

**TITLE: Proposed response to Scottish Government Consultation on a draft National Marine Plan for Scotland**

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**1. SUMMARY**

- 1.1 The Scottish Government is consulting on a draft National Marine Plan for Scotland. This plan aims to provide a single overarching framework for all activity which takes place in Scottish marine waters. The Plan sets out Scottish Ministers' objectives for marine environment and national policies for sustainable development.
- 1.2 The Plan contains general policies designed to ensure that future decisions lead to sustainable economic growth which is sensitive to the environment, other users and the long-term health of the seas. It also contains specific policies for certain activities, relating to economic productivity, environmental limits, interactions with other users and climate change.
- 1.3 The following consultation documents are available on the Scottish Government website:
- [Draft National Marine Plan](#)
  - [Draft Planning Circular](#)
  - [Sustainability Appraisal](#)
- 1.4 This report outlines the context for the National Marine Plan, its scope and objectives, how the marine planning system will interact with terrestrial planning and details the key issues that have formed a proposed Council response in **Appendices 1 & 2**.

**2. RECOMMENDATION**

- 2.1 It is recommended that Members:
- (i) Note the content of the report; and
  - (ii) Approve **Appendices 1 & 2** as the Council's formal response to the Scottish Government consultation on a National Marine Plan for Scotland.

**3. BACKGROUND**

- 3.1 The National Marine Plan sets out strategic policies for the sustainable use of Scotland's marine resources out to 200 nautical miles. It conforms with the overarching direction provided by the UK Marine Policy Statement (MPS). A marine plan for Scottish inshore waters and a marine plan covering Scottish offshore waters is published in one document, referred to as the "National Marine Plan", which is comprised of two plans made under two separate pieces of legislation.
- 3.2 Marine planning will be implemented at a local level within Scottish Marine Regions sea area extending out to 12 nautical miles. Within these regions, Regional Marine Plans will be developed by Marine Planning Partnerships to take account of local circumstances and smaller ecosystem units. They will be developed in accordance with the National Marine Plan and MPS to ensure they are consistent with national objectives and priorities. Regional Marine Plans will be subject to adoption by Scottish Ministers.

- 3.3 Public authorities must take authorisation or enforcement decisions in accordance with the National Marine Plan, unless relevant considerations indicate otherwise. They must also have regard to the Plan in taking other decisions if they impact on the marine area. The National Marine Plan therefore gives direction to a wide range of marine decisions and consents made by public bodies, including planning authorities and the Crown Estate.
- 3.4 Examples of where the National Marine Plan will give direction to marine decisions and consents made by public bodies include:
- **Aquaculture development consents:** Development consents for aquaculture development in marine waters are authorised by planning authorities under the Town and Country Planning Act. Planning legislation has been amended to require planning authorities to give consideration to marine plans when developing strategic and local development plans.
  - **Ports and Harbours:** Powers giving Port and Harbour authorities considerable autonomy over their area of jurisdiction (terrestrial and marine) will be exercised in accordance with the National Marine Plan.
  - **Marine planning and licensing:** Certain activities in the marine area, such as most deposits to, and removals from the sea and seabed, construction works, dredging, and the use of explosives require a marine licence. The National Marine Plan will provide an overarching framework outlining how marine decisions should be made.
- 3.5 The National Marine Plan includes 'General Policies' which apply to all decisions made in the marine environment and are relevant to all sectors. They implement the Plan's strategic objectives and describe the parameters within which development and activities can take place, ensuring that sustainable economic growth and sustainable development remain a priority so long as they are undertaken in a manner which is sensitive to the environment, other users and the long-term health of the resource.
- 3.6 Sector specific marine planning policies are also presented in the sectoral chapters. Sectors include: Fisheries, Aquaculture, Wild Salmon, Oil and Gas, Carbon Capture and Storage, Renewables, Recreation and Tourism, Transport, Telecommunications, Defence and Aggregates.

#### 4. INTERACTION WITH TERRESTRIAL PLANNING

- 4.1 Developments and activities such as aquaculture, renewables, fisheries and many recreational activities have terrestrial as well as marine components. Integration between marine and terrestrial planning will be important and will be achieved through consistency of policy, guidance, plans and decisions, and local authorities will be represented within Marine Planning Partnerships. Planning legislation has been amended to require terrestrial planning authorities to give consideration to marine plans which apply to adjacent inshore waters, when developing strategic and local development plans.
- 4.2 The Scottish Government has produced a circular which explores the linkages between the marine and terrestrial planning systems and provides guidance about joint working. The Circular is in draft form, and accompanies the consultation on the draft National Marine Plan for Scotland.
- 4.3 The Council will need to take account of the UK Marine Policy Statement, National Marine Plan, and subsequent Regional Marine Plans when developing our Local Development Plan and supporting supplementary guidance, and making decisions on planning applications that could affect the marine environment.

