

## **Appendix 14 – Consultation Authority Comments incorporated into the Final Environmental Report**

### **Introduction**

The interim LDP Environmental Report was produced by Natural Capital Ltd. The same consultancy also produced the LDP Scoping Report. Comments were received by the Council through the SEA Gateway from the SEA Consultation Authorities (CA). In Scotland these are Historic Scotland, SEPA and Scottish Natural Heritage. They have a range of environmental expertise and assist Responsible Authorities (SIC) in the SEA stages by giving advice and comments.

Under the SEA Directive (2001/42/EC) and the Environmental Assessment (Scotland) Act 2005 the above agencies have a statutory duty to input to plans and programmes prepared by others. Responsible Authorities representatives can seek advice on the preparation of their SEA through the Scottish Government's SEA Gateway or directly from the CA.

### **Scoping Document**

Scoping determines the level of detail for the SEA and the information to be included in the Environmental Report.

The purpose of the SEA scoping document is as follows:

- Setting the environmental context and establishing the relevant baseline information
- Identifying environmental problems and protection objectives
- Proposing SEA objectives and indicators
- Identifying reasonable plan alternatives
- Consultation with the environmental authorities on the proposed scope of the SEA.

Scoping also involves identifying those aspects (geographic, temporal and thematic) which do not require detailed investigation, in order that resources may be efficiently focused.

### **SIC LDP Scoping Report**

This was received by the SEA gateway on 20<sup>th</sup> January 2010 from Natural Capital. Comments were received by the Council from the CAs via the Scottish Governments SEA Gateway in Edinburgh. These are analysed below with the main themes or issues presented.

## Historic Scotland (HS) comments – letter of 24/02/10 concerning the Scoping Report

In general HS welcomed that the historic had been scoped into the assessment. In the table below are presented the main areas of that need attention in the forthcoming revised SEA Environmental Report (ER).

Main Letter	Comment	Action
1.1	HS welcomed that the historic had been scoped into the assessment.	Noted
	The Scoping report is clear and helpful.	Noted
	Content with the scope and level of detail proposed for the Environmental Assessment.	Noted
	HS advice - The above comments are subject to the comments listed in the accompanying annex attached to the HS letter	Noted - comments incorporated into the final Environmental Report (ER) where appropriate to producing the final ER
1.2	<u>Not clear</u> from the report what aspects of the Plan will be subject to assessment, although it is noted that alternatives will be assessed	Aspects of the plan identified in the final ER include; Vision and supporting objectives, Environmental baseline and issues, SEA Objectives, indicators, policy option alternatives, draft LDP policies and mitigation, Monitoring Framework
	HS concern - Assessment should consider the plan's vision, objectives and general policies and proposals against the SEA environmental objectives	The LDP's vision and objectives have been assessed taking into consideration any other comments / adjustments. General policies were

		<p>appraised against the SEA Objectives and included mitigation or strengthening where appropriate to positively contribute to achieving SEA objectives.</p>
	<p>HS concern – need detailed assessment of proposed land allocations and their alternatives to ensure any significant effects are recognised early and consideration of mitigations.</p>	<p>Normally this would be done through a system of allocations where developers come forward with complete plans to develop their land. This is common practice within Scottish mainland Local Authorities. The Shetland Islands Council decided to adopt an allocations based system, which was a completely new approach. This presented an unusual local situation in which many landowners came forward with their aspirations for development, but without firm plans. As a result of these circumstances, the Council decided to put forward those areas of land that had been assessed as suitable 'sites with development potential' with the aim of working with developers through the Action Programme to progress these sites towards allocation status within the lifetime of the plan and beyond. This was to ensure that an adequate supply of land was identified in the LDP, as required by the development plan process.</p>

		<p>A spatial Strategy has been adopted that ensure Shetland's rural communities thrive and are sustainable. The Planning Service identified Areas of Best Fit to strengthen and enhance rural communities by providing hubs in each locality. This will provide a focus for growth within the largest community in each of the seven localities in Shetland. In the North Isles, Areas of Best Fit have been identified at both Baltasound and Mid Yell. This means in total there are eight Areas of Best Fit.</p> <p>Within Areas of Best Fit amenities such as schools, shops, employment and essential infrastructure are readily available through a range of transport options. This would encourage new housing (specifically large scale, social and mixed tenure developments), employment and community development within these areas. It should be noted that this approach does not preclude development in other areas.</p>
<b>Annex to Letter</b>	<b>Comment</b>	<b>Action</b>

1.	HS concern - Various changes to policies and guidance relating to the historic environment need updating for the PPS appendix of the ER	Noted and updates included in appendices
1.	General support for the strategic context and environmental issues outlined in relation to cultural heritage.	Noted
2.	HS Advice - Description in Scoping Report of the current state of the environment in relation to cultural heritage should be collated for each of the relevant features of the historic environment.	Noted
3.	HS Advice - Information on locally important archaeological sites should be included.	Noted
4.	HS Advice – Environmental Report should provide maps showing baseline data for the historic environment in relation to the current situation, and in relation to proposed land allocations.	The LDP contains maps showing designated sites, however the scale of the site allocations maps do not allow designations to be shown, but they form part of the criteria in the site assessment process.
1.	HS Advice - Draft SEA Objectives for LDP in relation to Historic Environment and Cultural Heritage welcomed	Noted
1.	HS Advice – The MIR identifies various options. The Environmental Report should clearly set out which parts of the plan will be assessed (e.g. the vision, objectives, aims and growth options. The assessment must assess both the preferred and alternative approaches, giving an overview of the likely environmental effects associated with each approach.	The final ER shows how the Plan was assessed with alternatives and environmental effects. Part of this assessment was undertaken in Annex E of the interim ER. Alternatives are addressed in Appendix 10 of the final ER
1.	HS concern – Scoping report sets out (para 3.3.1) the framework, methodology and significant of effect criterion which will assess the environmental effects of the MIR. HS note that there is <u>no</u> specific reference to or definition of what	Noted and the final Environmental Report contains a standard scoring system for assessing significant environmental effects.

