



**SCOTLAND'S NATIONAL MARINE PLAN: PRE-CONSULTATION DRAFT AND INTERIM  
SUSTAINABILITY APPRAISAL REPORT**

**Combined Reply to both Consultations from JNCC**

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Consultations 1089 and 1090

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Date: 2<sup>nd</sup> June 2011

## **SCOTLAND'S NATIONAL MARINE PLAN: PRE-CONSULTATION DRAFT AND INTERIM SUSTAINABILITY APPRAISAL REPORT**

Dear Sirs,

Thank you for giving the Joint Nature Conservation Committee (JNCC) the opportunity to comment on both the pre-consultation draft and the Interim Sustainability Appraisal Report of Scotland's National Marine Plan. The JNCC is the statutory adviser to Government on UK and international nature conservation, and also has responsibility for the provision of nature conservation advice in the offshore area.

JNCC welcome the opportunity to comment on the pre-consultation draft of Scotland's National Marine Plan. We commend Marine Scotland's endeavours to develop this draft in such a short timescale. It represents an important first step in developing a strategic and integrated National Marine Plan which gives a clear steer to all regulators/users. Our comments on the pre-consultation draft have been included in Annex 1 to this letter. However, the main points are:

- The pre-consultation draft avoids reference to specific planning policies and as such it is unclear how the National Marine Plan will be used by marine planners to guide the geographical location of activities or clarify the criteria for promoting certain activities to certain areas of the sea. Perhaps there is a role for National Plan to begin to articulate how some of the potential conflicts could be managed through the development of the Regional Marine Plans? For areas not covered by Regional Marine Plans, there may also be conflicts that could be usefully anticipated and managed through the articulation of clear policies;
- There are a number of statements made, without any supporting evidence, throughout Chapter 12 which may contradict latest scientific understanding;
- In support of an approach that adopts an Interactions Matrix in Chapter 10 it would be helpful if more detail is provided on its purpose, how it was derived, and what evidence there is support each degree of interaction as currently proposed;



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- The sectoral chapters would be greatly improved by including more relevant maps from the Scottish Marine Atlas.

JNCC also welcomes the production of a supporting Interim Sustainability Appraisal Report and are keen to work with Marine Scotland during its development by offering advice on additional sources of baseline information and by providing a policy context. Our comments on the interim report have been included in Annex 2 to this letter. However, the main point which Marine Scotland should address for the next draft version of the Sustainability Appraisal Report is that more information on the evidence base for a variety of ecological receptors should be included, and that more detail should be provided on the compatibilities and conflicts suggested and how they can form policy options.

Also, it is not clear whether there is any intention for Marine Scotland to undertake a Habitats Regulations Appraisal (HRA) in support of the National Marine Plan. We ask for Marine Scotland to clarify whether there is a requirement for one to be undertaken as our recommendation is that one should accompany the National Marine Plan.

JNCC has a wide range of expertise across the organisation that we are keen to feed into the marine planning process, which we regard as a major opportunity to ensure a safer, healthier and more integrated way of delivering sustainable use, based on the services our ecosystems provide. We look forward to working with Marine Scotland to ensure that our expertise is fully utilised to ensure that all stages of the marine planning process are delivered with sustainable use in mind.

Yours faithfully,

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(cc: Cathy Tilbrook – SNH;  
Amanda Chisholm – Marine Scotland;  
David Palmer – Marine Scotland)

## **Annex 1: JNCC comments on the Pre-consultation Draft**

### **Chapter 1 - Introduction**

JNCC supports Section 1.2 in that the National Marine Plan<sup>1</sup> must set out policies for sustainable development. However, we are of the opinion that the Plan should set out a clear vision of what it will deliver by highlighting the key priorities for Scotland. As the Plan currently stands, it is questionable if there is sufficient detail to guide those charged with implementing the plan into making a decision about competing interests. This is of a particular concern to JNCC in areas where regional marine plans will not be developed (e.g. past 3 or 6nm depending on the outcome of the recent regional marine plan boundaries consultation).