## 5. MAIN POINTS FOR CONSULTATION RESPONSE

- 5.1 Officers from Economic Development and Planning and Regulatory Services have been consulted in the preparation of this report and a draft response to the consultation questions listed in **Appendices 1 & 2** of this report.

### Overall view of National Marine Plan

- 5.2 The draft NMP is a significantly improved document from the pre-consultation draft which the Council commented on in 2011. Most of our comments on the earlier draft have been taken on board in the current draft Plan, in particular: improvements in general policies for development; inclusion of specific policy for each sector; increased use of maps to reflect the spatial nature of issues and policies; and identification of significant potential for marine renewable development in Argyll coastal waters.

### Plan Objectives

- 5.3 The Plan's strategic objectives are largely the same as in the previous pre-consultation draft, with the welcome addition of specific objectives for climate change. On the whole these objectives are considered appropriate with the exception of objective HLMO9 which suggests that the sea only plays a significant role in island or peripheral communities. This is not the case in Argyll and Bute where the majority of our settlements are on the coast with the marine environment being of significant economic and social importance with potential for this to grow in many areas.

### General Policies

- 5.4 The introductory chapter outlining the approach to policies is welcomed which clearly sets out how policies were developed and how they should be used. The General Policies in the draft Plan are an improvement on the earlier draft plan but some minor amendments are recommended which will provide additional clarity and ensure consistency in interpretation of these policies.

### Sectoral Chapters

- 5.5 The sectoral policies are a welcomed addition to the plan and are considered essential in providing guidance for future sustainable development in Scottish seas. Further clarification is needed as to the timescales allocated for specific sector objectives, in relation to definitions for 'immediate', 'future' and 'longer term'. Specific comments on individual policies are detailed in **Appendix 1** including recommendations to improve clarity and consistency between marine and terrestrial policy.

- 5.6 The pre-consultation draft of the National Marine Plan discussed the preliminary identification of possible 'Fisheries Dependent Regions' where there were high fisheries dependence levels in terms of employment in fishing, fish processing and aquaculture, as a proportion of all employment occurring in the area. The current draft Plan does not mention these areas, which if identified could help to channel European funds appropriately to communities that most rely on fishing and aquaculture.

### Recognition of important sectors and challenges in Argyll and Bute

- 5.7 In general the draft Plan recognises the marine and coastal sectors that are important in Argyll and Bute and the challenges they face. Where the Council is supportive of particular sectoral challenges and objectives, and where greater recognition of regional differences relevant to Argyll and Bute is required, this is highlighted in the proposed response (see **Appendix 1**).

### Integration between marine and terrestrial planning

- 5.8 The publication of a draft circular which explores the linkages between marine and terrestrial planning systems is welcomed, as is specific reference in the circular and draft Plan to the need for policy integration with the National Planning Framework 3 and Scottish Planning Policy.

- 5.9 The draft circular identifies that local authorities will have a key role in the development of marine and terrestrial plans and that having one or more officials who are closely involved in both processes will be desirable. Local authorities with a coastal boundary will most definitely have a key role in the development of regional marine plans and it is agreed that for proper integration to occur that local authorities will need to have one or more officials closely involved in both planning processes.
- 5.10 Scottish Ministers will be able to direct that planning permission is deemed to be granted for the ancillary onshore components and related infrastructure for a marine renewable energy development, under Section 36 of the Electricity Act. The principle concern here is that decisions will be taken on major projects that have the potential to bring significant economic, social and environmental impacts on adjacent areas with very little local input. Given the transformational potential of some of these projects they need to be given a level of local scrutiny that is also funded through an element of the terrestrial planning fee.
- 5.11 The draft circular identifies an expectation that regional marine plans will provide the principal spatial framework to guide aquaculture development in the future despite the fact that planning authorities currently produce such guidance and will continue to grant planning permission for this form of development. Marine plans may be well placed to provide spatial guidance on aquaculture development in relation to specific marine criteria or constraints but not necessarily criteria such as landscape and historic interests. As long as planning authorities are the decision making body then both marine and terrestrial plans should provide policy and guidance for aquaculture development.

Consistency with Argyll and Bute planning policy and priorities

- 5.12 The Council will have to ensure that our Local Development Plan is consistent with and complements the National Marine Plan, but also make the most of any opportunities to influence both the National and relevant Regional Marine Plans to ensure they are consistent with our own development policy and corporate priorities where possible. In general the challenges, objectives and policy guidance detailed in the draft Plan are considered to be consistent with the Councils current policy and priorities.

**5. CONCLUSION**

- 5.1 There is no doubt as to the quality and diversity of Argyll and Bute's coast and inshore waters, making our coastal area one of our prime assets which requires protection and wise management and is critical to our economic success. It is therefore vital that this resource is used sustainably and the Council welcomes the opportunity to comment on a much improved draft National Marine Plan for Scotland.

**6. IMPLICATIONS**

**Policy:** Positively influencing the development of Scotland's National Marine Plan assists the Council deliver its commitments and SOA local outcomes for the economy, communities and environment.

