriboll and a large oyster farm in the Kyle of Tongue but there are no active shellfish sites along the north coast of Caithness. Orkney has numerous finfish sites, mainly situated on the more sheltered eastern and southern coasts of the mainland, Hoy and Westray.

**363** Current Scottish Planning Policy (2014)<sup>7</sup> and the National Marine Plan have a presumption against further marine finfish farm developments on the north (and east) coasts to safeguard migratory fish species.

## Pressures

**364** Some key industry-specific pressures are the ability to attract suitably skilled staff, a perceived lack of space for new sites, suitably robust equipment that can deal with the challenging marine environment and in the case of shellfish, water quality. Work under way by Marine Scotland for the *Spatial Planning for Aquaculture* project will map areas of constraint and opportunity.

**365** The impacts of sea lice 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 led to the development of technical standards for finfish aquaculture<sup>8</sup>. Aquaculture also has the potential to interact with inshore fisheries and recreation and tourism interests.

### Sectoral Policy 2: Aquaculture

Aquaculture developments will be supported by the Plan where they are in compliance with:

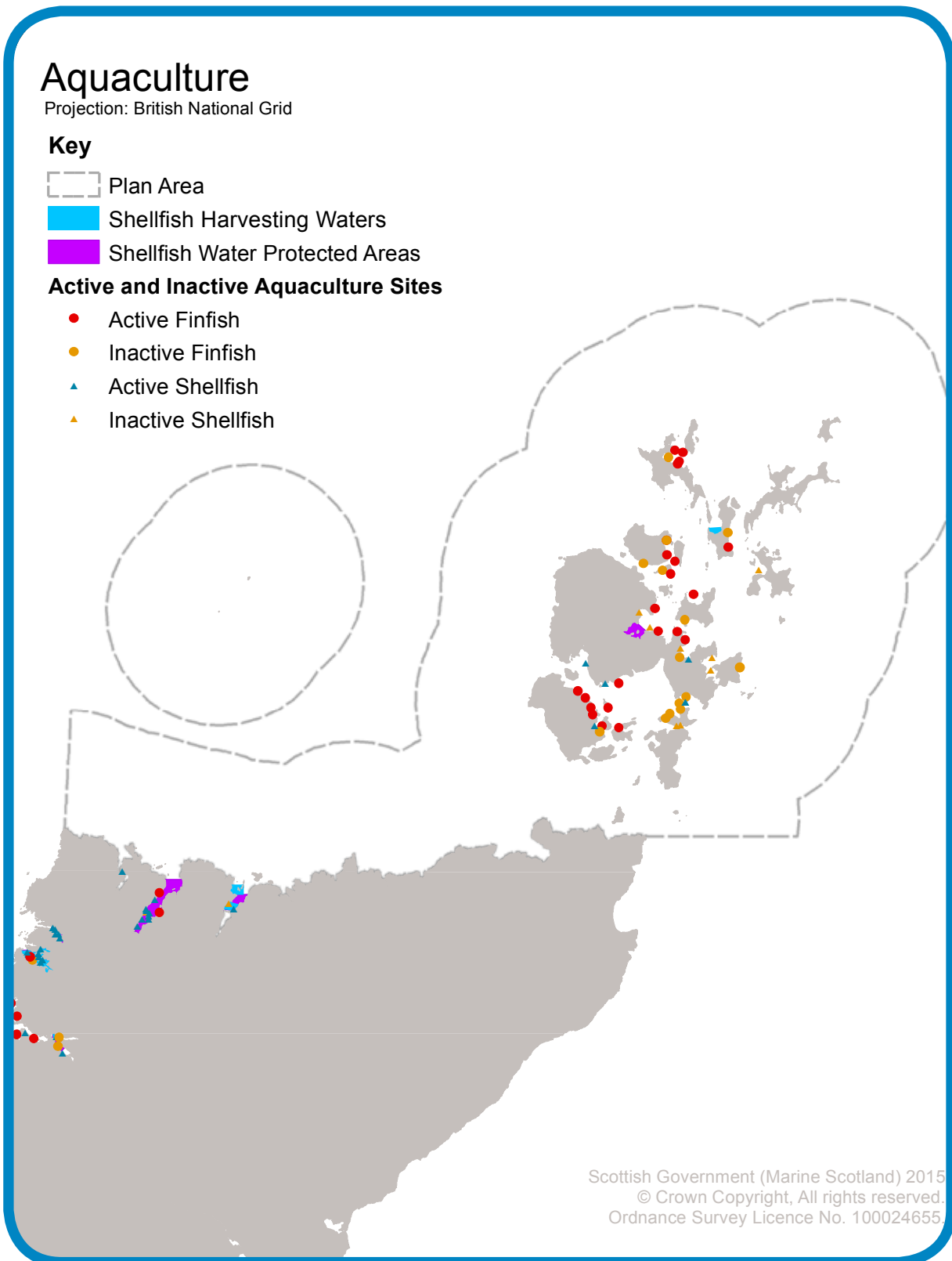
- Local Development Plans for Orkney Islands Council or Highland Council and any related planning guidance as appropriate
- any Marine Scotland or Scottish Environment Protection Agency licensing requirements and guidance

The Plan will support the sustainable growth of seaweed cultivation where it complies with any licensing or subsequent planning requirements

## Justification

**366** This policy highlights the main considerations to be taken into account for this industry, which represents a significant element of the marine activity in the PFOW.

## Supporting spatial information



**Map 15: Active finfish and shellfish aquaculture sites and shellfish water designations in the Pentland Firth and Orkney Waters Plan area. ‘Active’ in accordance with the Marine Scotland 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.**



## Future considerations

**367** Subsequent regional marine plans will provide continued guidance and support for this sector where appropriate.

**368** If there is a desire from the sector to move sites further offshore, further guidance may be needed on the impacts of new technologies and practices. Similar issues are also seen in other EU member states, with a view to promoting the development of fish farming further offshore. If in due course, developers wish to consider aquaculture sites beyond three nautical miles or as progress is made on multi-trophic aquaculture, whereby more than one species is farmed at a single site, further policy guidance or legislation may be required.

## Further information

**<sup>1</sup> Town and Country Planning (Scotland) Act 1997 (as amended)**

<http://www.legislation.gov.uk/ukpga/1997/8/contents>

**<sup>2</sup> Town and Country Planning (Marine Fish Farming) (Scotland) Regulations 2013**

<http://www.legislation.gov.uk/ssi/2013/277/contents/made>

**<sup>3</sup> Orkney Aquaculture Planning Policy Advice**

<http://www.orkney.gov.uk/Service-Directory/R/aquaculture-supplementary-guidance.htm>

**<sup>4</sup> Marine (Scotland) Act 2010**

<http://www.legislation.gov.uk/asp/2010/5/contents>

**<sup>5</sup> Aquatic Animal Health (Scotland) Regulations 2009**

<http://www.legislation.gov.uk/ssi/2009/85/contents/made>

**<sup>6</sup> Water Environment (Controlled Activities) (Scotland) Regulations 2011**

<http://www.legislation.gov.uk/ssi/2011/209/contents/made>

**<sup>7</sup> Scottish Planning Policy 2014**

<http://gov.scot/Publications/2014/06/5823>

**<sup>8</sup> Marine Scotland: A Technical Standard for Scottish Finfish Aquaculture**

<http://www.gov.scot/Publications/2015/06/5747> www.gov.scot/Publications/2015/06/5747

**Planning Circular 1/2007: Planning Controls for Marine Fish Farming (In the process of being replaced)**

<http://www.gov.scot/Publications/2007/03/29102026/1>

**Scotland's Marine Atlas**

<http://www.gov.scot/Topics/marine/science/atlas>

**Scotland's Aquaculture**

<http://aquaculture.gov.scot/>



**A Fresh Start – The Renewed Strategic Framework for Scottish Aquaculture**

<http://www.gov.scot/resource/doc/272866/0081461.pdf>

**An Assessment of the Benefits to Scotland of Aquaculture**

<http://www.gov.scot/Topics/marine/Publications/publicationslatest/farmedfish/AqBenefits>

**Seaweed Consultation Report**

<http://www.gov.scot/Publications/2014/11/5316>

**Marine Scotland – Running a Fish Farm**

<http://www.gov.scot/Topics/marine/Fish-Shellfish/18716>

**The Siting And Design Of Aquaculture In The Landscape: Visual And Landscape Considerations (2011)**

<http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/publication-detail/?id=113>

**The Crown Estate: Aquaculture Guidance**

[www.thecrownestate.co.uk/coastal/aquaculture/](http://www.thecrownestate.co.uk/coastal/aquaculture/)

**Scottish Environment Protection Agency: Aquaculture Guidance**

[http://www.sepa.org.uk/water/water\\_regulation/regimes/aquaculture/marine\\_aquaculture.aspx](http://www.sepa.org.uk/water/water_regulation/regimes/aquaculture/marine_aquaculture.aspx)

## SECTORAL POLICY 3: OIL AND GAS

### Background and context

**369** Within Orkney, the oil and gas industry has played an important role since the 1970s in providing employment and supporting the wider local economy. Crude oil is imported to the Flotta Oil Terminal through a 30-inch subsea pipeline from several offshore installations in the Flotta Catchment Area (FCA). The terminal operators, Talisman Sinopec Energy, signed an agreement in 2012 to provide transportation and processing services to the Golden Eagle Development, which is located 70km north east of Aberdeen and the second largest oil discovery in the UK North Sea. It is expected this will ensure the operation of the terminal for many years and means there will be ongoing activities in the oil and gas industry within the Plan area.

**370** Scapa Flow is also one of the principal locations in Europe for Ship-to-Ship (STS) operations of the transfer of crude and fuel oils. Scapa Flow offers a large, sheltered, deep-water designated anchorage for these operations. There have been over 180 STS transfers conducted in Scapa Flow since 1980.

**371** In Caithness, the oil and gas industry will be supported by an agreement to build an oil supply base in Scrabster and the ongoing use of the airport at Wick John O'Groats as a transport hub for oil workers and ship crews.

### Key legislation and policy guidance

**372** Offshore oil and gas activity is well established and is subject to strict environmental regulations and considerations and these can be found at [www.gov.uk/topic/oil-and-gas](http://www.gov.uk/topic/oil-and-gas).

**373** The Department for Energy and Climate Change (DECC) within the UK Government is currently responsible for regulating the licensing, exploration, exploitation (production) and decommissioning relating to the oil and gas industry. However, the regulatory functions other than those relating to safety and the environment have been transferred to a new Oil and Gas Authority.

**374** DECC acts under powers Parliament has given to the Secretary of State for Energy and Climate Change in the Petroleum Act 1998 to regulate offshore oil and gas operations. DECC has also developed a comprehensive environmental legislative regime to underpin its regulatory activities.

**375** Within the Plan area (out to 12 nautical miles) DECC is responsible for environmental impact assessment and habitat and species issues in relation to the Petroleum Act functions. However, DECC's environmental regulations relating to emissions and discharges do not apply in internal or controlled (0-3 nautical miles) waters and competence in relation to pollution matters in these areas rests with the Scottish Government.

## Current status

**376** The Scottish Government has its own oil and gas industry strategy<sup>1</sup>, which reinforces the long-term future of the industry in Scotland and the priorities for industry, government and others to realise these opportunities. The Scottish Government has also pledged<sup>2</sup> to work with this sector to maintain competitiveness, facilitate the transfer of skills and knowledge to other sectors and to utilise Scottish-based skills in world markets. This will support Scotland's economic recovery.

**377** There is likely to be ongoing activity in the offshore oil and gas sector for many years and the impact it can have in terms of interactions with other users, the environment, climate change and decommissioning, all need to be managed and taken into account.

**378** No shale gas deposits or development pressures have been identified within the Plan area during the plan making process.

## Pressures

**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.

**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 possible for as long as they may be needed.

**381** There is potential for both positive and negative interactions between oil and gas exploration and extraction and other marine users. 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 with the offshore wind, marine renewables (wave and tidal stream) and fishing industries.

**382** Marine renewables technology is still developing and knowledge is being gained regarding how spatially compatible this industry is likely to be with the oil and gas industry. However, the transfer of marine operations skills from the oil and gas industry has the potential to reduce costs of developing renewable projects.

**383** The requirement for 500-metre exclusion zones around oil and gas infrastructure could interfere with fishing operations through displacement. Pipelines, unless buried, can also have an impact by causing an obstruction to fishing. Post lay trawls can be carried out to ensure the areas where pipelines have been laid are snag- and debris-free.

**384** In some cases however, the fishing industry could benefit financially when employed by the oil and gas sector during installation, e.g. acting as guard vessels or as a fisheries liaison for geological surveys.

**385** Oil and gas production can result in a range of environmental pressures, the main ones being oil spill, noise from exploration (e.g. seismic survey) and production and chemical or oil contamination of seawater, sediments and fauna. The operational pressures are mitigated through regulation but unplanned events, e.g. an oil spill, could result in damage to the environment.

**386** Construction, protection and decommissioning of infrastructure can result in the local loss of species and habitat but can be mitigated to ensure the effect is limited to a small footprint. Infrastructure can also provide substrate for colonisation and shelter for fish.

### Sectoral Policy 3: Oil and gas

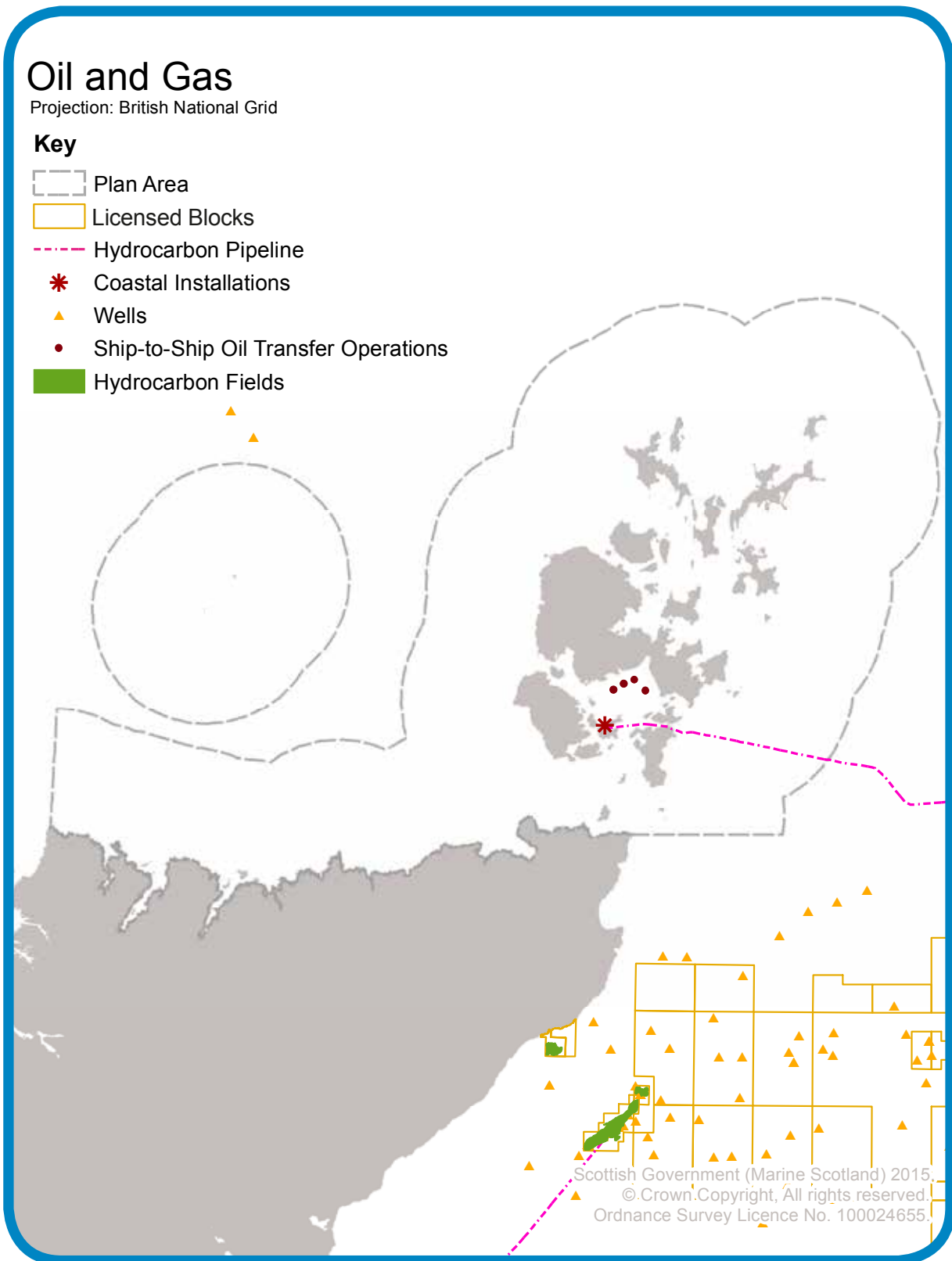
Exploration and production of oil and gas will be supported by this Plan, working with DECC, the Oil and Gas Authority and Competent Authority when:

- oil and gas exploration and production are conducted in accordance with regulations
- there is an approved Oil Pollution Emergency Plan in place that has the agreement with the appropriate authorities to respond to any accidental release of oil or gas and related hazardous substances
- all oil and gas platforms have in place nine nautical mile consultation zones in line with Civil Aviation guidance
- connections to shore base and associated infrastructure take into account environmental and socio-economic constraints
- appropriate monitoring programmes and detailed restoration and maintenance proposals based on standard best practice are in place
- re-use of oil and gas infrastructure is considered and, where not practicable, decommissioning takes place in line with standard practice, and as allowed by international obligations

### Justification

**387** The oil and gas industry has been a part of this area for many years and has made, and will continue to make, a significant contribution to the economy of the area. There are risks and potential impacts associated with this industry which will continue to be controlled by strict environmental regulations and considerations. In some cases there is also potential for the oil and gas industry and other marine users to work together to mitigate negative impacts.

## Supporting spatial information



**Map 16: Oil and gas infrastructure and activity in the Pentland Firth and Orkney Waters area.**

## Future considerations

**388** DECC operates a competitive system of licence awards. Most licences are issued in licensing rounds, where applicants compete for exclusive licences over particular geographical areas. When DECC issues a production licence to a company (or group of companies), it is giving that licensee exclusive rights to explore for, drill for, and produce native oil and gas within a specified area. Licensees must be assured of this exclusive right before they make the necessary investments to develop oil and gas fields. Exclusivity also prevents competing companies trying to exploit the same resource.

**389** In the area around the PFOW there is potential for some future development as during the DECC 28th Leasing Round<sup>3</sup> there were some 'Promote Licences with Drill or Drop requirement' issued in Blocks near this area. This would require operators to review available data and develop a work programme within two years of the licence being issued. If this is not done then the licence may be dropped, or extended to undertake work commitments for the Block proposed by the operator.

**390** The Oil and Gas Authority was established with the regulatory function split from DECC environmental functions. The EU Directive 2013//30/EU<sup>4</sup> on the safety of offshore oil and gas operations will also be implemented by the Health and Safety Executive and DECC as joint competent authority.

## Further information

### **<sup>1</sup> Scotland's Oil and Gas Strategy 2012-2020**

<http://www.scottish-enterprise.com/knowledge-hub/articles/publication/oil-and-gas-industry-strategy>

### **<sup>2</sup> Scottish Government Supporting Economic Recovery – 10 Energy Pledges**

<http://www.gov.scot/Topics/Business-Industry/Energy/Action/economic-recovery/10-Pledges>

### **<sup>3</sup> Department of Energy and Climate Change – 28th Licensing Round**

<https://www.gov.uk/oil-and-gas-licensing-rounds#th-round---awards>

### **<sup>4</sup> EU Directive 2013//30/EU – Offshore Directive**

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:178:0066:0106:EN:PDF>

**Department of Energy and Climate Change – Information on Oil and Gas Regulation and Licensing**

<https://www.gov.uk/government/publications/2010-to-2015-government-policy-energy-industry-and-infrastructure-licensing-and-regulation/2010-to-2015-government-policy-energy-industry-and-infrastructure-licensing-and-regulation>

### **Scottish Natural Heritage – Oil and Gas**

<http://www.snh.gov.uk/land-and-sea/managing-coasts-and-sea/oil-and-gas/>

### **A Fishing Industry Guide to Offshore Operators**

<http://www.gov.scot/Resource/Doc/158590/0043011.pdf>

**Safety Zones**

<http://www.legislation.gov.uk/ukpga/1987/12/part/III>

**Civil Aviation Authority Policy and Guidance on Wind Turbines**

<http://www.caa.co.uk/docs/33/cap764.pdf>

**Health and Safety Executive – Offshore Directive**

<http://www.hse.gov.uk/offshore/directive.htm>

## SECTORAL POLICY 4: RENEWABLE ENERGY GENERATION

### Background and context

**391** Scotland has set a target of generating the equivalent of 100% of Scotland's electricity demand from renewable resources by 2020 and to deliver an 80% reduction in greenhouse gas emissions by 2050. The PFOW area is very well placed to contribute to achieving these targets by utilising offshore wind and marine renewables (wave and tidal stream) resource.

**392** The PFOW area has some of the best sources of marine renewable energy generation (also referred to as marine renewables or marine energy) in the UK<sup>1</sup> and the Orkney-based European Marine Energy Centre (EMEC)<sup>2</sup> provides a globally unique facility for testing marine energy devices. The area currently has a total of 12 Crown Estate Agreements for Lease areas, seven held by developers and five held by EMEC for sea trials and testing. One commercial project (Meygen Phase 1) was licensed and consented in January 2014.

**393** Sustainable growth of marine renewable energy and the potential for co-existence with other marine users is a key objective of the Plan. This could mean using renewables in combination with other sectors or sharing space, where health and safety requirements permit, with other marine users. For example, the Plan Options identified in the Sectoral Marine Plans have the potential for some of the area to be developed by the marine renewable sector and any part of the area that is not taken up by this industry has the potential to be utilised by other marine users.

### Key legislation and policy guidance

**394** Two reports published by the Scottish Government, the Marine Energy Group's Roadmap 2009<sup>3</sup> and the Offshore Wind Energy Group's Offshore Wind Route Map 2013<sup>4</sup> outlined the opportunities and challenges associated with the development of the offshore and marine renewable energy industry.

