

POST ADOPTION SEA STATEMENT COVER NOTE
PART 1

To: SEA.gateway@scotland.gsi.gov.uk

PART 2

A post adoption SEA statement is attached for the PPS entitled: The Sound of Mull Marine Spatial Plan

The responsible authority is Marine Scotland

PART 3

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Signature:

A handwritten signature in black ink, appearing to be 'Isaac Forster', written in a cursive style.

Date: 22nd October 2010



Scottish Sustainable
Marine Environment
Initiative

Sound Of Mull Marine Spatial Plan

Strategic Environmental Assessment (SEA) Post Adoption SEA Statement

Support and funding for the Sound of Mull Marine Spatial Plan have been provided by the following organisations.



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1 Key Facts Regarding the SEA Statement and Accessibility

Post adoption SEA statement for PPS title: The Sound of Mull Marine Spatial Plan.

Adopted on: 22nd October 2010

Responsible Authority: Marine Scotland.

Purpose: This document has been prepared in accordance with Section 18 of the Environmental Assessment (Scotland) Act 2005.

Availability of documents: The full Sound of Mull Marine Spatial Plan, along with the Environmental Report, and post adoption SEA Statement are available to view through the following methods.

Website: www.argyll-bute.gov.uk/ssmei

In Person: A copy of the documents may be inspected free of charge, or a copy at reasonable charge at the following address:

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Purpose of PPS: Sustainable use, development and management of the Sound of Mull.

What prompted the PPS: Scottish Government Pilot Project testing novel ways of marine management for inshore waters.

Subject: Marine Spatial Planning.

Period Covered: 22nd October 2010 – 22nd October 2015

Frequency of Updates: Potentially every five years with annual monitoring and review, although this is dependent on the development of future statutory marine plans.

Area of PPS: All marine waters up to mean high waters springs, in the inshore area known as the Sound of Mull, including Loch Aline. The project area is limited by a northern boundary between Auliston and Ardmore Points, and a southern boundary between Duart Point and Rubha an Ridire.

Summary nature/ content of PPS: The Sound of Mull Marine Spatial Plan is a voluntary plan, providing guidance and recommendations to ensure sustainable use and development of the Sound of Mull by all sectors.

2 Introduction

The Sound of Mull Marine Spatial Plan has been subject to a process of Strategic Environmental Assessment (SEA), as required under the Environmental Assessment (Scotland) Act 2005. This has included the following activities:

- Taking into account the views of the Scottish Environment Protection Agency, Scottish Natural Heritage and the Scottish Ministers (Historic Scotland) regarding the scope and level of detail that was appropriate for the Environmental Report
- Preparing an Environmental Report on the likely significant effects on the environment of the draft Sound of Mull Plan which included consideration of:
 - the baseline data relating to the current state of the environment;
 - links between the Sound of Mull Plan and other relevant strategies, policies, plans, programmes and environmental protection objectives;
 - existing environmental problems affecting the Sound of Mull;
 - the plan's likely significant effects on the environment (positive and negative);
 - measures envisaged for the prevention, reduction and offsetting of any significant adverse effects;
 - an outline of the reasons for selecting the alternatives chosen;
 - monitoring measures to ensure that any unforeseen environmental effects will be identified allowing for appropriate remedial action to be taken.
- Consulting on the Environmental Report
- Taking into account the Environmental Report and the results of consultation in making final decisions regarding the Sound of Mull Plan
- Committing to monitoring the significant environmental effects of the implementation of the Sound of Mull Plan. This will also identify any unforeseen adverse significant environmental effects and to enable taking appropriate remedial action.

Throughout this document the Sound of Mull Marine Spatial Plan is commonly referred to as either the Plan or the Sound of Mull Plan.

3 Environmental considerations from the Environmental Report incorporated into the Plan

Table 1. lists the environmental considerations and findings from the Environmental Report that have been incorporated into the Sound of Mull Marine Spatial Plan. The table only lists considerations raised during the consultation period that resulted in modifications to the final Plan. For a full list of environmental, social and economic issues that have been relevant to the Sound of Mull Plan, and are considered by the Plan objectives, please see Appendix C in the SEA Environmental Report.

