

# Modifications Report and Summary of Representations made to the Draft Shetland Islands Regional Marine Plan and Adopted Shetland Islands Regional Marine Plan – Amendments and Policy Changes from Draft

In accordance with Schedule 1 of the Marine (Scotland) Act 2010, this report has been prepared for submission to Scottish Ministers to set out modifications which have been made by the Shetland Islands Marine Planning Partnership (SIMPP) to the proposals published in the consultation draft of the Shetland Islands Regional Marine Plan (SIRMP).

The table below sets out each of the suggested policy and non-policy changes and comments made through representations to the SIRMP consultation that took place at the end of 2019. Non-policy changes cover matters such as amendments to supporting text or the further information sections of the SIRMP.

The table below details whether a policy change is sought, the Shetland Islands Marine Planning Partnership's response to each suggested change or comment and any subsequent amendment that we have made to the SIRMP. All non-policy changes were made and agreed by the SIMPP, whilst all policy changes were subject to agreement of the SIMPP and SIRMP Advisory Group. **Please refer to the Appendix 1 of this document for the Adopted Shetland Islands Regional Marine Plan – Amendments and Policy Changes from Draft\* for the exclusive list of the proposed policy changes. These were agreed by the SIMPP and the SIRMP Advisory Group at their meeting in July 2020. (\*Note – following approval of Shetland Islands Council the SIRMP was submitted to Scottish Ministers for adoption in April 2021. This associated document was updated in October 2025 to reflect the final SIRMP policy prior to adoption of the Plan by Scottish Ministers).**

- The Shetland Islands Marine Planning Partnership consider that all representations made to the SIRMP have been taken into account. Amendments to the SIRMP have been made where we have considered them to be necessary and appropriate. Where requested changes have not been made we have provided clear explanation and reasoning.
- In summary, we have agreed to the majority of suggested changes and feel that those made in the Amended Draft Version have helped and improve and strengthen the SIRMP. **We consider that each representation has been adequately addressed and there are no unresolved issues.** It is therefore hoped that the plan can proceed promptly to adoption without the need for an independent inquiry by Scottish Ministers.

In total 19 representations were made to the SIRMP. These are numbered 1-19 in the comment number section below and were submitted by the following organisations/bodies/individuals.

1. Shetland Islands Council – Natural Heritage Officer
2. Crown Estate Scotland
3. KIMO
4. SSE
5. Scottish Sea Farms
6. SNH (either referred to as 'SNH' or 'NatureScot' in the table below)
7. Historic Environment Scotland (HES)
8. Scottish Environment LINK (LINK)
9. Seafood Shetland
10. SSMO
11. Shetland Islands Council – Development Plans Team
12. Sea Kayak Shetland
13. Shetland Islands Council – Planning Engineer
14. Greig Seafood Ltd
15. Cooke Aquaculture
16. Royal Yachting Association Scotland
17. Lerwick Community Council
18. Shetland Islands Council – Access Officer
19. RSPB Scotland

## Additional Amendments – Meeting of Shetland Islands Council – April 2021

At the meeting of Shetland Islands Council on 14 April 2021, it was agreed by Full Council that they agree to submit the Shetland Islands Regional Marine Plan (Amended Draft Version) to Scottish Ministers for adoption. The following two additional amendments to the SIRMP were agreed at this meeting:

- On page 29, change the first bullet of the 'Key Consultees' Section to read: *"Shetland Islands Council has statutory powers to issue notices for littering and dumping on public ground"*.
- On page 134, amend Map 45 to include the route of the boat trips between Hamnavoe, Burra and Foula.

## Other Assessments

For completeness the comments made to other assessments, namely the Strategic Environmental Assessment (SEA) and Business and Regulatory Impact Assessment (BRIA) are included at the end of this document.

Please refer to pages 75-77. In accordance with Section 18(3) of the Environmental Assessment (Scotland) Act 2005, as soon as possible after the adoption of the SIRMP the SIMPP shall publish the SEA and Post-Adoption Statement.

**Table 1: Summary of Representations- Shetland Islands Regional Marine Plan**

Comment number	pg. no.	Current Policy Text	Suggested Changes and Comments	Policy Change Sought Y/N?	SIMPP Comments and Observations	Amendment to SIRMP?
<b>1 – SIC Natural Heritage Officer</b>			The Plan refers to numerous external documents but there is no list of references so it is sometimes difficult to be certain which documents are being referred to in some cases. As an alternative hyperlinks to the documents being referred to could be included. More generally, use of hyperlinks to aid navigation (e.g. in the contents table) would be helpful.	N	We note that the hyperlinks in the pdf version of the SIRMP seem to be not working as they should.	All hyperlinks will be checked and updated where necessary in the finalised pdf version of the SIRMP (also referred to hereinafter as “the plan”).
1			Natura Sites – note that due to Brexit, SNH is now advising that the terminology used should be consistent with domestic legislation “European site” is now preferred to “Natura site”. This needs to be changed at a number of places in the document.	N	We agree that this change is necessary.	All references in the plan to “Natura Site” will be changed to “European Site”.
1			There are some references to “BAP Species”, presumably meaning UKBAP (UK Biodiversity Action Plan), UKBAP priority habitats and species were those that were identified as being the most threatened and requiring conservation action under the UKBAP; they were developed from 1995 – 2007. The UKBAP was succeeded by the ‘UK Post-2010 Biodiversity Framework’ in July 2012 and the Scottish Biodiversity List (SBL) sets out the selection criteria and actions for species in Scotland. I have recently sought clarification from SNH on this and it recommends that references should, in the first instance, be made to the SBL when assessing conservation priorities on sites.	N	We discussed this change with SNH, and agreed to subsequently make this change.	We shall amend the plan to take account of this by updating references.
1	7		The SIRMP refers to “Our seas – a shared resource High level marine objectives”. This was published in 2009 under the 2005 to 2010 Labour government so I wonder whether it is still current strategy. The Plan does not refer to the UN Sustainable Development Goals, adopted by the UN in 2015 and committed to by the Scottish Government in 2015. SDG 14 “Conserve and sustainably use the oceans, seas and marine resources for sustainable development” should underpin this document. One could credibly argue that provided this Plan accords with Scottish and UK policy that aligns with SDG14, compliance will be implicit. However, none of these connections have been set out.	N	This reference was based on the advice provided by Marine Scotland.	We do not feel that a change is required.
1	8		The SIRMP doesn’t do a good job of describing the relationship between the SIRMP and the LDP. For example, will the SIRMP be a material consideration or the determining policy for the Council when dealing with marine planning applications?	N	We agree that the relationship between the SIRMP and the Local Development Plan could be clearer.	<p>We shall amend the text in the ‘Local Planning’ section on pg 8&amp;9 to read:</p> <p><b>Local Planning Context</b></p> <p>The Shetland Local Development Plan (2014) and its supplementary guidance on Aquaculture (2017) and non-statutory guidance on Works Licence Policy (2017) currently provide the main planning policy and guidance for terrestrial land use and marine aquaculture developments in Shetland.</p> <p>The Shetland Islands’ Marine Spatial Plan (SIMSP) was previously incorporated into the Local Development Plan as Supplementary Guidance</p>

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						<p>under the 2006 Planning (Scotland) Act. As such, the SIMSP policies and maps were material considerations in any marine planning and works licence applications made to Shetland Islands Council.</p> <p>The SIRMP will replace the SIMSP in this context, and will form a stand-alone Plan for Shetland's marine environment. It will be a material consideration in the determination of planning applications and works licences. Shetland Islands Council also intend to update their supplementary guidance on Aquaculture and Works Licence Policy in the future to become non-statutory planning guidance in line with the 2019 Planning (Scotland) Act. Relevant policies in the next Local Development Plan (LDP2) will also be prepared and updated to take account of the SIRMP.</p> <p>Any development proposal with a land-based element must therefore consider the impacts on the terrestrial environment, its infrastructure and local community, as well as the implications on the marine environment. The SIRMP recognises that interactions can occur between the terrestrial and marine environment. Developers and marine users should therefore consider the LDP, relevant guidance and any appropriate masterplans which relate to marine areas.</p>
1	8		I feel that under "Legislative Context", the SIRMP should list the obligation on all public bodies in Scotland to further the conservation of biodiversity required by the Nature Conservation (Scotland) Act 2004.	N	We agree that this change is reasonable.	<p>We shall amend the 'wider consideration' on pg9 of the SIRMP to include the text:</p> <p>"Under the Nature Conservation (Scotland) Act 2004, all public bodies in Scotland are required to further the conservation of biodiversity when carrying out their responsibilities".</p>
1	11		describes "Activities" as a use or construction that is covered by a public right of use (e.g. navigation) and/ or does not require specific statutory consent from a competent authority to utilise a defined area. The text under "Marine Licence" on p13 seems to contradict this and describes a number of "activities" that do require consent.	N	<p>We feel that no change is necessary to the plan and that the wording and supporting text is clear.</p> <p>Whilst pg 13 does refer to 'activities', these fall under the requirement of statutory consent from other</p>	

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					competent authority such as, Marine Scotland and SEPA (Controlled Activities Regulations). This is clearly explained in the plan.	
1	15		This section doesn't mention whether any exemption from planning permission applies in the LPA area. Does one exist?	N	Pg 14 of the SIRMP already sets out that proposals below MHWS in the Lerwick Harbour limits will require a works licence. However, we do feel that further clarity could be provided on exemptions such as permitted development (for land based elements).	We shall amend pg 15 of the plan, 'Land Based Elements' section, to read:  "For land based elements within the Lerwick Port Authority certain permitted development rights may apply".
1	29	Shetland Islands Council- statutory powers to consent and prosecute for littering and dumping on public ground	This is very peculiar wording: "Shetland Islands Council- statutory powers to consent and prosecute for littering and dumping on public ground", could you delete "consent and" from the sentence or, alternatively, might it be better to construct a new sentence to deal with consent issues?	N	We note that this point was also picked up in other responses to the SIRMP. We shall therefore amend the plan and have also sought clarity on the wording from the Council's legal services department.	We shall amend the 'Key Consultees' section on pg 29 of the plan to read:  "Shetland Islands Council has statutory powers to issue notices for littering and dumping on public ground".
1	38	Developers may be asked to consider impacts on habitats which act as a carbon sink e.g. kelp forests and horse mussel beds.	In the sentence "Developers may be asked to consider impacts on habitats which act as a carbon sink e.g. kelp forests and horse mussel beds" I recommend you substitute "...will be asked to assess impacts..." for "...may be asked to consider impacts...". Consenting authorities and consultees will require assessment data in order to understand significance.	N	We consider that no change is required to the justification section of this part of the plan.  This will depend on the nature of the development and we shall be required to apply a proportionate approach. This would be done by Shetland Islands Council through the planning application or works licence process and we would ask developers to consider impacts and provide information where necessary and in response to the comments of consultees such as our Natural Heritage Team and SNH.	
1	42		SIRMP refers to the Scottish Government's 'Nature Conservation Strategy' – am I right in thinking this is Scottish Government (2011) A	N	We consider that no change is required.	

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			<p>Strategy for Marine Nature Conservation in Scotland’s Seas? As well as this document there are others that should also be referred to and complied with, as follows.</p> <p>SIRMP should refer to and set out how it supports the Scottish Biodiversity Strategy and its supplement that runs to 2030. This document was originally published in 2004 but supplemented by a part 2, “2020 Challenge for Scotland’s Biodiversity”, which is targeted at decision makers in the public sector and is Scotland’s response to the UN Aichi Biodiversity Targets.</p> <p>Of the 20 Aichi targets at least 11 are relevant to this Plan, especially targets 6-9 inclusive, which rely on plans such as this to set out appropriate policy, action and monitoring. SIRMP should refer to these and, preferably, show its contribution to their achievement.</p>		<p>This text in this section of the SIRMP is informed by the National Marine Plan.</p> <p>It is considered that this section of the plan and the plan as a whole supports the Scottish Biodiversity Strategy through its policies and guidance. We therefore feel that no changes are necessary. Furthermore, an additional policy on biodiversity ‘Policy MP BIOD1’ was included in the SIRMP based on advice from the advisory group.</p> <p>A new policy would require further consultation and is not considered necessary or appropriate.</p>	
1	42		<p>I note the sentence “The SIRMP will safeguard and enhance biodiversity and geodiversity through the identification and protection of sites and / or features of international, national and local importance.” SIRMP has no role in identifying sites of international or national importance and has not identified any new sites of local importance (LNCS are notified as part of the LDP). It may be more appropriate to say “the SIRMP will safeguard and enhance biodiversity and geodiversity through the protection of sites and features of international, national and local importance, and in the wider marine and coastal environment”.</p> <p>However, the SIRMP is the ideal vehicle to consider the case for local biodiversity and landscape designations, possibly complementing the existing locational guidelines referenced at Map 36 (though these guidelines are not driven primarily by biodiversity conservation, rather by environmental sensitivity in terms of ‘nutrient enhancement’ and ‘benthic impact’). Paragraph 251 of SPP might provide a starting point for such assessment and that may also be informed by 2 of the areas identified at policy MP DEV3. Note any such areas would be protected or their interests highlighted in relation to development in general, rather than any particular type of development. For context, on land, sites are designated for biodiversity and landscape protection or to assist by highlighting key biodiversity and landscape interests that should be considered during consenting processes at international, national and</p>	N	<p>We shall amend the wording of pg42 to clarify the role of the SIRMP.</p> <p>We do not agree that the other requested changes are necessary for the following reasons:</p> <ul style="list-style-type: none"> <li>- The SIRMP is at an advanced stage and has been through a significant amount of pre-consultation with environmental groups to get to the draft version. These suggested changes, such as local level designations, would be more appropriate to consider in future iterations of the SIRMP and any future masterplan approaches.</li> </ul>	<p>We shall amend pg42 of the plan to say:</p> <p>“The SIRMP will safeguard and enhance biodiversity and geodiversity through the protection of sites and features of international, national and local importance, and in the wider marine and coastal environment”.</p>

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			<p>local level, the latter being carried out by the Local Development Plan (LDP). In the marine environment there are also international and national designated biodiversity and landscape areas but, so far no local areas have been considered for biodiversity and landscape protection or for highlighting key biodiversity and landscape interests to be considered during consenting processes (other than those mentioned above in policy MP DEV3).</p> <p>With regard to the final paragraph on P42, Scottish Planning Policy (SPP) 2014 should be referred to, at least in respect of marine developments that require planning consent, though it may be simpler to just refer to these policy objectives rather than the advice suggested on P42. SPP states that “The planning system should...seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats”</p> <p>With respect to new development and change the guiding principles for the conservation of Shetland’s biodiversity are:-</p> <ul style="list-style-type: none"> <li>i) There is no net loss of biodiversity</li> <li>ii) All development should actively seek to enhance the biodiversity of the area</li> <li>iii) Any adverse effects should be avoided, minimised and/ or compensated, and every opportunity should be taken to create improvements for biodiversity</li> </ul> <p>All public bodies should consider these principles as part of their duty to further the conservation of biodiversity set out in the Nature Conservation (Scotland) Act 2004.</p> <p>Developers should consider how to ensure the development results in no net loss of biodiversity and, if possible, provide options for biodiversity net gain.</p>		<p>- It is felt that the final paragraph of pg 42 is appropriate in its current form and no changes are required.</p> <p>Paragraph 42 of Scottish Planning Policy is a policy principle for the planning system and could be a material consideration in the determination of planning applications and works licences. Pg 15 of the SIRMP already sets out that planning applications for aquaculture have to take consideration of Scottish Planning Policy. The update of the LDP and our guidance on aquaculture will provide the opportunity to examine this in more detail, including the review of local landscape areas, which is currently draft supplementary guidance.</p>	
1	43		<p>The wording of the final paragraph on this page rather confuses the process to be followed pursuant to the Habitats Regulations; these require competent authorities to undertake a Habitats Regulations Appraisal for any plan or project that has the potential to affect a European site. If it is demonstrated that there will be no likely significant effect, an appropriate assessment will not be required. As a consequence, policy MP MPA1 on P44 also requires to be reworded though, as it seems likely SNH will have provided accurate wording, I don’t provide it here.</p> <p>The rest of this section will also need some consequential revisions.</p>	Y	<p>Policy MPA1 was amended after receiving a number of representations.</p> <p>The wording opposite was agreed at the SIRMP Advisory Group meeting in July 2020.</p>	<p><b>Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as European sites) and Ramsar Sites</b></p> <p>Developments or uses that might affect a European Site (include proposed sites) must comply with the legal requirements for these protected areas and must be subject to a Habitats Regulations Appraisal (HRA) undertaken by a competent authority (normally the licensing or consenting authority/body). Proposals which may adversely affect the site’s integrity (i.e. compromise any of the conservation objectives for the site), either alone or in-combination, as determined by the appropriate assessment (AA) will not normally be permitted. Where a competent authority may wish to consent a</p>

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						proposal despite the potential for an adverse effect on the site's integrity, the competent authority must first show that there are no alternative solutions, and it is imperative, and of over-riding public interest to grant consent.
1	48		The 2 <sup>nd</sup> sentence "The MPAs consist of the marine components of sites designated as SACs, SPAs, SSSIs and Ramsar." Is incorrect. A more accurate wording, adapted from "Marine Protected Areas in Scotland's Seas, Guidelines on the selection of MPAs and development of the MPA network, JNCC et al 2011" would be: "Nature Conservation MPAs are designated under the Scottish and UK Marine Acts to complement marine components of sites designated under The Conservation (Natural Habitats &c.) Regulations 1994, SSSIs and Ramsar sites to form the main elements of a network."	N	We shall update this part of the plan to take account of these comments.	Page 48 of the plan has been amended to make the distinction clearer.
1	48	<b>Policy MP MPA2: Nature Conservation Marine Protected Areas (NCMPAs)</b> Development capable of affecting any Nature Conservation MPA will only be permitted where it has been adequately demonstrated, to the satisfaction of the consenting authority and Marine Scotland (acting on behalf of Scottish Ministers) and with advice from SNH, that the proposal has had due regard to the conservation objectives of the designated site and either: a) there will be no significant risk of hindering the conservation objectives of the Nature Conservation MPA, or b) there is an urgent need for the development to be approved, or c) the benefit to the public outweighs the risk of damage to the environment and there are no alternative solutions. In the last case the applicant must undertake measures of equivalent environmental benefit to offset the damage that will or may be caused by the development.	Policy MP MPA2 refers to "equivalent environmental benefit"; where are the criteria against how will this be determined? I ask because the Nature Conservation Marine Protected Areas: Draft Management Handbook" states that "Public Authority must (if it has the power) make the measures for equivalent environmental benefit a condition of the authorisation".	Y	We are the view that no change is required. It would be open to the consenting body to make this a condition of the consent/authorisation.	
1			Wild fish are almost not mentioned in the document, apart from a passing reference to diadromous fish as priority marine features (p72)	N	We do not feel that any amendment to the plan is	

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			and negative impacts on migratory and/ or juvenile fish expected from future ferry and harbour development (p143). Given that migratory fish in particular are often especially vulnerable in coastal and harbour areas this is a significant shortcoming.		<p>required for the following reasons.</p> <ul style="list-style-type: none"> <li>- Wild Fish are covered in the PMF list, and will be considered in line with relevant policies in the SIRMP, such as MP SCON4 'Priority Marine Features'.</li> <li>- This area is currently developing and we are still awaiting further guidance from Marine Scotland on EMPs and wild fish.</li> <li>- When Shetland Islands Council review their aquaculture supplementary guidance it will provide the appropriate opportunity to provide up to date and detailed guidance on wild fish, including Environmental Management Plans.</li> </ul>	
1	78	<p><b>Policy MP BIOD1: Furthering the Conservation of Biodiversity</b></p> <p>Development and use of the marine environment will be considered against public bodies' obligation to further the conservation of biodiversity and the ecosystem services it delivers. Development and use of the marine environment must protect, and where appropriate enhance the health of the Shetland marine area. The extent of these measures should be relevant and proportionate to the scale of the development. Proposals for development that would have a significant adverse effect on habitats or species</p>	<p>Policy MP BIOD1 says "Development and use of the marine environment must protect, and where appropriate enhance the health of the Shetland marine area." Following the guidance set out in SPP, I have for some time been advising that "The developer should consider how to ensure the development results in no net loss of biodiversity and, if possible, provide options for biodiversity net gain." I believe this wording is clearer and, more importantly, puts the onus on the developer to demonstrate how the development complies with these objectives, whereas it's unclear who will determine "where appropriate" in the existing draft policy.</p>	Y	<p>We are of the view that no change is required for this policy.</p> <p>The wording of this policy has been taken from the National Marine Plan which refers to the Marine Scotland Act (Policy GEN 9 of the NMP).</p> <p>Our approach in the SIRMP needs to be proportionate and we consider it would be more appropriate to consider this matter further when reviewing our supplementary guidance on</p>	



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		identified in the PMF list, Shetland Local Biodiversity Action Plan, Scottish Biodiversity List, Annexes I and II of the Habitats Directive, Annex I of the Birds Directive (if not included in Schedule 1 of the Wildlife and Countryside Act) or on the ecosystem services of biodiversity, including any cumulative impact, will only be permitted where it has been demonstrated by the developer that: a) The development will have benefits of overriding public interest including those of a social or economic nature that outweigh the local, national or international contribution of the affected area in terms of habitat or populations of species; and b) Any harm or disturbance to the ecosystem services, continuity and integrity of the habitats or species is avoided, or reduced to acceptable levels by mitigation. Developers should consider impacts on areas which are important to all aspects of a species life cycle including locations used for breeding, nesting, resting, foraging and seasonal use, including overwintering.			aquaculture and works licensing. This would be the most effective way to examine this matter based on Scottish Planning Policy.  In the main, we consider that it would be for the consenting authority and consultees to consider what is 'appropriate'.	
1	80	Geopark Shetland is supported by the Geopark Shetland Working Group (GSWG).	Final paragraph, replace "Geopark Shetland Working Group" with "Geopark Liaison Group".	N	We agree that this change would be helpful.	We shall amend pg 80 on the SIRMP to replace "Geopark Shetland Working Group" with "Geopark Liaison Group".
1	82	<b>Policy MP VIS1: Safeguarding National Scenic Areas (NSAs) and Local Landscape Areas (LLAs)</b> Developments that affect a NSA or LLA will only be permitted where: a) it will not adversely affect the integrity of the area or the qualities or protected features for which it has been designated, or b) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance for	Policy MP VIS1. Similar to previous comments, I should prefer if the policy reflected the requirements of the Planning Acts, which in the case of NSAs state that "special attention is to be paid to "safeguarding or enhancing its character or appearance". Note this is the current wording, commenced in December 2019, though the previous wording was very similar.	N	This policy wording is taken from and reflects the National Marine Plan (para 4.28). We therefore feel that it is appropriate and no change is required.	

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		NSAs and local importance for LLAs.				
1	82-83	<p><b>Policy MP VIS2: Safeguarding Seascape Character and Visual Amenity</b></p> <p>Any development or activity should demonstrate:</p> <p>a) how the proposal takes into account existing character and quality of local landscape/ seascape; how highly it is valued; and its capacity to accommodate change specific to any development.</p> <p>b) a high standard of design, in terms of siting, scale, colour, materials and form to ensure the various types of development or coastal use change might best be accommodated within particular landscape and seascape types.</p>	<p>Policy MP VIS2 – how will developers establish “how highly [Seascape Character and Visual Amenity] is valued”?</p> <p>In relation to satisfying the objectives of both the previous policies it might be better (more straightforward for developers) to recommend (or require) that developers undertake landscape and visual impact assessment in accordance with established techniques and guidance. For example, “developers should undertake an appraisal to assess the potential effects of their proposed development on the landscape/ seascape, including upon designated areas (such as the NSA or proposed LLAs) and on the landscape character of the area, such appraisal should follow the guidelines set out in Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> edition (LI &amp; IEMA), 2013 (GLVIA3).” There will be occasions where such assessment will be required even if an EIA is not required; this is particularly the case since the policy refers to “any development or activity”, which I understand to mean “all”.</p>	Y	<p>We agree that the justification section of this policy could be clearer with regards to landscape and seascape assessments, and shall amend the SIRMP accordingly.</p> <p>We do not consider that the policy wording needs to be changed though.</p> <p>At the Advisory Group meeting in July 2020, the wording of this and other policies was discussed. An amendment was agreed to strengthen and clarify this and other policies by amending the policy requirement ‘should’ to ‘must’. So that it reads:</p> <p><b>Policy MP VIS2: Safeguarding Seascape Character and Visual Amenity</b> Any development or activity must demonstrate:.....</p>	<p>In the justification section of Policy MP VIS2, we shall include a new paragraph which reads:</p> <p>“Where requested by the planning authority developers should undertake an appraisal to assess the potential effects of their proposed development on the landscape/ seascape, including upon designated areas (such as the NSA or proposed LLAs) and on the landscape character of the area. Such appraisal should follow the guidelines set out in Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> edition (LI &amp; IEMA), 2013 (GLVIA3). There may be occasions where such assessment is requested even if an EIA is not required.”</p> <p>To take account of the comments of the Advisory Group we shall also amend Policy MP VIS2: Safeguarding Seascape Character and Visual Amenity to read as follows:</p> <p><b>Policy MP VIS2: Safeguarding Seascape Character and Visual Amenity</b> Any development or activity must demonstrate:</p> <p>a) how the proposal takes into account existing character and quality of local landscape/ seascape; how highly it is valued; and its capacity to accommodate change specific to any development.</p> <p>b) a high standard of design, in terms of siting, scale, colour, materials and form to ensure the various types of development or coastal use change might best be accommodated within particular landscape and seascape types.</p>
1	83		<p>The Justification mentions Wild Land Areas and Map 26 shows Ronas Hill &amp; North Roe Wild Land Area, though it is not named. You may be aware SNH has published draft guidelines for undertaking a Wild land impact assessment and these are, for the time being, here: <a href="https://www.nature.scot/assessing-impacts-wild-land-technical-guidance-2017">https://www.nature.scot/assessing-impacts-wild-land-technical-guidance-2017</a>. Given the differences between Wild Land and the other (landscape) designations in this section, it would be helpful to have a specific policy relating to Wild Land, how developers will contribute to</p>	N	<p>We agree that this change would be helpful and note that in the period since this representation was made Technical Guidance on Wild Land has been issued by NatureScot.</p>	<p>We shall add the following link to the further information section of pg 83 of the SIRMP:</p> <p><a href="#">NatureScot – Assessing impacts of Wild Land Areas – Technical Guidance</a></p>

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			the minimisation and mitigation of impacts on its qualities and how consenting bodies will assess those impacts. In the justification section it would also be helpful to explain that cumulative effects should be considered by developers, and not just by consenting bodies, since it's important to understand these at an early stage of the development process because proposals have the potential to result in significant cumulative effects together with other proposals (either of the same or different type).			
1			All the policies MP OAG1, MP NRG1, MP NRG2, MP EX1, MP TR1, MP SA1, MP CBP1 & 2, MP MO1, MP CD1 & 2, MP TRANS1 & 2 and MP DD1 oversimplify the process developers and consenting authorities are required to undertake prior to determining developments that may be likely to have a significant effect on European Sites and should be expanded. In fact, it would probably be simpler to just refer to a corrected version of policy MP MPA1, as a single overarching policy in relation to European Sites and Habitats Regulations Assessment.	Y	We sought advice from NatureScot on this matter and it was agreed that this policy does not need to be changed.	
1	154		Appendix A P154. Should the Key Legislative Requirements for Planning Permission also say “(excluding Lerwick Port Authority area)”? As stated this suggests that planning permission is required within the LPA area.	N	The Lerwick Port Authority would require planning permission for aquaculture developments in their area so we consider that the current text is appropriate and no changes are required.	
1	79		Penultimate paragraph – you may wish to refer to the fact that Shetland is a UNESCO Global Geopark. Similarly, on P80, you may wish to update the wording “They are supported by UNESCO” because they are now a UNESCO initiative, rather than the network simply receiving support, as previously. Shetland Amenity Trust will be able to provide any further clarification necessary.	N	We feel this change would be helpful.	We have updated the text in this part of the plan to reflect information on the Shetland Amenity Trust website.
<b>2 Crown Estate Scotland</b>	99-147		Policy Section C provides appropriate policies with clear justification to promote and sustainably manage the productivity of Shetland’s marine and coastal environment. Many of the policies in this section will shape and guide the planning and regulatory elements of activity Crown Estate Scotland is involved in, we therefore have highlighted a few activity areas below where we can provide specific comment.	N	No changes are being sought.  These are supportive comments	
2	121-123		<b>Renewable Energy</b> Crown Estate Scotland want to develop existing and emerging technologies that offer significant potential value to Scotland, including wave & tidal energy. Innovation and ambition are needed to support these kinds of emerging technologies and Crown Estate Scotland are keen to work in partnership to develop these technologies to unlock significant potential value to Scotland. We’d like to explore with Shetland Marine Planning Partnership how we can work together to support and enable these sectors to grow, including	N	No changes are being sought.  These are supportive comments about working closer together on renewable developments.	

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			considering innovative ways of working within the planning mechanism to deliver this potential value.			
2	129-130		<b>Marine Aggregate Extraction</b> Crown Estate Scotland would welcome additional clarity on the spatial extent that Policy MP EX1: Extraction of Sand, Gravel and Shingle applies to. Having spatial limits specifically detailed in the policy would provide clarity for any future developments in this activity type; for example, for those seeking licences for commercial aggregates extraction.	Y	<p>The Policy already refers to below the MHWS so we consider that no change to the policy is required.</p> <p>For clarification and to be consistent with the Council's Works Licence Policy we shall amend the justification so that it is clearer.</p>	<p>We shall amend the justification of Policy MP EX1 to read:</p> <p>"Shetland Islands Council also licence the extraction of sand, gravel and shingle, and coastal quarrying under the Zetland County Council Act 1974 and licence dredging below MHWS <i>and out to 12 nautical miles</i> in all areas except the Lerwick Harbour area (under the jurisdiction of the Lerwick Port Authority)".</p>
2	108-111		<b>Aquaculture</b> Crown Estate Scotland supports the Plan's approach to managing aquaculture developments in Shetland's waters, particularly aquaculture site consolidation and reorganisation. With this focus on growth from the development of existing sites, area-based management plans to control and mitigate cumulative effects will be vital in facilitating continued sustainability of the sector. For these management plans to be effective, they should include clear objectives along with programmed review and reporting to ensure it is kept a 'live' management tool; we expect that plans following these principles will best deliver the objectives of the Plan. Crown Estate Scotland is currently exploring how best to strengthen area management agreement participation through our review of aquaculture lease terms. Our ambition is to play a key role in furthering the use and contribution of area management agreements to facilitate the industry's sustainable development. This ambition aligns well with the policies in the Plan and we would be keen to understand how our lease review and the Plan's policies on this topic can best align to bring benefits to industry and other marine users.	N	<p>No changes are being sought.</p> <p>These are general comments on managing the aquaculture industry.</p>	
2	115-116		<b>Seaweed Cultivation</b> We outline our intention to investigate seaweed cultivation opportunities in our draft Corporate Plan, and so are encouraged to see this industry included in policy considerations of the Plan. Seaweed related business represents a significant opportunity for Scotland and Shetland's conditions have the potential to offer an important cultivation resource. Crown Estate Scotland would be interested in how the Plan will accommodate the necessary scale of seaweed cultivation developments that will be required to support a viable industry. We would welcome the opportunity to work together to ensure that the Plan can appropriately cater for this kind of scale that would be well suited to the offshore conditions offered in Shetland's waters.	N	<p>No changes are being sought. These are comments about working closer together.</p> <p>Shetland Islands Council intend to develop further guidance on seaweed development when they review and update their supplementary guidance on works licensing.</p>	

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2			<p>We welcome the co-ordinated and robust framework this Plan delivers and how it will ensure the fundamental principles of sustainable development are applied to all marine activities. The Vision, Aim and Objectives provide a clear outline of how the Plan will manage Shetland's marine resources.</p> <p>Crown Estate Scotland support the ecosystem-based approach the Shetland Marine Planning Partnership has taken in developing the Plan. This approach enables the sustainable use of marine goods and services, something at the core of our own Vision outlined in the draft Corporate Plan 2020-2023. We see a great deal of opportunity to work together with the Shetland Marine Planning Partnership in delivering these similar aims and objectives. The detail below highlights this opportunity, looking at each policy section of the Plan, and then provides some final general comments:</p>	N	<p>No changes are being sought.</p> <p>These are general and supportive comments.</p>	
2	20-39		<p><b>Policy Section A – Clean and Safe</b></p> <p>There are policies in this section that promote and encourage use of the marine environment in line with objectives outlined in the Crown Estate Scotland Draft Corporate Plan 2020-2023. These include focussing on marine waste minimisation and embedding climate change considerations in decision making. Crown Estate Scotland would welcome the opportunity to work with Shetland Marine Planning Partnership as these new policies are put to use in the final Plan and understand how our own Corporate Plan aims and objectives can support the fulfilment of these particular policy areas.</p>	N	<p>No changes are being sought.</p> <p>We will invite Crown Estate Scotland to be an SIRMP Advisory Group member.</p>	
2	40-98		<p><b>Policy Section B – Healthy and Diverse</b></p> <p>Crown Estate Scotland welcome the focus the plan has on sustainable and empowered communities. In our draft Corporate Plan for 2020-2023, we outline our intention to engage in meaningful collaboration with communities. We intend to focus this engagement on coastal communities and identify opportunities for investment to deliver environmental and socio-economic benefits to coastal communities. We are interested in the detail of Policy MP COM1: Community Considerations and can see how the implementation of this particular policy could help inform and shape our engagement with the local communities of Shetland.</p>	N	<p>No changes are being sought.</p> <p>These are general and supportive comments.</p>	
2	99-147		<p><b>Policy Section C – Productive</b></p> <p>Crown Estate Scotland are keen to better understand how we can work with partners to contribute towards growth in the blue economy. Our focus areas for this work align closely with the areas covered in Policy Section C, these include ports and harbours, boat-based tourism and coastal land development. We would encourage the Plan to develop policies that can support these ambitions in relation to the growth of the blue economy and would welcome the opportunity to work with Shetland Islands Marine Planning Partnership to ensure future Crown Estate Scotland activity in this area delivers socio-economic benefits to coastal communities as well as healthy and biologically diverse marine waters around Shetland.</p>	N	<p>No changes are being sought.</p> <p>These are general and supportive comments.</p>	

