

Name of Responsible Authority	Shetland Islands Council
Title of Plan, Programme or Strategy	Shetland Islands' Marine Spatial Plan- Supplementary Guidance
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Date	9 June 2015

Responsible Authority	Shetland Islands Council
Title of PPS	Shetland Islands' Marine Spatial Plan- Supplementary Guidance
Purpose of PPS	The purpose of the Shetland Islands' Marine Spatial Plan (SIMSP) is to set out a vision, objectives, spatial strategy and planning policies for growth and development across Shetland's marine environment. The (SIMSP) forms Supplementary Guidance to the Shetland Islands Council Local Development Plan and is part of a statutory process and this is review every 5 years.
What prompted the PPS	Statutory governmental obligation
Subject	The Shetland Islands' Marine Spatial Plan- Supplementary Guidance to the Local Development Plan is planning policy document in which the contents will be used to determine planning applications and works licence applications.
Period covered by the PPS	The Local Development and it's supplementary guidance provides a spatial framework which is designed to last for between 15-20 years, but it is recommended that the contents be monitored and, if necessary, be reviewed every 5 years.
Area covered by the PPS	Whole of the Shetland Islands administrative area
Date Adopted	19 May 2015

1. Introduction

This document (the post-adoption statement) has been prepared in accordance with Section 20 of the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2005. The Shetland Islands' Marine Spatial Plan, hereafter referred to as the "SIMSP" has been subject to a Strategic Environmental Assessment, as required under The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2005. This has included the following activities:

- Taking account of the views of the Scottish Environment Protection Agency, Scottish Natural Heritage and Historic Scotland with regard to the scope and level of detail appropriate for the Environmental Report.

Preparing an Environmental Report on the likely significant effects on the environment of the Development Framework, this included consideration of the following:

- the baseline data relating to the current state of the environment;
- links between the SIMSP, the Shetland Local Development Plan (LDP) and other relevant plans, programmes and environmental objectives;
- existing environmental problems affecting the plan or programme;
- the SIMSP's likely significant effects (including cumulative effects) on the environment, both positive and negative;
- the mitigation measures envisaged for the protection, reduction and offsetting of any significant adverse effects;
- an outline of the approach taken to dealing with alternatives;
- Monitoring measures to ensure that any unforeseen environmental effects will be identified allowing for appropriate remedial action to be taken;
- Consulting on the environmental report;
- Taking into account the environmental report and the results of consultation in preparing the SIMSP; and
- Committing to monitor the significant environmental effects of the implementation of the SIMSP, identify any unforeseen significant environmental effects and to take appropriate remedial action or enhancement.

The SIMSP together with the Environmental Report and Post-Adoption Statement can be inspected free of charge during normal opening hours at:

Shetland Islands Council

8 North Ness

Lerwick

Shetland

Or on the web:

www.shetland.gov.uk/ldp

2. Consultation comments and how they have been taken into account

The tables below provide a summary of the comments received from the Consultation Authorities and from other organisations and individuals on the SIMSP, and summarises how those comments have been taken into account in the Finalised SIMSP.

Consultation Responses on the Environmental Report

Page	Consultation Authority	How have the comments been taken into account
	<i>Scottish Natural Heritage</i>	
Page 21	There are 12 designated SACs in Shetland, plus Pobie Bank Reefs candidate SAC. Seven of the designated sites have a marine element.	Noted and changed
Page 23	There are currently 78 SSSIs in Shetland. Previously there were 81 but one site was de-notified last year and two others merged with overlapping SSSIs. Of the current sites 31 are notified for marine biological interests, including seabirds, red-throated diver, sea cliffs, sand dunes and saltmarsh. 36 SSSIs are coastal sites notified for geological or geomorphological interest and a further two geological sites are close enough to the coast to be potentially affected by marine issues.	Noted and changed
Page 34	It is not considered good practice to publish details of otter holts, for example in Environmental Statements, but it is not illegal <i>per se</i> .	Noted and changed
Pages 36	The increases in grey seal numbers reported in the Marine Atlas are due to changes out with Shetland. More pertinent to the SMSP is the fact that the numbers breeding in Shetland have remained steady for many years at around 3500.	Noted and changed
Page 54	A number of the bullet points under section 5.2.1 are legal obligations rather than mitigation or best practice.	Noted and wording changed
	In the final bullet point, "appropriate assessment" should not be capitalised as this gives the impression that it is a defined process, rather than an	Noted and changed