**395** The UK Marine Policy Statement<sup>5</sup> notes that contributing to securing the UK's energy objectives, while protecting the environment, will be a priority of marine planning and outlines a number of issues to be taken into consideration by marine planners when developing marine plans.

**396** Scotland's policy on how energy targets will be met is described in the Electricity Generation Policy Statement 2013<sup>6</sup> and highlights ways in which offshore renewable energy can contribute to the Scottish targets.

**397** National Planning Framework 3<sup>7</sup> notes that terrestrial and marine planning have a key role to play in reaching Scotland's ambitious energy targets by facilitating development, linking generation with consumers and guiding new infrastructure to appropriate locations.

**398** Planning for offshore renewable energy in Scotland has resulted in Sectoral Marine Plans to steer the location of commercial scale (i.e. 30MW for wave and tidal and 100MW for offshore wind) offshore renewable energy developments. Within the PFOW area there are seven Plan Options, one for wind, two for wave and four for tidal.



### Information Box 21

#### European Marine Energy Centre (EMEC)

EMEC was established in 2003 and provides a unique open-sea testing facility for wave and tidal technologies.

Orkney is an ideal base for such a centre as it combines robust testing conditions in a harsh marine environment with proximity to sheltered waters and harbours.

EMEC has 14 full-scale test berths and also offers two scale test sites where smaller scale devices, or those at an earlier stage in their development, can be tested in less challenging conditions.

**399** The Plan Option areas represent the strategic development zones in which commercial scale projects should be sited although it is not expected that the whole of each Plan Option area will be fully developed. Plan Options are considered the preferred strategic locations for the sustainable development of offshore wind and marine renewables. Developers can propose using areas outwith these Plan Options but this may present a higher risk in consenting terms.

**400** The geographical scope is 0-200 nautical miles for the Sectoral Marine Plans and their associated Regional Locational Guidance whereas this Marine Spatial Plan and its Regional Locational Guidance covers 0-12 nautical miles.

### Current status

**401** The PFOW area has been recognised as a place where there are unparalleled opportunities for marine renewable energy development. The European Marine Energy Centre is the only one of its kind in the world and the PFOW was designated as a Marine Energy Park in July 2012<sup>8</sup>. The Marine Energy Park is designed to accelerate the commercialisation of wave and tidal stream technologies and to promote the region on a worldwide scale to secure economic and social benefits.

**402** The PFOW area has seven Crown Estate Agreements for Lease that can be used for marine renewable energy development, these will be considered as “planned development at the licensing stage” for the Plan. A further five areas are leased to EMEC for sea trials, two of which are not planned to be grid connected. As noted above there are also seven Plan Options identified in this area by the Sectoral Marine Plans.

**403** Both Agreement for Lease and Plan Options are large areas and renewable energy developers would be unlikely to utilise the total area so there are options for sharing and co-location with other industries as noted above.

**404** Any proposals for offshore wind or marine renewable development will be subject to licensing and consenting processes. The Plan Options and other material considerations will be taken into account by decision-makers but each application is considered on a case-by-case basis.

**405** Regional Locational Guidance specific to the PFOW area has been produced and this provides a decision support tool for developers, councils and government.

**406** There is a wide variety of data being collected as part of EMEC's work and the ongoing requirement for monitoring and research as part of the licensing and consenting process for proposed development in the Agreement for Lease areas. These data are a valuable resource in helping assess the impact of marine renewable developments on a variety of receptors.

## Pressures

**407** The knowledge regarding the pressures and impacts associated with offshore wind and marine renewables differ to some extent owing to the industries being at different stages of development. The pressures and impacts will also differ in terms of the technology type, size, structure and siting, of the device(s).

**408** There is potential for impact on existing marine users and the marine environment, e.g. competition for space, navigational restrictions, fishing displacement, and impacts on sectors such as marine recreation and tourism and shipping and defence.

**409** The impacts on the marine environment include, but are not limited to, visual impact, adverse impacts of noise on marine fish and mammals, collision risk to birds and marine mammals and effects on hydrodynamics and consequent sediment movement.

**410** As marine renewables, i.e. wave and tidal stream, are at an early stage of development, it is acknowledged that there remain knowledge gaps regarding the impact of some of these pressures. There is ongoing research, particularly in the PFOW area, to provide the evidence required to better understand the impact that marine technologies may have on the marine environment.

**411** There is a need for more research to assess the impact on existing marine users, e.g. fishing displacement, shipping, tourism and recreation. As the industry develops there will be a need to undertake monitoring at all stages of the development to obtain the evidence needed to inform decision-making.

**412** Although there are a variety of pressures and some of the impacts are not well understood, many of these can be avoided or minimised by ensuring that there is early communication between all sectors to identify the impacts and mitigation measures. Use, and ongoing improvement, of Regional Locational Guidance developed with stakeholders will assist with fine-scale siting for development in areas where there is least constraint.

**413** There are several sets of guidance that have been issued including, but not limited to, the Fishing Liaison with Offshore Wind and Wet Renewables Group (FLOWW) Offshore Renewables and Fisheries Liaison Guidance<sup>9</sup>, updates to existing government guidance for mariners and developers from the Nautical and Offshore Renewable Energy Liaison (NOREL)<sup>10</sup> and Historic Environment Scotland<sup>11</sup> guidance for wave and tidal energy, which has been issued to ensure that such development is sustainable with respect to the historic environment. 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.

**414** To assist in tackling complex issues and/or to resolve areas of dispute anytime in the application process prior to determination, MS-LOT may decide to bring together a Marine Renewables Facilitators Group (MRFG)<sup>12</sup>. This is a group of experts who liaise with MS-LOT to provide advice in relation to proposed marine renewable developments. The members of the group provide feedback at various stages of the process as and when required.

#### **Sectoral Policy 4: Renewable energy generation**

All proposals for offshore wind and marine renewable energy development are subject to licensing and consenting processes.

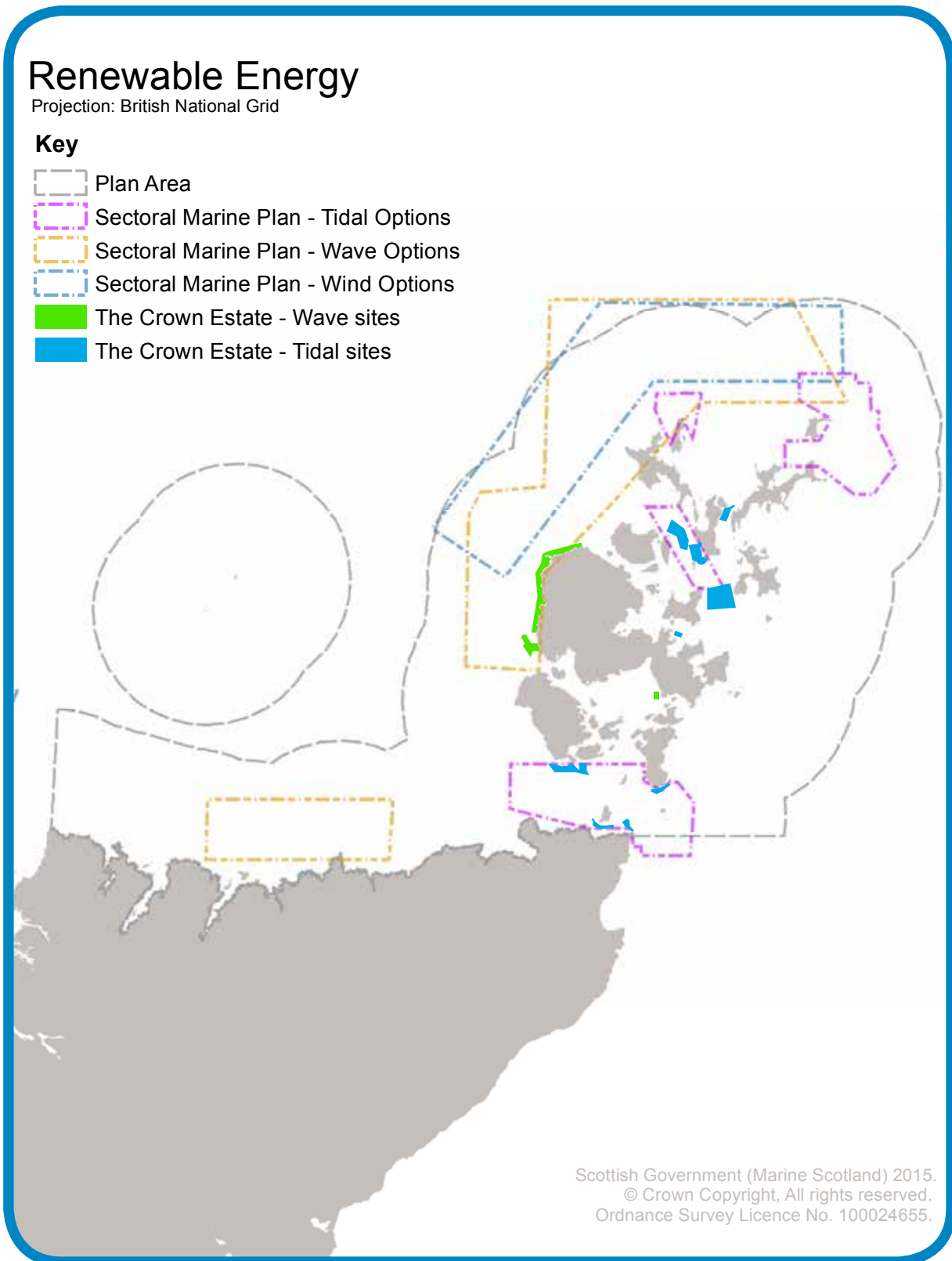
The Plan will support proposals when:

- proposals for commercial scale developments are sited in the Plan Option areas identified through the Sectoral Marine Plan process. These are considered the preferred location for the sustainable development of offshore wind and marine renewables
- the potential for co-existence in, and multiple use of, Plan Option areas and Agreement for Lease areas by other marine users has been discussed with stakeholders and given due consideration
- due regard has been paid to relevant factors in Regional Locational Guidance
- connections to shore and National Grid connections have been considered against the appropriate policies in the relevant Local Development Plan(s)
- early and effective communication and consultation with all affected stakeholders has been established to avoid or minimise adverse impacts
- any adverse impacts are satisfactorily mitigated

## Justification

**415** The PFW area has some of the best marine renewable energy resources in the UK and could help support Scotland's ambitious energy targets. This potential has been recognised by the Agreement for Lease areas and the seven Plan Options located in this area. The industry is at an early stage of development but an increase in growth of this sector may result in a big change in the use of the marine environment in this area. This potential growth may impact on other marine users and marine planning such as the Sectoral Marine Plans and this Marine Spatial Plan aims to guide development to areas of least constraint. Early consultation with other marine users and the consideration of shared use will help mitigate adverse impacts.

## Supporting spatial information



**Map 17: Leased Crown Estate sites for marine renewable activities and draft Plan Options for renewable developments as suggested in Marine Scotland's Sectoral Marine Plan.**

## Future considerations

**416** This is a growing industry that is in the early stages of development so understanding of, and data regarding, what the effects and pressures of this industry will be on other marine users has some gaps. As data continues to be collected there will be a better understanding of these effects and pressures.

**417** 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.

**418** There is a need for ongoing monitoring and research with regard to the impact of this industry. The results of this will provide the data required to assess any impact and inform how future development will take place.

**419** Once the Plan Options within the Sectoral Marine Plans have been finalised, there will need to be consideration and assessment of impacts that development of these areas may have on Marine Protected Areas and draft Special Protection Areas.

**420** Ongoing improvements to the Regional Locational Guidance will also help inform siting of developments in areas where there is the least constraint. 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.

## Further information

**<sup>1</sup> Crown Estate Report on UK Wave and Tidal Key Resource Areas**

<https://pfowmsp.sgworksite.org.uk/SharedDocuments/Sources of Info - Documents/CE - UK Wave and Tidal Key Resource Areas Project.pdf>

**<sup>2</sup> EMEC website**

[www.emec.org.uk](http://www.emec.org.uk)

**<sup>3</sup> Marine Energy Road Map**

<http://www.gov.scot/Resource/Doc/281865/0085187.pdf>

**<sup>4</sup> Scotland's Offshore Wind Route Map**

<http://www.gov.scot/Resource/0041/00413483.pdf>

**<sup>5</sup> UK Marine Policy Statement**

<https://www.gov.uk/government/publications/uk-marine-policy-statement>

**<sup>6</sup> Electricity Generation Policy Statement 2013**

<http://www.gov.scot/Resource/0042/00427293.pdf>

**<sup>7</sup> National Planning Framework 3**

<http://www.gov.scot/Publications/2014/06/3539>

**<sup>8</sup> Marine Energy Park website**

<http://www.hi-energy.org.uk/hi-marine-energy-park.htm>

**<sup>9</sup> Fishing Liaison with Offshore Wind and Wet Renewables (FLOWW) Offshore Renewables and Fisheries Liaison Guidance**

<http://www.thecrownestate.co.uk/media/5693/floww-best-practice-guidance-for-offshore-renewables-developments-recommendations-for-fisheries-liaison.pdf>

**<sup>10</sup> The Nautical and Offshore Renewable Energy Liaison NOREL**

<http://www.thecrownestate.co.uk/energy-and-infrastructure/offshore-wind-energy/working-with-us/norel/>

**<sup>11</sup> Historic Scotland Guidance**

<http://www.historic.gov.scot/wave-tidal-energy-guidance-nov-13.pdf>

**<sup>12</sup> Marine Renewables Facilitators Group**

<http://www.gov.scot/Topics/marine/science/MSInteractive/MSVirtualTeam>

## SECTORAL POLICY 5: RECREATION, SPORT, LEISURE AND TOURISM

### Background and context

**421** The marine and coastal area in the PFW area supports a wide range of activities associated with recreation, sport, leisure and tourism that make a significant contribution to the local economy and quality of life. The area is renowned for a wide variety of activities that can take place in or around the marine environment, e.g. surfing at Thurso, diving the Scapa Flow wrecks and the growing cruise ship trade.

**422** For the purposes of this policy the term ‘recreation, sport, leisure and tourism’ encompasses activities that make use of the marine environment in some way. They include, for example, recreational boating, competitive sport, paddlesports, surfing, diving, fishing, swimming, walking coastal paths, birdwatching, painting, eating seafood and attending marine-themed festivals and events.

**423** It is acknowledged that the qualities considered important from a tourism perspective and those important from a sport and recreation perspective may differ. However, in some cases it is not possible to differentiate, e.g. someone visiting Orkney (as a tourist) to dive the Scapa Flow wrecks (as a sport).

**424** Many of the activities are based on the wildlife, the scenery or enjoying water-based or waterside activities either near, on, in or under the sea. These activities therefore rely on having a marine environment that is biodiverse, clean and safe. For the local economy and jobs to continue to be supported by this industry, the marine environment and the pressures on it need to be managed to allow these activities to continue.

### Key legislation and policy guidance

**425** The National Planning Framework 3 notes the importance of our coastal areas as an outstanding natural resource and that national and regional marine plans will provide policies to achieve sustainable development, protection and, where appropriate, enhancement of the marine area.

**426** Scottish Planning Policy supports an integrated approach to coastal planning and the importance of the coastline as a resource both for development and for its particular environmental quality.

**427** There is a national tourism strategy developed by the Scottish Tourism Alliance – Tourism Scotland 2020<sup>1</sup> – and both Visit Scotland’s National Tourism Development Framework<sup>2</sup> and the Marine Tourism Strategy<sup>3</sup> are aligned with this strategy.

**428** The Marine Tourism Strategy has been developed by a working group of industry leaders and user groups together with public agencies and enterprise bodies to focus on the sustainable growth of Scotland’s marine leisure sector.



**429** Within the PFOW area there is a Highland Tourism Partnership that has produced a Highland Tourism Action Plan that outlines the priorities for delivering the Tourism 2020 strategy in the Highland area. The North Highland Initiative is an organisation committed to working with its members, the wider tourism industry and key public sector stakeholders to grow the value of tourism in the North Highland region through destination development and targeted marketing, e.g. the North Coast 500 initiative. Orkney Islands Council work with Visit Scotland and the Orkney Tourism Group to promote and develop the tourism industry.

## Information Box 22

### Scapa Flow – Diving

Scapa Flow ranks as one of the world's top diving destinations. The wrecks of battleships, and the history behind them, make Scapa Flow a world-renowned location for diving. The marine life living in and around the wrecks adds to the attraction of diving in the area. Seventy-four German ships were sunk in 1919 to prevent them being divided up amongst the allies. Many were recovered for salvage but those remaining submerged have helped make Scapa Flow into one of the most popular dive sites in Europe.

### Thurso – Surfing

The Scottish Surfing Federation note that the North Coast of Scotland has been instrumental to the development of the sport both within Scotland and the UK as a whole. Surfers first started visiting the North Coast of Scotland over 40 years ago and in 1973 the first Scottish Surfing Championships were held at Bettyhill near Thurso. Since then, there has been numerous surf competitions focused in the Thurso area at local, national and international level. There has also been a general increase in the number of surfers using the area for their sport.

## Current status

**430** The area has many local businesses and clubs that either make a living from supporting tourism in the marine environment or use it for recreation and leisure. These are well established and contribute to the local economy and the well-being of locals and visitors alike.

**431** As well as being an important area for tourism, the marine and coastal area is enjoyed and valued for recreation, sport and leisure by local people.

**432** There are some region specific data in relation to use of the marine environment for recreation, leisure and tourism, e.g. information and spatial data on recreational vessels in the Shipping Study<sup>4</sup> carried out by Marine Scotland and maps from sea kayaking and canoeing guides. Information on Sailing Tourism in Scotland<sup>5</sup> was collected by Scottish Enterprise in 2010 and represents the most comprehensive and up-to-date published information for this sector.

**433** However, there are limited data on how many visitors to, or local people living in, Orkney, Caithness and Sutherland would use, or enjoy, the marine and coastal environment for recreation, sport, leisure and tourism. This is an acknowledged data gap for Scotland as a whole and is being addressed by a Marine Tourism and Recreation study funded by Marine Scotland, the Contract Research Fund, the Crown Estate and the Scottish Coastal Forum being undertaken in 2014-2016. This study will include a case study of the PFOW.

**434** The project will provide the baseline information on tourism and recreation activities in the marine environment plus spatial, temporal, economic and, where possible, social data about this sector.

## **Pressures**

**435** The majority of use of the marine environment for recreation, sport, leisure and tourism takes place in the inshore area, i.e. within 12 nautical miles. Some activities, such as yacht cruising, are wide ranging while others, such as wreck diving, are focused on key areas. Activities often vary seasonally, e.g. wildlife watching is tied in with the natural cycles of breeding and migration. The freedom of use of the marine environment is one of its main attractions for recreation, sport and leisure pursuits and any restriction on this is likely to have an adverse effect on participation in them.

**436** There is the potential for interactions, potentially positive, negative and neutral, with existing and future marine users. There is support for co-existence of activities where possible to ensure sustainable growth of the marine recreation and tourism sector, including the need to co-ordinate between onshore and offshore planning processes.

**437** Early consultation regarding, and careful planning of, any development in the marine environment could ensure that pragmatic and safe shared use is established with any short or long term impacts minimised or mitigated.

**438** In some cases there is a need for a strategic approach to the development of land-based facilities to support existing and future recreational, sporting and leisure use of the marine environment. These might include slipways, car parks and toilets. However, these will generally be small scale in keeping with their surroundings. Opportunities to share or improve infrastructure or facilities should be discussed as part of any consultation in relation to proposed marine developments.

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

The Plan will support the sustainable development of marine recreation, sport, leisure and tourism.

