



Education & Families Committee
Social Services Committee
Development Committee

13 November 2013
20 November 2013
27 November 2013

Six Month Performance Overview – Development Department

DSD-18-13-F

Director of Development Services

Development Services

1.0 Summary

- 1.1 This report summarises the activity and performance of the Development Services Directorate for Quarter 2 of 2013/14, the six months up to September 2013.

2.0 Decisions Required

- 2.1 Members are requested to discuss the contents of this report and make any relevant comments on progress against priorities to inform further activity within the remainder of this year, and the planning process for next and future years.

3.0 Detail

- 3.1 Progress against the “**this year we will**” priorities from the Council’s Corporate Plan led by the Development Department, is set out below:

Corporate Plan - Page 8 - "The transport services we need most"

Shetland is a group of islands. Nothing can change our basic geography and it is essential that our internal and external transport systems meet our individual and business needs, and are efficient, sustainable (can be maintained in the long term without harming the area for future generations), flexible and affordable.

We know that we have to make our internal transport services more efficient to be able to maintain them for the long term. We are determined to make those changes in partnership with the communities and businesses who depend on these transport links most.

Communities have told us that supporting economic activity, local businesses and access to jobs is the top priority for internal transport and that access to services and social facilities is not as important to them.

We also know that external transport is one of the most significant issues for Shetland's medium- and long-term economic growth and social well-being. We have to campaign hard to make sure these needs are properly understood regionally and nationally.

This year we will:-

Item	Description	Due Date	Progress at end September 2013	RA G
New Public Transport Contracts	Put in place new arrangements for school, public, additional support needs, and community-care bus transport to more efficiently link together services.	Aug-14	Retendering of school and public bus contracts has been delayed to enable a detailed evaluation of the proposed network and operating options. Transport consultants TAS have been contracted to assist with this process. New school and public contracts are planned to start in August 2014.	A
Ferries Review	Complete the implementation of the ferries review	Dec-13	New timetables have been implemented. Ferry fares review is currently being progressed with implementation planned for February 2014. The 6 monthly review of the ferry changes will be carried out in December 2013.	A
Fixed Links	Establish whether there is a clear case for developing a programme for fixed transport links	Mar-14	.Review of Fixed links including funding options has been delayed, but planned to take place in quarters 3 and 4 of 2014.	R

Corporate Plan - Page 10 - "Healthy economy - strong Communities."

We can't take action like we used to, but we can work in partnership with individuals, communities and business to understand what would help them to turn an idea into a business, get a community project off the ground, expand an existing company or find a new market.

Shetland has many resources and a lot of talent. We need to work together to make the best of these.

If everyone has the opportunity to work, improve their skills and make a positive contribution to the islands' increasing prosperity, we will create a wealthier, fairer and smarter Shetland.

We want to see more of Shetland's people in higher-skilled and better-paid jobs across Shetland, and for those jobs to be in a wider range of business areas than they are at the moment.

This year we will:

Item	Description	Due Date	Progress at end September 2013	R A G
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Renewable energy development plan 2013-20	Create and implement a renewable energy development plan 2013-20 which will seek a balance between inward investment and indigenous community projects and define Shetland's proposition as a test site for renewable energy projects.	Mar-14	A renewable energy development plan framework is being prepared and will be presented to committee.	A
Promote Shetland	Develop a plan to attract people to Shetland to live, work, study and invest.	Mar-14	Work has commenced with Community Planning partners to develop the plan which includes Promote Shetland contracts which will have been re-tendered for a 2 - 3 year period	A
Promote High-speed Broadband	Run a campaign to promote the business and community benefits of high speed broadband.	Mar-14	Review of the Shetland Telecoms Project Completed. Council seminar planned for 15 November.	A
Investigate Barriers to Employment & Development	Work in partnership with communities to identify barriers to employment and development e.g. childcare issues, transport etc. and develop sustainable, creative solutions	Mar-14	Baseline of number of community groups which influence local and wider decision making is currently being worked on. New Strategy and Business plan for LEADER funding 2014-2020 progressing. Survey of bus passenger service requirements and socio economic study conducted as part of the bus network review and will be used to inform decision making on bus networks.	A
Develop Remote Areas	Continue to work with communities to identify viable projects, maximise return from community assets, increase resilience and create jobs in remote areas.	Mar-14	Economic Development Grant Scheme and Business Start Up Scheme 2013-17 agreed at Council 9 October 2013. Community Asset Transfer Policy and Scheme being worked up.	A
Identify Skill Shortages	Identify skill and trade shortages and develop action plans to support the unemployed and underemployed get training in these areas with a specific focus on women and young people.	Mar-14	Skills Learning and Employability Action Plan, draft created for presentation to Council and Shetland Partnership.	A
Tertiary Education Review	Undertake a tertiary education review to ensure Shetland's learning	Mar-14	Governance Structure of single organisation external to SIC agreed 12 June 2013.	A

	providers are fit for purpose and meet demand.		Strategy Board in place. Project plan being constructed.	
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Corporate Plan - Page 12 - "Vulnerable and disadvantaged people"

People who do not have easy access to income, employment and good housing often experience higher levels of ill health, are often have less able physically and psychologically to meet challenges, and have less power and influence to bring about change.

Poverty and inequality not only reduce levels of opportunity and life experience, but also damage Shetland's economic success and well-being as a community.

We want to make sure that the changes that the changes we have to make to services consider the needs of the most venerable people.

We are also committed to concentrating services and resources on taking action early to tackle some of the reasons why people become vulnerable and disadvantaged in the first place

This year we will:

Item	Description	Due Date	Progress at end September 2013	RAG
Welfare Reform	Work with partners as welfare reform is implemented and support households through the changes and impacts resulting from it; including support to maximise income		Work progressing through Fairer Shetland. Welfare Reform sub-group set up which has been effective at sharing and publishing information.	G
Change Programme - Integrated Impact Assessment	Make sure all change projects use the integrated impact assessment tool	Jun-13	Integrated Impact Assessment (IIA) finalised approved by CMT and in use in all change projects	A
Promote Household Budgeting	Help families to develop a thrifty approach to reduce household bills		Adult learning is actively building capacity of others working with people on a low income. The section has developed a "Money Matters for Money Mentors" course which will be held late November and early December.	
Home energy efficiency programme	Promote the home energy efficiency programme and eco obligation funds to make sure lots of households take them up		Project board and team in place. Currently pursuing the funding available through ECO.	A
National Action	Continue to lobby ministers to recognise the additional factors affecting fuel poverty		The Minimum Income Standard (MIS) will prove very useful in providing further evidence for	A

	in Shetland and continue to promote measures to help reduce fuel poverty locally		continued lobbying. Local CAB due to publish their findings on fuel costs survey.	
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3.2 Progress against **Change Programme** projects led by the Development Department.

Ref & Item	Start	End	Progress	R A G
GC02 Shetland College Phase 3 Development	31-Mar-11	31-Mar-14	To be complete by March 2014.	A
GD01 Community Planning & Development Service Review	01-	31-Mar-14	Council considered the CP&D Review Report on 9 October 2013 and adopted the recommendations from the functional committees and the Executive Committee. Adult learning to remain with Council as opposed to a move to the college - £500K savings	G
GE01 Marketing/promotional services	29-Apr-13	31-Mar-14	This has been concluded. Revised contracts have been issued.	G
GE02 Fibre optic broadband infrastructure.	29-Apr-13	01-Mar-14	Consultant's report received end of July 2013. Councillors' seminar to be held 15 November. Report to Development Committee 27 November 2013	A
GE03 Commercial Investment & Shetland Development Trust	14-Aug-13	31-Mar-14	PID approved. Tender process for Phase 1 concluded. Part A – Tax advice awarded to KPMG. Part B – Legal to Brodies. To be concluded by end of November 2013	G
GG01 Implementation of Tertiary Education review	01-Mar-13	31-Mar-14	Strategy Group met 16 September 2013, Project Manager appointed, Senior Advisor still to be appointed. Project Support Team meeting 1 October. Project Board to meet November.	G
GH01 Redesign of Housing support services	01-Mar-13	01-Mar-14	Project team meeting regularly and making progress. Links established with wider Localities Project through CHCP. Reporting March 2014	G
GH02 Resolution of Housing Debt	01-Mar-13	01-Nov-13	The Working Group continues to meet. New proposals made to U.K. and Scottish Governments. Meeting date for Tripartite meeting now confirmed as 28th October 2013	A
GH04 Housing Asset Management Team Review	01-Mar-13	31-Mar-14	Complete	G
GT01 School & Public Transport Review	01-Mar-13	31-Mar-14	PID complete. Project progressing with assistance from consultants TAS. Due date to be amended to 11 August 2014.	A
GT02 ASN & Social care Transport Review	03-Jun-13	29-Aug-14	Work is progressing to identify transport need, to be concluded by 21 March 2014, with implementation of transport changes by August 2014	G

3.3 Progress against other **Directorate Plan** priorities agreed for the Development Department.

Item	Progress at end September 2013	Due Date	R A G
Promote Community Planning ensuring community engagement is at the heart of partnership working and service delivery across all partners	Strengthening Community Involvement Project Report completed and presented to SPB on 16 May 2013. Initial internal project planning meetings have taken place, with Learning Evaluation and Practice (LEAP) tool used to draft outline plans. Interface with NHS Localities Project recognised. Project Brief and PID to be developed for approval by SPPG. Progress slightly delayed due to CP&D review.	31 March 2015	A
Support an effective Shetland Partnership by implementing efficient structures and processes in line with the national review	Regular meetings scheduled, and agenda development agreed - guidance to be developed for lead officers re topics and presentations to SPB & SPPG. PPMF framework being developed. Thematic group guide being developed. Guidance recently rec'd from Scottish Govt on joint resourcing - to be discussed at next SPPG. Development Sessions with thematic groups being planned	31 March 2014	G
An affordable transport network, including internal flights, ferries & busses	Retendering of school and bus contracts has been delayed to enable a detailed evaluation of the proposed network and operating options. Transport consultants TAS have been contracted to assist with this process. New school and public contracts are planned to start in August 2014. 6 months review of changes to Ferry services to be conducted in January 2014.	August 2013	A
Complete the Local Development Plan Draft planning policy on renewable development	LPD and Supplementary Guidance on renewable energy complete and submitted to committee.	Mid 2013	G
Renewable Energy Development Plan	A renewable energy development plan framework is being prepared and will be presented to committee.	End of 2013	A
Future Supply of Housing	Constructive dialogue with Scottish Government on funding for future supply and on a range of initiatives/incentives to assist in the private market. Current Strategic Housing Investment Plan approved.	Ongoing	A
Fuel Poverty	A range of partnership working through Fairer Shetland continues to gather evidence and information to inform		A

	<p>lobbying on all aspects of fuel poverty.</p> <p>Government funding through ECO is being pursued which, if successful, will assist with a range of measures to improve properties in private and public sector.</p> <p>Cost of fuel continues to be a concern</p>		
Housing Support/ Housing for an Aging Population	Project Team established to review housing support provision in partnership with Health and Social Care, through the Localities Project. This will produce a pilot project in the North Isles to help shape wider housing support redesign. As part of this project and through funding identified in the Change Fund programme, we are currently planning adaptations to convert current 'sheltered' properties in the pilot project area to 'accessible' properties. Again this will feed into wider service redesign in future.		A
Homelessness	Implementation of prevention/early intervention strategy is showing benefits – lower number of presentations but still extreme pressure on temporary accommodation.		G
Private Sector Housing	Planned roll out and targeting of ECO funding to seek to improve energy efficiency in private sector stock.		A
Next Generation Broadband available to 75% of the population	Consultant's report received end of July 2013. Councillors' seminar to be held 15 November. Report to Development Committee 27 November 2013.	2016	A
Greater consistency in the provision and practice of Community Learning and Development	<p>Data on community assets gathered and discussions held with Planning Service about producing a map of community assets. No further progress made on review of Community Assets - await outcome by SIC on 9 October 2013 and clarification on tasks required.</p> <p>Community Energy Efficiency Programme (CEEP) scheme projects finalised and all outstanding grant monies claimed, with 26 community facilities assisted to become more energy efficient and sustainable. 27 external funding applications assisted and submitted. £282k secured for 12 projects to date, 6 bids unsuccessful and 9 more pending a decision.</p>	31 March 2014	A
Assist the Voluntary sector in funding and delivering more cost effective services	Asset Transfer Policy and Scheme being developed, which will include guidance in relation to the transfer of services as well as assets. The transfer of the Community Minibus to VAS is underway, with a target date for completion of December 2013.		A

Work in partnership with proactive communities to remove barriers to employment and create jobs in remote areas	Unst, Fetlar and Northmaven Development Companies provided with grant assistance through the Community Regeneration Partnership. Sandness Development Company supported to secure external funding to recruit a Development Worker for one year. Development Companies exist in most areas of Shetland, and communities wishing to set up a new Development Company are supported to do so. Consideration is being given at the Development Partnership to the need for a revised Community Regeneration Strategy for Shetland.		A
Skills Learning and Employability Action Plan with a specific focus on Youth Employment	Skills Learning and Employability Action Plan, draft created for presentation to Council and Shetland Partnership.	May 2013	A
Work with Community Partners to identify skills & training shortages and develop action plans to support the unemployed and underemployed.	Work ongoing with Skills, Learning and Employability Partnership which means regularly meeting with community partners to identify and address skills and training shortages.		A
Review Tertiary Education	Governance Structure of single organisation external to SIC agreed 12 June 2013. Strategy Board in place. Project plan being constructed for presentation to Project board on 5 November 2013.	Dec 31 2013	A
Implement budget savings	Progressing and on line to meet 2013/14 budget		G
Implement SOFIE reviews	Progressing. SOFIE reviews of Shetland College to be redone		
Implement the recommendations of the Planning Service Review	Implementation progressing	June 2013	A
Carry out a review of Community Planning & Development	Council considered the CP&D Review Report on 9 October 2103 and adopted the recommendations from the functional committees and the Executive. Adult learning to remain with Council as opposed to a move to the college - £500K savings	October 2013	G
Develop an integrated research and information team operating across all services in the Directorate	Initial work started to be implemented once move of Development Services to North Ness is complete in January 2014	January 2014	A

3.4 Overview of service plan progress in the Development Department

Service	Key Actions	RAG Rating	Number
Directorate Plan	32	Green	5
		Amber	24
		Red	2
Community Planning & Development	14	Green	9
		Amber	5
		Red	0
Economic Development	13	Green	8
		Amber	5
		Red	0
Housing	15	Green	5
		Amber	10
		Red	0
Planning	4	Green	2
		Amber	2
		Red	0
Transport Planning	11	Green	4
		Amber	5
		Red	2
Shetland College & Train Shetland*	18	Green	1
		Amber	17
		Red	0
Development Services Directorate Plan Total	107	Green	37
		Amber	66
		Red	4

3.5 The Committee is invited to comment on any issues which they see as significant to sustaining and improving service delivery.

4.0 Implications

Strategic

4.1 Delivery On Corporate Priorities – Effective planning and performance management are key features of the Council's Improvement Plan and part of the "Organising our Business" priority in the Council's Improvement Plan.

4.2 Community /Stakeholder Issues – Effective performance management and continuous improvement are important duties for all statutory and voluntary sector partners in maintaining appropriate services for the public.

4.3 Policy And/Or Delegated Authority – The Council's Constitution – Part C - Scheme of Administration and Delegations provides in its terms of reference for Functional Committees (2.3.1 (2)) that they;

"Monitor and review achievement of key outcomes in the Service Plans within their functional area by ensuring –

- (a) Appropriate performance measures are in place, and to monitor the relevant Planning and Performance Management Framework.

- (b) Best value in the use of resources to achieve these key outcomes is met within a performance culture of continuous improvement and customer focus.”

- 4.4 Risk Management – Embedding a culture of continuous improvement and customer focus are key aspects of the Council’s improvement activity. Effective performance management is an important component of that which requires the production and consideration of these reports. Failure to deliver and embed this increases the risk of the Council working inefficiently, failing to focus on customer needs and being subject to further negative external scrutiny.
- 4.5 Equalities, Health And Human Rights – The Council is required to make sure our systems are monitored and assessed for any implications in this regard.
- 4.6 Environmental – NONE
- Resources
- 4.7 Financial – There are no financial implications arising from this report.
- 4.8 Legal – NONE
- 4.9 Human Resources - NONE
- 4.10 Assets And Property – NONE

5.0 Conclusions

- 5.1 This report demonstrates good progress against the priorities identified in the Council’s Corporate Plan 2013-17, and the Development Directorate Plan 2013/14.