The Council will have to ensure that our Local Development Plan is consistent with and complements the National Marine Plan, and ensure that National and relevant Regional Marine Plans are consistent with our own development policy and corporate priorities where possible.

**Financial:** None.

**Personnel:** None.

**Equal Opportunities:** None.

**Legal:** Public authorities must take authorisation or enforcement decisions in accordance with the National Marine Plan, unless relevant considerations indicate otherwise. They must also have regard to the Plan in taking other decisions if they impact on the marine area.

**Risk:** None.

**Customer Service:** None.

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## **APPENDIX 1 – PROPOSED RESPONSE TO NATIONAL MARINE PLAN CONSULTATION**

### **Q1. Does the NMP appropriately guide management of Scotland's marine resources?**

Argyll and Bute Council welcome the publication of the draft National Marine Plan (NMP) as a positive national level framework to guide sustainable use and development of Scotland's seas. The draft Plan is considered a significantly improved document from the pre-consultation draft with greater policy detail to guide sustainable use and future management of marine resources.

The Council welcomes the ambitious set of objectives and priorities identified in the NMP, but is concerned about the ability of Marine Scotland to effectively implement and monitor the plan and oversee the development of regional marine planning within existing resources.

### **Q2. Does the NMP appropriately set out the requirement for integration between marine planning and land use planning systems?**

No. Page 10 of the NMP ('Marine planning and terrestrial planning' section) briefly highlights that integration is important for both policy development and decision making. The stated reason for this requirement is that certain developments have marine and terrestrial components. It should also be stated that major marine developments can have wider implications for infrastructure and service provision in adjacent coastal communities, therefore, fully integrated community, service and development planning is essential and should be supported by the Scottish Government.

The potential requirement for a marine licence and planning permission in the intertidal zone should be highlighted.

The publication of a draft circular which explores the linkages between marine and terrestrial planning systems is welcomed, as is specific reference in the circular and NMP to the need for policy integration with the National Planning Framework 3 (NPF3) and Scottish Planning Policy. Whilst it is recognised that both the Marine Plan and NPF3 have been developed through separate processes it is important to ensure clarity of policy and objectives in the final documents. Issues that are covered jointly, such as grid enhancements should be presented in a consistent way.

The draft circular identifies an expectation that regional marine plans will provide the principal spatial framework to guide aquaculture development in the future with no recognition of the detailed aquaculture planning guidance that has already been developed by local authorities. While it is acknowledged that future Regional Marine Plans should play a role in providing spatial guidance for aquaculture development, the Council considers that as long as terrestrial planning authorities are the decision making body for development consent, then both marine and terrestrial plans should provide policy and guidance for aquaculture development.

Chapter 3 of the NMP makes reference to the Planning Circular as guidance on integration between marine and terrestrial planning systems but it is suggested that further emphasis on the need for this integration would also be helpful in the sectoral chapters.

### **Q3. Does the NMP appropriately guide development of regional marine planning? What, if any, further guidance is required for regional marine planners in terms of implementation and how to interpret the NMP?**

The NMP vision, objectives and strategic policy guidance provide an appropriate framework within which regional marine plans can be developed. It is suggested that Chapter 2 of the NMP could

be expanded to include further clarity on the minimum content of regional marine plans; how reserved matters should be considered; and provide a clear timetable for the establishment of Marine Planning Partnerships and Regional Marine Plans across Scotland. The latter is important in ensuring adequate resources are available within local authorities to engage meaningfully in the preparation of regional marine plans.

The Scottish Government should consider developing further policy and guidance to support the preparation of RMPs, in addition to the policies in the NMP.

**Q4. The Marine Regional Boundaries Consultation proposed that in addition to regional marine planning, further integrated management of key marine areas would be achieved by designating the Pentland Firth; the Minches and the mouth of the Clyde as Strategic Sea Areas.**

**Should the NMP set out specific marine planning policies for Strategic Sea Areas?**

The Council is not convinced that the mouth of the Clyde would benefit from designation as a Strategic Sea Area and considers that any key cross-border issues could be dealt with appropriately by the relevant regional marine plan, avoiding an unnecessary additional layer of bureaucracy. The NMP should however identify the need for individual Marine Planning Partnerships to work across regional marine planning boundaries and provide a steer as to how this would work, as has been done for working across the marine/terrestrial boundary.

**Q5. Are the objectives and policies in the NMP appropriate to ensure they further the achievement of sustainable development, including protection and, where appropriate, enhancement of the health of the sea?**

Yes, on the whole, the objectives are considered appropriate but monitoring of progress against the objectives will be required. The addition of specific objectives for climate change is welcomed. Objective HLMO9 suggests that the sea only plays a significant role in island or peripheral communities. This is not the case in Argyll and Bute where the majority of our settlements are on the coast with the marine environment being of significant economic and social importance to all of our coastal communities, with significant potential for this to grow in many areas.

