

**TITLE** - Adoption of Sound of Mull Marine Spatial Plan as non statutory Supplementary Planning Guidance

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## **1. SUMMARY**

This report presents the proposed final Sound of Mull Marine Spatial Plan which has been reviewed and amended after public consultation, and requires approval by the Council, to be adopted as non-statutory Supplementary Planning Guidance under the existing Argyll & Bute Development Plan.

The final plan was presented at the Oban, Lorn and the Isle Business Day on 8 September where members were supportive of the plan being adopted by the Council. The final Plan is also being considered by the Executive Committee on 23 September, which is being asked to recommend that the Plan be adopted by the Council.

Argyll & Bute Council has been a key stakeholder in the development Sound of Mull Marine Spatial Plan, which has been taken forward as part of the Scottish Sustainable Marine Environment Initiative (SSMEI), established by the Scottish Executive. The Council has also acted as a lead partner for the project, providing administrative support and hosting the project officer in Oban. The final Marine Spatial Plan (*Annex 1*) has been drafted after feedback from a 13 week public consultation period in late 2009/ early 2010. Accompanying the plan is a revised Strategic Environment Assessment (*Annex 2*), a Scottish Government Equalities Impact Assessment (*Annex 3*) and a Consultation Report (*Annex 4*) which details changes made to the draft plan.

Argyll & Bute Council submitted a series of recommendations in its consultation response, to improve the usability of the plan and its policy framework. Changes made to the Marine Spatial Plan on account of these recommendations are listed in *Annex 5*.

As the Marine Spatial Plan is of considerable length, a one page summary is also provided in *Annex 6* of this report. A single hard copy of the plan is available to view in the Members Room, and the supporting documents referred to above available on the Council website at [www.argyll-bute.gov.uk/ssmei](http://www.argyll-bute.gov.uk/ssmei). Additional copies of these documents can be made available on CD.

## **2. RECOMMENDATION**

The Council is asked to:

- Consider the Proposed Final Sound of Mull Marine Spatial Plan in light of the changes made post public consultation, in particular as a result of our formal consultation response; and
- Approve the proposed Final Sound of Mull Marine Spatial to be adopted as non-statutory supplementary planning guidance.

## **3. BACKGROUND – Aims, plan development process & public consultation**

The overarching aim of the Scottish Sustainable Marine Environment Initiative (SSMEI) – led by the Scottish Government working with Local Authorities and other partners – is to develop and evaluate approaches to the sustainable management of Scotland's marine resources. Through this initiative, the Scottish Government aims to develop a local level marine planning framework which would apply the ecosystem-based approach through the implementation of a Marine Spatial Plan for a specific region.

The Sound of Mull is one of four selected regions for applying Marine Spatial Planning. The project began in June 2007 and is due to run until June 2011

### **3.1. Aims**

The overall aim of the project is to develop and deliver more integrated and sustainable management of the Sound of Mull through the preparation and implementation of a marine spatial plan that is sensitive to local needs, provides clear guidance, and is effective, adaptable and transparent.

### **3.2 Plan development process**

In summary, the development of the Sound of Mull Marine Spatial plan has involved the following:

- Establishment and continued coordination of a locally orientated working group (Sound of Mull Working Group) including representation from a wide range of stakeholders and regulators who have an interest in the marine and coastal environment of the Sound of Mull.
- Establishment of a wider network of contacts (Sound of Mull Liaison Group) to provide updates on project progress, and to enable the wider community to feed into plan development through a representative on the working group, community meetings and/or by contacting the project officer.
- Establishment of Sector Sub-groups investigate use, management, development and sustainability of various interests, identify development opportunities/constraints that could be incorporated into the plan, and assess sectoral interactions and existing management practices.
- GIS mapping of activities and interests in Sound of Mull and collation of data from agencies and stakeholders, bringing all information together in one place.
- The commissioning of additional projects to provide previously unknown information on socio-economics, landscape assessment, and habitats and species present in the area.
- The commissioning of a Strategic Environmental Assessment (SEA) of the plan, to measure environmental considerations of policies, opportunities and actions contained in the plan.