For further information please contact:
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6 November 2013

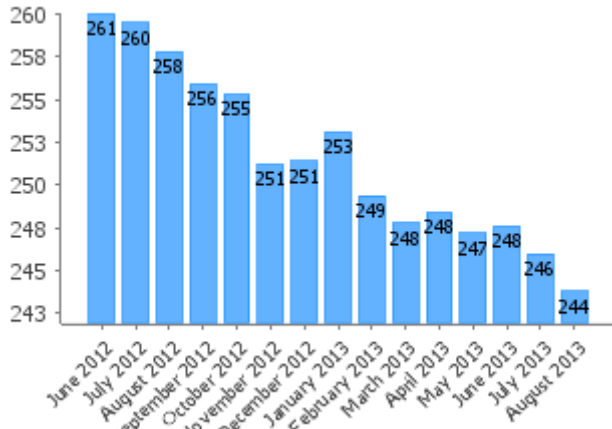
Links to Background documents:

Appendix 1 - Development Department key performance indicators and measures
Appendix 2 - Risks being managed by the Development Department.

Development Directorate

Generated on: 01 November 2013

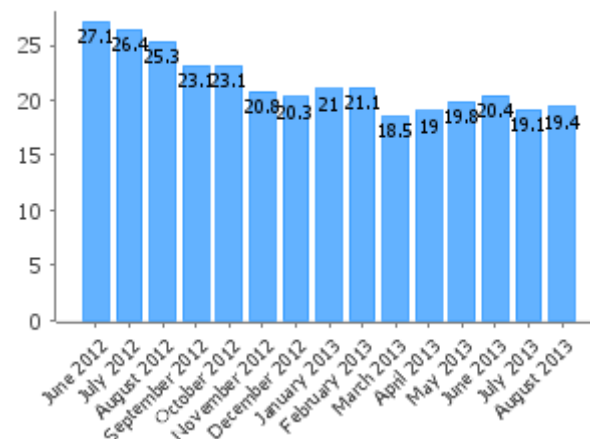
Full-time equivalents in Development Services Directorate - Contracted Hours only

August 2013 result 244	<div><div>OPI-4A-G FTE (Contracted Hours) - Development Directorate</div><table><caption>OPI-4A-G FTE (Contracted Hours) - Development Directorate</caption><thead><tr><th>Month</th><th>FTE (Contracted Hours)</th></tr></thead><tbody><tr><td>June 2012</td><td>261</td></tr><tr><td>July 2012</td><td>260</td></tr><tr><td>August 2012</td><td>258</td></tr><tr><td>September 2012</td><td>256</td></tr><tr><td>October 2012</td><td>255</td></tr><tr><td>November 2012</td><td>251</td></tr><tr><td>December 2012</td><td>251</td></tr><tr><td>January 2013</td><td>253</td></tr><tr><td>February 2013</td><td>249</td></tr><tr><td>March 2013</td><td>248</td></tr><tr><td>April 2013</td><td>248</td></tr><tr><td>May 2013</td><td>247</td></tr><tr><td>June 2013</td><td>248</td></tr><tr><td>July 2013</td><td>246</td></tr><tr><td>August 2013</td><td>244</td></tr></tbody></table></div>				Month	FTE (Contracted Hours)	June 2012	261	July 2012	260	August 2012	258	September 2012	256	October 2012	255	November 2012	251	December 2012	251	January 2013	253	February 2013	249	March 2013	248	April 2013	248	May 2013	247	June 2013	248	July 2013	246	August 2013	244
	Month	FTE (Contracted Hours)																																		
June 2012	261																																			
July 2012	260																																			
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July 2013	246																																			
August 2013	244																																			
Note/Target		Short Trend	Improving	↑																																
Service/Directorate	Development Services Directorate	12-month Trend	Improving	↑																																
Linked Performance Indicators	FTE (Contracted Hours) - Whole Council	2373	Purpose & Guidance This PI is a measure of headcount, at the moment it only includes contracted hours. It does not include hours worked beyond contract (either straight-time or time-and-a-half overtime). It does not include hours worked by Relief staff, and it does not include hours worked by "passed-to" staff (those staff with multiple contracts who only receive one payslip). Work is ongoing to address these omissions.																																	
	FTE (Contracted Hours) - Shetland College	72.4																																		
	FTE (Contracted Hours) - Community Planning & Dev	18.3																																		
	FTE (Contracted Hours) - Economic Development	17.2																																		
	FTE (Contracted Hours) - Development Services Director's Section	1																																		
	FTE (Contracted Hours) - Housing	90.8																																		
	FTE (Contracted Hours) - Planning	33.2																																		
	FTE (Contracted Hours) - Transport Planning	10.9																																		

Temporary Staff (FTE) in Directorate - Development Services

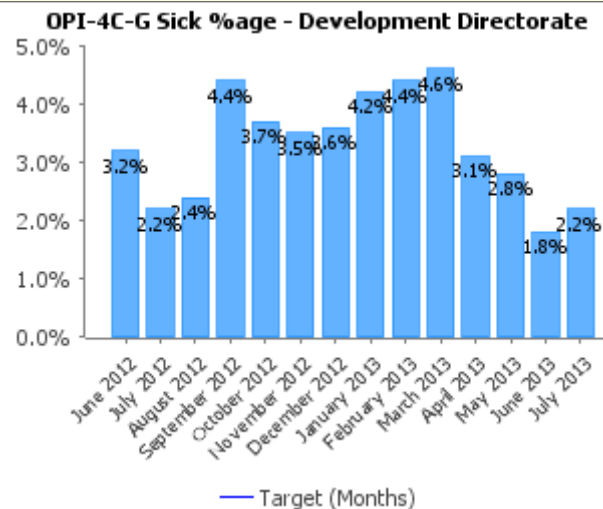
August 2013 result
19.4

OPI-4At-G Temporary Staff (FTE) - Development Directorate



Note/Target		Short Trend	Getting Worse	↓
Service/Directorate	Development Services Directorate	12-month Trend	Improving	↑
Linked Performance Indicators	Temporary Staff (FTE) - Whole Council	129.1	Purpose & Guidance This PI is a measure of the number of FTE staff on temporary contracts. These temporary staff ARE also included in the total FTE (Contracted Hours) PI. It does not include the hours they work beyond their contract (either straight-time or time-and-a-half overtime). It does not include Relief staff, and it does not include hours worked by "passed-to" staff (those staff with multiple contracts who only receive one payslip). Work is ongoing to address these omissions.	
	Temporary Staff (FTE) - Shetland College	7.7		
	Temporary Staff (FTE) - Community Planning & Dev	1.2		
	Temporary Staff (FTE) - Economic Development	2.6		
	Temporary Staff (FTE) - Corporate Services Director Direct Reports	0		
	Temporary Staff (FTE) - Housing	6.9		
	Temporary Staff (FTE) - Planning	1		
	Temporary Staff (FTE) - Transport Planning	0		

Percentage Rate Of Sickness in Directorate - Development Services

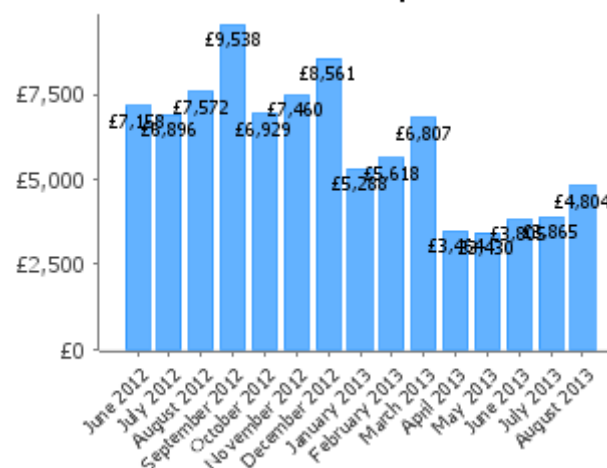


Note/Target		Short Trend	Getting Worse	↓
Service/Directorate	Development Services Directorate	12-month Trend	Improving	↑
Linked Performance Indicators	Sick %age - Whole Council	2.9%	Purpose & Guidance This indicator shows the percentage of CALENDAR days that are "absent due to sickness", it does not measure "working days". It does not include compassionate leave, Maternity/Paternity or any other leave other than sickness. It does not take into account whether a person is on full-pay, half-pay or zero-pay.	
	Sick %age - Shetland College	1.3%		
	Sick %age - Community Planning & Dev	1.1%		
	Sick %age - Economic Development	5.4%		
	Sick %age - Development Services Director's Direct Reports	0.0%		
	Sick %age - Housing	3.1%		
	Sick %age - Planning	0.7%		
	Sick %age - Transport Planning	3.0%		

Overtime Cost in Directorate - Development Services (non-contractual)

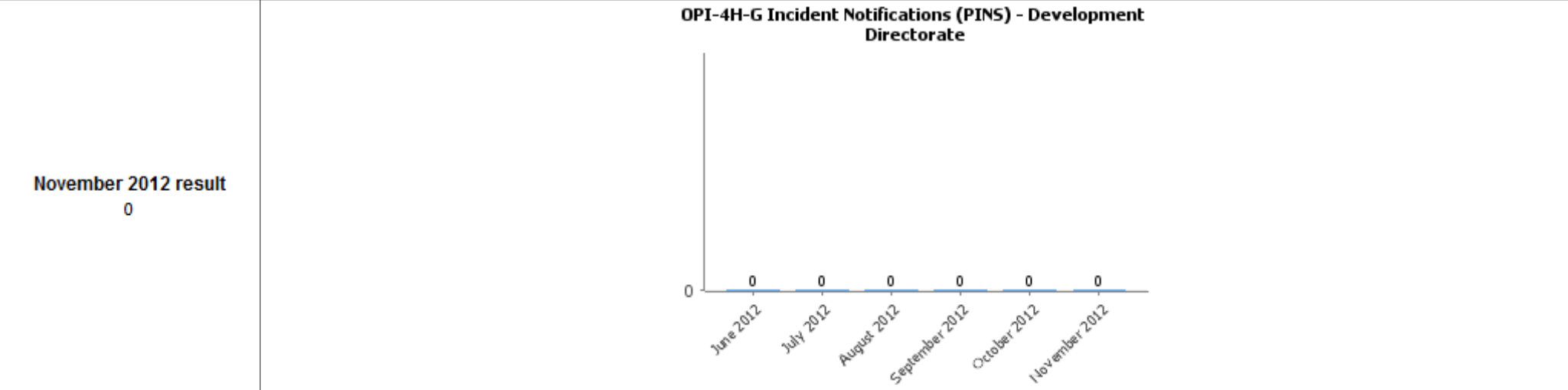
August 2013 result
£4,804

OPI-4D-G Overtime Cost - Development Directorate



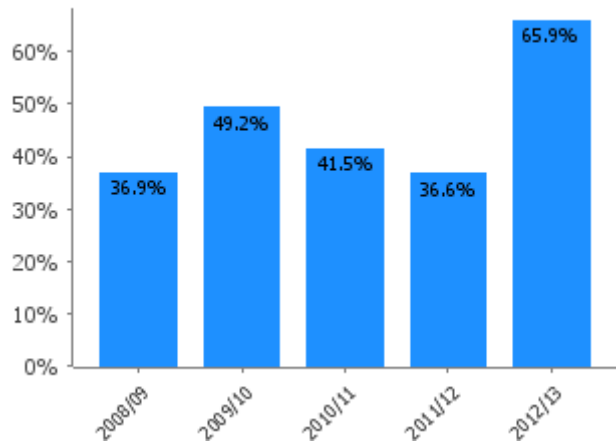
Note/Target		Short Trend	Getting Worse	↓
Service/Directorate	Development Services Directorate	12-month Trend	Improving	↑
Linked Performance Indicators	Overtime Cost - Whole Council	£137,307	Purpose & Guidance This PI measures non-contractual, time-and-a-half, overtime cost. It does NOT include any on-costs such as employer's NI contribution. It does NOT include hours worked beyond contract where these are straight time (e.g. a 20 hour per week person working 30 hours one week). It does NOT include contractual overtime (e.g. the 5 hours contracted overtime that most ferry staff have).	
	Overtime Cost - Shetland College	£155		
	Overtime Cost - Community Planning & Dev	£0		
	Overtime Cost - Economic Development	£0		
	Overtime Cost - Development Services Director's Direct Reports	£0		
	Overtime Cost - Housing	£3,439		
	Overtime Cost - Planning	£0		
	Overtime Cost - Transport Planning	£1,210		

Incident Notifications (PINS) in Directorate - Development Services

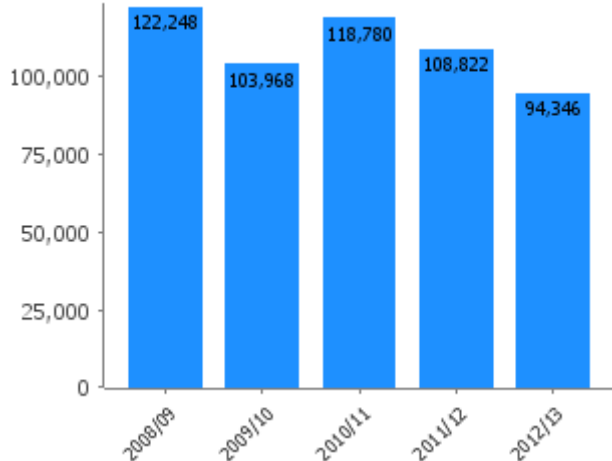




Note/Target		Short Trend	No Change	<div></div>
Service/Directorate	Development Services Directorate	12-month Trend	No Change	<div></div>
Linked Performance Indicators	Incident Notifications (PINS) - Whole Council	232		
	Incident Notifications (PINS) - Shetland College	0		
	Incident Notifications (PINS) - Community Planning & Dev	0		
	Incident Notifications (PINS) - Economic Development	0		
	Incident Notifications (PINS) - Corporate Services Director's Section	0		
	Incident Notifications (PINS) - Housing	0		
	Incident Notifications (PINS) - Planning	0		
	Incident Notifications (PINS) - Transport Planning	0		

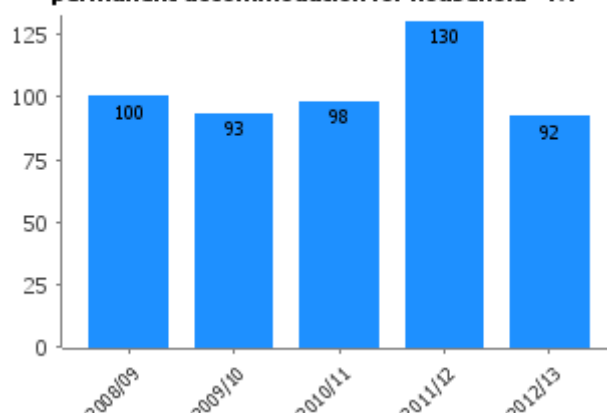


Total % of applications dealt with within two months

<div>2012/13 result</div> <div>65.9%</div>	<div>SPI13cii DS1: Total % of applications dealt with within two months</div> <div><table><thead><tr><th>Period</th><th>Total % of applications dealt with within two months</th></tr></thead><tbody><tr><td>2008/09</td><td>36.9%</td></tr><tr><td>2009/10</td><td>49.2%</td></tr><tr><td>2010/11</td><td>41.5%</td></tr><tr><td>2011/12</td><td>36.6%</td></tr><tr><td>2012/13</td><td>65.9%</td></tr></tbody></table></div>				Period	Total % of applications dealt with within two months	2008/09	36.9%	2009/10	49.2%	2010/11	41.5%	2011/12	36.6%	2012/13	65.9%
Period	Total % of applications dealt with within two months															
2008/09	36.9%															
2009/10	49.2%															
2010/11	41.5%															
2011/12	36.6%															
2012/13	65.9%															
<div>Note/Target</div>	<div><div>Performance and Improvement Statement</div><div>Whilst seeking to achieve a faster and more efficient throughput of newly submitted applications following the redesign of system processes and introduction of a new back office system that took place in the period 2011/2012, during 2012/2013 work took place on addressing the number of stalled applications that the Planning Authority has had on Part 1 of its Register.</div><div>The Service during the period 2012/2013 has also been conducting pre-application discussions in relation to a number of large scale development proposals that are of strategic/economic/corporate importance, and which are scheduled for planning application submissions to be made in the 2013/2014 period. Handling of these applications and Energy Consents Unit consultations will take a deal of officer time, and in the circumstance of finite resources there exists the potential for performance to be adversely affected.</div></div>	<div>Short Trend</div>	<div>Improving</div>	<div>↑</div>												
<div>Service/Directorate</div>	<div>Development Services Directorate; Planning</div>	<div>12-month Trend</div>	<div>Improving</div>	<div>↑</div>												
<div>Linked Performance Indicators</div>																