The Plan will support proposals for recreation, sport, leisure and tourism development(s) and/or activities where:

- they do not adversely affect the natural and historic environment which is the resource that recreation, sport, leisure and tourism rely upon
- codes of best practice and guidance such as those for biosecurity planning, non-native species and Marine Wildlife Watching are complied with

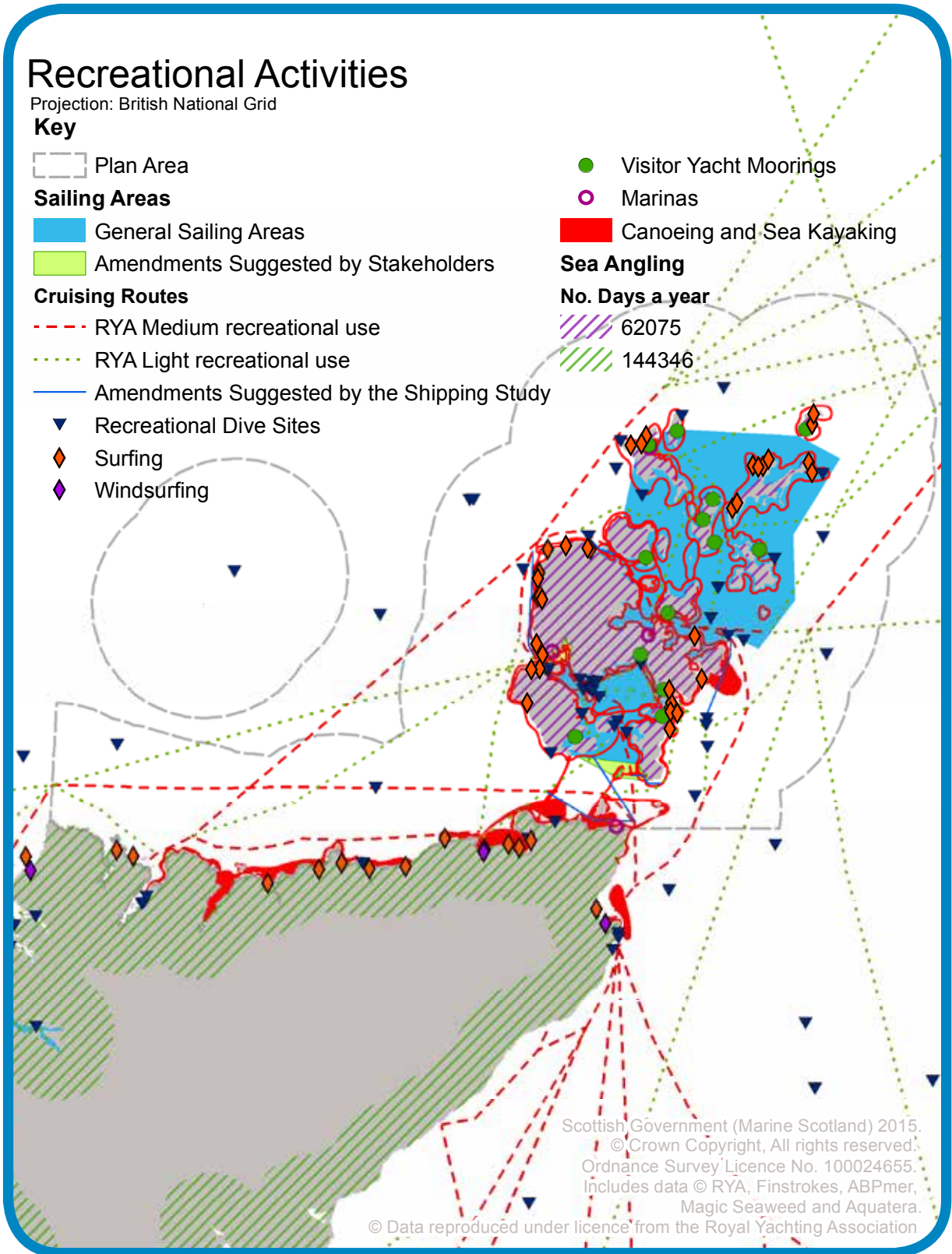
The Plan will support proposals for development(s) and/or activities of other sectors where:

- during planning, construction and operation they minimise or mitigate any disruption and/or disturbance to recreation, sport, leisure and tourism activities, including the natural and historic environment as a resource that these activities rely upon
- the impact the development has on access, navigational routes and navigational safety in relation to recreation, sport, leisure and tourism activities has been minimised or mitigated
- consultation and engagement with relevant users of the marine environment has been undertaken to ensure the measures used to minimise or mitigate disruption or disturbance are appropriate
- consideration has been given to the facility requirements of marine recreation, sport, leisure and tourism users and the potential for co-operation and sharing infrastructure and/or facilities taken into account

## Justification

**439** Marine recreation, sport, leisure and tourism activities are important to this region both in terms of supporting the local economy and enhancing the local communities' quality of life and well-being. The freedom of use of the marine environment is one of the main attractions of such activities and any restriction is likely to have an impact. Early consultation and careful planning will help minimise or mitigate these impacts and could provide opportunities for co-operation to the mutual benefit of users of the marine environment.

## Supporting spatial information



**Map 18: Recreational activities in the Pentland Firth and Orkney Waters area including key surfing and windsurfing beaches, Royal Yachting Association cruising routes and sailing areas, recreational dive sites, sea kayaking and canoeing areas and the number of days spent sea angling in each region (Orkney and Highland regions) as reported in the Scottish Government Sea Angling Report.**

## Recreational Vessel Density

Projection: British National Grid

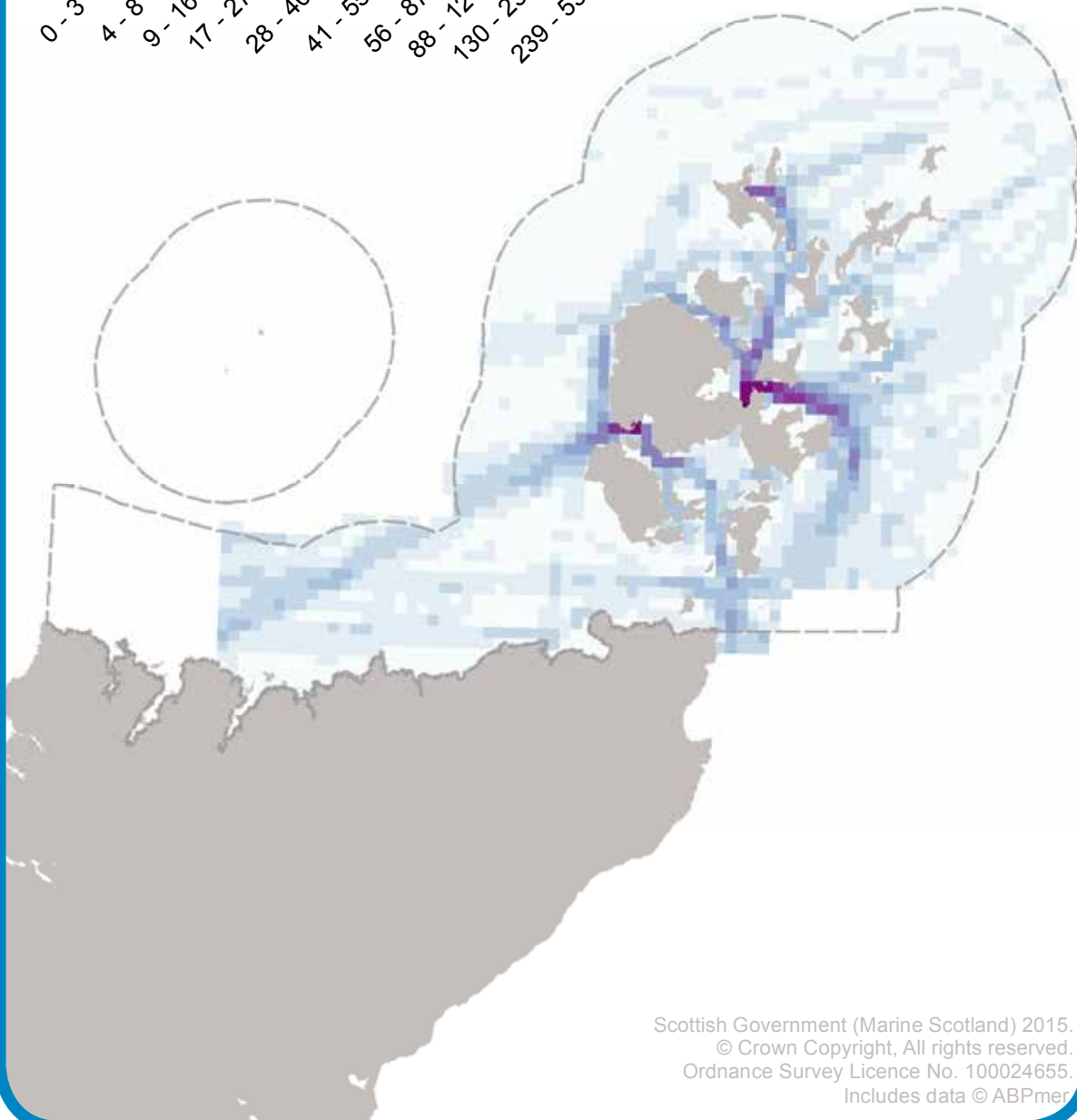
### Key

 Plan Area

**Recreational Vessel Density (no. vessels)**



0-3   4-8   9-16   17-27   28-40   41-55   56-87   88-129   130-238   239-531



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Includes data © ABPmer

**Map 19: Density of recreational shipping in the Pentland Firth and Orkney Waters area. These data were produced for the Marine Scotland Pentland Firth and Orkney Waters Shipping Study and was collected using Automatic Identification System (AIS) data. These data cover the summer months of 2011 and 2012 and represent about 17% of recreational vessels visiting the local marinas.**



## Future considerations

**440** The ongoing Marine Tourism and Recreation study will have a case study for the Pentland Firth and Orkney Waters region and will provide data to improve knowledge of which marine-based tourism and recreation activities take place in the region. These data will also provide information on how such activities contribute to the local economy.

**441** Spatial data collected via this study will be added to National Marine Planning Interactive.

## Further information

### **<sup>1</sup> Tourism Scotland 2020**

<http://scottishtourismalliance.co.uk/wp-content/uploads/2013/03/Scottish-Tourism-Strategy-TourismScotland2020.pdf>

### **<sup>2</sup> National Tourism Development Framework**

[http://www.visitscotland.org/pdf/Tourism Development Framework - FINAL.pdf](http://www.visitscotland.org/pdf/Tourism%20Development%20Framework%20-%20FINAL.pdf)

### **<sup>3</sup> Marine Tourism Strategy**

<http://scottishtourismalliance.co.uk/nature-heritage-activities/marine-tourism/>

### **<sup>4</sup> Marine Scotland Shipping Study**

<http://www.gov.scot/Publications/2012/12/1868/downloads>

### **<sup>5</sup> Sailing Tourism in Scotland**

<http://www.evaluationsonline.org.uk/evaluations/Browse.do?ui=browse&action=show&id=369&taxonomy=TOU>

### **National Planning Framework 3**

<http://www.gov.scot/Publications/2014/06/3539>

### **Scottish Planning Policy**

<http://www.gov.scot/Publications/2014/06/5823>

### **Highland Tourism Partnership**

[http://www.highland.gov.uk/info/1457/tourism\\_and\\_visitor\\_attractions/148/tourism/3](http://www.highland.gov.uk/info/1457/tourism_and_visitor_attractions/148/tourism/3)

### **North Highland Initiative**

<http://www.northhighlandinitiative.co.uk/>

### **North Coast 500**

<http://www.northcoast500.com/home.aspx>

### **Orkney Tourism Group**

[http://www.highland.gov.uk/info/1457/tourism\\_and\\_visitor\\_attractions/148/tourism/3](http://www.highland.gov.uk/info/1457/tourism_and_visitor_attractions/148/tourism/3)

### **Visit Scotland Visitor Survey Data**

[http://www.visitscotland.org/research\\_and\\_statistics/visitor\\_research/all\\_markets.aspx](http://www.visitscotland.org/research_and_statistics/visitor_research/all_markets.aspx)

### **sportscotland and Scottish Governing Bodies of Sport**

<http://www.sportscotland.org.uk/> and

<http://www.sportscotland.org.uk/contacts/sgbs/?p=3>

## SECTORAL POLICY 6: MARINE TRANSPORT

### Background and context

**442** Virtually all marine activities rely on some form of marine transport. It forms the backbone of both existing and evolving marine commercial and leisure sectors. The trans-boundary nature of maritime activities also requires co-operation across local, regional, country and international boundaries. As an island community, Orkney is particularly reliant on life-line ferries and cargo ships for inter-island and mainland transport links and provision of most goods.

#### Information Box 23

##### Examples of marine transport activity in the PFOW

- Ferries
- Cargo ships
- Cruise liners
- Tugs
- Tankers
- Offshore vessels for energy industries
- Fishing/Aquaculture
- Recreation craft
- Powerboats
- Wildlife cruises
- Dive charters
- Kayakers

**443** As competition for marine space grows, potential impacts on shipping and maritime safety have to be reconciled. Safety is the paramount consideration in all aspects of marine traffic.

### Key legislation and policy guidance

**444** The marine safety regime is underpinned by international safety, security and pollution control regulations and codes issued by the International Maritime Organisation. A series of measures have been introduced to support safety at sea and protection of the marine environment including conventions, recommendations and other instruments which are implemented in UK waters by the Maritime and Coastguard Agency. These include:

- The International Convention for the Safety of Life at Sea 1974 (SOLAS)
- International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL)

- The Convention on the International Regulations for Preventing Collisions at Sea 1972 (COLREG)<sup>1</sup>
- The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 (STCW)<sup>2</sup>
- The Merchant Shipping (International Safety Management (ISM) Code) Regulations 1998<sup>3</sup>
- United Nations Convention on the Law of the Sea III, known as UNCLOS III, was adopted in 1982. Its purpose is to establish a comprehensive set of rules governing the oceans<sup>4</sup>

### Information Box 24

#### UNCLOS

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) came into force in 1994. It is an international treaty that provides a regulatory framework for the use of the world's seas and oceans, inter alia, to ensure the conservation and equitable usage of resources and the marine environment and to ensure the protection and preservation of the living resources of the sea. UNCLOS also addresses such other matters as sovereignty, rights of usage in maritime zones, artificial installations and structures and navigational rights.

### Current status

**445** The Marine Scotland Shipping Study for Pentland Firth and Orkney Waters 2012<sup>5</sup> provides a detailed picture of some aspects of shipping activity in the PFOW area. The study considered commercial shipping and recreational vessel activity including yachts (cruising and racing), power boats, motor cruisers, recreational and sports fishing (e.g. sea angling), wildlife cruises and recreational diving. Commercial fishing (under licence) was excluded from the work as this is covered by the commercial fishing policy (see Sectoral Policy 1: *Commercial Fisheries*). Military and naval vessel activity was also excluded.

**446** Detailed data on the key routes and activities within this study, along with the range of other topics covered in this Plan, make a contribution to safeguarding marine safety by highlighting the complex issues to be considered. For example, anchorages used by recreational vessels and the main routes used by fish farm vessels are plotted, which could help inform recreational decision-making.



**447** The busiest commercial shipping routes are the Outer Sound, the approaches to the main harbours and the ferry routes. For recreational vessels, the main summer seasonal activity focused around the Orkney mainland and the links between Caithness and the eastern approaches to Orkney. However, it is recognised all vessels have the rights of innocent passage and freedom of navigation: a particular consideration in inclement weather where shelter from storms is vital. As some renewable energy developments are proceeding to deployment, marine traffic will increase, followed by ongoing operations and maintenance activities.

## Pressures

**448** As development, such as marine tidal devices and shipping, along with a growing aquaculture industry and all other marine traffic, accelerates there will be a corresponding increase in marine traffic. This has the potential for a number of cumulative impacts including increased risks of collision and pollution or the introduction of invasive non-native species and may add additional pressure to recreational marine users. In addition, anchoring can have important benthic impacts. Pinch-points around the Pentland Firth area, for example, could lead to congestion or displacement issues. This anticipated increase in marine traffic adds to the case to retain the existing Emergency Towing Vessel provision for the north of Scotland.

### Sectoral Policy 6: Marine transport

Development(s) and/or activities will be supported by this Plan when it can be demonstrated that:

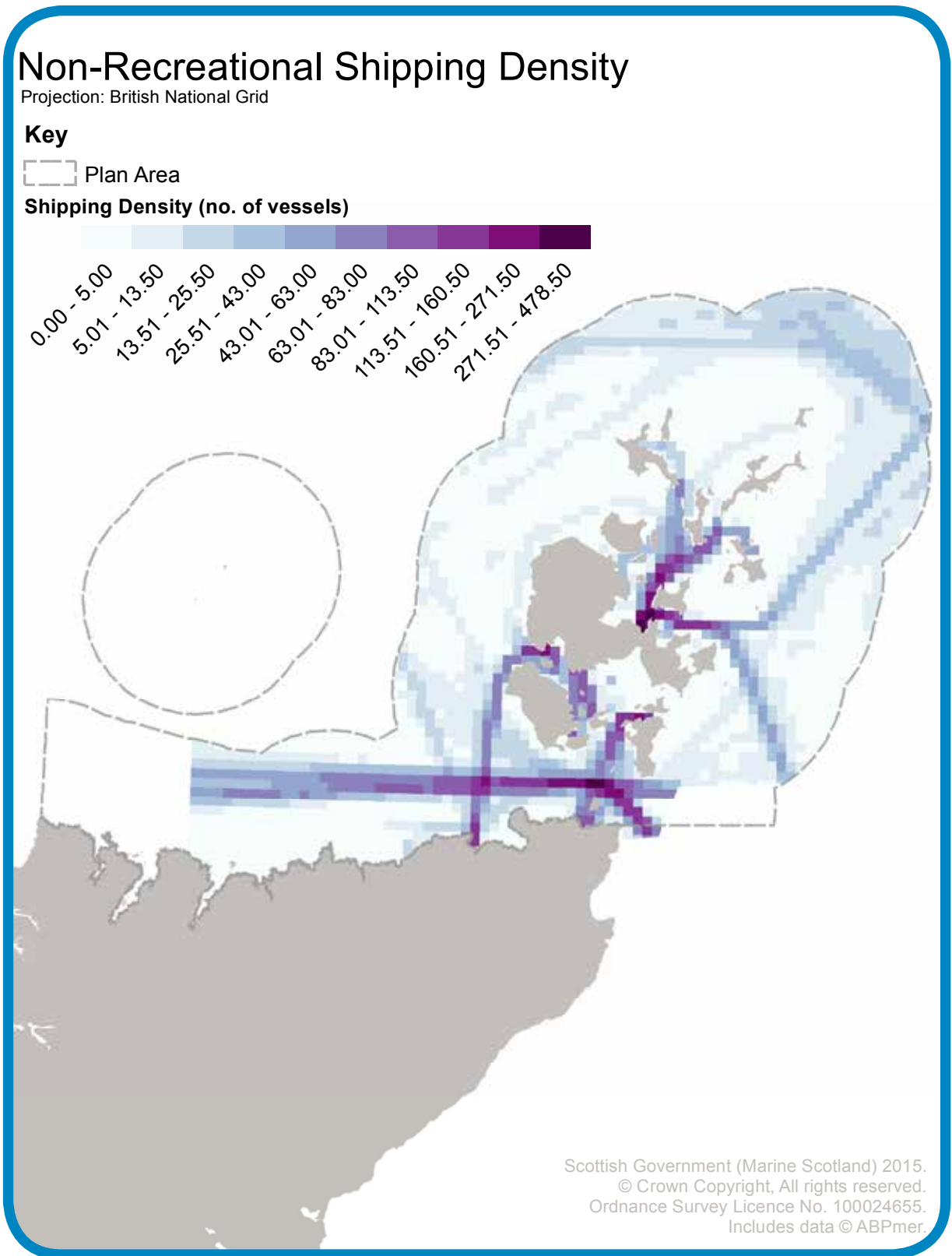
- Adverse impacts on existing or planned shipping and ferry routes, navigational safety and access to ports and harbours have been avoided or appropriately mitigated, taking account of movements in all weather conditions

Proposed development(s) and/or activities which would have an adverse impact on efficient and safe movement of shipping between ports, harbours and other recognised anchorages should be refused.

## Justification

**449** Maritime safety is the paramount consideration for any marine activity therefore must be safeguarded.

## Supporting spatial information



**Map 20: Non-recreational shipping density in the Pentland Firth and Orkney Waters Area. These data were produced for the Marine Scotland Pentland Firth and Orkney Waters Shipping Study and was collected using Automatic Identification System (AIS) data. These data cover the summer months of 2012.**

## Future considerations

**450** As the rate and volume of maritime activity increases, safety will remain the paramount consideration. If changes to patterns of Arctic sea ice open up new shipping routes, this could lead to a significant increase in commercial traffic around the PFOW area. This could also lead to the increase of risk from invasive non-native species.

## Further information

**<sup>1</sup> The Convention on the International Regulation for Preventing Collisions at Sea 1972 (COLREG)**

<http://www.imo.org/About/Conventions/ListOfConventions/Pages/COLREG.aspx>

**<sup>2</sup> The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 (STCW)**

<http://www.imo.org/OurWork/HumanElement/TrainingCertification/Pages/STCW-Convention.aspx>

**<sup>3</sup> The Merchant Shipping (International Safety Management (ISM) Code Regulations 1998**

[http://www.legislation.gov.uk/uksi/2014/1512/pdfs/uksi\\_20141512\\_en.pdf?regulation-8-1](http://www.legislation.gov.uk/uksi/2014/1512/pdfs/uksi_20141512_en.pdf?regulation-8-1)

**<sup>4</sup> United Nations Convention on the Law of the Sea (UNCLOS)**

[http://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf)

**<sup>5</sup> Shipping Study of the Pentland Firth and Orkney Waters**

<http://www.gov.scot/Publications/2012/12/1868/downloads>

**Strategic Area Navigation Appraisal Project SANAP**

[http://www.thecrownestate.co.uk/media/151976/strategic\\_area\\_navigation\\_appraisal\\_\\_sanap\\_.pdf](http://www.thecrownestate.co.uk/media/151976/strategic_area_navigation_appraisal__sanap_.pdf)

## SECTORAL POLICY 7: PORTS, HARBOURS AND DREDGING

### Background and context

**451** Ports, harbours, marinas, piers and slipways (collectively referred to as ports and harbours hereafter), provide essential infrastructure to support the transportation, employment and recreational needs of local communities and the wider economy. Ferry, freight, commercial fisheries, tourism, aquaculture and marine renewable energy businesses rely on ports and harbours and the growth of these sectors is dependent on the availability of appropriate harbour facilities. Successfully operating ports also need to be serviced by available maintenance dredging and onshore support facilities and have land available for the growth of port-related business, industry and services. Dredging and the dumping of the associated spoil may also be required in areas out with ports and harbours.

### Key legislation and policy guidance

**452** As ports and harbours straddle the intertidal zone, they also straddle terrestrial planning and marine licensing legislation. Marine licences under the Marine (Scotland) Act 2010 are required for most construction activity below mean high water springs level. Close co-operation between the various decision-making bodies will help ensure that an integrated approach is taken (see General Policy 7: *Integrating coastal and marine development*), as required by both the terrestrial and marine planning legislation and guidance.

**453** The Orkney County Council Act 1974 empowers Orkney Islands Council as the Harbour Authority to exercise powers within the harbour area. The harbour area includes Scapa Flow and its approaches, Wide Firth, Shapinsay Sound, Stromness, Kirkwall and the Flotta Oil Terminal. Each of the Isles ferry terminals is a Harbour Area in its own right by virtue of additional Acts after the 1974 Act, which extended the harbour areas.

**454** In Highland, the main north coast ports and harbours are Scrabster and Gills Bay. Scrabster is run by a harbour trust whilst Gills Harbour (which incorporates Gills Bay) is managed by a community-owned company.

**455** Ongoing maintenance and capital dredging activity required for ports and harbours and the related disposal of spoil at approved sites dump sites for spoil require a marine licence as controlled by Marine Scotland.

### Current status

**456** Orkney Islands Council aims to ensure that Orkney's piers and harbours are operated safely and maximise economic benefits for Orkney. There are 29 piers, harbours and slipways in Orkney that support a range of activities from large commercial industries to connecting remote small island communities. The main commercial ports are at Hatston, Kirkwall, Stromness and Lyness. These ports support a variety of sectors including commercial fisheries, freight and cargo, oil and gas, renewable energy, cruising liners, aquaculture and ferry transportation.