The entire plan development process involved extensive consultation with local communities, stakeholders, and relevant and competent authorities through public meetings, one to one meetings and correspondence.

### **3.3 Public consultation**

The Draft Sound of Mull Marine Spatial Plan and its accompanying Strategic Environmental Assessment were released for public consultation between the 1<sup>st</sup> December 2009 and the 28<sup>th</sup> February 2010. As part of the consultation all community councils in the project area, and public and mobile libraries received hard copies of the draft plan. The consultation was also widely advertised in the local press, on the Argyll and Bute Council website. Drop in sessions were held at Tobermory, Craignure, and outside the Argyll & Bute Council area at Lochaline and Kilchoan to answer questions and raise the profile of the plan.

## **4. FINAL SOUND OF MULL MARINE SPATIAL PLAN**

The final Sound of Mull Marine Spatial Plan has been drafted, with changes based on feedback received during the public consultation period, and from agency responses to the Strategic Environmental Assessment. *Annex 6* gives a summary of the main sections in the plan. The Strategic Environment Assessment of the plan has also been revised (*Annex 2*) and the plan has also undergone equality review against Scottish Government Equality Impact Assessment guidelines (*Annex 3*). Details of changes to the draft Marine Spatial Plan are outlined in the public consultation report (*Annex 4*), and these have been accepted and signed off by the Sound of Mull Working Group.

As a key stakeholder in the development of the Marine Spatial Plan, Argyll & Bute Council submitted a series of recommendations in its consultation response, to improve the usability of the plan and to improve its policy framework and guidance. A list of details on the changes made to the Marine Spatial Plan on account of these recommendations is presented in *Annex 5*.

## 5. SUMMARY OF CHANGES MADE TO PLAN RECOMMENDED BY THE COUNCIL;

A series of points in relation to the content of the Council's consultation response were approved by the Executive Committee on the 18<sup>th</sup> March 2010. The following summary details how the Plan has been modified on account of the points presented in the report to the Executive.

- **Integration with the Argyll and Bute Development Plan** – The Executive noted that the Sound of Mull was identified as one of seven priority areas that would benefit from a coastal framework plan. The marine policies in the Plan are considered to be both consistent with and complement the policies in the Argyll and Bute Development Plan.
- **Format and structure of the Sound of Mull Marine Spatial Plan** – The Executive felt that the draft plan would benefit from having elements revised to be consistent with local authority plans, to avoid confusion when users were examining multiple documents. It was also felt that the draft plan may benefit from being split into a number of documents to separate the policy framework (policy and proposals) from parts of the supporting information (background/technical). The final Sound of Mull Plan has revised heading and content where appropriate to maintain consistency with local authority planning documents. Revisions have also been made to the sections to separate much of the descriptive and policy information.
- **Marine Plan Policies** – Whilst the Executive felt that the Plan policies were both consistent with and complement the Argyll and Bute Development Plan, it was considered that the existing policy framework of the plan could be further improved. The Sound of Mull project officer consulted extensively with the Council's development policy management team on the revised wording of the Plan policies.
- **Monitoring, Review & Action Plan Implementation** – The Executive was concerned that original project timeline did not allow enough time for implementation and monitoring of the Plan. Since this meeting was held the project timeline has been extended until June 2011 to allow implementation and a period of monitoring to take place. There was also concern expressed that some of the actions identified may require considerable Council resources to implement. Actions in the Plan have been reviewed to only include those where funding has been provided or ongoing efforts are already taking place. Actions without funding have been included instead as recommendations, and no partner organisations have been listed.
- **Future marine planning (Marine Bill)** – The Executive was supportive of the idea that the Sound of Mull project could be extended to inform any regional marine planning initiatives that will take place in the future. With the extension of the project timeline until June 2011, the project is tasked with reporting on how marine planning could be undertaken in the wider region.