JNCC notes that Scottish marine regions will be the means by which marine planning and management takes place at the regional level. While we deferred making comments on the recent 'Scottish Marine Regions: Defining their boundaries' consultation, as we feel Scottish Natural Heritage (SNH) are better placed to offer advice on such issues, we recommend that any decisions on regional marine plans are as aligned as possible with adjacent marine plans in England. In particular, there is a clear need for a close working relationship between Marine Scotland and the Marine Management Organisation (MMO) to ensure that bordering marine plans are properly integrated.

It would be useful if Chapter 1 included a summary of the UK Marine Policy Statement and how the policies contained within it have been incorporated in to the Plan.

On page 7 when the Marine and Coastal Access Act is mentioned for the first time it would be useful to provide a link to the Act similar in format to that provided for the Marine (Scotland) Act.

### **Chapter 2 – Context and Timetable**

We are pleased with the intention for a Programme of Measures necessary to fulfil the delivery of Good Environmental Status (GES) under the EU Marine Strategy Framework Directive to be integrated into the Plan. It would be useful to clarify how this will be achieved and if a timetable for doing this will be included.

### **Chapter 3 – Interaction with Land Planning**

This chapter provides a good overview of the interaction between land and marine planning, and we note that it mentions that it is intended to bring forward legislation which will require land planning authorities to give consideration to Marine Plans. However there is a need to ensure that both land and marine plans are integrated and consistent to ensure that policy priorities do not conflict.

### **Chapter 4 – Summary: The Way Forward**

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<sup>1</sup> Hereafter referred to as the Plan

We are not clear what the purpose of this chapter is as it seems to replicate the sectoral challenges listed in later chapters rather than present a clear, integrated way forward as the chapter title suggests.

Figure 4.1 outlines the key challenges of marine sectors; however it is not clear where they have been derived from. Furthermore the challenges vary between being strategic and very specific. We feel that this Chapter should be clearer for the next consultation version of the Plan. Some examples are outlined further below.

The 'Aquaculture' sector's key challenges mention sustainable production and use, but also quote rates at which the industry will expand. An additional challenge relating to the expansion of the industry will be demonstration that this increase will be done in the context of sustainable use of the wider marine environment. We recommend that Marine Scotland clarify this within the next consultation version of the Plan.

We note that the key challenge identified for Telecoms and Cables section is "*to develop cable laying technology in order to bury future cables deeper...*" It would be useful if a clearer policy for how this will achieve better environmental outcomes were developed in the subsequent telecommunications and cables section.

In Figure 4.1 under the tourism and recreation section, we recommend changing "*to establish data availability on recreational activities taking place in the coastal zone and offshore areas*" to "*... coastal zone and inshore areas*" to avoid confusion over the use of the terms 'inshore' and 'offshore'. Also under the Marine Nature Conservation section we suggest changing "*to ensure conservation objectives in Marine Protected Areas are met*" to 'to ensure conservation objectives of qualifying features protected by Marine Protected Areas are met'.

We are unsure as to the value of including Figure 4.2 as it reflects nothing spatially.

## **Chapter 5 – Assessment of Scottish Marine Area and Significant Pressures**

JNCC recognise that Scotland's Marine Atlas<sup>2</sup> is a fantastic resource which should be utilised during the production of the Plan. It is disappointing that the results from the Atlas (including useful maps) have not been properly copied into the Plan, although we do realise that the two documents were developed at similar times and therefore the results of the Atlas have yet to be fully integrated into the Plan. We expect this to be resolved by the time the next consultation version is released for comment.

JNCC have had informal discussions with Marine Scotland about the data used to develop the Atlas, and have also been informed of a number of errors within the Atlas by different organisations. In acknowledgement of this, and due to the important role the information contained within the Atlas will play in the Plan, we recommend that Marine Scotland undertake an exercise of data verification with key stakeholders to ensure that the data informing the Atlas (and ultimately the Plan) is up to date and accurate.