**457** Orkney Islands Council and its partners have made significant investments in port infrastructure to support the development of growth industries. Along with the European Regional Development Fund, it has made an £8 million investment to extend the Hatston pier to support the marine renewables sector, which was completed in March 2013. Lyness Harbour and the adjoining development area is strategically placed to also provide operation and maintenance support to the renewable energy sector. Phase 1 of the £3.2 million Lyness Harbour upgrade is complete and is currently being used by various marine energy developers. Copland's Dock is a new £9.5 million pier and access road development in Stromness supported by Orkney Islands Council, European Regional Development Fund and the Scottish Government. The pier was completed in December 2013, again supporting the marine renewable energy sector, along with inshore fisheries and aquaculture.

**458** There are 17 harbours along the north Caithness Coast including Scrabster, the main harbour. Scrabster Harbour has been successful in maintaining a diverse income which includes fishing, timber, passenger transport, oil and gas, recreation and renewables. Phase 1 of its proposed expansion has been completed; this comprises new quays, laydown areas, tanker berths and a deep-water approach channel. This will be followed by Phase 2 which includes development of the 32-acre Enterprise Area at Scrabster Mains Farm, which will facilitate the growth of the harbour. Gills Harbour is also a strategically important harbour due to its close proximity to many of the sites which have been leased by the Crown Estate for marine renewables development and the ferry service connection to Orkney.

**459** Detailed information on the land use policy and land allocations adjoining ports and harbours can be found in the relevant local authority Local Development Plans, master-plans and development briefs. These highlight projects that integrate terrestrial and marine planning.

## Pressures

**460** As the marine renewables industry evolves, there may be competition for laydown/operational space. Heavy traffic in the proximity of the main ports and harbours generated by these growing offshore marine energy industries may also lead to local congestion at both at the harbours and connecting road network. As more projects come on-stream, there may also be a heavy demand for both skilled labour and boats to service the port and harbour operations.

**461** 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 archaeological remains. Changing coastal processes and climate change could alter patterns of sediment deposition, leading to an increased requirement for the dredging of ports and harbours. This, in turn, could add pressure to related dredge spoil sites.

### **Sectoral Policy 7: Ports, harbours and dredging**

The sustainable growth of the ports and harbours within the PFOW area, particularly within existing facilities, will be supported by the Plan where:

- access to ports and harbours is not restricted
- safety considerations are primary
- navigational routes are not compromised

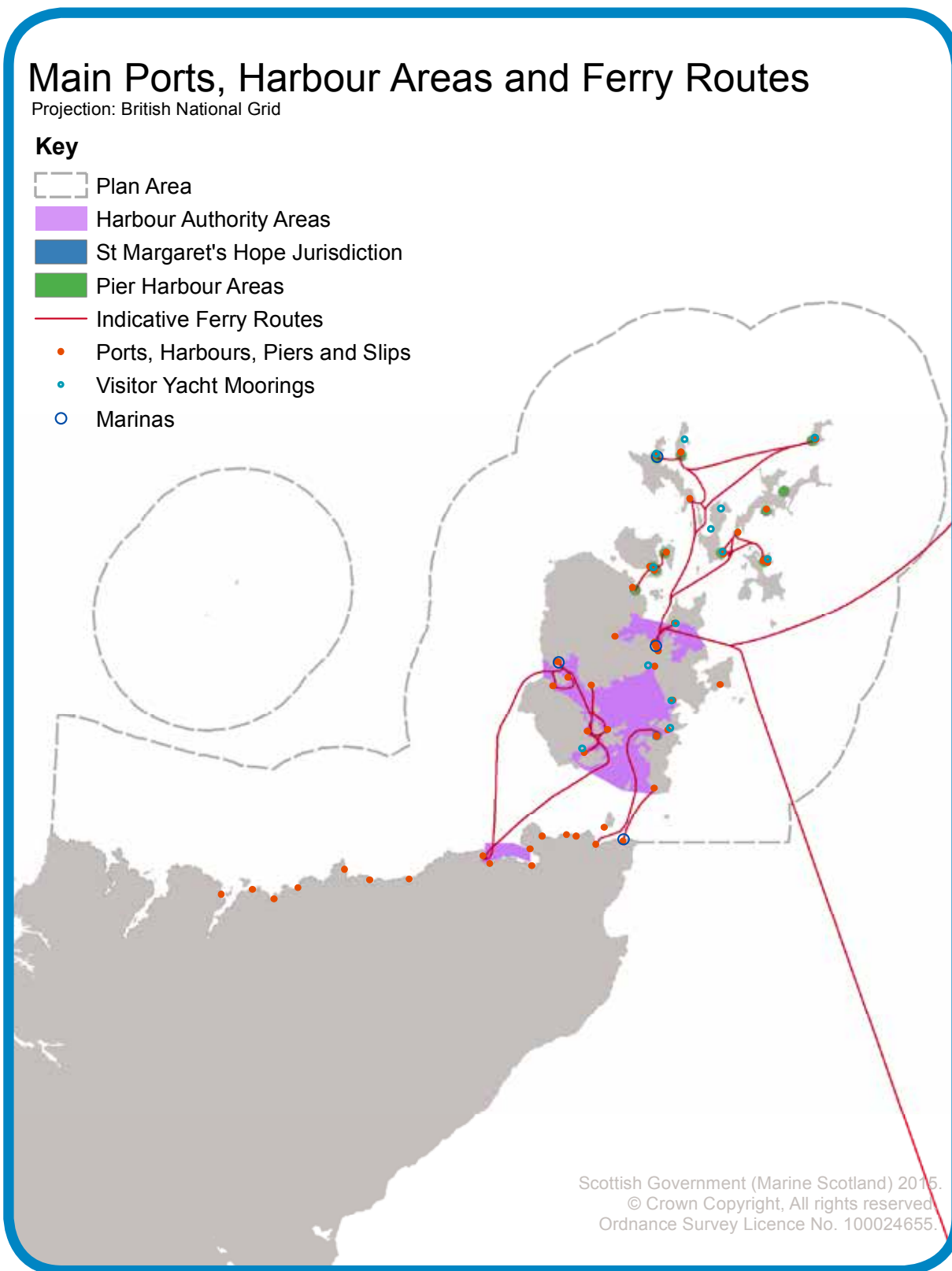
Dredging within the PFOW area will be supported by the Plan where:

- dredged material is recycled or disposed of in appropriate locations

### **Justification**

**462** Most maritime activities rely on ports and harbour for the interface between sea and land. As such they are a vital link for the safe onward travel of both people and goods.

## Supporting spatial information



**Map 21: Ports, harbours and ferry routes in the Pentland Firth and Orkney Waters area.**



## Future considerations

**463** As maritime industries expand, they have the potential to impact on the operation of ports and harbours, e.g. through the creating of choke points and obstructing shipping routes. Fine grain spatial planning of strategically important ports and harbours, and appropriate supporting policies, could be developed for potentially congested multi-use marine areas to operate effectively. It could be an aspiration for future regional marine plans to support commercial scale deployment of marine renewable energy projects, integrating compatibility with other port and harbour users.

**464** Climate change has the potential to increasingly affect ports and harbours with increased storm surges. The winter storm surge of December 2012 demonstrated what significant environmental, social and economic impacts they can have on Highland and Orkney Harbours.

## Further information

### Orkney Islands Council Local Development Plan

<http://www.orkney.gov.uk/Service-Directory/O/Orkney-Local-Development-Plan.htm>

### Highland Council Local Development Plan

[http://www.highland.gov.uk/info/178/local\\_and\\_statutory\\_development\\_plans](http://www.highland.gov.uk/info/178/local_and_statutory_development_plans)

### Orkney Islands Council Harbours

<http://www.orkneyharbours.com/>

### Orkney Ports Handbook

<http://www.orkneyharbours.com/pdfs/PortsHandbook-2012-V5.pdf>

### A New Vision For Thurso

[http://www.highland.gov.uk/download/downloads/id/2542/report\\_of\\_the\\_wick\\_and\\_thurso\\_charrettes\\_3\\_thurso\\_low\\_resolution&rct=j&frm=1&q=&esrc=s&sa=U&ei=a32\\_VNL0B8-v7AbB7YCYCQ&ved=0CBQQFjAA&usg=AFQjCNGgKkUukzFbbbrzprg-MhtKSTzB\\_g](http://www.highland.gov.uk/download/downloads/id/2542/report_of_the_wick_and_thurso_charrettes_3_thurso_low_resolution&rct=j&frm=1&q=&esrc=s&sa=U&ei=a32_VNL0B8-v7AbB7YCYCQ&ved=0CBQQFjAA&usg=AFQjCNGgKkUukzFbbbrzprg-MhtKSTzB_g)

### Scrabster Harbour

<http://www.scrabster.co.uk/>

## SECTORAL POLICY 8: PIPELINES, ELECTRICITY AND TELECOMMUNICATIONS INFRASTRUCTURE

### Background and context

**465** The infrastructure associated with the supply or management of oil and gas, potable and waste water, electricity and telecommunications is vital to maintain these services. The drive for improved communication, connectivity and improved service has increased use of the marine area. Growth of the marine and offshore energy sector will increase demand for upgrades to existing infrastructure and for new connections. There will be a continued need to maintain and protect infrastructure associated with potable and waste water and, where necessary, improve the infrastructure. The costs of operating, maintaining and developing the electricity network in the PFOW area are passed on to electricity customers served by the North of Scotland area so need to be economically justified.

**466** In the PFOW area, Scottish and Southern Energy Power Distribution (SSEPD) has been undertaking work in relation to the 'Orkney Caithness' 132kV<sup>1</sup> reinforcement connection since the Crown Estate Leasing Round in 2010. The existing cables between Orkney and Caithness are at full capacity and SSEPD are looking at options to develop a new connection to allow marine renewable developers to connect to the transmission network on Caithness. This will provide grid access for marine renewable projects and, potentially, onshore wind projects across the whole of Orkney. SSEPD has undertaken ongoing planning and consultation<sup>2</sup> in Orkney regarding grid capacity and land fall for cables. There may also be a need to upgrade or provide additional new cables to allow the connection of new onshore renewable developments on the islands within Orkney.

**467** One of the Scottish Government's Digital Strategy<sup>3</sup> projects will see rural and island communities in the Highlands and Islands benefit from the roll out of high speed broadband. This investment in broadband infrastructure is intended to bring economic and social benefits to many isolated communities and encourage growth in related jobs. Highlands and Islands Enterprise entered into a contract with BT in March 2013 to deliver access to fibre broadband to around 84% of homes and businesses in Highlands and Islands by the end of 2016. The project involves installing 800km of new fibre infrastructure and the installation of the approximately 385km of subsea cabling is now completed.

**468** Infrastructure associated with the electricity network, communications, water supply and oil and gas industry such as pipelines are required to be protected by exclusion zones. Infrastructure associated with water supply and treatment such as freshwater pipelines between islands, and final effluent discharge pipelines and combined sewer and emergency overflows, also need to be safeguarded.

## Key legislation and policy guidance

**469** The Submarine Telegraph Act 1885<sup>4</sup> applies to cables in UK waters and was most recently updated by the Merchant Shipping Act 1995<sup>5</sup>. This Act aims to protect cables by, amongst other things, making it an offence to damage a cable and restricting vessels and fishing activities within certain distances of cables. The United Nations Convention on the Law of the Sea (UNCLOS) 1982<sup>6</sup> enhanced the international regulation to include all submarine cables. The International Regulations for Preventing Collisions at Sea 1972 (COLREGS)<sup>7</sup> also provides for vessels engaged in cable operations or fishing to have the ability to work as required within a traffic separation scheme.

**470** There are recommendations in place for safety zones around some marine structures, e.g. the oil and gas industry has a requirement for safety zones of 500m around subsea installations established by Offshore Installations (Safety Zones) Orders under Section 22 of the Petroleum Act 1987. Oil and Gas UK<sup>8</sup> and the Health and Safety Executive<sup>9</sup> provide guidance on this issue.

**471** Developers who apply for a licence to undertake work that will be within one nautical mile of the known location of a submarine cable will need to determine whether there is likely to be a conflict between the proposed development and the submarine cable and, if so, work together with the asset owner to mitigate this conflict. Developers will need to ensure they have crossing and proximity agreements from existing tenants in close proximity to their work and work restriction zones before obtaining the necessary lease or licence from the Crown Estate<sup>10</sup>.

**472** Subsea Cables UK is a forum of national and international companies which own, operate or service submarine cables in the UK and surrounding waters and has the principal goal of promoting marine safety and safeguarding of submarine cables from man-made and natural hazards. Subsea Cables UK provides guidance<sup>11</sup> on a range of issues regarding cables and their potential interaction with other industries.

**473** The Crown Estate has published and supported several publications<sup>12</sup> dealing with submarine cables and offshore renewable energy installations and provides recommendations to reduce conflict between the submarine cable and renewable industries where the activities or future maintenance requirements for one may pose a risk for the other.

**474** The Kingfisher Information Service – Offshore Renewable and Cable Awareness (KIS-ORCA) project provides charts with the location of power and telecommunication cables. The legislation, such as that noted above, and also detailed in the Mariners Handbook (2009, 9th Edition, UKHO NP100 Page 2014) outlines the core legal principles and responsibilities in relation to cables and telecommunications infrastructure while KIS-ORCA details best practice for fishermen and their responsibility when it comes to avoiding fouling and/or damaging snagged cables. The Mariners Handbook (2009) specifically highlights that fishing should not be undertaken over subsea cables and this awareness reinforcement is important in reducing risks for both mariners and the cables.

## Current status

**475** Intergovernmental work began in 2012 to progress Scottish island renewables deployment and grid connections and led to additional support for the islands being announced in December 2013. This work has resulted in a Scottish Islands Renewables Delivery Forum being established to develop a series of actions to support the delivery of island renewables, one of which is to convene a working group to pursue research funding to support Orkney grid reinforcement.

**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.

**477** The network owner, Scottish and Southern Energy Power Distribution (SSEPD), has recently consulted on the electricity network on Orkney and options for reinforcement. SSEPD continue to liaise with the intergovernmental group regarding project development. In addition, there are ongoing discussions with onshore wind developers about potential future interests in the islands.

**478** There are a number of technical options for Orkney grid reinforcement such as transmission reinforcement for contracted developers, distribution reinforcement for general use, nominated developers or marine research and development of a private wire.

## Pressures

**479** The most common proven<sup>13</sup> cause of damage to submarine cables is ship anchors followed by risk from fishing activity. Where sediment conditions permit, cables can be buried throughout their length, however not all cables can be, or should be, buried for a variety of reasons. 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 or anchors. Dredging, mooring and installing infrastructure on the seabed also has the potential to affect existing cables but can be mitigated with effective management of the marine environment and the correct use of cable awareness information and navigational charts. Reactive measures following damage to cables is potentially expensive and can cause disruption to power generation and distribution and telecommunications.

**480** In some cases it may not be feasible to bury a cable and, where appropriate, other recognised and approved measures should be used to protect the cable on a case-by-case basis. Risk assessments should direct the choice of feasible, practicable and cost-effective alternative methods of cable protection. In some instances, it may not be desirable or practicable to bury cable for physical, economic or environmental impact reasons, and surface-laid cable may be the sensible and achievable solution.

**481** As well as undertaking appropriate protection measures for their cables and other marine users, cable owners provide information via cable awareness projects such as KIS-ORCA, where cable information is given freely to fishermen and other seabed users in order that they can avoid potential snagging of cables. After laying, cable routes should be notified to UK Hydrographic Office (UKHO) who will update charts in accordance with UKHO policy.

**482** The installation and operation of cables has the potential to have an adverse impact on the marine environment, e.g. through direct physical damage or through the presence of Electromagnetic fields (EMF), which may have an effect on some marine species. However, carefully planned routes can mitigate many of the issues during installation and further research is being carried out on the impact of EMF. Initial results suggest there are minimal effects and that burial of the cable mitigates this risk.

## **Sectoral Policy 8: Pipelines, electricity and telecommunications infrastructure**

### *Safeguarding existing pipelines, electricity and telecommunications cables*

Development(s) and/or activities that could potentially damage cables or pipelines should comply with relevant industry requirements with regard to any proposed works and safety considerations. Information sources such as KIS-ORCA can be used to ensure the location of cables are known and taken account of when carrying out such activities.

### *Electricity and telecommunications infrastructure*

When laying or replacing electricity and telecommunications infrastructure the following considerations should be taken into account on a case-by-case basis:

Developers should ensure that they have engaged with other developers and decision makers at an early planning stage and taken a joined-up approach to minimise impacts on the marine historic and natural environment, the assets, infrastructures and other marine users. Appropriate and proportionate environmental consideration and risk assessments should be provided which may include cable protection measures and mitigation plans.

Any deposit, removal or dredging carried out for the purpose of executing emergency inspection or repair works to any cable is exempt<sup>14</sup> from the marine licensing regime with approval by Scottish Ministers. However, cable replacement requires a marine licence and is subject to the marine licensing process. Marine licensing guidance should be followed when considering any cable development and activity.

Cables should be suitably routed to provide sufficient requirements for installation and cable protection. New cables should implement methods to minimise impacts on the marine historic and natural environment, the assets, infrastructures and other marine users where operationally possible and in accordance with relevant industry practice.

Cables should be buried to maximise protection where there are safety or seabed stability risks to reduce conflict with other marine users and to protect the assets and infrastructure. However, it should be noted that not all cables will, or can, be buried depending on project requirements and circumstances.

Where burial is demonstrated not to be feasible, cables may be suitably protected through recognised and approved measures (such as rock or mattress placement, cable armouring, shore end marker beacons and admiralty chart updates) where practicable and cost-effective and as risk assessment direct.

Continued on next page

## Sectoral Policy 8: Pipeline, electricity and telecommunications infrastructure continued

The need to reinstate the seabed, undertake post-lay surveys and monitoring and carry out remedial action where required.

The proposed land fall of power and telecommunications equipment and cabling will be considered against the appropriate policies in the relevant Local Development Plan(s).

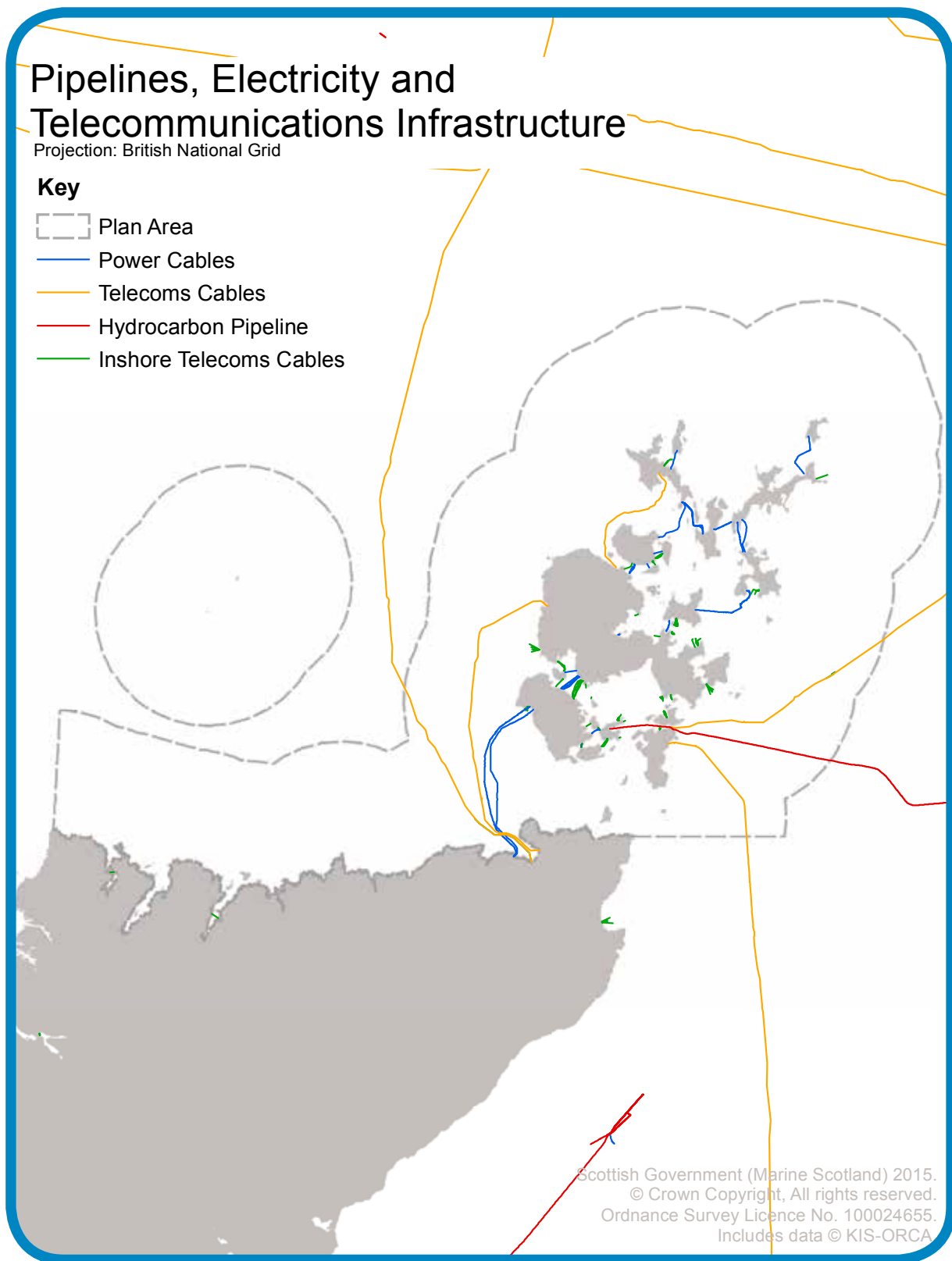
A risk-based approach should be applied by network owners and decision-makers to the removal of redundant cables, with consideration given to cables being left in situ where this would minimise impacts on the marine, historic and natural environment and other marine users.