	shall be considered a significant effect	
2.	HS advice – HS welcome the splitting of questions associated with the SEA objective for Cultural Heritage as it is more systematic for reviewing each allocation, highlighting the potential for positive and negative effects. It helps in targeting any mitigation that may be required.	Noted and was incorporated into the final ER
3.	HS advice – In addition to identified questions, it might be useful to develop a series of prompts to assist in determining the environmental effects of each allocation	<p>Noted. The Shetland Islands Council decided to adopt an allocations based system, which was a completely new approach. This presented an unusual local situation in which many landowners came forward with their aspirations for development, but without firm plans. As a result of these circumstances, the Council decided to put forward those areas of land that had been assessed as suitable 'sites with development potential' with the aim of working with developers through the Action Programme to progress these sites towards allocation status within the lifetime of the plan and beyond.</p> <p>A site assessment checklist was developed. This was a further refinement of an internal LDP Sustainability Report which stressed the importance of sustainability and minimising significant environmental effects. This included protecting</p>

		biodiversity and avoiding impacts on nature conservation sites or European designated sites (Natura 2000). The report and site assessment checklist informed mitigation measures adopted in the LDP's policies and final Environmental Report.
4.	HS advice – Table 3.4 scoring matrix for LDP policy objectives has a commentary box which shows reasoning behind scoring. This is useful as it shows clarity and understanding for the reader and allows for inclusion of assumptions.	Noted, however the scoring matrices and layout have changed slightly in the final Environmental Report to make them more clearly understood.
1.	HS advice – HS welcome the suggested indicators to reflect the likely actions and effects the plan will have on the historic environment. Gardens and designed landscapes as a receptor should be included within the indicators	Noted and included
1.	HS advice – HS require the Final Environmental Report to clearly describe any changes made to the plan as a result of the environmental assessment, and clearly set out any recommendations or expectations for lower level plans, projects or activities. This may include specifying developer requirements for particular land allocations where the potential for adverse effects has been identified during the course of the assessment.	Noted and demonstrated in the Policy Assessment Matrix contained within Appendix 11 of the Final Environmental Report .
2.	HS advice – The Environmental Report should show who will be responsible for ensuring that mitigation measures are taken forward as the new plan is implemented.	Noted. The Council's Development Plans Team will has a collective responsibility to ensure that mitigation measures identified through the policy assessment will be taken forward as the new plan is implemented.

**Scottish Environment Protection Agency (SEPA) comments - letter of 23/02/10 concerning the Scoping Report**

Main Letter	Comment	Action
General	SEPA welcome the Scoping Report and the detailed information on the proposed scope and level of detail of the assessment	Noted
General	SEPA have suggested some amendments to the proposed assessment to ensure it is completely relevant to the planning process and to ensure a useful framework from which decisions on the LDP can be based.	Noted
1. Relationship with other PPS	PPS listed provides good start at providing a background framework to the development of the Plan	Noted
	For national and international PPS relating to air, soil and water SEPA advise that new SEA website provides good information <a href="http://www.seaguidance.org.uk">www.seaguidance.org.uk</a>	Noted
	Good range of local level PPS	Noted
	Reference should be made to newly publish Scottish Planning Policy	Noted
	SEPA highlight various other PPS relating to climate change, human health and material assets	Noted and additions were made to the PPS appendix of the Final Environmental Report
2. Environmental Baseline	Annex C provides good start in terms of covering baseline data for aspects of the environment where SEPA has an interest. This information can be supplemented from information held on the SEPA website concerning classification of water bodies under the Water Framework Directive, River Basin	Noted and additions were be made to the PPS appendix of the Final Environmental Report



	Management Planning and Waste	
	SEPA would expect the plan preparation process to be informed and supported by a strategic overview of flood risk management issues, usually in the form of a Strategic Flood Risk Assessment (SFRA). Reference should be made to Section 3 of SEPA's Technical Flood Risk Guidance for stakeholders	Noted and Flood Risk Assessment has been written as a supporting report to the final Environmental Report
	SEPA advise of additional information / data sources in relation to shellfish waters, air, soil, water and climatic change factors for inclusion in environmental baseline information	Noted for Environmental Baseline in Final Environmental Report
3. Current Key Environmental issues	SEPA considers the environmental problems described generally highlight the main issues of relevance for the SEA topics within its remit.	Noted
	SEPA advises that the impact from private foul drainage is an issue affecting the water environment. SEPA wants to ensure that development connects to public sewer or promotes first time public sewerage infrastructure in areas where it is currently absent.	Noted and taken into consideration.
4. Alternatives	SEPA advises that any reasonable alternatives identified during the preparation of the Plan should be assessed as part of the SEA process and the findings of the assessment should inform the choice of the preferred option. As well as high level directions this should also include alternative elements which make up the plan e.g. policies or allocations	The final Environmental Report shows an assessment of Plan policy options and alternatives in relation to environmental effects. Part of this assessment was undertaken in Annex E of the interim Environmental Report involving SEA Objectives. Alternatives and those adopted and taken forward into LDP policy development are shown in

		Appendix 10 of the Final Environmental Report.
5. Scoping	SEPA agree with the proposal to scope in all the SEA receptors.	Noted
6. Environmental Assessment	SEPA agrees with the proposal to utilise SEA objectives	Noted
	SEA objectives and questions are welcomed, however they should be expanded to cover the issues which were identified earlier in the report as relevant to the plan process	Noted
	Slightly different questions should be used for assessing theoretical high level alternatives that those used to assess individual allocations or policies. An appraisal criteria checklist should be adapted when used to assess allocations so that the assessment outlines real problems or benefits of the proposal which can be acted upon.	Noted
	SEPA states that peat management on Shetland is a significant issue. Changes to SEA Objective 4 criteria have been made (various)	Noted and Peat management was incorporated
	SEPA suggests that the questions used to assess SEA Objectives 5 and 6 (water) be separated so that it is clear which criteria apply to which objective. Key question considerations relate to; <ul style="list-style-type: none"> <li>- Public sewerage infrastructure</li> <li>- Adequate provision of drainage infrastructure to support new development</li> <li>- Source pollution from septic tanks and small</li> </ul>	All questions were incorporated

