



# SCOTTISHPOWER RENEWABLES

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Dear Sir or Madam,

## **Consultations on Scotland's National Marine Plan; Sectoral Marine Plans for Offshore Wind, Wave and Tidal Energy in Scottish Waters; 2013 Possible Nature Conservation Marine Protected Areas; Priority Marine Features**

ScottishPower is a major UK energy company with network, retail and conventional and renewable generation interests. It is part of the Iberdrola group, a major international utility and the world's leading renewable energy developer. In the UK, our renewable business, ScottishPower Renewables (SPR), has over 1.3GW installed capacity to date and a substantial development portfolio including onshore and offshore wind as well as emerging wave and tidal technologies.

Our offshore wind portfolio currently includes the 389MW West of Duddon Sands windfarm, a joint venture with DONG Energy, currently under construction and the 7.2GW East Anglia Zone, leased through The Crown Estate Round 3, to be developed as a joint venture with Vattenfall Wind Power Ltd. We also have interests in marine site licensing in the UK, as a key element of our ambitious renewable energy programme, looking ahead to the future development of wave and tidal generation projects. We are currently developing world-leading wave and tidal projects in Scotland, including the first consented tidal array in the Sound of Islay (10MW) and the securing of two Agreements for Lease with The Crown Estate in the Pentland Firth and Orkney Waters Strategic Area.

SPR welcomes the development of a coherent system of marine planning and an ecologically-coherent network of marine protected areas (MPAs) in Scotland, and is therefore pleased to respond to the current suite of Scottish Government consultations. Please find below a summary of our points, which are more fully developed in our appended response:

- A cohesive National Marine Plan is a positive development and SPR welcomes the presumption in favour of sustainable development in the plan, and the support for offshore renewables in National and Sectoral Marine Plans.

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- However, additional consideration should be given to how the policy goals for renewable energy in the marine environment interact with other policy goals in areas where there is an overlap in activity (for example in the areas where marine protected areas (MPAs) overlap with current or future plan areas for renewables). We would welcome an assurance that the presumption in favour of sustainable development will stand in these circumstances.
- SPR has been actively engaged in the development process for MPAs, and continues to be concerned that the management implications for any new designations would not be fully understood until post-designation. This lack of certainty presents a consenting and investment risk to projects which are currently in pre-planning or planning stages of development.
- Although SPR welcomes moves by Marine Scotland and SNH to gather further information, the generally data-poor nature of the marine environment means that data-rich areas may attract MPA designation and this bias should be recognised. We are concerned that areas which have been surveyed for development, and therefore have robust and detailed environmental information attached to them, may be promoted within the MPA site selection process, simply because more is known about them.

I am happy to discuss further, or provide additional information as required.

Yours faithfully



Mandy Gloyer  
Stakeholder & Planning Policy Manager

ScottishPower Renewables' Detailed Comments	
Scotland's National Marine Plan	
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Chapter 3: Key Objectives and Approach to Policies	<p>SPR welcomes the very positive economic statements made in the High Level Marine Objectives (HMLO's) 1-4 and also the recognition in HLMO 8 that the marine environment can play an important role in mitigating climate change.</p> <p>We also welcome HLMO 18 where use of the marine environment should be cognisant of climate change.</p> <p>The precautionary principal should be applied in a consistent fashion in HLMO 2, should it be applied at all. However, we would like to see more pragmatism involved in the process and applications under the Scottish Governments own Survey, Deploy and Monitor Policy may also have to be treated differently.</p> <p>SPR agrees with the first line of Page 18 which states that the planning system should promote developments that support sustainable economic growth.</p>
Chapter 4: General Policies	<p>SPR welcomes the presumption under GEN 1 in favour of sustainable development. SPR also welcomes the recognition that renewable energy is one of the key growth sectors set out in GEN 1.</p> <p>GEN 5: SPR is not currently in a position to support co-location until the full implications are known in order to assess any compatibility issues. This includes both economic activities and conservation objectives.</p> <p>SPR welcomes GEN 6 as the integration of marine and terrestrial plans are of particular importance to developments that have both an offshore and onshore element.</p> <p>On Page 32 there is mention of an archaeological protocol. SPR currently works from the Crown Estates 2010 publication 'Protocol for Archaeological Discoveries: Offshore Renewables Projects' written by Wessex Archaeology.</p> <p>Within GEN 9 we are in agreement that early and effective consultation should be undertaken. We would note that some relevant/interested stakeholders are constrained in their ability to make timely and effective contributions to consultation processes due to lack of resource or capacity.</p> <p>In relation to GEN 10, we would note that the relative lack of data in the marine environment means that precaution is applied, but we would caution against over-precaution, particularly when applied to cumulative or in-combination assessments of the potential impacts of development. National-level approaches to strategic data issues are useful and SPR is happy to work with the Scottish Government and others to address these.</p>

