

To: NationalMarinePlanning@gov.scot

Cc: Emma Hedley (emma.hedley@gov.scot), Olga Mullay (olga.mullay@gov.scot), Louise O'Hara Murray (louise.oharamurray@gov.scot), Benjamin Williamson (benjamin.williamson@gov.scot)

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Marine Directorate
Scottish Government
St Andrew's House, Regent Road,
Edinburgh, EH1 3DG

Dear Emma Hedley,

Response to: Scottish Government consultation on the National Marine Plan 2 (NMP2) Strategic Environmental Assessment (SEA) Scoping Report (September 25, 2023)

Scottish Renewables is the voice of Scotland's renewable energy industry. Our vision is for Scotland to lead the world in renewable energy. We work to grow Scotland's renewable energy sector and sustain its position at the forefront of the global clean energy industry. We represent over 340 organisations that deliver investment, jobs, social benefit and reduce the carbon emissions which cause climate change.

Our members work across all renewable technologies, in Scotland, the UK, Europe and around the world, ranging from energy suppliers, operators and manufacturers to small developers, installers, and community groups, as well as companies throughout the supply chain. In representing them, we aim to lead and inform the debate on how the growth of renewable energy can provide solutions to help sustainability heat and power Scotland's homes and businesses.

Scottish Renewables (SR) welcomes the opportunity to provide our view on The Scottish Government's consultation on the National Marine Plan 2 (NMP2) Strategic Environmental Assessment (SEA) Scoping Report.

In response to this consultation, our members have highlighted the following key points:

- We are grateful for the regular updates provided by the Marine Directorate to SR and the SOWEC Barriers to Deployment (B2D-E) group regarding the intended process and timetable to prepare NMP2. We also recognise that the preparation of a National Marine Plan is a complex endeavour requiring compliance with multiple statutory processes, such that the process may not be as quick as stakeholders would like given the impending pipeline of ScotWind and INTOG consenting applications which will need to be determined over the next 12 – 18 months.
- Our members acknowledge the challenges associated with the timeframes of developing NMP2 and hope that the generic information contained within the SEA Scoping Report will ensure that during the next steps of the NMP2, sufficient consultations will be carried out to allow for meaningful and timely stakeholder engagement in the process before adoption of the final NMP2.
- Following the letter submitted by SR to Marine Scotland (now the Marine Directorate) in December 2022, which raised concerns regarding NMP2 preparation timescales and suggested

methods to accelerate the process, we reiterate our request to discuss priority policy issues with The Scottish Government.

- We welcome, following previous feedback, the greater distinction between National Marine Plan 1 (NMP1) (2015) and the context within which NMP2 is now being prepared. This rightly suggests that NMP2 is likely to differ substantially rather than being a minor policy update. We are however disappointed that, despite the time which has elapsed since the publication of the NMP2 Engagement Strategy in October 2022, The Scottish Government has not taken this consultation opportunity to set out a proposed vision, suite of priorities or wider strategic framework for developing NMP2. Our members welcomed the opportunity to engage via The Scottish Government facilitated consultation café series however the consultation questions provided below do not provide a substantive and inclusive opportunity for stakeholders to engage meaningfully to inform the emerging content of Draft NMP2.
- We welcome the acknowledgement that the National Planning Framework 4 (NPF4)¹ forms part of the policy context for NMP2 preparation and that there is a need for strong alignment between NPF4 and NMP2 in cross-cutting policy areas. We are therefore disappointed by the very limited coverage of NPF4 within the policy review provided in Section 2 of the SEA Scoping Report, which only identified *Policy 10 – Coastal Development* as being of relevance. A much wider set of NPF4 policies and provisions are directly relevant to the preparation of NMP2 and the associated SEA, including *National Development 3 – Strategic Renewable Electricity Generation and Transmission Infrastructure* which explicitly covers both “*On and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity*” and “*associated electricity transmission infrastructure*”. The suite of National Developments is needed to help deliver the national spatial strategy set out in NPF4 and all aspects of Scotland’s planning system must facilitate their effective delivery.
- We, therefore, suggest that the policy framework to be included in NMP2 must facilitate the efficient and effective consenting of ScotWind, Innovation and Targeted Oil & Gas (INTOG) and other offshore renewables projects which are National Developments. Further, we recommend this includes the consenting of necessary enabling and supporting infrastructure developments and facilities such as temporary offshore storage sites, access and delivery routes to ports and construction facilities for which there is currently no consideration. It will be important to consider the impacts of emerging NMP2 components (e.g., policies) on proposed renewable energy developments and the achievement of sectoral deployment targets as part of this SEA of NMP2.
- It does not appear that the SEA Scoping Report provides an up-to-date assessment framework to underpin the SEA process for NMP2. Therefore, whilst the environmental baseline and policy context have been updated, the proposed assessment methodology relies on 2015 SEA Objectives (Table 2) which have not been reviewed to confirm their continued validity (in light of the updated baseline review and policy context) or otherwise updated or replaced. This means that, at present, the SEA Scoping Report does not in fact set out the proposed “*assessment methods to be used*” (para 1.6) or provide sufficient details regarding “*the level of detail of the information to be included in the environmental report*” for this specific SEA of NMP2 in