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2			<p>Crown Estate Scotland would ask the Shetland Marine Planning Partnership to consider the applicability of some policies across the broad range of marine users around the Shetland Islands. For example, when considering moorings in Policy MP SA1: Shore Access and Moorings, would all applicant types be considered identically or could policies such as this take into account the scale of activity (e.g. a private individual may find some element of the policy particularly onerous, whereas these would be expected of a larger commercial applicant with greater resource)? In our draft Corporate Plan, we outline how we are beginning to embed the duties from the Scottish Crown Estate Act 2019 in our work, as well as ensuring the ongoing alignment with other relevant Scottish Government policy through further development of processes and project management tools. This includes work on our Value Project and embedding the Islands Communities Impact Assessment in strategic decision-making. We look forward to sharing outputs of the Value Project and our experience of developing such a tool with the Shetland Marine Planning Partnership given its applicability to the sustainable development aims of the Plan.</p> <p>In relation to the work that Crown Estate Scotland are completing on the Sullom Voe Masterplan Pilot Project, we would be interested in seeing some more clarity on how this and future master planning processes will operate within the planning mechanism outlined in the draft Plan. Explicit reference to master planning within the final Plan would help clearly define where the process sits within the wider planning framework and increase understanding of how the legislative context referred to in the document works together. We think this Pilot Project will provide a great template for future use and demonstrate how stakeholders can work together to optimize the use of the marine area. We will encourage and facilitate all lessons learned to be widely shared to support further local empowerment throughout the Scottish Crown Estate.</p> <p>Crown Estate Scotland want to support and encourage the success of the Plan and are keen to work with the Shetland Marine Planning Partnership in a suitable way to add value to the Plan wherever possible.</p>	Y	<p>For the first point raised we consider that no change is required to the Policy. Such development for access and moorings is already covered in the Council's works licence policy. Shetland Islands Council applies a proportionate approach when assessing such applications.</p> <p>In relation to the second point we agree that the SIRMP could provide clearer reference to master plans on pg 8 and we shall amend accordingly. We have included reference to masterplans in 'Local Planning Context Section' on pages 8 and 9 of the SIRMP. The final paragraph of this section on pg 9 shall be amended to read:</p> <p>"Any development proposal with a land-based element must therefore consider the impacts on the terrestrial environment, its infrastructure and local community, as well as the implications on the marine environment. The SIRMP recognises that interactions can occur between the terrestrial and marine environment. Developers and marine users should therefore consider and consult the LDP, relevant guidance and any appropriate masterplans which relate to marine areas".</p>	<p>Advisory Group agreed to the proposed change:  <b>Policy MP SA1: Shore Access and Moorings</b>  Shore access developments and proposals for moorings <del>should demonstrate that:</del> <b>must</b>  a) <del>they have complied</del> <b>comply</b> with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;  b) <b>demonstrate that</b> there will be no adverse effects on the integrity of a European site or a proposed site;  c) <del>they have detailed</del> <b>describe</b> the level of impact of construction and increased access and traffic both on land and at sea and mitigation measures required to ensure the development is acceptable;  d) <b>demonstrate that</b> there is need for their facility to have moorings;  e) <del>they have clearly demonstrated</del> <b>clearly demonstrate</b> the implications for existing users and planned future use; and  f) <del>they can adequately</del> show there will not be an increase in the likelihood of erosion or tidal inundation.</p> <p>Shore development proposals are encouraged in locations where activity already exists. The mooring of individual boats is encouraged at designated marinas and ports.</p>

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					The above changes were agreed at the Advisory Group meeting in July 2020. Additionally it was agreed to amend this policy to take account of NatureScot's representation to policy NRG1 which also sought amendments to policies: MPA4, SPCON4, SWD1, OAG1, NRG1, NRG2, NRG3, EX1, SA1, CBP1 and DD1	
2	129	<p><b>Policy MP EX1: Extraction of Sand, Gravel and Shingle</b></p> <p>Proposals for the extraction of sand, gravel or shingle from beaches and dunes and below the Mean High Water Spring (MHWS), including coastal quarrying, should demonstrate that:</p> <p>a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site;</p> <p>c) a description of the alternatives that have been considered is provided. This should include:</p> <p>i. alternative sources (both within and outside Shetland – bearing in mind the most sustainable option may actually be sourced material from outside Shetland);</p> <p>ii) alternative materials such as recycle or secondary aggregate;</p> <p>iii) using dredged material; and</p> <p>iv) doing nothing.</p> <p>d) they have detailed how sand/gravel extraction is an essential part of the proposed project;</p> <p>e) they have provided details of all works (including ancillary equipment,</p>	In the justification for Policy MP EX1: Extraction of Sand, Gravel and Shingle the Plan states "The Crown Estate Commissioners own the material rights to the seabed extending to the edge of the UK continental shelf, and issue agreements for non-exclusive sampling and commercial aggregate extraction." Crown Estate Scotland manage the rights in the Scottish section of the exclusive economic zone (EEZ) for renewable energy and gas storage rights (including carbon capture and storage). If the Shetland Marine Planning Partnership would like to include a section in the Plan capturing the management of rights to issue agreements for non-exclusive sampling and commercial aggregate extraction, we would welcome further discussion to ensure final wording reflects an accurate description of this particular legal position.	N	<p>Whilst this is not a policy change we agree that providing further clarity in the justification section of the policy on Crown Estate Scotland's management rights would be helpful.</p>	<p>We shall update the 4<sup>th</sup> paragraph of the justification section to include the additional paragraph below, so that it reads:</p> <p>"Crown Estate Scotland own the material rights to the seabed extending to the edge of the UK continental shelf, and issue agreements for non-exclusive sampling and commercial aggregate extraction. <i>Crown Estate Scotland also manage the rights in the Scottish section of the exclusive economic zone (EEZ) for renewable energy and gas storage rights (including carbon capture and storage).</i> The planning, licensing and consenting process is the responsibility of Scottish Government, via Marine Scotland, who, through a consultation process, determines whether an area can be used for aggregate extraction on the grounds of its potential environmental impact. Marine aggregate extraction requires a marine licence and must adhere to the legal requirements of the Marine Works (EIA) Regulations 2017".</p>

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		storage, access, use of vehicles etc.); and f) where an Environmental Impact Assessment (EIA) is required for the proposed dredging operation, it includes an assessment of physical effects of the operation and its implications for coastal erosion.				
3 – KIMO		n/a	<p>In my opinion, this document is (strictly speaking) a strategy and not a plan. Plans contain actions, usually measurable and time-limited, but this document seems more advisory than actionable and it may be worth considering a re-think of the name to avoid any ambiguity.</p> <p>I am disappointed that KIMO was not asked to be part of the team involved in producing this plan. As an organisation of coastal local authorities in Scotland and 7 other European Countries that specifically address marine litter and marine pollution from many other sources we could have provided a useful insight.</p>	N	<p>Point 1 – we consider that no changes are necessary. The document, as a Regional Marine Plan, contains policies to guide future development and decisions. It conforms to the National Marine Plan.</p> <p>Point 2 – KIMO have since been accepted onto the advisory group for the SIRMP. This will mean that they can input more effectively to future iterations of the SIRMP.</p>	
3	9, 21		One specific comment is on the legislation section. There is mention several times about achieving Good Environmental Status by 2020. Clearly this goal cannot be reached and it could be better to give a more up to date picture if the legislative situation – for example, there is no mention in the ‘wider consideration’ section of the UN Sustainable Development Goals, the newly revised EU Port Reception Facilities Directive, and there are other relevant legislative instruments that could be given as context.	N	<p>No changes are considered necessary for the following reasons:</p> <p>The 2020 timescale for Good Environment Status is taken from the most recent UK Marine Strategy (parts 1 to 3), published during 2012-2015.</p> <p>The EU Directive referred to relates to waste, and it is not considered applicable to replace the references in the SIRMP to the adopted UK Marine Strategy and Good Environmental Status with a specific EU Directive on waste.</p>	
3	29	In 2017 the main sources of marine litter identified at a national level were reported as: 46.2% non-sourced,	In the section on local activities to address marine litter (p29) there is no mention of the Fishing for Litter project that has been active on Shetland	N	We agree that reference should be included in the	We shall amend the plan to include a paragraph on the Fishing for Litter project on pg29.



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		30.4% public, 10.8% fishing, 8.5% sewage related debris, 2.9% shipping, 1% fly tipped and 0.2% medical <sup>12</sup> . In Shetland, surveys have been completed by Da Voar Redd Up volunteers since 1988 on the distribution and sources of marine litter. In Spring 2018 over 65 tonnes of litter was collected by the volunteers. The main types of litter comprised plastics, textiles (including nets/ ropes) and plastic bottles. A number of surveys noted that the main sources of litter collected at the coast were from the sea, and mainly associated with fisheries (fishing and aquaculture) activities: fishing rope, nets, fish boxes, mussel pegs, etc. Other sources of coastal litter included agricultural and domestic waste. In addition to locally generated litter, it has also come from as far away as Canada, USA, Mexico, Denmark and Russia.	for many years and which focuses on environmental awareness as well as direct removal of litter from the sea by fishers.		plan to the Fishing for Litter project.	
3	118		In the Oil and Gas section, the issue of on-shore decommissioning is rather glossed over. The OSPAR Regional Seas Conventions has very clear policy on the importance of onshore decommissioning of oil and gas platforms and in my opinion this should be covered in the plan/strategy.	N	No changes are considered necessary.  It is felt that this section of the SIRMP covers the issue of on-shore decommissioning adequately. Furthermore, as this is mainly an onshore activity it will require consideration as part of Shetland Islands Council's Local Development Plan review (LDP2).	
3	29, 104		Final point – KIMO is an acronym for the proper name of the organisation – we are KIMO and not Kimo. Lastly, we are very willing to be involved/consulted on any points raised here, on any re-drafting of the plan and on marine planning issues for Shetland in future. Thank you (and apologies that these comments are a day late!).	N	We agree with this suggested change.	We shall amend the text to read KIMO on pages 29 and 104 of the SIRMP.
4 SSE	32	Policy MP PORT1: Harbour Plans All proposals for marine-related developments located within or adjacent to a designated harbour area	MP Port 1, word "Adjacent" used without any explanatory text	Y	Upon consideration we agree that the current wording in Policy MP Port 1 would be difficult to define	We shall amend the wording of policy MP PORT 1 on pg 32 of the SIRMP to remove the text "or adjacent to", so that it reads:

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		must comply with any harbour plans, policies, directions and by-laws in place within such designated harbour areas.			and could be open to challenge. We also acknowledge that this issue has also been raised in other responses and we shall amend the plan accordingly.  This change was agreed at the Advisory Group meeting in July 2020.	“All proposals for marine-related developments located within a designated harbour area must comply with any harbour plans, policies, directions and by-laws in place within such designated harbour areas”.
4	32	<p>Policy MP SHIP1: Safeguarding Navigation Channels and Port Areas Development proposals that would have an adverse impact on the efficient and safe movement or navigation of shipping to and from ports, harbours, marinas and anchorages or the long-term operational capacity of a ferry operation will be refused. Where shipping may be displaced, developers may be required to quantify and consider the impacts of increased fuel use.</p> <p>Developments which have the potential to restrict future expansion of important ports and harbours will be refused.</p>	MP Ship 1, “potential to restrict future expansion” no time frame or descriptor provided.	Y	<p>Upon consideration we agree that the current wording in Policy MP SHIP 1 would be difficult to define and could be open to challenge. The Advisory Group agreed that we amend the policy accordingly and noted the following:</p> <ul style="list-style-type: none"> <li>Ports and Harbour operators would have the opportunity to comment, and object where considered necessary, to proposals through the planning, licensing and leasing regime.</li> <li>Planned/potential future expansion of important ports and harbours would be identified by the harbour authority. E.g. in a masterplan or development plan.</li> <li>The decision maker would be required to consider their comments when coming to a decision on a planning application or works licence. Any reason to refuse the application would require thorough consideration and</li> </ul>	<p>We shall amend the final paragraph of Policy MP SHIP1 so that it reads as follows:</p> <p><b>Policy MP SHIP1: Safeguarding Navigation Channels and Port Areas</b> Development proposals that would have an adverse impact on the efficient and safe movement or navigation of shipping to and from ports, harbours, marinas and anchorages or the long-term operational capacity of a ferry operation will be refused. Where shipping may be displaced, developers may be required to quantify and consider the impacts of increased fuel use.</p> <p>Developments which have the potential to restrict <b>identified</b> future expansion of important ports and harbours (<b>e.g. proposals included in a local development plan or masterplan</b>) <del>will</del> <b>may</b> be refused.</p>

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					reasoning. The views of Ports and Harbour operators and SIRMP Policy could be material considerations.	
4	36	Policy MP ACBP1: Avoidance of Cables and Pipelines Activities that could damage any cable or pipeline (e.g. dredging or mooring attachments to the seabed) must not be carried out in the following situations: a) within the 500m exclusion zone(s) established under the Petroleum Act 1987 around oil and gas platforms, well heads and associated pipelines; and b) within a 250m exclusion zone either side of utility (telecommunications, electricity or water supply) cables or pipelines.	MP ACBP 1b, cables, suggest 250m exclusion zone is the norm unless a proximity agreement is in place with the asset owner	Y	We shall amend part b) of the policy to reflect these comments. We have discussed this change with SSE, and they are content with the proposed wording.  This change was confirmed at the Advisory Group meeting in July 2020.	Amend policy MP ACBP1 b) to read:  b) within a 250m exclusion zone either side of utility (telecommunications, electricity or water supply) cables or pipelines, <i>unless there is a proximity agreement in place with the asset owner</i> ".
4			N.B. the address tool does not allow the selection of the correct business.	N	This statement relates to use of their address in the online form.	
4			SHE Transmission, part of the SSE Group, supports the development of the SIRMP and the policies it contains. SHE Transmission recognises that its work, the development and operation of electricity transmission cables in the marine environment, is of National importance and would welcome the opportunity to engage as part of the Advisory Group of stakeholders to the Shetland islands Marine Planning Partnership. At present SHE Transmission does not feel that the electricity transmission industry was well represented in the development of the plan, and would welcome engagement in the future and on marine planning in the wider Scottish marine area.	N	These are general comments which are noted.  We shall discuss and feedback to Marine Scotland on these matters.  SHE Transmission shall be invited to be involved in the SIRMP advisory group.	
5. Scottish Sea Farms	22	Policy MP WAT2: Improving Water Quality and Ecology Development and use of the marine environment will be required to contribute towards objectives to improve the ecological status of coastal water bodies and the environmental status of marine waters where there is a risk that an environmental objective will not be achieved.	Policy MP WAT2 – The wording of this policy has changed from the existing plan and now requires all development and use of the marine environment to contribute towards improvement objectives for the ecological status of coastal water bodies. This change is inappropriate, not proportionate and goes further than the purpose of the policy which is assumed to be to align activity where possible with improvement objectives.	Y	In July 2020 the Advisory Group agreed that this policy should be amended slightly in order to address the representation. It was agreed to include the word 'significant' to make it proportionate.	Amend Policy MP WAT2 to read as follows:  <b>Policy MP WAT2: Improving Water Quality and Ecology</b>  "Development and use of the marine environment will be required to contribute towards objectives to improve the ecological status of coastal water bodies and the environmental status of marine waters where

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						there is a significant risk that an environmental objective will not be achieved.”
5	32	<p>Policy MP SHIP1: Safeguarding Navigation Channels and Port Areas Development proposals that would have an adverse impact on the efficient and safe movement or navigation of shipping to and from ports, harbours, marinas and anchorages or the long-term operational capacity of a ferry operation will be refused. Where shipping may be displaced, developers may be required to quantify and consider the impacts of increased fuel use.</p> <p>Developments which have the potential to restrict future expansion of important ports and harbours will be refused.</p>	Policy MP SHIP1 has been amended and includes a policy position that ‘developments which have the potential to restrict future expansion of important ports and harbours will be refused’. This is quite a strong policy stance and developers may not be aware of future expansion potential of existing ports and harbours. It is suggested that this part of the policy only applies where future expansion proposals are specifically identified in a relevant harbours/port plan.	Y	<p>As covered in other representations and upon consideration by the SIMPP we agree that the current wording in Policy MP SHIP 1 would be difficult to define and could be open to challenge.</p> <p>The Advisory Group agreed at their meeting in July 2020 that we amend the policy accordingly and noted the following:</p> <ul style="list-style-type: none"> <li>Ports and Harbour operators would have the opportunity to comment, and object where considered necessary, to proposals through the planning, licensing and leasing regime.</li> <li>Planned/potential future expansion of important ports and harbours would be identified by the harbour authority. E.g. in a masterplan or development plan.</li> <li>The decision maker would be required to consider their comments when coming to a decision on a planning application or works licence. Any reason to refuse the application would require thorough consideration and reasoning. The views of Ports and Harbour operators and SIRMP</li> </ul>	<p>We shall amend the final paragraph of Policy MP SHIP1 so that it reads as follows:</p> <p><b>Policy MP SHIP1: Safeguarding Navigation Channels and Port Areas</b></p> <p>Development proposals that would have an adverse impact on the efficient and safe movement or navigation of shipping to and from ports, harbours, marinas and anchorages or the long-term operational capacity of a ferry operation will be refused. Where shipping may be displaced, developers may be required to quantify and consider the impacts of increased fuel use.</p> <p>Developments which have the potential to restrict <i>identified</i> future expansion of important ports and harbours (<i>e.g. proposals included in a local development plan or masterplan</i>) <del>will</del> <i>may</i> be refused.</p>

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					Policy could be material considerations.	
5	38	<p>Policy MP CLIM1: Climate Change Mitigation</p> <p>Applications for marine-related developments should demonstrate, in a format approved by the consenting authority or regulator, that:</p> <p>a) resource use;</p> <p>b) energy use; and</p> <p>c) emissions have been assessed and minimised as part of the overall development proposal.</p> <p>Developments which have the potential to impact habitats which act as a carbon sink or protect against coastal erosion may be refused.</p>	<p>Policy MP CLIM 1 – The new element of this policy states ‘Developments which have the potential to impact habitats which act as a carbon sink or protect against coastal erosion may be refused’. It would be useful if the plan identified a full list of habitats that could be considered as a carbon sink.</p>	N	<p>This change seeks a list of habitats that could be considered as a carbon sink. We shall therefore include a link to the NatureScot report in the plan.</p>	<p>We shall amend the Further Information section of this policy to include a hyperlink to the NatureScot report below:</p> <p>NatureScot: <a href="#">Assessment of Blue Carbon Resources in Scotland’s Inshore Marine Protected Area Network</a></p>
5	44	<p>Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</p> <p>Developments or uses that may have a likely significant effect (LSE) on a Natura 2000 site (including proposed sites) must comply with legal requirements for these protected areas. This includes a Habitats Regulations Appraisal (HRA) undertaken by a competent authority (normally the licensing or consenting authority/ body). Proposals which may adversely affect the site’s integrity (i.e. compromise any of the conservation objectives for the site), either alone or in-combination, as determined by appropriate assessment (AA), will not normally be permitted. Where a competent authority may wish to consent a proposal despite the potential for an adverse effect on the site’s integrity, the competent authority must first show that there are no alternative solutions, and that it is imperative, and of over-riding public interest to grant consent.</p>	<p>Policy MP MPA 1 – Do not support the new wording of this policy – ‘Proposals which may adversely affect the site’s integrity, either alone or in-combination, as determined by appropriate assessment (AA), will not normally be permitted’. The wording in the 2015 plan was clearer as it identified in what circumstances a plan or project would be approved. This is consistent with the wording in the National Marine Plan (paragraph 4.42) i.e. ‘Such plans or proposals may only be approved if the competent authority has ascertained by means of an ‘appropriate assessment’ that there will be no adverse effect on the integrity of the site’. Similar wording which provides less certainty has also been introduced to Policy MP SPCON1 i.e. ‘b) if an offence might result it..’.</p>	Y	<p>This policy received a number of representations which sought to make changes. The SIRMP Advisory Group agreed to amend to this policy at their meeting in July 2020.</p>	<p><b>Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as European sites) and Ramsar Sites</b></p> <p>Developments or uses that might affect a European Site (include proposed sites) must comply with the legal requirements for these protected areas and must be subject to a Habitats Regulations Appraisal (HRA) undertaken by a competent authority (normally the licensing or consenting authority/body). Proposals which may adversely affect the site’s integrity (i.e. compromise any of the conservation objectives for the site), either alone or in-combination, as determined by the appropriate assessment (AA) will not normally be permitted. Where a competent authority may wish to consent a proposal despite the potential for an adverse effect on the site’s integrity, the competent authority must first show that there are no alternative solutions, and it is imperative, and of over-riding public interest to grant consent.</p>

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5	49	<p>Policy MP MPA4: Habitat Protected Areas</p> <p>Developments or activities likely to have a significant effect on features protected within an SSMO closed area will only be permitted where it can be demonstrated that:</p> <p>a) there will be no adverse direct or indirect effect to the feature's integrity or important physical features; or</p> <p>b) mitigation measures are included to minimise the impacts to the priority marine habitat or species including species behaviour such as breeding, feeding, nursery or resting; or</p> <p>c) there is no reasonable alternative or less ecologically damaging location; and</p> <p>d) the reasons for the development clearly outweigh the value of the feature by virtue of social or economic benefits of national importance.</p>	<p>Policy MP MPA4 – Have no objection to this new policy which will identify areas of potential sensitivity to fish farming where seabed survey work would be required to assess any impacts on sensitive PMF habitats. Policy SP CON4 covering PMFs will also protect these areas. For this policy to be effective it would be helpful for the plan to clearly identify which habitats are present in each of the 'Habitat Protected Areas' shown in Map 10. This will allow developers to consider whether pressures from their proposal are likely to affect these habitats.</p>	N	We agree that this amendment would be helpful.	We shall update the plan/maps accordingly to reflect these comments.
5	54	<p>Policy MP COAST2: Development on or near to a Local Nature Conservation Site (LNCS) or RSPB Scotland Reserve</p> <p>Development that affects a Local Nature Conservation Site (LNCS) or RSPB Scotland Reserve will only be permitted where:</p> <p>a) it will not adversely affect the integrity of the area or the qualities or purposes for which it has been identified; and</p> <p>b) any such effects are clearly outweighed by social, environmental or economic benefits.</p>	<p>Policy MP COAST2 – It is not considered appropriate to include RSPB reserves under this policy, as currently worded. While RSPB reserves should be a consideration for new development they have not undergone a formal designation process by a public body, involving public consultation and with clear criteria having led to their selection and identification of special qualities. Identification of new LNCS in the future would have to undergo a formal process with public consultation which would be able to account for effects on existing development. This wouldn't happen for a new RSPB Scotland Reserve. Consideration of RSPB reserves can be adequately managed by other policies seeking to protect nationally and internationally important species and tourism assets.</p>	Y	<p>We agree that this change is appropriate and necessary.</p> <p>This change was confirmed at the Advisory Group meeting in July 2020.</p>	<p>The policy will be amended to remove the reference to RSPB reserves to read as follows:</p> <p><b>Policy MP COAST2: Development on or near to a Local Nature Conservation Site (LNCS)</b></p> <p>Development that affects a Local Nature Conservation Site (LNCS) will only be permitted where:</p> <p>a) it will not adversely affect the integrity of the area or the qualities or purposes for which it has been identified; and</p> <p>b) any such effects are clearly outweighed by social, environmental or economic benefits.</p>
5	70	<p>Policy MP SPCON3: Development and Designated Seal Haul-Outs</p> <p>Developments or uses which would result in an activity that harasses<sup>16</sup>, pesters, torments, disturbs, troubles or attacks a seal on a designated haul-out site will not be permitted.</p>	<p>Policy MP SPCON3 – The wording of this new policy is not consistent with the Marine (Scotland) Act 2010 which clearly identifies protection for seals from intentional or reckless harassment. This legislation and page 5 of the Marine Scotland Guidance on 'what constitutes harassment?' does not use the word 'disturb' and its inclusion in the proposed policy confuses the extent of what would be considered an offence. Disturbance is not an equivalent action to harassment, and it is suggested that the word 'disturb' is removed from this policy.</p>	Y	<p>We agree that it would be appropriate to amend this policy to reflect the Marine (Scotland) Act 2010. The policy will be amended to remove the word 'disturb'.</p> <p>This policy change was agreed by the Advisory Group in July 2020.</p>	<p>We shall amend the policy to read as follows:</p> <p><b>Policy MP SPCON3: Development and Designated Seal Haul-Outs</b></p> <p>Developments of uses which would result in an activity that harasses<sup>16</sup> pesters, torments, troubles or attacks a seal on a designated haul-out site, or causes a significant proportion of seals on a haul-out site to leave that site either</p>

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						more than once or repeatedly will not be permitted.
5	72	<p>Policy MP SPCON4: Priority Marine Features</p> <p>Developments or uses likely to have a significant impact on a Priority Marine Feature (PMF) will only be permitted where it can be demonstrated that:</p> <p>a) there will be no adverse direct or indirect effect to the feature's integrity or important physical features; or</p> <p>b) mitigation measures are included to minimise the impacts to the priority marine habitat or species including species behaviour such as breeding, feeding, nursery or resting; or</p> <p>c) there is no reasonable alternative or less ecologically damaging location; and</p> <p>d) the reasons for the development clearly outweigh the value of the feature by virtue of social or economic benefits of national importance.</p>	<p>Policy MP SPCON4 – Part a) of the policy is not clear and requires 'no adverse effect' when the previous sentence refers to 'significant impact'. The latter is appropriate and consistent with Scottish Planning Policy and the National Marine Plan. Part a) also uses the term 'feature's integrity' and it is not at all clear what this means. 'Integrity' is a term used for Natura 2000 designations and has a clear legislative and policy meaning in this context. It is recommended that part a) of this policy is removed or reworded.</p>	Y	<p>Upon consideration we agree that this policy should be amended to be consistent with the National Marine Plan and Scottish Planning Policy.</p> <p>The policy was discussed in detail at the Advisory Group meeting in July 2020, when it was agreed that it should be amended to read:</p> <p><b>Policy MP SPCON4: Priority Marine Features</b>  Developments or uses <del>have</del> <b>must</b> demonstrate they will have no <b>significant</b> adverse direct or indirect effect <del>to-on</del> a Priority Marine Feature (PMF) unless:</p> <p>a) there is no reasonable alternative at a less ecologically damaging location and;</p> <p>b) mitigation is included to minimise impact and;</p> <p>c) the reasons for the development clearly outweigh the value of the feature by virtue of social or economic benefits of <del>national</del><b>regional</b> importance.</p>	<p>We shall amend Policy MP SPCON4 so that it reads as follows:</p> <p><b>Policy MP SPCON4: Priority Marine Features</b></p> <p>Developments or uses must demonstrate they will have no significant adverse direct or indirect effect on a Priority Marine Feature (PMF) unless:</p> <p>a) there is no reasonable alternative at a less ecologically damaging location and;</p> <p>b) mitigation is included to minimise impact and;</p> <p>c) the reasons for the development clearly outweigh the value of the feature by virtue of social or economic benefits of regional importance.</p>
5	78	<p>Policy MP BIOD1: Furthering the Conservation of Biodiversity</p> <p>Development and use of the marine environment will be considered against public bodies' obligation to further the conservation of biodiversity and the ecosystem services it delivers. Development and use of the marine environment must protect, and where appropriate</p>	<p>Policy MP BIO1 – It is questioned as to the purpose and added value of this policy as it replicates what is already covered under other 'Healthy and Diverse' policies. The introductory text of this policy is relevant context to the start of the 'Healthy and Diverse' section.</p>	Y	<p>The wording of this policy is taken from our adopted Local Development Plan and is also based on advice from the Advisory Group members.</p> <p>We therefore consider that this policy is relevant and applicable in its current form</p>	

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		<p>enhance the health of the Shetland marine area. The extent of these measures should be relevant and proportionate to the scale of the development.</p> <p>Proposals for development that would have a significant adverse effect on habitats or species identified in the PMF list, Shetland Local Biodiversity Action Plan, Scottish Biodiversity List, Annexes I and II of the Habitats Directive, Annex I of the Birds Directive (if not included in Schedule 1 of the Wildlife and Countryside Act) or on the ecosystem services of biodiversity, including any cumulative impact, will only be permitted where it has been demonstrated by the developer that:</p> <p>a) The development will have benefits of overriding public interest including those of a social or economic nature that outweigh the local, national or international contribution of the affected area in terms of habitat or populations of species; and</p> <p>b) Any harm or disturbance to the ecosystem services, continuity and integrity of the habitats or species is avoided, or reduced to acceptable levels by mitigation.</p> <p>Developers should consider impacts on areas which are important to all aspects of a species life cycle including locations used for breeding, nesting, resting, foraging and seasonal use, including over-wintering.</p>			and there is no need for it to be removed.	
5	93, 94	<p>Policy MP COM1: Community Considerations</p> <p>Applications for marine-related developments should demonstrate that there will be no adverse social impact on the local community and will only be considered where it has shown that:</p>	<p>Policies MP COM1 and MP REC1 – The phrase ‘....will only be considered where...’ is not clear and it is assumed that it means that a proposal will not be considered by the relevant regulator unless certain criteria are met. This is considered an unlikely scenario as the regulator will normally consider the application regardless of whether the criteria are met but would instead only approve the proposal if the criteria were met. The wording and clarity of these policies could therefore be improved by</p>	Y	<p>The Advisory Group previously agreed not to have policies in the SIRMP that would use the wording ‘will be considered favourably’.</p>	<p>We shall amend the policy MP COM1 to read as follows:</p> <p><b>Policy MP COM1: Community Considerations</b>  <i>Applications for marine-related developments <del>should</del> must demonstrate that there will be no adverse social impact on the local community and</i></p>



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		<p>a) there is no alternative location for this type of development;</p> <p>b) all necessary mitigation measures have been included in the development proposal;</p> <p>c) local stakeholders, community councils, groups and other marine and coastal users have been consulted and engaged in the development process; and</p> <p>d) an assessment of social impacts of major developments has been carried out to the satisfaction of the consenting authority.</p> <p>Policy MP REC1: Safeguarding Marine Recreation</p> <p>Developments that are likely to result in the reduction or loss of a marine recreational amenity will only be considered where it can be demonstrated that the proposal is necessary in order to deliver social, economic or environmental benefits that outweigh the reduction or loss.</p> <p>Developments should ensure that continued access rights to the marine and coastal resource for recreational use is maintained where reasonable and practical. Developments should not affect the physical infrastructure which underpins a recreational activity, any impacts should be appropriately mitigated.</p> <p>Opportunities for co-existence should be maximised wherever possible.</p>	amending the first sentence of each policy to – ‘...will only be considered favourably where ...’.		<p>We do, however, agree with the points raised and that we would be required to consider all valid application for marine related developments. We shall therefore amend the policies so that it is clearer how the policy will be considered.</p> <p>These changes were discussed and agreed at the Advisory Group meeting in July 2020, along with amending the requirement from ‘should’ to ‘must’.</p>	<p><del>will only be considered where it has shown that:</del></p> <p><i>They will be required to provide evidence that:</i></p> <p>a) there is no alternative location for this type of development;</p> <p>b) all necessary mitigation measures have been included in the development proposal;</p> <p>c) local stakeholders, community councils, groups and other marine and coastal users have been consulted and engaged in the development process; and</p> <p>d) an assessment of social impacts of major developments* has been carried out to the satisfaction of the consenting authority.</p> <p><b>* Major developments for Marine Licences are those developments listed under the Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013, and also for planning applications under The Town and Country Planning (Scotland) Act 1997 (as amended) and associated Regulations.</b></p> <p>Policy REC 1 was also amended to read:</p> <p><b>Policy MP REC1: Safeguarding Marine Recreation</b></p> <p>Developments that are likely to result in the reduction or loss of a marine recreational amenity <del>will only be considered where it can be demonstrated</del> <b>must demonstrate</b> that the proposal is necessary in order to deliver social, economic or environmental benefits that outweigh the reduction or loss.</p> <p>Developments should ensure that continued access rights to the marine and coastal resource for recreational use is maintained, <b>with any necessary changes to be determined through the land-use planning process</b> where reasonable and practical. Developments should not affect the physical infrastructure which underpins a recreational activity, any impacts</p> <p>Opportunities for co-existence should be maximised wherever possible.</p>
5	99-147		All ‘Productive’ Policies – It is questioned as to why it is necessary to repeat the policy requirement that ‘there will be no adverse effects on	Y	We were advised to do so on the basis of advice provided	

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			the integrity of a Natura 200 site or a proposed site' in each policy in this section as the same sentence requires compliance with all policies in Section A of the Policy Framework which covers Natura sites, and the many other designations.		by SNH on earlier versions of the SIRMP. We therefore consider that no change is required.	
5	109-110	<p><b>Policy MP AQ1: Aquaculture – Key Conditions</b>  Aquaculture development applications must comply with:</p> <ul style="list-style-type: none"> <li>a) all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1 and MP AQ2;</li> <li>b) Shetland Islands Council's Supplementary Guidance – Aquaculture Policy;</li> <li>c) Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters (for finfish farming only); and</li> <li>d) it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site.</li> </ul> <p><b>Policy MP AQ2: Finfish farm Management Agreements</b>  All finfish aquaculture developments should seek agreement with other operators in the area to reduce the potential for disease transmission, increase fish welfare, or control and manage sea lice numbers. This can be achieved through a Farm Management Agreement (FMA), an Area Management Agreement (AMA) or Farm Management Statement (FMS) which;</p> <ul style="list-style-type: none"> <li>a) reflects (as far as possible) the recommendations of the Code of Good Practice;</li> <li>b) includes a stocking and fallowing plan; and</li> <li>c) is formally reviewed between signatories at least every 2 years.</li> </ul> <p><b>Policy MP AQ3: Aquaculture Development Management Plans</b></p>	<p>Aquaculture Policies MP AQ1, AQ2 &amp; AQ3 – These individual policies are considered appropriate. There is however no safeguarding policy for aquaculture that seeks to protect established development from other marine development or activity. Other activities such as recreation and commercial fishing have safeguarding policies and this should also apply to aquaculture. Such a policy should ensure that marine developments and activities such as renewable energy, cables and pipelines, harbour development and recreation does not adversely affect existing aquaculture development and activity. Alternatively, this could be covered under Policy MP DEV1: Marine Developments but would require a stronger policy principle to that provided by part b) i.e. must avoid adverse impacts rather than just consider them.</p>	Y	<p>We agree that this change is appropriate.  We shall therefore amend policy MP DEV 1 to make specific reference to '<i>including existing and consented development</i>'.</p> <p>This change was agreed at the Advisory Group meeting in July 2020.</p>	<p>We shall amend policy MP DEV 1 to make specific reference to '<i>including existing and consented development</i>'. The policy shall therefore read as follows:</p> <p><b>Policy MP DEV1: Marine Developments</b>  Proposals for marine-related developments must comply with all policies included in Policy Framework Section (a) and (b), Policies MP DEV1-DEV3 and Policy MP FISH1. The developer should ensure that they have:</p> <ul style="list-style-type: none"> <li>a) engaged in pre-application discussions with the relevant consenting authorities and regulators, any adjacent marine user and the local community council;</li> <li>b) taken into consideration the compatibility of the proposed development with existing marine users, <b><i>including existing and consented development</i></b>, and have taken into consideration measures to minimise conflict and any potential adverse impacts;</li> <li>c) taken into consideration co-existence options with other users in the design and location of the proposed development to maximise the efficient use of the marine space; and</li> <li>d) taken into consideration the potential individual, in-combination and cumulative effects of the proposed development, and the development will be managed sustainably in terms of spatial and temporal overlaps.</li> </ul>