## 6. CONCLUSION

The proposed final Sound of Mull Marine Spatial Plan has taken into account concerns and recommendations raised by Argyll & Bute Council during public consultation on the draft Marine Spatial Plan. The plan could be a significant piece of guidance in the use and development of the marine and coastal area of the Sound of Mull over the next five years, and has been designed after extensive consultation with the council's planning department to complement the Argyll & Bute Development Plan (Structure and Local Plan). It aims to improve efficiency of development proposal evaluation, help minimise conflicts of interest and guide future investment. The policies and recommendations have been formulated after reviewing the current use of the areas and identifying key coastal management issues and development opportunities, which has involved extensive consultation and input from stakeholders and regulatory authorities.

## 7. IMPLICATIONS

**Policy:** The Sound of Mull Marine Spatial Plan will assist the Council in addressing the growing pressures from users within the Sound of Mull, and would be consistent with both Structure and Local Plan policy which seek the development of coastal and marine framework plans for the Sound of Mull. The Council may choose to adopt the final plan as supplementary planning guidance for marine and coastal development in the Sound of Mull.

**Financial:** Limited officer time would be required to assist the implementation of two actions for which the Council is identified as a partner organisation.

**Personnel:** If the plan is to be monitored for its effectiveness, assessment of approved future development proposals for consistency with plan policies will need to be conducted, and implementation of recommendations for the management of activities or interests will need to be monitored. This may require Council officer time after project completion in June 2011.

If the plan is deemed to be an effective document, it may need to be reviewed as and when new information arises and circumstances changes. It is envisaged that if the final plan is approved in 2010, it will be updated through a formal review process in 2014, and the responsibility for this would lie with the Scottish Government. However by 2014 statutory regional marine plans may have been developed, or advanced to near completion and this would potentially negate the need for specific planning for the Sound of Mull area.

**Equal Opportunity:** An Equalities Impact Assessment for Scottish Government has been drafted for the final plan. This assessment is consistent with the Argyll & Bute Council own equalities assessment process. The assessment will be included as an appendix in the draft plan.

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**ANNEX 1 – Proposed Final Sound of Mull Marine Spatial Plan** (available at [www.argyll-bute.gov.uk/ssmei](http://www.argyll-bute.gov.uk/ssmei) and can be requested on CD)

**ANNEX 2 – Sound of Mull Strategic Environmental Assessment** (available at [www.argyll-bute.gov.uk/ssmei](http://www.argyll-bute.gov.uk/ssmei) and can be requested on CD)

**ANNEX 3 - Scottish Government Equalities Impact Assessment** (available at [www.argyll-bute.gov.uk/ssmei](http://www.argyll-bute.gov.uk/ssmei) and can be requested on CD)

**ANNEX 4 – Draft Sound of Mull Marine Spatial Plan Consultation Report** (available at [www.argyll-bute.gov.uk/ssmei](http://www.argyll-bute.gov.uk/ssmei) and can be requested on CD)

## ANNEX 5 – List of Changes to Plan from Argyll and Bute Council Consultation Response

Section/ Issue	Comment	Revisions to Plan
<p>General (Plan Structure &amp; Format)</p>	<p>Argyll and Bute Council consider that while the draft plan does provide the information that is required, the final version of the plan could benefit from changes to its format and structure.</p> <p>The Council considers that where possible, there should be elements of consistency in structure and presentation with local authority plans and across other marine and coastal plans in Argyll and Bute and Highland, in order to minimise the potential for confusion where stakeholders and regulators need to consult multiple plans/documents. It would therefore be prudent for the Sound of Mull Plan to consider recent national guidance for the development of terrestrial local authority development plans, which seeks shorter more concise plans with fewer policies and less repetition.</p> <p>The Council considers that the draft plan may benefit from being split into a number of documents to separate the 'Policy Framework (policy and proposals)', 'Opportunities' and 'Supporting information (background/technical)'. Presenting the final plan in a folder may make access to the relevant sections of the plan easier for the user, rather than having to search through the document.</p>	<p>Comments noted and revisions undertaken</p> <p>Local authority plans for Argyll and Bute and Highland Councils (the areas covered by the Sound of Mull Plan) were examined, and where possible the headings and topics described have been redrafted to be as concise and consistent as possible with these local authority plans. However given the two local authorities take different approaches in their Structure and Local Plan documents, and the Sound of Mull Plan covers topics that are not included in these plans, it is inevitable that there are some parts of the Sound of Mull Plan may differ from the approaches taken by Argyll and Bute Council in their regulatory plans.</p> <p>The final Sound of Mull Marine Spatial Plan has been redrafted with a view to reduce the amount of front end information in the document. Each Sector and Sub-area now has an accompanying technical appendix which reduces the amount of descriptive information contained within the Plan. Following on from Argyll and Bute Council's suggestion of providing the printed Plan in folder type presentation, options for doing so are being investigated for the final print run. The suggestion of having separate documents was discussed amongst the Sound of Mull Working Group, however it was felt to be more user friendly to contain all the information within one document/ folder type arrangement as this reduces the need to carry and account for multiple documents by users.</p>
<p>Section 4 (General Policies)</p>	<p><u>Marine Plan policies</u></p> <p>The Council considers that the plan includes a suitable number of policies which are both consistent with and complement the Argyll and Bute Development Plan. We do however feel that the existing policy framework of the plan could be further improved</p>	<p>Both the contents of the policies contained in the Sound of Mull Plan and their wording have been reviewed and agreed upon by the development policy team for Argyll &amp; Bute Council. The policies have been clearly separated from the background information and now provide considerably more detailed guidance, particularly at the local area level. This includes landscape information with</p>