**Q6. Chapter 3 sets out strategic objectives for the National Marine Plan and Chapters 6 – 16 sets out sector specific marine objectives.**

**Is this the best approach to setting economic, social and marine ecosystem objectives and objectives relating to the mitigation of and, adaptation to climate change?**

This approach is considered appropriate. The organisation of the large number of strategic objectives under specific headings makes it easier to understand and presenting sectoral objectives under each sectoral chapter is logical and straightforward for users of the plan. However, it is important that the plan's strategic objectives are compatible with the sector specific objectives and policies.

While the Council supports multiple use of marine space, with increasing pressure on the use of the marine environment there may be instances where marine planning will need to prioritise one activity over another. There will undoubtedly be some conflict between objectives identified for each sector and it is considered that the final National Marine Plan should provide guidance on relevant priorities where needed. Related to this point is the statement in the draft plan, that the 'Scottish marine planning system should promote development and activities that support sustainable economic growth.' While the Council supports sustainable economic growth of our key marine sectors it is important that this is not at the expense of established activities that have socio-economic value to coastal communities.

**Q7. Do you have any other comments on Chapters 1 – 3?**

The draft plan document does not identify the time period the plan covers and how often it will be reviewed and updated. The only reference to timescale is given in the Sustainability Appraisal which states that the NMP is a 5 year plan.

The Council welcomes the NMP as a framework for sustainable use and development of the marine environment and supports its vision and strategic objectives. We also support the need for marine plans to adopt an 'adaptive management approach', identified in Chapter 3, which will enable modifications to plans in response to new information or unexpected impacts.

The Council has the following comments on specific strategic objectives:

- Objective HLMO14 should be reworded as everyone with a stake in the marine environment may not want to or be able to input to decision making. The objective should be amended to state that everyone should have an opportunity to input into decision making.
- It is not clear why objective HLMO refers only to marine cultural heritage. Surely this objective should include both marine natural and cultural heritage.

The NMP and subsequent regional marine plans, developed through local involvement and public consultation, should provide a sound framework for sustainable economic investment and good future decision making. In the implementation phase of the plan and when considering marine licence applications and marine renewable energy developments it is important that decision making is transparent and that information is readily available and shared between planning agencies and local communities. The terrestrial planning systems offers good practice in this regard.

**General Planning Policies**

**Q8. Are the general policies in Chapter 4 appropriate to ensure an approach of sustainable development and use of the marine area? Are there alternative policies that you think should be included? Are the policies on integration with other planning systems appropriate? A draft circular on the integration with terrestrial planning has also been published - would further guidance be useful?**

The Council welcomes the inclusion of the overarching general policies which are considered generally to be consistent with relevant Argyll and Bute Council Local Development Plan (LDP) policy and existing local marine plans. The introductory chapter outlining the approach to policies is welcomed which clearly sets out how policies were developed and how they should be used.

The Council does however feel that the general policies could be more specific and address in more detail how the policies can be delivered i.e. set out factors to be balanced in decision making. In addition it would be useful to have a title for each policy which identifies its purpose and for policies to cross reference to relevant NMP objectives which would demonstrate the delivery of the Plan's objectives.

The terms 'planning authorities' and 'planners' are identified throughout the NMP, in particular in the General Policy section. Clarification is needed as to whether these terms relate to both marine and terrestrial planning authorities and planners or whether they relate solely to terrestrial planning authorities and planners. It is assumed that the former is the case.

The Council recommends some minor amendments to the following general policies which will provide additional clarity and ensure consistency in interpretation of these policies.

GEN 1 – This policy should define sustainable development and use.



GEN 4 – Further clarification is required as to what the term ‘scenario mapping’ would encompass.

GEN 7 - This policy needs to be clear as to which plans need to integrate and comply with other statutory plans. Presumably, the policy is referring to Regional Marine Plans (RMP), if so, this should be stated. Furthermore, this policy should be linked to Chapter 1 with a full explanation of the NMP’s relationship to other plans and policies. The policy should also explain what is meant by ‘*relevant non statutory plans*’.

GEN 8 – The Council fully supports this objective but feels that the marine licensing process could be more transparent and follow changes to the terrestrial planning system which allows online public access to all application documents, representations from the public and consultees and a detailed decision notice on the application providing the reasoning for the final decision.

GEN 12 - The supporting text of this policy principle does not identify what habitats or species would be considered as being of conservation concern. If this is encompassed by Priority Marine Features then it is suggested that this is identified in the policy principle box for clarification. Otherwise the policy could be open to individual’s interpretation of what is of conservation concern. A definitive list of the protected areas that are material to licensing decisions should also be clearly set out in this policy. The policy should address the status of all international, national and local designations in decision making and the relevant protected species legislation and associated schedules should be referenced.

GEN 14 – This landscape policy is welcomed but should be strengthened to acknowledge the importance of regional and local landscape designations. The wording of the last paragraph could be amended to read - ....*important that marine plans are consistent with terrestrial plans and seek to maintain and enhance **local** distinctive character and qualities.*

GEN 16 - When assessing the effects of noise from a proposed development on coastal communities or sensitive land-based receptors, the likely noise levels from the proposed development should be considered against background noise levels.