	<p>treatment works</p> <ul style="list-style-type: none"> <li>- Water bodies and foul drainage</li> <li>- Risk of flooding</li> <li>- Physical impact on a watercourse or coastline</li> <li>- Catchment pressures</li> <li>- Deculverting</li> <li>- Reduction or sustainable use of water</li> </ul>	
	<p>SEPA welcomes Objective 9 (Climatic Factors) to reduce greenhouse gases and prepare for sea level rise. There is a need to clarify what predicted effects of climate change, in relation to flood risk will be considered. Flood risk and the Scottish coastline below the 5 metre contour line should be used to determine allocations or proposals that are likely to be impacted by climate change</p>	<p>5 metre contour is part of site allocations checklist. Flood risk assessment has been undertaken for affected sites. A strategic Flood Risk assessment has been completed as a supporting document to the final Environmental Report.</p>
	<p>SEPA wants SEA Objective 10 (Material Assets) to consider opportunities for sustainable waste management as a question when considering site allocations (existing sites or new facilities – bring sites should be considered)</p>	<p>Noted.</p> <p>The site assessment checklist was supported by additional guidance to cover sustainable waste management. This informed mitigation measures adopted in the LDP's waste policies and final ER. There are no site allocations in the LDP, however Sites of Development Potential are identified.</p>
	<p><b>Assessment of Settlement and Land Allocations</b>  – SEPA outlines successful approaches / good practice adopted by the Highland Council and</p>	<p>These approaches were examined and adapted for inclusion in the final Environmental Report of the</p>

	<p>Orkney Islands Council. The approach taken must ensure adequate commentary is provided to understand the effects each allocation will have and how this can be mitigated</p>	<p>Shetland LDP. The Shetland Islands Council decided to adopt an allocations based system, which was a completely new approach. This presented an unusual local situation in which many landowners came forward with their aspirations for development, but without firm plans. As a result of these circumstances, the Council decided to put forward those areas of land that had been assessed as suitable 'sites with development potential' with the aim of working with developers through the Action Programme to progress these sites towards allocation status within the lifetime of the plan and beyond.</p>
	<p>For SEA Objectives and assessment of effects pertaining to air, soil and water, SEPA recommends the new website <a href="http://www.seaguidance.org.uk">www.seaguidance.org.uk</a></p>	<p>Noted</p>
	<p>SEPA concern – We do not know what the Council has identified as main issues and it is not clear what the first draft of the Environmental Report will assess. The Council should ensure by the end of the plan making process that SEPA will expect all aspects of the plan that could have significant effects</p>	<p>Noted. All aspects of the LDP were assessed and presented in the final Environmental Report. There were no site allocations in the LDP.</p>

	to be assessed. This should include all policies and allocations	
	SEPA requires any assessment of an LDP policy to directly link any SEA objective and criteria questions with possible mitigation. A comments / explanation column in the matrix table 3.4 is recommended. Refer to Highland Council for best practice example.	Noted. The Final Environmental Report adopted a revised policy assessment matrix with scoring criteria. The matrix suggested mitigations or policy strengthening were applicable to ensure positive scoring against SEA objectives where possible. Refer to Appendix 11 of Final Environmental Report.
	SEPA advise that the best way to mitigate negative effects is to amend the proposal to remove the effect. This can be done by revising the wording of the policy or the boundary of the allocation to significantly reduce the environmental effect.	Noted and this approach was adopted when mitigating against negative effects / amending proposals or policies within the draft LDP
	SEPA advise that when carrying out SEA any changes or modifications in the Plan / presented in the MIR should be explained in view of the assessment so that there is a record.	
	SEPA advised that where mitigation proposed does not relate to modifications of the plan itself then it should be clear how the mitigation will be achieved and by whom. A mitigation strategy is recommended (avoid, reduce, remedy or compensate). A summary table that can be included in the Environmental Report has been provided.	Noted. Proposed mitigation of policies is shown in the policy assessment matrix in Appendix 11
	SEPA welcome the proposal to include a summary table of assessments carried out. This is a useful way to consider cumulative effects.	Noted. A cumulative effects assessment is shown in Appendix 12.

7. SEA Indicators and monitoring	Two stage approach for considering indicators is welcomed by SEPA	Noted
	<p>SEPA suggest the following additions;</p> <ul style="list-style-type: none"> <li>- SEA Objective 5 (Water) - Number of planning applications granted permission contrary to SEPA advice on flood risk.</li> <li>- SEA Objective 7 (Air) – Number of Area Quality Complaints received by the Council and SEPA seems a reasonable approach in this instance.</li> <li>- SEA Objective 9 (Climate)- Number of planning applications granted permission which are situated below the 5m contour</li> </ul>	<p>Noted</p> <p>An approach to monitoring the effects of implementing the LDP is outlined in Appendix 13.</p>
	SEPA advises that other monitoring proposals should concentrate on aspects of the Plan where significant effects are thought likely, or where there are gaps in the baseline.	<p>Noted</p> <p>An approach to monitoring the effects of implementing the LDP is outlined in Appendix 13.</p>
	SEPA reminds that by the end of the plan making process all aspects of the Plan which could have significant effects should be assessed. This includes any overarching objectives, any spatial elements, policies, allocations and proposals.	Noted