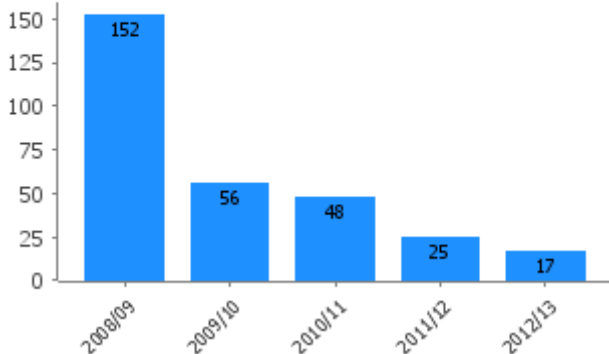


Amount of rent loss due to voids

2012/13 result 94,346	SPI16.b Amount of rent loss due to voids			
				
Note/Target	Performance Statement The performance has improved by the amount of rent loss due to voids has decreased from £108,822 (1.9%) in 2011/2012 to £94,346 (1.6%) in 2012/2013. Improvement Statement We will continue to monitor this.	Short Trend	Improving	
Service/Directorate	Development Services Directorate; Housing	12-month Trend	Improving	
Linked Performance Indicators				

19-Permanent-aiv) Council duty to secure permanent accommodation for household - iv. Number of cases assessed during the year

2012/13 result 92	<div><p>SPI19.a.P.vi Homelessness (permanent) Number of cases assessed during the year. Council duty to secure permanent accommodation for household - iv.</p><table><thead><tr><th>Year</th><th>Number of cases assessed</th></tr></thead><tbody><tr><td>2008/09</td><td>100</td></tr><tr><td>2009/10</td><td>93</td></tr><tr><td>2010/11</td><td>98</td></tr><tr><td>2011/12</td><td>130</td></tr><tr><td>2012/13</td><td>92</td></tr></tbody></table></div>				Year	Number of cases assessed	2008/09	100	2009/10	93	2010/11	98	2011/12	130	2012/13	92
Year	Number of cases assessed															
2008/09	100															
2009/10	93															
2010/11	98															
2011/12	130															
2012/13	92															
Note/Target	<p>Performance Statement The number of homeless cases assessed during the year who we had a duty to rehouse reduced from 130 in 2011/2012 to 92 in 2012/2013.</p> <p>Improvement Statement The increased role of early homeless prevention and housing options work is helping to find acceptable housing solutions for applicants who otherwise we would have no homeless duty to.</p>	Short Trend	Getting Worse													
Service/Directorate	Development Services Directorate; Housing	12-month Trend	Getting Worse													
Linked Performance Indicators																

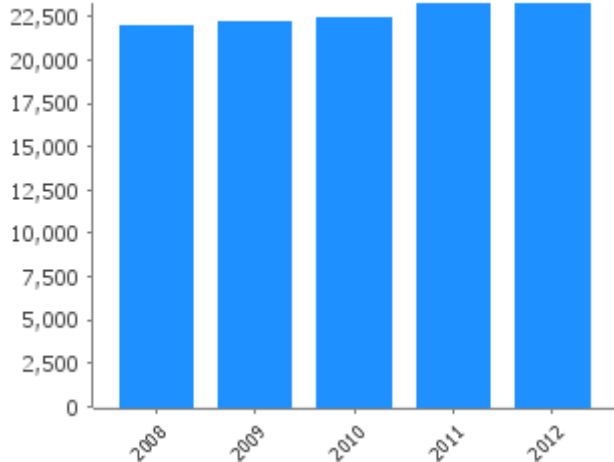
19-Temporary-aiv) Council duty to secure temporary accommodation, provide advice and guidance or take reasonable measures to retain accommodation - iv. Number of cases assessed during the year.

2012/13 result 17	SPI19.a.T.v Homelessness (temporary). Number of cases assessed during the year. Council duty to secure temporary accommodation, provide advice and guidance or take reasonable measures to retain accommodation - iv.			
				
Note/Target	Performance Statement The number of cases assessed who the local authority has a duty to provide temporary accommodation to has reduced to 17 in 2012/2013 from 25 in 2011/2012. Improvement Statement Again, the early prevention work and housing options approach in place is helping to find housing solutions that avoid the crisis of homelessness.	Short Trend	Getting Worse	
Service/Directorate	Development Services Directorate; Housing	12-month Trend	Getting Worse	
Linked Performance Indicators				

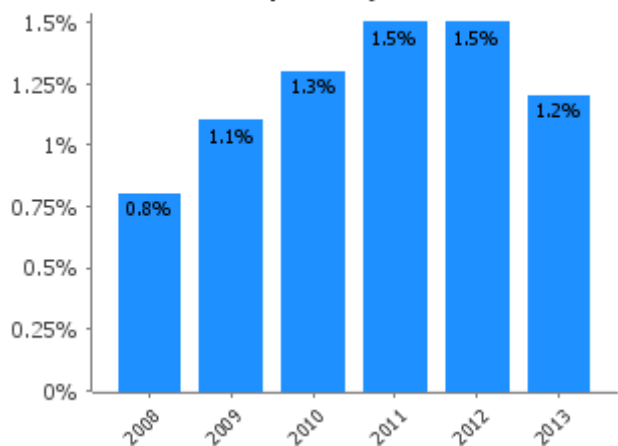
Average Earnings

2012 result £546.10	<div><p>SOA.LIND.05 Average (Median) Earnings</p><table><tr><th>Year</th><th>Average (Median) Earnings</th></tr><tr><td>2001</td><td>£391.30</td></tr><tr><td>2002</td><td>£367.30</td></tr><tr><td>2003</td><td>£422.10</td></tr><tr><td>2004</td><td>£452.90</td></tr><tr><td>2005</td><td>£465.60</td></tr><tr><td>2006</td><td>£384.40</td></tr><tr><td>2007</td><td>£446.00</td></tr><tr><td>2008</td><td>£461.20</td></tr><tr><td>2009</td><td>£508.10</td></tr><tr><td>2010</td><td>£502.20</td></tr><tr><td>2011</td><td>£545.80</td></tr><tr><td>2012</td><td>£546.10</td></tr></table></div>				Year	Average (Median) Earnings	2001	£391.30	2002	£367.30	2003	£422.10	2004	£452.90	2005	£465.60	2006	£384.40	2007	£446.00	2008	£461.20	2009	£508.10	2010	£502.20	2011	£545.80	2012	£546.10
	Year	Average (Median) Earnings																												
	2001	£391.30																												
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2009	£508.10																													
2010	£502.20																													
2011	£545.80																													
2012	£546.10																													
Note/Target	£560.10 - Calculations based on maintaining gross weekly wage at current Consumer Price Index level (currently 2.7%). Target recommended by Economic Development Partnership.	Short Trend	Improving	↑																										
Service/Directorate		12-month Trend	Improving	↑																										
Linked Performance Indicators																														

Population

2012 result 23,210				
		Short Trend	Improving	↑
		12-month Trend	Improving	↑

Proportion on out of work benefits (JSA or equivalent)

2013 result 1.2%	<div>SOA.LIND.60 Proportion on out of work benefits (JSA or equivalent)</div>  <table><tr><th>Year</th><th>Proportion</th></tr><tr><td>2008</td><td>0.8%</td></tr><tr><td>2009</td><td>1.1%</td></tr><tr><td>2010</td><td>1.3%</td></tr><tr><td>2011</td><td>1.5%</td></tr><tr><td>2012</td><td>1.5%</td></tr><tr><td>2013</td><td>1.2%</td></tr></table>				Year	Proportion	2008	0.8%	2009	1.1%	2010	1.3%	2011	1.5%	2012	1.5%	2013	1.2%
	Year	Proportion																
	2008	0.8%																
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2010	1.3%																	
2011	1.5%																	
2012	1.5%																	
2013	1.2%																	
Note/Target		Short Trend	Improving	↑														
Service/Directorate		12-month Trend	Improving	↑														
Linked Performance Indicators																		

Appendix 2 - Risks being managed by the Development Department

Risk Analysis:

- 1 is very low
- 2 is low
- 3 is average
- 4 is high
- 5 is very high

Description of Risk/Mitigation	Probable (1-5)	Impact (1 – 5)	Risk (Probable x Impact)
Low staff morale impacts on Directorate	4	5	20
College rationalisation means decisions are made out with Shetland and has a negative impact on skill development	4	4	16
Budgets do not balance	3	5	15
Welfare reform impacts	5	3	15
Complexity of governance arrangements impacts on decision making	4	3	12
Lack of 'buy in' to community planning impacts adversely on Council reputation	3	4	12

**Development Committee****27 November 2013****Shetland Local Development Plan – Proposed Plan****Report Number: PL-18-13-F****Report Presented By: Team Leader -
Development Plans and Heritage****Development Services Department /
Planning****1.0 Summary**

- 1.1 This report provides an update on the Shetland Local Development Plan (LDP).

2.0 Decision Required

- 2.1 That the Development Committee RESOLVE to:
- a) Agree that the proposed Shetland LDP, unresolved representations and all specified supporting documentation be now published and submitted to Scottish Ministers with a request that they appoint a Reporter, examine the LDP and provide an estimate of the fees payable

3.0 Detail

- 3.1 The Shetland LDP will replace the adopted Shetland Structure and Local Plans (2001 and 2004). The LDP will be the primary basis for all spatial planning decisions in Shetland and therefore is of critical importance to sustainable economic growth, planning for renewables development, ensuring adequate land supply and safeguarding the environment. The LDP sets out where most new developments will happen and policies that will guide decision making on planning applications, it is supported by Supplementary Guidance (SG), which provides more detailed guidance on specific issues.
- 3.2 None of the Supplementary Guidance (SG) can receive final Council approval until the LDP is formally adopted; this includes the Marine Spatial Plan, also on this agenda, the 11 SGs already approved for consultation (including those for Business and Industry and Onshore Wind) and those currently being developed. Some of these documents form the basis of the Council's interaction with the National Planning

Framework, National Marine Plan and Regional Marine Plan as well – all of these, as Members will be aware, are at important stages in their development and are of importance to Shetland.

- 3.3 The main statutory stages in the preparation and delivery of the Shetland Local Development Plan are:
- Publication of the Development Plan Scheme
 - Main Issues Report and draft Environmental Report consultation.
 - Prepare and Publish the Proposed Plan, alongside the Strategic Environmental Assessment and other impact assessments
 - Consider and respond to representations to the Plan
 - **Submission of the Plan to Scottish Ministers**
 - Examination
 - Adoption of the Shetland Local Development Plan, Environmental Report and Action Programme
 - Implementation, Monitoring and Review
- 3.4 This report forms part of the formal stage highlighted in bold in the list above.
- 3.5 Scottish Planning Policy sets the broad principles that should underpin a genuinely plan-led modernised system. Development plans should be succinct and set out ambitious long term visions for their areas. They should be kept up to date and provide a practical framework to enable the determination of planning applications with a degree of certainty and efficiency. All interests should be engaged as early and as fully as possible, and there should be a clear focus on high quality outcomes. The primary responsibility for operating the development planning system lies with planning authorities.
- 3.6 One of the main thrusts of the Scottish Government's Modernising Planning priority, which flows from the Planning etc (Scotland) Act 2006, was to establish a plan-led system where national, strategic and local plans clearly set out development priorities and guide individual planning decisions. The National Planning Framework sets out national priorities for development planning and provides the context for regional and local developments. 4 strategic plans and 34 local development plans will replace structure and local plans and these should be updated every 5 years. These new plans are mandatory and set out the priorities for development at the regional and local levels.
- 3.7 The Shetland LDP has been compiled following, and in response to, the representations received on the Main Issues Report (MIR) and the call for development sites. Both of these stages involved extensive consultation, including numerous workshops, drop-in sessions, a media campaign and extensive engagement with statutory and other bodies. We have also worked closely with the planners in the Scottish Government Built Environment Directorate so as to ensure that our process, consultations, strategies and planning policies comply with statutory processes and national policies.
- 3.8 The Shetland LDP includes the Vision and Spatial Strategy, which were approved at the meeting of the Development Committee on 9 March 2012 (Minute Ref: 23/12), and Members approved the plan as

the planning authority's settled view at the Council meeting on 10 October 2012 (Minute Ref: 96/12). It was then subject to a period for representations that closed on 13 December 2012.

- 3.9 Following the close of the period for representations on the Proposed Plan, planning authorities may make modifications, but only so as to take account of representations, consultation responses or minor drafting and technical matters.
- 3.10 At the end of the period for representations there had been 85 representations received, 56 involving specific sites, 28 about one or more policies and one letter expressing support for the plan. We have now considered and responded to all these representations.
- 3.11 The statutory process of consideration and response to representations is expected to lead to some being resolved with others not being resolved. The Plan, the unresolved representations and all related documentation are then forwarded to Scottish Ministers for examination. All unresolved representations must be set out on a form known as a "Schedule 4" and these are summarised in the table at Appendix 1 to this report; the actual forms are available on the Council's website at:
<http://www.shetland.gov.uk/planning/LocalDevelopmentPlan.asp>
- 3.12 66 representations are unresolved and a number of these are relatively straightforward and likely to be acceptable, however, the process does not allow us to make the changes requested because it would result in a "modification" of the Plan. This is because, for example, even to incorporate what appear to be a number of minor grammatical changes could, when taken together, change the overall meaning of a policy or the plan.
- 3.13 Changes to the Plan that are contrary to the Council's settled view also should not be made at this point because the settled view was arrived at following an extensive period of consultation and plan preparation and would cause the Council to publish a modified plan for representations. These representations would also have to be fully considered and responses given. To follow this course would subject the whole plan to this further scrutiny, not just the modifications. Accordingly, where appropriate, within the unresolved representations there are a number where the Council's response states that the Council would be willing to accept the modification sought if the Reporter is minded to accept it.
- 3.14 The modifications sought in some of the representations are so significant that they would change the underlying aims or strategy of the proposed plan and would require the preparation of a new LDP, including preparing a refreshed list of main issues.
- 3.15 Our consideration of the representations has led us to conclude that the Shetland LDP should not be modified and that it should be published and sent to Scottish Ministers for examination. However, if this Committee, having considered the responses to the representations set out on the Schedule 4 forms decides that the Plan

should be modified, it should make an appropriate recommendation to the Council.

3.16 Examination Process

The Council publishes the Shetland LDP and submits to Scottish Ministers with a request that the Ministers appoint a Reporter, subject it to examination and provide an estimate of the fees payable – the Department of Planning and Environmental Appeals (DPEA) administer the process on behalf of Scottish Ministers.

Scottish Ministers appoint a Reporter and serve notice on the Council that the Plan will be examined, the Council must publicise the appointment in a local newspaper.

The Plan is firstly examined for compliance with the Participation Statement, i.e. that the Council did conform to its participation statement by way of publicity and public participation.

The second stage is the examination of unresolved issues to the proposed plan.

The Council may have to respond to requests for further information during the examination.

The Reporter will add his/her conclusions and recommendations to each of the schedule 4 forms that was submitted by the Council.

The DPEA will send the report of the examination to the Council, publish the report on to its web site and notify everyone who submitted unresolved representations of its publication.

- 3.17 The Scottish Government has published a very helpful and straightforward “Guidance Note for people who submitted representations” on its website. The guide explains what an Examination is, who is involved, what happens to representations, all the documentation submitted by the planning authority and that no further action needs to be taken by those who submitted representations. It then goes on to describe the examination stages in more detail right through to completion and publication of the Reporter’s recommendation.

- 3.18 The Guidance Note is here: <http://www.scotland.gov.uk/Topics/Built-Environment/planning/Appeals/howwework/proceduresindpe/dperepresentationguidancenote>

- 3.19 The examination report will essentially be binding on the Council. The Town and Country Planning (Grounds for declining to follow recommendations) (Scotland) Regulations 2009 states that authorities may only depart from recommendations that:

- a) Would have the effect of making the LDP inconsistent with the National Planning Framework, or with any SDP or national park plan for the same area

- b) Are incompatible with Part IVA of the Conservation (Natural Habitats etc) Regulations 1994; or
- c) Are based on conclusions that could not reasonably have been reached based on the evidence considered at the examination

4.0 Implications

Strategic

- 4.1 Delivery of Corporate Priorities – When complete, the new Shetland LDP will be the strategic tool for the Council's development priorities. In conjunction with other Council policies (including the Local Housing Strategy), it will contribute to meeting the spatial aims of the Community Plan and the Corporate Plan.

The LDP will provide more certainty to the assessment of planning applications, as decisions will be made against an up to date framework. Failure to deliver an up to date development plan will jeopardise the speed and quality of decision making.