GEN 17 – The Council would like clarification as to which climate change emissions scenario the NMP is working to, and expecting regional marine plans to consider.

**Q9. Is the marine planning policy for landscape and seascape an appropriate approach?**

The Council welcomes this approach and given the significance of the landscape and seascape to the local economy of Argyll and Bute, the Council would welcome the opportunity to be informed and comment on relevant marine licence or offshore renewable proposals. The Council would like to draw Marine Scotland’s attention to the recently completed study on Landscape/Seascape for the entire area of the Firth of Clyde and landscape/seascape capacity assessments for future aquaculture development which have informed policy guidance for aquaculture development in Loch Fyne, Loch Etive and the Sound of Mull.

**Q10. Are there alternative general policies that you think should be included in Chapter 4?**

No

**Guide to Sector Chapters**

**Q11. Do you have any comments on Chapter 5?**

**Are there other sectors which you think should be covered by the National Marine Plan?**

Chapter 5 appears to cover all relevant sectors. The sectoral policies are a welcomed addition to the plan and are considered essential in providing guidance for future sustainable development in Scottish seas. Further clarification is needed as to the timescales allocated for specific sector objectives, in relation to definitions for 'immediate', 'future' and 'longer term'.

## **Sea Fisheries**

### **Q12. Do you have any comments on Sea Fisheries, Chapter 6?**

Inshore fishing is of significant cultural and economic importance and is a key component of the rural economy of Argyll and Bute and with over 500 people employed in the catching sector making Argyll and Bute a high fishing-dependent region.

The Council welcomes reference to the Government Economic Strategy which defines Food and Drink, including fisheries, as a growth sector. Food and Drink, including the primary sectors of agriculture, aquaculture and fishing, and associated processing activities is of vital importance to the economic base and social fabric of communities within Argyll and Bute and is a priority growth sector in the Argyll and Bute Economic Development Action Plan. The Council is therefore supportive of objectives and policy which facilitate the sustainable development of these food industries allowing the retention and creation of jobs in remote, fragile, rural, coastal and island-based communities of Argyll and Bute.

The pre-consultation draft of the National Marine Plan discussed the preliminary identification of possible 'Fisheries Dependent Regions' where there were high fisheries dependence levels in terms of employment in fishing, fish processing and aquaculture, as a proportion of all employment occurring in the area. The current draft Plan does not mention these areas, which if identified could help to channel European funds appropriately to communities that most rely on fishing and aquaculture.

Policy FISHERIES 8 – While the inclusion of this policy is welcomed, it is not clear whether the policy is relevant only to the largest scale developments such as offshore marine renewables or whether it also relates to smaller scale developments including aquaculture, which can also restrict an area of seabed from commercial fishing. Further guidance on how each bullet point should be assessed would be helpful.

Map 8 – The fisheries closures in the Firth of Lorn and Loch Creran are not shown on this map.

### **Q13. Are there alternative planning policies that you think should be included in this Chapter?**

The Council is keen to ensure that any new European fisheries policies or national fisheries management measures are developed and implemented with clear understanding of their environmental and socio-economic implications at a national and local scale.

## **Aquaculture**

### **Q14. Does Chapter 7 appropriately set out the relationship between terrestrial and marine planning for Aquaculture? Are there any planning changes which might be included to optimise the future sustainable development of aquaculture?**

To reduce complexity and ensure consistency, the Council considers that seaweed farming as a form of aquaculture should be brought under local authority planning control by amending the definition of "fish farming" in the Town and Country Planning Act 1997 ('the 1997 Act') to include seaweed.

### Q15. Do you have any comments on Aquaculture, Chapter 7?

Aquaculture is a very important industry for Argyll and Bute, in particular for our west coast and islands, where many communities depend on the employment and revenue it provides. While there is a clear need for an increase in sustainable aquaculture production to meet a growing demand for seafood it is considered that the objective to increase finfish production by 50% and shellfish production by 100% at the same time will be challenging, particularly given restrictions for finfish development on the north and east coast.

Argyll and Bute Council is supportive of the objectives and planning policies for Aquaculture, which are all relevant to the environmental and economic sustainability of the industry in Argyll and Bute.

The Council is concerned to see the Pacific Oyster singled out for inclusion in the chapter. It is our belief that biosecurity is a cross sectoral and cross species issue.

#### Key Issue 'Living within environmental limits'

- The need to ensure shellfish farms are located so that they do not negatively affect carrying capacity of the environment is identified. Consideration of carrying capacity is as relevant for finfish development as it is for shellfish.
- This section states that 'Visual impacts from aquaculture developments should be minimised and sympathetic to Scotland's scenic landscapes and historic environments.' This is considered a poor statement as landscape/seascape qualities are much wider than just scenic quality i.e. also includes remoteness and wildness.

