

HISTORIC
SCOTLAND



ALBA
AOSMHOR

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Dear Sir or Madam

Historic Scotland has launched a public consultation on its **strategy for the protection, management and promotion of marine heritage 2011-16**.

This strategy invites views on Historic Scotland's implementation strategy for protecting, managing and promoting marine heritage under new marine legislation. We would greatly appreciate it if you could take some time to provide your thoughts on the strategy.

The consultation is available to download from the following link:

<http://www.historic-scotland.gov.uk/currentconsultations>

I have attached a 'Respondent Information Form' for your convenience. Should you choose to respond, it is important that you complete and return this to us with your comments, because it tells us how you want your response to be treated. You can email the form to us if you are responding on-line, with responses sent to Hs.schedulingteam@scotland.gsi.gov.uk. Alternatively, you can post the form to us along with your written comments. The consultation closes on **27 January 2012**.

If you have any queries please do not hesitate to contact Christine Kelly on 0131 668 8914 or myself.

Yours faithfully

Philip Robertson
Deputy Head, Scheduling and Marine



INVESTOR IN PEOPLE

www.historic-scotland.gov.uk

STRATEGY FOR PROTECTION, MANAGEMENT AND PROMOTION OF MARINE HERITAGE 2011-16



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Aquamarine Power

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

Surname

Davidson

Forename

Neil

2. Postal Address

24 Elder Street

Edinburgh

Postcode EH1 3DX

Phone 0131 524 1440

Email neil.davidson@aquamarinepower.com

3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

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

Please tick as appropriate Yes No

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

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

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

or

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

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

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

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes No

CONSULTATION QUESTIONS

Question 1 - Do you have any comments on the general content, structure and lay-out of the strategy?

1. Executive Summary provides a useful overview
2. Clearly set out in 3 sections and a good, digestible length of document
3. Useful that objectives are clearly outlined with an explanation of the reason for objectives and what the objective means

Question 2 - Is there anything missing?

1. Section 6.1 acknowledges the sometimes dangerous and expensive operations that would be required to take place to visit/investigate sites of marine cultural interest. However, the serious dangers of the Scottish sea are not acknowledged elsewhere or further. Marine renewable developers would encourage Historic Scotland to consider the risks involved in carrying out surveys to investigate marine heritage and to be cognisant of this when placing requirements on developers to carry out EIA marine cultural heritage surveys. Safety needs to be at the forefront of consideration and in such context, the requirements for data gathering need to be realistic and must not place undue risks on persons carrying out such marine field work.
2. There is no objective or actions to provide stakeholders with a comprehensive explanation of the process following designation of a Historic Marine Protected Areas (HMPAs). Stakeholders would benefit from an understanding of the process by which a designation is decided, whether there are varying levels of protection/designation, and what is expected from stakeholders in terms of their activities within and/or close to a designated area. It is crucial that this information is provided. Marine renewable developers for example require such information to inform the site selection process, EIA process and mitigation plans, to ensure appropriate protection of marine cultural heritage in alignment with Historic Scotland's requirements. Publication of HMPA/designation guidelines, particularly with regard to marine planning and licensing requirements, is required and should be made a priority action.

Question 3 – Do you agree with the strategy or have any suggestions as to how it could be improved?

Objective 1

- The dissemination and sharing of information will be key to marine renewable developers being able to effectively plan future developments, to map and characterise marine heritage through the EIA process, and to then manage appropriately any mitigation strategies that may be required. Also key to this however is timing and as such we would recommend that this objective has a timeliness element to it.
- It is good that Historic Scotland will 'draw on the lessons learnt' from the *Scottish marine historic environment data audit*. It is important the data gaps identified by this study are acknowledged and that the Action Plan 2011-2012 includes actions in line with the recommendations of this report to improve the quality and quantity of information available on marine heritage. This will help to ensure that

Historic Scotland's requirements are met effectively by users and developers of the marine environment. Undoubtedly this will require support and investment by Historic Scotland in the immediate term, but as acknowledged in the consultation, there are obvious ways of reducing costs by collaborating with other governmental and non-governmental organisations already performing marine surveys. Historic Scotland's and the Scottish Government's commitment to this investment is an imperative pre-requisite to sound marine heritage protection and future marine planning and helps to de-risk the development of a marine renewable industry in Scotland, in line with the Scottish Government's ambitious goals for this sector.