### Justification

**483** Pipelines, electricity and telecommunications infrastructure are important both regionally and nationally and will be vital for the foreseeable future. It is important to reduce the potential risks to the assets and other marine users and this can be achieved by sound project planning and putting in place appropriate protection measures where required and practicable. The selection of these measures will require developers to engage with relevant stakeholders at an early planning stage in order that the measures undertaken are feasible, practicable and cost-effective.



## Supporting spatial information



**Map 22: Pipelines, electricity and telecommunications infrastructure in and around the Pentland Firth and Orkney Waters area. The map includes power cables to, and between, the Orkney Islands, telecommunication cables and hydrocarbon pipelines.**

## Future considerations

**484** There will be ongoing discussions regarding the ‘Orkney Caithness’ connection and the choice of location for the substation in Orkney.

**485** The Scottish Government supports the development of network infrastructure in the right places. The outputs of new research and strategies such as the Irish-Scottish Links on Energy Study will be taken into account to improve the knowledge of interactions between cables and other activities. The information from this process will help inform marine spatial planning in the PFOW area.

## Further information

**<sup>1</sup> Orkney Caithness project:**

<http://www.ssepd.co.uk/OrkneyCaithness/>

**<sup>1</sup> and related documents:**

<http://www.ssepd.co.uk/OrkneyCaithness/ProjectDocuments/>.

**<sup>2</sup> Scottish and Southern Energy – Information on Connecting Orkney consultation**

<http://www.ssepd.co.uk/ConnectingOrkney/>

**<sup>3</sup> Scotland’s Digital Future: A Strategy for Scotland – Scottish Government 2011**

<http://www.gov.scot/Resource/Doc/343733/0114331.pdf>

**<sup>4</sup> Submarine Telegraph Act 1885**

<http://www.legislation.gov.uk/ukpga/Vict/48-49/49/contents>

**<sup>5</sup> Merchant Shipping Act 1995**

<http://www.legislation.gov.uk/ukpga/1995/21/contents>

**<sup>6</sup> The United Nations Convention on the Law of the Sea (UNCLOS)**

[http://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf)

**<sup>7</sup> The International Regulations for Preventing Collisions at Sea 1972 (COLREGS)**

<http://www.imo.org/About/Conventions/ListOfConventions/Pages/COLREG.aspx>

**<sup>8</sup> UK Oil and Gas – Information On Safety Zones**

<http://www.oilandgasuk.co.uk/cmsfiles/modules/publications/pdfs/HS012.pdf>

**<sup>9</sup> Health and Safety Executive Safety Zones Around Oil And Gas Installations In Waters Around The UK**

<http://www.hse.gov.uk/pubns/indg189.pdf>

**<sup>10</sup> Crown Estate Heads of Terms for Submarine Telecommunications Cables**

[http://www.thecrownestate.co.uk/media/5700/heads\\_of\\_terms\\_for\\_submarine\\_telecoms\\_cables.pdf](http://www.thecrownestate.co.uk/media/5700/heads_of_terms_for_submarine_telecoms_cables.pdf)

**<sup>11</sup> Subsea Cables UK Guidance**

<http://www.subseacablesuk.org.uk/guidelines/>

**<sup>12</sup> Crown Estate Proximity Study**

<http://www.thecrownestate.co.uk/media/5658/ei-km-in-pc-cables-082012-proximity-of-offshore-renewable-energy-installations-submarine-cable-infrastructure-in-uk-waters-guideline.pdf>

**<sup>13</sup> 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.**

<http://cil.nus.edu.sg/wp/wp-content/uploads/2011/04/Mick-Green-and-Keith-Brooks-The-Threat-of-Damage-to-Submarine-Cables-by-the-Anchors-of-Cables-Underway.pdf>

International Cable Protection Committee (2009) Damage to Submarine Cables Caused by Anchors. Loss Prevention Bulletin 18 March 2009

**<sup>14</sup> The Marine Licensing (Exempted Activities) (Scottish Inshore Region) Order 2011 (Amended 2012)**

<http://www.legislation.gov.uk/sdsi/2011/9780111012284/contents>

**and The Marine Licensing (Exempted Activities) (Scottish Offshore Region) Order 2011 (Amended 2012)**

<http://www.legislation.gov.uk/ssi/2011/57/contents/made>

**Local Development Plans:**

<http://www.orkney.gov.uk/Service-Directory/O/Orkney-Local-Development-Plan.htm>

[http://www.highland.gov.uk/info/178/local\\_and\\_statutory\\_development\\_plans/199/highland-wide\\_local\\_development\\_plan](http://www.highland.gov.uk/info/178/local_and_statutory_development_plans/199/highland-wide_local_development_plan)

## SECTORAL POLICY 9: MARINE AGGREGATES

### Background and context

**486** Marine aggregates are sand, gravel or crushed rock used in construction, principally as a component of concrete or for land reclamation and coastal defence projects. In Scotland, there is currently limited demand for marine aggregates as land supplies are more readily accessible. However, if there are significant technological and economic changes, there may be potential for the balance to change.

### Key legislation and policy guidance

**487** Marine aggregate removal is regulated by Marine Scotland as part of its licensing duties, under the Marine (Scotland) Act 2010<sup>1</sup>. A Crown Estate seabed lease is also required for the areas within which dredging will occur. The Crown Estate is reviewing its marine minerals licensing obligations. To assist with this process, it is undertaking a Habitats Regulations Assessment of the potential impacts of mineral extraction on Natura and Ramsar sites.

### Current status

**488** The Crown Estate Commissioners own the mineral rights to the seabed extending out to the edge of the UK continental shelf. Work undertaken by the British Geological Survey on behalf of the Crown Estate maps these mineral resources. This work shows relatively extensive areas around Orkney and in the Pentland Firth with potentially workable mineral deposits. However, these data are based on a desk study and would require verification on a case-by-case basis before any extraction could commence.

### Pressures

**489** There are no current licences for marine aggregate extraction in the PFOW area that require safeguarding.

#### Sectoral Policy 9: Marine Aggregates

Proposals for new marine aggregate extraction sites should ensure they do not compromise existing activities.

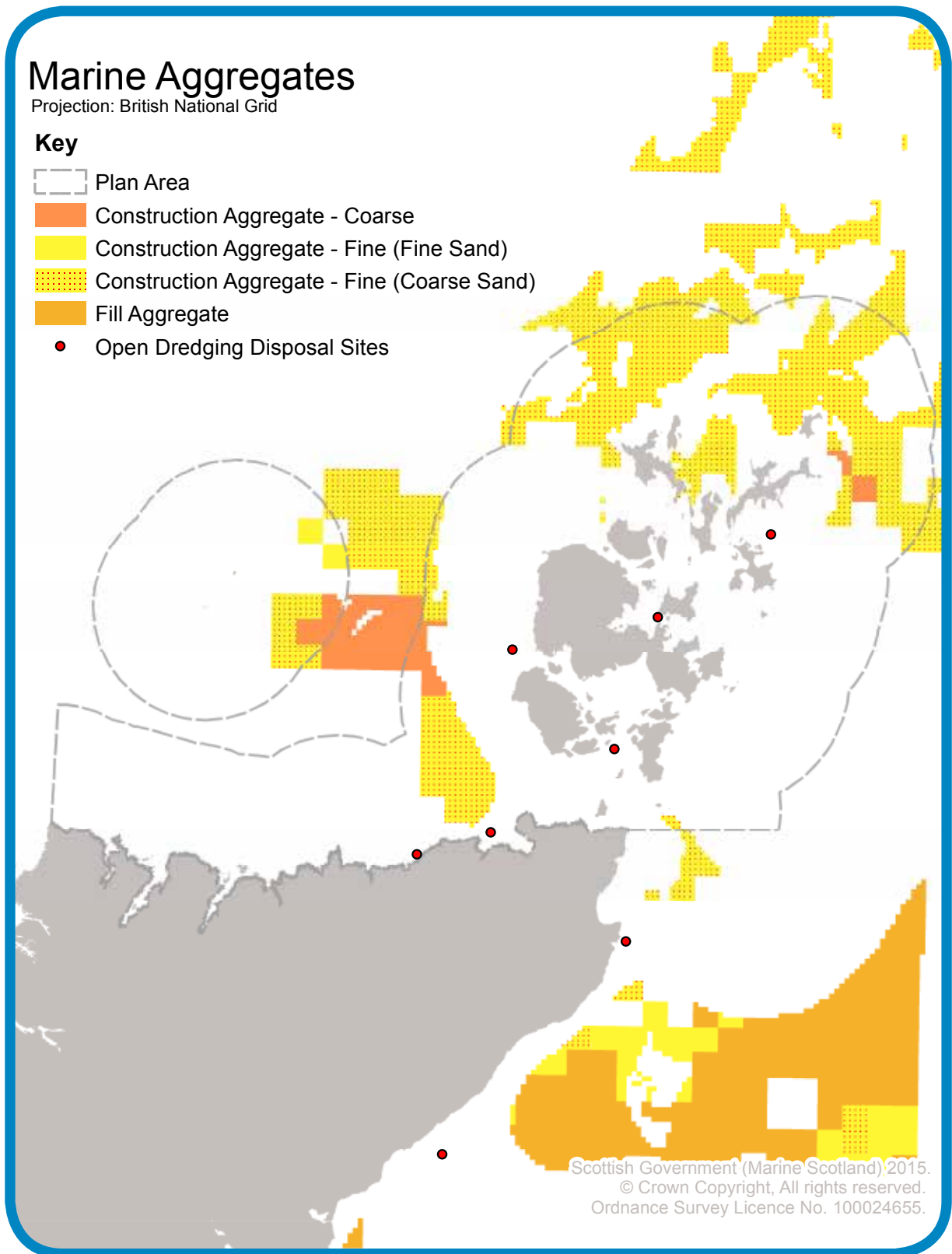
Decision makers should ensure marine environmental issues are considered and appropriately safeguarded.

Any marine development should consider any impacts on existing or potential marine aggregate resources.

## **Justification**

**490** Although there is no marine aggregate activity in the region at the moment, potential for growth of future developments should be safeguarded. Any subsequent development would have to ensure that all appropriate environmental issues were considered and mitigated appropriately.

## Supporting spatial information



**Map 23: Marine aggregate deposits in and around the Pentland Firth and Orkney Waters area. This map also includes open disposal sites for dredging activity.**

## **Future considerations**

**491** Subsequent regional marine plans may have to consider measures to safeguard mineral resources. If recovery technology is improved or more competitive sources of aggregates become available, policies will have to be flexible to accommodate changing requirements and considerations.

## **Further information**

### **<sup>1</sup> Marine (Scotland) Act 2010**

<http://www.legislation.gov.uk/asp/2010/5/contents>

### **Mineral Resources of the Scottish Waters and the Central North Sea**

<http://www.thecrownstate.co.uk/energy-and-infrastructure/downloads/mineral-resource-assessments/>

### **General guidance**

<http://www.bgs.ac.uk/mineralsUK/planning/legislation/home.html>



## SECTORAL POLICY 10: DEFENCE

### Background and context

**492** Defence is a reserved issue but there is a benefit in identifying the implications of defence marine use for other marine users and to minimise potential impacts.

**493** The Ministry of Defence (MOD) uses several areas in, or adjacent to, the Marine Spatial Plan area, mainly for military training purposes. Cape Wrath, in particular, is an important exercise area, firing range and a firing danger area used for major live-firing exercises often in conjunction with North Atlantic Treaty Organization (NATO) forces. A naval exercise area is located immediately west of the PFOW area. There is an exercise and firing danger area to the east of the area.

**494** Military firing ranges are not in constant use but are used for mission specific and pre-deployment training. Other activities may be permitted in the area where these are consistent with operational requirements. Permanent installations will be at risk from live-firing damage and are therefore unlikely to be compatible.

### Key legislation and policy guidance

**495** The MOD can regulate or restrict the use of sea areas either temporarily or permanently under the provisions of the Military Lands Act 1892<sup>1</sup> and 1900<sup>2</sup> and the Land Powers Defence Act 1958<sup>3</sup>.

**496** The MOD has a Secretary of State's policy statement on health, safety and environmental protection<sup>4</sup> and a strategy for Sustainable Development<sup>5</sup>. These documents outline MOD's commitment and obligations to protecting the environment including the marine environment.

### Current status

**497** The exercise areas in the PFOW are used extensively for defence training throughout the year.

**498** Defence is a reserved matter and future defence plans cannot be assessed beyond a high level for this region. The assumption is made that such activities will remain constant.

### Pressures

**499** MOD activity can have an impact on other marine users such as fisheries, recreational boating and shipping when there are temporary restrictions on use of the area. The fishing industry and the MOD have an agreed code of conduct<sup>6</sup> which aims to resolve conflicts.

**500** Other developments such as aquaculture, oil and gas and marine renewables may cause navigational issues for MOD activity and new infrastructure can, in some cases, lead to disruption to MOD activity, e.g. radar activity.

**501** Impacts on the marine environment can include introduction of non-native species via ballast water and hull fouling, noise from sonar activity and use of live explosives, pollution, e.g. release of oil and other hazardous substances, and operational activity and port developments having an impact on habitat and species. The MOD has processes in place to manage its impacts on the marine environment to minimise adverse effects. The MOD has worked with Scottish Natural Heritage and Joint Nature Conservation Committee to develop environmental risk assessments for their various exercises. This includes use of a model which sets thresholds for different noisy activities based on the number of marine animals in the area.

**502** The MOD is committed to the protection of the natural and historic environment and seeks to comply with relevant legislation where applicable to defence activities. However, it is recognised that defence-related activities, including extensive test and evaluation functions, may pose risks to the marine environment and the MOD may be exempt from legislative duties on the grounds of over-riding public interest in some cases. Where defence has exemptions from legislation, MOD maintains arrangements that are, as far as reasonably practicable, at least as good as those required by UK legislation.

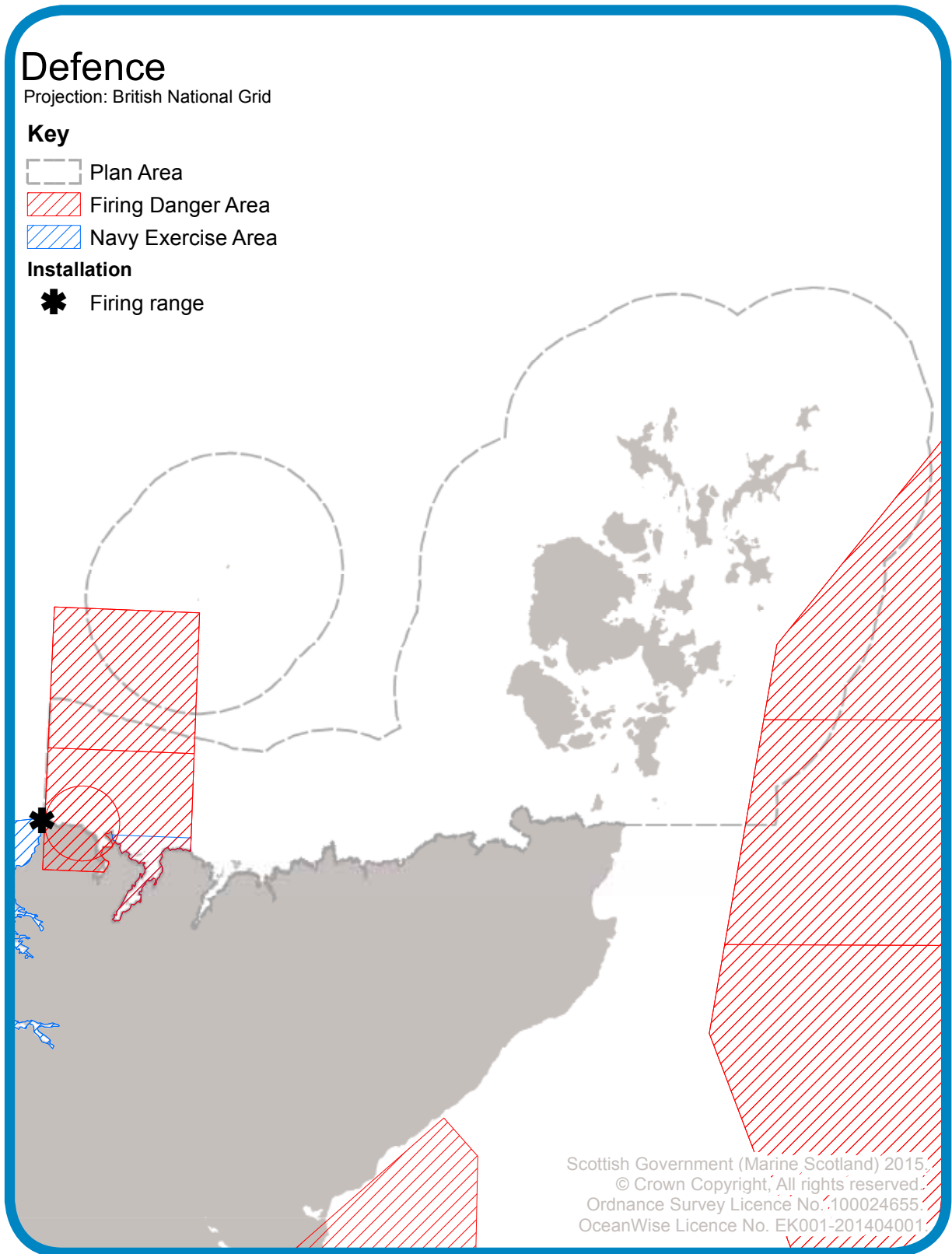
### **Sectoral Policy 10: Defence**

Development proposals in the Pentland Firth and Orkney Waters area that are in, or affect, Ministry of Defence exercise areas, firing ranges or firing danger areas must ensure that agreement for such use of the area has been agreed with the Ministry of Defence.

### **Justification**

**503** The MOD has practice exercise areas that are in, or near, the PFOW area and this means there are restrictions on what other activity can take place in these areas. As certain developments may not be compatible with MOD activities there is a requirement for early discussions with the MOD to reach agreement as to whether the development will have an effect on their activities.

## Supporting spatial information



**Map 24: Military practice and exercise areas in the Pentland Firth and Orkney Waters area. The map also shows the firing range installation at Cape Wrath.**

## Future considerations

**504** The assumption is made that such activities will remain constant.

### Further information

**<sup>1</sup> Military Lands Act 1892**

<http://www.legislation.gov.uk/ukpga/Vict/55-56/43>

**<sup>2</sup> Military Lands Act 1900**

<http://www.legislation.gov.uk/ukpga/Vict/63-64/56/contents>

**<sup>3</sup> Land Powers Defence Act 1958**

<http://www.legislation.gov.uk/ukpga/Eliz2/6-7/30/contents>

**<sup>4</sup> Secretary of State's Policy Statement on Health, Safety and Environmental Protection**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/353935/201408\\_SofS\\_Policy\\_Statement\\_Fallon.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/353935/201408_SofS_Policy_Statement_Fallon.pdf)

**<sup>5</sup> Ministry of Defence Sustainable Development strategy**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/27615/20110527SDStrategyPUBLISHED.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/27615/20110527SDStrategyPUBLISHED.pdf)

**<sup>6</sup> Code of Conduct Between MOD and Fishing Industry**

[http://webarchive.nationalarchives.gov.uk/20081120170436/http://royalnavy.mod.uk/upload/pdf/%5B\(1423\)-08-07-2002%5DUK\\_FV\\_Code\\_for\\_www.pdf](http://webarchive.nationalarchives.gov.uk/20081120170436/http://royalnavy.mod.uk/upload/pdf/%5B(1423)-08-07-2002%5DUK_FV_Code_for_www.pdf)

**Brownlow et al. (2015) Investigation into the long-finned pilot whale mass stranding event, Kyle of Durness, 22nd July 2011.**

[http://www.strandings.org/reports/Kyle\\_of\\_Durness\\_Mass\\_Stranding\\_Report.pdf](http://www.strandings.org/reports/Kyle_of_Durness_Mass_Stranding_Report.pdf)

## Glossary

**Activities:** Defined as a current or future use that is covered by a public right of use (e.g. navigation, rights of access) and/or does not require a specific statutory consent from a competent authority to utilise a defined area. 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.

**Amenity:** A positive element or elements that contribute to the overall character or enjoyment of an area.

**Amenity Value:** The pleasant or satisfactory aspects of a location which contribute to its character and the overall enjoyment of residents or visitors.

**Anchorage:** 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.

**Appropriate Assessment:** The assessment that is required by Habitats Regulations (Conservation (Natural Habitats, &c.) Regulations 1994) to determine the potential effect of a project or plan on a Special Protected Area or Special Area of Conservation with respect to their qualifying interests.

**Aquaculture:** The breeding, rearing or keeping of fish or shellfish as legally defined in the Town and Country Planning (Scotland) Act 1997.

**Biodiversity:** The variability among living organisms from all sources including inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they form part; this includes diversity within species, between species and of ecosystems.

**Biosecurity:** Measures and procedures to reduce the risk of harm to an environment from a biological source.

**Carbon Capture and Storage:** The process in which carbon is captured at its emission source and stored.

**Carbon Sinks:** A natural environment viewed in terms of its ability to remove carbon dioxide from the atmosphere and store it, e.g. a forest.

**Coastal Squeeze:** The intertidal habitat loss arising due to the high water mark being fixed (e.g. by flood defences) and the low water mark migrating landwards due to sea level rise.

**Conservation Areas:** Areas of special architectural or historic interest identified by the planning authority. They may be any area, but tend to be the centres of historic settlements.

**Controlled Sites:** Created by the Protection of Military Remains Act 1986 (as amended). Controlled sites are areas around wrecked military vessels specified in the Protection of Military Remains Act 1986 (Designation of Vessels and Controlled Sites) Order 2012. A licence is required from the Ministry of Defence to access the seabed within the specified area, and to disturb the remains in any way.

**Cumulative Impacts:** Changes to the environment that are caused by an action in combination with other past, present and future human actions.

**Decarbonisation:** The reduction in carbon emissions produced by energy sources.

**DECC:** Department of Energy and Climate Change.

**Developments:** A use or 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.

**Diadromous Fish:** A species of fish that migrates between fresh and salt water.

**Dredging:** The removal of material from the seabed, for a variety of purposes, including the clearing of channels for navigation, or the extraction of minerals.