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<sup>2</sup> Hereafter referred to as the Atlas

Overall, this chapter is rather confused and requires some work to make sure it is properly linked into the rest of the Plan. The final sentence in Section 5.2 states that this chapter is split into two categories, which is unnecessarily confusing given that the chapter has five sections. Furthermore, the summarised section on Pressures does not provide any context as to its relevance in the Plan. This section could be improved by containing more detail on Pressures from the Atlas. Section 5.9 suggests that there are only two significant pressures on the Scottish marine area that are widespread. While we note that the two mentioned are significant and widespread, we also feel that other important pressures, particularly those identified to be addressed through the Marine Strategy Framework Directive, should be included here, and therefore this section should be expanded to include more information on why only those two pressures are mentioned when others are likely to be nationally significant (particularly if you consider cumulative impacts).

In Section 5.3, we suggest the sentence “*Generally the effects of noise remain unquantified and unknown*” is removed or edited to reflect the facts that a range of noisy activities have been characterised in the marine environment, we have an ability to model their attenuation from source, and we have a developing understanding of the risks of injury and disturbance to a range of species. In Section 5.8, the word environment is missing from the second sentence.

## **Chapter 6 – Related European Directives**

This chapter should also include summaries of the Birds Directive and the Habitats Directive.

## **Chapter 7 – National Marine Plan: Key Objectives**

JNCC supports the Plan’s marine objectives as they are proposed having been derived from a mixture of Good Environmental Status descriptors taken from the Marine Strategy Framework Directive, and Higher Level Marine Objectives taken from the UK Marine Policy Statement. However, it would be useful if this section gave some indication as to how these objectives might be achieved and how they would be monitored to see if they were being achieved. Also, this section would benefit from some further detail on how sectoral objectives will be integrated with the national objectives, particularly where they may conflict.

## **Chapter 8 – Climate Change Objectives (Climate Change (Scotland) Act)**

This chapter provides a good overview of climate change and the requirements placed on Scottish Ministers under the Act. However, as no climate change objectives have been specified in the section, we are unsure how climate change is being taken account of in the Plan. It would be useful if this section was further expanded to relate back to the key objectives outlined in the previous chapter.

## **Chapter 9 – Scottish Government Approach to Development in the Marine Area**

While this chapter is useful, there are some aspects which could be further explained in order to make the chapter clearer.

Chapter 9 states “*There is a presumption in favour of development*”. This is different to earlier statements (e.g. section 7.1 states “*there should be a presumption of use for the marine area*”). There is scope for some stakeholders to not necessarily associate “use” with “development”,

particularly in the environmental sector. We recommend that this is clarified and if development is the main priority of Scottish Government, that is it clearly expressed throughout the Plan. In addition, we believe that this should be 'sustainable development' rather than just development.

Section 9.2 goes on to say that "*the direction provided in the Plan will allow marine users to consider the development of their sector within the context of national priorities...*" As the document stands, we do not consider this to be possible. National priorities are clearly identified for each marine user, but no method of resolving conflicts or determining relative importance between them and the various Scottish Government objectives outlined in Chapter 7 has been set out. We believe greater confidence to all marine users would be achieved if more detail is provided in the Plan on the Scottish Government's marine objectives and their national priorities, and how these can be achieved within the context of each other.

The landscape/seascape section of this chapter appears to be limited and the boxed priority does not reflect that the European Landscape Convention is applicable across the entire marine area (including past 12nm) and not just within National Scenic Areas. Draft Seascape Character Assessment Guidance is being developed by the Statutory Nature Conservation Bodies (not including JNCC at this time) and is due to be released for public consultation shortly. We suggest this section is updated on the back of that guidance, and that further discussions about how landscape/seascape issues can be fully incorporated into the Plan are held with Scottish Natural Heritage (and ourselves where applicable).

Section 9.14 should be renamed 'Biodiversity and Geodiversity' as in essence nature conservation, biodiversity and flora/fauna capture the same thing. It would also be useful if this section referred to relevant legislation, in particular the Birds and Habitats Directives. We suggest the words 'where appropriate' are removed from the third bullet point as they are not necessary. Protected sites/species *should* be protected from the adverse effects of development as outlined in the applicable legislation. We also suggest the word 'enjoying' in the third bullet point is replaced by 'afforded'.

