

PILOT PENTLAND FIRTH AND ORKNEY WATERS MARINE SPATIAL PLAN



RESPONDENT INFORMATION FORM

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1. Name/Organisation

Organisation Name

Scottish Wildlife Trust

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

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- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

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Are you content for your **response** to be made available?

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Please tick as appropriate

 Yes No

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04/09/2015



Pentland Firth and Orkney Waters Marine Spatial Plan consultation draft

Dear Tracy

The Scottish Wildlife Trust welcomes the opportunity to comment on the 2015 consultation draft of the Pentland Firth and Orkney Waters Marine Spatial Plan (PFOW).

It is the Scottish Wildlife Trust's firm view that the management of Scotland's seas must take a proactive approach and ensure the fundamental principles of sustainable development and ecosystem approach form the foundations of future management frameworks. Implementing comprehensive management policies is essential for maintaining the quality, health and biodiversity of the marine environment and achieving Good Environmental and Ecological Status of our seas and freshwaters as required by the Marine Strategy and Water Framework Directives.

In line with the Scottish Wildlife Trust's 25 year vision for *a network of healthy, resilient ecosystems supporting expanding communities of native species across large areas of Scotland's land, water and seas*, marine spatial planning must guide future developments and activities to avoid significant impacts on biodiversity and ecosystem function.

We are pleased to see the fruition of a pilot marine spatial planning project that will play an important role in guiding and informing future Marine Planning Partnerships (MPPs) responsible for developing and producing Regional Marine Plans (RMPs). With the upcoming development of the North Coast and Orkney RMPs – both of which will cover the same area of the PFOW pilot study – the PFOW could play an important role in their development and assist with identifying any concerns or problems. The Scottish Wildlife Trust therefore considers it important that the PFOW pilot study provides an example of how sustainable development and the ecosystems approach can be successfully integrated into marine spatial planning, while simultaneously providing guidance for future developers and streamlining the planning process. Pilot studies such as the PFOW provide a valuable insight to the challenges that face MPPs and allow for any deficiencies to be quickly identified and addressed prior to RMP development.

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The Scottish Wildlife Trust's primary concerns of the current draft of the PFOW MSP are:

1. The length of the Plan and the breadth of information contained within is excessive and should be made shorter and more concise. A streamlined version of the Plan would ultimately make it more user-friendly;
2. Although the ecosystems approach forms one of the Plan's Guiding Principles, it is not clear how it has been implemented as the structure follows the sectoral approach of the National Marine Plan. Throughout the document, and especially in the sectoral policies, environmental protection and enhancement has been inadequately addressed, if at all.
3. The Plan fails to provide a 'spatial' planning component and works more as a compendium of data that is already available either in the NMP or on the NMPI website. To fulfil spatial planning requirements, further analysis on the data within the plan is needed and should be presented in a manner that can guide potential developers and streamline the planning process.
4. In general, the policies contained within the PFOW lack detail and in certain cases do not provide adequate guidance for potential developers and decision makers.

General comments

Ease of use

The authors of the PFOW should be commended for the level of detail and broad context provided within the Plan. However, we found the overall length of the Plan (208 pages) and breadth of information contained within to be excessive and a reassessment of the value and utility of its content would be a worthwhile exercise. In its current state, the Plan contains a lot of information that may be better placed in an accompanying 'Lessons Learned' document that reviews the process and challenges of making the Plan.

The sheer volume of information contained within the PFOW makes it difficult to gauge who the target audience is (e.g. developers, fellow marine planners, or stakeholders) and detracts from the Plan itself, ultimately making it less user-friendly.

Ecosystems approach

One of the key guiding principles of the PFOW is the protection of the environment through an ecosystems approach, yet it is not clear how this approach has been implemented within the Plan. For example, the policies of the PFOW are divided into 2 sections – General policies and Sectoral policies, which suggests a sectoral approach to marine planning. While we appreciate this structure follows the guidance of the NMP, it does not support the holistic and interconnected objectives of the ecosystems approach – also a failing of the NMP – and fails to consider cumulative impacts of multiple marine uses/sectors.

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'

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policies. We consider the adoption of a similar structure for the PFOW would have been more beneficial for the development of the North Coast and Orkney RMPs.

General policies

The General policies section in the PFOW is too long (81 pages, 20 pages in the NMP) and should be made more concise. For example, 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.