- 4.2 Community/ Stakeholder Issues – The extensive consultation exercises identified in this report have been explained in detail previously. Stakeholder consultation continued throughout the policy writing aspect of the LDP preparation and at the representations stage and it is possible that an Examination will be undertaken.

- 4.3 Policy And/ Or Delegated Authority – In accordance with Section 2.3.1 of the Council's Scheme of Administration and Delegations, the Development Committee has delegated authority to implement decisions within its remit.

Once approved, the Strategy will form part of the Council's strategic policy framework as referred to in Section 3(2) of the Governance procedures.

Should the Committee, having considered the responses to the representations, decide that the Plan should be modified, this would require a decision of the Council.

- 4.4 Risk Management - The lack of an up to date Development Plan could prevent the Council from supporting developments that are in line with its priorities, and result in more challenges to Council decisions. The LDP has been formulated to reflect the Council's priorities. Furthermore, none of the Supplementary Guidance (SG) can receive final Council approval until the LDP is formally adopted.

- 4.5 Equalities, Health And Human Rights – The process to deliver the LDP includes addressing the Council's obligation to comply with equalities legislation and policies, guidance and actions have been analysed and assessed against these obligations. A full assessment accompanies the LDP.

- 4.6 Environmental – The LDP has been subject to strategic environmental assessment (SEA) and a revised environmental report accompanies

the LDP, which shows how environmental implications have been considered and impacts mitigated. A Habitats Regulations Appraisal supports the SEA to determine whether the LDP is likely to have a significant effect on any European site. The planning authority is also subject to the over-arching requirement to exercise the function (of preparing development plans) with the objective of contributing to sustainable development imposed by The Planning etc. (Scotland) Act 2006.

Resources

- 4.7 Financial – All costs in relation to the Local Development Plan Project will be met from existing budgets.
- 4.8 Legal – None.
- 4.9 Human Resources – Continuing work associated with the LDP will be undertaken by established staff.
- 4.10 Assets And Property – None.

5.0 Conclusion

- 5.1 The report highlights the work to produce an up to date and fit for purpose Local Development Plan that meets statutory requirements, national policy and local priorities and aspirations.
- 5.2 All the representations received in response to the proposed Shetland Local Development Plan have now been considered and responded to and it is not appropriate to modify the Plan.
- 5.3 The proposed LDP, unresolved representations and all specified supporting documentation should now be published and submitted to Scottish Ministers with a request that they appoint a Reporter, examine the LDP and provide an estimate of the fees payable.

For further information please contact:

*Austin Taylor, Team Leader Development Plans and Heritage
Tel. 744833 e-mail: austin.taylor@shetland.gov.uk
14 November 2013*

Background Documents

All documents are available online at: [Local Development Plan](#)

END

**Development Committee****27 November 2013****Draft Scottish Planning Policy: 'Sustainability and Planning' Consultation****Report Number: PL-19-13-F****Report Presented by Team Leader –
Development Plans and Heritage****Development Services Department
Planning****1.0 Summary**

- 1.1 The Scottish Government has published an update to its Draft Scottish Planning Policy (SPP). This report sets out the Council's proposed response.

2.0 Decision Required

- 2.1 That the Development Committee RESOLVE to:
- a) Approve comments in relation to the updated consultation by the Scottish Government on SPP
 - b) Grant delegated authority to the Executive Manager Planning to complete and submit the proposed response, subject to any revisions the Committee wishes to make.

3.0 Detail

- 3.1 An initial Draft SPP was published for consultation between 30 April and 23 July 2013. Following this period of consultation the responses were analysed. This analysis has led the Scottish Government to reconsider the Draft Policies on Sustainable Economic Growth and Sustainable Development and replace these with a principal policy on Sustainability in Planning. In line with its participation statement the Scottish Government is providing a period of consultation on these changes.
- 3.2 The initial consultation responses on the Draft SPP and the independent analysis of these responses can be found here:

Consultation Responses

<http://www.scotland.gov.uk/Publications/2013/08/1205>

Analysis of Consultation Responses Report:

<http://www.scotland.gov.uk/Topics/Built-Environment/planning/NPF3-SPP-Review/SPP-Review>

- 3.3 The proposed changes to the draft SPP are very much in line with the thrust of our comments on the original consultation. Therefore, we have welcomed these revisions.
- 3.4 The Government has provided a questionnaire for ease of response to the consultation, however, we feel that the Council's comments would be best made in the form of the document attached as Appendix 1, supplemented by the standard respondent information form.

4.0 Implications

Strategic

- 4.1 Delivery On Corporate Priorities – When complete, the revised SPP will be the Scottish Government's up-to-date statement of planning policy for Scotland and will be a material consideration in the planning system that carries significant weight in terms of both development planning and development management.
- 4.2 Community /Stakeholder Issues – The Scottish Government is the responsible authority for undertaking the relevant consultations for SPP.
- 4.3 Policy And/Or Delegated Authority – In accordance with Section 2.3.1 of the Council's Scheme of Administration and Delegations, the Development Committee has delegated authority to implement decisions within its remit.
- 4.4 Risk Management – The Scottish Government is the responsible authority for undertaking the relevant Risk assessments for SPP.
- 4.5 Equalities, Health And Human Rights - It is not anticipated that there will be any equality or climate change implications for the Council. The Scottish Government is the responsible authority for undertaking the relevant Equalities, Health and Human Rights assessments for SPP.
- 4.6 Environmental – The Scottish Government is the responsible authority for undertaking the relevant Environmental assessments for SPP.

Resources

- 4.7 Financial – None.
- 4.8 Legal – None.
- 4.9 Human Resources – It is not anticipated that there will be any direct resource implications for the Council. Established staff will undertake work associated with the review of SPP.

4.10 Assets And Property – None.

5.0 Conclusions

- 5.1 The report outlines the updated consultation to SPP and a response on behalf of the Council.
- 5.2 Members are requested to consider and, if appropriate, amend the proposed response to the updated consultation by the Scottish Government on SPP

For further information please contact:

Austin Taylor, Team Leader Development Plans and Heritage
Tel. 744833 e-mail: Austin.taylor@shetland.gov.uk
14 November 2013

List of Appendices

Appendix 1 Draft Scottish Planning Policy: 'Sustainability and Planning' Consultation
- Comments from Shetland Islands Council

Background documents:

[PL-13-13-F - Draft Scottish Planning Policy \(SPP\) - Report - Development Committee \(Min Ref: 35/13\)](#)

END

**Draft Scottish Planning Policy: 'Sustainability and Planning' Consultation
Comments from Shetland Islands Council**

Introduction

Shetland Islands Council (SIC) welcomes this further opportunity to comment on the review of SPP and wishes these comments to be considered as its formal consultation response. The Council has not answered the specific questions outlined in the consultation document, but has made comments on the relevant content of the consultation document in relation to our initial response to the Draft Scottish Planning Policy consultation in July 2013.

Policy Presumption

The Council welcomes the presumption in favour of development that contributes to sustainable development.

The Council's original response highlighted concerns over the emphasis on economic growth as opposed to sustainable development. The clarification in the policy presumption that the aim is 'to achieve the right development in the right place, it is not to allow development at any cost' is therefore welcome.

The definitions of both Sustainable Development and Sustainable Economic Growth are satisfactory and make an important distinction between the two. This is seen as a positive addition to the previous consultation draft of SPP.

In Paragraph 10 the emphasis on the applicants providing good quality and timely supporting information describing economic, environmental and social implications of the proposal is welcomed.

**Development Committee****27 November 2013****Consultation on the National Marine Plan****Report Number : PL-17-13-F****Report Presented By: Coastal Zone Manager****Development Services Department /
Planning****1.0 Summary**

- 1.1 This report summarises the Scottish Government's consultation document on the National Marine Plan and a number of related documents on marine planning.
- 1.2 Responses to the consultation papers are attached and this report seeks approval of these, subject to any amendments or additions by Members.

2.0 Decision Required

- 2.1 That the Development Committee RESOLVE to approve the attached consultation responses, subject to any amendment, as the Council's official response.

3.0 Detail

- 3.1 The Scottish Government issued a number of consultation documents in late July connected with the management of the marine resource around Scotland. Collectively the documents set out the Government's approach to sustainable development and sustainable economic growth in the marine environment whilst protecting the more important features of the ecosystem. The purpose is to ensure, through conservation and regeneration where appropriate, that the goods and services the marine resource provides can continue into the future.
- 3.2 A total of six draft documents were issued for consultation:
 - Draft National Marine Plan;
 - Draft Planning Circular on the relationship between the land use planning system and marine planning and licensing;
 - Possible Nature Conservation Marine Protected Areas;

- Sectoral Marine Plans for Offshore Wind, Wave and Tidal Energy;
- Priority Marine Features;
- Draft Seaweed Policy Statement.

The first two documents are a requirement of the Marine (Scotland) Act 2010 whilst the other four link into them and marine management in general. Copies of the first five documents can be found at:

www.scotland.gov.uk/marineconsultation

whilst that for the Seaweed Policy Statement can be found at:

<http://www.scotland.gov.uk/Publications/2013/08/6786>

The main points of each document and the factors that influenced the response to them are summarised below.

National Marine Plan (NMP)

- 3.3 This is the overarching document that seeks to take development in the marine environment, from Mean High Water Springs out to 200 nautical miles, forward in a sustainable manner through a series of strategic objectives and policy statements. The latter include general policies that apply to all developments and uses with additional policies for a number of sectoral activities such as fishing, aquaculture, oil and gas, transport, etc.
- 3.4 The strategic objectives of the NMP seek to achieve a sustainable marine economy, ensure a strong, healthy and just society by living within environmental limits and promoting good governance all through the use of sound science. The general policies describe the parameters within which development and activities can occur ensuring that sustainable economic growth and sustainable development remain a priority while remaining sensitive to environmental aspects, other users and long term health of the resource. More specific and targeted policies have been developed for sectoral interests.
- 3.5 Overall the NMP objectives and policies provide a useful context for marine planning at the national level and will help in the development and delivery of Regional Marine Plans (RMPs) by Scottish Marine Regions (SMRs). Eleven SMRs have been proposed and legislation establishing these is due in late 2013. Shetland, Orkney and the Western Isles are to be stand alone Marine Regions whilst the other eight will be a combination of adjacent Local Authority areas. It is anticipated that the first two RMPs will commence in the early part of the 2014/15 financial year with a rolling programme of two a year thereafter. Early indications are that Shetland and the Clyde will be selected to develop the first RMPs given their involvement to-date in preparing marine spatial plans under the Sustainable Scottish Marine Environment Initiative.
- 3.6 In responding to the draft NMP the opportunity has been taken to reiterate the call for further devolvement of decision making powers down to the local level currently being pursued as part of the 'Our Islands, Our Future' initiative. The responses to Questions 2 and 4 indicate that such a move would build on existing expertise and knowledge, facilitate better integration between the marine and land

planning processes and ensure local accountability, transparency and improved community planning.

- 3.7 To take RMPs forward it is proposed to establish Marine Planning Partnerships (MPPs) within each SMR. The response to Question 2 (Appendix A) advocates how this could be best achieved, and be more effective, within Shetland (and the other two Island groups) on the basis that 'one size' will not fit all SMRs and a Local Authority MPP rather than a large 'committee' style MPP is more appropriate for the islands. This approach does not marginalise stakeholders in any way as they would still be involved in the process through extensive consultation and discussion. A similar format has worked extremely well in the development of the Shetland Marine Spatial Plan (SMSP). The Marine (Scotland) Act 2010 provides the means for marine planning and consenting functions to be devolved and furthers the principle of subsidiarity as underpins the Scotland Act.
- 3.8 The majority of the remaining responses to the questions in the draft NMP comment on the wording or intent of policies, seek clarification of the thinking behind them and suggest consideration on new ones relating to, for example, area agreements for aquaculture developments and the safeguarding of marine recreation interests. The full response is attached as Appendix A to this report.
- 3.9 As a final point it is interesting to note that the NMP and the SMSP are extremely similar in respect of content, format and the range of policies. Should Shetland be selected as one of the first SMRs to develop a RMP it is considered that it would be a relatively straight forward process to achieve this with the SMSP being its core. The SMSP is the subject of a separate report to the Development Committee today with a view to adopting it as Supplementary Guidance to the Local Development Plan following public consultation.

Draft Planning Circular: The relationship between the statutory land use planning system and marine planning and licensing

- 3.10 Whilst the NMP acknowledges the importance of integrating the marine and land planning systems it is very brief on how this might be achieved. The draft Circular takes this aspect slightly further forward but again specific guidance on integration is limited and effectively centres on the need for marine and terrestrial plans to take account of, and complement each other. It is useful in that it clearly shows how the marine planning process is being established to mirror that of the land planning system in that the NMP is equivalent to Scottish Planning policy and the RMPs correspond to Local Development Plans. The Circular does pull together the relevant marine and terrestrial legislation in a single document and highlights the crossovers between the two.
- 3.11 As with the NMP, the consultation response highlights the opportunities of enabling closer and fuller integration of the two processes through the transfer of marine planning and consenting powers to the three Island groups as proposed under the 'Our Islands, Our Future' banner.
- 3.12 The majority of the responses to the questions posed in the Circular are of a technical nature but, where appropriate, are in line with the

Council's desire to seek further subsidiarity of marine planning and licensing powers. The full response to the consultation questions is attached as Appendix B to this report.

Proposed Nature Conservation Marine Protected Areas (pMPA)

- 3.13 Along with the NMP, the proposals within the consultation document result from legislation within the Marine (Scotland) act 2010 and concord with international commitments under OSPAR and the EU Marine Strategy Framework Directive. The purpose behind MPA designation is to conserve a range of biodiversity and geodiversity features in their current state for the future and in three cases allow features to recover to a healthy and productive state. The latter all relate to maerl and flame shell beds on the west coast of Scotland.
- 3.14 Whilst there are already a number of designations that apply to marine interests, e.g. Special Protection Areas for sea birds, Special Areas of Conservation for seals, it is considered that there is insufficient protection for all the pieces of the complex marine ecosystem. A well managed, ecologically coherent network of protected areas will help to conserve and regenerate the marine environment and consequently protect and maintain the goods and services it provides into the future.
- 3.15 A total of 33 sites have been proposed to Scottish Ministers along with a further four search areas where further work is needed to determine whether they fit the MPA selection criteria. The recommendation is that a minimum of 29 sites be designated to fulfil the purpose of establishing MPAs. Each pMPA has four documents for consideration – a site summary, a data confidence assessment setting out the scientific evidence, site assessment against MPA selection guidelines and a set of management options for activities that may impact on the designation. Overall the rationale behind the proposals is supported given the importance of the marine resource to Shetland and Scotland.
- 3.16 There are four sites of interest from a Shetland perspective, two offshore (beyond 12 nm) and two inshore (within 12nm). The former are the North-East Faroe Shetland Channel 60 nm north of Unst and the Faroe – Shetland Sponge Belt 100 nm west of the Islands. Inshore MPAs are proposed around the southern end of Unst including the whole of Fetlar (Fetlar – Haroldswick) and two discrete areas between Mousa and Boddam.
- 3.17 The two offshore sites are very similar in regard to the reasons for designation. Both support deep-sea sponge aggregations, offshore deep-sea muds, offshore subtidal sands and gravels and continental slope. They differ in that the NE Faroe Shetland Channel has a unique geodiversity feature (mud diapirs) and the Sponge Belt a rare biodiversity feature (ocean quahog). In both cases significant impacts on all features are likely to result from fishing and oil/gas activity although both are at low levels at both sites. With regard to fishing most activity takes place along the southern boundaries of each site with beam and otter trawling posing a greater threat than static gear or line fishing. The consultation response to these two proposals recommends that either one or other of the sites remains as proposed whilst the other has its boundary re-drawn to protect the particular

unique feature or both have their boundaries re-drawn to reduce their area given the similarities between the two. In both cases this would reduce potential conflict with fishing interests. The only way to prevent damage from oil and gas activity is exclusion.

- 3.18 For the Fetlar – Haroldswick proposal the main issue is that of shellfishing, principally scallop dredging, impacting on maerl and horse mussel bed features. However the Shetland Shellfish Management Organisation has already agreed to closed areas that coincide with the main areas of these two habitats so that conflict issues are removed in line with the preferred management option. The other main development activity in the area is aquaculture. Existing sites do not conflict with the features of interest and Council policy on separation distance between sites mean that no new sites could be permitted in the more sensitive areas. Overall the socio-economic impacts of designation are insignificant and there are no major concerns from a Council perspective on the proposal.
- 3.19 The Mousa – Boddam proposal is unusual in that it is a single feature designation based on the large sand-eel population found in this area. Clearly a targeted fishing for this species would have a significant impact but as this fishery is no longer undertaken in Shetland there are no major concerns with this designation.
- 3.20 The full consultation response is attached as Appendix C to this report.