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		<p>Area wide Aquaculture Development Management Plan proposals will be supported and encouraged where they comply with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1 and aim to:</p> <ul style="list-style-type: none"> <li>a) increase separation distance between developments;</li> <li>b) reduce overall environmental impacts and/ or reduce potential impact on protected species or habitats;</li> <li>c) safeguard or improve fishing opportunity;</li> <li>d) produce community benefits i.e. reduced visual impact, noise or impact on recreation/ access; or</li> <li>e) increase socio-economic benefit i.e. from job creation or increased economic viability; and</li> <li>f) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site.</li> </ul> <p>Subsequent developments which reverse the gains made by a management plan may not be permitted.</p>				
5	115	<p><b>Policy MP SWD1: Seaweed Cultivation</b></p> <p>Applications for the development of seaweed cultivation should demonstrate that:</p> <ul style="list-style-type: none"> <li>a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</li> <li>b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site;</li> <li>c) only seaweed species native to Shetland will be grown;</li> <li>d) measures are included to prevent the introduction and spread of non-native species; and</li> <li>e) there is no artificial enrichment of the marine environment to aid production.</li> </ul>	<p>Policy MP SWD1 – Part e) of this policy appears to be contradictory to the encouragement for Integrated Multi-Trophic Aquaculture which can involve some farmed species utilising waste products from other farmed species.</p>	Y	<p>We do not consider part e) of the policy to be contradictory. However, to help avoid any confusion we shall include specific reference to multi-trophic aquaculture.</p> <p>At the Advisory Group meeting in July 2020 it was also agreed to make further changes to this policy to reflect the comments of NatureScot in their representation to amend policies: MPA4, SPCON4, SWD1, OAG1, NRG1, NRG2, NRG3, EX1, SA1, CBP1 and DD1</p>	<p>We agreed with the Advisory Group that Policy MP SWD1 be amended as follows:</p> <p><b>Policy MP SWD1: Seaweed Cultivation</b></p> <p>Applications for the development of seaweed cultivation <del>should demonstrate that</del> <b>must:</b></p> <ul style="list-style-type: none"> <li>a) <del>they have complied</del> <b>comply</b> with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</li> <li>b) <b>demonstrate that</b> there will be no adverse effects on the integrity of a European site or a proposed site;</li> <li>c) <b>demonstrate that</b> only seaweed species native to Shetland will be grown;</li> <li>d) <b>include</b> measures <del>are included</del> to prevent the introduction and spread of non-native species; and</li> <li>e) <b>ensure</b> there is no artificial enrichment of the marine environment to aid production.</li> </ul>

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					It was also agreed to amend all of the policies referred to in this representation. Namely: MPA4, SPCON4, SWD1, OAG1, NRG1, NRG2, NRG3, EX1, SA1, CBP1 and DD1	f) Where relevant, how the proposal contributes towards integrated multi-trophic aquaculture.
5	143	<p><b>Policy MP TRANS1: Port and Harbour-related Development</b> Proposals for port and harbour-related development should demonstrate that:</p> <p>a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site; and</p> <p>c) the potential individual and cumulative effects of the proposed development have been addressed.</p> <p><b>Policy MP TRANS2: Future Fixed Links/Ferry Terminals</b> The construction of fixed link developments and new ferry terminals should demonstrate that:</p> <p>a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site (i.e. Yell Sound Coast SAC, Sullom Voe SAC, Bluemull and Colgrave Sounds proposed SPA or East Mainland Coast proposed SPA); and</p> <p>c) the potential individual and cumulative effects of the proposed development have been addressed.</p>	Transport policies - • The justification for Policies MP TRANS1 and MP TRANS2 identifies potential impacts for Port and Harbour related development. This list should also include potential water quality impacts from sedimentation which could affect some seabed habitats and the risks to existing aquaculture development from smothering, polluting or stress from, e.g. percussive noise, to farmed animals.	Y	<p>We consider that no change is required.</p> <p>Part c) in both of these policies provides the opportunity to consider a range of non-listed, individual and cumulative effects. This could cover matters such as water quality and noise, where appropriate.</p>	
6. SNH	10	<p><b>Climate Change</b> In accordance with the Climate Change (Scotland) Act 2009, public bodies are required to contribute to climate change mitigation and adaptation, and to act sustainably.</p>	<p>In the light of the current climate emergency we suggest that greater emphasis should be given to climate change mitigation including:</p> <p>on page 10, specific reference to the emergency</p>	N	<p>We agree that a reference to 'climate emergency' would be helpful. Whilst Shetland Islands Council has not formally declared an emergency they have</p>	<p>We shall include the following text in the first paragraph of page 10:</p> <p>In accordance with the Climate Change (Scotland) Act 2009, public bodies are required to contribute to climate change mitigation and</p>

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		<p>The marine environment has a key role to play in decelerating the process of global climate change. The sea's energy can be harnessed by renewable energy technologies, and the ocean has a continual role in regulating the climate by acting as a natural carbon sink, helping mitigate climate change impacts.</p> <p>Climate change mitigation can be defined as the implementation of policies and actions to reduce greenhouse gas emissions or, where possible, enhance carbon storage. Adaptation can be defined as the adjustment in economic, social or natural systems in response to actual or expected climatic change, to limit harmful consequences and exploit beneficial opportunities<sup>1</sup>.</p> <p>The SIRMP can assist the Scottish Government's move towards a low-carbon economy, in particular, meeting the Scottish Government's target for 100% of electricity to come from renewable sources by 2020. This is partially reliant on marine renewables (wave and tidal) and offshore wind as a source of power and the SIRMP aims to help integrate such developments with existing marine uses.</p> <p>Marine planning will need to be responsive to climate change and ensure that decision making takes account of, and adapts to, changing marine environments. Policy requirements that demand developers and decision makers assess the consequences of climate change and altering plans or designs to account</p>			recognised that action is required. We shall amend the plan accordingly.	adaptation, and to act sustainably. <i>"The Scottish Government has declared a climate emergency and Shetland Islands Council has subsequently recognised that action is required"</i> .

<sup>1</sup> Public Bodies Climate Change Duties: Putting Them Into Practice- Guidance Required by Part 4 of the Climate Change (Scotland) Act 2009

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		for these changes, is one example of such adaptation with the planning framework.  Based on an ecosystem approach to marine planning, the SIRMP ensures that the use of the marine environment is spatially planned where practical, facilitates climate change mitigation and requires current and future marine related activities to address and include provision for the impacts of climate change.				
6	22		in “Further information” it would be useful to include a link to data available for Shetland on SEPA’s Water Environment Hub: <a href="https://www.sepa.org.uk/data-visualisation/water-environment-hub/">https://www.sepa.org.uk/data-visualisation/water-environment-hub/</a>	N	We agree that this would be useful and will amend the plan accordingly.	We shall amend the further information section on pg 22 to include a hyperlink to:  <a href="#">SEPA’s Water Environment Hub</a>
6	26		Key Consultees should include Marine Scotland as the lead agency for marine non-native species. In addition to recording findings of INNS, SNH carries out monitoring and surveillance, as do SEPA, Marine Scotland Science and the JNCC.  Under “Further information”, The GB Non-Native Species Secretariat web pages could be added as a source of information for alert species, risk assessments and biosecurity guidance.	N	We agree that these changes are helpful and will amend the plan accordingly.	We shall amend pg 26 to include these suggested changes.  <ul style="list-style-type: none"> <li>- ‘Marine Scotland’ will be included as a key consultee.</li> <li>- “SNH, SEPA, MSS and JNCC – record findings for INNS, including monitoring and surveillance”.</li> </ul> We shall also add the following hyperlink to the Further Information Section:  <a href="#">The GB Non-Native Species Secretariat</a>
6	26	<b>Invasive non-native species</b>  All other marine users can ensure the potential spread of INNS is reduced by: a) Maintaining boat hulls clear of fouling organisms, particularly when moving to and from new areas; b) Cleaning boats and equipment before transporting them from one water body to another; c) Cleaning and drying dive and fishing gear after use.	We suggest amending the text in the box to provide a stronger message: <i>“All <del>other</del> marine users can ensure the potential spread of INNS is reduced by following Check, Clean Dry principles</i> <a href="http://www.nonnativespecies.org/checkcleandry/index.cfm">http://www.nonnativespecies.org/checkcleandry/index.cfm</a> : <i>these include:</i> <i>a) Checking and maintaining boat hulls clear of fouling organisms, particularly when moving to and from new areas;</i> <i>b) Cleaning boats and equipment before transporting them from one water body to another;</i> <i>c) Cleaning and drying dive and fishing gear after use.”</i>  <i>Watersipora subtorquata</i> is the former name for this species which is now called <i>Watersipora subatra</i> and the Pacific oyster (referred to on Map 3) is now <i>Magallana gigas</i> rather than <i>Crassostrea gigas</i> .	N	We agree that these changes are helpful and will amend the plan accordingly	We shall amend the text box on pg 26 of the SIRMP to include these suggested changes.  The second paragraph will be changed to read:  <i>“All marine users can ensure the potential spread of INNS is reduced by following <a href="#">Check, Clean and Dry principles</a>. These include:</i> <i>a) Checking and maintaining boat hulls clear of fouling organisms, particularly when moving to and from new areas;</i> <i>b) Cleaning boats and equipment before transporting them from one water body to another;</i> <i>c) Cleaning and drying dive and fishing gear after use.”</i>

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		<p>Marinas and ports are encouraged to promote awareness of INNS amongst their users. Please note that artificial structures have the potential to become platforms for the settlement of INNS and therefore can act as a 'stepping stone' for the spread of INNS.</p> <p>Examples of INNS with potential to cause adverse effects in and around Shetland waters:  Didemnum vexillum (carpet sea squirt/ marine vomit)  Styela clava (leathery sea squirt)  Watersipora subtorquata (a bryozoan)  Schizoporella japonica (a bryozoan) – reported in Shetland already  Sargassum muticum (wireweed)</p>				<p>The final paragraph will be amended to provide the amended names for the species: Watersipora subatra (a bryozoan).</p> <p>In Map 3 the reference to Crassostrea gigas will be changed to Magallana gigas</p>
6	28	<p><b>Policy MP LITT1: Waste Minimisation</b>  All applications for marine-related development and use shall include a waste minimisation and management plan to ensure the safe disposal of waste material and debris associated with the construction, operation and decommissioning stages of the development, unless directed by the consenting authority or regulator that this is not required.</p> <p>The production of waste should be minimised as far as possible through consideration of the waste hierarchy (reduce, re-use or recycle) and disposal of any waste must only be through the use of appropriate licensed facilities.</p> <p>In accordance with the International Convention for the Prevention of Pollution from Ships (MARPOL), the discharge of all garbage/litter into the sea is strictly prohibited<sup>8</sup>.</p>	Policy MP LITT1 relates to minimising and disposing of waste materials from development, however the justification only refers to marine litter. The justification should recognise that marine litter also has significant effects on the scenic quality of the coastline, eroding and diminishing the otherwise typically highly scenic coastal landscape.	N	We agree that this is a relevant point and will amend the plan accordingly to reflect these comments.	<p>We shall amend the justification section of pg 28 to include the text in the 1<sup>st</sup> paragraph:</p> <p>“It can have significant effects on the scenic quality of the coastline, eroding and diminishing the otherwise typically highly scenic coastal landscape”.</p>
6	29	Shetland Islands Council- statutory powers to consent and prosecute for	Under “Key Consultees”, we suggest deleting “consent and” from the first bullet point (Shetland Islands Council doesn’t consent to littering on public ground).	N	We agree that this change is helpful and will amend the plan accordingly.	We shall amend the ‘Key Consultees’ section on pg 29 of the plan to read:

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		littering and dumping on public ground			This issue was also raised in other consultation responses and we have also sought advice from the Council's legal services department on the wording of this section of the plan.	"Shetland Islands Council has statutory powers to issues notices for littering and dumping on public ground".
6	31		the 2007 paper by Southall et al. cited under "Further information" is old and has now been updated as <i>Southall et al (2019) Marine mammal noise exposure criteria: Updated scientific recommendations for residual hearing effects. Aquatic Mammals 45(2), 125-232.</i> Other useful references that might be included here are: <i>National Marine Fisheries Service. 2018. 2018 Revisions to: Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0): Underwater Thresholds for Onset of Permanent and Temporary Threshold Shifts. U.S. Dept. of Commer., NOAA. NOAA Technical Memorandum NMFS-OPR-59, 167 p.</i> and <i>Verfuss, U.K., Sinclair, R.R. &amp; Sparling, C.E. 2019. A review of noise abatement systems for offshore wind farm construction noise, and the potential for their application in Scottish waters. Scottish Natural Heritage Research Report No. 1070.</i>	N	We agree that these changes are helpful and will amend the plan accordingly	Pg 31 of the plan shall be amended to include the revised information source and the other references referred to.
6	34		Map 4 shows the SIC harbour areas, Lerwick harbour and Broonies Taing, but the other facilities in the key don't appear on the map.	N	Noted.	We have corrected this issue.
6	38	<b>Policy MP CLIM1: Climate Change Mitigation</b> Applications for marine-related developments should demonstrate, in a format approved by the consenting authority or regulator, that: a) resource use; b) energy use; and c) emissions have been assessed and minimised as part of the overall development proposal.  Developments which have the potential to impact habitats which act as a carbon sink or protect against coastal erosion may be refused.	More stringent requirements under Policy MP CLIM1, detailing what is meant by minimising resource use, energy use and emissions. This should include not just the resource use, energy use and emissions resulting from the development phase, but also in the manufacture and transport of materials that are used and in the operational life of the development.	Y	We agree that the policy could be changed to make reference to the construction and operational phase of the development. This would be especially relevant to major developments that require EIA, including fish farm proposals and marine renewables.  This change opposite was agreed at the Advisory Group meeting in July 2020.	We shall amend the policy to read:  <b>Policy MP CLIM1: Climate Change Mitigation</b> Applications for marine-related developments should demonstrate, in a format approved by the consenting authority or regulator, that: a) resource use; b) energy use; and c) emissions have been assessed and minimised as part of the overall development proposal.  <i>The above requirements apply to both the construction and operational phase of the development.</i>  Developments which have the potential to impact habitats which act as a carbon sink or protect against coastal erosion may be refused.



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6	41	The geology of the islands of Shetland is complex and it has one of the greatest variety of rock types in a small area than found almost anywhere else. This complexity has created a varied and intricate coastline which influences and is influenced by the species, habitats and communities found around the coast.	The first paragraph would be better worded “Shetland’s geology is complex, with a greater diversity of rock types in a small area than found almost anywhere else. This complexity has created a varied and intricate coastline which influences the species, habitats and communities found around the coast.”	N	We agree that the suggested change would be beneficial to the SIRMP. We shall amend the plan accordingly.	We shall amend the first paragraph of pg 41 of the SIRMP to read:  “Shetland’s geology is complex, with a greater diversity of rock types in a small area than found almost anywhere else. This complexity has created a varied and intricate coastline which influences the species, habitats and communities found around the coast.”
6	43	Shetland’s network includes: Nature Conservation MPAs (NCMPAs) Special Areas of Conservation (SACs) Special Protection Areas (SPAs) Habitat Protected Areas (SSMO closed areas) Sites of Special Scientific Interest (SSSIs) – see ‘Site Protection- Coastal Areas’ Local Nature Conservation Areas (LNCAs) – see ‘Site Protection- Coastal Areas’	The inclusion of SSMO closed areas and LNCAs in the list of Shetland’s network suggests that these are part of the Scottish MPA network. It would be better to list them as additional protected areas.	N	We agree that the suggested change would be beneficial to the SIRMP. We shall amend the plan accordingly.	We shall amend pg43 of the SIRMP to remove the reference to these areas in Shetland’s Network.  We shall include the text below this section:  Additional protected areas include Habitat Protected Areas (SSMO closed areas) and Local Nature Conservation Areas (LNCAs) – see ‘Site Protection Coastal Areas’.
6	43	The Habitats Regulations require competent authorities to carry out an appropriate assessment (AA) for any plan or proposal that might affect a Natura 2000 site. This involves determining whether the proposal is likely to have a significant effect on the site (i.e. whether it could affect any of the habitats or species for which the site is designated) either alone or in-combination, and if so, carrying out an appropriate assessment of the implications of the proposal for the site’s integrity, in view of the site’s conservation objectives. The full process is known as a ‘Habitats Regulations Appraisal’ (HRA). A competent authority is any body that has the power to undertake or give any consent, permission or other authorisation for a plan or project. For example, the local planning authority i.e. Shetland	At present the first two sentences say, in effect, that competent authorities must carry out an appropriate assessment, which involves first determining whether there will be a likely significant effect, then carrying out an appropriate assessment. This should be reworded: “ <i>The Habitats Regulations require competent authorities to carry out a Habitat Regulations Appraisal (HRA) of any plan or proposal that might affect a Natura 2000 site. This involves first determining whether the proposal, either alone or in-combination, is likely to have a significant effect on the site (i.e. whether it could affect any of the habitats or species for which the site is designated) and if so, carrying out an appropriate assessment of the implications of the proposal for the site’s integrity, in view of the site’s conservation objectives. <del>The full process is known as a ‘Habitats Regulations Appraisal’ (HRA).</del></i> ”	N	We agree that the suggested change would be beneficial to the SIRMP. We shall amend it accordingly.	We shall amend the 3 <sup>rd</sup> sentence in the final paragraph of pg43 to remove the text:  “ <i>The full process is known as a ‘Habitats Regulations Appraisal’ (HRA).</i> ”

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		Islands Council is the Competent Authority in respect of planning applications and works licences; Marine Scotland is the competent authority for marine licence applications, the Department for Business, Energy and Industrial Strategy (BEIS) is the competent authority for reserved matters.				
6	44	The East Mainland Coast proposed SPA also supports wintering populations of great northern diver, common eider, Slavonian grebe, long-tailed duck and red-breasted merganser. The Seas off Foula are important for five seabird species: great skua, northern fulmar, Arctic skua, common guillemot and Atlantic puffin.	Eider has been removed from the list of qualifying species of East Mainland Coast, Shetland pSPA because the Shetland population is non-migratory so doesn't come under the scope of the Birds Directive.	N	We agree that the suggested change would be beneficial to the SIRMP. We shall amend it accordingly.	We shall amend the second paragraph on pg 44 of the plan to remove the reference to:  Common eider.
6	44	<b>Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</b> Developments or uses that may have a likely significant effect (LSE) on a Natura 2000 site (including proposed sites) must comply with legal requirements for these protected areas. This includes a Habitats Regulations Appraisal (HRA) undertaken by a competent authority (normally the licensing or consenting authority/ body). Proposals which may adversely affect the site's integrity (i.e. compromise any of the conservation objectives for the site)	Policy MP MPA1 – determining whether a proposal will have a likely significant effect is the first stage of HRA, and is the responsibility of the competent authority, not something that the development must do to comply with legal requirements. The policy should therefore be reworded: <i>“Developments or uses that might affect a Natura 2000 site (including proposed sites) must comply with legal requirements for these protected areas and must be subject to a Habitats Regulations Appraisal (HRA) undertaken by a competent authority...”</i>	Y	This policy received a number of representations which sought to make changes. The SIRMP Advisory Group agreed to make a change to this policy at their meeting in July 2020.	<b>Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as European sites) and Ramsar Sites</b>  Developments or uses that might affect a European Site (include proposed sites) must comply with the legal requirements for these protected areas and must be subject to a Habitats Regulations Appraisal (HRA) undertaken by a competent authority (normally the licensing or consenting authority/body). Proposals which may adversely affect the site's integrity (i.e. compromise any of the conservation objectives for the site), either alone or in-combination, as determined by the appropriate assessment (AA) will not normally be permitted. Where a competent authority may wish to consent a proposal despite the potential for an adverse effect on the site's integrity, the competent authority must first show that there are no alternative solutions, and it is imperative, and of over-riding public interest to grant consent.
6	46		Map 7 – the use of solid colours to indicate both the designated and the proposed SPAs means that part of Fetlar SPA is obscured by Bluemull and Colgrave Sounds pSPA. This could be avoided if one or both categories were shown by hatching.	N	We agree that the suggested change would be beneficial to the SIRMP. We shall amend the plan accordingly.	We shall amend the colours in Map 7 on page 46 of the SIRMP.

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6	48	<b>Nature Conservation Marine Protected Areas (NCMPAs)</b> Nature conservation MPAs (NCMPAs) are regions of the seas and coasts where wildlife is protected from damage and disturbance. The MPAs consist of the marine components of sites designated as SACs, SPAs, SSSIs and Ramsar. Together these help to form an ecologically coherent network, as per international agreements including the OSPAR Convention and the Convention on Biological Diversity.	A better definition of Nature Conservation MPAs would be “ <i>regions of the sea where nationally important species, habitats and geomorphology (landforms and natural processes) are protected.</i> ”  As this section concerns only NCMPAs, reference in the second sentence to MPAs (i.e. all designated sites in the marine environment) is irrelevant. It is also confusing as it could be read to mean that marine components of SPAs, SACs etc. are also NCMPAs.	Y	We agree that the suggested change would be beneficial to the SIRMP.	We shall amend the first paragraph on pg 48 of the SIRMP to read:  “Nature conservation MPAs (NCMPAs) are regions of the sea where nationally important species, habitats and geomorphology (landforms and natural processes) are protected.”
6	49	There is currently one DRMPA in Shetland, around the coast of Fair Isle. While voluntary agreements between stakeholders are encouraged, restrictions may be introduced if they are necessary to support the demonstration or the research objectives of the site.	In the Justification it would be better to describe the DRMPA as being the waters around Fair Isle. The current wording could be interpreted as meaning only the coastline.	N	We agree that the suggested change would be beneficial to the SIRMP.	We shall amend the first sentence of the justification section on pg 49 of the SIRMP to read:  “There is currently one DRMPA in Shetland, which covers the waters around of Fair Isle.”
6	50	There are two nature conservation MPA areas in Shetland, ‘Fetlar to Haroldswick’ and ‘Mousa to Boddam’.	Para.1 – The second sentence should read “ <i>There are two Nature Conservation MPAs in Shetland</i> ” (Nature Conservation with initial capitals and “area” deleted).	N	We agree that the suggested change would be beneficial to the SIRMP.	We shall amend the second sentence of the Nature Conservation MPAs (NCMPAs) box on pg 50 of the SIRMP to read:  “There are two Nature Conservation MPA in Shetland, ‘Fetlar to Haroldswick’ and ‘Mousa to Boddam’.”
6	50	The Fetlar to Haroldswick NCMPA incorporates the sea area used for foraging by black guillemots, while the inlets, sounds and stretches of open coastline support a range of seabed habitats and species.	Para.2 would be better worded “ <i>The Fetlar to Haroldswick NCMPA incorporates coastal waters used for foraging by black guillemots, while the inlets, sounds and stretches of open sea support a range of seabed habitats and species</i> ”.	N	We agree that the suggested change would be beneficial to the SIRMP.	We shall amend the second paragraph of the Nature Conservation MPAs (NCMPAs) box on pg 50 of the SIRMP to read:  “ <b>The Fetlar to Haroldswick NCMPA</b> incorporates coastal waters used for foraging by black guillemots, while the inlets, sounds and stretches of open sea support a range of seabed habitats and species. This includes extensive and biologically diverse maerl and horse mussel beds, as well as more widely distributed shallow tide-swept sands with burrowing bivalves and coarser sediment representative of Scotland’s seas more generally.”
6	53	<b>National Nature Reserves (NNRs)</b> Shetland has two National Nature Reserves, Noss and Hermaness. All NNRs are home to nationally or	“National Nature Reserve” is an accolade rather than a protective designation. NNRs are protected by being designated as SSSIs (and in the case of Hermaness and Noss also as SPAs). Reference to NNRs in Policy	N	We agree that the suggested change would be beneficial to the SIRMP.	We shall amend the first sentence of the ‘National Nature Reserves (NNRs) text on pg 53 of the SIRMP to read:

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		internationally important species and habitats. The reserves must be well managed for wildlife. They are also managed so that people can enjoy these special places.	MP COAST1 is therefore redundant and it would be sufficient to note in the text above that Both NNRs are also notified as SSSIs.  In the Justification it would be better to describe SSSIs as areas of land and water above Mean Low Water Spring Tides.			Shetland has two National Nature Reserves, Noss and Hermaness, both of which are SSSIs.  In the justification section on the same page we shall amend the first sentence to read:  “SSSIs are those areas of land and water above Mean Low Water Spring Tides that SNH considers to best represent our natural heritage – its diversity of plants, animals and habitats, rocks and landforms, or combinations of such natural features.”
6	54	<b>Justification</b> LNCS identify sites of nature conservation value at the local scale; they may have been selected for their biodiversity or geodiversity interest.  In Shetland there are six RSPB Scotland reserves. RSPB Scotland reserves are areas of land set aside for nature, where the main purpose of management is the conservation of habitats and species of national and international significance.	Justification – LNCS are of nature conservation value at the local level rather than scale.  RSPB Scotland reserves are areas of land managed for nature, rather than set aside. Some, but not all of them are important tourism assets – the more sensitive reserves aren’t publicised in order to protect them from disturbance.	N	We agree that the suggested change would be beneficial to the SIRMP.	We shall amend the first sentence of the justification section on page 54 of the SIRMP to read:  “LNCS identify sites of nature conservation value at a local level.”  We shall amend the second paragraph to read:  “In Shetland there are six RSPB Scotland reserves. RSPB Scotland reserves are areas of land managed for nature, where the main purpose of management is the conservation of habitats and species of national and international significance. Some of these reserves not only highlight important natural heritage areas but also represent important tourism assets.”
6	55-56		Maps 11 and 12 – marking Hermaness and Noss as National Nature Reserves on Map 11 obscures the fact that they are also SSSIs. They would be better shown in outline or by hatching.	N	We agree that the suggested change would be beneficial to the SIRMP.	We shall amend map 11 to reflect this change.
6	57	<b>Habitat Regulations</b> The Habitats Regulations requires strict protection of a number of marine species of European importance, as listed in Annex IV. In Shetland’s marine environment these most notably include all species of cetaceans, and the European otter which forages in Shetland’s coastal waters. The Habitats Regulations also makes provision for the protection of select species from exploitation, as listed in Annex V.	The description of the provisions of the Habitats Regulations needs to be amended: Regulation 39 provides wider protection to EPS animals than described here – it makes it an offence to deliberately or recklessly capture, kill, injure or harass an EPS animal, to disturb it whilst it is caring for its young or occupying a place of shelter or to obstruct access to such a place. It is also an offence to damage or destroy a breeding site or resting place of an EPS animal under any circumstances. Regulation 43 relates to EPS plants so capture and disturbance aren’t relevant. There are in any case no EPS plants in Shetland.	N	We agree that the suggested change would be beneficial to the SIRMP.	We shall amend the plan to reflect the requirements of the Habitats Regulations in relation to EPS.

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6	67	at any other time takes, damages, destroys or otherwise interfere with any nest habitually used by any wild bird included in Schedule A1; obstructs or prevent any wild bird from using its nest; or take or destroys an egg of any wild bird.	Para.1 – the final sentence should read “... <i>at any other time take, damage, destroy or otherwise interfere with any nest habitually used by any wild bird included in Schedule A1; obstruct or prevent any wild bird from using its nest; or take or destroys an egg of any wild bird.</i> ” Rather than “... <i>at any other time, takes, damages, destroys...</i> ” etc.	N	We agree that the suggested change would be beneficial to the SIRMP.	We shall amend the final sentence of the first paragraph on pg 67 ‘Wild Birds’ to read:  “;at any other time take, damage, destroy or otherwise interfere with any nest habitually used by any wild bird included in Schedule A1; obstruct or prevent any wild bird from using its nest; or take or destroys an egg of any wild bird.”
6	67	<b>Policy MP SPCON2: Protection of Wild Birds and Their Habitats Outside Designated Sites</b> .....  Development that directly threatens wild birds, the destruction of their nests or eggs will only be permitted where it can be demonstrated that: a) the development is required for preserving public health or public safety; and b) there is no other satisfactory solution.  Developers should also take into consideration any sensitive times of year for breeding within the area of the proposed development when planning construction, operation and decommissioning stages. Proposals should include avoidance measures or mitigation of disturbance during these sensitive times and within these sensitive locations.  If a species listed on Schedule 1 on the Wildlife and Countryside Act 1981 (as amended) is present either at the nest, or with dependent young, it cannot be disturbed without a licence from SNH.	Policy MP SPCON2 – killing of birds (other than quarry species in the relevant open season) or the destruction of nests or eggs requires a licence from SNH. To make this explicit we recommend that the second paragraph is reworded “ <i>Development that directly threatens wild birds, the destruction of their nests or eggs will only be permitted where it can be demonstrated that:</i> <i>a) the development is required for preserving public health or public safety;</i> <i>b) there is no other satisfactory solution and</i> <b><i>c) a licence has been granted, or is likely to be granted, by Scottish Natural Heritage.</i></b> ”	Y	We agree that the suggested change would be beneficial to the SIRMP. This was confirmed at the Advisory Group meeting in July 2020.	We shall amend the second paragraph of Policy MP SPCON2 on page 67 of the SIRMP to include a new requirement c):  “c) a licence has been granted, or is likely to be granted, by NatureScot”.
6	68-69		Maps 16 and 17 are confusing because of large numbers of overlapping symbols. The information they contained would be better divided among several maps each showing a single species or a small group of species.	N	We of are the view that no change is necessary. These maps provide an overview. They should be viewed in GIS and it is not possible to show such detail in the paper/pdf version of the SIRMP.	

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6	70		it should also be noted that under the Marine (Scotland) Act 2010, Shetland is one of the five seal conservation areas for harbour seals.	N	We agree that the suggested change would be beneficial to the SIRMP.	We shall include an additional sentence in the final paragraph of the Conservation of Seals and Seal Licences section on page 70 of the SIRMP to read:  “Under the Marine (Scotland) Act 2010, Shetland is one of the five seal conservation areas for harbour seals.”
6	71		Map 18 – It would be preferable to have separate maps for grey and harbour seals. At present the seal count circles are coloured light or dark green to differentiate the two species. The key indicates that the two shades of green mark pupping and nursing areas (with counts shown by blue circles) so the map appears to show that all of the seal count locations are pupping or nursing areas. The two shades of green are also hard to distinguish (and even more so for colour-blind people) making the map very confusing, particularly where the seal count circles overlap. The seal densities at sea data on the other hand combines the densities of grey and harbour seals – separate maps would allow them to be shown individually and would be more informative. The protected haul out sites marked on the map obscure the count circles beneath them and would be better shown as an outline. Seal SACs also have the status of protected haul outs so Yell Sound Coast and Mousa should be marked. Some of the data sources identified are out of date. The seals at sea maps were updated on NMPI in 2017 and there are likely to be more recent SMRU count data than those from 2007.		We agree that the suggested change would be beneficial.	We shall amend MAP 18 to reflect these comments.
6	72	<b>Priority Marine Features (PMFs)</b> Scottish Natural Heritage and Marine Scotland have identified the most important components of Scotland’s marine biodiversity. Priority Marine Features (PMF) are a prioritized list of 81 marine habitats and species (including the marine phases of some diadromous fish species) considered to be of national conservation importance. They should be taken account of in Environmental Statements and through relevant licensing/consenting decisions. All maps of important marine habitats and species (Maps 7 to 16) indicate whether a species is a PMF and whether it is protected under other designations or legislation.	Para.1 says that PMFs are indicated on maps 7 to 16. Presumably this should be maps 13 to 22 as stated lower down the page. It would be helpful if the PMFs that occur in Shetland waters could be listed either here or in an annex or linked document as not all are shown on the maps. In “Further information” a link to the NMPI data layers would also be helpful. The text refers to the marine phases of some diadromous fish being PMFs. In Shetland waters these include sea trout, (wild) Atlantic salmon and European eel. The distribution of these species at sea is poorly known but it would be useful to map the mouths of burns where they are known to occur.	N	We don’t feel this change is appropriate. SEPA are currently in the process of compiling data on wild fish in Shetland, including known sea-trout locations, but this data is not currently published or available.  Additionally a link to the NMPI data would not be possible.	