Sectoral policies

The Sectoral policies section is where regional interests and activities can be brought forward and highlighted, making the plan more region specific. However, we do not feel that the Sectoral policies set out in the PFOW appropriately reflect the marine activities of the region. For example, there is very little oil and gas activity in the region (one pipeline and coastal installation) yet there are 6 pages dedicated to this sector. Conversely, aquaculture is an important and widespread industry within the region yet there is no policy information provided, other than to redirect users of the Plan to the relevant Local Development Plans. From an aquaculture perspective, the PFOW does not provide any additional benefit.

In general we found the Sectoral policies were too vague and require additional detail – the policies set out in the NMP should be seen as a guide to the level of detail required. For example, the Ports and harbours policy contains three short bullet points that focus entirely on maintaining port operation and safety rather than sustainable development and environmental protection. 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'.

Spatial aspect

The PFOW is presented as a 'spatial plan', but there is little in the way of spatial planning provided within. Although the PFOW contains maps of existing areas and activities (e.g. MPAs, renewable energy development designations, and high fishing activity), there has been no further analysis of these data or how they, either individually or combined, influence future development proposals. Purpose 4 (pg. 1) states that the Plan aims to 'guide the location of all marine uses and activities...' yet how this is achieved is not apparent within the Plan.

RMPs will be required to provide an assessment of multiple marine uses within their region that can inform future developers and marine users of potential conflicts and concerns. At present the PFOW does not provide an adequate assessment of the combined effects of multiple marine uses within the study region. The PFOW would benefit greatly from adopting the 'constraints mapping' component of the SIMSP that uses the activity of multiple marine uses to identify areas of potential conflict for future developers. To date, constraint mapping in this context has only been applied to Shetland's marine environment and it would have been interesting to assess whether this approach could be applied to other regions. Certainly the North Coast and Orkney RMPs should contain a constraints mapping, or equivalent, component.

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Additional comments

- The draft SPAs should be included within the Plan and treated as if they were in policy as they meet the criteria for designation, are in the public domain and will be a factor in the consideration of future development and activity.
- A list of figures should be included after the Table of Contents
- 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. All information contained within this diagram is available in the other maps within the Plan and on the NMPi website.
- The information in Table 1 (pg. 17) is not required for the Plan and this should be placed in a supporting document.
- 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.
- General Policy 3: Climate Change needs rewording. The PFOW should support proposals that demonstrate 'mitigation measures and adaption to climate change', not 'mitigation measures taken to adapt to the effects of climate change'.
- The links to the Clyde and Shetland Biosecurity plans need to be updated as direct links to the plans are available:
 - <http://clydeforum.com/attachments/biosecplan.pdf>
 - <http://www.nafc.uhi.ac.uk/departments/marine-science-and-technology/BiosecurityPlan.pdf>

The PFOW pilot study provided an opportunity to investigate alternative approaches to marine planning in Scotland and develop a plan that provides insights for RMP design and structure, particularly in terms of focusing on sustainable development and the ecosystems approach. Although the PFOW project team should be praised on their approach to early stakeholder engagement to help define the scope and objectives of the Plan, we are not sure if the benefits of this approach have been translated into the Plan. By adopting the sectoral structure of the NMP and prioritising economic activity, the PFOW fails to provide any novel insights to RMP development, beyond what has already been provided within the NMP.

In general it is not clear what kind of document the PFOW Plan is – a review of the pilot study exercise or a draft version of an actual marine plan. There needs to be a clear distinction between what the purposes and objectives of the pilot study are and what the purposes and objectives of the Plan are – for example, Objective 12 of the Plan is 'Pilot the **Patron** HRH The Prince Charles, Duke of Rothesay **Chairman** Robin Harper **Chief Executive** Jonny Hughes

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development of an integrated marine planning policy framework...' which is an objective of the pilot study, not the Plan. Distinguishing between the two would assist with clearly defining the objectives of the Plan and making a more concise and user friendly document.

In its current state it is difficult to support the adoption of the PFOW as supplementary guidance to the Highland and Orkney LDPs or as the basis for the North Coast and Orkney RMPs. The Scottish Wildlife Trust feel that the PFOW would benefit greatly if it was more concise and adopted the policy structure of the Shetland Islands Marine Spatial Plan that promotes through weighted policies environmental protection and enhancement as well as sustainable development.

The PFOW provides a valuable insight into how future MPPs could interpret the guidance in the NMP for developing RMPs. It is evident that although sustainable development and the ecosystems approach are highlighted as core principles for marine planning, their implementation is poorly executed and a sectoral approach that focuses on economic growth emerges as the underlying driver for regional planning. To keep consistency amongst RMPs and ensure sustainable development and the ecosystems approach are implemented throughout Scotland's marine environment, the Trust would encourage MPPs for the Orkney and North Coast RMPs to follow the example set by the SIMSP.

Yours sincerely,

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