Sectoral Plans on Offshore Wind, Wave and Tidal Energy

- 3.21 The Sectoral Plans identify preferred options for offshore wind, wave and tidal energy developments of a commercial size based on an iterative approach that considered technical, environmental, planning and socio-economic information. This current consultation is seeking opinion on whether the identified options are appropriate and whether there is more data that will allow further refinement.
- 3.22 A total of ten wind, ten tidal and eight wave options are identified for Scottish waters and these are a revised version of the original plans that effectively stretched from the south-west of Scotland, up the west coast and around the three Island groups. Rather than being surrounded by marine renewable option areas Shetland now has one wind option to the south east of the Islands, a wave option to the south west and four (obvious) tidal options (Sumburgh Head, Yell Sound, Bluemull Sound and Muckle Flugga). The wave option includes the area currently under consideration by Vattenfall/Pelamis. None of the options conflict with the pMPA designations discussed above.
- 3.23 The options have been identified with a view to taking forward commercial scale developments although the consultation document makes it clear there is no presumption in favour of development if an application is made in an option area. Marine Scotland have indicated that commercial scale means greater than 100MW for wind and greater than 30MW for wave and tidal developments although no detail on how these levels were derived is provided. The document also gives the impression that the areas that might be developed are massive when it is proposed that only a small percentage of these that would be utilised

in reality: 5 – 26% for wind, 0.2 – 1.0% for wave and 2 – 5% for tidal. Even so the scale and impact of commercial scale developments in many coastal settings will be significant particularly from a seascape/landscape perspective. Given the current technological limitations in the marine renewable industry it may well be another decade before any commercial size developments are mooted particularly in the more remote geographical areas.

- 3.24 The consultation response, attached as Appendix D to this report, includes the comment that Shetland is supportive of, and encourages, marine renewable developments in and around the Islands. This is supported by the Vattenfall/Pelamis wave proposal off the south-west Mainland and the Nova tidal development in Bluemull Sound. It also points out that confusion may arise as Marine Scotland and the Crown Estate appear to be attempting to move marine renewable developments forward separately and somewhat disjointedly. This has implications for the development of RMPs as projects may be in progress or been consented in locations that conflict with those identified by a SMR and without any formal consultation with the relevant Local Authority or MPP. This is especially true for Crown Estate proposals and there is a clear need for this to be addressed so as to avoid major pinch points further down the road of marine planning.

Priority Marine Features (PMFs)

- 3.25 This consultation proposes a list of eighty habitats and species that will be used to support advice on marine biodiversity and guide future research policies. A subset of this list is currently being used to support the selection of NC pMPAs. The list covers a range of habitats (maerl beds, intertidal mudflats) and individual species including fish (sand-eels, basking shark) and mammals (cetaceans, seals). It will be a requirement to take account of this list of species in Environmental Statements and marine consenting decisions even where they are not included in a MPA designation.
- 3.26 No substantive comments have been made in response to this consultation and the response is attached as Appendix E to this report.

Seaweed Policy Statement (SPS)

- 3.27 The main purpose of this consultation is to seek comment on where the relatively new industry of seaweed culture should sit in terms of consenting and establish some policies requiring consideration under the regime selected. Four consenting options are presented: retain the status quo of a need for a marine licence, transfer to the land planning regime, use a mix of licensing and planning permission but differentiate by scale of development or transfer to the planning regime where it forms part of an Integrated Multi-Trophic Aquaculture (IMTA) development.
- 3.28 On behalf of the Council, the response advocates that seaweed farming should come under the planning regime as it is a form of aquaculture irrespective of scale or whether it forms part of an IMTA development. This ensures local accountability and transparency in

terms of decision making and also promotes closer integration between the marine and land planning regimes (as promoted in the NMP) than would be the case if it remained, in any form, under the marine licensing regime. If it was to remain under the marine licensing it should transfer to the Local Authority or MPP along with all other marine licence requirements as recommended in the responses to the NMP and Draft Circular. If the status quo is retained or a marine licence is still to be required for certain scale of development, the need for a works licence under the Zetland County Council Act would remain in place.

- 3.29 There are no significant issues regarding the policy statements proposed for this type of development. However the proposed scales of development set out in the document are questioned. Three are suggested: shellfish/small scale of up to 40 x 200m longlines, medium scale (41 – 80 x 200m lines) and extensive (greater than 80 x 200m lines) with the latter being suggested as minimum scale of development for use as biofuel production although this is unlikely in the foreseeable future. The proposed small scale developments are more than double that of existing shellfish (mussel) sites and suggested scales of 0- 20, 21 -40 and greater than 40 lines are recommended as being more appropriate at this stage of the development of this industry.
- 3.30 The remainder of the responses are of a technical nature covering the issues of IMTA, seaweed harvesting and whether the Planning Acts require amendment to provide flexibility for potential future farmed species. The full response is attached to this report as Appendix F.

Summary

- 3.31 Comments are sought on six related consultation documents which relate to the theme of marine planning. Two, the NMP and pMPAs, are a requirement of the Marine (Scotland) Act 2010 with the other four feeding into and influencing them. Responses have been provided and Members are asked to agree or amend these as appropriate.
- 3.32 The closing date for submission of the consultation responses was 13 November. The attached responses have been submitted with the proviso that they may be subject to addition or amendment once considered by the Council's Development Committee.

4.0 Implications

Strategic

- 4.1 Delivery On Corporate Priorities – The National Marine Plan outlines the Scottish Government's priorities for sustainable development and sustainable economic growth in the marine environment. Regional Marine Plans are the next stage in the process and together these will provide more certainty in the assessment of marine development applications by providing an appropriate framework. They will also align with a number of other Council documents including the Local Development Plan, the Community Plan and the following Local outcomes of the SOA:

Shetland has sustainable economic growth with good employment opportunities.

We live and work in a renowned natural and built environment which is protected and cared for.

We deliver sustainable services and make sustainable decisions, which reduce harmful impacts on the environment.

- 4.2 Community /Stakeholder Issues – The documents issued by Scottish Government have all been subject to a sixteen week consultation period. In due course the RMP will be subject to a full, extensive and iterative consultation process.
- 4.3 Policy And/Or Delegated Authority – In accordance with Section 2.3.1 of the Council's Scheme of Administration and Delegations, the Development Committee has delegated authority to implement decisions within its remit.
- 4.4 Risk Management – A lack of response to the consultation documents may mean that the Council misses out on the opportunity to seek effective control and regulation of developments in the marine waters around the Islands. In due course, as a SMR, there will be a need to develop a RMP and the lack of a detailed RMP could prevent the Council from supporting developments that are in line with its priorities and National policies and result in challenges to Council decisions.
- 4.5 Equalities, Health And Human Rights – None
- 4.6 Environmental – Where relevant the consultation documents have been subject to Strategic Environmental Assessment (SEA), Habitats Regulation Appraisal (HRA) and socio-economic assessment that show how environmental implications have been considered, balanced and impacts mitigated. The Planning Authority may be subject to the over-arching requirement of preparing Regional Marine Plans and related Supplementary Guidance with the objective of contributing to sustainable development and sustainable economic growth as set out in the National Marine Plan.

Resources

- 4.7 Financial – There are no direct financial implications arising from this report.
- 4.8 Legal – None
- 4.9 Human Resources – The Coastal Zone Management Service will undertake the work associated with the National Marine Plan and subsequent Regional Marine Plan either as the lead authority of a Marine Planning Partnership or as part of a larger MPP set-up alongside other work. This will be met from within existing budgets.
- 4.10 Assets And Property – None

5.0 Conclusions

- 5.1 This report provides background to the Council's response to consultation on the National Marine Plan, proposed Marine Protected Areas and a number of associated documents and also provides further reasons for the transfer of marine planning and consenting functions as promoted under the 'Our Islands, Our Future' initiative.

For further information please contact:
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14 November 2013

List of Appendices

Appendix A – Response to consultation on the National Marine Plan
Appendix B – Response to consultation on the Draft Circular
Appendix C – Response to consultation on proposed Marine Protected Area
Appendix D – Response to consultation on Sectoral Plans for Marine Renewables
Appendix E – Response to consultation on Priority Marine Features
Appendix F – Response to consultation on a Seaweed Policy Statement

Background documents:

Copies of all the consultation documents and associated papers can be found at:
www.scotland.gov.uk/marineconsultation
<http://www.scotland.gov.uk/Publications/2013/08/6786>

END

National Marine Plan

Consultation Draft



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Shetland Islands Council

Title Mr ☒ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ Please tick as appropriate

Surname

Holmes

Forename

Martin

2. Postal Address

Development Services

Coastal Zone Management

Grantfield

Lerwick

Postcode ZE1 0NT

Phone 01595 744805

Email

martin.holmes@shetland.gov.uk

3. Permissions - I am responding as...

Individual

☐

/

Group/Organisation

☒

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate ☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate ☒ Yes ☐ No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

☒ Yes

☐ No

CONSULTATION QUESTIONS

Please identify the main area of interest you identify with :

- | | |
|-------------------------------|-------------------------------------|
| Nature Conservation | <input type="checkbox"/> |
| Fisheries | <input type="checkbox"/> |
| Industry/Transport | <input type="checkbox"/> |
| Energy | <input type="checkbox"/> |
| Aquaculture | <input type="checkbox"/> |
| Recreation/tourism | <input type="checkbox"/> |
| Academic/scientific | <input type="checkbox"/> |
| Local authority | <input checked="" type="checkbox"/> |
| Community group | <input type="checkbox"/> |
| Public sector/Regulatory body | <input type="checkbox"/> |
| Local Coastal Partnership | <input type="checkbox"/> |

Other (Please state)

Comments

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

The draft NMP accords with the UK Marine Policy Statement and as such broadly addresses management of Scotland's marine resources. More detailed comment on its effectiveness is detailed in the responses below on specific objectives and policies.

It is disappointing to note that no reference is made to the Shetland Marine Spatial Plan (SMSP), the first in Scotland and recognised internationally as a good example of how to approach marine spatial planning particularly as the draft NMP and SMSP are extremely similar in concept, layout and content. In developing Regional Marine Plans it is essential to consider a number of options to spatial planning as the marine environment and its resource management varies considerably from area to area. The SMSP and the two other spatial plans developed under SSMEI should be referenced alongside the pilot Pentland Firth and Orkney Waters plan when considering approaches to developing RMPs.

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

Whilst acknowledging the importance of integration between marine and land planning, the NMP itself is very brief on the means of achieving this. The integration between the two goes well beyond the simple fact that some developments may have both marine and terrestrial components in infrastructure terms – it also applies where there is no physical connection or structure. Marine developments will almost certainly have wider implications for service provision in adjacent coastal areas and on local communities for a range of reasons, e.g. visual amenity, recreational activity, conflict with existing use(s), etc. The draft Circular being consulted on concurrently with the NMP is useful in that it provides more clarity on this aspect, although it too is relatively brief on how integration could be achieved. The NMP should at least make a clear reference to the Circular.

The NMP suggests that integration will be achieved by Local Authorities being represented within Marine Planning Partnerships (MPPs). Shetland Islands Council would go further than this and state that in Shetland (and Orkney and the Western Isles) the Local Authority should be the MPP or at least the *lead body* with an ‘advisory group’ of stakeholders with an interest in the SMR sitting below this. A clear lead is required as the MPP will be a decision making body with respect to the development of its RMP and as a consultee on marine developments. This may be difficult to achieve or do by ‘committee’ particularly where it has competing interests in the use of the marine resource. It allows the expertise developed by Local Authorities in authoring Local Development Plans (and associated Supplementary Guidance) to be fully utilised and also facilitates better integration, local accountability and transparency, and improved community planning.

In addition to the transfer of marine planning functions, the Council also advocates the transfer licensing powers and functions to the Local Authority/MPP to maximise effectiveness and efficiency for the same reasons.

Both of the above approaches are facilitated by sections 12 and 51 of the Marine (Scotland) Act 2010 respectively. The Council recognises that this approach may not be appropriate for all MPPs as a ‘one size fits all’ approach will not be appropriate for all situations. However it would be effective in the single unitary authorities of Shetland, Orkney and the Western Isles. Whatever approach is taken there are resource implications. Again the Marine Act allows for the transfer of those resources that Scottish Government would itself be required to expend in the development of RMPs down to the MPP (Section 12[6]) in the form of grants.

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?

On the whole the vision and objectives within the NMP provide a useful context for regional marine planning. In addition the general and sectoral policies provide a framework for RMPs and it is heartening to note that those of the NMP and Shetland MSP accord very closely throughout both documents.

Specific comments on general and sectoral policies are provided in the relevant sections below.

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?

Whilst acknowledging that there might be benefits in identifying Strategic Sea Areas, it is recommended that any policies for such areas should be developed at the local rather than national level. This is to ensure both compatibility with RMPs developed by adjacent SMRs and that policies are developed with local community and stakeholder input. Thus the proposed SSA for the Pentland Firth should be undertaken by the Orkney and North Coast Marine Regions.

The Shetland Islands Council strongly supports the existing proposal for the three Island groups to be stand alone SMRs.

The lack of reference to the three spatial plans developed under SSMEI is baffling as these and the pilot PFOW plan should all be utilised to inform regional marine planning.

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?

The incorporation of High Level Marine Objectives and Good Environmental Status indicators along with climate change and sector specific objectives underpin sustainable development approaches. However it may be appropriate for the NMP to clarify the difference between sustainable development and sustainable economic growth in a marine context and how the two can be balanced. This approach would mirror that of Scottish Planning Policy.

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?

Establishment of both national and sectoral strategic objectives is appropriate. It also allows economic, social and environmental objectives to be set at a relevant level whilst incorporating objectives that relate to the mitigation of, and adaptation to, climate change. This will provide a useful context for RMP policy development.

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

The last paragraph on page 14 states that the strategic objectives should ensure that key components of ecosystem structures and processes are protected to 'an appropriate extent'. Some clarification of 'appropriate' would be welcome – is this to the extent that they can be exploited before collapsing or to the extent that economic growth can continue even after a collapse? This also links to the third and fourth bullet points under 'The Future' heading in reference to 'tipping points' and 'particularly important' functions, species or habitats in maintaining ecosystem services. It has to be borne in mind that all aspects of an ecosystem are important – an alteration to a so termed 'unimportant' aspect will result in a change to that ecosystem to the extent that 'important' aspects are consequently altered, perhaps irrevocably.

Reference to other plans and policy documents (e.g. NPF3, RBMP, Sectoral Plans for Renewables) are scattered throughout the draft NMP. It would be beneficial if these references were collected into a single, comprehensive section of its own that clearly shows the relationship between them. The same section could also include details of relevant EU and national legislation.

Box A contains a number of oversimplified statements. For example the impacts from the pressure of marine litter are well understood due to the work of such organisations as KIMO, an influential and international local authority organisation that lobbies on marine pollution matters. Similarly there is a growing body of work on the impacts of marine noise. It is unclear as to what is meant by 'certain habitats' being impacted by fishing or aquaculture under 'healthy and biologically diverse'. Where these activities occur there will be impact on all habitats, it is the level of impact, sensitivity of habitat, etc that is key. Declines in the populations of some sea birds, seals and fish species can also be a result of a combination of the reasons listed plus regular natural temporal shifts as occurs with oceanic currents.

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?

As an overall comment it should be made clear that developers also need to consider the policy statements and their implications, not just marine planners and decision makers. There would be some benefit in relating the general policies to specific sector sections and policies where appropriate, e.g. climate change.

GEN 1: The NMP tends to interchange sustainable development and sustainable economic growth. This is somewhat confusing as they are slightly different concepts – a clear definition of what is meant by both would be useful. Some of the sectoral growth targets do not represent sustainable economic growth through sustainable development. GEN 1 should state that a presumption in favour of sustainable development requires consistency with all policies and objectives within the NMP.

GEN 2: This policy should highlight that the objectives as outlined would be best achieved through RMPs.

GEN 3: Whilst acknowledging the purpose of this policy and the social benefits that may accrue, the justification should include more detail on how these have to be balanced against impacts on existing activities that promote the health and well being of communities.

GEN 4: As scenario mapping is a useful tool for engaging local communities, more detail on this and its benefits would be helpful. A scenario mapping approach is particularly useful where several developers are seeking to undertake infrastructure projects of a similar nature in close proximity and allows local communities to get a handle on what the combined impacts and outputs might be.

GEN 5: Rather than refer to 'multiple use of marine space' this policy would be more appropriate if it referred to 'co-location and synergistic use'. This would be more in line with the policy justification. The identification of areas for preferential use by specific sectors within RMPs may not be possible for spatial or technological reasons. This approach may not fit where a RMP has been established using a criteria based approach.