## **Chapter 10 – Interactions Matrix**

While JNCC generally supports the use of matrices with the Plan, we do not believe that as it stands, this matrix is sufficiently detailed to maximise its potential value. It is not clear what the purpose of the matrix is, or how terms such as interaction are defined. There is potential to use such a matrix to prioritise the development of policies to manage potential conflicts. The reference to all interactions requiring careful management perhaps needs to be fleshed out and more fully accounted for.

We note that Landscape/Seascape is missing from the matrix and should be included.

## **Chapter 12 – Sector Reports**

JNCC is very supportive of the inclusion of sectoral chapters within the Plan, and we look forward to the next draft of the Plan which will include "*greater integration of the objectives...*" We have outlined our comments on each sector's report below, but overall we believe these sector chapters, which take up the majority of the Plan, could be rationalised as much of the text is copied from the Atlas. Furthermore, in some instances, it would be beneficial if more maps from the Atlas are included in the Plan to illustrate important sectoral information.

## Section 1 Food Section 1.1 Fisheries

We note that Section 5.9 stated that one of the two significant pressures on the Scottish marine area is fishing. It would be useful if an objective was included which was designed to facilitate appropriate management of this pressure.

In addition to the map illustrating seabed sediments in the Scotland's seas (Figure 12.2) there is an opportunity for other information relevant to the fishing sector from the Atlas to be included. We would suggest that, for the benefit of the reader, the map illustrating Scottish ports, and the volume and value of fish caught in Scottish waters from page 147 of the Atlas be added to this section, as should the map illustrating the average effort in Scotland's seas by all UK vessels and by foreign vessel activity from pages 148 and 149 of the Atlas. More specific comments are:

### Page 33

- *"Europe imports around 66% of seafood products, often from less sustainable sources than EU fisheries"* – please provide a reference for this.

### Page 35

- *"Beyond 12nm....member states can impose additional regulation on their own vessels"* – this is potentially somewhat misleading as in practice temporal/spatial management of fleet activity (both UK and non-UK) is likely to go through the Common Fisheries Policy route. Suggest changing this sentence to reflect that.

### Page 36

- Pelagic fleet – suggest changing 'profitable' to 'high value'. While there is perhaps a difference in the scale of profitability, all sectors must be in some way profitable or else they wouldn't be viable.

### Page 37

- It would be useful to reproduce the maps referred to from the Atlas. This would add value to the chapter;
- *"The volume and value of fish caught in Scottish water and landed...."* – this should be changed to specify Scottish ports;
- Units are given for Average Effort for UK vessels but not for foreign vessel activity. This should be included;
- *"over 70% of key commercial stocks harvested...."* – add 'are';
- The sentence starting *"Assessments of shellfish stock size...."* should be removed as this section is only on fisheries;
- *"There are also seasonal, temporal and climatic changes"* – This sentence is hanging and doesn't fit with the preceding one. It should be rephrased.

### Page 38

- The degree of impact also depends on the sensitivity of the feature being impacted. This needs to be clarified throughout the Environmental Impacts section;
- Under *"the encouragement of behaviour which reduces unwanted catches...."* real time closures are given as an example. How are real time closures an 'encouragement of behaviour'?
- Change *"seabed habits"* to seabed habitats

- Please provide references for beam trawling and scallop dredging being the most damaging gear types<sup>3</sup>;
- “Scotland’s Seas” – please change to Scotland’s seas;
- More references are needed throughout the impacts of fishing section e.g. differential effects of fishing in low versus high energy/gear related habitat impact statements<sup>4</sup>;
- How does seabed habitat provide environmental heterogeneity for fish species? Please clarify;
- Healthy habitats support recovery of damaged/impacted sites – please provide reference to support this;
- We are unsure of why Figure 12.2 (the distribution of seabed habitats) is included here as there is no further discussion regarding the association of fishing and specific habitat types to make it relevant to this section. It would be more appropriate if this figure was included in a general introduction to Scotland’s seas?

#### Page 40

- “There is evidence of changes in the plankton distribution” – please provide a reference;
- “Some fish species with a more southern distribution have migrated northwards” – please provide a reference;
- “Ocean acidification...is likely to impact on...” – please provide a reference;
- We recommend that “the total number of people employed in sea fishing” sentence is slightly amended to highlight that this refers to Scotland and not the whole of the UK.