- Historic Scotland could explore the sharing of data gathered by potential marine renewable developers, however discussions would need to consider issues such as: liability for data integrity particular where data has been processed or reformatted; impact on resources (time/people/cost) for any processing that may be required to make accessible for other users; protection when/where data is commercially sensitive or when an application decision is pending; whether data is supplied to Historic Scotland and Marine Scotland only or is made available to a wider or public audience.

Objective 2/General document

4. The Action Plan will apparently be for financial year 2011-2012 – is this a typo and you mean 2012-2013?
5. It is good to see that the Action Plan for the financial year will be updated annually over the strategy term with reports on progress against actions from the previous year – will such progress reports be made publically available? It would be useful for marine renewable developers to see progress in order to keep on track with Historic Scotland's thinking and to therefore be able to respond with relevant/current information through the EIA process. If new designations are planned then as soon as this is known, marine renewable developers would appreciate notification – the earlier developers are made aware of potential designations, the sooner they can be given due consideration. Also, we believe stakeholder involvement in the decision-making process would be beneficial to all.

Objective 3 ('to make effective use of mechanisms provided by marine planning and marine licensing systems to guide the sustainable development of offshore resources' on pg6)

6. Historic Scotland's engagement in the marine planning and licensing system is important to ensure that marine renewable developers are able to effectively assess the potential impacts of renewable developments on marine cultural heritage, and to mitigate and manage any relevant interactions with sites of cultural interest in an acceptable manner. Historic Scotland's participation in the Marine Scotland streamlined licensing system is crucial to timely and effective consultation on and the planning of developments. Any requirements placed on developers, must be fit for purpose and relevant for the development being proposed. Further it is crucial that such requirements do not financially inhibit the development of the marine renewable industry.
7. The decision to assign HMPAs and/or other marine cultural protected designations, should be cognisant of the needs of other marine users. Ultimately, designations should not spatially constrict the marine renewables industry to the point of hindering its development of the industry in Scotland.

Objective 4

8. Specifically, to 'improve understanding of the processes and operations that impact on marine heritage sites...': it will be useful for this understanding to be shared publically, as there may be technical expertise that can be reciprocated. By sharing an understanding of marine processes with the broad spectrum of stakeholders and marine environment users, creative and innovative solutions to the protection of cultural heritage are more likely to be identified. Historic Scotland should consider not solely focus on identifying negative impacts of marine activities, but should equally explore positive interactions, e.g. activities that may assist in erosion defence.

Objective 5 and Objective 6

9. Specifically, 'to promote information ... about HMPAs' and 'to develop awareness and capacity amongst professional organisations and amateur groups through targeted training and outreach'. This is very encouraging and the Site Development team at Aquamarine Power and specialist contractors involved in carrying out offshore EIAs would be interested in also receiving such education so as to better assess and respond to any Marine Heritage concerns through the EIA process. Aquamarine Power would specifically welcome a Renewables Industry guidance workshop and would like to suggest this as a priority action.

Question 4 – Do you have any suggestions in relation to the priorities identified for 2011-12?

Question 4 – Do you have any suggestions in relation to the priorities identified for 2011-12?

1. No further suggestions beyond the incorporation of those comments made above.
2. Publication of HMPA/designation guidelines, particularly with regard to marine planning and licensing requirements, is required and should be made a priority action. (See our point 5 above.)
3. Hosting a Renewables Industry specific workshop; potentially to assist with the publication of the guidelines suggested above (in point 13).
4. Aquamarine Power is encouraged to see priorities relating to EIA and Marine Scotland Licensing Team.