GEN 6: The need to fully integrate marine and terrestrial development plans is recognised and supported. To fully achieve this the Shetland Islands Council advocates the transfer of all functions relating to marine planning and consenting to the Local Authority in the three Island Groups and the MPP in other SMRs. The policy would be more relevant if the word 'appropriate' was replaced with 'and/or maintained' in the second line.

GEN 7: In the response to Q7 comment was made that both the NMP and consequent RMPs need to comply and integrate with other statutory plans which should ideally be outlined in a section within the NMP and be

referenced by this policy. Reference to any existing non-statutory plans available within any SMR will clearly aid RMP policy development.

GEN 8: This policy is strongly supported and is best achieved through local decision making, as outlined in the responses to Q2 and Q4.

GEN 9: The SIC strongly supports and advocates early engagement for all developments, whether in the sea or on land. The availability of some form of statutory process akin to Pre-Application Consultation on land for large (major) development projects is supported.

GEN 10: Clarification should perhaps be provided in the justification section as to who would be responsible for the provision of data to fill evidence gaps. The general presumption is that this lies with the developer. The need to take a risk based approach, through application of the precautionary principle, where evidence is inconclusive is accepted.

GEN 11: No comment other than to note that it is a requirement for new developments not to result in a lowering of the environmental status of a water body as indicated by policy GEN 18.

GEN 12: The policy justification highlights the main heritage aspects that should be considered in marine planning decisions. However it should be clarified that as well as complying with legal requirements, developers and decision makers also need to take account of all other habitats and species that constitute a particular marine ecosystem and not just those of conservation interest. The inclusion of biodiversity enhancement is welcome.

GEN 13: Support the general approach in the policy.

GEN 14: See the response to Q9 below.

GEN 15: No comment

GEN 16: No comment

GEN 17: It may be more appropriate to use 'soft or non-engineered' solutions at the start of paragraph 5 so it is in line with the use of 'hard engineered' solutions later in the same paragraph. Also note that Local Authorities are best placed to align terrestrial and RMPs as per the final paragraph of this section.

GEN 18: No comments

GEN 19: The rationale behind this policy is supported.

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

The importance of seascape, landscape and visual impact in considering marine developments is recognised and it is considered that more weight should be attached to the policy. Guidance on these aspects should not be confined to developments in NSAs, National Parks or adjacent to 'wilderness' areas. Many areas out with these are of significant value to local communities. Provision of guidance on assessing and characterising seascapes would be beneficial.

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

The inclusion of a general policy on safeguarding marine recreation would be appropriate given the role the marine environment plays in the health and well being of communities and visitors alike. This could be used to ensure that the benefits (social, economic and environmental) accruing from a development are assessed against the reduction or loss of existing amenity. Continued access rights to marine and coastal resource for recreational use should be maintained where reasonable and practical. Recreation and associated facilities are in addition an economic asset.

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?

No comments

Sea Fisheries

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

A stronger emphasis is required on the fact that direct impacts on the inshore fishing fleet from marine developments can have an equal or greater impact at the community level due to their generally remote/rural location.

The NMP should also acknowledge that energy (and telecom) developments can result in long term displacement of fishing activity with a resultant long term pressure on remaining fishing grounds. It is imperative that the evidence base for any such potential impacts is as relevant and as up-to-date as possible and, as a minimum, should include fishing effort data for the area under development consideration.

FISH 1: It is not considered that the purpose of the NMP is to manage fish stocks *per se* to ensure stock sustainability as the policy implies. This is

done through the EU Common Fisheries Policy, the setting of TACs and Member State quotas. This policy may be better worded to read: marine developers and planners should, where practical and feasible, support effective fisheries management to sustain fish stocks'. This links to FISH 5 and also GES3 of the MSFD.

FISH 2: Given the potential impacts outlined above and that this policy states the need to consider fishing in any marine development suggest removing 'where appropriate' from the end of the second sentence.

FISH 8: Needs a reword as the two halves of the policy are disjointed.

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

No comments.

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?

NO. Other than AQUA2 the NMP does not touch on the integration of marine and land planning, indeed the NMP doesn't even mention that aquaculture falls under the Town and Country Planning (Scotland) Act 1997, as amended. This is considered an oversight. Even AQUA2 does not reference the draft Circular currently out for consideration on the relationship between land and marine planning and licensing.

Also, given the level of current aquaculture development in many areas, it may not be possible for some RMPs to identify areas potentially suitable for new development. Consideration should be given to including some reference to the integration highlighted in AQUA2. It is also noted that Scottish Planning Policy is somewhat 'woolly' on aquaculture as the industry is covered in six short paragraphs.

The inclusion of seaweed culture within the land planning system, at whatever scale, alongside all other forms of aquaculture will optimise sustainable development as it will allow the developments, including those associated with Integrated Multi-Trophic Aquaculture projects, to be considered holistically from an environmental and socio-economic perspective.

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

The objectives proposed for the industry give rise to a number of issues. It is questioned whether the setting of tonnage production targets before the

end of the decade constitutes sustainable economic growth. A more appropriate approach would be to have indicative annual percentage increases, perhaps in the range 3 – 5% and link this into increases in added value of both raw and finished product. The proposed increase in salmon production also raises issues with regard to sustainability of feed supply particularly with large increases in production in Norway and Chile. The feasibility of increasing ova production by 100%, and the space and facilities needed to do this, to satisfy current let alone future production needs further consideration.

For the shellfish sector it is questioned whether a 100% increase in production by the end of the decade is biologically feasible let alone spatially. In addition industry is saying that they do not require such a significant increase as the markets have flattened out. Competition on the spot market with dredged mussels through over production with its resultant significant drop in price has to be avoided.

Maximising benefits through added value should be emphasised but may require a change of mind set within industry. It is frustrating to see increased exports of the raw product returning to the UK as imported added value product. Little of the exported product is eaten raw, for example the Chinese do not consume large quantities of fresh salmon. However it is heartening to hear industry starting to think again about the quality of the product (as opposed to its volume) and this should be integrated with a drive to add the value in Scotland through exploitation of the world renowned 'Scottish smoked salmon' brand name.

Whilst acknowledging and supporting the benefit the aquaculture industry has brought to rural and island communities throughout Scotland some caution should be exercised in regard to the increased benefits from an increase in smolt production for the reasons highlighted in the first paragraph above. Similarly an increase in farm production at existing or new sites does not necessarily bring a causal or equivalent increase in jobs due to the increasing level of mechanisation in the industry.

With regard to environmental limits, it is the number of shellfish sites and/or production levels within a water body that impacts on biological carrying capacity, and therefore the potential for growth and/or increased production. As such the presumption that future expansion of the shellfish industry be located solely in designated waters (AQUA 5) should be reconsidered as this could lead to carrying capacity issues, lowered growth and production at existing sites and impacts on GES1, 4 and 5.

It is recommended that the presumption against fin fish developments on the north and east coasts of Scotland be revisited. The evidence that this policy has increased wild salmon survival and catches significantly in these two areas compared to the west coast is somewhat limited. The presumption also works against non-salmonid development that, if current pinch points could be overcome, could develop on the east coast without impacting spatially on existing developments (AQUA 3).

AQUA 9: It is unclear as to who would assume responsibility for developing emergency response plans for harmful blooms. Who will fund and undertake the vast amount of research work required to develop good predictive models for bloom occurrence? Even with such models being available what action could be taken that would not incur excessive costs? Bloom outbreaks this year indicate that they can occur over a 24 hour period whilst other forms of bloom (amoeba) are present year round at troublesome levels. It is considered that this policy be re-thought or even dropped.

AQUA 10: This is fully supported.

AQUA 12: The use of biological controls for sea lice is supported although it is considered that it is unlikely to come to fruition during the life time of the first NMP for biological, economic and spatial production reasons.

Looking to the future, it would be beneficial to define what is meant by 'offshore' aquaculture. In terms of the NMP this means sites beyond 12 nm from the coast. This is unlikely to happen in the short to medium term for technological reasons. Farms may move to or develop in more exposed locations but these will still be within the 'inshore' area. There will also be a need to re-evaluate existing models for assessing environmental impact before this could take place.

Seaweed farming is mentioned several times in this chapter as a standalone industry, as part of IMTA developments or, longer term, as a source of biofuels. It is imperative that this new sector is recognised as a form of aquaculture whatever its scale or purpose to allow assessment of potential impacts effectively and coherently. This is easily achieved by a minor amendment to the 1997 Planning Act so that it falls to be considered alongside other aquaculture developments.

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

It may be worth considering a policy on Area or Farm Management Agreements to encourage sustainable development with respect to disease control, fish welfare, etc.

Wild Salmon and Migratory Fish

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

The economic, social and recreational benefits that derive from wild salmonids are well described in the NMP. However the conservation value of both salmon and sea trout also requires consideration particularly as the former is listed on Annex ii and V of the Habitats and Species Directive, Appendix iii of the Bern Convention and is a UK BAP Priority Species.

The need for improved data on stock distribution, abundance, etc. as set out in Part 4 of this Chapter is fully supported.

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

No comments

Oil & Gas

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

Whilst acknowledging that marine renewable technology is developing, some early thought or consideration in the NMP (and RMPs) to the re-use of oil and gas infrastructure may be merited. For example existing facilities could be used as support structures for equipment or as a control/service hub for an array. In Part 4, decommissioning of oil and gas infrastructure will require co-ordination between land and marine planners to ensure the sustainable development of such facilities – the NMP should highlight this.

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

No comments

Carbon Capture & Storage (CCS)

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

The philosophy and concept behind CCS is fully supported as are the two policy statements.

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

No comments

Offshore Renewable Energy

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

Given the inclusion of the map on page 92, renewable policy 1 and the four paragraphs on page 91, the NMP already incorporates some initial spatial information for the Sectoral Marine Plans. It would be appropriate to expand on this to explain, inter alia, the process behind identification of

areas, that only a percentage of the identified options would be used for development and also that development can occur out with these areas albeit with less certainty than in the option areas. The NMP could also highlight that RMPs would be used to fine tune the final location of any developments within the outline areas so that views of local communities and stakeholders can be taken into consideration.

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

RENEW 7: As both rock dumping and trenching can result in significant environmental impact it may be more appropriate if this policy was qualified by adding 'where this is required for safety or stability reasons or where it will reduce potential conflict with other marine users'.

RENEW 6: This could perhaps be strengthened to emphasise the importance of grid connections to support the renewable industry particularly as developments are more likely to occur where existing grid capability is limited or connections to the main Scottish/UK grid don't exist.

RENEW 9: Include local communities in the definition of 'marine users'.

The NMP should also mention that Regional Locational Guidance is available in a number of the SMR areas, e.g. Shetland and Orkney, that provides more detailed data than the national RLG. NMP should also include reference to existing and emerging local marine spatial plans (e.g. SMSP, PFOW) which have policies relevant to renewable developments.

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

No comments

Recreation and Tourism

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

The 'interaction with other users' section perhaps understates the potential for conflict between recreational use of the marine environment and other users of the resource. For example no mention is made of interactions with the aquaculture or fishing sectors when the physical infrastructure (cages/creel lines) can cause issues for sailing activities.

With the possible exception of surfing and kitesports, both of which require relatively specific locations, most activities listed in the table on page 97 occur all round the Scottish coastline and inshore waters. It may be more appropriate to simply list the activities and acknowledge that local expertise will identify those that are of significance in any particular SMR.

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

No comments

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?

There would be benefit in identifying nationally significant ports and/or harbours as described in TRANSPORT 2 along with the reason for their significance. RMPs would cascade this down to the regional/local level in due course.

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

No comments

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

No comments

Telecommunication Cables

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

It would be appropriate to include power cables in this section. Whilst new grid connections are covered to some extent in the Renewables chapter there is no discussion or policy covering existing power cables and their removal or replacement. Chapter could be re-titled 'Telecomm and Power Cables'.

It is assumed it should read 1500 mm in the last line of paragraph 2, Part 1 of this chapter.

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

No comments

Defence

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

Some consideration of sub-surface munitions testing impacts on CCS facilities should be included in the section covering MoD activity on infrastructure.

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

No comments

Aggregates

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

No comments

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 comments

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 comments

Sustainability Appraisal

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

Relevant comments have been included in the response to the above questions where appropriate.



Draft Planning Circular

The relationship between the statutory land use planning system and marine planning and licensing.

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

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Title Mr ☒ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ Please tick as appropriate

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3. Permissions - I am responding as...

Individual

☐

Group/Organisation

☒

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate ☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate ☒ Yes ☐ No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate ☒ **Yes** ☐ **No**

CONSULTATION QUESTIONS

Please identify the main area of interest you identify with :

- | | |
|--------------------------------------|-------------------------------------|
| Local Authority / Planning Authority | <input checked="" type="checkbox"/> |
| Nature Conservation | <input type="checkbox"/> |
| Fisheries | <input type="checkbox"/> |
| Industry/Transport | <input type="checkbox"/> |
| Energy | <input type="checkbox"/> |
| Aquaculture | <input type="checkbox"/> |
| Recreation/tourism | <input type="checkbox"/> |
| Academic/scientific | <input type="checkbox"/> |
| Community group | <input type="checkbox"/> |
| Public sector/Regulatory body | <input type="checkbox"/> |
| Local Coastal Partnership | <input type="checkbox"/> |

Other (Please state)

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

The draft Circular is welcome and effectively draws together all relevant marine and terrestrial legislation into a single document highlighting those areas where there is a crossover between the two. However guidance on the integration between the marine and land planning systems is thin on the ground other than emphasising that both sets of statutory plans need to take account of and complement each other. It is useful in clearly showing that the proposals for the marine environment, through development of the NMP and RMPs in due course, mirror that for land based planning with Scottish Planning Policy and Local Development Plans respectively. The requirement for integration will be more readily and easily achieved by delegation of all functions relating to marine planning and consenting to the local/regional level as provided for in the Marine (Scotland) Act 2010.

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

Whilst acknowledging the importance of integration between marine and

land planning, the NMP itself is very brief on the means of achieving this. The integration between the two goes well beyond the simple fact that some developments may have both marine and terrestrial components in infrastructure terms – it also applies where there is no physical connection or structure. Marine developments will almost certainly have wider implications for service provision in adjacent coastal areas and on local communities for a range of reasons, e.g. visual amenity, recreational activity, conflict with existing use(s), etc. The draft Circular provides more clarity on this aspect, although it too is relatively brief on how integration could be achieved as indicated in Q1. The NMP needs to include clearer and stronger references to the Circular.

The NMP suggests that integration will be achieved by Local Authorities being represented within Marine Planning Partnerships (MPPs). Shetland Islands Council would go further than this and state that in Shetland (and Orkney and the Western Isles) the Local Authority should be the MPP or at least the *lead body* with an 'advisory group' of stakeholders with an interest in the SMR sitting below this. A clear lead is required as the MPP will be a decision making body with respect to the development of its RMP and as a consultee on marine developments. This may be difficult to achieve or do by 'committee' particularly where it has competing interests in the use of the marine resource. It allows the expertise developed by Local Authorities in authoring Local Development Plans (and associated Supplementary Guidance) to be fully utilised and also facilitates better integration, local accountability and transparency, and improved community planning.

In addition to the transfer of marine planning functions, the Council also advocates the transfer licensing powers and functions to the Local Authority/MPP to maximise effectiveness and efficiency for the same reasons.

Both of the above approaches are facilitated by sections 12 and 51 of the Marine (Scotland) Act 2010 respectively. The Council recognises that this approach may not be appropriate for all MPPs as a 'one size fits all' approach will not be appropriate for all situations. However it would be effective in the single unitary authorities of Shetland, Orkney and the Western Isles. Whatever approach is taken there are resource implications. Again the Marine Act allows for the transfer of those resources that Scottish Government would itself be required to expend in the development of RMPs down to the MPP (Section 12[6]) in the form of grants.

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

In addition to responding to the specific question on paragraphs 30 – 39, Shetland Islands Council has a number of other comments on the content of the draft Circular.

Paragraph 1 refers to aquaculture as a 'related regime' when it has been part of the land planning system since April 2007, as stated later in paragraph 49.

In paragraph 29 it would be appropriate to highlight the need for a works licence in Shetland and parts of Orkney for all marine developments out to 12nm. While this is briefly mentioned in paragraph 49 the implication in this paragraph is that it is only required for the intertidal area.

The Shetland Islands Council fully supports delegation of marine planning functions as described in paragraph 20. It also contends that successful integration between marine and land planning will be furthered and be better achieved by the transfer of marine licensing powers as well.