## Scottish Natural Heritage (SNH) comments - letter of 19/02/10 concerning the Scoping Report

Main Letter	Comment	Action
1.	Scoping reports good understanding of the role of the Main Issues Report (MIR) and SEA in the development of the LDP, however there is lack of clarity regarding the process, at least partly due to the <u>imprecise use of terminology</u> , such as referring to the MIR as the draft LDP	Noted
2.	The significance of renewables developments in Shetland both now and the future is an important issue that does not appear prominently in the Scoping Report. SNH recommends that the appraisal criteria in the SEA framework are written in a way that will allow the environmental impacts of different approaches to renewables generation be rigorously tested, particularly with respect to biodiversity, climatic factors, landscape, material assets and soil.	The LDP contains a specific policy on renewable energy development.
3	The Scoping Report makes no mention of the need for the LDP to be appraised against the requirements of the EU Habitats Regulations. SNH recommend that an Appropriate Assessment of the LDP is carried out alongside the SEA and published in the Environmental Report	Habitats Regulation Assessment – Screening Report was undertaken and the LDP will not have any adverse effects on the integrity of European sites and their conservation objectives.
1.	Table 2.1 (page 13). The EU habitats Directive (92/43/EC) is concerned not just with natural habits, but also with species other than birds. Its full title is <i>Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna.</i>	Noted and was altered in the final Environmental Report
2.	Section 2.2, Shetland Biological Records Centre should be listed as a source of baseline environmental data.	Noted and was added into the Environmental baseline Annex of the Final Environmental Report

3.	SNH dispute the assertion in section 2.3.1 – Strategic Context, that an abundance of designated sites in the coastal areas will push development inland. SNH state that the majority of designated coastal land in Shetland is on remote, exposed coastlines, often adjoining upland areas where there is little evidence of development pressure, These designations may have implications for developments such as windfarms and coastal quarries, but in these cases any displacement would be to other coastal or upland areas, rather than inland. In low lying areas where there is more potential for development, designated sites are generally small and cover a tiny proportion of the coastline.	Noted and taken into consideration.
4.	SNH refer to an additional strategic issue that is relevant to Section 2.3.1. Population drift towards Lerwick and the aging populations in remote rural areas is likely to contribute to a decline in traditional crofting practices. This will have implications for those croft land habitats which depend on active management, such as arable fields and species rich hay meadows, and the species which benefit from them.	Noted and taken into consideration.
5.	SNH state that the LDP might offer an opportunity to improve the biodiversity of derelict and brown field sites.	Noted and taken into consideration.
6.	Section 2.3.2 refers to MIR context rather than the LDP context as in other sections. In this section SNH identified access to the natural heritage and to the rural environment for outdoor recreation as an opportunity.	Noted and taken into consideration
7.	In Section 2.3.4 there is an opportunity to promote land management that seeks to maintain or enhance the ability of peat soils to act as a carbon sink.	Noted. The LDP's natural Heritage Policies contains provision for soil resources and peat.
8.	In section 2.3.6 , as well as promoting sustainable modes of transport, there are opportunities to develop sustainable settlement patterns as a means of addressing transport related carbon emissions	Noted. The LDP contains various transport policies and reference to the local transport Strategy produced by ZETRANS which will encourage sustainable settlement patterns and address transport



		related carbon emissions.
9.	In section 2.3.9 – Strategic Context, developments or quarries which are conspicuous in nature will have an adverse effect on the landscape wherever they are located but their scenic impact will be greatest in coastal areas since Shetland’s coastal landscapes are generally the most valued.	Noted. LDP contains a specific policy on Minerals.
10.	In Section 2.3.9, it is not clear why the impact of micro-generation equipment is considered an issue or a problem but no mention is made of larger renewables installations.	Noted. The LDP contains a specific policy on renewable energy development.
11.	Table 3.2 sets out an appropriate range of appraisal criteria, however a number of these would benefit from being more tightly defined. For the Biodiversity topic, SNH has provided new criteria.	Noted and were incorporated into the final Environmental Report
12.	Under Soils, SNH has provided an additional criteria – “Does the policy or proposal...reduce the ability of Shetland’s soils to store carbon?”	Noted and suggestion was incorporated in final Environmental Report
13.	Under landscape, SNH has provided additional criteria – “Does the policy of proposal... <ul style="list-style-type: none"> <li>- have adverse effects on the integrity and / or special qualities of the National Scenic Area?</li> <li>- Strengthen the integrity and / or special qualities of the National Scenic Area?</li> </ul>	Noted and suggestions were incorporated in final Environmental Report
14.	In section 3.3.2 we suggest that consideration should be given to Adopting an indicator using the islands’ ecological footprint as a measure of sustainability.	Noted but not available for Shetland.
15.	SNH pointed out that in Annex C, tables C.1 and C.2, listing respectively the designated features of Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) in Shetland contain a number of inaccuracies and omissions.	Noted and corrections were incorporated into the final Environmental Report

## **SIC LDP Interim Environmental Report**

This was received by the SEA gateway on 26<sup>th</sup> March 2010 from Natural Capital. Comments were received by the Council from the CAs via the Scottish Governments SEA Gateway in Edinburgh. These are analysed below with the main themes or issues presented.

### **Historic Scotland (HS) comments – letter of 14/05/10 concerning the interim Environmental Report**

In general HS welcomed that the historic had been scoped into the assessment. In the table below are presented the main areas of that need attention in the forthcoming revised SEA Environmental Report (ER).