¹ [National Planning Framework 4](#), The Scottish Government (February 13, 2023)

accordance with Section 15 of the Environmental Assessment (Scotland) Act 2005. It is clearly inappropriate to utilise a framework dating from 2015 to plan in 2023, not least as Table 1 – Key Issues presented within the SEA Scoping Report does indicate that there have been substantial changes to the issues which need to be addressed between NMP1 (2015) and NMP2.

- Further, our members are concerned by the proposal only to review and potentially update the suite of 2015 SEA Objectives to take account of (i.e., after) this consultation, as this means the SEA Framework for NMP2 would only be published and consulted on in tandem with Draft NMP2 after the framework has been used to assess Draft NMP2 itself. A transparent and robust process needs to be undertaken to develop NMP2, with the basis upon which policies will be developed and tested (i.e., the SEA Framework) consulted on prior to Draft NMP2 itself.
- Table 1 - Key Issues lacks any coverage of offshore renewables deployment as being a key issue that NMP2 needs to address. The focus on individual thematic issues also precludes consideration of sectoral interactions. In line with NPF4, we consider that tackling the nature and climate crises in tandem should be identified as a key issue, with associated subsets of related issues, rather than climate and biodiversity only being addressed separately, as this would not support an integrated policy response.
- Table 2 – as an outcome of a proper review of the 2015 SEA Objectives not having been undertaken, we do not agree with the limited coverage of climate mitigation under the Climatic Factors heading. Given that The Scottish Government has declared a climate emergency (April 2019) and developed a wide-ranging policy response, it is inadequate for climate change mitigation to only be considered in relation to emissions from vessels, without any consideration of the vital role of Scotland’s marine area in decarbonising key economic sectors (e.g., energy) and activities. As drafted, the 2015 SEA Objectives do not provide any mechanism to test or ensure that NMP2 policies and provisions support the efficient consenting of ScotWind and INTOG projects in leased areas. This is a very significant omission which we strongly recommend be addressed as a priority by developing an updated suite of SEA Objectives based on the baseline and policy reviews which are provided in the SEA Scoping Report.
- Table 2 – should also be worded to treat all objectives similarly. For example, there is a discrepancy between item 4 (*Avoid disturbance of key species as a result of marine activities*) and item 8 (*Avoid adversely impacting on air quality, with particular regard to known existing concentrations of transport and industry related pollution close to the coast?*). The inclusion of the more adversely changes the requirement materially. We suggest that all should be adversely or significantly.
- Efficient use of seabed – Multi-Use of Wind Farms. A core part of working with the oceans to address the climate and biodiversity crisis comes from the development of ocean-based renewables with much of the delivery from offshore wind. However, other marine energy solutions such as wave energy and floating offshore solar, aquaculture (seaweed, finfish, shellfish) and biodiversity restoration have also been identified as important and these can also be delivered from within offshore wind farms. Locating these activities within wind farms ensures there is an efficient and beneficial use of the seabed, something that is not an unlimited resource. It delivers benefits by reducing the impact on other sea users given the restrictions already in place within windfarms and by focusing the leasing and consenting process within an area that is already developed.

