

**Scottish Government: Draft Regional Locational Guidance – Offshore
Wind in Scottish Waters & Draft Initial Plan Framework
Scottish Environment LINK Response - November 2012**

1.0 Introduction

1.1 Planning Context

A two year delay to the publication of the Scottish Government’s National Marine Plan has recently been disclosed by the Scottish Government. Subsequently, a clear, overarching marine plan containing guidance to decision makers on the sustainable development of Scotland’s natural and historic marine environment may not be adopted until the end of 2014. The plan-led system is left without a plan at a time when it is most needed. This is not acceptable, particularly as short-term proposals will be proceeding in the absence of a plan and therefore in the absence of proper consideration of their appropriateness at a national strategic scale.

Industry, including offshore renewables, needs certainty, adequate guidance and a coordinated framework to work within and this is fundamentally lacking in the absence of the National Marine Plan. The current approach risks undermining the efficacy and robustness of the Plan, increases potential for significant adverse impacts to the natural marine environment within Scottish waters and could frustrate the progress of the offshore renewables industries in Scotland.

We welcome the opportunity to comment on the preparation of these Sectoral Marine Plans for offshore renewables, but we must also stress our regret at the inevitable adoption of industry led plans ahead of the National Marine Plan.

1.2 Scottish Environment LINK & Offshore Renewable Development:

The offshore renewable industries can play a significant role in delivering low carbon energy and positioning the UK as a global leader in developing a green economy. However, there exists potential for significant adverse impacts to the natural environment if future developments are inappropriately located and/or designed. Significantly increased efforts are needed to understand, avoid and, where necessary, mitigate the potential impacts of offshore renewable development on marine biodiversity. Failure to do so will result in adverse environmental impacts, and public concern over these impacts, becoming a major barrier to further deployment.

Scottish Environment LINK's aim is to safeguard the environment, so bolster the sustainability and reputation of the burgeoning industry, and help rather than hinder the potential growth of responsible development. Recommendations made (Scottish Environment Link, 2010) include calls on decision makers and industry to work together to:

- establish **realistic expectations** of growth, allowing time for proper care to minimise impacts on the marine ecology
- guarantee **adequate resources** to fund the necessary environmental research and monitoring, to match the pace of development;
- appoint a wholly **independent committee** to scrutinise scientific research and advice given to regulators;
- publish without delay **zones of particular sensitivity** where there should be a presumption against development;
- adopt an **adaptive management** and planning approach, to build early findings into future plans and practices;
- improve arrangements for constructive **stakeholder engagement**.

1.3 Consultation

Scottish Environment LINK welcomes the opportunity to comment at this early stage on the draft Regional Location Guidance and Draft Initial Plan Framework documents for offshore wind, wave and tidal power in Scottish Waters. These documents seek to represent a process whereby appropriate consideration is made to economic, social and environmental issues in the development of suitable options for inclusion in the new sectoral marine plans for offshore wind, wave and tidal energy. Most recently we have engaged with Scottish Government (Marine Scotland) on the implementation of the Marine (Scotland) Act 2010, including the development of the National Marine Plan and the designation of Marine Protected Areas. We have provided in depth consultation responses to the original Sectoral Marine Plan for offshore wind energy in Scottish territorial waters (Blue Seas - Green Energy) and associated Strategic Environmental Assessment.

As part of this non-statutory consultation exercise Marine Scotland are seeking views on issues including:

Is the information contained in the Draft RLG accurate for your region?

Are there any key issues which should be reported in the RLG and are currently not?

The following brief seeks to respond to both these questions and Scottish Environment LINK looks forward to engaging further with Marine Scotland on the progression of these plans for offshore renewable development.

2. Key Comments & Recommendations

Overall, the draft Regional Location Guidance documents are strategic in nature, identifying scoping areas of search for offshore wind, wave and tidal development. The regional appraisals for each of the Scottish Offshore Renewable Energy Regions (SORERs) are broad brush and factual. However, at this early stage there are a number of issues which require further consideration and an additional level of information needs to be included in the RLGs as they progress.

In particular, we are concerned about the lack of information about areas of sea important for mobile marine species including seabirds (Scotland has approximately 45% of the seabirds in Europe), marine mammals and basking sharks. These species could potentially be significantly impacted by marine renewable developments.

2.1 Environmental Considerations

LINK ask: Clearly identify environmental sensitivities.

Within the key issues sections of the main body of the report and for each SORER, there is a current lack of description on the sensitivity, interaction and subsequent potential environmental impacts of offshore renewable developments on relevant nature conservation interests.

The RLGs complement the Initial Plan Frameworks, which are in turn informed by the scoping studies for offshore wind, wave and tidal development in Scottish Waters. However, the presented baseline information is considered to be too simplistic to adequately inform the selection of Plan Options for renewable development. At this stage in developing Plan Options there is a need to take cognisance of the potential environmental impacts and implications of development within each of the Scottish Offshore Renewable Energy Regions. To this end the RLG should identify both at a strategic level and at the regional level those potential environmental issues associated with further offshore energy development.