<b>Main Letter</b>	<b>Comment</b>	<b>Action</b>
1.	Overall Historic Scotland (HR) recognises that the ER provides an assessment of the MIR on the historic environment and they acknowledge that some of the comments from the Scoping Report have been taken into account.	Noted
2.	HS point out that the <u>ER to be a missed opportunity in supporting the preparation of the LDP.</u> Despite significant consideration going into the MIR, the Environmental Report suffers from lack of accessible information flowing from the plan, particularly in relation to the spatial strategy. A detailed assessment of the proposed land allocations and their alternatives needs to be undertaken to ensure that any significant effects are recognised early and that any mitigation measures are identified.	Noted. The Shetland Islands Council decided to adopt an allocations based system, which was a completely new approach. This presented an unusual local situation in which many landowners came forward with their aspirations for development, but without firm plans. As a result of these circumstances, the Council decided to put forward those areas of land that had been assessed as suitable 'sites with development potential' with the aim of working with developers through the Action Programme to progress these sites towards allocation

		status within the lifetime of the plan and beyond.
1.	HS welcome this section which clearly summarises the context, objectives and scope of the LDP	Noted
1.	Nature of the spatial strategy presented in the MIR leads to difficulties accurately identifying the environmental effects of development. Due to the limited information presented in relation to the spatial strategy, many of the environmental effects are found to be uncertain	Noted
2.	Table 5.1 – Confusion about EIA / SEA Relationship. HS clarified that a key benefit of SEA is the opportunity it provides to think about environmental implications at a high level and flag up potential issues that EIA should focus upon in greater detail. The high level consideration of the environmental merits of specific sites also provides the opportunity to consider strategic alternatives which is something that can become limited once the principle is established.	Noted
3.	Spatial Allocation Consultation – HS refer to a need to assess any new / more detailed spatial allocations that are included in the proposed Plan. Once the call for sites has closed there would be an opportunity to incorporate the SEA objectives into the selection criteria by which proposal will be considered. This would ensure that environmental considerations are considered alongside any technical, social and economic merits. HS recommend that the environmental effects of each option should be explored through the environmental assessment and documented in the revised Environmental Report.	A site assessment checklist was developed. This was a further refinement of an internal LDP Sustainability Matrix Report which stressed the importance of sustainability and minimising significant environmental effects. The report and site assessment checklist used by the SIC Planning Service informed mitigation measures adopted in the LDP's policies and final Environmental Report. SEA objectives and criteria questions were important considerations in the policy development and mitigation

		process. Refer to Appendix 11.
4.	HS make reference to the published PAN on SEA and Development Plans for guidance on how the Environmental Report should be presented.	Noted
1.	Section 2.6.2 – Factors used to establish the significance of effects not clear enough. Table 2.4 identifies the scoring system for impacts. HS concerned there is no explanation of what the assumed outcome would be from, for example, a ‘very positive’ or ‘very negative’ effect.	Noted and revised scoring system with more clarity included in final Environmental Report. Refer to Appendix 11.
1.	Inclusion of separate map within Annex C of the interim ER showing the baseline data for scheduled monuments and gardens and designed landscapes within Shetland is welcome by HS. Presenting this information alongside specific land allocations was not possible due to the approach adopted in the MIR, however preferred strategic growth areas (areas of best fit) should be illustrated.	Noted. Maps are presented within the LDP showing the adopted spatial strategy, areas of best fit, sites of development potential, and other important designations.
1.	<b>Main Issue A</b> The predicted impacts of issue A preferred option on objectives 11 and 12 (relating to the Historic Environment) are identified as ‘uncertain’ and it is stated that this would depend on the location of any future housing development and proximity to historic assets. The commentary identifies that overarching policy and the use of a sustainability checklist would result in a neutral or supportive impact in the long term. HS recommend that the proposed policy for this main issue actually be assessed in the revised Environmental Report, in terms of general content and direction.	The final ER shows an assessment of Plan policy options and alternatives in relation to environmental effects. Part of this assessment was undertaken in Annex E of the interim ER involving SEA Objectives. Alternatives and Those adopted and taken forward into LDP policy development are shown in Appendix 10 of the final ER
2.	<b>Main Issue B</b> In terms of the predicted impacts of the preferred option for Issue B on Objective 11, HS note that the impacts are also ‘uncertain’, with the potential for positive or negative impacts. It is mentioned within the commentary that the likely effects are <i>‘reliant on the</i>	The final ER shows an assessment of Plan policy option and alternatives in relation to environmental effects. Part of this assessment was undertaken in

	<p><i>final location of any new development</i>'. HS indicated before, this was a result of the methodology employed in the preparation of the MIR. HS also noted that the assessment outcome for objective 12 is 'broadly supportive / minor positive'. It is agreed that focusing development towards previously developed land may reduce the potential for impacts on the historic environment in undeveloped areas. However, in terms of the statement in the summary paragraph (Annex E page 11) which identifies that '<i>the fact that these sites are known and protected would afford them protection against effects from inappropriate development</i>', HS suggest that relying on existing policy /legislation to protect historic environment features would, in SEA terms, have a 'neutral impact', as opposed to any form of 'positive' impact which the MIR itself has had.</p>	<p>Annex E of the interim ER involving SEA Objectives. Alternatives and those adopted and taken forward into LDP policy development are shown in Appendix 10 of the final ER</p>
3.	<p><b>Main Issue C</b> In relation to the historic environment comments for Issue C (Ness of Sound, Annex E, page 3), HS note that it states there are '<i>no historical designations for the Ness of Sound itself</i>'. There are two and this should be revised. The historic environment comments for the Knab (PageE-39) should include The Knab, fixed torpedo platform 130 NE of (Index no. 10755)</p>	<p>Noted and updated in Environmental Report</p>
1.	<p>Scottish Planning Policy (2010) supercedes the original SPP documents including SPP 23 (Planning and the Historic Environment). NPPG 5 and 18 have also superseded. Scottish Historic Environment Policy (SHEP) outlines Scottish Minister's policies on the Historic Environment and is produced by Histori Scotland. SHEP supersedes the policy elements of 'Passed to the Future'.</p>	<p>Noted and updated in Revised Environmental Report</p>
1.	<p>HS welcome the inclusion of gardens and designed landscapes as a receptor within the table of monitoring indicators.</p>	<p>Noted and included in revised Environmental Report</p>
1.	<p>HS concern – placing the onus on a developer to demonstrate how they will follow best practice (such as the SIC master planning handbook) in dealing with the historic environment (table</p>	<p>The Planning Service Development Plans Team will ensure that mitigation measures identified</p>