Environmental Considerations and Findings from the Environmental Report.	Adoption of Findings and Modifications to the Marine Spatial Plan
Recommendation in draft ER that each Sectoral policy states overarching aims and objectives to consider environmental impacts.	Sectoral policies now contain sections for both priorities/ objectives and additional criteria. Assessment in revised ER considered Sectoral policies on the whole to have significantly positive environmental benefits.
Recommendation for a clearer statement indicating that developments that have taken account of issues such as climate change, coastal erosion and flooding should be considered more favourably.	Revised wording to clearly state that developments must consider climatic effects as part of proposals, including issues such as coastal erosion and flooding. Climatic issues also included in criteria for Sectoral policies
Recommendation for a targeted policy for the Natural and Historic Environment	A stand alone policy highlighting priorities for the Natural and Historic Environment has been included. It should be noted that that the consultation authorities did not find it necessary for the Plan to have a dedicated natural and historic environment policy.
Provide better guidance on areas that are prone to flooding	The responsible authority were consulted on this information, however they were unable to provide the data for including this information directly within the Plan due to licensing and intellectual property issues. There is a direct link provided in the Plan from which this information can be sourced. There is also very clear guidance in the Plan that flooding areas must be taken into account when considering developments.
Provide a clearer definition on how developments must result in 'wider impacts on ecosystem function'.	Indicators for ecosystem function are still a work in progress, however the Plan now provides a link to a DEFRA document that outlines in general terms what constitutes good ecosystem function.
Provide a description of the water environment and associated sensitivities	The Plan contains a description of the general water environment in the Sound of Mull, and sensitivities particularly important species are

	highlighted in the Natural and Historic Environment Section. However detailed information on all sensitivities and relevant indicators to the status of the water environment was deemed too complex to include in the Plan. Reference has been made to the Argyll & Lochaber River Basin Management Plan which contains comprehensive information on the water environment
Provide a sensitivity matrix for the historic landscape/ seascape interests in the Sound of Mull	Comprehensive sensitivity criteria were developed for discrete areas within the Sound of Mull as part of the Landscape/ seascape assessment for Aquaculture and Coastal Infrastructure. These tables are reproduced in the Sub-area technical appendices.
Recommendation that sites, species and habitats of significance be included as hard constraints for inshore fishing to prevent damage from mobile gear interactions	Whilst desirable, there is no statutory requirement for these areas to be excluded from mobile fishing gear activities. In consultation with the local Inshore Fisheries Group (IFG) the Plan has recommended areas where mobile gear activities are discouraged to protect sensitive species and habitats, and these will be promoted to fishermen through the IFG
All Sub-area policy guidance should safeguard species and habitats of significance	Sub-area policy guidance has been constructed as recommended

Table 1. Modifications to the Plan as a result of the SEA Environmental Report.

4 Responses to the consultation on the SEA Environmental Report

Table 2. lists how the opinions expressed by the responsible authorities during the public consultation of the SEA Environmental Report have been taken into account. There were no opinions expressed by other parties.

Consultation Response/comment	Resultant action/report revision
Scottish Environment Protection Agency	
1.1 Commented that RBMP had now been published and requested a change in the text to reflect this	Both the main text and Appendix A have been updated to reflect this.
2. Suggests presenting assessments in strategic order	The SEA is organised such that the two central policies (SOM G1 and SOM G2) that form the backbone of the Plan are assessed first, followed by the sectoral policies, then the sub-areas and policy guidance. The authors believe this provides logical order of assessments.

3.1 Comment that SEA objectives and indicators had not been changed from Scoping Report.	SEA objectives and indicators have now been revised to better facilitate assessment of environmental performance (see comments below for further information)
3.2 Recommends a re-examination of the SEA objectives with any that do not assess environmental performance be removed	This has been done, with several SEA objectives originally put under 'Population and Human Health' now removed.
3.3 Considers that the SEA indicators have been incorrectly used in the assessment	This has now been modified and the indicators removed from the assessment process. The assessment process is now facilitated by a series of questions to accompany each SEA objective.
3.5 Recommends revision to how the SEA objectives and indicators are utilised	This has now been done.
3.6.1 Removal of first five 'Population and Human Health' Objectives	These have been removed
3.6.2 Suggest revision to first "Water" SEA Objective and deletion of the second bullet point	The first objective has been reworded to 'Reduce water pollution within the Plan area' and the second bullet point removed
3.6.3 Suggests removal of the second bullet point	This has been removed
3.6.4 Suggest revision to the Climate Factors SEA objectives	This has been done
3.6.5 and 3.6.6 Suggests revision to the 'Material Assets' SEA objectives	This has been done
4.3 Requests assessment of spatial strategy elements of the Plan	The ER has now assessed the Sub-area sections including the policy guidance, main text and listed opportunities
4.4.5 Requested the text provide more clarity on whether the general policies are considered during assessment of the sectoral policies	This has been done
4.5 Comment that all SEA objectives are relevant to the Plan objectives as where scoped into the assessment	The authors believe that the Plan has been assessed against all relevant SEA topics. During the Scoping process the Topics that had been scoped in were stated. SEPA made a request that we also scope in Material Assets and this was done. The text in section 4.2 has been revised to clarify this.
4.6 Requests clarification on the assessment of alternatives, with particular reference to 'partial implementation'	This has been done
5.2 Suggests all mitigation measures be drawn together and included in both the non-technical summary and the mitigation section	This has been done

