

PLANNING SERVICES MANAGER: Robert Forrest

Perceton House, Irvine KA11 2DE

Tel: 01294 225100 Fax: 01294 225184

E-mail: emmashirley@north-ayrshire.gov.uk

Your Ref: Our Ref: ES/IKM

If telephoning please call: **Emma Shirley (01294) 225189**

24 January 2007

Scottish Executive
Environment & Rural Affairs Department
Marine Management Division
G-H93 Victoria Quay
EDINBURGH
EH6 6QQ

Attention of Nikki Milne

Dear Ms Milne

CONSULTATION ON SCOTLAND'S FIRST COASTAL & MARINE NATIONAL PARK

Please find enclosed North Ayrshire Council's response to the consultation on Scotland's First Coastal and Marine National Park. The response was approved by Planning Committee on 15 January 2007. Please note that the enclosed response requires to be ratified at the meeting of the Council on 13 February 2007. I will contact you after the meeting to confirm that the response has been ratified.

It should also be noted that Table 2 of the consultation document fails to recognise the Land Reform (Scotland) Act 2003 and the powers and statutory obligations placed on Access Authorities, including Local Authorities and National Park Authorities, under this Act.

If you require any further information, please do not hesitate to contact me.

Yours sincerely,

Emma Shirley
Planning Officer

Enc.

The consultation document recognises that the Firth of Clyde contains a diversity of nature conservation and that it is important for marine recreation, however, in terms of outstanding national importance for marine biodiversity, the consultation document notes that it is of less importance overall than some of the other areas.

The assessment carried out by SNH indicates that there are possibly fewer social and economic benefits of designation for the Firth of Clyde than other areas.

SNH has produced indicative boundaries for the areas identified as possible candidate areas. At this stage the extent to which the designation will cover land has not been determined. The indicative boundaries presently include islands and there is a lack of clarity in terms of coastal strips. A further consultation exercise will be carried out in the future to determine the boundaries of the area selected for designation.

The National Parks (Scotland) Act 2000 would apply to a Coastal and Marine National Park. The establishment of a National Park would lead to the development of a National Park Plan. A Board would be established for the Park and staff would be employed to administer the Park's functions. Any designation is likely to result in the transfer of powers from the Local Authority.

Three options are suggested ranging from the Park having limited planning and enabling powers to the Park subsuming many of the functions of other public bodies and the Local Authority including its Planning, Conservation and Recreation, Outdoor Access and Marine functions.

The consultation document does not provide estimates on finance for a Coastal and Marine National Park Authority as this will depend on the area chosen and the powers and functions of the Park Authority.

3. Proposal Recommended Response to the Scottish Executive

The consultation paper seeks views on the added value and benefits of a Coastal and Marine National Park, on selecting the location of Scotland's first Coastal and Marine National Park and on functions, powers and governance. The recommended response relates specifically to the Firth of Clyde and North Ayrshire's interests as a Planning Authority with Outdoor Access functions.

In terms of the added value and benefits, consultation with the Council's Economic Development Section suggests that designation could result in social and economic benefits for North Ayrshire, particularly in relation to tourism, such as an increase in demand for nature and heritage holidays and a boost to tourism at off peak times. However, no express research has been undertaken to identify and quantify benefits or any constraints on development that designation could bring.

On selecting the location, the assessment criteria and factors used appear acceptable and the application of nature conservation factors appear acceptable, but there is concern that the assessment by SNH may under-represent the social and economic benefits that could potentially be created in North Ayrshire and the Clyde area, this is will continue to be examined with SNH.

In terms of the functions, powers and governance of the Park, there is a lack of information on the specific remit and funding of the Park Authority.

Any view on the functions, powers and governance of the Park depend on the extent to which boundaries cover land. Should the designation cover areas of land, then it is more appropriate that statutory powers be retained by the Local Authorities within the designated area who have a balanced view on economic, social and environmental sustainability rather than with a specific Park Authority whose role and functions may be skewed to environmental considerations. Should the designation only cover water, it may be appropriate for the National Park Authority to have statutory powers over Marine functions providing that the local authorities' interests are properly represented. However, Planning and Outdoor Access should be retained by Local Authorities as these are of local relevance and retention of these powers will ensure local accountability.

Appendix 1 sets out the recommended response to the Consultation Paper in detail.

4. Implications

Designation of the Firth of Clyde as a Coastal and Marine National Park would have significant implications for North Ayrshire Council including the possible transfer of certain powers from the Council to the National Park Authority.

5. Consultation

Consultation has been carried out with Chief Executive's Department (Economic Development/Policy) and Head of Roads.

6. Conclusion

While there may be a case for North Ayrshire Council to support designation of the Firth of Clyde area in terms of the social and economic benefits that designation could potentially bring, no research has been undertaken to identify and quantify benefits or constraints on development that designation could bring. In addition, the fact that the Clyde has not scored highly in assessment and the uncertainties regarding the functions, powers and funding of the National Park at this time leads to the conclusion that North Ayrshire Council accepts that the Firth of Clyde is unlikely to be designated as Scotland's First Coastal and Marine National Park. Officers will continue to gather more information and will review the situation as it develops.