**Ecological Integrity:** The abundance and diversity of organisms and processes responsible for ecosystem resilience and biological diversity.

**Ecosystem:** A dynamic interlinked complex of plant, animal and micro-organism communities and their non-living environment interacting as an ecological unit. An ecosystem can range in size, e.g. from the size of an intertidal pool to the size of the Earth's oceans.

**Ecosystem Approach:** 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.

**Ecosystem Services:** Ecosystem services are the benefits provided by ecosystems that contribute to making human life both possible and worth living.

**EMEC:** European Marine Energy Centre, based in Orkney.

**Environmental Impact Assessment (EIA):** An assessment of a specific development and its impacts on the surrounding environment.

**EU Birds Directive:** EU Directive 79/409/EEC on the Conservation of Wild Birds, as amended.

**EU Habitats Directive:** EU Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna, as amended.

**EU Marine Strategy Framework Directive (MSFD):** EU Directive 2008/56/EC on establishing a framework for community action in the field of marine environmental policy, known as the Marine Strategy Framework Directive.

**EU Water Frameworks Directive (WFD):** EU Directive 2000/60/EC establishing a framework for community action in the field of water policy.

**European Protected Species (EPS):** Plant and animal species listed under Schedules 2 and 4 of the Habitats Regulations 1994.

**FLOWW:** Fishing Liaison with Offshore Wind and Wet Renewables.

**Gardens and Designed Landscapes:** Defined as “grounds that are consciously laid out for artistic effect”, and typically surround large historic country houses.

**Geodiversity:** The variety of geological environments, phenomena and processes that make those landscapes, rocks, minerals and soils, which, in turn, provide the framework for biodiversity.

**Geological Conservation Review Sites:** Sites identified by the geological conservation review as providing a special understanding or appreciation of the geological history and Earth science of Britain.

**Good Environmental Status (GES):** Descriptors set by the Marine Strategy Framework Directive which describe what the environment will look like when Good Environmental Status has been achieved.

**Greenhouse Gases:** Gases that contribute to the greenhouse effect by absorbing infrared radiation. Carbon dioxide and chlorofluorocarbons are examples of greenhouse gases.

**Heritage Asset:** A site with archaeological, architectural, artistic or historic significance.

**Historic Marine Protected Areas (HMPAs):** Created by the Marine (Scotland) Act 2010 to replace the provisions of the Protection of Wrecks Act 1973. Generally only for territorial waters adjacent to Scotland, but areas above mean high water springs can be included in certain circumstances.

**Inshore Waters:** Term used generally to describe all waters within 12 nautical miles of the coast.

**Intertidal:** The coastal area between the mean high water level and the mean low water level.

**Intrinsic Value:** The value of biodiversity, independent from the benefits it provides to humanity.

**Invasive Non-Native Species:** Animals or plants that have the ability to spread, causing damage to the environment, the economy, or our health and the way we live. A non-native species is a species, subspecies or lower taxon, introduced outside its natural past or present distribution.

**JNCC:** Joint Nature Conservation Committee.

**KIS-ORCA:** Kingfisher Information Service – Offshore Renewables Cable Awareness.



**Landscape:** The visible features of an area of land, often considered in terms of the aesthetic appeal of the area.

**Listed Buildings:** Any structure in a planning authority area (above mean low water springs), but are generally those structures which are in use or capable of re-use.

**Local Development Plan (LDP):** An in-depth land use plan produced by local planning authorities, e.g. Orkney Islands Council and Highland Council.

**Local Nature Reserves (LNRs):** Protected areas with biological or geological features that are of special local interest.

**Marine Licence:** A licence for a 'licensable marine activity' under Part 4 of the Marine (Scotland) Act 2010.

**Marine Protected Areas (MPAs):** Sites designated in accordance with the Marine (Scotland) Act 2010 and the UK Marine and Coastal Access Act 2009 for the purposes of protecting biodiversity, geodiversity and historical assets. It may also be used in the generic sense as 'marine protected areas' to refer to any designated area that contributes to the MPA network in Scotland's seas.

**(UK) Marine Policy Statement:** The Marine Policy Statement (MPS) is the framework for preparing marine plans and taking decisions affecting the marine environment.

**Marine Spatial Planning:** A process to consider multiple users of the sea to minimise conflicts and to ensure that marine ecosystems are adequately protected.

**Marine users:** The broad range of legitimate users of the marine environment for purposes such as, but not limited to, recreation, fishing, shipping, passenger transport and other economic activities.

**Mean High Water Springs:** The highest water level that spring tides reach (on average).

**Mean Low Water Springs:** The lowest water level that the spring tide reaches (on average).

**Mitigation:** The action of reducing the severity or seriousness of a consequence.

**MOD:** Ministry of Defence.

**National Marine Plan:** A marine plan that will shape national objectives and policies surrounding Scotland's coastal and marine management.

**National Marine Plan interactive (NMPI):** An interactive mapping tool produced by Marine Scotland to help with marine planning.

**National Scenic Areas (NSAs):** Areas of national importance due to their landscape quality.

**Natura Sites:** An EU-wide network of nature conservation sites (SPAs and SACs) established by EU legislation (EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna and EC Directive 79/409/EEC on the Conservation of Birds).



**Nautical Miles:** The unit of length used in marine navigation. One nautical mile is slightly longer than a statute mile, equal to 1.15 statute miles and 1.85 kilometres.

**NPF3:** National Planning Framework 3.

**Ocean Acidification:** Ocean acidification refers to a reduction in the pH of the ocean over an extended period of time.

**Orkney Local List:** Created by Supplementary Guidance: Listed Buildings and the Orkney Local List (Orkney Islands Council, October 2011). Within the Orkney planning authority area (i.e. down to mean low water springs) buildings and structures meeting the criteria set out in this policy are considered to be on the Orkney Local List. This is a non-statutory designation which is a material consideration in the planning process.

**OSPAR:** The commission which manages work under the OSPAR Convention (Convention for the Protection of the Marine Environment of the North East Atlantic).

**Planning Issues and Options Consultation Paper:** A document that sets out suggested planning options produced to help support the preparation of the draft pilot Marine Spatial Plan.

**Precautionary Principle:** An approach to risk management which assumes a given activity is harmful unless there is substantial proof to the contrary.

**Priority Marine Features (PMFs):** Species and habitats which have been identified as being of conservation importance to Scotland. Most are a subset of species and habitats identified on national, UK or international lists.

**Protected Places:** Created by the Protection of Military Remains Act 1986 (as amended). Protected places are the sites of all military aircraft which have crashed in service, and certain military vessels named in the Protection of Military Remains Act 1986 (Designation of Vessels and Controlled Sites) Order 2012.

**Provisioning Services:** Ecosystem services that result in a product used by humans, e.g. food or energy.

**Quality of Life:** The standard of health, comfort, and happiness experienced by an individual or group.

**Ramsar:** Wetlands of international importance designated under the Ramsar convention.

**River Basin Management Plans:** Plans which set out measures to improve water in rivers, lakes, estuaries, coasts and in groundwater.

**Scheduled Monuments:** Currently governed by the Ancient Monuments and Archaeological Areas Act 1979 (as amended) and may be designated at any site of historic or archaeological importance on land or in territorial waters, but are generally archaeological sites which no longer have a practical use.

**Seascape:** Landscapes with views of the coast or sea and the adjacent marine environment with cultural, historical and archaeological links to each other.

**SEPA:** Scottish Environmental Protection Agency.

**Setting (in relation to historic environment):** The way in which the surroundings of a heritage asset contributes to how it is experienced, understood and appreciated.

**Significance (in relation to historic environment):** The importance of the site in archaeological, architectural, artistic or historic terms.

**Sites of Special Scientific Interest (SSSIs):** A nationally designated protected area, identified as containing a biological or geological feature of special interest.

**SNH:** Scottish Natural Heritage.

**Special Area of Conservation (SACs):** Special Areas of Conservation (SACs) are strictly protected sites designated under the EC Habitats Directive (EC Directive 92/43/EEC) designed to help conserve a range of habitats and species.

**Special Protection Areas (SPAs):** Protected sites classified in accordance with Article 4 of the EC Birds Directive (EC Directive 79/409/EEC) for rare and vulnerable birds.

**Strategic Environmental Assessment (SEA):** The assessment of plans, programmes and strategies for their environmental impacts, as opposed to assessing individual developments or projects.

**Sustainable Development:** Development that meets the needs of the current generation without compromising the ability of future generations to meet their needs.

**Sustainable Economic Growth:** Building a dynamic and growing economy that will provide prosperity and opportunities for all, while respecting the limits of our environment for the sake of future generations.

**Synergies:** The interaction or co-operation of two or more organisations, substances, or other agents to produce a combined effect greater than the sum of their separate effects.

**Terrestrial Planning:** The term 'terrestrial planning' is used to refer to all elements of the land use planning system and therefore encompasses the National Planning Framework, local development plans, land use plans, and is synonymous with terms such as 'town planning', 'town and country planning', 'land use planning' and 'urban and regional planning'.

**UNCLOS:** United Nations Convention of the Law of the Sea.

**Well-being:** The state of being comfortable, healthy and happy.

**World Heritage Sites:** Created by the UNESCO World Heritage Convention 1972. World Heritage Sites are designated by a committee of UNESCO for their outstanding universal value, as assessed against a range of criteria, both cultural and natural.

## Annex 1: List of Stakeholders

This list is updated on a regular basis so the list below may not be exactly the same as the one used at the time of the consultation events. Also, the names of individuals are not listed here. If you wish to be added or removed from the list please send an email to:

PFOWmarinespatialplan@scotland.gsi.gov.uk

### 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 Water
Hi Trans	Scottish Environment Protection Agency (SEPA)
Highlands and Islands Enterprise Orkney	Scottish Natural Heritage
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 (including the Harbour Authority)
Highland Council (including Harbour Authority)	Shetland Island Council
Orkney Islands Council Marine Services	World Heritage Site Coordinator: Heart of Neolithic Orkney
Orkney Islands Council (Community Council Liaison)	

## Business and Industry

A & W Sinclair  
Aquamarine Power  
Arch Henderson  
Armadale Salmon Fishing  
Associated British Ports  
Association of Salmon Fishery Boards  
Association of Scottish Shellfish Growers  
Atlantic Salmon Trust  
Babcock International  
Blargoans Ltd  
Briggs Marine  
Brimms Tidal Array  
British Hydropower Association  
British Ports Association  
British Trout Association  
Brough Head Wave Farm Ltd  
British Telecoms  
C Ris Energy  
Caithness and North Sutherland  
Regeneration Partnership (CNSRP)  
Caithness Chamber of Commerce  
Caithness District Salmon Fishery Board  
Caithness Partnership  
Caithness Renewables  
Caithness Seacoast  
Calder Engineering  
Care Inspectorate  
Cragie Engineering Sales and Services Ltd  
DP Marine Energy  
Dunbeath Engineering  
Edward Mackay Ltd  
European Marine Energy Centre  
Exodus Group  
Federation of Small Businesses  
Fendercare Marine  
Fishermen's Association Ltd  
Forum Energy Technologies  
G&A Barnie  
Gills Harbour Ltd  
Gow's Lybster Ltd  
Halton Charters  
Highland and Islands Airports  
Hugh Simson (Contractors) Ltd  
Institute of Fisheries Management  
Institution of Engineers and Shipbuilders in  
Scotland  
International Container Hubs Ltd (ICHL)  
Invest Caithness  
James Wilson (Orkney) Ltd  
JGC Engineering & Technical Services Ltd  
John O'Groats Ferries  
Leslie Burgher Chartered Architect  
MacRoberts Energy Group  
Mainstream Renewable Power  
Malakoff Limited  
Marine Current Turbines  
Marine5  
Meridian Salmon Farms Ltd  
MeyGen Ltd  
MM Miller  
Moray and North East Inshore Fisheries  
Group  
Narec  
National Grid UK  
Natural Power  
Navertech  
NCS Survey  
Network Rail  
Northern District Salmon Fishery Board  
Numax Energy Services

Oil and Gas UK  
 Open Hydro  
 Orcades Marine  
 Orcadian Wildlife  
 Orkney Creel Fishermen’s Association  
 Orkney Ferries  
 Orkney Fisheries Association  
 Orkney Fishermen’s Society  
 Orkney Renewable Energy Forum  
 Orkney Renewable Energy Ltd  
 Orkney Research Centre for Archaeology (ORCA) Marine  
 Orkney Shellfish  
 Orkney Sustainable Fisheries  
 Pager Power  
 Pelagian Ltd.  
 Pentland Ferries  
 Pulteneytown People’s Project  
 Red7Marine  
 Res Group/Renewable Energy Systems Ltd  
 Rivers and Fisheries Trusts of Scotland (RAFTS)  
 RWE npower renewables  
 Salmon and Trout Association  
 Salmon Net Fishing Association  
 Scibbilib Consultancy Ltd  
 Scotrenewables Tidal Power Ltd  
 Scottish & Southern Energy Ltd  
 Scottish Enterprise  
 Scottish European Green Energy Centre  
 Scottish Federation of Sea Anglers  
 Scottish Fishermen’s Federation  
 Scottish Inshore Fisheries Groups  
 Scottish Pelagic Fishermen’s Association  
 Scottish Power Renewables UK Ltd  
 Scottish Renewables  
 Scottish Salmon Producers Organisation  
 Scottish Sea Farms Ltd  
 Scottish Surfing Federation  
 Scottish Whitefish Producers Association  
 Scrabster Harbour Trust  
 Scrabster Port Services  
 Sea Generation Ltd  
 SeaFish  
 Serco North Link Ferries  
 St Margaret’s Hope Pier Trust  
 Subsea 7  
 Sustainable Inshore Fisheries Trust  
 Sutherland Partnership  
 UK Chamber of Shipping  
 West Sutherland Fisheries Trust  
 Wind Prospect Group  
 Xodus Group

### 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 (Highland)  
All Community Councils (Orkney Islands)  
Caithness Archaeological Trust  
Caithness Biodiversity Group  
Caithness Diving Club  
Caithness Kayak Club  
Clyde Cruising Club  
Clyde Forum  
Crofting Commission  
Durness Development Group Ltd  
Environmental Concern Orkney  
Friends of the Earth Scotland  
Halladale River Superintendent  
Kirkwall Kayak Club  
National Farmers Union  
Orkney Archaeological Trust  
Orkney Disability Forum  
Orkney Field Club  
Orkney Heritage Society  
Orkney Islands Sea Angling Association  
Orkney Marinas  
Orkney Sailing Club  
Orkney Sea Kayaking Association  
Orkney Skate Trust  
Orkney Surf Club  
Orkney Tourism Group  
Orkney Trout Fishing Association  
Pentland Canoe Club  
Pentland Firth Yacht Club

Ramblers Scotland  
River Naver Superintendent  
RNLI Stations  
Royal Yachting Association  
Royal Yachting Association Scotland  
Royal Society for the Protection of Birds  
Royal Society for the Protection of Birds (Scotland)  
Sail Orkney  
Scottish Canoe Association  
Scottish Environment LINK  
Scottish Sea Angling Conservation Network  
Scottish Wildlife Trust  
SeaKayaking Leisure Group  
Stromness Sailing Club  
Sutherland Biodiversity Group  
The Cruising Association  
VisitScotland  
Volunteer Action Orkney  
Whale and Dolphin Conservation  
Wick Harbour Authority  
Word Wide Fund for Nature (Scotland)

## Annex 2: Legislation, Policy and Plans

**504** The table below sets out the key legislation, policy and plans that have informed the preparation of this Plan. The table does not provide an exhaustive list of all relevant legislation, policies and plans, it aims to identify the key relevant documents.

**505** The Strategic Environmental Assessment Appendix 1: *Analysis of key environmental objectives* contains an overview of relevant data sources and an analysis of key environmental objectives considered relevant to the Plan.

**Table 5: Legislation, Policy and Plans**

Legislation/Policy/Plans/ Strategies	Date	Summary
<b>Legislation</b>		
United Nations Convention on the Law of the Sea (UNCLOS)	1973 - 1982	The Law of the Sea Convention defines the rights and responsibilities of nations in their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources.
<a href="http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf">http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf</a>		
EU Marine Strategy Framework Directive	2008	Sets targets and 11 indicators to achieve Good Environmental Status (GES) of the seas.
<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0056&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0056&amp;from=EN</a>		
EU Marine Spatial Planning Directive	2014	The Directive creates a common framework for marine spatial planning in Europe.
<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0089&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0089&amp;from=EN</a>		
EU Habitats Directive and Habitat Regulations	1992 1994	The Habitats Regulations afford protection to certain habitats and species identified in the Habitats Directive, including those requiring strict protection (European protected species).
<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01992L0043-20070101&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01992L0043-20070101&amp;from=EN</a>		
EU Birds Directive	2009	Makes provision for the protection of bird species naturally occurring in the EU.
<a href="http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0147&amp;from=EN">http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0147&amp;from=EN</a>		



Water Framework Directive and Water Environment and Water Services (Scotland) Act (WEWS)	2000 2003	The Water Framework Directive was introduced in 2000 to establish systems to manage the water environment, and was transposed into Scots Law in 2003. Implemented through the River Basin Management Plans for Scotland.
<a href="http://eur-lex.europa.eu/resource.html?uri=cellar:5c835afb-2ec6-4577-bdf8-756d3d694eeb.0004.02/DOC_1&amp;format=PDF">http://eur-lex.europa.eu/resource.html?uri=cellar:5c835afb-2ec6-4577-bdf8-756d3d694eeb.0004.02/DOC_1&amp;format=PDF</a> <a href="http://www.legislation.gov.uk/asp/2003/3/pdfs/asp_20030003_en.pdf">http://www.legislation.gov.uk/asp/2003/3/pdfs/asp_20030003_en.pdf</a>		
Bathing Water Directive	2006	Put in place measures to safeguard public health and clean bathing waters. Member States are required to monitor and assess the quality of bathing waters.
<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>		
Marine & Coastal Access Act	2009	Establishes the requirement for marine policy to be developed at the UK level.
<a href="http://www.legislation.gov.uk/ukpga/2009/23/pdfs/ukpga_20090023_en.pdf">http://www.legislation.gov.uk/ukpga/2009/23/pdfs/ukpga_20090023_en.pdf</a>		
Marine (Scotland) Act	2010	Establishes the requirement for a national marine plan and regional marine plans. Makes provision for marine planning partnerships to prepare regional marine plans.
<a href="http://www.legislation.gov.uk/asp/2010/5/pdfs/asp_20100005_en.pdf">http://www.legislation.gov.uk/asp/2010/5/pdfs/asp_20100005_en.pdf</a>		
Scottish Marine Regions Order 2015	2015	This legislation establishes the Scottish Marine Regions boundaries.
Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006	1997/2006	The main planning law in Scotland is The Town and Country Planning Act (Scotland) 1997 as amended by The Planning etc. (Scotland) Act 2006. From August 3, 2009 the majority of the 2006 Act came into force.
<a href="http://www.legislation.gov.uk/sdsi/2015/9780111027004">http://www.legislation.gov.uk/sdsi/2015/9780111027004</a> <a href="http://www.legislation.gov.uk/asp/2006/17/pdfs/asp_20060017_en.pdf">http://www.legislation.gov.uk/asp/2006/17/pdfs/asp_20060017_en.pdf</a>		
<b>Policy/Plans/Strategies</b>		
UK Marine Policy Statement	2011	Framework for preparing marine plans and taking decisions affecting the marine environment.
<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69322/pb3654-marine-policy-statement-110316.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69322/pb3654-marine-policy-statement-110316.pdf</a>		
Scotland's National Marine Plan	2015	Sets out national objectives and policies to support the sustainable development of Scotland's seas.
<a href="http://www.gov.scot/Publications/2015/03/6517">http://www.gov.scot/Publications/2015/03/6517</a>		

National Planning Framework 3	2014	Scotland's Third National Planning Framework, the spatial expression of the Government Economic Strategy, sets out a long-term vision for development and investment across Scotland over the next 20 to 30 years.
<a href="http://www.gov.scot/Resource/0045/00453683.pdf">http://www.gov.scot/Resource/0045/00453683.pdf</a>		
Scottish Planning Policy	2014	Scottish Planning Policy (SPP) is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country.
<a href="http://www.gov.scot/Resource/0045/00453827.pdf">http://www.gov.scot/Resource/0045/00453827.pdf</a>		
The Government Economic Strategy	2011	The Scottish Government Economic Strategy aims to make Scotland a more successful country, with opportunities for all to flourish, through increasing sustainable economic growth.
<a href="http://www.gov.scot/Resource/Doc/202993/0054092.pdf">http://www.gov.scot/Resource/Doc/202993/0054092.pdf</a>		
Scottish Historic Environment Policy	2011	The <i>Scottish Historic Environment Policy</i> (SHEP) document sets out Scottish Ministers' policies for the historic environment, provides greater policy direction for Historic Scotland (now Historic Environment Scotland) and provides a framework that informs the day-to-day work of a range of organisations that have a role and interest in managing the historic environment.
National Renewables Infrastructure Plan (N-RIP)	2010	The purpose of the National Renewables Infrastructure Plan (N-RIP) is to support the development of a globally competitive offshore renewables industry based in Scotland.
<a href="http://www.scottish-enterprise.com/~/_media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx">http://www.scottish-enterprise.com/~/_media/SE/Resources/Documents/Sectors/Energy/energy-renewables-reports/National-renewables-infrastructure-plan.ashx</a>		
Draft Sectoral Marine Plans for Offshore Wind, Wave and Tidal Energy in Scottish Waters	2013	The Draft Sectoral Marine Plans for Offshore Wind, Wave and Tidal Energy in Scottish Waters represent Scottish Ministers' proposed spatial policy for the development of commercial scale offshore renewable energy at a national and regional level.
<a href="http://www.gov.scot/Resource/0042/00428241.pdf">http://www.gov.scot/Resource/0042/00428241.pdf</a>		