- This means that the new objectives should challenge existing norms and positions by enabling in a controlled manner the offshore wind industry to open up the sea space occupied by their wind farms.

I trust that the concerns of our members within our response will be fully considered. Scottish Renewables would be keen to engage further with this agenda and would be happy to discuss our response in more detail.

Yours sincerely,



Mark Richardson
Senior Policy Manager | Offshore Wind Enabling
mrichardson@scottishrenewables.com
Scottish Renewables

RESPONSE TO CONSULTATION QUESTIONS

1. ***Do you have any comments on either the environmental topic areas or assessment methodology proposed?***

The proposed scope, including the relevant environmental topic areas, and assessment methodology are set out in Section 3 of SEA Scoping Report.

Yes. Biodiversity Net Gain (BNG) is a key topic that has not been developed sufficiently in the marine environment. Our members would like to see a consideration in the methodology that addresses the application of BNG and how the National Marine Plan 2 (NMP2) can incorporate BNG into its overall framework.

The SEA Scoping Report does not include any methodology for how different activities might be prioritised over one another in the marine environment. This was a key aspect identified during the initial consultation undertaken on the NMP2 but appears to be missing from this methodology. Further, in 3.12 *Identifying mitigation and monitoring proposals*, if the SEA identifies a policy with significant negative impacts and it is not possible to identify sufficient mitigation measures our members question whether the policy will be removed or amended.

It would be beneficial to review the inter-relationships between the existing policies and strategies in greater detail. For example, there are obvious cross-cutting relationships between material assets and climatic factors which should be reviewed in depth. Offshore wind developers, particularly those involved in the INTOG leasing round, would benefit from further information on how the Infrastructure Investment Plan and British Energy Security Strategy and North Sea Transition Deal could work in tandem to support future marine planning in relation to climate and material assets.

2. ***What are your views on the broad policy framework and is there any further information that you feel should be considered?***

The broad policy framework included in this Scoping Report identifies the broader policy context and environmental protection objectives relevant to the plan that is being assessed (Policy Framework – section 2). This will be used to inform the assessment process.

There is no information on the policy and management of commercial fisheries in Scottish waters. This is a key omission, particularly given the fishing industry's interactions with offshore developments.

Further, recent work in relation to the closure of sandeel fisheries (read [Scottish Renewables response](#), October 11, 2023) and how this will be implemented is a key factor for the NMP2 to take into account. Our members question whether there will be consideration of further

fishery closures and how the NMP2 plans to prioritise closures against fishing activities against floating offshore wind. This is a key aspect which appears to have been omitted.

3. *Is there any further information or data that you feel should be considered as part of the environmental evidence base for the assessment?*

The proposed evidence included in this Scoping Report will be used to inform the assessment process (Environmental Baseline – section 2).

In the biodiversity, flora and fauna section, the representative Scottish megafauna presented do not include elasmobranchs (e.g., flapper, blue skate, basking shark, etc.) briefly mention marine mammals and appear to focus largely on birds (which are covered in several paragraphs). This skewed coverage gives the perception that NMP2 imparts varying levels of importance on different biological receptors, which does not necessarily reflect national and international conservation policy. For example, it is an offence to disturb cetaceans and basking sharks in Scottish waters, whereas this requirement does not exist for birds. A more balanced representation of Scottish wildlife would be welcomed in the SEA which is representative of the biodiversity, flora and fauna policy and legislation relevant to Scotland.

Data from the Vattenfall study² and from other Scottish wind farms on bird collision risk and avoidance behaviour should be considered within the NMP2. The emerging evidence is that impacts are considerably lower than is currently assessed, which should now be considered as over-precautionary. Our members recommend that this be addressed within the NMP2.

We agree with the proposal to utilise Scotland's Marine Assessment 2020 (SMA2020) and the findings of previous statutory reviews of NMP1 to provide a broad evidence base for the development of NMP2. Given the need to prepare NMP2 as soon as possible to provide a stronger consenting framework in time to inform the determination of ScotWind consenting applications, we believe that this SEA should focus on developing, testing and refining policies (together with consideration of any reasonable alternatives) for inclusion in NMP2 to address identified key issues, rather than seeking to develop an extensive environmental baseline.