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		In supporting the Scottish Government's three pillar approach to marine nature conservation, this SIRMP provides a mechanism to the protection of Priority Marine Features which lie both within and outside formally designated MPAs. These features are considered to be of both local and national importance and should be safeguarded in order that ecosystem health is maintained. Forty-four PMF species and habitats are known to be present in waters around Shetland.				
6	74		Map 19 – As the map title is <i>“Intertidal rock distribution and supported habitats...”</i> the rock cliffs mapped are presumably those below high water. If so, this should be made clearer in the key and they shouldn't be identified as Habitats Directive Annex 1 and BAP habitats – the Annex 1 and BAP habitats are <i>“Vegetated sea cliffs of the Atlantic and Baltic Coasts”</i> and <i>“Maritime Cliff and Slopes”</i> respectively, and only apply to cliffs above high water. It would also be preferable to label the key <i>“Intertidal tide-swept algal communities”</i> since Map 21 also has tide-swept algal communities (in that case subtidal).	N	We don't feel this change is necessary and doesn't correctly reflect the data provided.	
6	75		Map 20 – It is difficult to distinguish between <i>“Saltmarsh”</i> and <i>“Intertidal sand/mudflat”</i> on the map as the colours used are very similar.	N	We agree that the suggested change would be beneficial to the SIRMP.	We shall change the colours used in Map 20 on page 75 of the SIRMP so that they are easier to distinguish.
6	76		Map 21 – <i>“Kelp point data”</i> , <i>“kelp transect data”</i> and <i>“Predicted kelp habitat”</i> need to be shown in different colours to be distinguishable on the map. It would also be preferable to label the key <i>“Subtidal tide-swept algal communities”</i> (see comment on Map 19)	N	We agree that the suggested changes would be beneficial to the SIRMP.	We shall change the change the colours used in Map 21 on page 76 of the SIRMP so they are easier to distinguish.  We shall also amend the key to read <i>“Subtidal tide-swept algal communities”</i> .
6	77		Map 22 – the key is difficult to read against the map but doesn't appear to be numbered to identify which of the mapped habitats are pmfs	N	We agree that the suggested change would be beneficial to the SIRMP.	We shall amend the key of Map 22 on page 77 of the SIRMP so that it is easier to read and include (PMF) where applicable.
6	78	<b>Policy MP BIOD1: Furthering the Conservation of Biodiversity</b> Development and use of the marine environment will be considered against public bodies' obligation to further the conservation of biodiversity and the ecosystem services it delivers. Development and use of the marine environment must	Policy MP BIOD1 refers to PMFs, however these are covered in more detail in Policy MP SCON4 so inclusion here is unnecessary and potentially confusing.	Y	The Advisory Group agreed to remove the reference to PMF's at their meeting in July 2020. They also agreed to amend the word 'overwintering' to 'over-wintering'.	We shall amend the policy to remove reference to PMF's so that it reads as follows:  <b>Policy MP BIOD1: Furthering the Conservation of Biodiversity</b>  Development and use of the marine environment will be considered against public bodies' obligation to further the conservation of

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		<p>protect, and where appropriate enhance the health of the Shetland marine area. The extent of these measures should be relevant and proportionate to the scale of the development.</p> <p>Proposals for development that would have a significant adverse effect on habitats or species identified in the PMF list, Shetland Local Biodiversity Action Plan, Scottish Biodiversity List, Annexes I and II of the Habitats Directive, Annex I of the Birds Directive (if not included in Schedule 1 of the Wildlife and Countryside Act) or on the ecosystem services of biodiversity, including any cumulative impact, will only be permitted where it has been demonstrated by the developer that:</p> <p>a) The development will have benefits of overriding public interest including those of a social or economic nature that outweigh the local, national or international contribution of the affected area in terms of habitat or populations of species; and</p> <p>b) Any harm or disturbance to the ecosystem services, continuity and integrity of the habitats or species is avoided, or reduced to acceptable levels by mitigation.</p> <p>Developers should consider impacts on areas which are important to all aspects of a species life cycle including locations used for breeding, nesting, resting, foraging and seasonal use, including over-wintering.</p>				<p>biodiversity and the ecosystem services it delivers. Development and use of the marine environment must protect, and where appropriate enhance the health of the Shetland marine area. The extent of these measures should be relevant and proportionate to the scale of the development.</p> <p>Proposals for development that would have a significant adverse effect on habitats or species identified in the Shetland Local Biodiversity Action Plan, Scottish Biodiversity List, Annexes I and II of the Habitats Directive, Annex I of the Birds Directive (if not included in Schedule 1 of the Wildlife and Countryside Act) or on the ecosystem services of biodiversity, including any cumulative impact, will only be permitted where it has been demonstrated by the developer that:</p> <p>a) The development will have benefits of overriding public interest including those of a social or economic nature that outweigh the local, national or international contribution of the affected area in terms of habitat or populations of species; and</p> <p>b) Any harm or disturbance to the ecosystem services, continuity and integrity of the habitats or species is avoided, or reduced to acceptable levels by mitigation.</p> <p>Developers should consider impacts on areas which are important to all aspects of a species life cycle including locations used for breeding, nesting, resting, foraging and seasonal use, including over-wintering.</p>
6	79	Shetland is one of 71 Geoparks in the European Geopark Network and one of 140 Geoparks in the Global Network. The Geopark label is about much more than just geology. One element of the Geopark is the suite of Geosites – sites important for their	Final para. – there are currently 147 UNESCO Global Geoparks and 76 members of the European Geopark Network. As the numbers are likely to increase year on year it might be better to say “As at 2019, Shetland is one of 76 Geoparks in the European Geopark Network and one of 147 UNESCO Global Geoparks”, or not state the numbers.	N	<p>We agree that the suggested change would be beneficial to the SIRMP.</p> <p>We have updated with the most recent 2021 figures.</p>	<p>We shall amend the first sentence of the final paragraph of page 79 of the SIRMP to read:</p> <p>“As at 2021, Shetland is one of 81 Geoparks in the European Geopark Network and one of 161 UNESCO Global Geoparks”.</p>



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		geology, see Map 23. Of the 107 Geosites, 47 are geological SSSIs or part of a geological SSSI and a further five are within biological SSSIs, see Map 11.				
6	81		<p>Map 23 – several of the colours on the map are difficult to differentiate or match with those on the key, in particular:</p> <ul style="list-style-type: none"> <li>• “Igneous intrusion, Neoproterozoic” (two small areas on Yell) and “Igneous intrusion, Cambrian to Ordovician” which occurs on Unst and Fetlar appear almost identical in colour</li> <li>• The small purple areas around Westing in Unst and Cullivoe presumably indicate “Fault zone rocks” but this isn’t clear as the colour is close to that used for the “Grampian Group”</li> <li>• “Boundary Zone Complex” is difficult to distinguish on the map from the adjoining “Lewisian Complex” in south Yell and “Appin Group and Argyll Group” in Lunnasting.</li> <li>• It is impossible to identify any “Grampian Group” or “Meta-volcanic Rocks” on the map because their colours are so similar to others in the key and perhaps because the areas on the map are small.</li> </ul> <p>The category “Appin Group and Argyll Group” presumably derives from the BGS data source and is necessary there because elsewhere in Scotland the two groups occur in an intimate mixture that has to be mapped together. In Shetland the rocks in this category actually all belong to the Argyll Group so could be named as such.</p> <p>“Igneous Intrusion, Cambrian to Ordovician” would be better named “Shetland Ophiolite Suite” – these are the serpentine and associated rocks of Unst and Fetlar</p> <p>Old Red Sandstone (ORS) is a loose term for rocks formed in the late Silurian, Devonian and early Carboniferous periods. Volcanic rocks are sometimes included in the ORS, thus “Volcanic Rocks, Silurian to Devonian” could be considered part of the “Old Red Sandstone” category. All of Shetland’s ORS rocks (including the volcanic ones) formed in the Devonian period so it would be better to use the names “Devonian sedimentary rocks” and “Devonian volcanic rocks” rather than “Old Red Sandstone” and “Volcanic Rocks, Silurian to Devonian”.</p> <p>In geological maps it is conventional (and much more informative) to arrange the key in order of age with the oldest rocks at the bottom. In this case the order would be:</p> <p>Fault Zone Rocks  Devonian volcanic rocks  Devonian sedimentary rocks  Igneous intrusion, late Silurian to late Devonian  Igneous intrusion, Ordovician to Silurian  Unst Phyllite Group  Shetland Ophiolite suite  Dalradian, Southern Highland Group</p>	N	We agree that the suggested change would be beneficial to the SIRMP.	We shall amend Map 23 on page 81 of the SIRMP to reflect these changes.

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			<p>Dalradian, Argyll Group</p> <p>Dalradian, Appin Group</p> <p>Dalradian, Queyfirth Group</p> <p>Dalradian, Grampian Group</p> <p>Boundary Zone Complex</p> <p>Igneous intrusion, Neoproterozoic</p> <p>Moine supergroup</p> <p>Metamorphic rocks, Pre-Cambrian</p> <p>Lewisian Complex</p>			
6	82	<p>Marine developments and activities in the coastal zone have the potential to have both a positive and negative impact on the landscape including seascapes. The effects will be development-specific and dependent on the type of development activity, its location and setting. The definition of landscape, according to European Landscape Convention (ELC), is ‘an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors’<sup>17</sup>. However, there is no legal definition, as yet, of ‘seascape’ in the UK. For the purposes of the SIRMP, references to seascape should be taken as meaning landscapes with views of the coast or seas, and coasts and the adjacent marine environment with cultural, historical and archaeological links with each other.</p>	<p>Landscape and Seascape – for consistency with other sections dealing with designations, reference should be made to the legislation under which NSAs are designated and have a formal statutory basis, i.e. The Planning etc. (Scotland) Act 2006.</p> <p>Reference should also be made to the SNH Wild Land Areas 2014. Although Wild Land Area 42. Ronas Hill and North Roe is shown on map 26 there is no background explanation in the text.</p>	N	<p>We agree that the suggested changes would be beneficial to the SIRMP.</p>	<p>We shall amend the first sentence of the second paragraph ‘Landscape and Seascape’ on page 82 of the SIRMP to read:</p> <p>“The quality of Shetland’s landscape has been recognised nationally by the designation of National Scenic Areas (NSAs) under the Town and Country Planning (Scotland) Act 1997 (as amended), and locally by the designation of proposed Local Landscape Areas (LLAs) in the Shetland Local Development Plan (2014) and Supplementary Guidance.</p> <p>We shall amend the third paragraph of the justification section on pg 83 of the SIRMP to include the following text:</p> <p>“Map 26 shows the area of wild land that has been identified by SNH within the Shetland Marine Region. This covers land at Ronas Hill and North Roe. The varied and diverse coastal character contributes strongly to the wild land quality of this Wild Land Area”</p> <p>We shall also amend the Further Information Section to include reference to SNH’s Wild Land Areas:</p> <p><a href="#">Wild Land Areas Descriptions – Scotland</a></p>
6	82	<p>The quality of Shetland’s landscape has been recognised nationally by the designation of National Scenic Areas (NSAs), and locally by the designation of proposed Local Landscape Areas (LLAs). Seven separate areas of coastal landscape in Shetland have been identified as of outstanding scenic interest, and designated as NSAs. They</p>	<p>Para.2 – there is only one NSA in Shetland (although it is made up of seven sections). “National Scenic Area” and “NSA” should therefore be singular. The text should also acknowledge that the Shetland NSA has an essentially coastal character which contributes strongly to the special qualities of the areas defined.</p> <p>Policy MP VIS1 – similarly, the policy should read: “Safeguarding the National Scenic Area (NSA) and Local Landscape Areas (LLAs). Development that affects the NSA or a LLA will only be permitted where:</p>	Y	<p>We agree that the suggested changes would be beneficial to the SIRMP.</p> <p>We will however retain the wording “may be required” as opposed to the suggested “are likely to be required”, in</p>	<p>We shall amend the references to National Scenic Areas to National Scenic Area on Page 82 and Map 24 of the SIRMP.</p> <p>We shall amend the second paragraph on the ‘Landscape and Seascape’ section on page 82 to read:</p>

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		lie principally in the south-west and northern extremities of the archipelago and include Fair Isle, Foula, the western flank of Dunrossness and the Deeps, part of Muckle Roe, Eshaness, Uyea Isle, Fethaland, and Hermaness. Proposed LLAs have been introduced locally to help protect and enhance some of Shetland's unique environment and may provide direction for access and tourism.	<p>a) it will not adversely affect the integrity of the area or the qualities or protected features for which it has been designated, or</p> <p>b) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance for the NSA and local importance for LLAs.</p> <p>The justification of this policy should acknowledge that special protection measures are required by the legislation. We also recommend that the second sentence is amended to "Developers are likely to be required to submit a Design Statement and an assessment of the impact of a proposal on the Special Qualities of the NSA in support ..."</p>		the justification section of the Policy MP VS1.	<p>"The quality of landscape is recognised nationally by the designation of National Scenic Areas (NSAs), and locally by the designation of proposed Local Landscape Areas (LLAs). Seven separate areas of coastal landscape have been identified as being of outstanding scenic interest, and form the Shetland NSA. They lie principally in the south-west and northern extremities of the archipelago and include Fair Isle, Foula, the western flank of Dunrossness and the Deeps, part of Muckle Roe, Eshaness, Uyea Isle, Fethaland, and Hermaness. The Shetland NSA has an essentially coastal character which contributes strongly to the special qualities of the areas defined. Proposed LLAs have been introduced locally to help protect and enhance some of Shetland's unique environment and may provide direction for access and tourism.</p> <p>We shall also amend the title of Policy MSP VS1 to read:</p> <p><b>Policy MP VIS1: Safeguarding National Scenic Area (NSA) and Local Landscape Areas (LLAs)</b></p> <p><b>Development that affects the NSA or a LLA will only be permitted where:</b></p> <p><b>a) it will not adversely affect the integrity of the area or the qualities or protected features for which it has been designated,</b></p> <p><b>or</b></p> <p><b>b) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance for the NSA and local importance for LLAs.</b></p> <p>We shall amend the second sentence of the justification section of the policy to read:</p> <p>"Developers may be required to submit a Design Statement and an assessment of the impact of a proposal on the Special Qualities of the NSA in support of a development application".</p>
6	83	Seascape character assessment is shown in Map 25. Areas of wildness	The description of map 26 immediately below Policy MP VIS2 and in para.3 of the justification should say that it shows " <i>areas of wildness ... and Wild Land Area 26. Ronas Hill and North Roe</i> ". The justification	N	We agree that the suggested changes would be beneficial to the SIRMP.	We shall amend the text below Policy MP VIS2 on page 83 of the SIRMP to read:

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		<p>around Shetland’s coast are shown in Map 26.</p> <p>Landscape including seascape is constantly changing; the aim of the SIRMP is to facilitate positive change whilst maintaining and enhancing distinctive character. Different landscapes will have a different capacity to accommodate new development, and the siting and design of development should be informed by local landscape character including wildness. Wild land character is displayed in some of Scotland’s remoter upland, mountain and coastal areas, which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development. Map 26 shows areas of wildness within the Shetland Marine Region. Wildness is a landscape quality which is experienced by an individual. Wild land is an area where extensive areas of wildness are best expressed. Scottish Planning Policy states ‘In areas of wild land (see paragraph 200), development may be appropriate in some circumstances. Further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.’</p>	<p>should acknowledge that the varied and diverse coastal character contributes strongly to the wild land quality of this WLA and should also make clear that “areas of wild land” in the section of Scottish Planning Policy quoted refers to the SNH Wild Land Areas 2014 (of which this is one).</p>		<p>We do not feel that the amendment related to Scottish Planning Policy is required as the amended section is much clearer in describing Wild Land.</p>	<p>“Seascape character assessment is shown in Map 25. Areas of wildness and the Wild Land Area for Ronas Hill and North Roe is shown in Map 26”.</p> <p>We shall amend the third paragraph of the justification section on pg 83 of the SIRMP to include the following text:</p> <p>“Map 26 shows the area of wild land that has been identified by SNH within the Shetland Marine Region. This covers land at Ronas Hill and North Roe. The varied and diverse coastal character contributes strongly to the wild land quality of this Wild Land Area”</p>
6	90	<p>The marine historic assets located within the Out Skerries Historic MPA are the remains of two vessels lying wrecked on or in the seabed, the Dutch-East Indiaman Kennemerland and the Danish warship Wrangels Palais, all objects formerly contained in the vessels, and deposits or artefacts which evidence previous human activity on board the vessels. Designation was proposed to enhance appreciation of the significance of</p>	<p>The description of Out Skerries Historic Marine Protected Area (MPA) should read “...<i>the remains of two vessels lying wrecked on or in the seabed: the Dutch-East Indiaman ‘Kennemerland’ and the Danish warship ‘Wrangels Palais’</i> ...” The current wording suggests that there are two vessels in addition to the ‘Kennemerland’ and ‘Wrangels Palais’.</p>	N	<p>We agree that these changes would be helpful.</p>	<p>We shall amend the text in the first paragraph of pg 90, in the section ‘Out Skerries Historic Marine Protected Area (MPA)’ to read:</p> <p>The marine historic assets located within the Out Skerries Historic MPA are the remains of two vessels lying wrecked on or in the seabed, the Dutch-East Indiaman ‘Kennemerland’ and the Danish warship ‘Wrangels Palais’, all objects formerly contained in the vessels, and deposits or artefacts which evidence previous human activity on board the vessels.</p>

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		these sites and to encourage responsible approaches to their access, management and protection by sea users and relevant agencies and authorities.				
6	93		Quality of Life for Communities – reference might be made here (and perhaps also at the start of the document) to the Islands Bill.	N	We agree that there should be reference to the National Islands Plan.	<p>We shall amend the second paragraph on page 93, to read:</p> <p>“The marine environment not only provides economic benefits but can also directly contribute to the quality of life and well-being of coastal communities. This is recognised in The National Islands Plan which provides a framework for action in order to meaningfully improve outcomes for island communities. The plan highlights the contribution of the aquaculture and fishing industries to sustainable economic growth in rural and island communities. It also sets out the importance and the value of coastal, marine, and inland ecosystems assets. The SIRMP will enhance these benefits by safeguarding equitable access for those who want to use and enjoy the coast and seas, and their wide range of resources and assets.”</p> <p>We shall also amend the Further Information Section on page 95 to include a link to: <a href="#">Scottish Government – The National Plan for Scotland’s Islands</a></p>
6	100, 118, 143		Reference to climate change in the sections on General Policies (p.100), Oil and Gas (p.118) and Transport (p.143).	Y	It is not clear what is being sought in this representation. However, we feel that the SIRMP already covers climate change adequately and these changes are not required.	
6	103	<b>Policy MP FISH1: Safeguarding Fishing Opportunities</b> Developments will only be permitted where it can be demonstrated that: a) there will be no significant negative impact or permanent significant	Policy MP FISH1 should have “and” between the last two criteria rather than “or”. This policy seeks to avoid impacts on important fishing areas and known spawning and nursery areas etc. It would be helpful if these could be identified on the associated maps. In the case of spawning/nursery areas	Y	The current text already says “and” not “or”. No change is required. Such maps are being developed and we don’t	

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		obstruction to an important <sup>27</sup> fishing area; b) there will be no significant environmental impact to a known/designated spawning, nursery area or habitats or species which are important for commercially important species of fish; c) it will not cause a navigational hazard for commercial fishermen; d) there will be no significant negative effect to the cultural importance of fishing, particularly for vulnerable coastal communities; and e) there is no reasonable alternative and any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.	and supporting habitats it should be recognised that these could be damaged by commercial fishing itself as much as by other developments.		currently have appropriate ones to include in the SIRMP.  It should also be noted that this is not a policy to control commercial fishing, so the suggested change is neither relevant nor appropriate.	
6	102-104		The section on Commercial Fishing takes only a narrow view of sustainability, considering only the sustainability of fish stocks and therefore of the industry. We recommend this be widened to provide guidance on how an environmentally sustainable fishery might look, recognising the environmental impacts of the industry, for example on benthic habitats, non-target species and in contributing to marine litter, and identifying ways to minimise these. It might aim to promote an ecosystem-based approach to fisheries management to ensure sustainable and resilient fish stocks and avoid damage to fragile habitats.	N	We consider that the suggested changes are not necessary for this section of the SIRMP.  This policy seeks to safeguard fishing opportunities and it is not for the SIRMP to put controls on or provide guidance to the fishing industry.	
6	107		Map 34 – in the note “... <i>fishermens’</i> ...” should be “... <i>fishermen’s</i> ...”	N	We agree that this change would be helpful.	We shall amend the note on Map 34 to say “fishermen’s”.
6	108	<b>Planning Application Process</b> Permissions for fish farming are granted after an informed judgement is based on the best available evidence, through the application, consultation and Environmental Impact Assessment (EIA) procedures. Shellfish farm applications are not subject to EIA regulations but the local authority will consider the potential environmental consequences of the proposed development prior to granting planning permission.	We recommend amending the final paragraph to read “... <i>granted after an informed judgement is based on the best available evidence ... the local authority will consider the potential environmental consequences of the proposed development when determining whether to grant planning permission</i> ” to make it clearer that environmental considerations will inform the authority’s decision.	N	We agree that this change would be helpful.	Will shall amend the final paragraph of the ‘Planning Application Process’ at the bottom of page 108 to read:  “Shellfish farm applications are not subject to EIA regulations but the local authority will consider the potential environmental consequences of the proposed development prior to determining whether to grant planning permission.”
6	109	<b>Policy MP AQ1: Aquaculture – Key Conditions</b>	Policy MP AQ1 should read: “Aquaculture development applications must comply with:	Y	We agree that the first suggested change would be	We shall amend section d) of Policy MP AQ1 on page 109 of the SIRMP to read:

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		<p>Aquaculture development applications must comply with:</p> <p>a) all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1 and MP AQ2;</p> <p>b) Shetland Islands Council's Supplementary Guidance – Aquaculture Policy;</p> <p>c) Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters (for finfish farming only); and</p> <p>d) it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site.</p>	<p>... ..</p> <p><i>c) Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters (for finfish farming only) and must demonstrate that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site."</i></p> <p>We recommend rewording the penultimate paragraph "<i>Marine aquaculture proposals must use only non-lethal anti-predator measures and demonstrate that they do not cause any significant harm.</i>" The current wording only requires developers to demonstrate that non-lethal anti-predator measures work, not necessarily to use them.</p>		<p>helpful, but are of the view that section c) should remain as is and does not need to be amalgamated with section d).</p> <p>At the Advisory Group meeting of July 2020 it was agreed to amend section d) of the policy and replace 'Natura 2000' with 'European' to be consistent with changes made throughout the plan.</p> <p>With regards to the wording on anti-predator measures, this is taken from the Council's adopted supplementary guidance on Aquaculture. We shall consider change this particular wording when we commence the review and update of this guidance.</p>	<p>d) must also demonstrate that there will be no adverse effects on the integrity of a <del>Natura 2000</del> <b>European Site</b> or a proposed site.</p>
6	112		Map 35 – the use of similar colours for shellfish and finfish sites makes it difficult to judge which category some of the small sites belong to.	N	We consider that no change is necessary. The GIS layer will allow the user to zoom in on the map.	
6	115-116		At present the Plan covers seaweed cultivation but not wild seaweed harvesting. Small scale harvesting has occurred in Shetland in the past and there is potential for future exploitation of the resource. At present wild harvesting is unregulated but the Scottish Government is reviewing this at the moment and may introduce regulation in the future, so it might be worth adding a section to cover this in order to "future proof" the plan.	N	<p>We do not feel that it is necessary to mention harvesting at this moment if it is unregulated, and there is a risk that if we include this the policy would be out of date.</p> <p>We will review approaches to seaweed cultivation as part of the review to the Council's works licence supplementary guidance and take account of the most up to date guidance and advice, including from the Scottish Government's seaweed review steering group.</p>	

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6	118	<b>Policy MP OAG1: Oil and Gas Proposals</b> Exploration and extraction for oil and gas within 12-nautical miles of the coast will only be permitted where it is demonstrated that: a) the proposal complies with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site; c) an acceptable Emergency Response Plan in agreement with the appropriate consenting authority for any accidental release of oil or gas and related hazardous substances is provided; d) the proposal includes all elements such as connections to shore base and infrastructure; and e) an appropriate monitoring programme and detailed restoration and maintenance proposals are included.	Policy MP OAG1: Oil & Gas Proposals – we recommend an additional criterion to cover potential impacts of seismic surveys close in shore: <i>“the development will not cause significant harm to the safety or amenity of any sensitive receptors”</i>	Y	We do not agree that an amendment is necessary as we have a current policy in the SIRMP to cover the impacts of noise and vibration (Policy MP NOISE 1).	
6	119	There are a number of environmental risks and potential adverse impacts associated with oil and gas extraction. The most notable of these being the risk of oil spill, noise from exploration (e.g. seismic survey) and production, historical oil based cutting piles, and inputs of exploration and production chemicals. Dependent on the location, manner of installation and size of pipeline there are potential impacts from pipeline installation on seabed and coastal habitats. However, these impacts are generally localised, minor and short term relating to noise and disturbance impacts. A developer will be required to include a detailed monitoring programme and an acceptable Emergency Response Plan	Para.3 – Installing pipelines will have potential impacts regardless of size, location etc. rather it is their nature and severity that will depend on these variables. This sentence might be better worded: <i>“The impacts of a pipeline on seabed and coastal habitats will depend on its location, size and manner of installation.”</i>	N	We agree that the suggested change would be helpful.	We shall amend the third sentence in the second paragraph of the Justification section on Page 119 of the SIRMP to read:  “The impacts of pipeline installations on seabed and coastal habitats will depend on location, size and the manner of installation.”



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		due to the risk of accidental spills on wildlife. Sites within 12nm of the coast have little or no time to contain spills before they reach the shore.				
6	121	<p><b>Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</b></p> <p>Exploratory, appraisal or prototype energy proposals should demonstrate that:</p> <p>a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site;</p> <p>c) they include details of any associated infrastructure required to service the site including connections to the electricity grid if relevant;</p> <p>d) they have complied with all relevant terrestrial policies detailed in the Shetland Islands Council's Local Development Plan in relation to shore connections and connections to the National Grid; and</p> <p>e) they include an appropriate monitoring programme and detailed decommissioning proposals.</p>	<p>A number of policies in the Spatial Plan were worded such that developments would be looked on favourably if they met listed criteria. These have been amended in the draft Regional Marine Plan to require developments to demonstrate that they meet these criteria. This strengthens the policies, but sometimes results in convoluted and confusing wording. The requirement to demonstrate is relevant to some of the criteria but less so for the others so the policies could be made clearer (and stronger) by rewording them in the manner of the example below:</p> <p><i>"Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</i>  <i>Exploratory, appraisal or prototype energy proposals should demonstrate that must:</i></p> <p><i>a) they have complied comply with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</i></p> <p><i>b) demonstrate that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site;</i></p> <p><i>c) they include details of any associated infrastructure required to service the site including connections to the electricity grid if relevant;</i></p> <p><i>d) they have complied comply with all relevant terrestrial policies detailed in the Shetland Islands Council's Local Development Plan in relation to shore connections and connections to the National Grid; and</i></p> <p><i>e) they include an appropriate monitoring programme and detailed decommissioning proposals."</i></p> <p>Other policies that we consider could be improved in this way are MPA4, SPCON4, SWD1, OAG1, NRG1, NRG2, NRG3, EX1, SA1, CBP1 and DD1</p> <p>The requirement to demonstrate no adverse effects on Natura sites in several of these (and other) policies is somewhat at odds with the Habitat Regulations and Policy MP MPA1, both of which allow for the possibility of a development being approved if there are imperative reasons of overriding public interest. We suggest rewording this requirement along the lines of "...demonstrate either i) that there will be no adverse effects on the integrity of a designated or proposed Natura 2000 site or ii) that there are imperative reasons of overriding public interest for it to proceed."</p>	Y	<p>We agree that this policy should be amended and this was confirmed at the Advisory Group meeting in July 2020.</p> <p><b>*Please Note: It was also agreed to amend all of the policies referred to in this representation. Namely: MPA4, SPCON4, SWD1, OAG1, NRG1, NRG2, NRG3, EX1, SA1, CBP1 and DD1.</b></p> <p>Please refer to the 'SIRMP – Final Policy Changes' document, which sets out the final policies in the SIRMP.</p>	<p>We shall amend Policy MP NRG1 to read as follows:</p> <p><b>Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</b></p> <p>Exploratory, appraisal or prototype energy proposals should demonstrate that <b>must:</b></p> <p>a) <del>they have complied</del> <b>comply</b> with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) <b>demonstrate that</b> there will be no adverse effects on the integrity of a <del>Natura 2000</del> <b>European</b> site or a proposed site;</p> <p>c) <del>they</del> include details of any associated infrastructure required to service the site including connections to the electricity grid if relevant;</p> <p>d) <del>they have complied</del> <b>comply</b> with all relevant terrestrial policies detailed in the Shetland Islands Council's Local Development Plan in relation to shore connections and connections to the National Grid; and</p> <p>e) <del>they</del> include an appropriate monitoring programme and detailed decommissioning proposals.</p>
6	121	It is acknowledged that a significant level of exploratory work (including the building of prototypes) may be required to establish the optimum locations and long-term viability of energy projects. It would be beneficial to engage with Crown Estate Scotland,	Justification – In the second sentence we suggest <i>"It would be beneficial for developers to engage..."</i> We also suggest rewording the penultimate sentence <i>"Accordingly, permissions or licences for exploratory proposals will normally be granted on a temporary basis..."</i> to make it clear that the norm is for any consent to be temporary, rather than for all exploratory proposals to get consent (albeit temporarily).	N	We agree that the suggested changes are helpful.	<p>We shall amend the Justification section on pg 121 of the SIRMP to read as follows:</p> <p>The second sentence will be amended to read:</p> <p>It would be beneficial for developers to engage with Crown Estate Scotland, Marine Scotland,</p>

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		Marine Scotland, SNH, the Shetland Renewable Energy Forum (SERF), local industries, such as fishing and aquaculture, and the local community council at the early stages of the project design. Accordingly, temporary permissions or licences will normally be granted for exploratory proposals so that a proper assessment can be made of a particular site in terms of viability, cost effectiveness and impact on marine biodiversity. Trials of renewable energy devices (tidal) have been licensed in Bluemull Sound, Shetland.				<p>NatureScot, the Shetland Renewable Energy Forum (SERF), local industries, such as fishing and aquaculture, and the local community council at the early stages of the project design.”</p> <p>We shall reword the penultimate sentence to read:</p> <p>“Accordingly, permissions or licences for exploratory proposals will normally be granted on a temporary basis”.</p>
6	122	<p><b>Policy MP NRG3: Wind, Wave and Tidal Development Proposals</b></p> <p>Prior to submitting an application, developers should consult the Regional Locational Guidance for Wind, Wave and Tidal Energy in the Shetland Islands (RLG) which identifies potential constraints to development.</p> <p>Applications for the development of wind, wave and tidal devices should demonstrate that:</p> <p>a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1 and MP NRG2;</p> <p>b) they have shown due regard to development constraints by proposing devices and associated infrastructure in areas of low constraint as identified in the RLG;</p> <p>c) in areas of medium-very high constraint identified in the RLG, the development has incorporated adequate design and operational measures to the satisfaction of Marine Scotland and the local authority which avoid any potential adverse effects on Natura 2000</p>	In Policy MP NRG, we suggest rewording b) “...in areas of low constraint as identified in the RLG wherever possible” otherwise c) is irrelevant as developers would be prevented from considering other areas.	Y	<p>We agree that the suggested change is helpful. We shall amend the policy to take account of this by the text ‘wherever possible’. This was confirmed at the Advisory Group meeting in July 2020.</p> <p>It was also agreed to amend this policy to take account of NatureScot’s representation to Policy NRG1 which resulted in subsequent amendments to policies: MPA4, SPCON4, SWD1, OAG1, NRG1, NRG2, NRG3, EX1, SA1, CBP1 and DD1</p>	<p>We shall amend Policy MP NRG3: Wind, Wave and Tidal Development Proposals on page 122 of the SIRMP to read:</p> <p><b>Policy MP NRG3: Wind, Wave and Tidal Development Proposals</b></p> <p>Prior to submitting an application, developers should consult the Regional Locational Guidance for Wind, Wave and Tidal Energy in the Shetland Islands (RLG) which identifies potential constraints to development. Applications for the development of wind, wave and tidal devices <del>should demonstrate that:</del></p> <p>a) <b><i>comply</i></b> <del>they have complied</del> with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1 and MP NRG2;</p> <p>b) <del>they have shown</del> <b><i>show</i></b> due regard to development constraints by proposing devices and associated infrastructure in areas of low constraint as identified in the RLG, <b><i>wherever possible</i></b>;</p> <p>c) <b><i>demonstrate that</i></b> in areas of medium-very high constraint identified in the RLG, the development has incorporated adequate design and operational measures to the satisfaction of Marine Scotland and the local authority which avoid any potential adverse effects on European sites, any adverse effects on other important (natural and historic) sites, features and other sea users.</p>

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		sites, any adverse effects on other important (natural and historic) sites, features and other sea users. d) where commercial scale offshore wind and renewable energy development are proposed they are within areas identified through the Sectoral Marine Plan process.				d) <b>demonstrate that</b> where commercial scale offshore wind and renewable energy development are proposed they are within areas identified through the Sectoral Marine Plan process.
6	129	<b>Policy MP EX1: Extraction of Sand, Gravel and Shingle</b> Proposals for the extraction of sand, gravel or shingle from beaches and dunes and below the Mean High Water Spring (MHWS), including coastal quarrying, should demonstrate that: a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site; c) a description of the alternatives that have been considered is provided. This should include: i. alternative sources (both within and outside Shetland – bearing in mind the most sustainable option may actually be sourced material from outside Shetland); ii) alternative materials such as recyclate or secondary aggregate; iii) using dredged material; and iv) doing nothing. d) they have detailed how sand/gravel extraction is an essential part of the proposed project; e) they have provided details of all works (including ancillary equipment, storage, access, use of vehicles etc.); and f) where an Environmental Impact Assessment (EIA) is required for the proposed dredging operation, it includes an assessment of physical	Policy MP EX1 – as well as describing the alternatives that have been considered, any proposal should provide reasons why these alternatives are not appropriate. In para.1 of the justification, we presume that “ <i>substrata</i> ” should be “ <i>substrate</i> ”. In para.2, it is changes in sediment supply and beach profile, rather than beach composition that has knock-on effects.	Y	We agree that the suggested change is helpful. This policy was amended at the Advisory Group meeting in July 2020 to take account of this representation and also a representation made by Crown Estate Scotland, which resulted in a change to the justification section of the policy.	The Policy shall be amended to read as follows:  <b>Policy MP EX1: Extraction of Sand, Gravel and Shingle</b> Proposals for the extraction of sand, gravel or shingle from beaches and dunes and below the Mean High Water Spring (MHWS), including coastal quarrying, <del>should</del> <b>must</b> : a) <del>they have complied</del> <b>comply</b> with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) <b>demonstrate that</b> there will be no adverse effects on the integrity of a European site or a proposed site; c) <b>provide</b> a description of the alternatives that have been considered <del>is provided and justification for rejecting them. This-These</del> should include: i) alternative sources (both within and outside Shetland - bearing in mind the most sustainable option may actually be sourced material from outside Shetland); ii) alternative materials such as recyclate or secondary aggregate; iii) using dredged material; and iv) doing nothing. d) <del>they have detailed</del> <b>detail</b> how sand/gravel extraction is an essential part of the proposed project; e) <del>they have provided</del> <b>provide</b> details of all works (including ancillary equipment, storage, access, use of vehicles etc.); and f) <b>demonstrate that</b> where an Environmental Impact Assessment (EIA) is required for the proposed dredging operation, it includes an assessment of physical effects of the operation and its implications for coastal erosion.