IAN T MACKAY
Assistant Chief Executive (Legal and Protective)

Reference : ES/LG

For further information please contact Emma Shirley, Planning Officer , on 01294 225189

Last updated By : Diane McCaw on 10/01/2007 11:19

Committee Reports & Agendas Report Appendix

Report Subject/Ref No	
Department	Property Services
Appendix Title	Response by North Ayrshire to the Scottish Executive's Consultation on Scotland's first Coastal and Marine National Park

Appendix 1

Response by North Ayrshire to the Scottish Executive's Consultation on Scotland's First Coastal and Marine National Park

While the number of options and the lack of precision within the consultation document make it difficult to fully assess the potential impacts North Ayrshire would wish to make the following response:

On the potential benefits a Coastal and Marine National Park could bring.

The document does not identify any significant social or economic benefits for North Ayrshire as a result of National Park designation for the Firth of Clyde but the Council's Economic Development Section advise that designation could potentially bring economic and social benefits, particularly in terms of tourism.

Tourism is already a growing and sustainable industry in North Ayrshire, with an estimated 1.2 million visitors a year, providing an expenditure in the region of £96.5 million. 3,000 jobs are supported by tourism in the area. Visitor research indicates that the main selling points are the scenery, activities, wildlife and cultural heritage.

North Ayrshire's marine leisure tourism sector is progressive. There is considerable room for expansion and demand for marine leisure infrastructure far outstrips supply. The continued development of this sector is highly beneficial to the social and economic welfare of the area and additional marina, mooring / berthage and onshore access / step-a-shore facilities are necessary. This can all be achieved through existing mechanisms.

National Marine Park designation could potentially greatly increase demand for nature and heritage holidays. There could also be a natural "spin-off" for North Ayrshire as a neighbour to a national park area. In addition designation as a coastal and marine National Park could provide a boost to the tourist industry at off-peak times.

The protection of the Clyde Estuary marine ecosystems and heritage under coastal and marine National Park designation could potentially provide economic and social benefits to North Ayrshire – however, no research has been undertaken to identify and quantify benefits or potential constraints on development.

On selecting the location of the first Coastal and Marine National Park, and accessibility

The factors outlined for selecting the area to be designated are generally considered to be acceptable. It is important that the determining factors achieve a balance between economic, social and environmental considerations. The Council is concerned that the social and economic benefits that could be created in North Ayrshire and the Clyde area as a result of designation may have been under-represented, this will continue to be examined with SNH.

It is accepted that the Firth of Clyde has not been identified as a strong candidate for designation rather as a possible candidate area. Its importance for marine biodiversity is less overall than other areas. The criteria for setting the landward and seaward boundaries of the park have not been established. This issue would be of crucial importance were designation of the Firth of Clyde to proceed.

In terms of accessibility, SNH's report states that the Clyde is a "very accessible area with good transport infrastructure and a wide range of opportunities for enjoyment and recreation", this would appear to support opportunities for social and economic benefits.

On the potential transfer of functions and powers from Local Authorities and the relationships with Town and Country Planning

The document presents 3 options for powers of the Park Authority, these range from the Park having limited planning and enabling powers to the Park subsuming many of the functions of other public bodies and the Local Authority including its planning, conservation and recreation, access and marine functions.

Any view on the functions, powers and governance of the Park depend on the extent to which boundaries cover land. Should the designation cover land, then it is more appropriate that statutory powers be retained by the local authorities within the designated area who have a balanced view on economic, social and environmental sustainability rather than with a specific Park Authority whose role and functions may be skewed to environmental considerations. Should the designation only cover water, it may be appropriate for the National Park Authority to have statutory powers over Marine functions providing that the Local Authorities' interests are properly represented. However, Local Authorities should retain Planning and Outdoor Access functions. The Planning etc Scotland Act 2006 extends planning powers to 12 nautical miles, this is primarily driven by fish farming and the impacts that this can have on land. It appears that the Planning Act intended this function to be administered by local planning authorities.

A last resort "stop power" for the Park Authority to prevent potentially damaging activities is not supported. The Scottish Executive has existing powers in respect of planning and outdoor access

In terms of Planning specifically, the document presents 3 options:

- Park Authority being the planning authority for the area of the park;
- Park Authority being the planning authority only in respect of development plan preparation; and
- The planning function remaining with local authorities in the area and the National Park Authority being given functions under the designation order as a consultee.

The planning function remaining with local authorities and the National Park Authority being given functions under the designation as a consultee is the most appropriate solution in order to ensure that local interests are properly considered and local accountability. The suggestion of development plan preparation being transferred to the National Park Authority runs contrary to the Planning etc Scotland 2006 which seeks to integrate development plans and development management.

On Governance

Governance arrangements for the National Park must ensure that local as well as national views are taken into account. A Board including direct local representations, local authority nominations and national appointments is preferred as this will ensure local accountability and integration of multiple functions and considerations rather than a board with a majority of locals living, working within the Park area or national appointments based on experience and expertise.

On the financial implications of a Coastal and Marine National Park.

No specific information is provided within the document in relation to finance and no benefits are demonstrated therefore it is difficult to provide meaningful comments on this aspect.

On conservation and recreational management functions.

The Park Authority could make a contribution to marine and coastal conservation and recreational management and it is recognised that there is potential within North Ayrshire. Designation could create a mechanism to deal with marine conservation matters.

However, this may well be addressed in other aspects of Marine Spatial Planning that are currently under discussion by the Scottish Executive and may be reflected in other advice.

On relationships with aquaculture.

The consultation paper suggests that the local authority and existing regulators would continue to manage aquaculture in the national Park but be guided by the Park Plan and the Park Authority should be consulted on local frameworks for aquaculture prepared by the Local Authority.

It is agreed that the suggested approach is the most appropriate.