Wind, wave and tidal regional locational guidance	Ongoing	Regional Locational Guidance (RLG) for offshore renewable energy has been 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.
<a href="http://www.gov.scot/Topics/marine/marineenergy/Planning/windrlg">http://www.gov.scot/Topics/marine/marineenergy/Planning/windrlg</a> <a href="http://www.gov.scot/Topics/marine/marineenergy/Planning/waverlg">http://www.gov.scot/Topics/marine/marineenergy/Planning/waverlg</a> <a href="http://www.gov.scot/Topics/marine/marineenergy/Planning/tidalrlg">http://www.gov.scot/Topics/marine/marineenergy/Planning/tidalrlg</a>		
Pentland Firth and Orkney Waters Marine Spatial Plan Framework and Regional Locational Guidance for Marine Renewable Energy	2011	Sets out a high level framework for taking forward a pilot Marine Spatial Plan for Pentland Firth and Orkney Waters and identifies the categories of information required to underpin the Plan.
<a href="http://www.gov.scot/Resource/Doc/295194/0115355.pdf">http://www.gov.scot/Resource/Doc/295194/0115355.pdf</a>		
Modern Trust Ports for Scotland: Guidance for Good Governance	2012	This guidance seeks to cover issues of importance to Scotland and its trust ports which vary considerably in size and operation both within Scotland and from counterparts in England and Wales.
<a href="http://www.transport.gov.scot/sites/default/files/documents/rrd_reports/uploaded_reports/j249946/j249946.pdf">http://www.transport.gov.scot/sites/default/files/documents/rrd_reports/uploaded_reports/j249946/j249946.pdf</a>		
Working together for the Highlands: The Programme of The Highland Council 2012–2017	2012	Programme sets out the Council's priorities for 2012-2017.
<a href="http://www.slcv.org.uk/Downloads/News/ProgrammefortheCouncil201217.pdf">http://www.slcv.org.uk/Downloads/News/ProgrammefortheCouncil201217.pdf</a>		
Orkney Islands Council, Council Plan 2013–2018	2013	The Council Plan sets out the Council's priorities for 2013-2018.
<a href="http://www.orkney.gov.uk/Files/Council/Council-Plans/Our_Plan_2013-2018.pdf">http://www.orkney.gov.uk/Files/Council/Council-Plans/Our_Plan_2013-2018.pdf</a>		
Highland-wide Local Development Plan	2012	The Plan sets out the overarching vision statement, spatial strategy and general planning policies for the whole of the Highland Council area, except the area covered by the Cairngorms National Park Local Plan.
<a href="http://www.highland.gov.uk/download/downloads/id/1505/highland-wide_local_development_plan">http://www.highland.gov.uk/download/downloads/id/1505/highland-wide_local_development_plan</a>		
Caithness Local Plan	2002 (As continued in force, April 2012)	The Plans sets out land use planning strategy and policies for Caithness.
<a href="http://www.highland.gov.uk/downloads/download/262/local_plan-caithness">http://www.highland.gov.uk/downloads/download/262/local_plan-caithness</a>		

Sutherland Local Plan	2010 (As continued in force, April 2012)	The Plans sets out land use planning strategy and policies for Sutherland.
<a href="http://www.highland.gov.uk/info/178/local_and_statutory_development_plans/400/sutherland_local_plan">http://www.highland.gov.uk/info/178/local_and_statutory_development_plans/400/sutherland_local_plan</a>		
Orkney Local Development Plan (Adopted April 2014)	2014	The Plan sets out the vision statement, spatial strategy and general land use planning policies for Orkney.
<a href="http://www.orkney.gov.uk/Service-Directory/O/Orkney-Local-Development-Plan.htm">http://www.orkney.gov.uk/Service-Directory/O/Orkney-Local-Development-Plan.htm</a>		
River Basin Management Plan for the Scotland River Basin District	Second cycle of plans due to be published at the end of 2015	The plan aims to maintain and improve the ecological status of the rivers, lochs, estuaries, coastal waters and groundwater areas in Orkney and Shetland.
<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>		
North Highland Area Management Plan	2010–15	The plan aims to maintain and improve the ecological status of the rivers, lochs, estuaries, coastal waters and groundwater areas in North Highland.
<a href="http://www.sepa.org.uk/media/75570/doc-21-nh-catchment-summaries-caithness-and-sutherland.pdf">http://www.sepa.org.uk/media/75570/doc-21-nh-catchment-summaries-caithness-and-sutherland.pdf</a>		
Highland Biodiversity Action Plan	2015–2020	Action plans to support the conservation of biodiversity in across Highland, Caithness and Sutherland.
Caithness Biodiversity Action Plan	2003	
Sutherland Biodiversity Action Plan	2003	
<a href="http://www.highlandbiodiversity.com/highland-bap.asp">http://www.highlandbiodiversity.com/highland-bap.asp</a>		
<a href="http://www.highlandbiodiversity.com/userfiles/file/acion-plans/caithness.pdf">http://www.highlandbiodiversity.com/userfiles/file/acion-plans/caithness.pdf</a>		
<a href="http://www.highlandbiodiversity.com/userfiles/file/acion-plans/sutherland.pdf">http://www.highlandbiodiversity.com/userfiles/file/acion-plans/sutherland.pdf</a>		
Orkney Local Biodiversity Action Plan	2013-2016	Action plan to support the conservation of biodiversity in Orkney.
<a href="http://www.orkney.gov.uk/Files/Planning/Biodiversity/Orkney_LBAP_with_appendices.pdf">http://www.orkney.gov.uk/Files/Planning/Biodiversity/Orkney_LBAP_with_appendices.pdf</a>		
Highland Local Transport Strategy	2010	The Local Transport Strategy sets the direction for transport in the Highlands at a local level for 2011/12, 2012/13 and 2013/14.
<a href="http://www.highland.gov.uk/download/downloads/id/762/highland_local_transport_strategy_draft_document">http://www.highland.gov.uk/download/downloads/id/762/highland_local_transport_strategy_draft_document</a>		
Orkney Local Transport Strategy	2007	The Local Transport Strategy is a framework for how the Council intends to deliver on its own and national transport objectives at a local level, and it also includes an action plan detailing how the Council's challenges will be met and opportunities achieved.
<a href="http://www.orkney.gov.uk/Files/Transport/Local%20Transport%20Strategy.pdf">http://www.orkney.gov.uk/Files/Transport/Local%20Transport%20Strategy.pdf</a>		





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**W W W . g o v . s c o t**

# Marine Scotland

## **Pilot Pentland Firth & Orkney Waters Marine Spatial Plan**

### **Consultation Analysis and Modifications Report**

**Draft for Council Committee Consideration.  
January 2016.**



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## **Consultation Analysis and Modifications Report**

**Draft for Council Committee Consideration.  
January 2016**

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

**marinescotland**



## **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 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. This input has been invaluable in helping develop the Plan. The working group would also like to thank the advisory group who provided useful advice and comment throughout the process.

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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 an opportunity 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 a 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 was 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>.

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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#res-1>

- 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 and 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 will take 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 will be published in early 2016 and the Plan text will be updated accordingly.	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 and 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.
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 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 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'.	

## 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 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 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 the 'North Coast and Orkney' folder which can be</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
		updated as new data is 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 are 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 (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
		<p>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’.</p>	
47	<p>Para. 66 - The use of the term ‘aquaculture’ appears inappropriate given that it is only fish farming that is covered by the T&amp;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&amp;CP(S) Acts.</p>	<p>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’.</p>	<p>For accuracy.</p>
48	<p>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).</p>	<p>PARAGRAPH 66 (now 67): Changed reference to ‘Aquaculture Supplementary Guidance’ to ‘Aquaculture Planning Policy Advice’ in third sentence.</p>	<p>To reflect the current status of this planning guidance.</p>
49	<p>Paras. 70 &amp;71 - The description of the</p>	<p>PARAGRAPH 71 (now 72): Changed</p>	<p>To amend typographical error relating</p>



No.	Suggested modification	Action taken	Reason
	<p>role of EIA, and the processes 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>second sentence to 'EIA is mandatory for Schedule 1 projects and Schedule 2 developments have to undergo screening to determine whether an EIA is required.'</p>	<p>to Environmental Impact Assessment 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</p>	None.	<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</p>

No.	Suggested modification	Action taken	Reason
	being non-statutory in nature. Clarification should be given with regards this statement.		(now 38) provide information regarding 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	None.	Paragraph 37 aims to make clear that the Plan itself does not provide decisions on proposed development

No.	Suggested modification	Action taken	Reason
	consideration, as PPA and/or its use being open and up to the Regulator. It would be useful to remove any ambiguity.		and management.
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	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
	maybe not appropriate to comment too much at this stage.		
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	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
	a similar structure for the PFOW would have been more beneficial for the 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	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'.	To state the preferred status of the Plan as non-statutory planning guidance as opposed to Supplementary Guidance.

No.	Suggested modification	Action taken	Reason
	Plan, as revised.' Note that the correct terminology is non-statutory planning 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.	PARAGRAPH 35 (now 36): 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 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'.	
60	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>	PARAGRAPH 64: Inserted footnote number with the following reference next to the first word 'development'.  <a href="http://www.legislation.gov.uk/ukpga/1997/8/section/26">http://www.legislation.gov.uk/ukpga/1997/8/section/26</a> Next	To provide clarity as to the definition of development provided within the Planning Acts.

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

### 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.

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
61	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.
62	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.
63	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’.</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 Scotland’s National Marine Plan for further information on relevant topics and issues. Future regional marine</p>	<p>To refer accurately to the title of the current 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
		plans will be expected to adhere to the objectives and policies within the National Marine Plan’.	
64	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.
65	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>	
66	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 use, and the options for incorporation of the PPFOWMSP within it, is confusing. ‘Supplementary Guidance’,	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 across the relevant terrestrial and marine area. It should be noted that a review of the Orkney Local	To provide updated information on the Orkney Local Development Plan.

No.	Suggested modification	Action taken	Reason
	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).	Development Plan is taking place during 2015-16'.	
67	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.
68	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 these paragraphs are not to be simply a 'snap shot' of the process, rewording is recommended.	None.	Paragraph 99 provides accurate information regarding the Caithness and Sutherland Local Development Plan and Highland-wide Local Development Plan.

No.	Suggested modification	Action taken	Reason
69	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.
70	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.
71	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 such as fishing and tourism'.	To reflect the role of marine and land use planning as identified in National Planning Framework 3.
72	The Annexe should include a reference to "A Fresh Start - The Renewed	FURTHER INFORMATION (page 147): Inserted reference to A Fresh Start -	To update document references.

No.	Suggested modification	Action taken	Reason
	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.	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>	
73	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
74	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.
75	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.
76	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 will 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.		
77	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.
78	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.
79	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.
80	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
81	<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>
82	<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 plan 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.
83	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.
84	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.
85	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.
86	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.
87	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
88	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.
89	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 need 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.	
90	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.
91	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.
92	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.
93	Changes to Figure 3 to change direction of arrows.	FIGURE 3: Arrows removed.	To improve the clarity of the diagram.
94	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.
95	Too much focus on economic gains,	None.	The Plan objectives and policies take a

No.	Suggested modification	Action taken	Reason
	text needs greater focus on living within environmental limits and associated benefits.		balanced approach to delivering sustainable development through the consideration of a range of social, economic and environmental factors including living within environmental limits.
96	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.
97	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.
98	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.
99	Biological sustainability should be included in GEN 1A.	None.	Biological factors sit under the environment in General Policy 1A.



<b>No.</b>	<b>Suggested modification</b>	<b>Action taken</b>	<b>Reason</b>
100	Change policy text to developments and activities.	POLICY TEXT changed to read 'developments and 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
101	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.
102	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.
103	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.
104	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
			Lessons Learned report – Identify the need for further supporting guidance to the Plan.
105	More detail on how developers would demonstrate they had supported local supply chains and created local skilled employment in the local area.	None.	Lessons Learned report – Identify the need for further supporting guidance to the Plan.
106	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 supported within Objective 5 and the sustainable development definition in Information Box 1.
107	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.
108	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
109	Change 3D to 'three dimensional'	PARAGRAPH 133: Change 3D to: 'three dimensional'.	To accommodate request.
110	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.
111	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...'. 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.
112	Articulate more clearly the importance of ecosystem services to distinguish policy from those relating to water quality and marine biodiversity.	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'.*  *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 & Frid].Earthscan, London.	To accommodate request.
113	Para. 137. Add text to clarify what the problems are and how the Plan will	PARAGRAPH 136: Footnote added at to refer reader to the Marine Atlas.	To accommodate request.

No.	Suggested modification	Action taken	Reason
	contribute to solving them.		
114	Set out which fish species are of concern and cross reference to Commercial Fisheries policy.	As above.	To accommodate request.
115	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 already being too long.
116	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.
117	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.

**Figure 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
118	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.
119	Info Box 4: Remove footnotes	INFORMATION BOX 4: footnotes references removed and placed in glossary.	For greater clarity.
120	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.
121	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.
122	Para. 147. Suggest changing 'important' for 'long established'.	None.	The word 'important' is considered appropriate in this context.
123	Para. 149. Substitute 'with' to 'within'.	PARAGRAPH 149: The word 'with' has been replaced with 'within' in the first sentence.	To correct typographical error.
124	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.		
125	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.
126	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.
127	Policy needs to take account of more intangible benefits.	None.	This policy aims to take account of more intangible benefits.  Lessons Learned report - Further supporting guidance could be developed on assessing well-being and community engagement.

## 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
128	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.
129	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.
130	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.
131	<p>Noted that text conflates mitigation and adaptation and suggests the 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</p>	INFORMATION BOX 6: Amended to: 'Mitigation' refers to measures to 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).	To accommodate request and provide clarity.

No.	Suggested modification	Action taken	Reason
	ensure that habitats that store and capture carbon are not adversely affected”	<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>	
132	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.
133	Noted that designation of Marine Protected Areas is not an adaptation measure and the text should reflect this.	See above.	As above.
134	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.
135	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 discharge safely 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
136	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.
137			
138	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.
139			
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</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>relation to Natura 2000 sites. We propose using the text as contained in the General Policies section of the 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.

No.	Suggested modification	Action taken	Reason
143	Clarity required as to what 'the public benefit outweighs the environmental impact' means e.g. life and limb, political, financial or other and at who's behest.	None.	This would be assessed on a case by case basis, in accordance with the legislation.
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.

## 15. General Policy 4B: Protected species

### 15.1 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>

### 15.2 Main themes

- 15.2.1 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.
- 15.2.2 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.
- 15.2.3 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.
- 15.2.4 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.
- 15.2.5 One stakeholder felt this policy duplicated existing legislation.

**Table 15.1 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/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 42-44 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.

## 16. General Policy 4C: Wider biodiversity

### 16.1 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>

### 16.2 Main themes

- 16.2.1 The policy was generally welcomed but the responses raised issues in relation to some of the wording of the policy and associated text.
- 16.2.2 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.
- 16.2.3 Two responses from aquaculture stakeholders requested their comment to the Highland Council Draft Aquaculture Supplementary Guidance was used to provide further information for Information Box 10.

**Table 16.1 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.

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

### 17.1 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>

### 17.2 Main themes

- 17.2.1 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.
- 17.2.2 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.
- 17.2.3 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.
- 17.2.4 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.
- 17.2.5 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 17.1 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 more clear.</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 more clear.</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.

No.	Suggested modification	Action taken	Reason
168	Use the same wording as in Policy 4A, i.e. "The Plan will support development or activities that do not have an adverse effect on.....".	None.	The policy wording is clear and does not require to be changed.
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.

## 18. General Policy 4E: Geodiversity

### 18.1 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>

### 18.2 Main themes

- 18.2.1 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.
- 18.2.2 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 18.1 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.

## 19. General Policy 5A: Water environment

### 19.1 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>

### 19.2 Main themes

19.2.1 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.

19.2.2 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.

19.2.3 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
- 19.2.4 Another stakeholder representing the renewable energy industry requested clarification on the meaning of 'full assessment' in the policy text.
- 19.2.5 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 19.1 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 E.coli 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-date information can be obtained by</p>	

No.	Suggested modification	Action taken	Reason
		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’.	
180	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>	None.	Policy text in last bullet point covers consideration of the location of activities that may not be compatible.
181	Clarify boundaries of Marine Strategy Framework Directive and Water Framework Directive.	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. Tthe MSFD includes coastal waters (as defined by the WFD) and out to the extent of the UK jurisdiction’.	To improve the clarity of the text.
182	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.	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 developing regional marine plans’.	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.	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.	<p>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>.</p> <p><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>]</p>	To accommodate request.
185	The Plan needs to take account of the need for existing and future Scottish Water assets and safeguard against potential uses which could conflict with	PARAGRAPH 226: Sentence added at the end of the paragraph 'Scottish Water note that the selection of shellfish harvesting sites should	To accommodate request.

No.	Suggested modification	Action taken	Reason
	infrastructure needs.	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 Environmental Impact Assessment

No.	Suggested modification	Action taken	Reason
			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.



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

### 20.1 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>

### 20.2 Main themes

- 20.2.1 There was general support for this policy and the ongoing work through the National Coastal Change Assessment project.
- 20.2.2 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.
- 20.2.3 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.
- 20.2.4 One respondent expressed surprise at the lack of spatial data within the Plan.
- 20.2.5 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 20.1 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>

## 21. General Policy 6: Historic environment

### 21.1 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>

### 21.2 Main themes

- 21.2.1 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.
- 21.2.2 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).
- 21.2.3 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.
- 21.2.4 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.
- 21.2.5 A fisheries representative noted that fishermen will have knowledge of the location of wrecks that may not be mapped.
- 21.2.6 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 21.1 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
	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.	'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'.	
202	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,	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'.	To provide clarity regarding the relationship between the conservation of the historic environment and navigational safety considerations.

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.



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

### 22.1 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>

### 22.2 Main themes

- 22.2.1 The policy was generally welcomed by respondents but some felt there should be changes or additional text added.
- 22.2.2 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).
- 22.2.3 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.
- 22.2.4 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.
- 22.2.5 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.

- 22.2.6 One stakeholder queried the value of Map 12 as the information contained within it does not show up well.
- 22.2.7 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.
- 22.2.8 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 22.1 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.
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 is clear in this regard.
209	Para. 271 - Now Planning Circular 1/2015.	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 '  PARAGRAPH 271 (now 270): Planning Circular 1/2015 reference	Updated to reflect the current status of the Circular.  To updated weblink to the latest Circular.

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.

## 23. General Policy 8A: Noise

### 23.1 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>

### 23.2 Main themes

- 23.2.1 The majority of the responses received were to suggest changes to the text. Two respondents suggested removing or re-drafting Information Box 16.
- 23.2.2 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 23.1 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 developments and 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.

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

### 24.1 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>

### 24.2 Main themes

- 24.2.1 This policy was generally welcomed and respondents provided information on activities they are involved in aimed at reducing the amount of marine litter.
- 24.2.2 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.
- 24.2.3 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.
- 24.2.4 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.
- 24.2.5 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.
- 24.2.6 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.



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

**Table 24.1 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.	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'.  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.	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.	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'.	
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 box. It is currently 'Waste and marine litter' in the title but is 'Waste management and marine litter' in the policy box.	POLICY TEXT: Changed heading to 'Waste and marine litter'.	To match with policy section heading and rectify typing mistake.

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

### 25.1 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>

### 25.2 Main themes

- 25.2.1 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.
- 25.2.2 One respondent (public sector) noted that they already follow existing Codes of Practice.
- 25.2.3 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.
- 25.2.4 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 25.1 General Policy 9 Invasive non-native species - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
228	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.
229	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.
230	Paragraph 312 – see also the RYA website (www.rya.org.uk/go/alienspecies).	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.
231	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'.	
232	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.
233	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).
234	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.
235	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/biosecplan.pdf">http://clydeforum.com/attachments/biosecplan.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	
236	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.
237	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.
238	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.

## 26. Sectoral Policies

### 26.1 Summary of responses received

26.1.1 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?’.

26.1.2 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>

26.1.3 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>

### 26.2 Main themes

26.2.1 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.

26.2.2 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.

- 26.2.3 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.
- 26.2.4 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'.
- 26.2.5 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 26.1 Sectoral Policy format and Table 4 - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
239	Policy Format – should this read ‘Sectoral Policy Format’	None.	It is clear from the section title that sectoral policies are being referred to.
240	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.
241	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.
242	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 take 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).		
243	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.
244	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.
245	'local sustainable development' requires further definition.	None.	Sustainable development is defined in Information Box 1.
246	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.		
247	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.
248	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.
249	<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>	<p>None.</p> <p>None.</p>	<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="324 271 900 422">• '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.
250	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.

## 27. Sectoral Policy 1: Commercial Fisheries

### 27.1 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>

### 27.2 Main themes

- 27.2.1 Some respondents noted that this policy is very long and seems at odd 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.
- 27.2.2 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.
- 27.2.3 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.
- 27.2.4 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.
- 27.2.5 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.

- 27.2.6 Another respondent welcomed the importance placed on consultation with local fishermen and the relevant organisations prior to any proposed developments.
- 27.2.7 A respondent from Marine Scotland Licensing Operations Team noted that a Commercial Fisheries Working Group would normally be formed as part of a developments consent conditions and that these would generally be regional or area groups rather than individual groups for each consent.
- 27.2.8 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.
- 27.2.9 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.
- 27.2.10 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 27.1 Sectoral Policy 1 Commercial Fisheries - Table of suggested modifications

-No.	Suggested modification	Action taken	Reason
251	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.
252	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.
253	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.
254	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.
255	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.
256	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.
257	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.
258	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.
259	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.
260	The Key Legislation and Policy	PARAGRAPH 349 (now 348): Added	To explain the pressures from fishing

<b>-No.</b>	<b>Suggested modification</b>	<b>Action taken</b>	<b>Reason</b>
	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.
261	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.
262	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.
263	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
264	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.
265	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.
266	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.
267	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.
268	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>
269	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.

## 28. Sectoral Policy 2: Aquaculture

### 28.1 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>

### 28.2 Main themes

- 28.2.1 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.
- 28.2.2 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.
- 28.2.3 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.
- 28.2.4 Two respondents welcomed Marine Scotland's work on the Spatial Planning for Aquaculture.
- 28.2.5 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.

28.2.6 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.

28.2.7 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.