#### Page 41

- Please can you provide an explanation of what is meant by cost of access to fishing effort?

#### Page 42

- “The effects on discrete locations for certain species” – What does this mean? Is it reference to discrete nursery/spawning/feeding grounds? If so, then reference to these discrete areas should be removed from the ‘environmental impact on fishing grounds’ bullet point.

#### Page 44

- Please change “of known fisheries abundance” to ‘of known fish abundance’.

## Section 2 Energy

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<sup>3</sup> For example: Kaiser, M.J. & B.E. Spencer, 1996. The effects of beam-trawl disturbance on infaunal communities in different habitats. *Journal of Animal Ecology* 65: 348-358.

Bradshaw, C., Veale, L.O., Hill, A.S. and Brand, A.R. 2000. The effects of scallop dredging on gravely seabed communities. in Kaiser M.J. and de Groot S.J. (eds.) *Effects of fishing on non-target species and habitats*. Blackwell, Oxford.

Trush et al. 1995. The impact of habitat disturbance by scallop dredging on marine benthic communities: what can be predicted from the results of experiments? 129, 141-150

<sup>4</sup> Dernie, K.M., Kaiser, M.J. and Warwick, R.M. 2003. Recovery rates of benthic communities following physical disturbance. *Journal of Animal Ecology*, 72: 1043–1056.

This section would benefit from an increased number of references to provide evidence for quoted statistics.

## **Section 2.2 Carbon Capture & Storage**

This section does not mention any other possible interactions with other marine users identified in Chapter 10.

## **Section 2.3 Renewables**

One of the key challenges is “*to minimise the environmental impact from the construction and operation of marine renewable and marine wind devices, and facilitate the development of sub sea electricity grids*”. It seems that this challenge could be split into two and that ‘sustainable’ could be added in front of development.

This section would again benefit from including a number of maps published in the Atlas. In particular, given the large number of projects outlined on page 72, it would be very useful if a map of current and proposed onshore/offshore grid was produced and included.

We are surprised by the objective which states that spatial conflicts should initially be resolved by discussion or agreement. Whilst we appreciate that there is a role for dialogue, the objective as it stands understates the role marine plans will play in providing guidance and thus reducing the likelihood of conflicts arising. Furthermore due to legislative requirements, like the Habitats Regulations, a more formal approach may be necessary.

This section does not include any information on possible interactions with other marine users as identified in Chapter 10.

### *Page 71*

- Please note that the nine exclusivity agreements have now been reduced to five, with another site currently having no developer to progress it.

### *Page 73*

- Please clarify how the hearing loss distances for harbour porpoise and seals were calculated;
- No reference has been made to the Birds and Habitats Directives whereas they have been referred to in other sections (e.g. Tourism and Recreation).

### *Page 74*

- “...would be required until the issue had been resolved to the satisfaction of Marine Scotland and SNH” – please add ‘or JNCC’ to this sentence (particularly if there are plans to develop wave energy out to 200nm)

## **Section 4 Marine Transport – Shipping, Ports, Harbours, Aviation, Ferries, Marine Coastguard Agency**

A key challenge identified for this section is “*take advantage of the lower environmental cost per tonne compared to road transport*”. It is unclear how this is a challenge to either the industry or Scottish Government, and we recommend it is reworded.

The shipping densities map is referred to in the text before the ferry routes map and therefore should be inserted before it. Furthermore, Figure 12.16 includes areas marked as 'Marine Environmental High Risk Areas'. We question where this information has been derived from and see no reason for it being included within this map. We recommend removing these 'areas' from the Figure.

On page 93, the paragraph starting "*Given the variable output of some renewable energy...*" seems out of place in the marine transport section and should be removed. Furthermore, we are unsure whether the last two paragraphs on page 94 are necessary as they add no value to the Plan and only help to confuse the reader.