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		effects of the operation and its implications for coastal erosion.				Shore development proposals are encouraged where activity already exists. The mooring of individual boats is encouraged at designated marinas and ports.
6	134	<p><b>Policy MP SA1: Shore Access and Moorings</b></p> <p>Shore access developments and proposals for moorings should demonstrate that:</p> <p>a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site;</p> <p>c) they have detailed the level of impact of construction and increased access and traffic both on land and at sea and mitigation measures required to ensure the development is acceptable;</p> <p>d) there is need for their facility to have moorings;</p> <p>e) they have clearly demonstrated the implications for existing users and planned future use; and</p> <p>f) they can adequately show there will not be an increase in the likelihood of erosion or tidal inundation.</p> <p>Shore development proposals are encouraged where activity already exists. The mooring of individual boats is encouraged at designated marinas and ports.</p>	<p>Policy MP SA1 should read “... <i>there will not be an increase in the likelihood of erosion or tidal inundation as a result of the development.</i>” – increased erosion and tidal inundation are inevitable consequences of sea level rise, so the policy would otherwise rule out any development. The source of the figures for sea level rise in the final paragraph is almost thirty years old. More recent estimates should be available from SEPA.</p>	Y	<p>We agree that the suggested change is helpful.</p> <p>This change was discussed at the Advisory Group meeting in July 2020 and the wording opposite was agreed to reflect comments in this representation and Crown Estate Scotland’s representation.</p>	<p>We shall amend the policy to read as follows:</p> <p><b>Policy MP SA1: Shore Access and Moorings</b></p> <p>Shore access developments and proposals for moorings must:</p> <p>a) comply with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) demonstrate that there will be no adverse effects on the integrity of a European site or a proposed site;</p> <p>c) describe the level of impact of construction and increased access and traffic both on land and at sea and mitigation measures required to ensure the development is acceptable;</p> <p>d) demonstrate that there is need for their facility to have moorings;</p> <p>e) clearly demonstrate the implications for existing users and planned future use; and</p> <p>f) show there will not be an increase in the likelihood of erosion or tidal inundation.</p> <p>Shore development proposals are encouraged in locations where activity already exists. The mooring of individual boats is encouraged at designated marinas and ports.</p> <p>The third paragraph of the justification section of this policy will be changed to read as follows:</p> <p>Proposals should consider the potential impacts of climate change. Globally, it is likely that sea levels will rise over the next hundred years, and that storms will become more severe. It is estimated that sea level rise in Shetland will be 1.02m by 2100 based on the outputs from UK Climate Projections 2018 (UKCP18)<sup>34</sup>. In addition storm surges of 1.5 metres have already been recorded.</p> <p>The reference to <sup>34</sup> will be changed in the plan from:</p>

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						34 Lambeck, K (1991) Glacial rebound and sea level rise in the British Isles. Terra Nova 3 379-389.  To:  <a href="#">34 UK Climate Change Projections 2018 (UKCP18).</a>
6	138	<b>Policy MP MO1: Commercial Moorings</b> Proposals for commercial mooring structures or the licence renewal of existing structures will only be permitted where: a) they comply with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site; c) the need has been demonstrated; d) no other practical alternatives exist; e) other users have been taken into account; and f) the appropriate regulatory body has been consulted e.g. mooring within a Natura 2000 site requires contact with SNH.	Policy MP MO1, f) implies that SNH is a regulatory body for Natura 2000 sites whereas its role is advisory.	Y	We agree that this change is helpful and will amend the SIRMP accordingly.  The final wording for this policy was agreed at the Advisory Group meeting in July 2020.	We shall change the text in section f) of Policy MP M01 on page 138 to read:  “f) the appropriate regulatory or advisory body has been consulted e.g. mooring within a European site requires contact with NatureScot.”
6	139	The Coast Protection Act 1949 and the Flood Risk Management (Scotland) Act 2009 allow local authorities (identified as Coast Protection Authorities in the 1949 Act) to promote appropriate schemes on land not in their ownership when the need for coast protection works or flood protection works (for non-agricultural land) is deemed necessary in the wider public interest.	Para.3 – “ <i>the need for</i> ” should be deleted from the third line.	N	We agree that this change is helpful and will amend the SIRMP accordingly.	We shall remove the text: “the need for” in the third paragraph of the Justification section on page 139 of the SIRMP.
6	139	In accordance with the LDP, proposals to build below the 5m contour (5m above Ordnance Datum, Newlyn) or in other areas shown to be at risk of flooding or coastal erosion, will not be permitted unless a suitable flood risk assessment is submitted with the licence application. It is therefore	Final para.– we suggest rewording “ <i>...proposals to build below the 5m contour ... will not be permitted unless a flood risk assessment submitted with the licence application shows an acceptable level of risk.</i> ”	N	We agree that this change is helpful and will amend the SIRMP accordingly.	We shall amend the final paragraph of the Justification section on page 139 of the SIRMP to read:  “In accordance with the LDP, proposals to build below the 5m contour (5m above Ordnance Datum, Newlyn) or in other areas shown to be at risk of flooding or coastal erosion, will not be

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		strongly advised that any developer considering proposals to develop within the coastal zone has regard to the LDP and, in particular, the policies on flooding avoidance and the accompanying Supplementary Guidance Water and Drainage.				permitted unless they are accompanied by a suitable flood risk assessment. This must demonstrate that the development does not create a flood risk to existing or proposed properties and/ or surrounding land and that acceptable mitigation measures can be undertaken.
6	140	<p><b>Policy MP CD2: Coastal Defence Demolition</b></p> <p>Permission for the demolition of coastal defence materials will only be granted when it can be demonstrated that there are no adverse impacts for the environment, landscape or land use. All proposals should:</p> <p>a) comply with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; and</p> <p>b) have no adverse effects on the integrity of a Natura 2000 site or a proposed site;</p> <p>In addition, when considering the demolition of coastal defence structures, the following should be taken account of:</p> <p>c) historic value of the structure in its surroundings;</p> <p>d) potential to re-use the material;</p> <p>e) implications for reinstatement; and</p> <p>f) value to species and habitats, such as providing a substrate for an important rocky shore habitat, or shelter for European otters.</p> <p><b>Justification</b></p> <p>As a result of cliff and beach erosion the shoreline of Shetland is naturally receding. Indeed, there would be no beaches if erosion were not to occur. Many of the defences against erosion or flooding have traditionally been ‘hard engineering’ works. Hard coastal defence works include dykes and groynes, rock armour, seawalls and gabions. However, these are initially expensive and utilise large quantities of raw materials for concrete.</p>	<p>We suggest that the first line should read “...demolition of coastal defences ...” rather than “...demolition of coastal defence materials ...”</p> <p>The justification should begin “As a result of cliff and beach erosion and post-glacial relative sea level rise the shoreline of Shetland is naturally receding.”</p> <p>In the second paragraph it would be more accurate to say that dune fencing traps wind-blown sand where it is required.</p> <p>In the final paragraph, if an EIA is carried out this would be one of the legal requirements of the EIA regulations, not subsequent to meeting those requirements. Flood and coast protection plans, policies and proposals will only be supported where they take account of wider marine interests.</p>	Y	<p>We agree that these changes are helpful and will amend the SIRMP accordingly.</p> <p>The final wording for this policy was agreed at the Advisory Group meeting in July 2020, to take account of other representations. Please refer to the Final Policy Changes Document.</p>	<p>We shall amend Policy MP CD2 as follows:</p> <ul style="list-style-type: none"> <li>The first paragraph of the policy will be changed to read:</li> </ul> <p>Permission for the demolition of coastal defences will only be granted when it can be demonstrated that there are no adverse impacts for the environment, landscape or land use.</p> <ul style="list-style-type: none"> <li>We shall amend the first paragraph of the Justification section to read:</li> </ul> <p>“As a result of cliff and beach erosion and post-glacial relative sea level rise the shoreline of Shetland is naturally receding.”</p> <ul style="list-style-type: none"> <li>We shall amend the second paragraph to say:</li> </ul> <p>Soft coastal defence works include beach nourishment and beach re-enforcement by dune fencing, recharging, planting Marram grass, etc. Unofficial attempts at ‘soft’ defences (such as beach re-enforcement by means of nets over dunes) are now discouraged, with a focus currently being placed on using methods such as dune fencing to trap wind-blown sand, where required.</p> <ul style="list-style-type: none"> <li>We shall amend the final paragraph to say:</li> </ul> <p>“The installation of flood defences should consider the needs of public health and safety as well as the wider implications of the work and the potential environmental effects. Coastal defence works will need to meet the legal requirements under the Marine Works (EIA) Scotland Regulations 2017, and may require an Environmental Impact Assessment (EIA) to assess the impacts of the proposed works. Flood and</p>

Comment number	pg. no.	Current Policy Text	Suggested Changes and Comments	Policy Change Sought Y/N?	SIMPP Comments and Observations	Amendment to SIRMP?
		<p>Soft coastal defence works include beach nourishment and beach re-enforcement by dune fencing, recharging, planting Marram grass, etc. Unofficial attempts at ‘soft’ defences (such as beach re-enforcement by means of nets over dunes) are now discouraged, with a focus currently being placed on using methods such as dune fencing to direct wind deposited sand where required.</p> <p>Shetland Islands Council have created a Local Flood Risk Management Plan for Shetland as required by the Flood Risk Management (Scotland) Act 2009. The plans detail coastal areas which are prone to coastal flooding, as well as areas subject to erosion. The installation of flood defences should consider the needs of public health and safety as well as the wider implications of the work and the potential environmental effects. Coastal defence works will need to meet the legal requirements under the Marine Works (EIA) Scotland Regulations 2017, and subsequently may require an Environmental Impact Assessment (EIA) to assess the impacts of the proposed works. Flood and coast protection plans, policies and proposals will only be supported where they account for wider marine interests.</p>				coast protection plans, policies and proposals will only be supported where they take account of wider marine interests.”
6	142	<p>The importance of international trade through Shetland’s ports is also important for sustaining modern island living, in terms of distribution of raw materials such as coal, timber and oil, as well as other goods not available naturally or locally on the Islands.</p>	<p>Para.2 – Delete “<i>The importance of</i>” at the beginning of the final sentence.</p> <p>The final sentence could be taken to mean that port and harbour developments are in line with sustainable development. We suggest it be reworded “<i>...and will be assessed against sustainable development principles.</i>”</p>	N	<p>We agree that these amendment is reasonable and will amend the Plan accordingly.</p>	<p>On page 142 of the SIRMP we shall amend the final sentence of the second paragraph to read:</p> <p>“International trade through Shetland’s ports is also important for sustaining modern island living, in terms of distribution of raw materials such as coal, timber and oil, as well as other goods not available naturally or locally on the Islands.</p> <p>We shall also amend the final paragraph to read:</p>

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						“These impacts will be taken into consideration for any port or harbour development and will be assessed against sustainable development principles”.
6	143	Port development may also result in an increase in shipping to that area. When considering any potential increase in shipping activity, decision-makers should ensure that the socio-economic benefits and environmental impacts are taken into account, and that impacts are considered in line with sustainable development principles.	Penultimate para. – in the same vein, the final sentence should be reworded “... <i>impacts will be assessed against sustainable development principles.</i> ”	N	This point has been covered in the above response, and we have amended the Plan accordingly.	
6	145	The removal and disposal of marine dredged material at sea requires a marine licence under the Marine (Scotland) Act, 2010. Shetland Islands Council can permit dredging under the Zetland County Council Act 1974 by issuing a dredging licence in all areas except Lerwick Harbour area which is under the jurisdiction of the Lerwick Port Authority.	Para.2 – It should be made clear that dredging and disposal require a licence from SIC or, within Lerwick Harbour, Lerwick Port Authority in addition to a marine licence. As currently written this paragraph could be taken to mean that SIC licence overrides the need for a marine licence.	N	We agree that this change would provide better clarity on the arrangements in the Lerwick Port Authority area	We shall amend in paragraph 2 of pg 145 to read:  “The removal and disposal of marine dredged material at sea requires a marine licence under the Marine (Scotland) Act, 2010. Shetland Islands Council can permit dredging under the Zetland County Council Act 1974 by issuing a dredging licence in all areas except Lerwick Harbour area. In the Lerwick Harbour Area consent for dredging and disposal will require a works licence from the Lerwick Port Authority”.
6	146	Most of the voes in Shetland which are used by large vessels are deep, and therefore have never required dredging operations. However, dredging has occurred in Lerwick and Scalloway Harbours, as indicated on Map 46.	Para.1 and Map 46 – Toft and Ulsta ferry terminals have also been dredged.	N	This was maintenance dredging undertaken by the Council, not requiring a licence. We therefore feel that this type of dredging (maintenance) is not required to be shown on the maps.	
7 HES	88	<b>Policy MP HIS2: Safeguarding Nationally Important Heritage Assets</b> Development which results in substantial loss or harm to a scheduled monument or the integrity of its setting should not be permitted unless it can be demonstrated that the harm or loss is necessary in order to deliver social, economic or	<b>Policy MP HIS2: Safeguarding Nationally Important Heritage Assets</b> In order to align more closely with Scottish Planning Policy and the equivalent policy within the Shetland Islands Local Development Plan, we recommend that the wording of the first paragraph is amended to read as follows:  <i>Development which results in substantial loss or harm to a scheduled monument or the integrity of its setting should not be permitted unless there are exceptional circumstances.</i>	Y	We agree that these changes are helpful and will amend the plan accordingly.  The first paragraph of Policy MP HIS2 on page 88 of the SIRMP will be amended to read as follows:	Policy HIS2 will be amended to read as follows:  <b>Policy MP HIS2: Safeguarding Nationally Important Heritage Assets</b> Development which results in substantial loss or harm to a scheduled monument or the integrity of its setting should not be permitted unless <b><i>there are exceptional circumstances.</i></b> <del>it can be demonstrated that the harm or loss is necessary in order to deliver social, economic or</del>



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		<p>environmental benefits that outweigh the harm or loss.</p> <p>Where the loss of the whole or a material part of a heritage asset's significance is deemed justifiable, suitable mitigating actions will be required to be undertaken by the developer in agreement with the relevant regulator and advisors (e.g. the Regional Archaeology Service) to record and advance understanding of the significance of the heritage asset before it is lost.</p> <p>Scheduled monuments are an important, finite and non-renewable resource and should be protected and preserved in situ wherever feasible. Where preservation in situ is not possible consenting authorities will, through the use of conditions or a legal agreement, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. All requirements should be based on advice from the relevant regulator and advisors.</p>	<p>The first two sentences of the third paragraph could be omitted as they relate to direct works to Scheduled Monuments only. Such works are subject to scheduled monument consent. Historic Environment Scotland is the regulator for scheduled monument consent. Our decision making is directed by the Historic Environment Policy for Scotland and our Scheduled Monument Consents Policy.</p>		<p>"Development which results in substantial loss or harm to a scheduled monument or the integrity of its setting should not be permitted unless there are exceptional circumstances".</p> <p>The above changes were confirmed at the Advisory Group Meeting in July 2020.</p>	<p><del>environmental benefits that outweigh the harm or loss.</del></p> <p>Where the loss of the whole or a material part of a heritage asset's significance is deemed justifiable, suitable mitigating actions will be required to be undertaken by the developer in agreement with the relevant regulator and advisors (e.g. the Regional Archaeology Service) to record and advance understanding of the significance of the heritage asset before it is lost. <del>Scheduled monuments are an important, finite and non-renewable resource and should be protected and preserved in situ wherever feasible. Where preservation in situ is not possible consenting authorities will, through the use of conditions or a legal agreement, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development.</del> If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. All requirements should be based on advice from the relevant regulator and advisors.</p>
7	88-89		<p><b>Designation of wrecks and Historic Marine Protected Areas</b></p> <p>Under Section 67 of the Marine (Scotland) Act 2010 (the 2010 Act), Scottish Ministers may designate Historic Marine Protected Areas (Historic MPAs) to protect marine historic assets of national importance within Scottish territorial waters. This designation, designed to align with Scotland's marine planning system, replaced use of section 1 of the Protection of Wrecks Act 1973 in Scotland.</p> <p>Historic Environment Scotland advises Scottish Ministers (Marine Scotland) on Historic Marine Protected Area designation and regulation and will consult planning authorities on Historic MPA designation proposals within their area. Once designated, planning authorities must take account of Historic MPAs in exercising their functions and take advice from Historic Environment Scotland. This duty covers functions such as the preparation of development plans or consideration of</p>	N	<p>These are general comments on Historic Marine Protected Areas.</p> <p>We already have hyperlinks to HES's role in relation to Historic MPAs in the further information section of the related policies of the plan.</p>	

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			<p>planning applications for works that are capable of significantly affecting the preservation objectives for a Historic MPA.</p> <p>More information about Historic Environment Scotland's role in relation to Historic MPAs can be found here:  <a href="https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/marine-heritage">https://www.historicenvironment.scot/advice-and-support/listing-scheduling-and-designations/marine-heritage</a></p> <p>The National Register of Historic Vessels (NRHV) provides an overview of the UK's surviving historic vessels. Military maritime graves of individual wrecked vessels and all crashed military aircraft are designated under the Protection of Military Remains Act 1986, which is administered by the Ministry of Defence.</p>			
7	89		<p>Developers should also have regard to the Historic Environment Policy for Scotland (HEPS) (<a href="https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/historic-environment-policy-for-scotland-heps/">https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/historic-environment-policy-for-scotland-heps/</a>)</p>	N	<p>We agree that this inclusion would be helpful.</p> <p>We shall include this in the further information section on pg90 along with a hyperlink to the HEPS Policy.</p>	<p>Amend further information section on pg 90 of the SIRMP to include:</p> <p><a href="#">Historic Environment Policy for Scotland (HEPS)</a></p>
7			<p>The policy framework of the Shetland Islands Regional Marine Plan (SIRMP) will be in line with Scotland's National Marine Plan (2015) (NMP)1 and will be used to assess marine development applications for marine licences, works licences and marine planning permission and act as guide in the planning of marine developments, activities and management decisions. We are happy with the assessment made of the issues within our remit and we are satisfied with the mitigation proposed.</p> <p>As the Shetland Islands Regional Marine Plan (SIRMP) is finalised, Shetland Islands Marine Planning Partnership as Responsible Authority, will be required to take account of the findings of the Environmental Report and of views expressed upon it during this consultation period. As soon as reasonably practical after the adoption of the plan, the Responsible Authority should publish a statement setting out how this has occurred. We normally expect this to be in the form of an "SEA Statement" similar to that advocated in the <a href="#">Scottish Government SEA Guidance</a>. A copy of the SEA statement should be sent to the Consultation Authorities via the Scottish Government SEA Gateway on publication.</p>	N	<p>No changes are being sought.</p> <p>These comments are related to the SEA process, and publication of a SEA Statement following adoption of the Plan.</p>	
8 LINK	20-39 40-98		<p>LINK members support the policies in the Healthy and Diverse section and support the policy framework by which developers must meet the requirements of the 'Healthy and Diverse' and 'Clean and Safe' policies before considering the Productive policies. This approach to prioritising the health of the marine environment should be considered as the minimum standard for any plan and that other Regional Marine Plans should be structured in the same or an equivalent way.</p>	N	<p>No changes are sought.</p> <p>These are general and supportive comments.</p>	

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8	44, 48, 49, 53, 54, 58, 78, 79, 82		LINK members would like to urge caution under Policies MP MPA1, MPA2, MP MPA4, MP COAST1, MP COAST2, MP SPCON4, MP BIOD1, MP GEOD1 and MP VIS1 where there are caveats of being “no reasonable alternative”, “no...less ecologically damaging location”, “the benefit to the public outweighs the risk of damage to the environment and there are no alternative solutions”, “the reasons for the development clearly outweigh the value of the feature by virtue of social or economic benefits of national importance” or similar, which must be judged very carefully and to the highest standard in order to avoid mis-application of the policies. Conservation measures should be informed by best available science, and it is not always appropriate or possible for biodiversity and ecosystem services to be traded off against social and economic considerations, particularly in the absence of effective means of estimating indirect and non-use values to marine biodiversity and the ecosystem services they support. Scotland’s Marine Atlas recognised that the valuation of marine ecosystems goods and services is in its infancy ( <a href="https://www2.gov.scot/Resource/Doc/345830/0115121.pdf">https://www2.gov.scot/Resource/Doc/345830/0115121.pdf</a> ) and a non-precautionary interpretation of over-riding public interest in the context of an inadequate assessment of the possible benefits of not disturbing natural heritage risks poor decision-making.	N	<p>These points are noted. Whilst no changes are sought, we note that the respondent urges caution on how the policies are used and applied in the SIRMP.</p> <p>We consider that the policies in their current form are appropriate. Caveats are included where necessary and required, for example as is the case with Natura Sites.</p> <p>Additionally, planning and works licence decisions will be taken in line with the relevant policies of the SIRMP, the National Marine Plan and also take account of material considerations where these apply.</p>	
8			LINK members acknowledge the current global context of twin climate and biodiversity emergencies, which have been recognised by the Scottish Government. Recent publications (e.g. IPCC Ocean and Cryosphere 2019 report) have also highlighted the potential for the marine environment to contribute significantly to mitigating the impact of climate change, including the restoration and recovery of ‘blue carbon’ habitats (of which Scotland has significant reserves). Given the declaration of the climate emergency by the Scottish Government, LINK members consider that it should also be recognised within the SIRMP and some additional details on blue carbon habitats, their protection and recovery could be included within the text.	N	We agree that additional links to blue-carbon habitats can be added, whilst noting that this is already included within policy.	We shall update the Further Information links to include additional information.
8			LINK members would be keen to see further details in the Plan as to how developers are encouraged to consider environmental protection and enhancement as part of their activity, including the restoration of Priority Marine Features and other seabed habitats. This could also be reflected in the Sustainability Appraisal (e.g. p69).	N	<p>We consider no change is required to the SIRMP.</p> <p>It would be more appropriate to consider the points raised for inclusion during our forthcoming review of the Council’s guidance on Aquaculture and Works Licences. Any guidance we provide would need to be based on national policy and guidance.</p>	

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8	42, 44, 58		LINK members support the linkage of the SIRMP to the National Marine Plan's General Policy 9b (p42) and note the recent update to SNH advice on maerl, which makes clear that any damage to maerl should be considered as a significant impact on its national status. This should also be referenced in the Plan for clarity to developers. This advice also applies under the MPA (p44) and SPCON (p58) policies. Following on from this, LINK members are cautious about the use of the word 'minimise' in terms of potential impacts on the environment, as this implies a certain level of impact is acceptable (for example Policy MPA4). For example, in the context of the updated advice on maerl from SNH, any level of environmental impact is not acceptable.	N	No change is considered necessary.  NatureScot advice refers to maerl beds only, not to maerl. Therefore, we don't agree with this interpretation.	
8	70		Under the seal conservation section (p70), LINK members do not support the licencing of shooting seals for fish farms or for wild capture fisheries. LINK members consider it also important that the recent changes to the US Marine Mammal Protection Act, which prevents the import of harvested and farmed products from countries that issue seal shooting licences and is expected to be fully effective from 2022, are taken into consideration. It is the view of LINK members that non-lethal and non-disturbing (for non-target species, e.g. harbour porpoise) methods of deterring predators should be permitted under the Plan.	N	The supporting text on pg70 explains the circumstances in which Marine Scotland, on behalf of Scottish Ministers, may grant a licence (a 'seal licence').  We have updated to reflect the recent change in legislation.	We shall amend the Section 'Conservation of Seals and 'Seal licences' on pg70 of the SIRMP to take account of the recent (February 2021) changes to Part 6 of the Marine (Scotland) Act 2010. We shall therefore remove the following:  <ul style="list-style-type: none"> <li>To protect the health and welfare of farmed fish;</li> <li>To prevent serious damage to fisheries or fish farms;</li> </ul> The section will now read:  <b>Conservation of Seals and 'Seal licences'</b>  In accordance with the Marine (Scotland) Act 2010, it is an offence to kill, injure or take a live seal (intentionally or recklessly) at any time of year except to alleviate suffering or where a licence has been issued to do so by Scottish Ministers. Marine Scotland, on behalf of Scottish Ministers may grant a licence (a 'seal licence') authorising the killing or taking of seals under certain circumstances including: <ul style="list-style-type: none"> <li>For scientific, research or educational purposes;</li> <li>To conserve natural habitats;</li> <li>To conserve seals or other wild animals (including wild birds) or wild plants;</li> <li>In connection with the introduction of seals, other wild animals (including wild birds) or wild plants to particular areas;</li> <li>To protect a zoological or botanical collection;</li> <li>To protect the health and welfare of farmed fish;</li> <li>To prevent serious damage to fisheries or fish farms;</li> </ul>

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						<ul style="list-style-type: none"> <li>• To prevent the spread of disease among seals or other animals (including birds) or plants;</li> <li>• To preserve public health or public safety; or</li> <li>• For other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment</li> </ul>
8	78	<p><b>Policy MP BIOD1: Furthering the Conservation of Biodiversity</b></p> <p>Development and use of the marine environment will be considered against public bodies' obligation to further the conservation of biodiversity and the ecosystem services it delivers. Development and use of the marine environment must protect, and where appropriate enhance the health of the Shetland marine area. The extent of these measures should be relevant and proportionate to the scale of the development.</p> <p>Proposals for development that would have a significant adverse effect on habitats or species identified in the PMF list, Shetland Local Biodiversity Action Plan, Scottish Biodiversity List, Annexes I and II of the Habitats Directive, Annex I of the Birds Directive (if not included in Schedule 1 of the Wildlife and Countryside Act) or on the ecosystem services of biodiversity, including any cumulative impact, will only be permitted where it has been demonstrated by the developer that:</p> <p>a) The development will have benefits of overriding public interest including those of a social or economic nature that outweigh the local, national or international contribution of the affected area in terms of habitat or populations of species; and</p> <p>b) Any harm or disturbance to the ecosystem services, continuity and integrity of the habitats or species is</p>	LINK members suggest that under policy BIOD1 (p78) mitigation could also be enabled by developers contributing to conservation finance schemes to support research, protection and enhancement of biodiversity, where appropriate. It would also be helpful to provide more detail on what is considered an 'acceptable level of impact' under this policy.	Y	<p>We do not consider that it is necessary or appropriate to amend this policy for the following reasons:</p> <p>Contributing to conservation finance schemes would in effect be a developer contribution through a planning obligation and the suggested approach is unlikely to meet the tests for planning obligations under Planning Circular 3/2012. Developer contributions is not something Shetland Islands Council have sought in the past. We will however consider whether this would be appropriate and achievable when we review our supplementary guidance on aquaculture and works licensing and also our Local Development Plan (LDP2).</p> <p>With regards to the second point raised, it is not possible to give examples of what an acceptable level may be, as this would too wide ranging. Acceptable levels of impact will be considered when assessing the proposal, alongside the type and nature of development, the information provided, impacts and the views and of</p>	

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		avoided, or reduced to acceptable levels by mitigation. Developers should consider impacts on areas which are important to all aspects of a species life cycle including locations used for breeding, nesting, resting, foraging and seasonal use, including over-wintering.			consultees and representations.	
8	94	<b>Policy MP REC1: Safeguarding Marine Recreation</b> Developments that are likely to result in the reduction or loss of a marine recreational amenity will only be considered where it can be demonstrated that the proposal is necessary in order to deliver social, economic or environmental benefits that outweigh the reduction or loss. Developments should ensure that continued access rights to the marine and coastal resource for recreational use is maintained where reasonable and practical. Developments should not affect the physical infrastructure which underpins a recreational activity, any impacts should be appropriately mitigated. Opportunities for co-existence should be maximised wherever possible.	Policy MP REC1 (p94) should be caveated to state that opportunities for recreation will be maximised provided there is no impact on wildlife and codes of good practice for recreational activities taking place near wildlife are adhered to.	Y	We consider that no change is required as policy MP REC1 seeks to safeguard marine recreation, not control the potential effects of marine recreation.	
<b>9 Seafood Shetland</b>	108	Shellfish cultivation is dominated by mussel farming, with Shetland producing over 80% of Scotland's farmed mussels in 2017, supporting 69 full time and 39 part time/casual jobs.	You can update the mussel statistics to say: ....., with Shetland producing over 75% of Scotland's farmed mussels in 2018, supporting 59 full-time and 38 part-time/casual jobs. - Marine Scotland Science Scottish Shellfish Farm Production Survey 2018.	N	We agree that making this change would be helpful.  We note that more recent figures are now available and shall update accordingly to 2019.	We shall update the text in the final sentence of the 1 <sup>st</sup> paragraph of pg 108 of the SIRMP to read:  Shellfish cultivation is dominated by mussel farming, with Shetland producing over 79% of Scotland's farmed mussels in 2019, supporting 58 full-time and 31 part-time/casual jobs.  We will update footnote 31 to read:  "Marine Scotland Science Scottish Shellfish Farm Production Survey 2019."

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9	117		We question the identification of the seaweed sites. The site at Sandsound is now converted to mussels and the other noted site is not in production, we consider. You could check these points with the planners.	N	The site at Sandsound (to the north on Map 38) is now a mussel growing site following a variation to the works licence.  The licence for at Clift Sound (to the south) is still live.	We shall remove the Sandsound site from Map 38 of the SIRMP.
10 SSMO	57-59		Wheelhouse Cards should be added in somewhere in the Species Conservation section	N	We agree that this change would be helpful.	Reference to Wheelhouse Cards shall be added to page 105 of the SIRMP.
10	101		SSMO should be included in the list of Further Info	N	We agree that this change would be helpful.	We shall amend the Further Info section of page 101 to include text and a hyperlink to the SSMO to read:  <a href="#">Shetland Shellfish Management Organisation (SSMO)</a>
11 Shetland Islands Council Development Plans Team			<p>The Development Plans Team raises no points of concern in respect of this consultation on the Draft Shetland Islands Regional Marine Plan 2019 and regarding terrestrial planning the document does not appear to raise any issues.</p> <p>It is noted that the Local Development Plan (LDP) and relevant Supplementary Guidance is referred to in instances where these policy documents interrelate with content of the draft Shetland Islands Regional Marine Plan. There is reference to LDP Policy CST1 in several instances throughout the document, along with Supplementary Guidance (in particular the Supplementary Guidance document relating to Aquaculture, relating to policies MP AQ1: Aquaculture and MP AQ3: Aquaculture Development Management Plans in the SIRMP).</p> <p>The summary of the national and local planning context detailed on pages 8 and 9 identifies the primary considerations in respect of the Local Development Plan, Supplementary Guidance and Marine Planning documents. In addition to these considerations, the Development Plans Team would note the introduction of the Planning (Scotland) Act 2019, which gained Royal Assent in July 2019. Within which, there is the removal of mention of Supplementary Guidance in legislation and therefore removing their status as statutory documents. It is expected that secondary legislation and revision of national policy following the introduction of the Act will clarify the role expected of Supplementary Guidance documents in the future and at present the change in legislation does not have an impact on the effective function of Supplementary Guidance.</p> <p>Scottish Planning Policy also contains relevant national policy to content of the SIRMP.</p> <p>This policy document is referred to in discussion of the Vision, Aim and Objectives of the SIRMP (page 6) and in outlining how planning applications for Aquaculture development have to take into consideration both national policy and the LDP.</p>	N	<p>No changes are sought and these comments are noted.</p> <p>With regards to the status of Supplementary Guidance, we intend to commence the review of our aquaculture and works licence Supplementary Guidance later in 2021. Given the changes in the Planning Act 2019, we intend to adopt this in the future as non-statutory planning guidance.</p> <p>We shall also liaise closely with the Council's Development Plans Team when they prepare LDP2, including the review of policies in the plan.</p>	

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12 Sea Kayak Shetland			<p>I wish to raise a few points for consideration which would have an overall beneficial effect .</p> <p>Fishing I have like many Shetlanders worked and been involved in this sector. Clearly Seine net fishing is much less harmful to the sea bed, results in better quality of fish landed and should be the preferred / approved method used instead of trawling.</p> <p>Newly spawned fish should be protected . This is an important step in conservation linked to the non fishing of sandeel and immature fish. (People involved in the fishing industry routinely avoid eating such fish why should we tarnish our reputation for quality by not addressing the issue, and expecting our customers to eat very poor quality fish.)</p> <p>The pressures on inshore fishing waters over the past 30 years has drastically reduced the selection and number of fish available for the angler. This is a concerning indicator of the health of inshore waters reflected in the reduction of wildlife over that term.</p>	N	<p>These comments are noted.</p> <p>No changes are sought to the SIRMP.</p>	
13 – Shetland Islands Council Planning Engineer			<p><b>Infrastructure and Services- Coastal Defence</b></p> <p>Primary responsibility to protect land lies with the landowner who may undertake flood prevention works, or coast protection works, with the written consent of the Coast Protection Authority (which is Shetland Islands Council).</p> <p>The nature and scale of the works may mean that planning permission, a works licence, a marine licence or a combination of these is required.</p> <p>Requirements of any coastal works should be carried out in line with the UK Marine Policy Statement and Scottish Planning Policy. Both policies stipulate that all activities and developments must be resilient to risks of coastal change and flooding, and will not have an unacceptable impact on coastal change. Inappropriate development should be avoided in areas of highest vulnerability to coastal change and flooding.</p> <p>The Coast Protection Act 1949 and the Flood Risk Management (Scotland) Act 2009 allow local authorities (identified as Coast Protection Authorities in the 1949 Act) to promote appropriate schemes on land not in their ownership when the need for coast protection works or flood protection works (for non-agricultural land) is deemed necessary in the wider public interest. Such schemes require ministerial approval regardless of size. Coast Protection Authorities are permitted to undertake maintenance and emergency work under the terms of the 1949 Act and certain public bodies are expected to take a proactive role in managing and, where achievable, lowering overall flood risk. Local Authorities have powers as the Coast Protection Authority to carry out emergency coastal defence works and are exempted from the need for consent to carry out emergency operations on a SSSI.</p> <p>The UK Climate Impacts Programme (UKCIP) (suggested link – <a href="https://www.metoffice.gov.uk/research/approach/collaboration/ukcp/index">https://www.metoffice.gov.uk/research/approach/collaboration/ukcp/index</a> ) provides scenarios that show how our climate might change, and co-ordinates research on dealing with our future climate. The implications of climate change for coastal hazards on Shetland are</p>	N	<p>We agree that it would be appropriate to amend plan to include the suggested hyperlink.</p>	<p>We shall amend the explanatory text on pg 139 to include the hyperlink to the UK Climate Impacts Programme (UKCIP):</p> <p><a href="https://www.metoffice.gov.uk/research/approach/collaboration/ukcp/index">www.metoffice.gov.uk/research/approach/collaboration/ukcp/index</a></p>