Acknowledging and summarising known key environmental issues at this stage will strengthen the integrity of the process for identifying suitable Plan Options; support European and national nature conservation aims and legislative requirements, including the achievement of Good Environmental Status under the Marine Strategy Framework Directive by 2020; support any subsequent environmental assessment of the draft plan; and avoid the inappropriate designation of Plan Options which may subsequently frustrate the planning, implementation and deployment processes of renewable energy development. In this regard the inclusion of this information will ultimately contribute to the fulfilment of the RLG as set out in the introduction of the document:

- *To provide detailed information in relation to the Areas of Search identified in the Scoping Reports for wind, wave and tidal energy developments in Scottish Waters;*
- *To identify suitable options for inclusion in the sectoral marine planning process;*
- *To inform key stakeholders and other interested parties of the key regional issues in relation to developing offshore wind energy in Scottish Waters; and*
- *To inform the process for determining marine license applications to develop offshore renewable energy in Scottish Waters (see sect 1.1.1).*

2.2 Feasibility Assessment

LINK ask: undertake a high-level feasibility assessment.

The current list of baseline facts does not sufficiently identify and define constraints to offshore renewable development. For instance, whilst designated sites may constrain development they do not necessarily negate nor are they necessarily incompatible with development. Furthermore, environmental constraints are not limited to the boundaries of the protected areas listed in the document. Scottish Environment LINK recommend that further effort is made to carry out a high level feasibility assessment that goes beyond the basic mapping already undertaken to identify the broad areas of search.

The following sections identify issues of relevance to a feasibility assessment. These equally apply to the RLGs for wind, wave and tidal, however where there are industry specific issues or recommendations then this is stated clearly.

2.2.1 General Recommendations

To facilitate plan option development it is recommended that the following issues are given further consideration as part of a high level feasibility assessment:

- Development of a national overview in relation to marine species and habitats, in addition to existing (Natura, intertidal SSSI/Ramsar) and forthcoming (nature conservation MPAs) designated sites. This information should then feed into and support information provided on specific regional issues.
- Identification and acknowledgement of strategic issues that are currently being experienced (i.e. issues facing statutory authorities and developers for the energy proposals coming forward under Rounds 1, 2 and 3 leases from The Crown Estate):
 - likely significant impacts on the MPA network, including existing Natura and forthcoming nature conservation MPAs, and issues of species connectivity;
 - issues of potential impacts on mobile marine species and marine habitats;
 - cumulative impacts – particularly taking cognisance of existing renewable project activity and effects of future capacity expansion;
 - known knowledge gaps and need for sustained commitment to research and monitoring of marine species, habitats and interactions of the different technologies. For instance those areas important for fish species (basking sharks), seabirds and marine mammals.
- JNCC are currently identifying potential SPAs at sea. Whilst locational guidance for offshore renewables will likely advance ahead of potential SPA designations, there is a need to consider these proposed sites. In this regard a 'shadow assessment' through HRA should be undertaken, at strategic and project levels, that demonstrate no significant effects on the integrity of the conservation objectives of the Natura network. These 'shadow assessments' would provide context and acknowledge these evidently environmentally important sites.

2.2.2 Data Gaps

Marine Scotland, SNH and other partnership programmes are making a concerted effort to increase the knowledge, detail and robustness of marine species and habitat data. However, despite recent efforts there still remains a paucity of information and collated data on mobile species (particularly seabirds, marine mammals and fish species e.g. basking sharks) and the RLG should recognise this fact and the potential consequences this has in identifying Plan Options.

The RLGs should identify emerging research in addition to any knowledge gaps that require further consideration to inform the process of refining the areas of search and creating Plan Options. Relevant projects, information and data will likely include:

- Future of the Atlantic Marine Environment (FAME) project
- Basking shark tagging project by SNH/ University of Exeter
- Integration of Priority Marine Features into the constraints mapping. It is understood this data is being developed for inclusion in the MaRs mapping exercise and we welcome this approach.
- Locational guidance on Marine SPAs for seabirds currently being developed by JNCC

The documents should state explicitly that, despite indicating there is potential for development within the selected areas of search or plan options, there will be a requirement for further detailed environmental assessment at the project level. This is necessary to ensure there is no presumption that individual sites are able to be developed on the basis of the guidelines and plan options within these documents and the subsequent sectoral marine plan. This is particularly pertinent given the potential findings of current and future research and monitoring programmes that may raise new and unforeseen environmental sensitivities, potentially as a result of renewable energy development and/or climate change and other anthropogenic activities.

3.0 This response was compiled on behalf of Scottish Environment LINK's Marine Task Force and is supported by:

RSPB Scotland	Scottish Ornithologists Club
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For further information please contact:

Sarah Archer
LINK Marine Policy and Advocacy Officer
Tel: 01350 728200
email: sarah@scotlink.org

Nick Underdown
LINK Marine Policy and Advocacy Officer
Tel: 0131 3116544
email: nick@scotlink.org