## **Section 6 Military Activities**

Figure 12.17 requires significant amendment as it is based on the possible impacts of the shipping industry generally, and not specifically military activities. Recently the Statutory Nature Conservation Bodies have been working with the Ministry of Defence during its development of a Maritime Environment Sustainability Appraisal Tool. During this work, we have assessed a range of military activities and the possible 'pressure' each activity may exert on the marine environment. It would be useful if this table was updated to reflect this recent and improved understanding of the potential environmental impact of military activities<sup>5</sup>.

On page 101, reference is made to 'marine reserves'. This should be removed and the term 'Marine Protected Areas' used. Furthermore please change 'protection measures' to 'management measures'.

## **Section 7 Marine Environment 7.1 Marine Nature Conservation**

JNCC is pleased that the Plan recognises that while the development of a network of Marine Protected Areas is vitally important, the protection of the nature conservation value of the marine environment is not just about designated sites. JNCC encourages an ecosystem based approach to the marine planning process, and this is implicit throughout the Plan (although not specifically mentioned).

We note that the Plan includes sentences like "*marine planning will provide opportunity to improve the conservation of significant features not protected by, or within, MPAs and Natura Sites*", and "*development proposals for example should take account of sensitive areas and consider alternative locations for activity*". Overall we support these statements although we are unsure as to how clear these sentences are to regulators or developers, particularly as the latter sentence seems to suggest that all development should avoid sensitive areas when in some cases the two can co-exist where the activity does not cause an impact to the feature/area. Although challenging, it would be useful if the Plan included more detail on how marine planning will improve features not included within MPAs, especially as this Plan will govern decisions made in economically important seas for EU fisheries activity from 3 or 6nm to 200nm.

We support the inclusion of Figure 12.19 which illustrates both Marine Nature Conservation objectives derived from the Marine Nature Conservation Strategy and how they can contribute to

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<sup>5</sup> Please contact JNCC for more information on this work.

the marine planning process. Prior to Figure 12.19 being introduced it would be useful to provide an overview of what Priority Marine Features are and how they have been derived. This will provide context to the discussion of Priority Marine Features in Figure 12.19. Furthermore, JNCC would suggest defining Priority Marine Features as those habitats and species considered to be of conservation importance in Scotland's seas. These include habitats such as burrowed mud communities, limited mobility species such as the ocean quahog and highly mobile species such as basking shark and minke whale.

In Figure 12.19, we suggest the following changes:

- *"Taking account of SAC, SPA and MPA designations when decision are taken"* - suggest changing this to 'taking account of protected site designations when decisions are taken'. This is because not only are the terms SAC and SPA not discussed elsewhere in the section and are introduced as acronyms for the first time here, the list presented does not currently take account of all MPA designations that may be considered as contributing to a network of MPAs e.g. marine components of SSSIs and Ramsar Sites, plus other spatial measures that may afford spatial protection to features of conservation interest;
- *"Contributing to achievement of site conservation objectives and protection by complying with duties in the Marine Acts, and Guidance on Natura"* – we are unsure of what you mean by Guidance on Natura? Should the term 'Natura' be replaced with the 'EC Habitats and Birds Directives'?
- *"Marine plans demonstrably contributing to improving the status of PMFs\*, seals and other features of conservation importance when taking decisions which may impact them"* - seals are already listed on the draft Priority Marine Features list and so JNCC suggest removing this as a separate listed species;
- It may be better if Figure 12.19 is presented in landscape format.

Marine Scotland are the lead organisation for delivering the Scottish MPA Project, and as such are aware of the progress being made to deliver a network of Scottish MPAs. JNCC will continue to work with Marine Scotland, both within the context of the Scottish MPA Project and within our role as statutory advisors to the marine planning process, to ensure that the development of any management measures for Scottish MPAs are aligned with future marine plans.

To ensure consistency with our earlier comment, within the Key Challenges box, we suggest changing *"to ensure conservation objectives in Marine Protected Areas are met"* to 'to ensure conservation objectives of features protected by Marine Protected Areas are met'.