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			documented in 'Climate Change and Coastal Hazards on Shetland'. The development of a Flood Risk Management Strategy and a Local Flood Risk Management Plan for the Shetland Islands will provide overarching guidance for the sustainable mitigation and adaptation to the impacts of climate change. In accordance with the LDP, proposals to build below the 5m contour (5m above Ordnance Datum, Newlyn) or in other areas shown to be at risk of flooding or coastal erosion, will not be permitted unless a suitable flood risk assessment is submitted with the licence application. It is therefore strongly advised that any developer considering proposals to develop within the coastal zone has regard to the LDP and, in particular, the policies on flooding avoidance and the accompanying Supplementary Guidance Water and Drainage.			
13	140	<p>Policy MP CD1: Coastal Defence Construction</p> <p>The installation of new flood defences and coastal protection works will be considered if coastal erosion or flooding threatens existing public infrastructure and important built development, and where there is a significant safety risk. Where this has been demonstrated, the planning authority and coast protection authority will ensure the construction of flooding or coastal defence developments:</p> <p>a) have complied with all policies in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) will have no adverse effects on the integrity of a Natura 2000 site or a proposed site;</p> <p>c) have provided detail of relocation options;</p> <p>d) have detailed the design and assessed the risks and impacts, ensuring the retention or enhancement of the ecological characteristics, landscape character and popular coastal views; and</p> <p>e) can demonstrate the wider implications of exacerbating flooding or coastal erosion have been considered and that potential impacts have been mitigated so far as possible. Where coastal defence is deemed</p>	<p><b>Policy MP CD1: Coastal Defence Construction</b></p> <p><b>Permission for</b> the installation of new flood defences and coastal protection works <del>will be considered</del> <b>may be given</b> if coastal erosion or flooding threatens existing public infrastructure and important built development, and where there is a significant safety risk. Where this has been demonstrated, the planning authority and coast protection authority will ensure <b>that applications for</b> the construction of flooding or coastal defence developments:</p> <p>a) have complied with all policies in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) will have no adverse effects on the integrity of a Natura 2000 site or a proposed site;</p> <p>c) have provided detail of relocation options;</p> <p>d) have detailed the design and assessed the risks and impacts, ensuring the retention or enhancement of the ecological characteristics, landscape character and popular coastal views; and</p> <p>e) can demonstrate the wider implications of exacerbating flooding or coastal erosion have been considered and that potential impacts have been mitigated so far as possible. Where coastal defence is deemed necessary, there should be an overall presumption in favour of soft rather than hard defences. The use of managed realignment of coastal defences where appropriate will be promoted.</p>	Y	We agree that these changes are helpful and shall amend the plan accordingly.	<p>The introductory text to Policy MPCD1 on pg 140 of the SIRMP will be updated so that the policy reads as follows:</p> <p><b>Policy MP CD1: Coastal Defence Construction</b></p> <p>Permission for the installation of new flood defences and coastal protection works may be given if coastal erosion or flooding threatens existing public infrastructure and important built development, and where there is a significant safety risk. Where this has been demonstrated, the planning authority and coast protection authority will ensure that applications for the construction of flooding or coastal defence developments:</p> <p>a) have complied with all policies in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) will have no adverse effects on the integrity of a European site or a proposed site;</p> <p>c) have provided detail of relocation options;</p> <p>d) have detailed the design and assessed the risks and impacts, ensuring the retention or enhancement of the ecological characteristics, landscape character and popular coastal views; and</p> <p>e) can demonstrate the wider implications of exacerbating flooding or coastal erosion have been considered and that potential impacts have been mitigated so far as possible. Where coastal defence is deemed necessary, there should be an overall presumption in favour of soft rather than hard defences. The use of managed realignment</p>

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		necessary, there should be an overall presumption in favour of soft rather than hard defences. The use of managed realignment of coastal defences where appropriate will be promoted.				of coastal defences where appropriate will be promoted.
13	140	<p><b>Justification</b></p> <p>As a result of cliff and beach erosion the shoreline of Shetland is naturally receding. Indeed, there would be no beaches if erosion were not to occur. Many of the defences against erosion or flooding have traditionally been ‘hard engineering’ works. Hard coastal defence works include dykes and groynes, rock armour, seawalls and gabions. However, these are initially expensive and utilise large quantities of raw materials for concrete. Soft coastal defence works include beach nourishment and beach re-enforcement by dune fencing, recharging, planting Marram grass, etc. Unofficial attempts at ‘soft’ defences (such as beach re-enforcement by means of nets over dunes) are now discouraged, with a focus currently being placed on using methods such as dune fencing to direct wind deposited sand where required.</p> <p>Shetland Islands Council have created a Local Flood Risk Management Plan for Shetland as required by the Flood Risk Management (Scotland) Act 2009. The plans detail coastal areas which are prone to coastal flooding, as well as areas subject to erosion.</p>	<p>As a result of cliff and beach erosion the shoreline of Shetland is naturally receding. Indeed, there would be no beaches if erosion were not to occur. Many of the defences against erosion or flooding have traditionally been ‘hard engineering’ works. Hard coastal defence works include dykes and groynes, rock armour, seawalls and gabions. However, these are initially expensive and utilise large quantities of raw materials for concrete.</p> <p>Soft coastal defence works include beach nourishment and beach re-enforcement by dune fencing, recharging, planting Marram grass, etc. Unofficial attempts at ‘soft’ defences (such as beach re-enforcement by means of nets over dunes) are now discouraged, with a focus currently being placed on using methods such as dune fencing to direct wind deposited sand where required.</p> <p><b><i>The Dynamic Coast project (Scotland’s Coastal Change Assessment) has used historical mapping to assess lengths of soft coast to determine where, and how quickly, changes are taking place.</i></b></p> <p>Shetland Islands Council have created a Local Flood Risk Management Plan for Shetland (<b><i>use link – <a href="http://www.shetland.gov.uk/planning/lfrmp.asp">http://www.shetland.gov.uk/planning/lfrmp.asp</a></i></b>) as required by the Flood Risk Management (Scotland) Act 2009. The plans detail <b><i>where coastal areas which are prone to coastal flooding risks may affect buildings, infrastructure or ., as well as areas subject to erosion.</i></b></p>	N	We agree that these changes are helpful and shall amend the plan accordingly to refer to the Dynamic Coast project and include updated hyperlinks and text on the Shetland Local Flood Risk Management Plan.	<p>The supporting text to Policy MPCD1 and MPDC2 on pg 140 of the SIRMP will be updated to include the paragraph:</p> <p>The Dynamic Coast project (Scotland’s Coastal Change Assessment) has used historical mapping to assess lengths of soft coast to determine where, and how quickly, changes are taking place.</p> <p>We shall also update the penultimate paragraph on pg 140 to read:</p> <p>Shetland Islands Council have created a <a href="#">Local Flood Risk Management Plan for Shetland</a> as required by the Flood Risk Management (Scotland) Act 2009. The plans detail where coastal flooding risks may affect buildings and infrastructure.</p>
13	141	<p><b>Further Information</b></p> <ul style="list-style-type: none"> <li>• Shetland Islands Council – Flood and Coast Protection</li> <li>• Shetland Islands Council- Local Development Plan</li> <li>• Shetland Islands Council – Strategic Flood Risk Assessment</li> <li>• Shetland Islands Council- Local Flood Risk Management Plan</li> </ul>	<p><b>Further Information</b></p> <ul style="list-style-type: none"> <li>• Shetland Islands Council – Flood and Coast Protection</li> <li>• Shetland Islands Council- Local Development Plan</li> <li>• Shetland Islands Council – Strategic Flood Risk Assessment (<b><i>use link – <a href="http://www.shetland.gov.uk/planning/lfrmp.asp">http://www.shetland.gov.uk/planning/lfrmp.asp</a></i></b>)</li> <li>• Shetland Islands Council- Local Flood Risk Management Plan (<b><i>use link – <a href="http://www.shetland.gov.uk/planning/lfrmp.asp">http://www.shetland.gov.uk/planning/lfrmp.asp</a></i></b>)</li> <li>• <b><i>Dynamic Coast</i></b> – Scotland’s Coastal Change Assessment (<b><i>use link – <a href="http://www.dynamiccoast.com/">http://www.dynamiccoast.com/</a></i></b>)</li> </ul>	N	We agree that these changes are helpful and shall amend the plan accordingly to include these hyperlinks.	<p>We shall amend the Further Information section on page 141 of the SIRMP to include the following hyperlinks:</p> <p><a href="#">Shetland Islands Council – Strategic Flood Risk Assessment</a></p> <p><a href="#">Dynamic Coast – Scotland’s Coastal Change Assessment</a></p>

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		<ul style="list-style-type: none"> <li>• UK Climate Change Projections</li> <li>• UK Climate Change Risk Assessment (CCRA)</li> <li>• Scotland’s Climate Change Adaptation Framework 2009</li> <li>• Scotland’s Climate Change Adaptation Framework. Sector Action Plans 2011</li> <li>• Marine Climate Change Impacts Partnership</li> <li>• SEPA – Flood Risk Management</li> <li>• Coast Protection Act 1949</li> <li>• Flood Risk Management (Scotland) Act 2009</li> <li>• Transport and Works Act 1992</li> <li>• Zetland County Council Act 1974</li> </ul>	<p>(Shetland specific report from - <a href="http://www.dynamiccoast.com/outputs.html">http://www.dynamiccoast.com/outputs.html</a> )</p> <ul style="list-style-type: none"> <li>• UK Climate Change Projections (<i>suggested link – <a href="https://www.metoffice.gov.uk/research/approach/collaboration/ukcp/index">https://www.metoffice.gov.uk/research/approach/collaboration/ukcp/index</a> )</i></li> <li>• UK Climate Change Risk Assessment (CCRA)</li> <li>• Scotland’s Climate Change Adaptation Framework 2009</li> <li>• Scotland’s Climate Change Adaptation Framework. Sector Action Plans 2011</li> <li>• Marine Climate Change Impacts Partnership</li> <li>• SEPA – Flood Risk Management</li> <li>• Coast Protection Act 1949</li> <li>• Flood Risk Management (Scotland) Act 2009</li> <li>• Transport and Works Act 1992</li> <li>• Zetland County Council Act 1974</li> </ul>			<a href="#">UK Climate Change Projections</a>
14 Greig Seafood Ltd	32	<p><b>Policy MP PORT1: Harbour Plans</b></p> <p>All proposals for marine-related developments located within or adjacent to a designated harbour area must comply with any harbour plans, policies, directions and by-laws in place within such designated harbour areas.</p>	<p>MP PORT1: We do not think that it is appropriate to use the words ‘or adjacent to’ within this statement as ‘adjacent to’ is not within the harbour area therefore it should not be included. ‘Adjacent to’ could be some considerable distance away from the harbour area.</p>	Y	<p>Upon consideration we agree that this would be difficult to define and could be open to challenge. We acknowledge that this issue has also been raised in other responses.</p> <p>This change was agreed at the Advisory Group meeting in July 2020.</p>	<p>We shall amend the wording of policy MP PORT 1 on pg 32 of the SIRMP to remove the text “or adjacent to”, so that the policy reads as follows:</p> <p><b>Policy MP PORT1: Harbour Plans</b></p> <p>All proposals for marine-related developments located within a designated harbour area must comply with any harbour plans, policies, directions and by-laws in place within such designated harbour areas</p>
14	32	<p><b>Policy MP SHIP1: Safeguarding Navigation Channels and Port Areas</b></p> <p>Development proposals that would have an adverse impact on the efficient and safe movement or navigation of shipping to and from ports, harbours, marinas and anchorages or the long-term operational capacity of a ferry operation will be refused. Where shipping may be displaced, developers may be required to quantify and consider the impacts of increased fuel use.</p> <p>Developments which have the potential to restrict future expansion of important ports and harbours will be refused.</p>	<p>MP SHIP1: We feel that the wording of this policy could be further amended to include ‘ any refusal of a development proposal must be fully justified’ or something similar. This is to avoid an unnecessary or unjustified refusal.</p>	Y	<p>Upon consideration we agree that the current wording in Policy MP SHIP 1 would be difficult to define and could be open to challenge. We have amended the policy accordingly to take account of other representations and noted the following:</p> <ul style="list-style-type: none"> <li>• Ports and Harbour operators would have the opportunity to comment, and object where considered necessary, to proposals through the planning,</li> </ul>	<p>We shall amend the final paragraph of Policy MP SHIP1 so that it reads:</p> <p><b>Policy MP SHIP1: Safeguarding Navigation Channels and Port Areas</b></p> <p>“Development proposals that would have an adverse impact on the efficient and safe movement or navigation of shipping to and from ports, harbours, marinas and anchorages or the long-term operational capacity of a ferry operation will be refused. Where shipping may be displaced, developers may be required to quantify and consider the impacts of increased fuel use.</p> <p>Developments which have the potential to restrict identified future expansion of important ports and harbours (e.g. proposals included in a</p>

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					<p>licensing and leasing regime.</p> <ul style="list-style-type: none"> <li>Planned/potential future expansion of important ports and harbours would be identified by the harbour authority. E.g. in a masterplan or development plan.</li> <li>The decision maker would be required to consider their comments when coming to a decision on a planning application or works licence. Any reason to refuse the application would require thorough consideration and reasoning. The views of Ports and Harbour operators and SIRMP Policy could be material considerations.</li> </ul>	local development plan or masterplan) may be refused.”
15 Cooke Aquaculture		<p><b>Policy MP MPA4: Habitat Protected Areas</b>            Developments or activities likely to have a significant effect on features protected within an SSMO closed area will only be permitted where it can be demonstrated that:</p> <p>a) there will be no adverse direct or indirect effect to the feature’s integrity or important physical features; or</p> <p>b) mitigation measures are included to minimise the impacts to the priority marine habitat or species including species behaviour such as breeding, feeding, nursery or resting; or</p> <p>c) there is no reasonable alternative or less ecologically damaging location; and</p> <p>d) the reasons for the development clearly outweigh the value of the feature by virtue of social or economic benefits of national importance.</p>	<p>Policy MP MPA4            Cooke Aquaculture agrees with the need to protect sensitive species such as Maerl and Horse Mussel beds around Shetland. We disagree however with this policy, as it seeks to formalise control over potential development in these areas at the request of a private commercial entity. The SSMO established these closed areas in part to obtain MCA accreditation for commercial benefit, and this seems like a dubious justification for formal policy which places additional scrutiny on potential developments in these areas. It should also be noted that Cooke Aquaculture has 6 long established existing sites within SSMO areas which are presently closed to dredging around Shetland. One could only imagine the furor from fishing interests if the aquaculture industry in Shetland voluntarily imposed a moratorium on development in a specific area to obtain commercial benefit and then tried to formalise it to prevent fishing in that area under the auspices of the SIMSP. It also bears mention that dredging is an intensive activity with high potential impact – and so to place additional constraints on all other activities could be considered excessive. We feel that the protected/sensitive species in question are well known and are studied independently by the NAFC. Any development in these closed areas would have a high burden of proof to make sure there was going to be no adverse impacts on seabed habitats anyway, owing not least to the presence of the Fetlar to Haroldswick MPA – which contains</p>	Y	<p>In order to cover the concerns raised in this representation, on the advice of the Marine Planning Partnership the Advisory Group agreed to amend the policy to include a time limited caveat for SSMO Closed areas which were in place by December 2019.</p>	<p>The Advisory Group agreed to amend Policy MP MPA4 to read as follows at their meeting in July 2020:</p> <p><b>Policy MP MPA4: Habitat Protected Areas</b>            Developments or activities likely to have a significant effect on features protected within an SSMO closed area* will only be permitted where it <del>can be demonstrated</del> that:</p> <p>a) there will be no adverse direct or indirect effect to the feature’s integrity or important physical features; or</p> <p>b) mitigation measures are included to minimise the impacts to the priority marine habitat or species including species behaviour such as breeding, feeding, nursery or resting; or</p> <p>c) there is no reasonable alternative or less ecologically damaging location; and</p> <p>d) the reasons for the development clearly outweigh the value of the feature by virtue of social or economic benefits of <del>national</del> <b>regional</b> importance.</p>

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			<p>the largest SSMO closed area. We therefore feel that there is enough statutory policy protection for seabed habitats in these areas without requiring a separate policy within the SIMSP to designate SSMO closed areas.</p> <p>We feel that other policies within the draft plan are adequate to safeguard sensitive marine species and habitats (such as policies MP MPA2, and MP MPA3), and that policy MP MPA4 owing to its contentiousness and potential duplication and is therefore not required in the final plan.</p>			<i>(*Those which were in place by December 2019)</i>
16 Royal Yachting Association Scotland	25	<p><b>Policy MP INNS1: Reducing the Spread of Invasive Non-Native Species (INNS)</b></p> <p>Applications for marine development and use should demonstrate that the potential risks of introducing or spreading INNS have been adequately considered. Necessary measures should be proposed if risks are identified in their proposal, particularly when moving equipment, boats or live stock (e.g. fish and shellfish), introducing structures suitable for settlement of aquatic INNS or which facilitate the movement of terrestrial INNS, including to islands.</p> <p>Development proposals in areas where INNS are known to exist must include necessary measures or a biosecurity plan approved by the consenting authority or regulator that seeks to minimise the risk of spreading the INNS or identifies ways to eradicate the organisms and set up a scheme to prevent reintroduction.</p>	<p>Non-native Species (NNS)</p> <p>Policy MP INNS1: Reducing the Spread of Invasive Non-Native Species (INNS)</p> <p>The RYA and British Marine have recently relaunched their environmental programme, The Green Blue (<a href="https://thegreenblue.org.uk/">https://thegreenblue.org.uk/</a>), which inter alia promotes good practice in avoiding the transmission of INNS.</p>	N	We agree that we could provide text and a link in the further information section of this policy.	<p>We shall amend the further information section on pg 26 of the SIRMP to include:</p> <p><a href="#">RYA and British Marine – The Green Blue</a></p>
16	28	<p>Policy MP LITT1: Waste Minimisation</p> <p>All applications for marine-related development and use shall include a waste minimisation and management plan to ensure the safe disposal of waste material and debris associated with the construction, operation and decommissioning stages of the development, unless directed by the consenting authority or regulator that this is not required.</p>	<p>Waste Minimisation</p> <p>Policy MP LITT1: Waste Minimisation</p> <p>It is important to ensure that all marinas and harbours have recycling facilities. There should also be places where marine litter collected en route or on beaches can be disposed of. Floating marine litter can be a hazard to boats if it gets caught up in propellers or rudders. There seems to be a considerable amount of plastic litter on the shores of Shetland that comes from the fishing and aquaculture industries much from a time when awareness of litter was less marked.</p>	N	These are general comments, with no changes being sought.	

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		The production of waste should be minimised as far as possible through consideration of the waste hierarchy (reduce, re-use or recycle) and disposal of any waste must only be through the use of appropriate licensed facilities. In accordance with the International Convention for the Prevention of Pollution from Ships (MARPOL), the discharge of all garbage/litter into the sea is strictly prohibited.				
16	32	<b>Policy MP SHIP1: Safeguarding Navigation Channels and Port Areas</b> Development proposals that would have an adverse impact on the efficient and safe movement or navigation of shipping to and from ports, harbours, marinas and anchorages or the long-term operational capacity of a ferry operation will be refused. Where shipping may be displaced, developers may be required to quantify and consider the impacts of increased fuel use. Developments which have the potential to restrict future expansion of important ports and harbours will be refused.	Safeguarding Ports and Navigation Safety  Policy MP SHIP1: Safeguarding Navigation Channels and Port Areas  It should be noted that there is better information on routes taking by recreational vessels, particularly visiting ones, on NMPI. The UK Coastal Atlas of Recreational Boating, which includes heat maps of AIS intensity, has recently been revised and uploaded to NMPI. The Clyde Cruising Club Sailing Directions and Anchorages volume on Orkney and Shetland Islands including North and Northeast Scotland, which is currently being revised, lists about 120 anchorages in Shetland, many but not all of which are shown on Map 5. For example the anchorage in Grutness Voe off the Good Shepherd ferry pier is important for vessels with a draught that precludes the use of the Ness Boating Club Marina.	N	We checked the admiralty charts, however this information was not shown as an anchorage, so no changes have been made.	
16	38	<b>Policy MP CLIM2: Climate Change Adaptation</b> Applications for marine-related developments should demonstrate that the impacts of climate change over the lifetime of the development have been considered and minimised as part of the overall development proposal.	Climate Change Policy MP CLIM2: Climate Change Adaptation Adaptation will be necessary not only for new developments. One emerging issue is the provision of fuel for recreational craft. It is only 26 years till 2045 which is the year specified in the Climate Change (Emissions Reduction Targets) 2019 Act for the achievement of net zero. Some high end yachts are powered by hydrogen fuel cells but it is not clear whether this will be the technology of the future. Marine engines have long lives so provision of diesel is likely to be important for many years yet. However, if recreational craft are unable to use the red diesel used by fishing boats, as is currently expected, then the phasing out of hydrocarbon powered vehicles may lead to difficulty in obtaining white diesel.	N	These are general observations and comments. No particular changes are being sought.	
16	44, 48	<b>Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</b>	Natural Heritage Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites and Policy MP MPA2: Nature Conservation Marine Protected Areas (NCMPAs)	N	These are general observations and comments. No particular changes are being sought.	

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		<p>Developments or uses that may have a likely significant effect (LSE) on a Natura 2000 site (including proposed sites) must comply with legal requirements for these protected areas. This includes a Habitats Regulations Appraisal (HRA) undertaken by a competent authority (normally the licensing or consenting authority/ body). Proposals which may adversely affect the site's integrity (i.e. compromise any of the conservation objectives for the site), either alone or in-combination, as determined by appropriate assessment (AA), will not normally be permitted. Where a competent authority may wish to consent a proposal despite the potential for an adverse effect on the site's integrity, the competent authority must first show that there are no alternative solutions, and that it is imperative, and of over-riding public interest to grant consent.</p> <p><b>Policy MP MPA2: Nature Conservation Marine Protected Areas (NCMPAs)</b></p> <p>Development capable of affecting any Nature Conservation MPA will only be permitted where it has been adequately demonstrated, to the satisfaction of the consenting authority and Marine Scotland (acting on behalf of Scottish Ministers) and with advice from SNH, that the proposal has had due regard to the conservation objectives of the designated site and either:</p> <p>a) there will be no significant risk of hindering the conservation objectives of the Nature Conservation MPA, or</p> <p>b) there is an urgent need for the development to be approved, or</p> <p>c) the benefit to the public outweighs the risk of damage to the environment and there are no alternative solutions.</p>	<p>For many visitors to Shetland a highlight is observing wildlife such as orcas and otters at close quarters. The Green Blue publicises good practice for planned or opportunistic observation of marine wildlife which is consistent with the Scottish Marine Wildlife Watching Code. During the revision of the Clyde Cruising Club Sailing Directions and Anchorages volume on Orkney and Shetland Islands including North and Northeast Scotland all the listed anchorages that are within an area designated for nature conservation were checked with Scottish Natural Heritage to ensure that there was no conflict with conservation objectives. In particular, the locations of anchorages in relation to the distribution of seagrass, maerl and horse mussels were checked and it was found that there was no overlap between them. . This work parallels that carried out by the Shetland Shellfish Management Organisation.</p>			

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		In the last case the applicant must undertake measures of equivalent environmental benefit to offset the damage that will or may be caused by the development.				
16	82	<b>Policy MP VIS1:</b> Safeguarding National Scenic Areas (NSAs) and Local Landscape Areas (LLAs) Developments that affect a NSA or LLA will only be permitted where: a) it will not adversely affect the integrity of the area or the qualities or protected features for which it has been designated, or b) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance for NSAs and local importance for LLAs.	Landscape and Seascape Policy MP VIS1: Safeguarding National Scenic Areas (NSAs) and Local Landscape Areas (LLAs) and Policy MP VIS2: Safeguarding Seascape Character and Visual Amenity The concept of landscape and seascape should also encompass the view of the coast and land from the sea.	Y	We consider that this suggested change is not necessary.  The justification for this policy on 82 of the SIRMP sets out:  “There is no legal definition, as yet, of ‘seascape’ in the UK. For the purposes of the SIRMP, references to seascape should be taken as meaning landscapes with views of the coast or seas, and coasts and the adjacent marine environment with cultural, historical and archaeological links with each other”.  This is taken from the UK Marine Policy Statement which is based on advice from the European Landscape Convention.	
16	93	<b>Policy MP COM1: Community Considerations</b> Applications for marine-related developments should demonstrate that there will be no adverse social impact on the local community and will only be considered where it has shown that: a) there is no alternative location for this type of development; b) all necessary mitigation measures have been included in the development proposal; c) local stakeholders, community councils, groups and other marine and coastal users have been consulted and	Communities Policy MP COM1: Community Considerations We welcome the requirement for other coastal and marine users to be consulted. Anchorages, as opposed to moorings, are almost inevitably used by visitors whether from elsewhere in Shetland or further afield, rather than by members of the local community.	N	No changes are sought. This is a general and supportive comment.	



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		engaged in the development process; and d) an assessment of social impacts of major developments has been carried out to the satisfaction of the consenting authority.				
16	94	<b>Policy MP REC1: Safeguarding Marine Recreation</b> Developments that are likely to result in the reduction or loss of a marine recreational amenity will only be considered where it can be demonstrated that the proposal is necessary in order to deliver social, economic or environmental benefits that outweigh the reduction or loss. Developments should ensure that continued access rights to the marine and coastal resource for recreational use is maintained where reasonable and practical. Developments should not affect the physical infrastructure which underpins a recreational activity, any impacts should be appropriately mitigated. Opportunities for co-existence should be maximised wherever possible.	Marine recreation Policy MP REC1 Safeguarding marine recreation It needs to be borne in mind that developments that may be supported by local sailors, such as an extension of local moorings, might inadvertently exclude visiting sailors, with a negative impact elsewhere in Shetland. We welcome the statement that 'Opportunities for co-existence should be maximised wherever possible'. Sharing facilities between recreational boaters and other sectors such as fishing and aquaculture can benefit both.	N	No changes are sought. This is an observational comment.	
16	97		Map 30 gives a good overview of where yachts go. However, as mentioned earlier, a more up to date and detailed picture of the routes adopted by cruising yachts can be obtained from the UK Coastal Atlas of Recreational Boating which is available on NMPi. The heat map is generated from AIS signals, which are transmitted by around a quarter of yachts sailing in Shetland waters. As Shetland waters are characterised by tricky passages, roosts and complex tidal streams, it may omit passages made by skippers with local knowledge in boats which do not transmit an AIS signal. Map 30 seems to imply that all sea angling is done from the coast, which is by no means the case. The Scottish Marine Recreation and Tourism survey 2015 ( <a href="https://www2.gov.scot/Topics/marine/seamanagement/national/RecandTourism">https://www2.gov.scot/Topics/marine/seamanagement/national/RecandTourism</a> ) includes maps also available on NMPi showing where a range of coastal activities take place.	N	These are observational comments.  We do note however that Map 30 of the SIRMP also covers areas of recreational sea angling too.	
16	102-104		Commercial fishing RYA Scotland recognises the need to safeguard a vibrant and sustainable fishing industry in Shetland as it is a key element of the character of the coasts and harbours. Poorly marked static gear, is recognised as a hazard by both recreational sailors and by fishermen themselves. Although this	N	We consider that it is not necessary or appropriate to change this part of the Plan to reflect these comments.	

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			is not considered as significant a problem off Shetland as it is elsewhere, it would be appreciated if the Plan could encourage adherence to the Marine Scotland Guidelines for Marking Static Gear Deployed Within 12 Nautical Miles of Scottish Baselines, at least until the Marking of Static Gear (Scotland) Order 2019 is passed.		The marking of fishing gear is outwith the remit and control of a Regional Marine Plan.  This policy is about safeguarding fishing opportunities from developments not putting controls or requirements on the fishing industry.	
16	131	Marinas and piers often form the heart of Shetland's districts. There are visitor berths at most of the 23 marinas and the community enjoys over 300 points of access to the shore in the form of jetties, piers and slipways. Yachting also takes prominence: there are numerous regattas held every year throughout the Islands, as well as the annual international Bergen-Shetland Races. All these activities and tourism attractions can generate income for the local economy. Shore access points are shown in Map 4 and Map 31.	The fourth paragraph of the section on tourism (page 131), which equally applies to recreation, while accurate provides an incomplete picture. While suitable for local boats, many of the marinas do not have sufficient depth at low water for visiting cruising yachts without local knowledge. Lerwick Harbour Marina has been so successful in attracting visiting yachts that it can be difficult obtain a berth when at the peak of the season of yacht traffic between continental Europe and Scotland, especially during the Bergen – Shetland races, and some of the berths are very exposed to northeasterly winds.	N	These are general comments relating to the suitability of marinas in Shetland. No specific change is being sought to the SIRMP.	
16	134	<b>Policy MP SA1: Shore Access and Moorings</b> Shore access developments and proposals for moorings should demonstrate that: a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site; c) they have detailed the level of impact of construction and increased access and traffic both on land and at sea and mitigation measures required to ensure the development is acceptable; d) there is need for their facility to have moorings;	Infrastructure and Services – Shore Access and Moorings Policy MP SA1: Shore Access and Moorings We would not like to see single moorings actively discouraged. There is a licensing and leasing procedure that needs to go through that can avoid moorings being deployed in inappropriate places although this needs to be coupled with adequate enforcement. For those people in Shetland who do not live close to a marina that is adequate for their boat, a single mooring near where they stay may be considered necessary. It could be argued that a single boat on a mooring adds to the landscape rather than detracts from it and indeed is part of the cultural heritage of Shetland.	Y	We consider no change is required to the Policy. Such development for shore access and moorings is already covered in the Council's works licence supplementary guidance. The Council already applies, and will continue to apply, a proportionate approach when assessing such applications.	

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		e) they have clearly demonstrated the implications for existing users and planned future use; and f) they can adequately show there will not be an increase in the likelihood of erosion or tidal inundation. Shore development proposals are encouraged where activity already exists. The mooring of individual boats is encouraged at designated marinas and ports.				
16			RYA Scotland supports the development of this plan, as indeed it has its non-statutory predecessors. This consultation response builds on the local knowledge of our coast watchers. We would be happy to work with Shetland Islands Council on any matter relating to recreational boating as experience has shown that early engagement with developers is helpful in establishing any possible adverse implications and suggesting mitigation.	N	These are supportive comments and no change is being sought to the SIRMP.	
17 Lerwick Community Council			The plan contained a huge amount of information which was not particularly structured in an easy to understand way, particularly for those people not in the industry. It would have helped to have had an executive summary and also to have the key points of the consultation made clearer.	N	These comments are noted. However we feel the SIRMP clearly and succinctly explains its role and functions in the introductory section of the Plan.  We therefore consider that no changes are necessary.	
17			It was pointed out that the aim of the Plan was to protect the marine landscape and seascape but this was contradicted a little by the fact that some projects such as renewables would be allowed in spite of this. This aspect needed to be clarified a little, to show that even if such schemes were allowed to go ahead that the management of the sea and land area would be protected in some way.	N	The comments noted and no changes are considered necessary.  The SIRMP provides a detailed range of policies to provide a balanced approach and enable full consideration of all marine developments.	
18 Shetland Islands Council Outdoor Access Officer	94-96	<b>Policy MP REC1: Safeguarding Marine Recreation</b> Developments that are likely to result in the reduction or loss of a marine recreational amenity will only be considered where it can be demonstrated that the proposal is necessary in order to deliver social, economic or environmental benefits that outweigh the reduction or loss.	Marine Recreation refers to access for recreation amenity. This is a major asset for outdoor recreation in Shetland with many of miles of core paths and access routes that follow the coast and give access to the shoreline, historic and archaeological sites as well as the Shetland UNESCO Global Geopark in general. These can be directly affected by on shore marine development and the siting of fish farms can also have a detrimental effect on peoples the enjoyment of the coast due to noise and visual impact. However, Policy MP RE1 makes no reference to Shetland Island Councils Core Paths Plan 2009 or the Shetland Outdoor Access Strategy (recently	Y	We agree that this change would be helpful and will amend the policy accordingly and also include reference to the Shetland Outdoor Access Strategy in the justification section of this policy.  The wording of the policy was subsequently agreed at	We shall amend the Policy MP REC1 to read as follows:  <b>Policy MP REC1: Safeguarding Marine Recreation</b>  Developments that are likely to result in the reduction or loss of a marine recreational amenity <del>will only be considered where it can be</del>

Comment number	pg. no.	Current Policy Text	Suggested Changes and Comments	Policy Change Sought Y/N?	SIMPP Comments and Observations	Amendment to SIRMPP?
		Developments should ensure that continued access rights to the marine and coastal resource for recreational use is maintained where reasonable and practical. Developments should not affect the physical infrastructure which underpins a recreational activity, any impacts should be appropriately mitigated. Opportunities for co-existence should be maximised wherever possible.	adopted 2019 strategy replaces the existing 2005 version) which contains routes managed by Shetland Islands Council and proposals to balance the recreational use of the countryside between users, land managers and developers. Where Core Paths and Public Rights of Way on the coast are subject to the effects of development there are formal legal process that would need to be gone through in the planning process to accommodate or divert them and maintain access. This goes beyond maintaining access 'where reasonable or practical' as stated in the proposal. Proposal 14 of the Shetland Outdoor Access Strategy proposes the use of Outdoor Access Plans and Statements to manage and integrate access with new developments.		the Advisory Group meeting in July 2020.	<p><del>demonstrated</del> <b>must demonstrate</b> that the proposal is necessary in order to deliver social, economic or environmental benefits that outweigh the reduction or loss. Developments should ensure that continued access rights to the marine and coastal resource for recreational use is maintained, <b>with any necessary changes to be determined through the land-use planning process</b> where reasonable and practical. Developments should not affect the physical infrastructure which underpins a recreational activity, any impacts should be appropriately mitigated. Opportunities for co-existence should be maximised wherever possible.</p> <p>We shall also amend the justification section on page 94 to include the following paragraph:</p> <p><i>"Where there are land based elements to development proposals these should have regard to the Shetland Outdoor Access Strategy and Local Development Plan Policy on open space and access".</i></p>
18	98		Additionally, Map 31 refers to walking routes. This maps seems to show SIC Core Paths and Access Routes. It should be noted that these routes are potentially open to all non-motorised use where practical, not just walking. Certainly many are used for the purposes of off road cycling, with less having equestrian use.	N	We agree that this change would be helpful.	<p>We shall amend Map 31 on page 98 of the SIRMPP to change walking routes to:</p> <p><i>Core paths and access routes.</i></p>
18		<p><b>Policy MP REC1: Safeguarding Marine Recreation</b></p> <p>Developments that are likely to result in the reduction or loss of a marine recreational amenity will only be considered where it can be demonstrated that the proposal is necessary in order to deliver social, economic or environmental benefits that outweigh the reduction or loss. Developments should ensure that continued access rights to the marine and coastal resource for recreational use is maintained where reasonable and practical. Developments should not affect the physical infrastructure</p>	<p>The SIRMPP covers lots of areas of marine planning in depth. However, I feel it has largely missed correct reference to recreational access, particularly formal managed access. Therefore, I would like to see reference to the Shetland Islands Council's Core Paths Plan 2009 and Shetland Outdoor Access Strategy 2019 within the SIRMPP as relates to access to the coast and shore line. An acknowledgement within MPRE1 that any changes of formal routes would need to be dealt with through the planning process would also be welcome. For Map 31 I would like to see the legend refer to Core Paths and Access Routes, or even just Access Routes, rather than walking routes to better reflect their purpose and potential use.</p> <p>Appendix A refers to planning permission from SIC.</p> <p>A reference to the need for any changes to Core Paths and Public Rights of Way to be dealt with through the planning process would be welcome too. It may be useful to add 'Core Paths' to the glossary to add clarity as to what they are.</p>	N	We agree that this change would be helpful.	<p>We shall add core paths to the glossary with a description.</p> <p>"Core Paths - : are paths, waterways or any other means of crossing land to facilitate, promote and manage the exercise of access rights under the Land Reform (Scotland) Act 2003, and are identified as such in Shetland Islands Council's <a href="#">core paths plan</a>".</p>