	<p>and we would be happy to work closely with the project officer and working group in order to address the following points.</p> <ul style="list-style-type: none"> <li>• It is felt that the language of some policies is complicated and potentially confusing and that these policies would benefit from minor redrafting to help make them clearer, and provide greater direction to guide development.</li> <li>• Consolidation of policies to reduce repetition should be considered where appropriate.</li> <li>• As discussed above the Council feels the plan would benefit from having the policies separated from the data, background information and analysis.</li> <li>• The sectoral policies should provide more detailed guidance than the general policies.</li> <li>• Reference to opportunities in both the General and Sectoral policies should be reviewed, although we note that this adds to the spatial element of the policies.</li> <li>• Landscape information could perhaps be further integrated into some of the sectoral policies in particular Policy AQ1, rather than all information provided in the appendices.</li> <li>• Consideration should also be given as to whether elements of policies where something is encouraged, should be included in the plan as a recommendation.</li> </ul>	<p>regards to Aquaculture and Coastal Infrastructure. A series of priorities for each Sector and Sub-area have also been drafted, which provide recommendations to steer developments and activities.</p>
<p>Section 5 (Sectors)</p>	<p>The Council supports the use of both Sectors and Sub-areas in the plan and considers that while the Sectors contain a lot of useful information, they are also relatively complex in their structure and content. It is felt that the SWOT analysis and maps for each sector are particularly useful. In the tables listing the hard and soft constraints for each sector it is not clear what the reference number for some constraints relates to.</p> <p>For each sector a table of hard and soft constraints is presented. The Council would like to see Landscape/seascape listed under the 'Natural &amp; Historic Environment' heading.</p> <p>There are a number of opportunities identified in Section 5.5 (Coastal &amp; Marine Infrastructure) that should also be identified or referenced in Section 5.4 (Shipping &amp; Transport).</p>	<p>Both the sectors and the Sub-areas have been revised, with accompanying technical appendices that have removed a lot of the descriptive information. The reference numbers for the constraints tables relate to a report on interactions between sectors, and this has been more clearly highlighted.</p> <p>Completed for each appropriate sector.</p> <p>Opportunities are now listed in each Sub-area to reduce repetition. Where appropriate there are referenced to both Shipping and Transport and Marine and Coastal Infrastructure.</p>