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	<p>GEN 14 argues that development in the marine environment take seascape, landscape and visual impacts into account. This policy should only apply to development within a set distance from the coast. We are also opposed to any reference to SNH's 'wild land' mapping within this plan, as the proposals for wild land as currently mapped, in relation to planning, remain in draft until NPF3 and SPP are agreed in 2014.</p> <p>GEN 16 relates to noise in the marine environment. This is a complex issue and the subject of much current research. The effects of different frequencies and magnitudes of noise on various receptors remains ill-understood, and although the renewables industry is pursuing many mitigation solutions these are not always technically possible or economically feasible. We would recommend that the policy limits itself to ensuring that development is in accordance with the GES indicator for underwater noise, developed at UK level, and the existing licensing requirements for noise, including for European Protected Species.</p>
Chapter 6: Fisheries	<p>It is unclear from the Plan whether the system of maximum sustainable yield takes account of HLMO 11 (particularly with regard to 'recovery') or the precautionary principal as employed within other commercial sectors operating within the marine environment. These points should be made clear within the Plan.</p> <p>SPR agrees with Point 7 on Page 42 that all quotas should be set based upon sound science and not through political manoeuvring</p> <p>Paragraph 2 on Page 44 states that the health of commercial stocks varies across regions and sectors; however, it is unclear if quotas are to be set nationally or in a regionalised basis, which would be more appropriate given the scientific evidence of stock health variability.</p> <p>Paragraph 1 on Page 47 discusses offshore wind – SPR suggests that wave and tidal developments are also included into this statement.</p> <p>Final Paragraph on Page 48 / Paragraph 1 on Page 49 implies fishermen only avoid heritage assets in order to avoid gear loss / damage. Fishermen also avoid such areas in order to protect the known cultural assets themselves and, as such, have industry wide protocols in relation to such avoidance. This should be referenced at this point in the Plan.</p> <p>Mention is made on Page 49 of Clyde 2020; however, clarity is required on whether it will be rolled out to other parts of the marine area if successful.</p> <p>We welcome the statement on Page 53 that the fisheries sector</p>

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	<p>should consider its contribution to climate change and aim to reduce its sectoral emissions. If the industry has set targets in relation to this reduction then they should be referenced at this point of the Plan.</p> <p>Page 54, Fisheries 5: assumes a negative impact leading to the development of an FMP. However, if the effect of a development is shown to be positive in nature does this negate the requirement for an FMP? This should be outlined within this part of the Plan.</p> <p>Page 54, Fisheries 5: discusses the impact in socio-economic terms of a development. It should be pointed out within this part of the Plan that in order to achieve this goal there needs to be significant engagement from the fisheries sector including full transparency of catches and costs.</p> <p>Page 54, Fisheries 5: notes that there is a recognition that fishermen should be allowed to catch their quota. Additional clarity is required with regard to mobile species that will not be affected by one development (or one type of development) and also species that have to quotas.</p>
Chapter 8: Wild Salmon & Migratory Fish	<p>Page 69 'Wind and wave and tidal energy' suggests that these sectors should be undertaking primary research on migratory routes in order that these may be considered. However, Paragraph 2 under 'Aquaculture' states that Marine Scotland is undertaking this research. Therefore, the original statement should be made clearer such that any assessment is based upon current best scientific evidence as supplied from a strategic point of view by Marine Scotland.</p> <p>Page 70 Part 4: The Future – the first sentence reads “.....and migratory routes would be beneficial.” This should be changed to “.....and migratory routes would be essential”. Such basic scientific knowledge is required at a strategic level if developers are to undertake the assessments they are currently being tasked with by the regulator, SNCBs and other stakeholders.</p>
Chapter 10: CCS	It is unclear from CCS 2 on Page 83 how this might affect the decommissioning sector as proposed and set out in Chapter 9: Oil & Gas. Further details of the implications should be included in the Plan.
Chapter 11: Renewables	<p>The final objective on Page 85 reads “Facilitate the development of demonstration facilities.....”. This should be changed to read “Facilitate the development <b>and expansion</b> of demonstration facilities.....”.</p> <p>On Page 87 under Grid Provision there are 5 projects set out. However, only three of these have dates associated with them.</p>