Comment number	pg. no.	Current Policy Text	Suggested Changes and Comments	Policy Change Sought Y/N?	SIMPP Comments and Observations	Amendment to SIRMP?
		which underpins a recreational activity, any impacts should be appropriately mitigated. Opportunities for co-existence should be maximised wherever possible.				
19 RSPB Scotland		<p>Policy MP DEV1: Marine Developments</p> <p>Proposals for marine-related developments must comply with all policies included in Policy Framework Section (a) and (b), Policies MP DEV1-DEV3 and Policy MP FISH1. The developer should ensure that they have:</p> <p>a) engaged in pre-application discussions with the relevant consenting authorities and regulators, any adjacent marine user and the local community council;</p> <p>b) taken into consideration the compatibility of the proposed development with existing marine users and have taken into consideration measures to minimise conflict and any potential adverse impacts;</p> <p>c) taken into consideration co-existence options with other users in the design and location of the proposed development to maximise the efficient use of the marine space; and</p> <p>d) taken into consideration the potential individual, in-combination and cumulative effects of the proposed development, and the development will be managed sustainably in terms of spatial and temporal overlaps.</p>	RSPB Scotland considers that the cross referencing to other parts of the plan is confusing and not required. This is smartly set out in the plan structure and associated Planning Mechanism flow chart at the beginning of the plan that all proposed developments must comply with legal requirements and adhere to all policies in the first two policy sections. Therefore it is unclear why this is referenced again in policies MP DEV1, MP AQ1, MP SWD1, MPOAG1, MP NRG1, MP NRG2, MP NRG3, MP EX1, MPTR1, MP SA1, MP CBP1, MP CBP2, MP MO1, MP CD1, MP CD2, MP TRANS1, MP TRANS2, and MPDD1. It is also noted that these policies also include a comment that “there will be no adverse effects on the integrity of a Natura 2000 site or proposed site”. RSPB Scotland obviously supports this but considers that there should be a presumption against development with any designated site. Further the potential for impacts on Natura 200 sites is considered under Policy MP MPA1, however, as this allows for development that affects a Natura 2000 site where there are “no alternative solutions, and that it is imperative and of over-riding public interest to grant consent” and is therefore contradictory to the above point.	Y	This is a requirement under Natura Case law. We consider that no change is necessary.	
19	4,7		RSPB Scotland considers that this is generally a well set out and clear section that provides clear guidance on how the plan will manage Shetland's marine resources and we gratefully acknowledge the consideration that has been provided to earlier comments and suggestions with many of these having been included. However, we remain concerned that the sustainable development definition on page 7 misrepresents the guiding principles of sustainable development as five guiding principles of equal status to be balanced against each other whereas the definition from the National Marine Plan (as included in the	N	<p>We consider that no further changes are required.</p> <p>In response to representations from Shetland Islands Council Natural Heritage Officer we have amend pg42 of the SIRMP to say:</p>	

Comment number	pg. no.	Current Policy Text	Suggested Changes and Comments	Policy Change Sought Y/N?	SIMPP Comments and Observations	Amendment to SIRMP?
			<p>SIRMP) makes it clear that there are two principles with three means of achieving these goals.</p> <p>On page 4 of the plan it is recommended that developers should aim to identify opportunities to restore and / or enhance the natural environment as well as the aims listed. It is also recommended that given known environmental impacts (e.g. declines in breeding seabirds) then 'restore' should be added as an environmental objective on page 6. RSPB Scotland wish to highlight support for the inclusion of the definition of the 'Ecosystems Approach' from Section 5 (4) of the Marine Strategy Regulations 2010. RSPB Scotland believes that climate change is the greatest long-term threat to birds, other wildlife and people and therefore is completely supportive of the inclusion of a climate change section in the plan. With the launch of Blue Carbon Forum does there need to be greater consideration of the opportunities for carbon storage within the marine environment around Shetland.</p>		<p>“The SIRMP will safeguard and enhance biodiversity and geodiversity through the protection of sites and features of international, national and local importance, and in the wider marine and coastal environment”.</p> <p>We consider that biodiversity duties set out in the SIRMP conform to that of the National Marine Plan and are consistent throughout the plan. We also recognise that in some instances it may not be possible to restore and/or enhance in all cases where development takes place.</p>	
19	28	<p><b>Policy MP LITT1: Waste Minimisation</b> All applications for marine-related development and use shall include a waste minimisation and management plan to ensure the safe disposal of waste material and debris associated with the construction, operation and decommissioning stages of the development, unless directed by the consenting authority or regulator that this is not required.</p> <p>The production of waste should be minimised as far as possible through consideration of the waste hierarchy (reduce, re-use or recycle) and disposal of any waste must only be through the use of appropriate licensed facilities.</p> <p>In accordance with the International Convention for the Prevention of Pollution from Ships (MARPOL), the discharge of all garbage/litter into the sea is strictly prohibited<sup>8</sup>.</p>	Accepting this is a minor point suggest changing the name of MP LITT1 to MP WST1 as this is a waste policy.	Y	The SIRMP Advisory Group agreed to make this change at their meeting in July 2020.	Policy MP LITT1: Waste Minimisation will be amended to read “Policy WST1: Waste Minimisation”.

Comment number	pg. no.	Current Policy Text	Suggested Changes and Comments	Policy Change Sought Y/N?	SIMPP Comments and Observations	Amendment to SIRMP?
19	41		<p>It is suggested that the first sentence on page 41 is reworded to "The islands of Shetland have a complex geology. In a small area, Shetland has one of the greatest variety of rock types found almost anywhere."</p> <p>In the third paragraph it is suggested that the words 'restore and enhance' are added in with 'respect and protection' for what sustainable development will help secure for Shetland's natural marine environment.</p>		<p>We agree that the first change would be helpful.</p> <p>For the second change we feel that this is already covered sufficiently here and throughout the plan. Recognising, that it may not also be possible to restore and/or enhance in all cases where development takes place.</p>	We shall amend the reference to geology on pg 41 of the SIRMP as suggested.
19	44	<p>Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</p> <p>Developments or uses that may have a likely significant effect (LSE) on a Natura 2000 site (including proposed sites) must comply with legal requirements for these protected areas. This includes a Habitats Regulations Appraisal (HRA) undertaken by a competent authority (normally the licensing or consenting authority/ body). Proposals which may adversely affect the site's integrity (i.e. compromise any of the conservation objectives for the site), either alone or in-combination, as determined by appropriate assessment (AA), will not normally be permitted. Where a competent authority may wish to consent a proposal despite the potential for an adverse effect on the site's integrity, the competent authority must first show that there are no alternative solutions, and that it is imperative, and of over-riding public interest to grant consent.</p>	RSPB Scotland supports the ordering of the this section with the descending hierarchy of protected sites and species. However, policy MPA1 is poorly worded - could SNH provide standard text for this? As highlighted in the section below it also provides a different level of protection to that listed in a number of policies in Section C.	Y	This policy received a number of representations which sought to make changes. The SIRMP Advisory Group agreed to make a change to this policy at their meeting in July 2020.	<p><b>Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as European sites) and Ramsar Sites</b></p> <p>Developments or uses that might affect a European Site (include proposed sites) must comply with the legal requirements for these protected areas and must be subject to a Habitats Regulations Appraisal (HRA) undertaken by a competent authority (normally the licensing or consenting authority/body). Proposals which may adversely affect the site's integrity (i.e. compromise any of the conservation objectives for the site), either alone or in-combination, as determined by the appropriate assessment (AA) will not normally be permitted. Where a competent authority may wish to consent a proposal despite the potential for an adverse effect on the site's integrity, the competent authority must first show that there are no alternative solutions, and it is imperative, and of over-riding public interest to grant consent.</p>
19	130		The reference to Crown Estate Commissioners on page 130 should be changed to Crown Estate Scotland.	N	We agree that this change is necessary.	We shall change the reference on pg130 to "Crown Estate Scotland".

Strategic Environment Assessment				
Comment number	pg. no.	Current text	Suggested Changes	Approved?
4			SHE Transmission would propose that, through linkage with renewable energy generation, transmission cables could be considered to have a long term benefit on climate and climate change and would welcome its inclusion in the text	
5			There appear to be some inconsistencies between how some types of commercial activity are considered in the SEA. Aquaculture development is identified as having potential to affect biodiversity (seabed habitats and species) whereas Commercial Fishing, which in some circumstances may also impact on biodiversity from interaction with the seabed is not. Equally Aquaculture is identified as releasing relatively small amounts of emissions under the 'Air' topic from associated vessel activity, but Commercial fishing and Tourism which also rely on the use of vessels are identified as 'not applicable'. Growing fish is a low carbon method of producing protein and this could be reflected in the SEA.	
7			I refer to your Environmental Report consultation in respect to the above Plan submitted to Scottish Natural Heritage (SNH) via the Scottish Government SEA Gateway on 9th September 2019. On the whole, the Environmental Report sets out a clear and detailed assessment of the Regional Marine Plan, which we consider is well presented and has addressed the key requirements under the Act. We are broadly in agreement with the assessment in regard to natural heritage issues. We would mention only that Table 5.5 on page 42 of the Environmental Report should refer to proposed SPAs rather than draft SPAs. Please note that this response is in regard only to the Environmental Report and our comments on the Draft Regional Marine Plan itself will be provided separately.	
7			We are content to agree with the findings of the assessment for the historic environment. None of the comments contained in this letter constitute a legal interpretation of the requirements of the Environmental Assessment (Scotland) Act 2005. They are intended rather as helpful advice, as part of our commitment to capacity building in SEA.	
7			We have used our scoping consultation response to consider the adequacy of the ER and can confirm that we are satisfied with the assessment of issues within our remit. We welcome the clarity and robustness of the ER.	
8			As previously mentioned, LINK members are cautious about referring to 'minimal adverse effects' (e.g. p29, p54), as this implies that some level of impact is acceptable, which will be relative depending on the development/circumstances. A 'minimal' impact on some habitats could be significant (see SNH updated advise on maerl national status). In the context of a Global Climate Emergency, LINK members consider that developments should be expected to be emissions-neutral or negative (e.g. climate section p58, also policy CLIM1) and that this should also be an aspiration within the Plan. Under the Cultural Heritage it would be worth highlighting that some historic features (e.g. wrecks) can increase biodiversity and also provide de facto protection from damaging activities. This isn't reflected in table 5.3 (categorised as N/A).	
12			Fishing I have like many Shetlanders worked and been involved in this sector. Clearly Seine net fishing is much less harmful to the sea bed, results in better quality of fish landed and should be the preferred / approved method used instead of trawling. Newly spawned fish should be protected . This is an important step in conservation linked to the non fishing of sandeel and immature fish. (People involved in the fishing industry routinely avoid eating such fish why should we tarnish our reputation for quality by not addressing the issue, and expecting our customers to eat very poor quality fish.) The pressures on inshore fishing waters over the past 30 years has drastically reduced the selection and number of fish available for the angler. This is a concerning indicator of the health of inshore waters reflected in the reduction of wildlife over that term.	



BRIA				
Comment number	pg. no.	Current text	Suggested Changes	Approved?
5			It is not considered appropriate to conclude that policies on natural heritage of protected areas will result in 'limited or no additional costs to developers'. Although the proposed policy remains the same the number of designated sites has increased (3 new large proposed SPAs, one of which includes 3 separate areas) since the adoption of the last marine plan in 2015 and so the likelihood of having to consider a protected area has increased. These costs include additional bird survey work, environmental assessment and delay in the consenting process which can represent significant economic costs associated with delayed investment in infrastructure and commencement of production.	
12			Followed through this may help Fish farming sites which have been abandoned and now are litter.	

# Appendix 1: Adopted Shetland Islands Regional Marine Plan – Amendments and Policy Changes from Draft

## Background

At the Shetland Islands Council Full Council meeting of 14<sup>th</sup> April 2021, following recommendation of the Council’s Development Committee on 12<sup>th</sup> April 2021, Shetland Islands Council resolved to submit the Shetland Islands Regional Marine Plan (SIRMP) (Amended Draft Version) to Scottish Ministers for adoption. Appendix 3 of these Committee Reports set out the ‘SIRMP Final Policy Changes’, which provided a list of the proposed policy changes that were agreed by the Shetland Islands Marine Planning Partnership (SIMPP) and the SIRMP Advisory Group at their meeting in July 2020 following public consultation on the plan between 9<sup>th</sup> September to 30<sup>th</sup> December 2019.

The table below (table 2) has now been updated to reflect the amendments made to the SIRMP following submission to Scottish Ministers for adoption in late April 2021. Based on feedback received at the adoption stage, an additional column ‘**Changes following review by Scottish Government**’ has now been included below. For information, the original table (Appendix 3) can be accessed on the Shetland Islands Council website at:

<https://coins.shetland.gov.uk/agenda.asp?meetingid=7036>

SIRMP policies have been amended following feedback from the Marine Directorate of the Scottish Government, acting on behalf of Scottish Ministers, and with the subsequent agreement by the SIMPP (Shetland Islands Council and UHI Shetland). This table now contains the ‘**Adopted Policy**’ that has been taken forward into the adopted Shetland Islands Regional Marine Plan.

In summary, changes to SIRMP policies were made for the following reasons:

- Policies were amended to avoid creating obligations or duties on decision makers, as the Marine (Scotland) Act 2010 does not provide power for Regional Marine Plans to mandate behaviour. Examples include changing policy wording from “must” to “should”.
- Where there are reserved matters outwith the control of Scottish Ministers, policies or policy wording has been amended or removed to reflect this.
- Policies have been amended, removed or consolidated to avoid reiteration of existing legislation.
- Language has been clarified in SIRMP policies to clarify to whom the policy applies. This includes amendments to wording such as “applicants or applications should” to “proposals for marine development and use should”.

**Table 2: Amendments and Policy Changes from Draft**

	Policy at consultation Sept-Dec 2019	Commenter	Comment	SIMPP Response	Policy changes after AG Meeting Jul 2020	Changes following review by Scottish Government	Adopted Policy
1	<b>Policy MP WAT1: Water Ecology</b> Development shall not cause any water body to deteriorate in ecological status nor prevent the achievement of established objectives set out in the Scotland River Basin Management Plan. Development adjacent to a water body must be accompanied by sufficient information to enable a full assessment of the likely effects including cumulative effects.	No suggested changes				Policies MP WAT1 and MP WAT2 merged to form one overall policy on Water Ecology.  Policy updated to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.	<b>MP WAT 1: Water Ecology</b> Proposals for marine development and use should consider the likely effects, including cumulative effects, on water quality and the benthic environment. Proposals should not cause any waterbody to deteriorate in quality or ecological status*, nor prevent the achievement of established objectives set out in the Scotland River Basin Management Plan. Where there is a significant risk that relevant objectives** will not be achieved, applicants may be required to identify how the proposal will contribute to achieving relevant objectives to improve the chemical and ecological status of coastal water bodies.  * <a href="#">Aquatic Classification / Scottish Environment Protection Agency (SEPA)</a> . **Objectives are detailed in the relevant 'River Basin Management Plan' for Scotland and available to view via the <a href="#">Water Environment Hub (sepa.org.uk)</a> .
2	<b>Policy MP WAT2: Improving Water Quality and Ecology</b> Development and use of the marine environment will be required to contribute towards objectives to improve the ecological status of coastal water bodies and the environmental status of marine waters where there is a risk that an environmental objective will not be achieved.	Scottish Sea Farms	Policy MP WAT2 - The wording of this policy has changed from the existing plan and now requires all development and use of the marine environment to contribute towards improvement objectives for the ecological status of coastal water bodies. This change is inappropriate, not proportionate and goes further than the purpose of the policy which is assumed to be to align activity where possible with improvement objectives.	SEPA advice was to add <b>significant</b> before risk  This policy is based on advice from SEPA and the River Basin Management Plan process. No change is required as it is considered to be appropriate. This is only in instances where environmental objectives will not be achieved.  Impact on the water environment is already considered as part of the consenting process for planning and licensing.	Advisory Group agreed to the proposed change:  <b>Policy MP WAT2: Improving Water Quality and Ecology</b> Development and use of the marine environment will be required to contribute towards objectives to improve the ecological status of coastal water bodies and the environmental status of marine waters where there is a <b>significant</b> risk that an environmental objective will not be achieved.		
3	<b>Policy MP INNS1: Reducing the Spread of Invasive Non-Native Species (INNS)</b> Applications for marine development and use should demonstrate that the potential risks of introducing or spreading INNS have been adequately considered. Necessary measures should	No suggested changes				Policy updated to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.  Reference to recent relevant publications also made.	<b>Policy MP INNS1: Reducing the Spread of Invasive Non-Native Species (INNS)</b> Proposals for marine development and use should consider the potential risks of introducing or spreading INNS, having regard to the <a href="#">Scottish Government's Non-</a>

	Policy at consultation Sept-Dec 2019	Commenter	Comment	SIMPP Response	Policy changes after AG Meeting Jul 2020	Changes following review by Scottish Government	Adopted Policy
	<p>be proposed if risks are identified in their proposal, particularly when moving equipment, boats or live stock (e.g. fish and shellfish), introducing structures suitable for settlement of aquatic INNS or which facilitate the movement of terrestrial INNS, including to islands.</p> <p>Development proposals in areas where INNS are known to exist must include necessary measures or a biosecurity plan approved by the consenting authority or regulator that seeks to minimise the risk of spreading the INNS or identifies ways to eradicate the organisms and set up a scheme to prevent reintroduction.</p>						<p><a href="#">native Species: Code of Practice</a>.</p> <p>Where there is a risk of proposals establishing new pathways for the spread of INNS, applicants should identify relevant measures to reduce these risks. The assessment and identification of these risks and relevant measures could be set out in a biosecurity plan.</p> <p>Particular risks may occur when moving equipment, boats or aquatic animals (e.g., fish and shellfish), introducing structures suitable for settlement of aquatic INNS or which facilitate the movement of terrestrial INNS, including to islands.</p> <p>Proposals in areas where INNS are known to exist should seek to minimise the risk of further spread or reintroduction.</p> <p>Applicants should refer to the associated <a href="#">SIRMP Supporting Guidance on Marine Biosecurity</a>.</p>
4	<p><b>Policy MP LITT1: Waste Minimisation</b></p> <p>All applications for marine-related development and use shall include a waste minimisation and management plan to ensure the safe disposal of waste material and debris associated with the construction, operation and decommissioning stages of the development, unless directed by the consenting authority or regulator that this is not required.</p>	RSPB Scotland	Accepting this is a minor point suggest changing the name of MP LITT1 to MP WST1 as this is a waste policy.	Agree change	<p>Advisory Group agreed to the proposed change to the title of the policy.</p> <p><b>Policy MP WST1: Waste Minimisation</b></p> <p>All applications for marine-related development and use shall include a waste minimisation and management plan to ensure the safe disposal of waste material and debris associated with the construction, operation and decommissioning stages</p>	<p>Policy updated to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.</p> <p>Reference to specific guidance that has since been prepared by the SIMPP to support this policy is now included.</p>	<p><b>Policy MP WST1: Waste Minimisation</b></p> <p>Proposals for marine development and use should consider measures to safely dispose of waste material and debris associated with the relevant construction, operational and decommissioning stages. The production of waste should be minimised as far as possible through consideration of the waste hierarchy (reduce, reuse or recycle) and disposal of any waste must only be through</p>

	Policy at consultation Sept-Dec 2019	Commenter	Comment	SIMPP Response	Policy changes after AG Meeting Jul 2020	Changes following review by Scottish Government	Adopted Policy
	<p>The production of waste should be minimised as far as possible through consideration of the waste hierarchy (reduce, re-use or recycle) and disposal of any waste must only be through the use of appropriate licensed facilities.</p> <p>In accordance with the International Convention for the Prevention of Pollution from Ships (MARPOL), the discharge of all garbage/litter into the sea is strictly prohibited.</p>				<p>of the development, unless directed by the consenting authority or regulator that this is not required.</p> <p>The production of waste should be minimised as far as possible through consideration of the waste hierarchy (reduce, re-use or recycle) and disposal of any waste must only be through the use of appropriate licensed facilities.</p> <p>In accordance with the International Convention for the Prevention of Pollution from Ships (MARPOL), the discharge of all garbage/litter into the sea is strictly prohibited.</p>		<p>the use of appropriate licensed facilities.</p> <p>Applicants may be required to provide a waste minimisation and management plan documenting a strategy proportionate to the scale and nature of the proposal.</p> <p>Applicants should refer to the associated <a href="#">SIRMP Supporting Guidance on Waste Minimisation and Management Plans</a>.</p>
5	<p><b>Policy MP NOISE1: Minimising Levels of Surface and Underwater Noise and Vibration</b></p> <p>Applications for marine-related development and use should, where directed by the consenting authority or regulator:</p> <p>submit a surface and underwater noise and vibration impact assessment or supporting information to describe the duration, type and level of noise and vibration expected to be generated at all stages of the development (construction, operation, decommissioning); and include mitigation measures to minimise the adverse impacts associated with the duration and level of noise and vibration activity.</p>	No suggested changes				<p>Policy updated to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers</p>	<p><b>Policy MP NOISE1: Minimising Levels of Surface and Underwater Noise and Vibration</b></p> <p>Proposals for marine development and use should consider the effects of man-made surface and underwater noise and vibration on the marine environment, species, and people, including the potential cumulative effects. Proposals should avoid significant adverse effects of man-made noise and vibration, especially on species sensitive to such effects.</p> <p>Where significant adverse impacts are identified, applicants may be required to:</p> <p>a) submit a surface and underwater noise and</p>

	Policy at consultation Sept-Dec 2019	Commenter	Comment	SIMPP Response	Policy changes after AG Meeting Jul 2020	Changes following review by Scottish Government	Adopted Policy
	Development must also take into consideration the potential cumulative effects of surface and underwater noise and vibration within the marine area. Developers should consider whether the level of surface or underwater noise and vibration has the potential to affect a marine species and where this includes a European Protected Species (EPS) note that an EPS Licence may be required. Consideration of impacts on Priority Marine Features (PMFs) may also be required.						vibration impact assessment or supporting information to describe the duration, type and level of noise and vibration expected to be generated at all relevant stages of the development (construction, operation, decommissioning); and b) identify mitigation measures to minimise the adverse impacts associated with the duration and level of noise and vibration activity. Where this includes a European Protected Species (EPS), note that an EPS Licence may be required. Consideration of impacts on Priority Marine Features (PMFs) may also be required.
6	<b>Policy MP PORT1: Harbour Plans</b> All proposals for marine-related developments located within or adjacent to a designated harbour area must comply with any harbour plans, policies, directions and by-laws in place within such designated harbour areas.	SSE	MP Port 1, word "Adjacent" used without any explanatory text.	Upon consideration we agree that the current wording in Policy MP Port 1 would be difficult to define and could be open to challenge. We also acknowledge that this issue has also been raised in other responses and we shall amend the plan accordingly.  We shall amend the wording of policy MP PORT 1 on pg 32 of the SIRMP to remove the text "or adjacent to".	Advisory Group agreed to the proposed change: <b>Policy MP PORT1: Harbour Plans</b> All proposals for marine-related developments located within <del>or adjacent</del> to a designated harbour area must comply with any harbour plans, policies, directions and by-laws in place within such designated harbour areas.	Policy updated to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers	<b>Policy MP PORT1: Harbour Plans</b> Proposals for marine development and use within a designated harbour area should consider any harbour plans, policies, directions and bylaws in place within such designated harbour areas.
7	<b>Policy MP SHIP1: Safeguarding Navigation Channels and Port Areas</b> Development proposals that would have an adverse impact on the efficient and safe movement or navigation	SSE Scottish Sea Farms	MP Ship 1, "potential to restrict future expansion" no time frame or descriptor provided.  Policy MP SHIP1 has been amended and includes a policy position that 'developments which have the potential to restrict future expansion of important ports and harbours will be refused'. This is quite a strong policy stance and developers may not be aware of future expansion potential		Advisory Group agreed to the proposed change: <b>Policy MP SHIP1: Safeguarding Navigation Channels and Port Areas</b> Development proposals that would have an	Policy updated to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.	<b>Policy MP SHIP1: Safeguarding Navigation Channels and Port Areas</b> Proposals for marine development and use should consider safety and



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	<p>of shipping to and from ports, harbours, marinas and anchorages or the long-term operational capacity of a ferry operation will be refused. Where shipping may be displaced, developers may be required to quantify and consider the impacts of increased fuel use.</p> <p>Developments which have the potential to restrict future expansion of important ports and harbours will be refused.</p>	<p>Grieg Seafood Shetland</p> <p>Royal Yachting Association Scotland</p>	<p>of existing ports and harbours. It is suggested that this part of the policy only applies where future expansion proposals are specifically identified in a relevant harbours/port plan.</p> <p>MP SHIP1: We feel that the wording of this policy could be further amended to include ' any refusal of a development proposal must be fully justified' or something similar. This is to avoid an unnecessary or unjustified refusal.</p> <p>Policy MP SHIP1: Safeguarding Navigation Channels and Port Areas It should be noted that there is better information on routes taking by recreational vessels, particularly visiting ones, on NMPI. The UK Coastal Atlas of Recreational Boating, which includes heat maps of AIS intensity, has recently been revised and uploaded to NMPI. The Clyde Cruising Club Sailing Directions and Anchorages volume on Orkney and Shetland Islands including North and Northeast Scotland, which is currently being revised, lists about 120 anchorages in Shetland, many but not all of which are shown on Map 5. For example the anchorage in Grutness Voe off the Good Shepherd ferry pier is important for vessels with a draught that precludes the use of the Ness Boating Club Marina.</p>	<p>Anchorages not on chart</p>	<p>adverse impact on the efficient and safe movement or navigation of shipping to and from ports, harbours, marinas and anchorages or the long-term operational capacity of a ferry operation will be refused. Where shipping may be displaced, developers may be required to quantify and consider the impacts of increased fuel use.</p> <p>Developments which have the potential to restrict <i>identified</i> future expansion of important ports and harbours (<i>e.g. proposals included in a local development plan or masterplan</i>) will may be refused.</p>		<p>navigation impacts on other marine users. Applicants may be required to demonstrate the proposal will not have an adverse impact on the efficient and safe movement or navigation of shipping to and from ports, harbours, marinas and anchorages or the long-term operational capacity of a ferry operation. Where shipping may be displaced, applicants may be required to quantify and consider the impacts of increased fuel use. Proposals which have the potential to restrict identified future expansion of important ports and harbours (e.g., as identified within a local development plan or masterplan) may be refused.</p>
8	<p><b>Policy MP SHIP2: Marine Environmental High Risk Areas (MEHRAs)</b> Developments should consider the presence and status of Marine Environmental High Risk Areas (MEHRAs).</p>	No suggested changes				Minor wording changes.	<p><b>Policy MP SHIP2: Marine Environmental High-Risk Areas (MEHRAs)</b> Proposals for marine development and use should consider the presence and status of Marine Environmental High Risk Areas (<a href="#">MEHRAs</a>).</p>
9	<p><b>Policy MSP ACBP1: Avoidance of Cables and Pipelines</b> Activities that could damage any cable or pipeline (e.g. dredging or mooring attachments to the seabed) must not be carried out in the following situations: within the 500m exclusion zone(s) established under the Petroleum Act 1987 around oil and gas platforms, well heads and associated pipelines; and</p>	SSE	MP ACBP 1b, cables, suggest 250m exclusion zone is the norm unless a proximity agreement is in place with the asset owner	We shall amend part b) of the policy to reflect these comments. We have discussed with SSE and they are content with the proposed change.	<p>Advisory Group agreed to the proposed change:</p> <p><b>Policy MSP ACBP1: Avoidance of Cables and Pipelines</b> Activities that could damage any cable or pipeline (e.g. dredging or mooring attachments to the seabed) must not be carried out in the following situations: a) within the 500m exclusion zone(s) established under the</p>	Policy updated to reflect legislative requirements, including reserved matters, and the need to avoid creating obligations or duties on decision makers	<p><b>Policy MP ACBP1: Avoidance of Cables and Pipelines</b> Proposals for marine development and use must comply with statutory safety zones around oil and gas platforms, well heads and associated pipelines. Additionally, where development is within a 250m zone either side of utility cables (telecommunications, electricity or water supply) or pipelines, developers should</p>

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	within a 250m exclusion zone either side of utility (telecommunications, electricity or water supply) cables or pipelines.				Petroleum Act 1987 around oil and gas platforms, well heads and associated pipelines; and b) within a 250m exclusion zone either side of utility (telecommunications, electricity or water supply) cables or pipelines, <b><i>unless there is a proximity agreement in place with the asset owner.</i></b>		be aware of the possible requirement for proximity agreements.
10	<p><b>Policy MP CLIM1: Climate Change Mitigation</b> Applications for marine-related developments should demonstrate, in a format approved by the consenting authority or regulator, that:</p> <ul style="list-style-type: none"> <li>a) resource use;</li> <li>b) energy use; and</li> <li>c) emissions have been assessed and minimised as part of the overall development proposal.</li> </ul> <p>Developments which have the potential to impact habitats which act as a carbon sink or protect against coastal erosion may be refused.</p>	NatureScot	More stringent requirements under Policy MP CLIM1, detailing what is meant by minimising resource use, energy use and emissions. This should include not just the resource use, energy use and emissions resulting from the development phase, but also in the manufacture and transport of materials that are used and in the operational life of the development.	<p>We agree that the policy could be changed to make reference to the construction and operational phase of the development.</p> <p>This would be especially relevant to major developments that require EIA, including fish farm proposals and marine renewables.</p> <p>We shall amend Policy MP CLIM1</p>	<p>Advisory Group agreed to the proposed change:</p> <p><b>Policy MP CLIM1: Climate Change Mitigation</b> Applications for marine-related developments should demonstrate, in a format approved by the consenting authority or regulator, that:</p> <ul style="list-style-type: none"> <li>a) resource use;</li> <li>b) energy use; and</li> <li>c) emissions have been assessed and minimised as part of the overall development proposal.</li> </ul> <p><b><i>The above requirements apply to both the construction and operational phase of the development.</i></b></p> <p>Developments which have the potential to impact habitats which act as a carbon sink or protect against coastal erosion may be refused.</p>	<p>Policy updated to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers</p> <p>Reference to specific guidance that has since been prepared by the SIMPP to support this policy is now included.</p>	<p><b>Policy MP CLIM1: Climate Change Mitigation</b> Proposals for marine development and use should consider climate change mitigation.</p> <p>Applicants may be required to provide supporting information on how the following has been assessed and minimised:</p> <ul style="list-style-type: none"> <li>a) resource use;</li> <li>b) energy use; and</li> <li>c) greenhouse gas emissions.</li> </ul> <p>Applicants should refer to the associated <a href="#">SIRMP Supporting Guidance on Climate Change Mitigation and Adaptation</a>.</p> <p>Applicants should consider adverse impacts on habitats which act as a carbon sink, or which protect against coastal erosion, and how these may be mitigated.</p>
11	<p><b>Policy MP CLIM2: Climate Change Adaptation</b> Applications for marine-related developments should</p>	No suggested changes				Policy updated to reflect legislative requirements, including the need to avoid	<p><b>Policy MP CLIM2: Climate Change Adaptation</b> Proposals for marine development and use should</p>



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	demonstrate that the impacts of climate change over the lifetime of the development have been considered and minimised as part of the overall development proposal.					creating obligations or duties on decision makers  Reference to specific guidance that has since been prepared by the SIMPP to support this policy is now included.	consider the current and future risks of climate change on siting, design, and operation over the lifetime of the development and how these can be minimised. Applicants may be required to provide supporting information demonstrating that risks have been considered and minimised and should refer to the associated SIRMP Supporting Guidance on Climate Change Mitigation and Adaptation.
12	<p><b>Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</b></p> <p>Developments or uses that may have a likely significant effect (LSE) on a Natura 2000 site (including proposed sites) must comply with legal requirements for these protected areas. This includes a Habitats Regulations Appraisal (HRA) undertaken by a competent authority (normally the licensing or consenting authority/ body). Proposals which may adversely affect the site's integrity (i.e. compromise any of the conservation objectives for the site), either alone or in-combination, as determined by appropriate assessment (AA), will not normally be permitted. Where a competent authority may wish to consent a proposal despite the potential for an adverse effect on the site's integrity, the competent authority must first show that there are no alternative</p>	<p>SIC – Natural Heritage Officer</p> <p>RSPB Scotland</p> <p>Scottish Sea Farms</p> <p>NatureScot</p>	<p>The wording of the final paragraph on this page rather confuses the process to be followed pursuant to the Habitats Regulations; these require competent authorities to undertake a Habitats Regulations Appraisal for any plan or project that has the potential to affect a European site. If it is demonstrated that there will be no likely significant effect, an appropriate assessment will not be required. As a consequence, policy MP MPA1 on P44 also requires to be reworded though, as it seems likely SNH will have provided accurate wording, I don't provide it here.</p> <p>RSPB Scotland supports the ordering of the this section with the descending hierarchy of protected sites and species. However, policy MPA1 is poorly worded - could SNH (NatureScot) provide standard text for this? As highlighted in the section below it also provides a different level of protection to that listed in a number of policies in Section C.</p> <p>Policy MP MPA 1 - Do not support the new wording of this policy – 'Proposals which may adversely affect the site's integrity, either alone or in-combination, as determined by appropriate assessment (AA), will not normally be permitted'. The wording in the 2015 plan was clearer as it identified in what circumstances a plan or project would be approved. This is consistent with the wording in the National Marine Plan (paragraph 4.42) i.e. 'Such plans or proposals may only be approved if the competent authority has ascertained by means of an 'appropriate assessment' that there will be no adverse effect on the integrity of the site'. Similar wording which provides less certainty has also been introduced to Policy MP SPCON1 i.e. 'b) if an offence might result it..'. '.</p> <p>Policy MP MPA1 – determining whether a proposal will have a likely significant effect is the first stage of HRA, and is the responsibility of the competent authority, not something that the development must do to comply with legal requirements. The policy should therefore be reworded: <i>"Developments or</i></p>	<p>We feel that no change is necessary. This wording was provided by NatureScot and we consider that no change is therefore required.</p> <p>Policy MPA1 has been updated in response to SNH's (NatureScot's) representation.</p> <p>This wording in this policy was provided as a result of NatureScot advice. We therefore consider that no change required.</p> <p>We agree that the suggested change would be beneficial to the SIRMP. We shall amend the plan accordingly.</p>	<p>At the Advisory Group meeting in July 2020 it was agreed to update all references in the plan from Natura Sites to European Sites. This is consistent with the approach taken by NatureScot.</p>	<p>Section B of the SIRMP formerly contained a number of specific policies under the section 'Healthy &amp; Diverse', namely: MPA1, MPA2, MPA3, MPA4, COAST1, COAST2, SPCON1, SPCON2, SPCON3, SPCON4 and BIOD1.</p> <p>In order to avoid reiteration of existing legislation and meet legislative requirements this section has been amended and refined. In particular, the above policies in Section B of the SIRMP have now been replaced with four specific policies to meet these requirements and to also avoid creating obligations or duties on decision makers:</p> <ul style="list-style-type: none"> <li>• MP BIOD1 'Protected sites and species'.</li> <li>• MP BIOD2 'Priority Marine Features'</li> <li>• MP BIOD3 'Local Habitat Protected Areas'</li> </ul>	<p><b>Policy MP BIOD1: Protected sites and species</b></p> <p>Proposals for marine development and use must comply with all legal requirements for protected areas and protected species, and should consider potential direct and indirect effects, including disturbance and any cumulative impacts. Internationally designated sites</p> <p>Proposals that may affect a European Site (Special Areas of Conservation and Special Protection Areas) must comply with the relevant legislation and will only be supported where they meet the relevant statutory tests. All Ramsar sites are also European Sites and/or Sites of Special Scientific Interest (SSSIs) and are extended protection under the relevant statutory regimes. Nationally designated sites</p> <p>Proposals that could affect Nature Conservation MPAs or Demonstration and Research MPAs must comply with the</p>