<p>6.1 Monitoring measures should be targeted to areas where there are negative effects</p>	<p>The ER considers that the Plan will have no significant negative effects on the environment. However, the authors of the ER consider that it is essential that the Plan should take steps to monitor appropriate aspects of the environment, both as a means to monitor environmental performance and also a means to inform future iterations of the Plan. The ER suggests collation of data from a range of agencies, such as SEPA, SNH and FSAS. This does not require the Responsible Authority to actually carryout the monitoring of the parameters, but rather to gather the data centrally. This should aid identification of emerging environmental issues or impacts and also contribute to future versions of the Plan.</p>
<p>The Scottish Ministers (Historic Scotland)</p>	
<p>Request to revise the use of SEA objectives and SEA indicators. Further suggested inclusion of a column detailing mitigation or recommendations</p>	<p>All recommendations and suggestions have been accepted and appropriate revisions made. A set of questions has been formulated to facilitate assessment of the Plan against the SEA objectives. And a column listing mitigation and monitoring recommendations is now included</p>
<p>Concern that the draft assessment had reached some incorrect conclusions as a result of how the SEA objectives and indicators had been used in the assessment.</p>	<p>Revision to the SEA objectives and questions (as described above) has revised some assessment conclusions and has led to more effective assessment of the SEA objectives.</p>
<p>Pointed out that all NPPGs and SPPs had been consolidated into the Scottish Planning Policy</p>	<p>This is noted and text revised accordingly. However it should be noted that not all NPPGs have been covered by Scottish Planning Policy</p>
<p>Commented that the draft SEA's recommendation to have a policy dedicated to the natural and historic environment to be unnecessary</p>	<p>Comment noted</p>
<p>Highlighted the importance of linking SEA indicators to reflect actions taken in the Plan and potential impacts identified</p>	<p>Comment noted. The updated ER will provide a list of changes and mitigation measures taken up by the Plan</p>
<p>Scottish Natural Heritage</p>	
<p>Commented that a 'do nothing' option was not discussed further in the ER</p>	<p>The authors of the SEA ER for the Sound of Mull Plan consider that the 'status quo' option is effectively a 'do nothing' option (or the option of ignoring the Plan).</p>
<p>Commented that not all SEA Objectives listed are relevant to the SEA process</p>	<p>The SEA Objectives have been revised to include only those relevant to the SEA process.</p>

Suggested that an assessment of each spatial opportunity would allow assessment of full cumulative effects	The detail of some opportunities in the Plan includes a guide number and scale where appropriate. The authors of the SEA see no advantage in assessing individual opportunities, particularly when they have been devised in full recognition of constraints, interactions and natural environment and historic interests. The SEA ER now includes an assessment of Sub-area sections and associated policy guidance. The ER also provides a recommendation that in areas where there are numerous spatial opportunities, some revaluation of the impacts may be required should many of the opportunities be taken up.
Do not think appropriate mitigation measures have been identified.	The ER provides a recommendation that in areas where there are numerous spatial opportunities, some revaluation of the impacts may be required should many of the opportunities be taken up. The mitigation measures have been extended and associated with SEA Objectives where appropriate.
Comments that there may be no funds available to take the Plan forward or provide provision for monitoring.	The SEA authors are aware that the Plan is part of a pilot study, however at the time of writing it was possible that the Plan would be fully implemented. Therefore, the Plan was assessed on this basis and it was considered that full monitoring measures needed to be taken into account. It should be noted that many of the monitoring measures should not be prohibitively expensive as they require coordination and collaboration with other agencies (SEPA, SNH, FSAS) rather than requiring direct data gathering by the Plan's Responsible Authority
Commented that the draft SEA's recommendation to have a policy dedicated to the natural and historic environment to be unnecessary	Comment noted

Table 2. Consultation response comments and resultant modifications to the Environmental Report.

5 Reasons for adoption of the PPS in light of reasonable alternatives.

The SEA process requires that relevant alternatives to the Plan are considered during assessment of the Plan. As part of the Scoping Report, the following options for Plan alternatives were proposed: Full Implementation, Partial Implementation and No change/ status quo. Due to concerns regarding Partial Implementation, expressed by one of the consultation authorities, it was considered that the only reasonable alternative to Full Implementation of the Plan was no change/ maintenance of the status quo.