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	<p>This should be amended such that all five have dates associated with them.</p> <p>The list of planned development sites on Page 91 being considered as 'planned developments at the licensing stage' is not necessarily appropriate with regards cumulative assessment and HRA given the recent events, particularly in the wave and tidal sector. Justification of this position should be included within the Plan.</p> <p>RENEWABLES 1 states that there is a presumption in favour of adopted Plan Options. This should remain the case where these areas overlap with proposed MPA areas?</p> <p>The first paragraph on Page 93 discusses the PFOW MSP. It only makes mention of wave and tidal; however, the sectoral plans introduce offshore wind to this area. Therefore, will offshore wind be added into the PFOW MSP going forward?</p> <p>RENEWABLES 7 makes the assumption that cables will be buried or rock dumped. SPR disagrees with this assumption and any assessment of cabling should be on a site and development case by case basis.</p> <p>RENEWABLES 8 mentions a single EIA and HRA document. However, no mention is made of a CIA document. Is it expected that this would be imbedded within the EIA?</p> <p>RENEWABLES 9 requires developers to actively engage with other sectors. SPR entirely agrees with this statement; however, it should be noted that such stakeholder engagement requires the other party to also fully engage, and for effective engagement they must be resourced accordingly.</p> <p>SPR supports the objective of policies RENEWABLES 9, 10 and 11 to maximise benefits from offshore renewables. However, we are clear that there should not be a formalised policy on 'community benefit' from offshore renewables. The offshore wind, wave and tidal sectors are at a critical stage in their development and the maturity of the industry and its ability to stand an additional economic pressure, coupled with the difficulties of defining 'communities' for these developments, caution against any expectation of the provision of 'community benefit' akin to that expected of onshore development.</p>
Chapter 12: Recreation & Tourism	<p>The statements made in Paragraph 2 on Page 98 in relation to the provision of many different facilities does not sit with the later statement in Paragraph 1 of Page 101 of "An unspoiled environment...". Clarity should be given as to what is required to be achieved by the Plan – is it an unspoiled environment or is it the development of facilities to support marine based activities?</p>

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	Under Invasive non-native species on Page 101 mention is made of recreational boats acting as vectors. However, new pontoon developments should also be included here as they have also been show to provide virginal habitat for invasive species.
Chapter 14: Telecom Cables	<p>Page 117, Interactions With Other Users: this states that submarine cables are generally benign. Does this also include any potential EMF effects?</p> <p>Page 119 Part 3: Marine Planning Policies – there is no presumption in favour of burial as with RENEWABLES 7. We would argue that all cable burial plans should be developed on a case-by-case basis.</p>
Chapter 15: Defence	<p>Mention is made on Page 123 of water discharge into harbours. Is this activity allowed by military vessels? If so then this has the potential to negate sectoral wide policy implementation in relation to invasive species if they share such facilities with military vessels.</p> <p>On Page 125 there is no recommendation to use electricity supplies when in port, as with transport. Is this an omission?</p>

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<b>Sectoral Marine Plans for Offshore Wind, Wave and Tidal Energy in Scottish Waters</b>	
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General	<p>The keys on many of the figures require expanding to ensure that all features on the figures are clearly defined within the keys.</p> <p>The SEA for the sectoral plans must be very robust, and should aim to incorporate all relevant new research with the aim of reducing the requirement for project level EIAs to assess whether there are significant impacts to be mitigated.</p>
Figure 1, Page 7	There appear to be multiple gaps in the inshore marine area not covered by a specific SORER. This should be amended.
Paragraph 1.3.3, Page 8	SPR welcomes the recognition that offshore renewables represents "...one of the biggest opportunities for sustainable economic growth in Scotland for a generation". The sectoral plans, however, must be considered alongside the current proposals under Electricity Market Reform (EMR) which must create an investable proposition to ensure that the opportunities can be realised. We would also suggest that further consideration be given to providing CfD strike prices for marine generation connected to the Scottish Islands during the first Delivery Plan period, as highlighted in our response to DECC's consultation on additional support for Scottish Island Renewables, which would help provide investor confidence at this critical stage of development.
Paragraph 1.4.3, Page 9	SPR welcomes the focus on supporting the onshore elements of offshore renewable developments.
Paragraph 2.2.1, Page 11	The Scottish Government does not currently operate a one stop shop for offshore s36 applications. However, SPR looks forward to this being in place.
Paragraph 3.17.1, Page 18	This should state that although no guarantee for development consent can be given with a Plan Option Area, there is also no restriction on commercial (>100MW offshore wind and >30MW wave and tidal) developments being proposed outwith these Plan Option Areas. This is particularly pertinent when assessing resource potential as the data utilised to define these areas will not be as detailed as that used to define development boundaries.
Figure 4, Page 23	One of the questions posed is in relation to reasonable alternatives. There will always be reasonable alternatives that should be considered, although these may not yet be known. It is for this reason that development should not be restricted purely to the proposed Option Areas. As data improves and developers begin assessing other areas outwith the Option Areas so these will become apparent.
Figure 11, Page 36	SPR is in general agreement with the areas proposed; however is concerned regarding overlaps with current leased sites and also



