

# Consultation Response

## Draft Updated Sectoral Marine Plan for Offshore Wind Energy

August 2025



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## Introduction

The Law Society of Scotland is the professional body for over 13,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Marine law sub-committee welcomes the opportunity to consider and respond to the Scottish Government consultation: Draft Updated Sectoral Marine Plan for Offshore Wind Energy. The sub-committee has the following comments to put forward for consideration.

## Questions

Question 1. Do you agree that up to 1 Gigawatt (GW) of Test and Demonstration projects should be included within the scope of the updated Plan? Please provide any comments you have on their inclusion or proposed parameters.

Extract from "Parameters - Test and Demonstration Projects" section of the draft updated Sectoral Marine Plan for Offshore Wind Energy

Yes

No

Don't Know

Please give your views here.

We have no comments.

Question 2. Do you have any comments on how the benefits of offshore wind development could be maximised? If referring to development within a certain region, please specify.

Please give your views here.

We have no comments.

Question 3. Do you have any comments on how social impacts could be mitigated?

Further information can be found in the "Key Outcomes of Plan Level Assessments" and "Implementation of Mitigation Measures" sections of the draft plan, and in the plan-level social and economic impact assessments.

Please give your views here.

We have no specific comments on how social impacts could be mitigated. We note the Scottish Government's 2022 publication 'Offshore renewable energy: decommissioning guidance for Scottish waters' regarding operators' decommissioning obligations under the Energy Act 2004. We consider that it would be appropriate for this plan to specifically reference this publication clearly state the legal requirements for operators to adhere to re. decommissioning.

Question 4. Do you have any comments on how economic impacts could be mitigated?

Extract from the "Implementation of Mitigation Measures" section of the draft updated Sectoral Marine Plan for Offshore Wind Energy

Further information can be found in the "Key Outcomes of Plan Level Assessments" and "Implementation of Mitigation Measures" sections of the draft plan, and in the plan-level social and economic impact assessments.

Please give your views here.

We have no comments.

Question 5. Do you have any comments on how environmental impacts could be mitigated?

Extract from the "Implementation of Mitigation Measures" section of the draft updated Sectoral Marine Plan for Offshore Wind Energy

Further information can be found in the "Key Outcomes of Plan Level Assessments" and "Implementation of Mitigation Measures" sections of the draft plan, and in the plan-level environmental assessments.

Please give your views here.

As per our answer to question 3, we consider it appropriate that the plan reference the Scottish Government's guidance on decommissioning in relation to wind turbines, given the potential negative environmental impact that decommissioning can have if done incorrectly.

6. Do you think the monitoring of environmental impacts of the draft Plan should be overseen by existing expert groups, or should a new expert advisory group be established for this purpose?

Extracts from the "Monitoring" and "Governance" sections of the draft updated Sectoral Marine Plan for Offshore Wind Energy

Further information can be found in the "Monitoring" and "Governance" sections of the draft plan.

Existing group(s)

New group(s)

Don't know

Please give your views here.

We have no comments.

7. Do you have any comments on the proposed changes to the SMP-OWE governance structure?

Extract from the "Governance" section of the draft updated Sectoral Marine Plan for Offshore Wind Energy

Further information can be found in the "Governance" section of the draft plan.

Please give your views here.

We have no comments.

8. Do you have any suggestions for how evidence should be shared and/or fed into strategic research programmes?

Extract from the "Evidence" section of the draft updated Sectoral Marine Plan for Offshore Wind Energy

Further information can be found in the "Evidence" section of the draft plan.

Please give your views here.

We have no comments.

9. Do you agree with the approach proposed to remove the iterative plan review process and replace it with the stated evidence and future planning proposals?

Extract from "Future Planning" section of draft updated Sectoral Marine Plan for Offshore Wind Energy

Further information can be found in the "Future Planning" section of the draft plan.

Yes

No

Don't know

Please give your views here.

We have no comments.

10. If you have any further comments or points that you think should be taken into account in the plan, please provide those below.

We have no comments.

11. A policy review has identified that no aspects of the draft plan will impact on children's rights, as outlined briefly in Annex C. Do you agree with these findings? If you have identified any impacts on children's rights and/or wellbeing, please explain.

Extract from Annex C of the draft updated Sectoral Marine Plan for Offshore Wind Energy

Yes

No

Don't know

If you have identified any impacts on children's rights and/or wellbeing, please explain.

We have no comments.

12. Do you have any comments on the partial Business and Regulatory Impact Assessment?

Please ensure you have read the partial Business and Regulatory Impact Assessment.

Please give your views here.

We have no comments.

13. Do you have any comments on the partial Island Communities Impact Assessment?

Please ensure you have read the partial Island Communities Impact Assessment.

Please give your views here.

We have no comments.



14. Do you have any comments on the Strategic Environmental Assessment Environmental Report?

Please ensure you have read the Strategic Environmental Assessment Environmental Report.

Please give your views here.

We have no comments.

15. Do you have any comments on the Habitats Regulations Appraisal Appropriate Assessment Information Report?

Please ensure you have read the Habitats Regulations Appraisal Appropriate Assessment Information Report.

Please give your views here.

We have no comments.

16. Do you have any comments on the Social and Economic Impact Assessment?

Please ensure you have read the Social and Economic Impact Assessment report.

Please give your views here.

We have no comments.

17. Do you have any comments on the Nature Conservation Marine Protected Area Assessment?

Please ensure you have read the Nature Conservation Marine Protected Area Assessment report.

Please give your views here.

We have no comments.

18. Do you have any comments on the Sustainability Appraisal report?

Please ensure you have read the Sustainability Appraisal report.

Please give your views here.

We have no comments.

19. Do you have any comments on the Regional Locational Guidance?

Please ensure you have read the Regional Locational Guidance.

Please give your views here.

We have no comments.



For further information, please contact:

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