**Map 10** requires more description as to what the different categories mean and also that the locational guidelines are only based on nutrient enhancement and benthic impact and that these guidelines only cover enclosed water bodies such as voes and sealochs.

**AQUACULTURE 2:** While this policy reflects current Scottish Planning Policy (SPP), the Council has significant concerns over the zoning of areas for aquaculture development, which were highlighted in our response to the review of SPP earlier this year. We consider that such an approach does not give industry greater clarity and can end up with a more restrictive policy framework than that provided by a detailed criteria-based approach. The latter is also supported by the aquaculture industry in Argyll and Bute.

**AQUACULTURE 5:** This policy identifies a presumption that future expansion of the shellfish sector should be located in designated shellfish waters. It is the Council's view that just because an area has good water quality it cannot be automatically expected that the area will have significant capacity to support new development. There are many other criteria and constraints to consider alongside water quality and there will be many areas outwith existing shellfish waters where water quality is of an equally high standard.

The NMP should explain how the Marine Scotland Science study on spatial opportunities and constraints will be used and what the implications of the study will be for LDPs and RMPs i.e. will the study form part of Scottish Government policy that LDPs and RMPs will have to conform with; will it inform NMP policy; will it inform the preparation of a sectoral plan for aquaculture; and will the study be Scotland wide?

**AQUACULTURE 8:** This policy identifies that operators and regulators should continue to utilise a risk based approach to the location of fish farms and potential impacts on wild fish and the wider environment. We support a risk based approach and hope that future Marine Scotland Science advice to planning authorities can follow this approach. It is important to note however that some locational criteria such as landscape are not appropriate for consideration under a risk based approach.

**AQUACULTURE 10:** This policy states that fish farm operators should carry out pre-application discussion and consultation and engage with local communities to seek their support in advance of submitting an application. This policy should also state that consultation should occur with the consenting authority and wider stakeholders.

**Q16. Are there alternative planning policies that you think should be included in this Chapter?**

There is no policy that states that developers and decision making bodies should take account of relevant policy and guidance in marine and terrestrial plans.

### **Wild Salmon and Migratory Fish**

**Q17. Do you have any comments on Wild Salmon and Migratory Fish, Chapter 8?**

The need for improved data on stock structure, distribution, abundance, population dynamics, and migratory routes, including the impacts of development and use of the marine environment on migratory fish species is welcomed. This will allow for fuller consideration of environmental concerns in the licensing of marine finfish aquaculture and development of spatial planning guidance.

**Q18. Are there alternative planning policies that you think should be included in this Chapter?**

No comment

### **Oil & Gas**

**Q19. Do you have any comments on Oil and Gas, Chapter 9?**

No

**Q20. Are there alternative planning policies that you think should be included in this Chapter?**

No comment

### **Carbon Capture & Storage (CCS)**

**Q21. Do you have any comments on Carbon Capture and Storage, Chapter 10?**

No

**Q22. Are there alternative planning policies that you think should be included in this Chapter?**

No comment

### **Offshore Renewable Energy**

**Q23. Should the NMP incorporate spatial information for Sectoral Marine Plans?**

Yes. It is essential that the National Marine Plan guides the Sectoral Marine Plans and provides an overview of the spatial areas identified as the sectoral plans are developed and details of grid infrastructure projects and proposals.

It would also be useful to include text which explains the nature of the spatial information i.e. that the areas identified are for large scale projects and this will not preclude the development of small scale projects in other areas.

#### **Q24. Do you have any comments on Offshore Renewable Energy, Chapter 11?**

Argyll and Bute has a significant renewable energy resource which if harnessed and managed correctly could offer significant economic opportunities for Argyll and Bute. The Council is generally supportive of the objectives and the 'marine planning policies' for this sector, providing the sector is developed in a sustainable manner, and ensuring that there is maximum local benefit to our communities.

##### **Integration between marine development and associated onshore infrastructure**

We consider that a key objective is missing for integrating marine developments with required onshore infrastructure including grid infrastructure, port infrastructure, housing etc. The Recreation & Tourism chapter includes such an objective, which is considered even more important for the Renewables sector.

Little reference is made to the necessary onshore infrastructure and development that is needed to support growth of the marine renewable sector and the need for close working and integration between marine plans and terrestrial development plans to ensure a sustainable approach to the wider development of this sector. With this point in mind, it is considered that an additional planning policy is needed which states the requirement for close integration and joint working between marine and terrestrial planning authorities to ensure consideration of both marine and onshore requirements.

Greater links need to be made to the required onshore infrastructure to support marine renewable development outlined in NRIP and NPF3. There is a need to ensure consistency in the mapping of issues (renewable areas and grid infrastructure) within NPF3 and the NMP. This specifically relates to differences between Map14&15/ of the NMP and Map3&5 of NPF3. The map of grid enhancements should be updated to reflect proposals that can help unlock the potential of offshore renewable energy generation off Argyll and Bute's west coast - sub-sea cable links from Tiree to Oban continuing over land to Dalmally, together with sub-sea cable links connecting Islay to Kintyre's west coast to Carradale.