	<p>6.2) means that an opportunity to highlight any key issues that the Council wish to take into account will be missed. HS acknowledge that the necessary mitigation is to be provided through the retained and updated Structure and Local Plan policies and is happy with this approach, however HS caution that there is potential for a situation where, once the site has been allocated these policies will be unable to mitigate against an impact on a historic environment asset. The identification of mitigation measures is a key part of SEA and to be effective it should be clear about what both what is required and who is responsible for its delivery.</p>	<p>through the policy assessment are taken forward as the new plan is implemented</p>
<p><b>2.</b></p>	<p>In terms of the summary assessment of the MIR vision and objectives against the SEA Objectives (Table D.1), Historic Scotland note that it concludes encouraging tourism and supporting economic development shall have a neutral impact on the historical environment objectives. Encouraging tourism could increase the pressure on land and as such on historic environment assets, which could have 'negative' impacts before mitigation is considered. The inclusion of a justification/commentary column within this table would be useful to explain the reasoning behind the outcomes. This could follow the same format as the commentary section for mitigation and enhancement measures within Table 5.1 which HS found useful and informative.</p>	<p>Noted and taken into consideration in the policy development process.</p>

## Scottish Environment Protection Agency (SEPA) comments – letter of 24/05/10 concerning the interim Environmental Report

In general HS welcomed that the historic had been scoped into the assessment. In the table below are presented the main areas of that need attention in the forthcoming revised SEA Environmental Report (ER).

Main Letter	Comment	Action / Justification / Amendments etc.
1.	SEPA was generally satisfied with the assessment presented, with the main issues and alternatives especially clear, however due to the lack of allocations with the MIR and lack of detail on your proposed position on many of the existing policies, SEPA pointed out that there was a need for considerably more assessment to be carried out and included in the revised Environmental Report (ER) to support the plan making process.	Noted and contained in revised Environmental Report
2.	SEPA acknowledged that the Environmental Report presented was an interim document. SEPA welcomed a summary of how previous comments had been addressed.	Noted
3.	SEPA advised that the new PAN 1/2010 Strategic Environmental Assessment of Development Plans provides useful guidance and practical advice on carrying out SEA.	Noted and was taken into consideration during the production of the final Environmental Report
1.	SEPA note that less information is provided on waste management in the ER than was provided in the Scoping Report. The report makes reference to further information being provided in section 4.3.5, but this section could not be located. SEPA note the comment in Annex A as to why this information has not been provided. SEPA disagrees with this comment. SEPA stress that environmental information on all waste streams is needed (including minimisation actions, waste recycling and processing and disposal) accompanied by information on existing waste management sites on the islands so that the Council can determine the need for existing and new facilities and make	Noted. The draft LDP contains comprehensive waste policies and justifications to address SEPA's comment. The policies were developed after consultation with SEPA.

	<p>suitable policy to ensure that waste is managed appropriately. SEPA concede that if the information is provided elsewhere, then it should be cross referenced. SEPA also pointed out that the issue has been previously discussed with the Council (at the April 2010 liaison meeting) and that some analysis of the existing baseline had been made. This was not evident from the ER. SEPA has already provided comments on what specific waste management issues would be expected to be addressed during its responses to the MIR.</p>	
2.	<p>SEPA contrast the above with what is stated in section C.1.1.7 that there is a clear requirement to fully support waste minimisation in Shetland to try and reduce the need to transport materials long distances for recycling or reprocessing elsewhere.</p>	<p>Noted. The draft LDP contains comprehensive waste policies and justifications to address SEPA's comment. The policies were developed after consultation with SEPA.</p>
1.	<p>SEPA welcomed SEA Objective 4 covering peat</p>	<p>Noted</p>
2.	<p>SEPA advised that while the appraisal criteria for SEA topic – Water (objectives 5 and 6) have not been separated in table 2.3, they have been for the assessments themselves</p>	<p>Noted. The final ER has this omission.</p>
3.	<p>SEPA was disappointed to note that the report had not considered flooding within the SEA topic – Water (objectives 5 and 6).</p> <p>Flooding is an issue, as well as in relation to the effects of Climate Change and SEPA would prefer these were separate, but related assessments</p>	<p>Noted and updated in final Environmental Report</p>
4.	<p>SEPA noted that other suggestions made in relation to help consider SEA Objective 6 have not been acted upon.</p>	<p>Noted and considered in final Environmental Report</p>
5.	<p>SEPA noted that the appraisal criteria for Objective 9 (Climatic factors) had not been revised to make it clear that the effect of climate change on flooding is an additional issue to the current risk of flooding. It was not clear whether the comments related to existing risk of flooding or risks taking into consideration climate</p>	<p>Noted and updated in final Environmental Report</p>



	change. SEPA presumed the former. SEPA requires this issue to be considered before allocations are assessed.	
1.	SEPA reminded the Council that purpose of the assessment was to consider significant effects	Noted
2.	SEPA is generally satisfied with the assessments presented, however no comments or justification is provided in Table D.1 to explain the assessments presented, therefore the assessment is not transparent	Noted
3.	SEPA pointed out that nothing in the current vision assisted to reduce climate change or adapting to climate change. SEPA suggest that SEA objectives 8 and 9 (climatic factors) should be scored neutrally. SEPA suggests amendments to the vision to ensure positive assessment. New guidance on Climate Change to consider this topic is suggested - <i>Consideration of Climatic Factors within SEA</i>	Noted. The LDP's supporting objectives now make clearer reference to climate change and adaptation
4.	SEPA pointed out that the Plan Objective 1 "Encourage Tourism..." would generally have a negative effect on a wide range of SEA Objectives that it has an interest in as it will facilitate new development and encourage travel. This objective will directly conflict with SEA Objective 8 (Climatic factors). SEPA suggest that this SEA Plan Objective is reassessed.	Noted and modified.
5.	SEPA state the wording "more connected" in Plan Objective 2 suggests an aim of providing better transportation links, which by encouraging more travel will have a negative impact on the SEA Objective 8 (Climatic Factors). SEPA concede that alternatively the wording may mean better located for public transport, or within areas of broad-band coverage, which would have less effects. SEPA cannot determine as no justification is given.	Noted and modified.
6.	SEPA suggests a Plan Objective including the wording "minimising waste" would have a significantly positive assessment against the 'Sustainable use of resources' under SEA Objective 10 (Material Assets)	Noted and modified.
7.	SEPA suggests that a Plan Objective which supports	Noted and modified.