There are a number of errors with the figures quoted on page 105 which should be amended to reflect our most recent SAC and SPA information:

- Please change *"64 SPAs which are within or have links to the marine environment"* to '50 SPAs which have marine components';
- *"40 marine SACs (approximately 4% of the total area of territorial waters within 12nm)"* should read '42 SACs with marine components (approximately 2% of the total area of territorial waters within 12nm)';
- Please amend *"These include 6 SACs in the offshore area designated under UK legislation"* to 'These include 6 SACs in the offshore area which have been recommended to the European Commission under UK legislation';
- After *"These are illustrated in Figures 12.20 and 12.21"*, please add the sentence '5 additional offshore areas are being considered for recommendation to Scottish Government as SACs in 2012'.

There are also a number of errors within Figures 12.20 and 12.21 which need to be rectified. These are as follows:

- To be added to the SACs with marine components map (Figure 12:20):
  - Culbin Bar;
  - Loch Moidart and Loch Shiel Woods
- To be added to the SPAs with marine components map (Figure 12:21):
  - Bridgend Flats;
  - Laggan, Islay;
  - Loch of Inch;
  - Torrs Warren
- To be removed from the SPAs with marine components map (Figure 12:21) as they do not have a marine component:
  - Auskerry;
  - Caithness and Sutherland Peatlands;
  - Glas Eileinan;
  - Imperial Dock Lock, Leith;
  - Lewis Peatlands;
  - Loch of Strathbeg;
  - Mointeach Scadabhaigh;
  - Monach Islands;
  - Orkney mainland moors;
  - Otterswick and Gravesland;
  - Papa Stour;
  - Papa Westray;
  - Pentland Firth Islands;
  - Priest Island;
  - Ramnsa Stacks and Gruney;
  - Ronas Hill;
  - Tiree Wetlands and Coast

The correct current SACs and SPAs with marine components shapefiles can be downloaded from our website<sup>6</sup>.

## **Section 9 Aggregates and Disposal**

We note that current aggregate extraction in Scottish waters is limited, and as such this section does not contain as much detail as other sections.

The discussion of potential environmental impacts does not include impacts to the coastline through changes to physical processes as a result of altering the seabed. In England and Wales a licence application has to be submitted with a report assessing changes to physical processes to support the proposal. This includes an assessment of potential changes to tidal flows, wave regime, sediment transport and seabed topography and any changes resulting from indirect impacts such as plume dispersion. Sustainable development of the industry should consider impacts on coastlines and coastal habitats.

## **Annex A Food Webs**

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<sup>6</sup> Available from [http://jncc.defra.gov.uk/protectedsites/SACselection/gis\\_data/terms\\_conditions.asp](http://jncc.defra.gov.uk/protectedsites/SACselection/gis_data/terms_conditions.asp)

While we welcome a recognition that ecological factors must be taken into account in marine planning, we are unsure of the value of including a basic account of food web theory within the Plan. It would be useful if this section was distilled and cross-referenced to planning objectives where relevant.

## **Annex 2 – JNCC comments on the Interim Sustainability Appraisal Report**

### **Section 3 Biodiversity, Flora and Fauna section**

JNCC note that the purpose of the Interim Sustainability Appraisal Report is to “*look in more detail at the environmental baseline relevant to the preparation of the Plan*”. However as the maps used in the Report are the same as those reproduced in the Plan, we cannot see how more detail has been added. It would have been useful if the Report included more information on Priority Marine Features or on other sources of information which could be used to determine ‘sensitive areas’ as eluded to within the Plan (e.g. more information taken from the Atlas should be included within this section). Furthermore, information on the evidence base used/needed for cetaceans, seabirds and benthic habitats within the marine planning process is missing and should be included as a summary. There is considerable potential for the baseline to be informed by work currently underway that will improve our understanding of the abundance and distribution of cetaceans and benthic habitats through the work of the Joint Cetacean Protocol and UKSeaMap. There is also considerable potential to significantly improve our understanding of the distribution and abundance of seabird species through the appropriate analysis of seabird data. Continuous improvement and updating of these baselines is fundamental to managing the uncertainty and risks associated with potential impacts of development on the marine environment. The opportunities to improve the baseline could be more clearly articulated in both the Plan and the SAR. There is also scope to develop policies that directly relate to address risk to both developers and conservation interests by more fully articulating how uncertainty will be managed.