4. *What are your views on the early work set out in the report to identify key environmental issues that will be used to inform the development of SEA Objectives for assessment (SEA Objectives - Section 3, Table 1)?*

SR members agree there should be a greater focus on biodiversity net gain and nature-inclusive design of marine infrastructure. Further, there should be recognition that some

² [Resolving Key Uncertainties of Seabird Flight and Avoidance Behaviours at Offshore Wind Farms](#), Vattenfall, 20 February 2023

industries are more damaging to biodiversity than others (e.g., trawling the seabed) and that this needs to be addressed across all categories including flora and fauna. This currently appears to only be addressed in the soil topic.

It is disappointing that the key issues (Table 1) do not explicitly identify the deployment of renewables at pace and scale as a priority. As a result of the gap in the key issues table the proposed objectives under climate in Table 2 need strengthening and do not provide a clear mechanism to assess the effect of NMP2 components (emerging policies) on offshore renewables. In Table 1, SR members recommend presenting the climate topic at the top of the table alongside biodiversity as a reflection of the twin crises and the interlinked nature. This should also be replicated in relation to Table 2.

Are there any additional environmental issues that should be considered in the assessment?

Environmental protection should be considered as a more diverse mechanism than it is currently referred to in the NMP2, where the primary reference is with respect to creating protected areas. To strengthen this protection, informed management and restriction of activities related to the most harmful impacts within different areas and for different flora and fauna should be recognised as environmental protection.

5. *What are your views on the SEA Objectives used to assess National Marine Plan (2015), (SEA Objectives – Section 3, Table 2)?*

These objectives will be revisited as part of the development of methodology for the SEA for NMP2.

SR members agree that the SEA Objectives should be more ambitious. The biodiversity topic objectives all focus on maintaining, avoiding and safeguarding rather than enhancing, improving or promoting recovery. Our members recommend that the objectives should include the oceans as a source, a 'stakeholder', in the arsenal of climate change mitigation, not just a place to be protected³. All stakeholders are keen to see an ambitious NMP2 that goes further than previous, that is bold and that is not afraid to question the status quo to make difficult decisions, again we highlight the need to explicitly align with NPF4.

The process for the review and revision of the NMP objectives set out in Table 2 requires further detail. It is unclear whether the newly developed NMP2 SEA objectives will undertake consultation prior to finalisation. We are concerned by the intention only to review and potentially update the suite of 2015 SEA Objectives to take account of (i.e., after) this consultation, as this means the SEA Framework actually applicable to NMP2 would only be published and consulted on in tandem with Draft NMP2 after the framework has been used

³ [The Ocean as a Solution to Climate Change: Updated Opportunities for Action Report](#)

to assess the content of Draft NMP2 itself. To maintain confidence in the policy development process a more transparent approach should be applied, with the basis upon which policies will be developed and tested (i.e., the SEA Framework) consulted on prior to Draft NMP2 itself.

It is unclear why the objectives have been presented as questions within Table 2; it is recommended that the objectives be presented as clear, concise statements. Objective 10: *'Contribute to adaptation to climate change'* should include proposed mechanisms through which it can be accomplished, such as through the development or adaptation of infrastructure. A statement such as, *"These mechanisms could include but are not limited to..."* would be an acceptable addition. The indeterminate representation of this objective in a strategic planning document may introduce issues due to contrasting interpretations of its application. It is recommended that there is also an objective relating to climate mitigation, as well as adaptation, with the marine environment being key to both aspects.

6. Do you have any further comments on the SEA scoping report?

The SEA Scoping Report is very generic and does not take the opportunity to set out a vision or framework for developing the NMP2. While the NMP2 is a high-level exercise that focuses on the entirety of the marine environment, our members agree that currently opportunities are being missed to provide information and clarity for all stakeholders. Without more detail on the assessment approach, prioritisation of how it might be undertaken, and how different industries will be treated, it is difficult to come to any firm conclusions regarding the scope of the plan.

Given the importance of the process, the scale of the challenge and the fact we are facing a climate and biodiversity crisis across the globe, it is our view that **National Marine Plan 2 in its current form is not taking the opportunity to address the greatest challenge of our time. We need bold, decisive action with biodiversity and climate change at the very core of the process.**

END