The descriptions of marine renewable (wave and tidal) activity in Scotland focuses solely on the Pentland Firth and Orkney Waters and does not mention the consented tidal array in the Sound of Islay and other tidal development proposals off Islay and the Mull of Kintyre.

**Key Issues: Visual Impact** – it is important to recognise that the visual impact of any development will relate to its scale and its proximity to the coast and coastal communities. This needs to be reflected in the relevant paragraph.

##### **Policies**

The Council welcomes specific policies relating to 'maximising benefits from Offshore Renewables' but feels that the wording of these policies could include greater reference to the Scottish Government's position that all of Scotland's people should benefit from offshore renewable energy projects and that our local communities should receive a direct and lasting legacy from the exploitation of our natural resources.

**Q25. Are there alternative planning policies that you think should be included in this Chapter?**

There is no policy that clearly identifies the need to take account of the likely socio-economic impacts from marine renewable development or to the importance of considering landscape impact, which is a critical economic asset to many of our communities.

There is also no policy which reflects the need to carefully examine the cumulative impact of multiple developments.

A 'Marine Licensing' policy on page 93 should explain the potential for developers to seek deemed planning consent for ancillary onshore development associated with an offshore s36 application for energy generation. This policy should explain how and when Planning Authorities and local communities will be consulted in this consenting process.

Please also see comments under Q24 relating to the need for policy covering the integration between marine and land based components of marine renewable development.

**Recreation and Tourism**

**Q26. Do you have any comments on Recreation and Tourism, Chapter 12?**

The tourism industry is one of Scotland's largest business sectors and is a significant proportion of the economy in Argyll and Bute. Argyll and Bute has an outstanding environmental quality, which is an important element in attracting new investment into the area and providing new economic opportunities such as the development of Portavadie Marina Complex and the Machrihanish Dunes Golf Course.

The Council welcomes and is supportive of the objectives and the marine planning policies for this sector and assumes that they are consistent with the National Tourism Plan.

Recognition of the west coast for its tourism, including: recreational diving; windsurfing; surfing; sea kayaking; angling; sailing, and cruising which are all significant recreational activities in Argyll and Bute is welcomed. Reference in this section to national priorities in respect of coastal path networks and long distance routes could be made. There is significant economic potential in developing these important recreational and access opportunities.

**Key issues - Recreational sea angling:** It is identified that growth of this sport could be facilitated by repairing facilities such as jetties and piers which have fallen into disrepair and addressing competition with commercial fishermen for target species. Addressing this issue is unfortunately not as simple as repairing facilities such as jetties and piers which have fallen into disrepair as the vast majority of small-scale infrastructure is privately owned and without rights of vehicular access. Availability of parking space is often a larger constraint than access to jetties and piers.

The policies are designed to address both marine tourism and marine recreation however the discussion within the chapter refers to marine recreation without reference to marine tourism at some points. It is important that these two aspects of marine use are clearly referenced and addressed throughout the NMP.

**Policy REC & TOURISM 1:** The second bullet point of this policy identifies the need to take account of effects on 'qualities important to recreational users'. This section of the NMP needs to provide a clear definition of what these qualities might be.

**Policy REC and TOURISM 2** – It will be important for marine planning authorities to work closely with terrestrial planning authorities to ensure consistency with relevant policies and planning areas identified in Local Development Plans (LDP). The proposed Argyll and Bute LDP identifies Tourism Development Areas where significant tourism opportunities are identified.

**Q27. Are there alternative planning policies that you think should be included in this Chapter?**

No

### **Transport (Shipping, Ports, Harbours & Ferries)**

**Q28. Should the NMP specifically designate national significant ports/harbours as described in Chapter 13: Marine Planning Policy Transport 2?**

It is considered that Policy Transport 2 is sufficient to protect the continued use and access to key ports without the need for designating nationally significant ports and harbours.

**Q29. Do you have any comments on Transport, Chapter 13?**

The Council recognise the importance of the marine environment of Argyll and Bute as a medium for transport particularly in light of the number of inhabited islands that we have and the fact that these are all reliant upon a ferry service to provide access to the mainland. We therefore welcome the objectives and policies in this chapter and the recognition of the importance of ports that provide essential infrastructure and facilities to support lifeline ferry services and the important role the play in supporting projected future growth in of freight traffic.

The objective to maximise the tourism potential of ports and harbours is supported but the Council considers that this objective should also encompass other key sectors such as aquaculture, fishing, and marine renewables.

This sectoral chapter identifies a range of industry sectors that use ports & harbours but do not mention the aquaculture industry which need this infrastructure for the transport of equipment, fish, fish food and harvesting operations.

Argyll and Bute Council's response to NPF3 specifically asked for the inclusion of two 'areas of coordination' for port and harbour infrastructure on the West Coast. We would like these areas represented in the NMP also.