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	other Option Areas for wave and proposed MPAs. Clarity should be provided with regards overlap.
Bullet 1, B.2.3, Page 39	Mention is made here of FADs, but only in relation to seabed mounted devices. This should be expanded to include floating structures.
Figure 16, Page 47	<p>Mention should be made within the document that the areas only relate to tidal stream and, although there is tidal range potential within Scotland, this is not currently being considered.</p> <p>Clarity should also be given on the potential overlap issues between the areas shown on Figure 16 other Plan Options and proposed MPA locations. The implications of such overlaps are yet to be fully addressed.</p>
Bullet 6, C.2.2, Page 49	Mention is made in relation to marker buoys and navigation lights in relation to developments. However, there is no recognition that these may be outwith the control of the developer as they may well relate to conditions of consent. This should be acknowledged.
Table 8, Page 51	There are no assumptions attached to the tables. For example 'Shipping' within Table 8 – is the assumption that all devices are surface piercing or that navigation across a development of seabed mounted deepwater devices is safe? Clarity should be provided.
Table 10, Page 59	As with Table 8 the assumptions used for the assessment are not clear. With regard to CCS the assumption within the National Marine Plan is that existing infrastructure will be utilised. Therefore, it is unclear where additional costs come from as it will be sectors installing new infrastructure that will bear the cost of cable crossings etc. Clarity should be provided.

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<b>2013 Possible Nature Conservation Marine Protected Areas</b>	
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General	<p>Until management options have been developed for the areas in closest proximity to SPR development lease areas and the Option Plan Areas for renewable energy then it is not possible to respond on the potential implications associated with the proposed MPAs. However, SPR has expressed caution throughout the MPA development process about the potential co-location of renewable energy and MPAs in the absence of this clear understanding of management and any potential restrictions on our activities.</p> <p>SPR is also concerned at the proposal to re-name all existing protected sites as MPAs. There are specific requirements within the EU Habitats and Wild Birds Directives that apply within SACs and SPAs, including the requirement to carry out Habitats Regulations Assessments as appropriate. These do not apply to SSSIs, nor to NC MPAs. There would be increased confusion should there be one catch-all term 'MPAs' and it would be an inconsistent approach to that which operates in the terrestrial planning environment.</p> <p>SPR has previously provided information to the MCZ Impact Assessment on potential costs of designation and we would urge the Scottish Government to cross-refer to the costs submitted to this piece of work, as well as the cost estimates provided by Scottish Renewables.</p>
Page 8, Paragraph 4	This should be redrafted as it currently suggests that the level of protection afforded by MPAs should be greater than that currently available through the N2K process. MPAs should not give 'more' protection, but rather will increase the area of sea over which protection is provided.
Page 23, Table 2	It is assumed that the MPA search areas are not included in the assessment. Is this the case?
Page 25, Conservation Objectives	There is no requirement for two bullet points here. The first states that if there is evidence of good condition then the feature should be conserved; the second states that if there is no evidence then the feature should be conserved.
<b>Nature Conservation Marine Protected Areas Management Handbook</b>	
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Page 7, Paragraph 5.4	The statement that 'existing licensed operations are <i>normally</i> expected to continue' gives concern and uncertainty to the licensing process due to the suggestion that exceptions may apply, and, ultimately investment process in renewables.
Page 8, Paragraph 5.6	This paragraph discusses changes to measures as time goes on. This will inevitably have implications as to whether or not licensed activities may or may not continue (see Paragraph 5.4) thus adding further developer uncertainty into the process at a time

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	when Scotland and the UK are looking to develop the offshore renewables sector.
Page 9, Figure 1	All boxes on the left of the figure should feed into the top right box as all will need to be taken into account within any ES.
Page 27, Paragraph 10.6.2	Reference is made to N2K sites in relation to fisheries management. However, these proposals are dealing with MPAs which come under completely different legislation; therefore, the reference to N2K is not clear. Is the document stating that the 11 requirements in relation to N2K sites and fisheries to be adopted by the MPA process? Clarity should be provided.

<b>ScottishPower Renewables' Detailed Comments</b>	
<b>Priority Marine Features</b>	
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General	It is unclear as to the benefits that the PMF designation will give that could not be covered through the use of N2K or MPA designations. An upfront statement should be added into the document to clarify this point.
Paragraph 1.1	This states that PMFs should be taken into account in future planning and decision making – clarification should be provided as to what level of importance this will take.
Q1	The use of the PMF list is not necessarily the most appropriate way of conserving future sites. These should be identified on a case by case basis and based on the best scientific evidence available at the time. Additionally, there is no detail provided as to the potential implications that this may have in relation to the current MPA consultations and / or the Sectoral Plan process.
Table 3	<p>Many of the PMF species listed here are targeted commercially and / or recreationally. Detail should be provided as to what implications the PMF status is likely to have to the fisheries and angling sectors as well as the renewables sector.</p> <p>The marine mammals on the list come under European legislation and require additional licences to be held by developers – e.g. EPS licence. Therefore, it is not clear as to additional benefits gained by these species in being a PMF. Clarity should be provided upfront in the document.</p>