Paragraphs 30 – 39: It is evident that there will need to be a close collaboration between those organisations responsible for delivering marine and terrestrial plans. As the Local Authority (LA) is responsible for the delivery of Local Development Plans (LDP) through the Planning Acts it would make sense if it also had responsibility for the marine equivalent where this is practically feasible and desirable, as in the three Islands groups. Whatever the format of a MPP (single public authority or group of representative stakeholders) it is essential it is a statutory consultee on terrestrial plans to ensure integration and compatibility. This is already happening in some LA areas (Shetland and more recently Orkney) through the development of LA lead marine spatial plans and incorporation of these as Supplementary Guidance in their LDP.

The intent within paragraph 31 is supported whilst recognising that it may take a number of iterations before alignment can be achieved. Again having the same lead body for both (e.g. LA) where practical and feasible would assist this process and be a more efficient and sustainable approach.

Notwithstanding the two points above the proposals for good practice set out in paragraphs 30 – 39 should ensure that the need for integration between marine and land planning processes is recognised and understood.

Paragraph 47: Should marine licensing powers not be transferred to LAs, where they lead on marine planning, or the MPP for a particular SMR then these organisations must be statutory consultees on marine licence and s36 applications. Given that most marine developments will, by virtue of their purpose and function, have some infrastructure or impact onshore the adjacent Planning Authority must be a statutory consultee. This would also be consistent with the approach taken with terrestrial s36 applications.

Paragraph 48: The public register of marine licensing information leaves a lot to be desired. It is not searchable, contains little or no information on the applications lodged (e.g. no plans are available) or licenses granted. It is not an effective way of allowing local communities or stakeholders to ascertain what developments are being considered for their area thereby reducing local democracy or accountability.

Paragraph 50: The rationale behind this proposal is supported. It makes sense for a single Environmental Statement to be able to cover the aspects relevant to two different consenting regimes or EIA Regulations thereby reducing duplication.

Paragraph 54: ensures that marine and land planning processes mirror one another enabling integration and alignment.

Paragraph 57: Essential that the LA adjacent to the proposed development is part of the Marine Renewable Facilities Group in the cases described.

Paragraph 71: Needs to include the need for a sea bed lease from The Crown Estate. Solid waste deposition is also modelled as part of the CAR licence process.

Paragraph 77: The ability to include Supplementary Guidance with RMPs is supported and again reiterates the similarity between the marine and land planning processes. However it is unclear whether the Marine Act statutorily provides for this in the same way that the Town and Country Planning Acts do for the terrestrial regime.

CONSULTATION QUESTIONS

1. Do you support the development of an MPA network in Scotland's Seas?

Yes ☒ No ☐

The rationale behind developing a network of MPAs is supported given the importance of the marine environment to Scotland. It is recognised that maintenance of ecosystem functions is necessary to support continued sustainable use and development of these resources.

In general terms the proposed MPAs would appear to include the majority of important marine ecosystems that occur in Scottish waters. The consequences of designating a significant percentage of the Scottish marine environment have been clearly addressed in the management options for each pMPA. It is also important that, in managing a pMPA to either conserve or recover their interest, previous activities are not displaced to and concentrate on non-designated areas so that the impact here becomes unsustainable. Whilst such areas are deemed not to be of 'conservation value' they are an important component of the marine ecosystem as a whole and severe impacts here can spread and extend into a MPA. Whilst the initial selection of pMPAs has been based on sound science it is encouraging to note that socio-economic aspects will feed into the process at a later stage.

The management options for each pMPA would appear to be reasonable in their methodology in taking a risk based approach to the conservation interest and activities that could have an impact. It is evident they have been produced following stakeholder input and the opportunity for further consultation and discussion is supported. An iterative approach based on a six year review cycle is also supported particularly as this will facilitate amendment of pMPA boundaries in response to change and pressure resulting from human activity and natural variability.

Individual possible Nature Conservation MPAs

5. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Faroe-Shetland sponge belt* possible Nature Conservation MPA?

Designation:

Yes ☒ No ☐

The designated biodiversity and geodiversity features of this pMPA are to be found in a number of other pMPA locations but principally the North-east Faroe Shetland Channel. As such consideration could perhaps be given to reducing its size to include the more significant features (ocean quahog and sponge aggregations) whilst maintaining the North-east Faroe Shetland

Channel pMPA as is. Alternatively this site could remain as proposed with a reduction in the area of the North-east Faroe Shetland Channel pMPA.

Management Options:

Yes ☒ No ☐

Indications are that fishing effort within the pMPA is low in comprising some otter/beam trawling and limited setting of static gear primarily along the southern boundary of the site. The features at greatest risk from this activity are the sponge and clam aggregations and the subtidal sands and gravel habitat although all are showing some sign of modification as a result of human activity. Reduction of the pMPA area as described above may mean that the 'remove/avoid pressure' management option would be acceptable to those interests that fish this area as the excluded area becomes relatively small in comparison to what is currently proposed. Detailed further discussions with the fishing sector is encouraged and supported.

Socioeconomic Assessment:

Yes ☐ No ☐

Comments

All of the above:

Yes ☐ No ☐

Comments

6. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Fetlar to Haroldswick* possible Nature Conservation MPA?

Designation:

Yes ☒ No ☐

The case for designation is broadly supported.

Management Options:

Yes ☐ No ☐

The potential impacts on proposed designated features are already recognised by the SIC and are taken into account in determining applications in this area. For example conditions requiring micro-siting of anchors have been included in some consents issued to-date. It should be noted that, if a currently undeveloped site has planning permission (whether from Scottish Ministers through the audit/review process or the SIC), there is no recourse in law to prevent the site from coming back into operation. The fact that the SSMO has introduced closed areas for shellfishing that coincide with the maerl and horse mussel bed features means that the proposed management options and aims can be achieved.

It is encouraging to note the reference to the Shetland Marine Spatial Plan (SMSP) and that the SMSP policies on MPAs and nature conservation in general and those in the management options align and integrate with each other.

Socioeconomic Assessment:

Yes ☒ No ☐

Whilst it is agreed that the socio-economic impacts of the proposed management options are likely to be low it would be useful to see some of the methodology used to arrive at these evaluations.

All of the above:

Yes ☐ No ☐

Comments

14. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *Mousa to Boddam* possible Nature Conservation MPA?

Designation:

Yes ☐ No ☐

Comments

Management Options:

Yes ☐ No ☐

Comments

Socioeconomic Assessment:

Yes ☐ No ☐

Comments

All of the above:

Yes ☒ No ☐

No substantive comments. Acknowledge that the single biggest threat to the pMPA feature is the re-start of a sand-eel fishery this is unlikely to occur for economic reasons. There is merit in undertaking further work to ascertain any interactions between other demersal gear types and sand-eels.

15. Do you have any comments on the case for designation, management options and socioeconomic assessment for the *North-east Faroe Shetland Channel* possible Nature Conservation MPA?

Designation:

Yes ☒ No ☐

The designated biodiversity and geodiversity features of this pMPA are to be found in a number of other pMPA locations but principally the Faroe - Shetland Sponge Belt pMPA. As such consideration could perhaps be given to reducing its size to include the more significant features (sponge aggregations and mud diapirs) whilst maintaining the Faroe - Shetland Sponge Belt pMPA as is. Alternatively this site could remain as proposed with a reduction in the area of the Faroe - Shetland Sponge Belt pMPA.

Management Options:

Yes ☒ No ☐

Indications are that fishing effort within the pMPA is low in comprising some otter/beam trawling and limited setting of static gear primarily along the southern boundary of the site. The features at greatest risk from this activity are the sponge and clam aggregations and the subtidal sands and gravel habitat although all are showing some sign of modification as a result of human activity. Reduction of the pMPA area as described above may mean that the 'remove/avoid pressure' management option would be acceptable to those interests that fish this area as the excluded area becomes relatively small in comparison to what is currently proposed. Detailed further discussions with the fishing sector is encouraged and supported.

Socioeconomic Assessment:

Yes ☐ No ☐

Comments

All of the above:

Yes ☐ No ☐

Comments

Sustainability Appraisal

34. Do you have any comments on the Sustainability Appraisal of the MPA network as a whole?

Yes ☐ No ☒

Comments

Final Thoughts

35. On the basis of your preferences on which pMPAs should be designated, do you view this to form a complete or ecologically coherent network, subject to the completion and recommendations of SNH's further work on the 4 remaining search locations?

Yes ☒ No ☐

Comments

36. Do you have any other comments on the case for designation, management options, environmental or socioeconomic assessments of the pMPAs, or the network as a whole?

Yes ☐ No ☒

Comments

Thank You.

Marine Protected Areas Network Proposals Consultation



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Shetland Islands Council

Title **Mr** ☒ **Ms** ☐ **Mrs** ☐ **Miss** ☐ **Dr** ☐ Please tick as appropriate

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Forename

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Phone 01595 744805

Email martin.holmes@shetland.gov.uk

3. Permissions - I am responding as...

Individual

☐

Group/Organisation

☒

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate ☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate ☒ Yes ☐ No

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Please tick as appropriate

☒ Yes

Draft Sectoral Marine Plans for Offshore Wind, Wave and Tidal in Scottish Water



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Shetland Islands Council

Title Mr ☒ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ Please tick as appropriate

Surname

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Individual

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Group/Organisation

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Please tick as appropriate ☒ Yes ☐ No

CONSULTATION QUESTIONNAIRE

In order to facilitate the consultation process, readers are invited to focus their responses on the following questions. However, responses are not limited to these questions and additional comments are welcomed.

Plan Development

1. Do you agree with the approach (outlined in Section 3 of the Sectoral Marine Plans) used to develop the Plans?

Yes ☒ No ☐

Please explain:

As the Sectoral Plans are the result of an iterative process to identify options for commercial scale marine renewable developments the approach is considered appropriate. It is recognised that further work is required to identify and fine tune the process within those areas with development potential before any development actually takes place. Shetland Islands Council is supportive of and encouraging towards marine renewable activity as shown by two existing proposals, one for a wave development off the south west of the Islands and a tidal development in Bluemull Sound. The former is in option area WN3 and the latter in an area that should be included as an option area.

2. Do you have any views on the findings of the Sustainability Appraisal Report? Do you think that all the social, economic and environmental effects (positive and negative) have been identified? Are there other issues that should be taking into account in the preparation of the Final Draft Plans?

The Sustainable Appraisal (SA) has identified the major socio-economic and environmental factors and addressed these adequately. However the SIC has a number of comments :

Paragraph 3.2.35 indicates there is an overlap between Plan Option OWN2 and the Pobie Bank cSAC. However unless the scale of the available maps are incorrect this would appear not to be the case. It would seem logical to avoid any overlap for obvious reasons. Also, given that an SAC designation may have a significant negative impact on fishing interests in the area, it would be appropriate to steer development away from the northern sector of OWN2.

The downstream impacts of wave devices have been considered (4.2.11 et seq) but the SA has not considered the potential downstream impacts of other marine developments on wave devices.

Whilst acknowledging that marine renewable devices will contribute to the

decarbonisation of electricity generation there is no cost benefit analysis in the SA. This would be useful given the potential carbon footprint in developing and installing these new technologies and the offset in terms of their energy production efficiency.

Further consideration of landscape and seascape impacts of wave developments would be appropriate. Whilst a large amount of their infrastructure will be below water, these devices will be located much closer to shore, perhaps as close as 50 – 100m, and visual impacts from a large commercial array would be potentially very large.

Paragraph 4.2.34 mentions interactions with a proposed MPA designation for sand-eels and Option WN2. This also applies to the Mousa to Boddam pMPA for sand-eels and TN5, and possibly WN3.

Paragraph 5.2.4 : It is somewhat simplistic to say that avoidance of tidal devices is a likely response to their presence by mobile marine fauna. This may not be the case for a commercial sized array and the SA should consider this in more detail rather than simply conclude it is a low or unlikely risk due to possible avoidance behaviour. Collision models are available.

Paragraph 5.2.34 : This should also cover fact that TN7 is close to the northern boundary of the Fetlar to Haroldswick pMPA that has black guillemot as a feature of interest.

A number of the tables in the SA have incorrect headings, for example Tables 5.7 and 5.9 describe data for the North region but have West in the title.

It is unclear whether the PV costs for commercial fisheries in the North region (Table 5.8) have included pelagic fishing to the north of Unst and south of Sumburgh with respect to TN7, OWN2 and WN3.

3. The SEA has identified a range of potential effects from the Draft Plans. Measures for the mitigation of these effects have been identified in the SEA environmental report. Do you have any views on these findings? Do you think that the proposed mitigation measures will be effective? Do you have any additional suggestions?

See response to Q2.

4. The Socio-economics Report has identified a range of potential impacts on existing sea users. Do you have any views on these findings? Do you think that the proposed mitigation measures will be effective? Do you have any additional suggestions?

See response to Q2.

5. Taking into account the findings from the technical assessments, do you have views on the scale and pace of development that could be sustainably accommodated in Scottish Waters??

Given the current state of wave and tidal technology and, to a lesser extent, offshore wind it is difficult to comment succinctly on either the scale or pace of development. It is likely that the pace of wave and tidal development will be relatively slow over the next decade for technical and economic reasons but will likely garner speed thereafter. Wind technology, in terms of power generation, is well developed onshore although energy efficiency with regards to production cost and operation of turbines needs addressing further. Offshore wind has the added economic pressure of installing devices and the combination of these factors may hold back moves into the marine environment in the more remote options identified. It is considered that, based on a two year review cycle, the Sectoral Plans may go through 3 – 5 iterations before there is any significant or commercial level of development.

6. Are there aspects of the Draft Plans that you believe should be improved? Are there any aspects you believe should be taken forward differently?

Please explain any reasons for your answer and provide details of any suggested improvements:

No comments.

7. Do you believe an appropriate balance, between tackling climate change, maximising opportunities for economic development and dealing with environmental and commercial impacts been achieved in the Draft Plans?

Yes ☒ No ☐

Please explain:

On the whole the Draft Plans achieve a balance between environmental and socio-economic impacts whilst clearly recognising the role marine renewable developments have to play in tackling climate change.

However the comment at paragraph 1.3.3 that the 'large scale development of offshore renewables represents one of the biggest opportunities for sustainable economic growth in Scotland for a generation' raises slight concerns as much the same is being said of other marine industries, such as aquaculture. The impression being created is that the economic use of the marine resource will, at some indeterminate future point, outweigh social and environmental factors. As the renewable industry, and aquaculture for that matter, can continue operating economically long after the marine ecosystem

has gone past its environmental tipping point caution needs to be exercised.

Draft Plan options

8. The Draft Plan for Offshore Wind Energy proposes 10 Draft Plan options. What are your views on the Offshore Wind Draft Plan options? Are they in the correct place? Are there reasonable alternatives that should be considered?

Please indicate which proposed Draft Plan option(s) you are commenting on using the relevant indicator (i.e. OWN1)

For all three sectors some indication of how the scale of 'test and develop' projects were derived (e.g. 100MW for wind and 30MW for wave and tidal) would be welcome and useful. Are these economically viable given current cost and technology limitations ?

It would also be appropriate for Table 1.2 of the Environmental Report, showing potential occupancy scenarios, to be included in the Sectoral Plans rather than these values being scattered throughout the text. This would avoid the initial impression given that all of the identified option areas would be occupied by infrastructure.

In regard to offshore wind, turbines are unlikely to impact on shellfish growing waters through turbidity contamination given the likely very large distances between them.

Whilst there are positive impacts with regard to climate change once installed, the carbon footprint in developing devices to commercial efficiency and viability and their installation requires consideration in the decarbonisation aspects of offshore wind developments.

In depth consultation with all relevant stakeholders and marine resource users at the earliest stage of any development is of paramount importance.

9. The Draft Plan for Wave Energy proposes 8 Draft Plan options . What are your views on the Wave Draft Plan options? Are they in the correct place? Are there reasonable alternatives that should be considered?

Please indicate which proposed Draft Plan option(s) you are commenting on using the relevant indicator (i.e. WN1)

It is presumed that collision risk evaluations will be extended to all cetacean species and not just bottlenose dolphin and harbour porpoise.

Whilst there are positive impacts with regard to climate change once installed, the carbon footprint in developing devices to commercial efficiency and viability and their installation requires consideration in the decarbonisation aspects of offshore wind developments.

In depth consultation with all relevant stakeholders and marine resource users at the earliest stage of any development is of paramount importance.

10. The Draft Plan for Tidal Energy proposes 10 Draft Plan options. What are your views on the Tidal Draft Plan options? Are they in the correct place? Are there reasonable alternatives that should be considered?

Please indicate which proposed Draft Plan option(s) you are commenting on using the relevant indicator (i.e. TN1)

It is presumed that collision risk evaluations will be extended to all cetacean species and not just bottlenose dolphin and harbour porpoise.