	<p>The table in section 5.6.2 describes the different seabed habitat types present in the Sound of Mull and lists where these habitats may relate to sensitive or protected habitat. This information is very useful but may benefit from listing the actual name of the BAP habitat that is being referred to in the relevant footnotes. The information on sensitivity in section 5.6.4 is also very useful and provides additional detail to assess the more general constraints listed for the Natural Environment in the other sectors and in the sub-areas.</p>	<p>Given that many habitats qualify for both multiple local BAP habitats and also for UKBAP habitat status, listing the particular habitat type that each predicted seabed habitat may cover would involve considerable extra wording and repetition. Additionally the table listing sites, habitats and species have been recorded in the Sound of Mull, gives the name of the BAP habitats and biotopes that are present. These include all of the habitats that are predicted by the seabed habitat model to occur in the area.</p>
<p>Section 6 (Sub-areas)</p>	<p>The Council supports the use of both Sectors and Sub-areas in the plan and given the size of the project area, it is felt that the number of sub-areas in the plan is about right. The information in each is complimentary but there is some repetition.</p> <p>The Natural Environment table in each Sub-area provides the same level of information to that provided in the Natural &amp; Historic Environment Sector (Section 5.6). The amount of information presented in the Sub-area could be reduced to prevent repetition.</p> <p>The information on Landscape/Seascape Character in each Sub-area could make clear that it is Appendices 10-14 that present information on the sensitivity of each part of the coast to development.</p>	<p>Plan has been redrafted specifically to minimise repetition.</p> <p>These tables have been removed. The Sub-area maps still contain symbols for where sites of significance for the natural environment have been recorded, and tables in the Natural and Historic Environment Sector can be referenced for further information on these.</p> <p>More information on landscape/ seascape has been included in each Sub-area, including policy guidance that relates to the sensitivity information. Each Sub-area's technical appendix contains details for the sensitivity criteria for a particular stretch of coast.</p>
<p>Section 7 (Plan Implementation &amp; Monitoring)</p>	<p><u>Monitoring, Review &amp; Action Plan Implementation</u></p> <p>It is not clear how the plan will be implemented, given that the pilot project is due to finish in June 2010. Unfortunately this timescale will not allow adequate time to monitor and implement the plan which is an important stage in measuring the success of the Sound of Mull Plan and the pilot project. Given the time and effort put in from all stakeholders in the development of this plan it is essential that the plan is implemented, reviewed and updated in the future. The Council is a partner in a current bid for INTERREG funding which if successful would extend the duration of the project officer post to allow the plan to undergo a period of monitoring and implementation. Should this funding bid not be successful the Council regards it as essential that necessary resources are made available by the Scottish</p>	<p>The Pilot has been extended until June 2011 to allow for implementation and monitoring work to take place. The INTERREG funding bid was not successful, therefore funding beyond this date is now uncertain.</p>

	<p>Government to allow appropriate implementation of the plan.</p> <p>The implementation of this marine plan may have resource implications for the Council in terms of staff time and implementation of relevant policies and actions. The draft plan includes a preliminary five-year Action Plan (2010 to 2015) which details potential partner organisations and the target year for delivery of specific actions. Resources to deliver these actions have not yet been allocated and therefore it is not currently clear exactly what the financial implications of implementing these actions may be.</p> <p><u>Future marine planning (Marine Bill)</u></p> <p>The planning framework in the Scottish Marine Bill has proposed a regional level of planning, and Marine Scotland aims to develop Strategic Marine Regions for this purpose. The number and scale of these regions are yet to be decided, but much of what is being carried out by the SSMEI pilots could be translated and transferred to regional planning.</p> <p>Section 1.3.3 (Local context for Marine Spatial Planning) identifies that the Sound of Mull Pilot provides good lessons for areas that are small scale, cross local authority boundaries and feature communities that rely heavily in the marine environment for economic needs and social values. The Council considers that as the majority of the coastal area in Argyll and Bute relies on the marine environment economically and socially and therefore this pilot also provides useful lessons for a much wider area.</p> <p>It is felt that there is an opportunity for the Sound of Mull project to be extended not only to implement and monitor the final marine plan but also for the project officer post to help inform and support the development of this new marine planning system, particularly at a regional level.</p>	<p>The Action Plan has been reviewed, and now only includes actions that have funding or ongoing efforts allocated towards them. A new recommendations section has been drafted to steer any actions that may be deemed worthwhile in the future. Financial implications for the Council are minimal although officer time would be required for some actions.</p> <p>As part of the Pilot extension, the final project report will now require a section detailing how lessons learned as part of the project, can be applied to future Strategic Marine Region that is proposed for the area.</p>
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## **ANNEX 6 – Final Sound of Mull Marine Spatial Plan Summary**

Argyll and Bute Council has been a stakeholder in developing a Marine Spatial Plan for the Sound of Mull in collaboration with local stakeholders and regulators. This plan is non-statutory and has been developed to provide an example of a local approach to the sustainable management of Scotland's marine resources. It provides guidance for local authority planners, regulators and stakeholders on the future use and development of the marine waters and surrounding coast of the Sound of Mull. It is hoped that the plan will be used as supplementary planning guidance for developments considered by Argyll & Bute Council in the Sound of Mull.