	environmentally sensitive and well designed development is likely to have a positive effect on the full range of SEA Objectives which SEPA has an interest in.	
1.	SEPA welcomed the clear setting out of the assessment of the main issues and alternatives (Table 2.5, Table 5.1 and Annex E). The inclusion of detailed comments, justification for assessments, and record of range of effects is preferred to a single summary approach in the main body of the text.	Noted and modified.
2.	(Issues A & B) SEPA acknowledged that the spatial strategy (issues A & B) is difficult to assess and some aspects are hard to follow, however SEPA agree with the assessments presented based on the limited information provided at this stage.  SEPA suggests that an option which allocates land in areas able to sustainably support large developments would be more positive (or less negative) than the alternative options.	The final ER shows an assessment of Plan policy option and alternatives in relation to environmental effects. Part of this assessment was undertaken in Annex E of the interim ER involving SEA Objectives. Alternatives and Those adopted and taken forward into LDP policy development are shown in Appendix 10 of the final ER
3.	<b>Issue C</b> SEPA welcomes the clear assessment of the three sites (land at Staneyhill, the Knab and The Ness of Sound). SEPA pointed out that any difficulty in understanding these assessments was related to undefined mapping provided in the MIR itself, rather than the assessments.	Noted. Maps are presented within the LDP showing the adopted spatial strategy, areas of best fit, sites of development potential, and other important designations.
4.	SEPA noted and welcomed the detailed assessment of SEA Objective 4 (Soils and Geology) in each case. SEPA notes that Staney Hill and Ness of Sound may result in loss of peatland and as mitigation it would welcome if the Plan included a requirement to demonstrate how this loss will be minimised.	Noted and incorporated into LDP
5.	SEPA noted that in relation to assessing SEA Objective 6 (Water) Ness of Sound cannot currently connect to the public sewerage system. SEPA expects the related negative effect to be mitigated	Noted and incorporated into LDP

	by ensuring that all development in the area connects to the public foul drainage sewer.	
6.	<p>SEPA fully supports the Council’s assessment of flood risk for sites but highlight that as it is made against SEPA’s indicative maps the assessment relates to existing flood risk and not flood risk as a result of climate change which is required to assess SEA Objective 9 (Climatic factors).</p> <p>SEPA advised at the Scoping Stage that a two stage assessment is required:</p> <ul style="list-style-type: none"> <li>- Assessment of the current flood risk, and</li> <li>- Assessment of flood risk taking into consideration the predicted effects of climate change.</li> </ul> <p>SEPA, as far as it can determine from the maps provided in the MIR, agrees with the assessments of current flood risk for the sites.</p>	The LDP is supported by a Flood Risk Assessment consistent with SEPA guidance
	<p>SEPA requires the following mitigations in relation to flood risk;</p> <ul style="list-style-type: none"> <li>- Where a small watercourse dissects or is in the vicinity of the site SEPA suggest that the developer requirement outlines that a flood risk assessment may be required. If flood risk is found to be an issue then no development should occur in that area.</li> <li>- Where an area of site is shown to be at risk from the assessment carried out to date include developer requirement text that a flood risk assessment will require to be undertaken as part of the planning process and that no development shall take place in the area found to be at risk of flooding.</li> </ul> <p>SEPA’s response to the Main Issues Report provided other guidance on how flood risk can be mitigated.</p>	The LDP is supported by a Flood Risk Assessment consistent with SEPA guidance
7.	<b>Issue D – Preferred Option</b>	Noted

	SEPA suggests that this issue, which plans for development, would have less negative effects than alternatives, which do not plan for development.	
8.	SEPA were generally satisfied with the assessments presented for the Main Issues	Noted
1.	SEPA welcomed that the Council has assessed potential cumulative impacts and that it related to mitigation measures that can be taken.	Noted. The Final Environmental Report contains a Cumulative Effects Assessment in Appendix 12.
2.	SEPA agreed with overall assessment for soils but highlights that Policy SP NE3 will not mitigate possible effects on soils and Main Issue H only looks at agricultural land. Consequently SEPA is of the opinion that this assessment needs to address soil, especially peat in greater detail. SEPA's response to the MIR should be considered in relation to the above.	The LDP contains a Natural Heritage Policy (NH4 Soils including Peat)  The LDP has not included a policy relating to Agricultural Land.
3.	<b>SIC Master Planning Handbook</b> SEPA advise that in relation to mitigation proposed by the handbook, it should be remember that the Plan should ensure that development is located in the correct location in the first instance, and this needs to be determined by the Plan itself.	Noted
1.	SEPA welcomed the range of mitigation measures outlined in the interim Environmental Report and require them to be implemented in the LDP, as this ensures it takes place, rather than it being expected to be delivered by other means.	Noted and implemented in the draft LDP
1.	SEPA welcomed the range of specific monitoring proposed in relation to its areas of interest / responsibility. SEPA suggests, in relation to indicators, that the number of applications granted should be counted instead of the number of applications made.	Noted  An approach to monitoring the effects of implementing the LDP is outlined in Appendix 13.
1.	SEPA was pleased to note the proposal to carry out further work to update the interim Environmental Report to reflect the options selected through the consultation process.	Noted