	assessment that is appropriate to the nature and circumstances of the proposal. A better wording might be “where a proposal would have a likely significant effect on a Natura 2000 site, an appropriate assessment will be made of the implications for the site.” This also applies to similar bullet points in the sections following.	
Page 64	SPAs, SACs and SSSIs are monitored on a six yearly cycle. All features were monitored in the first cycle which began in 1999, so reports date to as far back as 15 years ago rather than 10 as stated. Not all features have been or will be monitored in subsequent cycles.	Noted and changed
Table B (page 76 onwards)–	The final column (Implications and/or relationship with SMSP) states against many PPS that the SMSP should “consider the implications of”, “have regard to” or “consider the aims of” the PPS or similar vague statements. As many of the PPS are higher level policies or legislation their requirements should be incorporated into the SMSP and it should be possible to describe here the relationship or implications, rather than identifying a need to consider these.	Noted and changed where appropriate
Table D (page 116)	Should include Hascosay SAC, designated for otter which is in “unfavourable, declining” condition.	Noted and changed
Table E (pages 117-119)	Needs to be updated. The red-throated diver feature on Hermaness, Saxa Vord and Valla Field SPA was monitored in 2013 and found to be in “unfavourable, declining” condition. The merlin feature of Ronas Hill – North Roe and Tingon SPA was last monitored in 2007 and is also in “unfavourable, declining” condition.	Noted and changed
Table F (Page 120)	The condition of the blanket bog feature of Ronas Hill – North Roe and Tingon Ramsar site is now “unfavourable, recovering”.	Noted and changed
Page 135	As presently worded, Policy MSP CD1 requires only that the wider implications of coastal defences with regard to flooding and coastal processes are demonstrated. With no requirement to	The policy requires that any coastal defence construction complies with policies within section 5a and 5b,

	mitigate any adverse effects it is hard to see how the policy could produce a long term positive impact on soils, geology and coastal processes. We therefore recommend that the policy be amended.	includes condition (c) addition that ' <i>detailed the design and assessed the risks and impacts, ensuring the retention or enhancement of the ecological characteristics, landscape character and popular coastal views</i> '
Page 145 –	Under Policy MSP HER8, 47 of the geosites identified by Geopark Shetland are geological SSSIs or part of a geological SSSI and a further 5 are on biological SSSIs.	Noted and changed
	<i>Scottish Environment Protection Agency</i>	
	We consider this to be a good ER, being well laid out, easy to follow and providing all the required information. We are generally in agreement with the results of the assessments detailed in Appendix 5; the full use of the comments column is especially good and useful in this regard. We also very much welcome the approach taken for mitigation in Section 5.	Positive comments welcome and noted.
	<i>Historic Scotland</i>	
	Update to reflect designation of Outer Skerries HMPA	Noted and changed

3. Reasons for choosing the Shetland Islands' Marine Spatial Plan as adopted, in the light of other reasonable alternatives

Since the first edition in 2008 the SIMSP has been utilised on a voluntary basis by the Shetland Islands Council, statutory consultees and local developers to underpin sustainable development in the marine environment around Shetland. In recognising the drive, through the Marine (Scotland) Act 2010, for national and marine planning, it was considered that adoption of the SIMSP as Supplementary Guidance (SG) to the LDP would pave the way for this by providing a plan-led approach to the management of Shetland's marine resources. As well as integrating the marine, coastal and land planning processes as required by Scottish Planning Policy, the SIMSP also helps to fulfil the legislative requirements of the Planning etc. (Scotland) Act 2006 for Local Authorities to develop aquaculture framework plans.

The SIMSP will have an overall positive impact on the environment as it contains policies and proposals requiring environmental considerations to be taken into account when making decisions on planning and licensing applications. The plan sets the spatial context for sustainable growth within Shetland, steering development to appropriate locations.

Through its development, the SIMSP has been subject to detailed environmental assessment and has drawn on extensive consultations with the general public and stakeholders at different stages.

The approach selected for the SIMSP balances the needs of the environment with competing social and economic needs (although beyond the remit of the SEA). Masterplans, Environmental Impact Assessments etc. will consider particular environmental matters in more detail than the SIMSP and provide opportunities to further embed the principles of sustainability at a site-specific scale.

While satisfying the requirements of the Planning etc. (Scotland) Act 2006, the Plan has been subject to rigorous environmental assessment and consideration of alternatives during its completion, leading to the adopted plan.

4. Measures that are to be taken to monitor significant environmental effects of the implementation of the plan

The monitoring of the SIMSP is undertaken by the NAFC Marine Centre on behalf of the Shetland Islands Council and by other agencies. An action programme has been prepared, listing actions required to deliver specific proposals and policies, and the names of agencies required to implement these. Implementation of the actions will be monitored regularly by the Council through updates to the action programme. The environmental effects of the SIMSP will be monitored through planning application decisions as well as technical assessments and statutory consultee comments, informing these decisions.

In addition to these means, the NAFC Marine Centre will prepare a monitoring statement, examining significant changes in the principal environmental characteristics of the area and the impacts of the policies and proposals of the SIMSP. This will be consistent with the requirements of the Planning etc. (Scotland) Act 2006.