Please amend “*Scotland has 34 coastal Special Areas of Conservation...*” to ‘Scotland has 36 inshore Special Areas of Conservation’. Also the following sentence require some changes as it is not correct: “*There are four Marine SACs beyond the 12 nautical mile limit, two of which are in unfavourable condition: the Lochs Duich, Long and Alsh Reefs SAC and the Loch Creran SAC*”. The latter two sites (Alsh Reefs SAC and the Loch Creran SAC) are inshore sites and there are six marine SACs beyond the 12 nautical mile limit, not four. Additionally, please change “*twenty nine SACs with marine habitats have been identified in Scottish waters*” to ‘42 SACs with marine components have been identified in Scottish waters’.

As mentioned in our comments on the Plan, the maps included in this section are not correct and require the same amendments as previously suggested.

We recommend that this section is renamed to ‘Biodiversity’ or ‘Nature Conservation’.

### **Section 3 Landscape and Seascape**

As highlighted in our comments on the Plan in Annex 1, this section appears to be somewhat limited and does not reflect that the European Landscape Convention is applicable across the entire marine area (including past 12nm). This section should be updated once the Draft Seascape Character Assessment Guidance has been released for public consultation.

### **Section 3 Fisheries and Aquaculture**

It would be useful if section 3.2.30 provided a full citation for one of the references in the document<sup>7</sup> and if section 3.2.33 included a reference for where the numbers quoted have come from.

## **Chapter 4 – Sustainability Issues and Cross Sector Relationships**

We note that this chapter considers the inter-relationships between sectors to order to explore compatibilities and conflicts between different objectives, which could result in policy options to be included within the Plan. JNCC sees this as being particularly important and the results should be fed into the Plan in order to provide some strategic direction. However, on examining each section within the chapter, there appears to be no policy options suggested only diagrams on which activities can/do conflict – information in which no context or evidence has been provided. Specific comments on each section of this chapter have been added below.

### **Section 4 Food – Fisheries**

In section 4.1.4 please amend “*the degree of this impact is dependent on the type of gear that is used and the nature and robustness of species and habitats to fishing activity*” to ‘the degree of this impact is dependent on the type of gear that is used, the scale of the activity and the nature and robustness of species and habitats to fishing activity’. Also please amend “*in general, fisheries exert pressure on target and non target fish populations through fishery removals and by removing predators, prey, competitors and essential habitats*” to ‘in general, fisheries exert pressure on target and non target fish populations through fishery removals and by removing predators, prey, competitors and disturbance/damage to essential habitats’.

Please note that some evidence has shown that mobile and static fishing gear can damage large areas of the seabed affecting wider marine ecosystems and habitats (see Kaiser et al 2001).

In section 4.1.5 it would be useful if examples were given (e.g. gear modifications, real time closures etc.) after the sentence “*Scotland is active in fisheries conservation, bringing about improvements in the sustainability of fish stocks*”.

The sentence “*Discards are also an environmental risk to health of fish stocks*” requires some clarification in section 4.1.6. Discards may pose an environmental risk to the benthic ecosystem, but it is very likely to be a localised issue. If the inference is that any detrimental ecosystem effects resulting from discarding will have a knock-on effect on the sustainability of certain commercial fish stocks, then this is at best highly speculative.

### **Section 5.2 Scenario Based Alternatives**

JNCC are keen to assist Marine Scotland in determining appropriate alternatives for the purposes of the Report.

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<sup>7</sup> Thomson, D (2001) 'Hebrides and west coast of Scotland: The social and cultural importance of the coastal fishing communities and their contribution to food security' in McGoodwin, J. *Understanding the Cultures of Fishing Communities: A Key to Fisheries Management and Food Security*, FAO Fisheries Technical Papers

### **Section 6.3 Reporting the results of the assessment**

The attached wired diagrams should be explained within the report so as to allow for readers to understand how they have been derived. We are concerned that the 'Offshore Wind Activities and Effects' diagram is rather limited and does not fully include, for example, impacts on birds or marine mammals. The 'Military Operations' diagram does not accurately represent their activities interactions with the marine environment and could be informed by the Statutory Nature Conservation Bodies recent work with the MOD. We are happy to provide advice on this.