	<p>SEPA advise that by the end of the plan making process it will be necessary to have assessed all aspects of the Plan which could have significant effects.</p>	
<p>2.</p>	<p>SEPA noted that the MIR calls for information on sites with development potential. The new PAN makes it clear that the SEA should assess the significant environmental effects of all the sites in the Plan, including that that are rolled forward from the existing Plan (but not those that already have permission) SEPA highlighted Paragraph 4.21 of the PAN highlights that “a comprehensive approach will help to avoid further assessment and delay at a later stage”. SEPA also refer the Council to its Scoping Report response for detailed comments on the assessment of allocations and would be happy to comment on the proposed assessment matrix before it is put into use.</p> <p>SEPA advised that the approach employed by Orkney Islands Council for assessment of site allocations is deemed good practice and a similar approach would be welcomed.</p> <p>SEPA point out that in relation to the comments in section 6.3.2 regarding the Council’s lack of control over the operation of individual developments (which could nonetheless suggest is achieved by planning condition) the Plan’s purpose to some extent overcomes this by facilitating good development in the right place. Using SEA can help to achieve this</p>	<p>The approach utilised by Orkney Islands Council was considered in the assessment of site allocations.</p> <p>Normally this would be done through a system of allocations where developers come forward with complete plans to develop their land. This is common practice within Scottish mainland Local Authorities. The Shetland Islands Council decided to adopt an allocations based system, which was a completely new approach. This presented an unusual local situation in which many landowners came forward with their aspirations for development, but without firm plans. As a result of these circumstances, the Council decided to put forward those areas of land that had been assessed as suitable ‘sites with development potential’ with the aim of working with developers through the Action Programme to progress these sites towards allocation status within the lifetime of the plan and beyond. This was to ensure that an adequate supply of land</p>

		<p>was identified in the LDP, as required by the development plan process.</p> <p>A site assessment checklist was developed. This was a further refinement of an internal LDP Sustainability Matrix Report that stressed the importance of sustainability and minimising significant environmental effects. The report and site assessment checklist used by the SIC Planning Service informed mitigation measures adopted in the LDP's policies and final Environmental Report. SEA objectives and criteria questions were important considerations in the policy development and mitigation process. Refer to Appendix 11.</p>
3.	<p>SEPA noted that the MIR outlines that the Council considers that other non-main issues are adequately addressed by existing policy. The monitoring statement and background paper outlines the work that has been carried out to date on reviewing the policies, but does not seem to have been subject to the SEA Process. If the review did not consider the environmental acceptability of current policies, SEPA suggests that carrying out such an assessment would be a sensible next step when considering what amendments are required. SEPA stressed, to avoid doubt, that all it expects all policies in the Plan be assessed.</p>	<p>Noted. The Council adopted a completely new approach to planning control with old policies in the Structure Plan informing the development of the new LDP only. All new policies have been subject to SEA.</p>
4.	<p>SEPA emphasised that if SEA has been carried out on specific aspects of the Plan, for example the mineral policies, then the</p>	<p>Noted. No changes in policy occurred relating to existing</p>

	assessments need not be repeated (unless the policy has changed), but could be included as a separate appendix to the final Environmental Report.	policies e.g. minerals. They are not included as appendices, however are available from the Council Planning Service.
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**Scottish Natural Heritage (SNH) comments – letter of 4/05/10 concerning the interim Environmental Report**

<b>Main Letter</b>	<b>Comment</b>	<b>Action / Justification / Amendments etc.</b>
1.	SNH stated that the interim Environmental Report presented a detailed assessment of the Main Issues Report (MIR), which was well presented and had addressed the key requirements under the Act.	Noted
2.	SNH was broadly in agreement with the assessment in regard to natural heritage issues, but had some specific comments which were set out in Annex 1 of their letter.	Noted
<b>Annex 1</b>		
1.	Section 4.6 – Soils and Geology refers to "protecting sites designated for their geological importance, including ... the newly designated Shetland Geopark." A geopark is not a designated site, but a region which uses its geological heritage to promote sustainable development. Geopark Shetland encompasses the whole of Shetland. Whilst one of the aims of the geopark is to protect the islands' outstanding geological heritage, this does not require development to be constrained throughout Shetland. SNH stress that it would be more appropriate to refer here to 94 "geosites" identified by the geopark as being most important to understanding and interpretation of Shetland's earth heritage.	Noted
2.	SNH concern about the final paragraphs of section 4.7 and 4.8. It states that the Council can encourage developers to adopt sustainability principles, but has no powers over the operation of individual developments. It suggests that control in this area might be exerted by other agencies, including SNH. In this regard, SNH has only limited regulatory functions and these are overridden by a grant of planning consent. Consequently SNH is unable to exert controls that the report envisages.	Noted and taken into consideration
3.	In section 4.9, the meaning of the first sentence of the final	Noted and deleted



	paragraph is unclear.	
1.	SNH pointed out that Section 2.8 (habitats Regulations Assessment) correctly identified the potential for Issue B to affect a number of Natura sites. SNH accepts the likelihood of significant effects will depend on details that are not available at this level of planning. Given the strategic level of the MIR, this level of assessment is appropriate and proposed mitigation of carrying out more detailed assessment of all interventions with the potential to affect Special Protection Areas (SPAs) or Special Areas of Conservation (SACs) at a later stage is acceptable	Noted. The final Environmental Report will undergo HRA Screening process in consultation with SNH Shetland.
2.	SNH pointed out the first bullet under <i>MIR and LDP Context – Issues and Problems</i> in Section 4.2.3 (soils and Geology). It should be noted that Shetland has no designated Regionally Important Geological Sites (RIGS), although the Geopark Shetland geosites serve a similar purpose.	Noted
3.	SNH support the recommendation under issue I in table 5.1 (page 46) that the policy on protection of biodiversity should be broadened to include Geodiversity.	Noted
4.	SNH pointed out a previous concern. Section 6.3.2 (indirect Environmental Implications) makes the same suggestion as in sections 4.6 and 4.7 of the non technical summary, that SNH might exert controls to ensure the sustainable operation of developments.	Noted and taken into consideration
1.	The final sentence under Protected Species in Annex C (page C-9) appears to have been included in error as it contradicts the preceding information, which is correct.	Noted and removed.