**Q30. Are there alternative planning policies that you think should be included in this Chapter?**

No

### **Telecommunication Cables**

**Q31. Do you have any comments on telecommunications, Chapter 14?**

**Policy Telecommunication Cables 4** – This policy also needs to consider relevant Local Development Plan policies in relation to land fall sites.

**Q32. Are there alternative planning policies that you think should be included in this Chapter?**

No

### **Defence**

**Q33. Do you have any comments on Defence, Chapter 15?**

Aquaculture development should be included in the 'Interactions with other users' section as aquaculture development would not be permitted in some MOD restricted areas.

**Q34. Are there alternative planning policies that you think should be include in this Chapter?**

No comments

### **Aggregates**

**Q35. Do you have any comments on Aggregates, Chapter 16?**

No comment

**Q36. Are there alternative planning policies that you think should be included in this Chapter?**

No comments

### **Business and Regulatory**

**Q37. Please tell us about any potential economic or regulatory impacts, either positive or negative, that you think any or all of the proposals in this consultation may have.**

No comment

### **Equality**

**Q38. Do you believe that the creation of a Scottish National Marine Plan discriminates disproportionately between persons defined by age, disability, sexual orientation, gender, race and religion and belief? Yes  No**

**Q39. If you answered yes to question 23 in what way do you believe that the creation of a Scottish National Marine Plan is discriminatory?**

No comment

### **Sustainability Appraisal**

**Q40. Do have any views/comments on the Sustainability Appraisal carried out for the NMP?**

No comments



## **ANNEX 2 – PROPOSED RESPONSE TO DRAFT PLANNING CIRCULAR** (*The relationship between the statutory land use planning system and marine planning and licensing*)

### **Q1. Is the Draft Circular on the relationship between the land use and marine planning systems helpful?**

Yes. The Council welcomes this Planning Circular which provides useful guidance and is an essential tool to help establish functional working practices across the terrestrial and marine planning systems.

### **Q2. Does the Draft National Marine Plan appropriately set out the requirement for integration between marine planning and land use planning systems?**

No. The Council feel that there could be better consistency and cross referencing between the NMP, draft National Planning Framework 3 and this document. Please also see additional comments above under Question 2 for the National Marine Plan.

The Council has the following comments on specific parts of the draft Planning Circular:

- Para 19 – There is no mention that the National Marine Plan should be consistent with the National Planning Framework.
- Para 31 – In principle there are obvious benefits if key stages of the development of marine & terrestrial plans can be aligned. This is likely to be difficult, especially in areas where more than one planning authority is present adjacent to a marine region. Possibilities to align review of relevant Supplementary Guidance of Local Development Plans with key stages of marine plan development is more likely to be achievable as these documents can be reviewed and amended outwith the statutory development plan timescale.
- Para 34 – This states that ‘*...each plan should make provision for any land or sea resource and infrastructure which may be necessary to support a development proposal in the other plan.*’ Would suggest the wording here is amended to say that this should be done where possible or appropriate as it will not always be possible to make full provision as often the land-based or marine requirements to support a development are not fully known by the developer.
- Para 39 – Strongly support the sharing of an evidence base to improve efficiency and aid consistency.
- Para 50 – Support the aims of this statement but would like to see generic guidance for specific development types such as marina or harbour development where both planning and a marine licence are required, in terms of co-ordinating consents, EIA and what aspects will be considered by each application.
- Paragraph 52 should clearly define between statutory and non-statutory plans. Terrestrial development plans and decisions should be consistent with statutory plans and frameworks i.e. NMP and NPF. It would be more appropriate to state that due regard should be given to non-statutory plans in the preparation of local development plans.
- Para 54 –The Planning Authority should be a principal consultee (i.e. should be able to trigger a public inquiry) for marine licence and Section 36 applications in adjacent waters, particularly, for near shore developments. This would be consistent with the approach taken to Section 36 applications onshore. The Scottish Government should make statutory provision for this and explain procedures within the Circular.
- Scottish Ministers will be able to direct that planning permission is deemed to be granted for the ancillary onshore components and related infrastructure for a marine renewable energy development, under Section 36 of the Electricity Act. It is not clear whether this includes just the infrastructure for electricity generation or whether it extends to other infrastructure such as port & harbour development. The principle concern here is that decisions will be taken on

major projects that have the potential to bring significant economic, social and environmental impacts on adjacent areas with very little local input. Given the transformational potential of some of these projects they need to be given a level of local scrutiny that is also funded through an element of the terrestrial planning fee.

- Para 70 – The wording of this paragraph needs to be changed to identify that material considerations may include any non-statutory spatial framework and guidance which the planning authority has adopted as not all guidance is a spatial framework. It seems a bit weak to state that SPP may also be material.
- Marine Conservation section – this section does not identify the need for marine and terrestrial plans to consider MPAs or how MPAs might affect marine licensing or planning decisions.

**Q3. Do you agree with the suggestions for good practice in paragraphs 30-39, and do you have any other suggestions?**

Please see comments on Q2 above.