Whilst there are positive impacts with regard to climate change once installed, the carbon footprint in developing devices to commercial efficiency and viability and their installation requires consideration in the decarbonisation aspects of offshore wind developments.

In depth consultation with all relevant stakeholders and marine resource users at the earliest stage of any development is of paramount importance.

11. Do you believe any draft plan options be removed from the Draft Plans for Wind, Wave and Tidal Energy?

Yes ☒ No ☐

If Yes, please indicate which proposed Draft Plan options you believe should be removed (using the relevant indicator), and explain why :

Given the potential size and physical footprint of a 30MW tidal development it is considered that Yell Sound (TN6) is NOT an appropriate location whilst Sullom Voe continues to operate as an oil and gas terminal. Predictions are that this will extend for another 30 years or more. The risk to safe navigation is high. There is a similar high risk of collision between common seals and these devices and Yell Sound is a SAC designated for its common seal population. This population is in serious decline in Shetland and developments that increase the potential for exacerbating this decline are likely to be opposed.

Plan Implementation and Review

12. The Plans, once implemented, will be reviewed to take account of actual development and increasing knowledge of development factors. How often do you believe should this be done and why? Who do you believe should be involved in the Plans Review Steering Group, to oversee the review process?

As the advance in technology for marine renewable devices, including the

means to install them on the sea bed, is currently relatively slow a review every two years is perhaps not useful. A review every four years may be more appropriate initially and this could be reduced to every two years as the technology and industry advance.

Strategic Environmental Assessment

13. To what extent does the Environmental Report set out an accurate description of the current environmental baseline? Please also provide details of any additional relevant sources.

Notwithstanding the above comments no further substantive comments on the SEA Environmental Report.

14. Do you agree with the predicted environmental effects of the plans as set out in the Environmental Report?

No comments

15. Do you agree with the recommendations and proposals for mitigation of the environmental effects set out in the Environmental Report?

No comments

16. Are you aware of any additional on-going research or monitoring that may help to fill gaps in the evidence base, particularly relating to the marine environment and its interactions with renewable energy devices? Please give details of additional relevant sources.

No comments.

17. Are you aware of any further environmental information that will help to inform the environmental assessment findings?

The Shetland Marine Spatial Plan and Shetland Regional Locational Guidance provide a great deal of environmental information and help for any future Sectoral Plan iterations.

Additional comments

18. Do you any other comments you wish to make of the Plans and / or the related assessments?

Confusion may arise as Marine Scotland and the Crown Estate appear to be attempting to move marine renewable developments forward separately and somewhat disjointedly. This has implications for the development of Regional Marine Plans as renewable projects may be in progress or been consented in locations that conflict with those identified by a Scottish Marine Region and without any formal consultation with the relevant Local Authority or Marine Planning Partnership. This is especially true for Crown Estate proposals and there is a clear need for this to be addressed so as to avoid major pinch points further down the road of marine planning.

This RIF has been frustrating to fill in – whilst the text boxes expand they do so over the successive questions thereby requiring constant re-formatting of the document. For some unknown reason just about every word has been underlined as though misspelt.



APPENDIX B: Priority Marine Features

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Shetland Islands Council

Title Mr ☒ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ *Please tick as appropriate*

Surname

Holmes

Forename

Martin

2. Postal Address

Development Services

Coastal Zone Management

Grantfield

Lerwick

Postcode ZE1 ONT

Phone 01595 744805

Email

3. Permissions - I am responding as...

Individual

☐

/

Group/Organisation

☒

Please tick as appropriate

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate ☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate ☒ Yes ☐ No

- (d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?
- Please tick as appropriate* ☒ Yes

CONSULTATION QUESTIONS

Q1. Do you agree with the recommended list of Priority Marine Features as the basis for targeting future marine conservation action in Scotland's seas?

If your response includes a suggestion to amend the list, please indicate the specific species and habitats that your comments apply to and, where possible, provide or reference any evidence or data sources which have influenced your comments.

Yes ☒ No ☐

Covers an appropriate range of habitats and individual species, and the rationale behind the list and its intended purpose (advice support, guide research and delivery of marine planning) is broadly supported.

General

Q2. Are there other issues that have not been highlighted in this consultation that you would like to mention?

Yes ☐ No ☒

Comments

RESPONSE FORM**DRAFT SEAWEED POLICY STATEMENT 2013****1. Do you agree with policies 1-6? YES**

State any you agree or disagree with, and your reasons.

Shetland Islands Council is in general agreement with policies 1 – 6 but comments made in response to Q5 should be taken into consideration with regard to policy 1.

As set out the policies accord with those that require consideration when determining applications for other forms of aquaculture.

2. Should policy 2 require local provenance, i.e., stock must originate from the water body the seaweed is to be grown in? YES/ NO

State your reasons:

The requirement for local provenance, i.e. ongrowing of species native to Scottish waters, as set out in Policy 2 is welcome for the reasons set out in paragraph 7.2.13 of the SEA particularly with regard to minimising the risk of disease, preserving genetic integrity and minimising the introduction of invasive non-native species.

3. Do you agree with policy 7? YES/NO

State your reasons:

Agree in principle with policy 7 but please refer to comments in response to Q5. Given the size of so called 'medium scale' developments the opportunity to assess such applications from an environmental perspective (including mitigation) is welcome particularly as shellfish developments are exempt from the EIA Regulations.

4. Do you agree with policies 8 and 9? YES

State any you agree or disagree with, and your reasons:

Whilst supporting the concept and principle behind IMTA it is considered that much more scientific research is required before applications for this type development can be determined as the environmental and economic aspects need to be fully understood. At this stage it is unclear as to what tonnage of shellfish and/or macro-algae production would be required to mitigate the environmental effects from, say, a 1500 tonne salmon farm. As such the spatial implications for this type of development are unknown and it would be difficult to factor them in to both National and Regional Marine Plans. The IMTA applications to-date have not been made with a view to mitigating environmental impact.

Another factor requiring consideration is the development of IMTA in areas or water bodies that already support some shellfish developments. The introduction of shellfish at a salmon farm to mitigate environmental impact could result in the biological carrying capacity for the area being exceeded resulting in reduced growth and production (and an economic impact) on the existing commercial sites. Alternatively the waste products from the salmon farm may have been helping to maintain the growth and production at nearby shellfish sites so that the introduction of shellfish at the salmon site cause this to be reduced even though the overall biological carrying capacity for the water body is not exceeded.

Policy 9 could perhaps be reworded to cover IMTA in association with salmon farms. The case for a presumption against farming all marine fin fish species on the north and east coasts of Scotland is not supported and that for salmon is inconclusive. IMTA may well be effective for other marine fish species in ameliorating environmental inputs.

5. Do you think that the size scales (shellfish (small), medium, and extensive), are appropriate? NO

Give your reasons

The terminology is acceptable but the size limits are considered to be inappropriate. A shellfish site of 40 x 200m double headrope longlines is not 'small' or 'shellfish' scale and would produce in the region of 800 – 1000 tonnes of shells. Shellfish sites are typically 8 – 12 x 200m lines, a large site might have 20 lines. Accordingly more appropriate size limits would be: small (shellfish) 1 – 20 x 200m lines, medium 21 – 40 lines and extensive more than 40 lines. Even at these lower size limits policies 1 – 9 are still valid and appropriate.

Whilst acknowledging that marine origin biofuels would not impact on limited land and freshwater food production resources they could, at sizes in excess of tens of thousands of hectares, impact on food production areas in the marine environment by coming into conflict with fishing and aquaculture activities for example.

6. Which consenting option would be most appropriate for seaweed cultivation? OPTION 2

Give your reasons

Shetland Islands Council consider that Option 2 is the only way forward.

The other three options continue the potential for confusion amongst developers and public alike as highlighted under the 'current regulatory regime' as two consenting regimes would continue to operate. It also seems incongruous that a modification that results in a move from one size category to another should result in a change to the consenting regime. There is no logic for this approach (Option 3).

Similarly it seems illogical to have two consenting regimes based on whether the development is part of some integrated set-up or a standalone one (Option 4).

As seaweed cultivation is recognised worldwide as a form of aquaculture (and is implied in paragraph 1 of Option 1 both in principle and in terms of the infrastructure used) it makes sense for it to be considered alongside all other forms of marine farming. This option allows for IMTA developments to be considered holistically, involves amendment of only one piece of legislation (the Planning Act) and removes issues from a developers' perspective if they modify a site so that it moves from one consenting regime to another.

Transfer to the planning system also promotes closer integration between the marine and land planning processes as promoted by the National Marine Plan. This will be facilitated by the fact that the Local/Planning Authority will be involved in the Marine Planning Partnership, whatever form they take within each Scottish Marine Region.

The points raised against transfer to the planning regime have little or no validity. Why is it a problem to have some marine developments out with a marine licensing regime? Aquaculture developments do so without any difficulty and including seaweed cultivation, which is a form of aquaculture, should not be a problem. Planning Authorities have been dealing with complex and detailed Environmental Statements for decades whether associated with terrestrial or marine developments such as the marine aspects of s36 oil and gas developments and marine fish farms. They are therefore well placed to consider and interpret the environmental significance of seaweed farms. To maintain that Marine Scotland are best placed to do this is based on misconception and belittles the expertise that resides within Scottish Planning Authorities.

7. Should guidance be developed for the harvesting of wild seaweed? If not, what (if any) alternative arrangements would you suggest?

As there is as yet no indication that the current level of wild seaweed harvesting is having an environmental impact a regulatory regime would appear to be superfluous at this time. Recognising that the potential for growth exists there may be benefit in developing some guidance that promotes good practice.

8. Should the 1997 Act should be amended to provide the flexibility to farm other species or specifically named species? YES/NO

State what named species should be included, and provide your reasons.

Based on current indications it is recommended that the 1997 Act be amended by the substitution of 'sea urchins' with 'echinoderms' and the addition of 'macroalgae/seaweed species'. The former allows for current and potential future species (sea cucumbers and starfish) to be included. All other fin fish and shellfish species that have potential are covered by the existing wording.

9. Do you have any comments to make on the BRIA content?

No comments

Seaweed policy Statement Consultation 2013

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately



The Scottish Government
Riaghaltas na h-Alba

1. Name/Organisation

Organisation Name

Shetland Islands Council

Title Mr ☒ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ Please tick as appropriate

Surname

Holmes

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Lerwick

Postcode ZE1 0NT

Phone 01595 744805

Email

3. Permissions - I am responding as...

Individual

/

Group/Organisation

☐

Please tick as appropriate

☒

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your response to be made available?

Please tick as appropriate

☒ Yes ☐ No

Yes, make my response,
name and address all
available ☐

or

Yes, make my response
available, but not my
name and address ☐

or

Yes, make my response
and name available, but
not my address ☐

- (d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

☒ **Yes**

☐ **No**

**Development Committee****27 November 2013****Shetland Marine Spatial Plan Supplementary Guidance****Report Number : PL-16-13-F****Report Presented By: Coastal Zone Manager****Development Services Department /
Planning****1.0 Summary**

- 1.1 This report provides an update on the Shetland Marine Spatial Plan (SMSP) and its adoption as Supplementary Guidance.
- 1.2 The report seeks approval to commence a 12-week period of public and stakeholder consultation on the SMSP as Supplementary Guidance.
- 1.3 This fourth edition of the SMSP can be viewed at:
<http://nafc.ac.uk/SMSP4ed.aspx>

2.0 Decision Required

- 2.1 That the Development Committee RESOLVE to agree that the SMSP Supplementary Guidance be the subject of a 12-week period of public and stakeholder consultation commencing in January 2014.

3.0 Detail

- 3.1 The current, third edition, of the Shetland Marine Spatial Plan (SMSP) has been in circulation since March 2010. It has proven itself to be an extremely useful and valuable source of authoritative data on the marine environment, its uses and assets, as well as providing a policy framework to guide marine development and activity.
- 3.2 Marine policy has been moving forward rapidly at both the national and international levels over the past three years with the introduction of the Marine (Scotland) Act, the Marine Policy Statement signed by the four UK administrations and, most recently, consultation on a draft National Marine Plan for Scotland.
- 3.3 The development of the SMSP has been guided by an Advisory Group from the outset and the Group recognised that the above changes

necessitated a review and update of the Plan. Work on this commenced in September 2012 and has been ongoing over the past twelve months.

- 3.4 Early on in the SMSP review process, it was recognised that there would be a great deal of benefit in including the SMSP as Supplementary Guidance to the Local Development Plan (LDP). Scottish Planning Policy requires the planning system to support a holistic approach to coastal planning by working closely with Marine Planning Partnerships to ensure development plans and regional marine plans are complementary. Additionally, the LDP has to set out a policy framework that supports the sustainable economic growth of the aquaculture industry. The SMSP fulfils these requirements and does a lot more besides.
- 3.5 Recent consultation on a draft National Marine Plan (NMP) advocated and highlighted the need for the marine and land planning processes to be closely integrated on the simple basis that some developments have both marine and terrestrial infrastructure components. The actuality is a great deal more complex than this and the NMP itself is very brief on how integration should be achieved. At the local level, it is considered that inclusion of the SMSP as Supplementary Guidance will go a long way towards achieving this integration.
- 3.6 As part of marine planning process, a number of Scottish Marine Regions (SMR) are to be established and each region will be charged with developing its own Regional Marine Plan (RMP). Indications are that Shetland will be a standalone SMR and will be one of the first regions tasked with drawing up a RMP, perhaps starting early in the 2014/15 financial year. It is anticipated that the transition of the SMSP into the required RMP format should be relatively straightforward. Indeed it is possible that very little change may be required given the marked similarity between the NMP and SMSP in layout and policy content.
- 3.7 Supplementary Guidance linked to the Local Development Plan has statutory status under Section 22 of the Planning etc (Scotland) Act 2006 but cannot be adopted until the Shetland Local Development Plan is fully adopted.
- 3.8 Inclusion of the SMSP as Supplementary Guidance has the benefits of providing a plan-led approach to the management of the sea and coast around Shetland. It will also facilitate an integrated and better informed decision-making process regarding the future distribution of developments, activities and resources while enabling long term protection and sustainable use of the marine environment.

4.0 Implications

Strategic

- 4.1 Delivery On Corporate Priorities – The Shetland Marine Spatial Plan Supplementary Guidance is aligned to a number of Council Plans and strategies. These include the 2009 Renewable Energy Development in Shetland: Strategy and Action Plan, The Community Plan 2012-2020

and the Shetland Single Outcome Agreement (SOA) 2012-2015. In particular the following Local outcomes of the SOA:

Shetland has sustainable economic growth with good employment opportunities

We live and work in a renowned natural and built environment which is protected and cared for.

We deliver sustainable services and make sustainable decisions, which reduce harmful impacts on the environment.

- 4.2 Community /Stakeholder Issues – Previous iterations of the SMSP have been subject to full external and internal stakeholder consultation. This, plus continued stakeholder input through the SMSP Advisory Group and a number of targeted sub-groups, has allowed a more comprehensive and complete document to be developed.
- 4.3 Policy And/Or Delegated Authority – In accordance with Section 2.3.1 of the Council's Scheme of Administration and Delegations, the Development Committee has delegated authority to implement decisions within its remit.
- 4.4 Risk Management – In order to be compliant with the requirements of SPP, the Planning Authority has set out a spatial framework for aquaculture and adopt a holistic approach to coastal planning. This Supplementary Guidance provides for this ahead of the need to develop statutory Regional Marine Plans that integrate with the Shetland Local Development Plan.
- 4.5 Equalities, Health And Human Rights – None.
- 4.6 Environmental – The SMSP has been subject to Strategic Environmental Assessment and Habitats Regulation Appraisal as part of the process of its adoption as Supplementary Guidance to the Shetland Local Development Plan.

Resources

- 4.7 Financial – There are no direct financial implications arising from this report.
- 4.8 Legal – None.
- 4.9 Human Resources – Coastal Zone Management Service staff will carry out the ongoing work associated with the SMSP as Supplementary Guidance and future work associated with the development of a Regional Marine Plan.
- 4.10 Assets And Property – None.

5.0 Conclusions

- 5.1 The report outlines the processes involved in the review and update of the SMSP, its inclusion as Supplementary Guidance and that it should be the subject of a 12-week public and stakeholder consultation.

For further information please contact:

Martin Holmes, Coastal Zone Manager
01595 744805
martin.holmes@shetland.gov.uk
14 November 2013

Background documents:

The following can be viewed at: <http://nafc.ac.uk/SMSP4ed.aspx>

Shetland Marine Spatial Plan
Strategic Environmental Assessment
Habitats Regulation Appraisal

END