### **1. Plan contents**

There are essentially four parts to this plan which are summarised below:

#### Background, Area Introduction and Guide to the Plan

These sections outline the basis for developing the plan, provide a guide for developers, regulators and users of the area on how to navigate the plan, and give a background description of the Sound of Mull, describing its population, economy, landscape and oceanography, natural heritage interests, historic interests, climate change and water quality.

#### General Policies

This section provides an overarching framework of guidance for all developments and activity within the Sound of Mull to ensure that use of the area by all sectors is sustainable, and assists activities and developments in the Sound of Mull area to achieve their full potential through sustainable growth in line with the needs and aspirations of the communities in the area.

#### Sectors

There are seven sectors or areas of interest identified in the Sound of Mull. Each sector contains the following information

- A description of current activities and the display of the sector's spatial activities on a map;
- SWOT analysis<sup>1</sup>;
- Policies for Development and Activity and Voluntary/Statutory Management;
- A summary of Opportunities for development and activity and their location on a map;
- Summaries of hard and soft constraints affecting development and activity, and interactions between sectors

Each sector also has an accompanying technical appendix which provides more detail on the following information

- Socio-economic and employment contributions
- Additional and Positive Interactions with other sectors/interests;
- Hard and soft constraints affecting development and activity;

#### Sub-areas

The Sound of Mull has been divided into six Sub-areas, to allow easier consideration of spatial constraints, interactions and opportunities, and to allow an improved description and spatial presentation of activities and interests. The following information is provided for each Sub-area.

- A description of landscape/seascape character, current activities and interests present in the Sub-area;
- A list of priorities to safeguard important existing features and to identify sustainable developments considered to be beneficial for the local communities;
- Opportunities for development and activity for each of the sectors and an indicative location using a point on the map;
- Overview of hard and soft constraints for development and activity for each sector provided as a quick reference table;

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<sup>1</sup> SWOT analysis – an analysis of the strengths, weaknesses, opportunities and threats for a sector

- A policy guidance section for the Sub-area that contains specific area guidance on opportunities and constraints that the landscape/seascape provides for aquaculture and coastal infrastructure development (piers, jetties, pontoons, slipways, moorings); and
- Maps: showing current uses and interests, designations, seabed and intertidal habitats within the Sub-area.

## **2. Key messages**

- The final Sound of Mull Marine Spatial plan has involved extensive consultation and input from stakeholders and regulatory authorities;
- Stakeholder consultation has raised awareness of the different activities occurring in the Sound of Mull and how they are managed, leading to a better understanding and appreciation of these activities and interests;
- The plan makes recommendations for different activities and interests, to improve management, reduce conflicts and increase sustainability;
- It provides guidance for planners, developers and stakeholders on the future use and development of the Sound of Mull, highlighting relevant constraints and opportunities for different sections of the area;
- Although the plan seeks to guide both developers and regulators when considering development proposals in the Sound of Mull, individual proposals will still require detailed, site-specific appraisal by statutory authorities, which may involve assessments of factors not taken into consideration in this plan.
- The final plan identifies opportunities for new developments in the Sound of Mull. Many of these opportunities look to improve the existing access to the water for recreational users, bringing economic benefit to the area;
- There are important and sensitive areas in the Sound of Mull which are of high biodiversity interest. There are also areas of high landscape value and scenic quality, and sites of cultural heritage which should be protected from inappropriate development and activities that have potential to adversely affect them;
- The plan is an important information resource for regulators and stakeholders, including a comprehensive overview of current activities and infrastructure, natural heritage and historic interests present in the Sound of Mull.