28.2.8 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.
- 28.2.9 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.
- 28.2.10 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.
- 28.2.11 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.
- 28.2.12 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.
- 28.2.13 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.
- 28.2.14 A respondent from the public sector noted the importance that it is important that the aquaculture sector has in the PFOW and highlighted the importance to have early engagement with Marine Scotland and other relevant consenting bodies.

**Table 28.1 Sectoral Policy 2 Aquaculture - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
270	Info Box 21: suggest placing this after para 358 for more relevance.	INFORMATION BOX 21 (now 20): Moved to after paragraph 358.	To correct formatting error and to accommodate request.
271	Update information regarding seaweed harvesting and culture.	<p>INFORMATION BOX 21 (now 20): 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.
272	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.
273	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.
274	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.
275	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.
276	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.
277	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	To accommodate request and provide greater consistency. Detailed information on the economic value of aquaculture in the area is provided in

No.	Suggested modification	Action taken	Reason
		sector sustainably. To support these targets, a variety of research is underway by Marine Scotland, academia and various other research agencies’.	the Socio-Economic Baseline Review.
278	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.
279	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.
280	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.
281	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.	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 guidance provided in the National Marine Plan. At the local level, the two local authorities.....’	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.

No.	Suggested modification	Action taken	Reason
		<p>New last sentence added 'At present, seaweed cultivation farms require a licence from Marine Scotland'.</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>	
282	<p>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 National Planning Framework, Circular 1/2015 and Circular 1/2007.</p>	<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> <p>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></p>	To accommodate request.
283	<p>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</p>	See above.	See above.

No.	Suggested modification	Action taken	Reason
	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.		
284	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> Footnote 4 removed from 'Further information' section.	Text updated to reflect latest available information.
285	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.
286	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
287	Para 361 section implies seals are European Protected Species, which	PARA 361 (now 360): Sixth sentence amended to "In addition, it is the	To accommodate request

No.	Suggested modification	Action taken	Reason
288	<p>they are not.</p> <p>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, 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>	<p>licensing authority..."</p> <p>See various sections above.</p>	<p>See various sections above.</p> <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>

No.	Suggested modification	Action taken	Reason
	<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>		
289	<p>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.</p> <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>POLICY TEXT: First sentence amended to 'Aquaculture developments will be supported by the Plan where...'</p>	<p>To accommodate request.</p>

No.	Suggested modification	Action taken	Reason
	"The sustainable growth of the ports.....will be supported...."		
290	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.	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>
291	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> <p>Additional bullet point added: any Marine Scotland or Scottish Environment Protection Agency licensing requirements and guidance</p>	To reflect most up to date information and to provide further clarity.
292	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.
293	Para 364 should include reference to the National Marine Plan	PARAGRAPH 364 (now 363): amended to "...Policy (2014) <sup>8</sup> and the	To accommodate request

No.	Suggested modification	Action taken	Reason
		National Marine Plan have a presumption against...”	
294	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 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> ’.	To accommodate request and provide further information.



## 29. Sectoral Policy 3: Oil and gas

### 29.1 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>

### 29.2 Main themes

- 29.2.1 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.
- 29.2.2 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.
- 29.2.3 A respondent from the recreational sector noted concerns that ‘oil dollars’ will always win over environmental matters or local impacts.
- 29.2.4 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.
- 29.2.5 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.
- 29.2.6 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.
- 29.2.7 Another respondent queried whether this policy covered shale gas and its various processes if this was ever found in the PFOW area.

**Table 29.1 Sectoral Policy 3 Oil and gas - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
295	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.
296	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 possible for as long as they may be</p>	<p>Text added to note climate change targets and provide background to Scottish Government approach (provides background for next comment listed in the row 287as 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
		needed.	
297	Set out the short, medium and long term approach to this industry.	Text added (see row 296 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.
298	Policy should facilitate transition to low carbon economy.	New paragraphs 378 (now 379) and 379 (now 380) added as background information.	To accommodate request.
299	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.
300	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.
301	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.
302	Policy too long in relation to level of oil and gas activity in the Plan area.	None.	Noted.
303	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 relatively large industry for this part of	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>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>		
304	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’.	

## 30. Sectoral Policy 4: Renewable energy generation

### 30.1 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>

### 30.2 Main themes

- 30.2.1 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.
- 30.2.2 Suggested text changes and corrections are included in the table but the main points made by the respondents are discussed below.
- 30.2.3 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.
- 30.2.4 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).
- 30.2.5 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.
- 30.2.6 Some respondents felt there should be reference to floating offshore wind.
- 30.2.7 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.
- 30.2.8 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.
- 30.2.9 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.
- 30.2.10 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.
- 30.2.11 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.
- 30.2.12 Scottish Water supported early and effective communication and noted that both onshore and offshore renewables can impact on their underground water and wastewater network.

- 30.2.13 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.
- 30.2.14 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).
- 30.2.15 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 30.1 Sectoral Policy 4 Renewable energy generation - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
305	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.
306	Para. 410. Should be 'tackling' in first line.	PARAGRAPH 410 (now 414): 'tacking' changed to 'tackling'.	Correction.
307	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.
308	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.
309	Reference should be made to the potential for development of floating windfarms.	NEW PARAGRAPH 413 (now 417) added (see below).	To accommodate request.
310	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
311	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.
312	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.
313	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
314	<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>
315	<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>
316	<p>Clarify status of Sectoral Marine Plans i.e. whether draft or final.</p>	<p>Text updated in relation to status of Sectoral Marine Plans.</p>	<p>To accommodate request.</p>
317	<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
318	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.
319	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.
320	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.		
321	Paragraph 414 – A link to any plan level HRA should be provided here.	PARAGRAPH 414 (now 419): Add link to plan level Habitats Regulations Appraisal for Sectoral Marine Plans.	To accommodate request.
322	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.
323	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/marineenergy/Planning/DRLG">http://www.gov.scot/Topics/marine/marineenergy/Planning/DRLG</a>]</p>	To accommodate request.

No.	Suggested modification	Action taken	Reason
324	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.	None.	The policy text would be inclusive of the grid asset developer who would also be required to consider the relevant Local Development Plan.
325	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.	None.	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 395].
326	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.	None.	Requirements of Environmental Impact Assessment are covered in paragraphs 70-74.

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

### 31.1 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>

### 31.2 Main themes

- 31.2.1 There were some general comments from stakeholders regarding corrections to the maps and updates to the list of stakeholders on the distribution list.
- 31.2.2 One respondent (Royal Yachting Association) noted that racing areas, moorings and anchorages are also important and should be protected alongside routes.
- 31.2.3 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.
- 31.2.4 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.
- 31.2.5 Sportscotland also noted they support the use of codes of best practice and guidance as opposed to the introduction of further management measures.
- 31.2.6 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.
- 31.2.7 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.

- 31.2.8 It was noted that although the background text makes reference to cultural heritage tourism the policy itself focuses on natural heritage issues.
- 31.2.9 A recreational stakeholder noted that The Bay of Ireland is not included in the Royal Yachting Association areas on National Marine Plan interactive.
- 31.2.10 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.
- 31.2.11 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.
- 31.2.12 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 31.1 Sectoral Policy 5 Recreation, sport, leisure and tourism - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
327	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.
328	Add Scottish Canoe Association to the list of Stakeholders.	Added to list of stakeholders.	To accommodate request.
329	The Royal Yachting Association noted the mapping must comply with their licence requirements.	Licence requirements checked and updates made as necessary.	To accommodate request.
330	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.
331	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.'	
332	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.
333	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.
334	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.
335	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.
336	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.
337	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....’	
338	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.
339	The Bay of Ireland is not included on National Marine Plan Interactive RYA Sailing Areas.		
340	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.
341	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.

## 32. Sectoral Policy 6: Marine transport

### 32.1 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>

### 32.2 Main themes

- 32.2.1 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.
- 32.2.2 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.
- 32.2.3 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.
- 32.2.4 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.
- 32.2.5 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.
- 32.2.6 A public sector stakeholder suggested the increase in marine traffic requires to be monitored so as not to lead to congestion or displacement issues.

- 32.2.7 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 32.1 Sectoral Policy 6 Marine transport - Table of modifications**

No.	Suggested modification	Action taken	Reason
342	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
343	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.
344	In examples of marine transport change 'yachts' to 'recreation craft' as this is more inclusive and gets us away	INFORMATION BOX 24 (now 23): 'Yachts' changed to 'recreation craft'.	To accommodate request.

No.	Suggested modification	Action taken	Reason
	from the more common usage of the word yacht which is frequently misrepresented.		
345	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.
346	<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.
347	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	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	Examples clarified and see General Policy 9.

No.	Suggested modification	Action taken	Reason
	new OIC ballast water management policy) could lead to significantly increased risk?	other marine traffic, accelerates....’.	
348	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.
349	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 economic impacts but the overall benefit outweighs these. A development with unacceptable navigational safety impacts should not proceed.	None	The text is appropriate.
350	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.
351	Para. 442 it should be noted that	None.	Text is sufficient as it states ‘...all

No.	Suggested modification	Action taken	Reason
	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.		vessels have the rights of innocent passage and freedom of navigation...'
352	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.
353	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.



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

### 33.1 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>

### 33.2 Main themes

- 33.2.1 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.
- 33.2.2 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.
- 33.2.3 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.
- 33.2.4 Scottish Water noted any ports facilities plans should consider their need for provision of public drinking water supply and wastewater treatment.

**Table 33.1 Sectoral Policy 7 Ports, harbours and dredging - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
354	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.
355	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.
356	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.
357	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
358	<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>
359	<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>
360	<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>
361	<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>	

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

### 34.1 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>

### 34.2 Main themes

- 34.2.1 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.
- 34.2.2 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.
- 34.2.3 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.
- 34.2.4 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.

- 34.2.5 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.
- 34.2.6 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 34.1 Sectoral Policy 8 Pipelines, electricity and telecommunications infrastructure - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
362	Para 463: Delete the words in parenthesis in the second line.	PARAGRAPH 463 (now 468): Deleted words in parenthesis.	Correction.
363	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.
364	Insert word development into first paragraph for consistency between policies.	POLICY TEXT: First paragraph amended to 'Developments or activities'.	Consistency between policies.
365	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.
366	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 [add footnote number]	To accommodate request.

No.	Suggested modification	Action taken	Reason
		dealing with submarine cables....’ and add link  <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.	
367	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).
368	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.
369	<b>Page 177 Paragraph 460</b> 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>		
370	<p><b>Page 177 - Paragraph 461 – Line 4</b></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>	<p>Correction.</p>

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>		
371	<p><b>Page 177 Paragraph 463</b></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.
372	<p><b>Page 179 - Paragraph 473 – Line 1</b></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>	
373	<p><b>Page 179 - Paragraph 473 – Line 4</b></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:            “Protecting the cable has the potential to minimise the risk of interactions with maritime activity, however, vessel operators still have a duty to avoid</p>	None.	Already covered in paragraph 469 (now 474).

No.	Suggested modification	Action taken	Reason
	contact with existing and known submarine infrastructure to ensure the safety of the crew and vessel.”		
374	<p><b>Page 179 Paragraph 475</b></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>	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’	To accommodate request.
375	<p><b>Page 180 – Paragraph 4 – Line 1</b> 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. 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</p>	No changes to text.	Emergency inspection or repair works would be assessed on a case-by-case basis.

No.	Suggested modification	Action taken	Reason
	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.		
376	<p><b>Page 180 Paragraph 5</b></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.
377	<p><b>Page 180 – Paragraph 5 – Line 1</b></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 provide sufficient requirements for installation and cable protection.”            Proposed Alteration:            “Cables should be suitably routed to provide sufficient requirements for</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
	installation and, where deemed necessary and evidence based, cable protection.”		
378	<p><b>Page 180 – Paragraph 6 – Line 1</b></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 stability concerns identified. If required and feasible, burial may potentially reduce conflict with other marine users...”</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
379	<p><b>Page 180 – Paragraph 7 – Line 1</b></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> <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</p>	<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’.</p>	<p>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.</p>

No.	Suggested modification	Action taken	Reason
	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.”		
380	<p><b>Page 181 – Paragraph 1 – Line 1</b></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> <p>What are the expectations for post-lay surveys? Is this dependent on protection being applied or not? Greater clarity on this would be welcome.</p>	None.	This wording was agreed with stakeholders and is consistent with the National Marine Plan.



No.	Suggested modification	Action taken	Reason
381	<p><b>Page 182 – Map</b></p> <p>The Map doesn't highlight all SSEPD's existing cables. Accurate map provided in response.</p>	MAP 22: Updated to show existing cables.	Correction.
382	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....'
383	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.
384	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.
385	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

No.	Suggested modification	Action taken	Reason
			be required. Policy text requires action to ensure compatibility and reduce conflict.

## 35. Sectoral Policy 9: Marine aggregates

### 35.1 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>

### 35.2 Main themes

- 35.2.1 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 35.1 Sectoral Policy 9 Marine aggregates - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
386	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.
387	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.

## 36. Sectoral Policy 10: Defence

### 36.1 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>

### 36.2 Main themes

- 36.2.1 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 36.1 Sectoral Policy 10 Defence - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
388	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 and 496 provide information regarding the environmental risk assessments that the MoD carry out for their various exercises.
389	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.
390	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.

## 37. Future Development of Regional Marine Plans

### 37.1 Background

37.1.1 There were five questions 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 and the table at the end summarises the key points for all the responses.

### 37.2 First question:

37.2.1 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?

### 37.3 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>

### 37.4 Main themes

37.4.1 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.

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

37.4.3 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.

37.4.4 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.

### 37.5 Second question:

- 37.5.1 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?

### 37.6 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>

### 37.7 Main themes

- 37.7.1 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.
- 37.7.2 One fisheries respondent acknowledged the 'productive meetings along the way' but felt there needed to be representation on the advisory group.
- 37.7.3 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.

### 37.8 Third question:

- 37.8.1 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?



## 37.9 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>

### 37.10 Main themes

37.10.1 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

### 37.11 Fourth question:

37.11.1 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.

## 37.12 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>

## 37.13 Main themes

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

37.13.2 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

## 37.14 Fifth question:

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

## 37.15 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>

## 37.16 Main themes

- 37.16.1 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.
- 37.16.2 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.
- 37.16.3 One respondent noted it would be useful to centralise generic planning resources such as data and assessment of cumulative impacts and GIS skills.
- 37.16.4 The importance of conducting effective consultation and engagement with local communities was noted.
- 37.16.5 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.

## 37.17 Lessons Learned

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

## 38. Supporting documents

### 38.1 Background

- 38.1.1 The consultation in 2015 consisted of a suite of documents, the Plan and a number of supporting documents: Sustainability Appraisal, Socio-Economic Baseline Review, Regional Locational Guidance (RLG), a Business Regulatory Impact Assessment (BRIA) and an Equality Impact Assessment (EQIA).
- 38.1.2 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.
- 38.1.3 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.
- 38.1.4 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.
- 38.1.5 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.

- 38.1.6 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.

## 39. Sustainability Appraisal

### 39.1 Background

- 39.1.1 There were five questions in the consultation questionnaire relating to the Sustainability Appraisal:
- 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?

### 39.2 Summary of responses received from Consultation Authorities

- 39.2.1 All Consultation Authorities are Scottish Natural Heritage (SNH), Scottish Environment Protection Agency (SEPA) and Historic Environment Scotland (HES), provided responses on the Sustainability Appraisal in the consultation.
- 39.2.2 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.
- 39.2.3 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.

- 39.2.4 Both SNH and SEPA provided specific examples where they felt further clarity was needed.
- 39.2.5 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.
- 39.2.6 SNH stated that they strongly supported the need for a more spatial approach and highlighted the importance of stakeholder engagement in the realization 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.
- 39.2.7 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.

### 39.3 Summary of responses received

39.3.1 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>

### 39.4 Main themes

39.4.1 These comments will be considered for the Post Adoption Statement so only a brief and high level overview is given here.

39.4.2 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.
- 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.

## 40. Socio-Economic Baseline Review

### 40.1 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>

### 40.2 Main themes

40.2.1 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.

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

40.2.3 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

## 41. Regional Locational Guidance

### 41.1 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>

### 41.2 Main themes

- 41.2.1 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.
- 41.2.2 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 the it offered limited added value to information already available on National Marine Planning Interactive and the Sectoral Plans.
- 41.2.3 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.
- 41.2.4 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.
- 41.2.5 The working group also made corrections and updates to the document during the editing process. Some of these are listed below but more minor changes are not.

**Table 41.1 Regional Locational Guidance - Table of suggested modifications**

No.	Suggested modification	Action taken	Reason
391	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 RLG. 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.
392	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.	
393	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
394	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.
395	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.
396	4.14.11 Policy SD7 deals with waste the required Policy is SD6	The reference to the policy has been corrected.	Correction.
397	<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.
398	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.		
399	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.
400	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.
401	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.
402	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 RLG that NMPi is one of the main sources of information so it is anticipated that these data would be

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.	found easily.
403	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 RLG has been updated and includes some regional specific data e.g. recreational data. There will always be a need to review and update RLGs as more data become available.
404	WN2 appears to bisect Westray, and there appears to be an additional area near Marwick Head.	This has been corrected.	Correction.
405	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 RLGs as more data become available. It is likely that Marine Planning Partnerships will play an important role in updating and developing RLGs further.
406	Paragraph 3.2.2 mentions eight AfL's in this area, which is incorrect. There are currently only four AfL's for wave in	Relevant text has been updated.	Correction.

No.	Suggested modification	Action taken	Reason
	the entire PFOW MSP area, including both EMEC sites.		
407	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.
408	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 RLGs.
409	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 relevant policy text in main Plan document.	In response to request.
410	Paragraph 4.15.11 – it should be noted	Text has been updated.	In response to request.



No.	Suggested modification	Action taken	Reason
	that certain dive boats have also been utilised for surveys in relation to marine renewables projects.		
411	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.
412	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.
413	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 development cycle of commercial	None.	Links to reports cited include biomass quantities from aquaculture farms.

No.	Suggested modification	Action taken	Reason
	shellfish.		
414	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.
415	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.
416	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 ongoing work, supported by Marine Scotland, to gather more data.
417	Table 8 – St Margarets Hope, South Ronaldsay port is run by a trust not the local authority	The text has been updated.	Correction.
418	4.15.1 The report cited here has been widely discredited.	None.	Noted for future reference.
419	4.15.2 The 145 figure relating to sea angling employees seems exaggerated.	None.	Noted for future reference.
420	4.16 seasonal transiting of large pelagic vessels is not captured by snap	None.	It is acknowledged that there are data gaps and there is ongoing work to

No.	Suggested modification	Action taken	Reason
	shot studies which miss their fishing activity (Spring and Autumn)		address these.

## 42. Partial Business and Regulatory Impact Assessment

### 42.1 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>

### 42.2 Main themes

- 42.2.1 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.
- 42.2.2 One respondent noted that even small additional costs may have a potentially detrimental impact on the viability of the wave and tidal industry.
- 42.2.3 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.
- 42.2.4 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.
- 42.2.5 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.
- 42.2.6 Support for the development and adoption of a pilot Plan was received from one respondent.

## 43. Equality Impact Assessment Record

### 43.1 Summary of responses received

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

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

### 44.1 Background

- 44.1.1 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.
- 44.1.2 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.
- 44.1.3 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.
- 44.1.4 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.
- 44.1.5 Notes were taken of the discussion after the presentations and summaries are provided below.

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

- 44.2.1 Twenty-nine individuals attended the public drop-in session during the day in Stromness and 22 individuals attended the presentation. Some of those present at the presentation had visited earlier in the day.
- 44.2.2 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.

- 44.2.3 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.
- 44.2.4 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.
- 44.2.5 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.
- 44.2.6 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.

- 44.2.7 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.
- 44.2.8 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.
- 44.2.9 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.

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

- 44.3.1 Thirty-six individuals attended the public drop-in session during the day in Thurso and 18 individuals attended the presentation. Some of those present at the presentation had visited earlier in the day.
- 44.3.2 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.
- 44.3.3 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.
- 44.3.4 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.
- 44.3.5 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.

- 44.3.6 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.

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

- 44.4.1 Seven individuals attended the public drop-in session during the day in Durness and four individuals attended the 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.
- 44.4.2 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.

## 45. Annex 1: List of Stakeholders

### Government Bodies

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

### Local Government

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

### Business and Industry

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

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

Scottish Pelagic Fishermen's Association	Subsea 7
Scottish Power Renewables UK Ltd	Sustainable Inshore Fisheries Trust
Scottish Renewables	Sutherland Partnership
Scottish Salmon Producers Organisation	UK Chamber of Shipping
Scottish Sea Farms Ltd	West Sutherland Fisheries Trust
Scottish Surfing Federation	Wind Prospect Group
Scottish Whitefish Producers Association	Xodus Group
Scrabster Harbour Trust	
Sea Generation Ltd	
SeaFish	
Serco North Link Ferries	
St Margaret's Hope Pier 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 Sailing Club
Caithness Archaeological Trust	Orkney Sea Kayaking Association
Caithness Biodiversity Group	Orkney Skate Trust
Caithness Diving Club	Orkney Surf Club
Caithness Kayak Club	Orkney Tourism Group
Clyde Cruising Club	Orkney Trout Fishing Association
Clyde Forum	Pentland Canoe Club
Crofting Commission	Pentland Firth Yacht Club
Durness Development Group Ltd	Ramblers Scotland
Environmental Concern Orkney	River Naver Superintendent
Friends of the Earth Scotland	RNLI Stations
Halladale River Superintendent	Royal Yachting Association
Kirkwall Kayak Club	Royal Yachting Association Scotland
National Farmers Union	Royal Society for the Protection of Birds
Orkney Archaeological Trust	Royal Society for the Protection of Birds (Scotland)
Orkney Disability Forum	Sail Orkney
Orkney Field Club	Scottish Canoe Association
Orkney Heritage Society	Scottish Environment LINK
Orkney Islands Sea Angling Association	
Orkney Marinas	

Scottish Sea Angling Conservation  
Network  
Scottish Wildlife Trust  
SeaKayaking Leisure Group  
Stromness Sailing Club  
Sutherland Biodiversity Group  
The Cruising Association  
Visit Scotland  
Volunteer Action Orkney  
Whale and Dolphin Conservation  
Wick Harbour Authority  
Word Wide Fund for Nature (Scotland)