5.1 Alternative – General comments on the status quo

The marine environment of Scotland has a wide variety of active sectors, recreational and tourism interests and resource use. In addition, Scottish coastal and marine waters have a rich natural, historic and cultural environment. Over recent decades, pressures on the marine environment have

increased with expansion in some sectors, while new sectors are still emerging. This is coupled with a general increase in appreciation of the impacts human activities can have on the marine environment and that marine resources are not limitless. However, at present management of our environment is largely dominated by sectoral based legislative and regulatory frameworks. Marine Spatial Planning should allow for a more holistic approach to management of the marine environment, whereby all sectors, interests and pressures can be viewed collectively and provide an integrated framework for sustainable management of the marine environment.

On the whole, much of the information contained in the Plan is available through individual sectors. This will include relevant legislation and regulatory frameworks, and some spatial information which effectively represent the 'status quo' or environmental baseline. More coordinated guidance documentation is available through local authority plans and structural policies, however these do not contain detailed and targeted data for all the sectors and interests at the scale required for a marine spatial plan of the Sound of Mull. One particular issue for the Sound of Mull is the fact that the area represents a border between two local authorities. The Sound of Mull Plan represents the first attempt at a holistic approach to management of this marine and coastal area. One of the strengths of the Sound of Mull Plan is that it has been built by the stakeholders, users and regulators of the area and this is reflected in the wealth of data and knowledge it contains. This has also resulted in a Plan that has focussed on the needs of the local community in terms of development opportunities while taking account of the sensitivities of the environment and the interactions between active sectors and interests.

5.2 Benefits of implementing the PPS

The full assessment of the status quo alternative can be found in the Table 14 of the Environmental Report. In summary full implementation of the Plan will have significantly positive benefits as compared to the status quo alternative on the following SEA themes.

- **Population and Human Health:** The Plan was assessed to be significantly positive in this regard, whereas the status quo was deemed to have a neutral impact. Due to the high level of local stakeholder input into the Plan, and the consideration of the area as one entity, the integrated approach to issues such as transport, recreation and infrastructure will provide much greater benefits to local communities than the current state of play.
- **Material Assets:** The Plan was assessed to have a positive impact, whilst the status quo was deemed neutral. The Plan promotes a co-ordinated approach to the development and maintenance of publically accessible infrastructure for the benefit of residents and visitors to the area. Under the status quo alternative there is little consideration of this between the separate shorelines of the Sound of Mull.

6 Measures to be undertaken to monitor significant environmental effects of the Plan

As the Sound of Mull Marine Spatial Plan has been assessed as having no significantly negative environmental impacts, the intention is monitor the Plan on an annual basis, on number of indicators relating to developments and activities to assess both the environmental baseline and environmental performance. Table 3 outlines the relevant monitoring indicators for the Plan.

No	SEA Topic	Monitoring details
1	Biodiversity, Flora and Fauna	Planning applications where designated and protected sites, habitats and species affected
2	Biodiversity, Flora and Fauna	Planning applications where local or BAP interests are affected
3	Biodiversity, Flora and Fauna	Collation of data on status/condition of designated and protected interests, eg through site condition monitoring – in conjunction with relevant authorities
4	Water	Number of applications where water quality may be impacted
5	Water	Monitor achievement of WFD 'good' ecological status for RBMP area in conjunction with relevant authority
6	Water	Collation of data on pollution events affecting area – in conjunction with relevant authority
7	Water	Collation of data on compliance of shellfish harvesting areas should shellfish opportunities be taken up – in conjunction with relevant authorities
8	Climate	Number of applications that consider the impacts of climate change (coastal flooding, erosion and sea level rise)
9	Climate	Number of applications where micro-renewables are built in to the development
10	Historic and Cultural Heritage, Landscape and Seascape	Number of applications where historic, cultural and archaeological sites and interests are affected
11	Historic and Cultural Heritage, Landscape and Seascape	Number of applications where the landscape and seascape quality of the area is affected
12	Material Assets	Number of applications where coastal and marine infrastructure is affected
13	Material Assets	Number of applications where resource sharing of infrastructure and space is built in

Table 3. Monitoring indicators to be collected annually to assess environmental performance of the Plan.

A review of the Sound of Mull Plan and the SEA is expected to take place every five years. In addition to the monitoring measures outlined above the following monitoring measures outlined in Table 4. should be undertaken before the review process to improve baseline data and monitor significant medium term effects.

No	SEA Topic	Monitoring details
1	Biodiversity, Flora and Fauna	Collation of data on status of BAP interests or achievement of BAP targets
2	Biodiversity, Flora and Fauna	Collation of data on status of local commercial stocks – in conjunction with relevant authorities
3	Biodiversity, Flora and Fauna	Collation of data on cetacean activity and population numbers
4	Population and Human Health	Impact of the Plan and policies on local communities through population, employment, business and SIMD data
5	Population and Human Health	Number of applications that consider the needs of the local community and involve community consultation
6	Population and Human Health	Tourism numbers

Table 4. Monitoring indicators to be collected every five years before review of the Plan and SEA.