

**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 base 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 Q25 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 they 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