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solutions, and that it is imperative, and of over-riding public interest to grant consent.		<i>uses that might affect a Natura 2000 site (including proposed sites) must comply with legal requirements for these protected areas and must be subject to a Habitats Regulations Appraisal (HRA) undertaken by a competent authority..."</i>	<p>We shall amend the first two sentences of Policy MP MPA1 on pg 44 to read as follows:</p> <p><b>Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</b></p> <p>"Developments or uses that might affect a Natura 2000 site (including proposed sites) must comply with legal requirements for these protected areas and must be subject to a Habitats Regulations Appraisal (HRA) undertaken by a competent authority (normally the licensing or consenting authority/body)".</p>		MP BIOD4 'Furthering the Conservation of Biodiversity'	<p>relevant legislation for these protected areas. Proposals that could affect a SSSI or National Nature Reserve must comply with the relevant legislation for these protected areas. Seal Haul-Out Sites Proposals that could affect a designated seal haul-out site should consider how they will avoid harassment of seals. Applicants should have regard to the <a href="#">Harassment at Seal Haul-Out Sites: Guidance</a>. Local Nature Conservation Sites Proposals that could affect a site designated as a Local Nature Conservation Site (LNCS) should have regard to <a href="#">Shetland Islands Council's Local Development Plan</a> and its <a href="#">Supporting Guidance on LNCS</a>. Protected Species Proposals for marine development or use that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present, or may be affected by a proposal, steps must be taken to establish their presence. Applicants should consider within the planning and design of the proposal the level of protection afforded by legislation and should fully consider any impacts to protected species.</p>
	LINK	LINK members would like to urge caution under Policies MP MPA1, MPA2, MP MPA4, MP COAST1, MP COAST2, MP SPCON4, MP BIOD1, MP GEOD1 and MP VIS1 where there are caveats of being "no reasonable alternative", "no...less ecologically damaging location", "the benefit to the public outweighs the risk of damage to the environment and there are no alternative solutions", "the reasons for the development clearly outweigh the value of the feature by virtue of social or economic benefits of national importance" or similar, which must be judged very carefully and to the highest standard in order to avoid mis-application of the policies. Conservation measures should be informed by best available science, and it is not always appropriate or possible for biodiversity and ecosystem services to be traded off against social and economic considerations, particularly in the absence of effective means of estimating indirect and non-use values to marine biodiversity and the ecosystem services they support. Scotland's Marine Atlas recognised that the valuation of marine ecosystems goods and services is in its infancy	<p>These points are noted. Whilst no changes are sought, we note that the respondent urges caution on how the policies are used and applied in the SIRMP.</p> <p>We consider that the policies in their current form are appropriate. Caveats are included where necessary and required, for example as is the case with Natura Sites.</p> <p>Additionally, planning and works licence decisions will be taken in line with the relevant</p>			

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			<p>(<a href="https://www2.gov.scot/Resource/Doc/345830/0115121.pdf">https://www2.gov.scot/Resource/Doc/345830/0115121.pdf</a>) and a non-precautionary interpretation of over-riding public interest in the context of an inadequate assessment of the possible benefits of not disturbing natural heritage risks poor decision-making.</p> <p>LINK members acknowledge the current global context of twin climate and biodiversity emergencies, which have been recognised by the Scottish Government. Recent publications (e.g. IPCC Ocean and Cryosphere 2019 report) have also highlighted the potential for the marine environment to contribute significantly to mitigating the impact of climate change, including the restoration and recovery of 'blue carbon' habitats (of which Scotland has significant reserves). Given the declaration of the climate emergency by the Scottish Government, LINK members consider that it should also be recognised within the SIRMP and some additional details on blue carbon habitats, their protection and recovery could be included within the text.</p>	polices of the SIRMP, the National Marine Plan and also take account of material considerations where these apply.			
13	<p><b>Policy MP MPA2: Nature Conservation Marine Protected Areas (NCMPAs)</b></p> <p>Development capable of affecting any Nature Conservation MPA will only be permitted where it has been adequately demonstrated, to the satisfaction of the consenting authority and Marine Scotland (acting on behalf of Scottish Ministers) and with advice from SNH, that the proposal has had due regard to the conservation objectives of the designated site and either:</p> <p>a) there will be no significant risk of hindering the conservation objectives of the Nature Conservation MPA, or</p> <p>b) there is an urgent need for the development to be approved, or</p> <p>c) the benefit to the public outweighs the risk of damage to the environment and there are no alternative solutions.</p>	<p>SIC- Natural Heritage Officer</p> <p>LINK</p>	<p>Policy MP MPA2 refers to “equivalent environmental benefit”; where are the criteria against how will this be determined? I ask because the Nature Conservation Marine Protected Areas: Draft Management Handbook” states that “Public Authority must (if it has the power) make the measures for equivalent environmental benefit a condition of the authorisation”.</p> <p>Please see comment <a href="#">Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</a></p>	<p>We do not feel that change to the policy is necessary.</p> <p>It would be open to the consenting body to make this a condition of the authorisation.</p> <p>As per comment <a href="#">Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</a>, no changes are being made.</p>	<p><b>Policy MP MPA2: Nature Conservation Marine Protected Areas (NCMPAs)</b></p> <p>Development capable of affecting any Nature Conservation MPA will only be permitted where it has been adequately demonstrated, to the satisfaction of the consenting authority and Marine Scotland (acting on behalf of Scottish Ministers) and with advice from <del>SNH</del> <b>NatureScot</b>, that the proposal has had due regard to the conservation objectives of the designated site and either:</p> <p>a) there will be no significant risk of hindering the conservation objectives of the Nature Conservation MPA, or</p> <p>b) there is an urgent need for the</p>	<p>Section B of the SIRMP formerly contained a number of specific policies under the section ‘Healthy &amp; Diverse’, namely: MPA1, MPA2, MPA3, MPA4, COAST1, COAST2, SPCON1, SPCON2, SPCON3, SPCON4 and BIOD1.</p> <p>In order to avoid reiteration of existing legislation and meet legislative requirements this section has been amended and refined. In particular, the above policies in Section B of the SIRMP have now been replaced with four specific policies to meet these requirements and to also avoid creating obligations or duties on decision makers:</p> <ul style="list-style-type: none"> <li>• MP BIOD1 ‘Protected sites and species’.</li> <li>• MP BIOD2 ‘Priority Marine Features’</li> </ul>	Now included in <a href="#">Policy MP BIOD1: Protected sites and species</a>

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	In the last case the applicant must undertake measures of equivalent environmental benefit to offset the damage that will or may be caused by the development.				development to be approved, or c) the benefit to the public outweighs the risk of damage to the environment and there are no alternative solutions. In the last case the applicant must undertake measures of equivalent environmental benefit to offset the damage that will or may be caused by the development.	<ul style="list-style-type: none"> <li>MP BIOD3 'Local Habitat Protected Areas'</li> <li>MP BIOD4 'Furthering the Conservation of Biodiversity'</li> </ul>	
14	<b>Policy MP MPA3: Demonstration and Research Marine Protected Areas (DRMPAs)</b> Development capable of affecting any Demonstration and Research MPA will only be permitted where it has been adequately demonstrated, to the satisfaction of the consenting authority and Marine Scotland, that the proposal has had due regard to the purpose of the designated site and there will be no significant risk of hindering the purpose of the Demonstration and Research MPA.	No suggested comments				Section B of the SIRMP formerly contained a number of specific policies under the section 'Healthy & Diverse', namely: MPA1, MPA2, MPA3, MPA4, COAST1, COAST2, SPCON1, SPCON2, SPCON3, SPCON4 and BIOD1.  In order to avoid reiteration of existing legislation and meet legislative requirements this section has been amended and refined. In particular, the above policies in Section B of the SIRMP have now been replaced with four specific policies to meet these requirements and to also avoid creating obligations or duties on decision makers: <ul style="list-style-type: none"> <li>MP BIOD1 'Protected sites and species'.</li> <li>MP BIOD2 'Priority Marine Features'</li> <li>MP BIOD3 'Local Habitat Protected Areas'</li> </ul>	Now included in <a href="#">Policy MP BIOD1: Protected sites and species</a>



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						MP BIOD4 'Furthering the Conservation of Biodiversity'	
15	<b>Policy MP MPA4: Habitat Protected Areas</b> Developments or activities likely to have a significant effect on features protected within an SSMO closed area will only be permitted where it can be demonstrated that: a) there will be no adverse direct or indirect effect to the feature's integrity or important physical features; or b) mitigation measures are included to minimise the impacts to the priority marine habitat or species including species behaviour such as breeding, feeding, nursery or resting; or c) there is no reasonable alternative or less ecologically damaging location; and d) the reasons for the development clearly outweigh the value of the feature by virtue of social or economic benefits of national importance.	Cooke Aquaculture	<p>Policy MP MPA4</p> <p>Cooke Aquaculture agrees with the need to protect sensitive species such as Maerl and Horse Mussel beds around Shetland. We disagree however with this policy, as it seeks to formalise control over potential development in these areas at the request of a private commercial entity. The SSMO established these closed areas in part to obtain MCA accreditation for commercial benefit, and this seems like a dubious justification for formal policy which places additional scrutiny on potential developments in these areas. It should also be noted that Cooke Aquaculture has 6 long established existing sites within SSMO areas which are presently closed to dredging around Shetland.</p> <p>One could only imagine the furore from fishing interests if the aquaculture industry in Shetland voluntarily imposed a moratorium on development in a specific area to obtain commercial benefit and then tried to formalise it to prevent fishing in that area under the auspices of the SIMSP. It also bears mention that dredging is an intensive activity with high potential impact – and so to place additional constraints on all other activities could be considered excessive.</p> <p>We feel that the protected/sensitive species in question are well known and are studied independently by the NAFC. Any development in these closed areas would have a high burden of proof to make sure there was going to be no adverse impacts on seabed habitats anyway, owing not least to the presence of the Fetlar to Haroldswick MPA – which contains the largest SSMO closed area. We therefore feel that there is enough statutory policy protection for seabed habitats in these areas without requiring a separate policy within the SIMSP to designate SSMO closed areas.</p> <p>We feel that other policies within the draft plan are adequate to safeguard sensitive marine species and habitats (such as policies MP MPA2, and MP MPA3), and that policy MP MPA4 owing to its contentiousness and potential duplication and is therefore not required in the final plan.</p>	Add time limited caveat of December 2019	<p>Advisory Group agreed to the proposed change:</p> <p><b>Policy MP MPA4: Habitat Protected Areas</b></p> <p>Developments or activities likely to have a significant effect on features protected within an SSMO closed area* will only be permitted where it <del>can be demonstrated that:</del></p> <p>a) there will be no adverse direct or indirect effect to the feature's integrity or important physical features; or            b) mitigation measures are included to minimise the impacts to the priority marine habitat or species including species behaviour such as breeding, feeding, nursery or resting; or            c) there is no reasonable alternative or less ecologically damaging location; and            d) the reasons for the development clearly outweigh the value of the feature by virtue of social or economic benefits of <del>national</del> <b>regional</b> importance.</p>	<p>Section B of the SIRMP formerly contained a number of specific policies under the section 'Healthy &amp; Diverse', namely: MPA1, MPA2, MPA3, MPA4, COAST1, COAST2, SPCON1, SPCON2, SPCON3, SPCON4 and BIOD1.</p> <p>In order to avoid reiteration of existing legislation and meet legislative requirements this section has been amended and refined. In particular, the above policies in Section B of the SIRMP have now been replaced with four specific policies to meet these requirements and to also avoid creating obligations or duties on decision makers:</p> <ul style="list-style-type: none"> <li>• MP BIOD1 'Protected sites and species'.</li> <li>• MP BIOD2 'Priority Marine Features'</li> <li>• MP BIOD3 'Local Habitat Protected Areas'</li> </ul> <p>MP BIOD4 'Furthering the Conservation of Biodiversity'</p>	<p><i>Policy MP BIOD3: Local Habitat Protected Areas</i></p> <p>Proposals for marine development and use should consider potential impacts on SSMO closed areas.* Where a proposal may have an adverse direct or indirect effect on the priority marine features protected within an SSMO closed area, applicants may be required to demonstrate:</p> <p>a) there will be no adverse effects on the national status of the PMF, or the status of the PMF in Shetland; or            b) there are no reasonable alternatives or less ecologically damaging locations; and            c) mitigation measures to minimise the impacts on the priority marine features have been considered.</p> <p>*Those which were in place by December 2019</p>
		NatureScot	Please see comment <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a>	As per comment <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals, the suggested changes will improve the policy</a>	(*Those which were in place by December 2019)		
		LINK	LINK members support the linkage of the SIRMP to the National Marine Plan's General Policy 9b (p42) and note the	No change is considered necessary.			

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			recent update to SNH advice on maerl, which makes clear that any damage to maerl should be considered as a significant impact on its national status. This should also be referenced in the Plan for clarity to developers. This advice also applies under the MPA (p44) and SPCON (p58) policies. Following on from this, LINK members are cautious about the use of the word 'minimise' in terms of potential impacts on the environment, as this implies a certain level of impact is acceptable (for example Policy MPA4). For example, in the context of the updated advice on maerl from SNH, any level of environmental impact is not acceptable.	NatureScot advice refers to maerl beds only, not to maerl. Therefore we don't agree with this interpretation.			
		LINK	Please see comment <a href="#">Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</a>	As per comment <a href="#">Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</a> , no changes are being made.			
16	<b>Policy MP COAST1: Developments in or near SSSIs and National Nature Reserves (NNR)</b> Development likely to have an effect on a Site of Special Scientific Interest (SSSIs) or National Nature Reserve (NNR) will only be permitted: a) if there is no adverse impact on the special interest of the site or it can be subject to conditions that will prevent damaging impacts on those interests; and b) where there is no reasonable alternative or less ecologically damaging location and the reasons for the development clearly outweigh the value of the site by virtue of social or economic benefits of national importance.	NatureScot	"National Nature Reserve" is an accolade rather than a protective designation. NNRs are protected by being designated as SSSIs (and in the case of Hermaness and Noss also as SPAs). Reference to NNRs in Policy MP COAST1 is therefore redundant and it would be sufficient to note in the text above that Both NNRs are also notified as SSSIs.	We agree that the suggested change would be beneficial to the SIRMp.  We shall amend the first sentence of the 'National Nature Reserves (NNRs)' text on pg 53 of the SIRMp to read:  Shetland has two National Nature Reserves, Noss and Hermaness, both of which are SSSIs.	Advisory Group agreed to the proposed change to remove NNRs from the policy: <b>Policy MP COAST1: Developments in or near SSSIs</b> Development likely to have an effect on a Site of Special Scientific Interest (SSSIs) will only be permitted: a) if there is no adverse impact on the special interest of the site or it can be subject to conditions that will prevent damaging impacts on those interests; and b) where there is no reasonable alternative or less ecologically damaging location and the reasons for the development clearly outweigh the value of the site by virtue of social or economic	Section B of the SIRMp formerly contained a number of specific policies under the section 'Healthy & Diverse', namely: MPA1, MPA2, MPA3, MPA4, COAST1, COAST2, SPCON1, SPCON2, SPCON3, SPCON4 and BIOD1.  In order to avoid reiteration of existing legislation and meet legislative requirements this section has been amended and refined. In particular, the above policies in Section B of the SIRMp have now been replaced with four specific policies to meet these requirements and to also avoid creating obligations or duties on decision makers:  <ul style="list-style-type: none"> <li>• MP BIOD1 'Protected sites and species'.</li> <li>• MP BIOD2 'Priority Marine Features'</li> </ul>	Now included in <a href="#">Policy MP BIOD1: Protected sites and species</a>
		LINK	Please see comment <a href="#">Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</a>	As per comment <a href="#">Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</a> , no changes are being made.			

	Policy at consultation Sept-Dec 2019	Commenter	Comment	SIMPP Response	Policy changes after AG Meeting Jul 2020	Changes following review by Scottish Government	Adopted Policy
					benefits of national importance.	<ul style="list-style-type: none"> <li>MP BIOD3 'Local Habitat Protected Areas'</li> <li>MP BIOD4 'Furthering the Conservation of Biodiversity'</li> </ul>	
17	<b>Policy MP COAST2: Development on or near to a Local Nature Conservation Site (LNCS) or RSPB Scotland Reserve</b> Development that affects a Local Nature Conservation Site (LNCS) or RSPB Scotland Reserve will only be permitted where: a) it will not adversely affect the integrity of the area or the qualities or purposes for which it has been identified; and b) any such effects are clearly outweighed by social, environmental or economic benefits.	SSE	Policy MP COAST2 - It is not considered appropriate to include RSPB reserves under this policy, as currently worded. While RSPB reserves should be a consideration for new development they have not undergone a formal designation process by a public body, involving public consultation and with clear criteria having led to their selection and identification of special qualities. Identification of new LNCS in the future would have to undergo a formal process with public consultation which would be able to account for effects on existing development. This wouldn't happen for a new RSPB Scotland Reserve. Consideration of RSPB reserves can be adequately managed by other policies seeking to protect nationally and internationally important species and tourism assets.	Remove reference to RSPB reserve	Advisory Group agreed to the proposed change: <b>Policy MP COAST2: Development on or near to a Local Nature Conservation Site (LNCS) or RSPB Scotland Reserve</b> Development that affects a Local Nature Conservation Site (LNCS) or RSPB Scotland Reserve will only be permitted where: a) it will not adversely affect the integrity of the area or the qualities or purposes for which it has been identified; and b) any such effects are clearly outweighed by social, environmental or economic benefits.	Section B of the SIRMP formerly contained a number of specific policies under the section 'Healthy & Diverse', namely: MPA1, MPA2, MPA3, MPA4, COAST1, COAST2, SPCON1, SPCON2, SPCON3, SPCON4 and BIOD1.  In order to avoid reiteration of existing legislation and meet legislative requirements this section has been amended and refined. In particular, the above policies in Section B of the SIRMP have now been replaced with four specific policies to meet these requirements and to also avoid creating obligations or duties on decision makers:  <ul style="list-style-type: none"> <li>MP BIOD1 'Protected sites and species'.</li> <li>MP BIOD2 'Priority Marine Features'</li> <li>MP BIOD3 'Local Habitat Protected Areas'</li> <li>MP BIOD4 'Furthering the Conservation of Biodiversity'</li> </ul>	Now included in <a href="#">Policy MP BIOD1: Protected sites and species</a>
18	<b>Policy MP SPCON1: Development and European Protected Species and Schedule 5 Species</b> Development or uses that could affect a European Protected Species (EPS) or	Scottish Sea Farms	Please see comment <a href="#">Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</a>	As in comment for <a href="#">Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</a> no change is felt to be necessary.	The Advisory group agreed to not change policy as requested.  It was however agreed to amend the paragraph on Schedule 5 species for	Section B of the SIRMP formerly contained a number of specific policies under the section 'Healthy & Diverse', namely: MPA1, MPA2, MPA3, MPA4, COAST1, COAST2, SPCON1,	Now included in <a href="#">Policy MP BIOD1: Protected sites and species</a>

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<p>Schedule 5 species will be permitted only if:</p> <p>a) it can be shown that the development is not likely to result in an offence being committed under Regulation 39 of The Conservation (Natural Habitats, &amp;c.) Regulations 1994 (the Habitats Regulations) or Section 9 of the Wildlife and Countryside act 1981 (as amended); or</p> <p>b) if an offence<sup>14</sup> might result, it is determined that a licence would be, or has been, issued by the appropriate authority (either SNH or Marine Scotland).</p> <p>An EPS licence can only be issued if it passes three strict legal tests:</p> <ol style="list-style-type: none"> <li>1. The licence must relate to one of seven purposes listed in Regulation 44 of the Habitats Regulations.<sup>15</sup></li> <li>2. There must be no satisfactory alternative, which means that all reasonable alternatives must have been considered and judged to be unsatisfactory.</li> <li>3. The action authorised must not be detrimental to the maintenance of the population at a favourable conservation status in their natural range.</li> </ol> <p>Under the Wildlife and Countryside Act 1981 the Schedule 5 species also require a licence to disturb from either SNH or Marine Scotland.</p> <p>Where development is permitted under such a licence, a Species Protection Plan containing appropriate mitigation will nevertheless</p>	LINK	<p>Please see comment <a href="#">Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</a></p>	<p>As per comment <a href="#">Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</a>, no changes are being made.</p>	<p>purposes of clarity to read:</p> <p>Under the Wildlife and Countryside Act <b>1981 a licence from either NatureScot or Marine Scotland will be required to disturb a Schedule 5 species</b> the Schedule 5 species also require a licence to disturb from either SNH or Marine Scotland.</p>	<p>SPCON2, SPCON3, SPCON4 and BIOD1.</p> <p>In order to avoid reiteration of existing legislation and meet legislative requirements this section has been amended and refined. In particular, the above policies in Section B of the SIRMP have now been replaced with four specific policies to meet these requirements and to also avoid creating obligations or duties on decision makers:</p> <ul style="list-style-type: none"> <li>• MP BIOD1 'Protected sites and species'.</li> <li>• MP BIOD2 'Priority Marine Features'</li> <li>• MP BIOD3 'Local Habitat Protected Areas'</li> <li>MP BIOD4 'Furthering the Conservation of Biodiversity'</li> </ul>	



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	be required to minimise the impact on the species. Developers may be required to submit site survey information which complies with current best practice guidelines and proposed mitigation plans to avoid potential impacts on EPS and Schedule 5 species. Mitigation plans should use the hierarchy of avoidance, mitigation and compensation, and use the precautionary principle within this decision making process.						
19	<p><b>Policy MP SPCON2: Protection of Wild Birds and Their Habitats Outside Designated Sites</b></p> <p>Where there is good reason to suggest that a wild bird protected under the Wildlife and Countryside Act 1981 (as amended), the Nature Conservation (Scotland) Act 2004 or listed in Annex 1 of the EC Birds Directive is present on site, or may be affected by a proposed development, the consenting authorities will require any such presence to be established. If such a species is present, a plan should be provided to avoid or mitigate any adverse effects on the species, prior to determination of the relevant planning works licence or marine licence application. Development that directly threatens wild birds, the destruction of their nests or eggs will only be permitted where it can be demonstrated that:</p>	SNH	<p>Policy MP SPCON2 - killing of birds (other than quarry species in the relevant open season) or the destruction of nests or eggs requires a licence from SNH. To make this explicit we recommend that the second paragraph is reworded</p> <p><i>“Development that directly threatens wild birds, the destruction of their nests or eggs will only be permitted where it can be demonstrated that:</i></p> <p><i>a) the development is required for preserving public health or public safety;</i></p> <p><i>b) there is no other satisfactory solution and</i></p> <p><b><i>c) a licence has been granted, or is likely to be granted, by Scottish Natural Heritage.</i></b></p>	<p>We agree that the suggested change would be beneficial to the SIRMP.</p> <p>We shall amend the second paragraph of Policy MP SPCON2 on page 67 of the SIRMP to include a new requirement c):</p> <p>“c) a licence has been granted, or is likely to be granted, by NatureScot”.</p>	<p>Advisory Group agreed to the proposed change:</p> <p><b>Policy MP SPCON2: Protection of Wild Birds and Their Habitats Outside Designated Sites</b></p> <p>Where there is good reason to suggest that a wild bird protected under the Wildlife and Countryside Act 1981 (as amended), the Nature Conservation (Scotland) Act 2004 or listed in Annex 1 of the EC Birds Directive is present on site, or may be affected by a proposed development, the consenting authorities will require any such presence to be established. If such a species is present, a plan should be provided to avoid or mitigate any adverse effects on the species, prior to determination of the relevant planning, works licence or marine licence application.</p>	<p>Section B of the SIRMP formerly contained a number of specific policies under the section ‘Healthy &amp; Diverse’, namely: MPA1, MPA2, MPA3, MPA4, COAST1, COAST2, SPCON1, SPCON2, SPCON3, SPCON4 and BIOD1.</p> <p>In order to avoid reiteration of existing legislation and meet legislative requirements this section has been amended and refined. In particular, the above policies in Section B of the SIRMP have now been replaced with four specific policies to meet these requirements and to also avoid creating obligations or duties on decision makers:</p> <ul style="list-style-type: none"> <li>• MP BIOD1 ‘Protected sites and species’.</li> <li>• MP BIOD2 ‘Priority Marine Features’</li> <li>• MP BIOD3 ‘Local Habitat Protected Areas’</li> </ul>	Now included in <a href="#">Policy MP BIOD1: Protected sites and species</a>

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	<p>a) the development is required for preserving public health or public safety; and</p> <p>b) there is no other satisfactory solution. Developers should also take into consideration any sensitive times of year for breeding within the area of the proposed development when planning construction, operation and decommissioning stages. Proposals should include avoidance measures or mitigation of disturbance during these sensitive times and within these sensitive locations.</p> <p>If a species listed on Schedule 1 on the Wildlife and Countryside Act 1981 (as amended) is present either at the nest, or with dependent young, it cannot be disturbed without a licence from SNH.</p>				<p>Development that directly threatens wild birds, the destruction of their nests or eggs or is likely to disturb a species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) whilst it is at or near its nest, or with dependent young will only be permitted where it can be demonstrated that:</p> <p>a) the development is required for preserving public health or public safety;</p> <p>b) there is no other satisfactory solution and</p> <p><b>c) a licence has been granted, or is likely to be granted, by NatureScot.</b></p> <p>Developers should also take into consideration any sensitive times of year for breeding within the area of the proposed development when planning construction, operation and decommissioning stages. Proposals should include avoidance measures or mitigation of disturbance during these sensitive times and within these sensitive locations.</p>	MP BIOD4 'Furthering the Conservation of Biodiversity'	
20	<p><b>Policy MP SPCON3: Development and Designated Seal Haul-Outs</b></p> <p>Developments or uses which would result in an activity that harasses, pesters, torments, disturbs, troubles or attacks a seal on a designated haul-out site will not be permitted.</p>	Scottish Sea Farms	Policy MP SPCON3 - The wording of this new policy is not consistent with the Marine (Scotland) Act 2010 which clearly identifies protection for seals from intentional or reckless harassment. This legislation and page 5 of the Marine Scotland Guidance on 'what constitutes harassment?' does not use the word 'disturb' and its inclusion in the proposed policy confuses the extent of what would be considered an offence. Disturbance is not an equivalent action to harassment, and it is suggested that the word 'disturb' is removed from this policy.	Agree to change. Policy will now be as follows: <i>"Developments or uses which would result in an activity that harasses<sup>16</sup>, pesters, torments, troubles or attacks a seal on a designated haul-out site, or causes a significant proportion of seals on a haul-out site to</i>	Advisory Group agreed to the proposed change: <b>Policy MP SPCON3: Development and Designated Seal Haul-Outs</b> Developments or uses which would result in an activity that harasses <sup>16</sup> , pesters, torments, disturbs, troubles or	Section B of the SIRMPP formerly contained a number of specific policies under the section 'Healthy & Diverse', namely: MPA1, MPA2, MPA3, MPA4, COAST1, COAST2, SPCON1, SPCON2, SPCON3, SPCON4 and BIOD1.	Now included in <a href="#">Policy MP BIOD1: Protected sites and species</a>

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				<i>leave that site either more than once or repeatedly, will not be permitted."</i>	attacks a seal on a designated haul-out site, or causes a significant proportion of seals on a haul-out site to leave that site either more than once or repeatedly, will not be permitted.	<p>In order to avoid reiteration of existing legislation and meet legislative requirements this section has been amended and refined. In particular, the above policies in Section B of the SIRMP have now been replaced with four specific policies to meet these requirements and to also avoid creating obligations or duties on decision makers:</p> <ul style="list-style-type: none"> <li>• MP BIOD1 'Protected sites and species'</li> <li>• MP BIOD2 'Priority Marine Features'</li> <li>• MP BIOD3 'Local Habitat Protected Areas'</li> <li>MP BIOD4 'Furthering the Conservation of Biodiversity'</li> </ul>	
21	<p><b>Policy MP SPCON4: Priority Marine Features</b></p> <p>Developments or uses likely to have a significant impact on a Priority Marine Feature (PMF) will only be permitted where it can be demonstrated that:</p> <p>a) there will be no adverse direct or indirect effect to the feature's integrity or important physical features; or</p> <p>b) mitigation measures are included to minimise the impacts to the priority marine habitat or species including species behaviour such as breeding, feeding, nursery or resting; or</p> <p>c) there is no reasonable alternative or less ecologically damaging location; and</p>	<p>Scottish Sea Farms</p> <p>SNH</p> <p>LINK</p>	<p>Policy MP SPCON4 - Part a) of the policy is not clear and requires 'no adverse effect' when the previous sentence refers to 'significant impact'. The latter is appropriate and consistent with Scottish Planning Policy and the National Marine Plan. Part a) also uses the term 'feature's integrity' and it is not at all clear what this means. 'Integrity' is a term used for Natura 2000 designations and has a clear legislative and policy meaning in this context. It is recommended that part a) of this policy is removed or reworded.</p> <p>Please see comment <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a></p> <p>Please see comment <a href="#">Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</a></p>	<p>Upon consideration we agree that this policy should be amended to be consistent with the National Marine Plan and Scottish Planning Policy.</p> <p>The policy was discussed in detail at the Advisory Group meeting in July 2020, when it was agreed that it should be amended.</p> <p>As per comment on <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals the suggested changes will improve the policy</a></p> <p>As per comment on <a href="#">Policy MP MPA1: Plans or projects that may affect</a></p>	<p>The Advisory Group agreed to the proposed change to the policy.</p> <p><b>Policy MP SPCON4: Priority Marine Features</b></p> <p>Developments or uses <del>have to</del> <b>must</b> demonstrate they will have no <b>significant</b> adverse direct or indirect effect <del>to</del> <b>on</b> a Priority Marine Feature (PMF) unless:</p> <p>d) there is no reasonable alternative at a less ecologically damaging location and;</p> <p>e) mitigation is included to minimise impact and;</p> <p>f) the reasons for the development clearly</p>	<p>Section B of the SIRMP formerly contained a number of specific policies under the section 'Healthy &amp; Diverse', namely: MPA1, MPA2, MPA3, MPA4, COAST1, COAST2, SPCON1, SPCON2, SPCON3, SPCON4 and BIOD1.</p> <p>In order to avoid reiteration of existing legislation and meet legislative requirements this section has been amended and refined. In particular, the above policies in Section B of the SIRMP have now been replaced with four specific policies to meet these requirements and to also avoid creating obligations</p>	<p><b>Policy MP BIOD2: Priority Marine Features</b></p> <p>Proposals must not result in significant negative impacts on the national status of Priority Marine Features (PMFs). Applicants should consider mitigation measures, including alternative locations, where potential adverse impacts on PMFs are identified. Where relevant, applicants should consider if impacts will affect the status of PMFs in Shetland.</p>

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	d) the reasons for the development clearly outweigh the value of the feature by virtue of social or economic benefits of national importance.			<a href="#">SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</a> no change to policy	outweigh the value of the feature by virtue of social or economic benefits of <del>national</del> <b>regional</b> importance.	or duties on decision makers:  <ul style="list-style-type: none"> <li>• MP BIOD1 'Protected sites and species'.</li> <li>• MP BIOD2 'Priority Marine Features'</li> <li>• MP BIOD3 'Local Habitat Protected Areas'</li> </ul> MP BIOD4 'Furthering the Conservation of Biodiversity'	
22	<b>Policy MP BIOD1: Furthering the Conservation of Biodiversity</b> Development and use of the marine environment will be considered against public bodies' obligation to further the conservation of biodiversity and the ecosystem services it delivers. Development and use of the marine environment must protect, and where appropriate enhance the health of the Shetland marine area. The extent of these measures should be relevant and proportionate to the scale of the development. Proposals for development that would have a significant adverse effect on habitats or species identified in the PMF list, Shetland Local Biodiversity Action Plan, Scottish Biodiversity List, Annexes I and II of the Habitats Directive, Annex I of the Birds Directive (if not included in Schedule 1 of the Wildlife and Countryside Act) or on the ecosystem services of biodiversity, including any cumulative impact, will only be permitted where it has been demonstrated by the	Scottish Sea Farms	Policy MP BIOD1 - It is questioned as to the purpose and added value of this policy as it replicates what is already covered under other 'Healthy and Diverse' policies. The introductory text of this policy is relevant context to the start of the 'Healthy and Diverse' section.	The wording of this policy is taken from our adopted Local Development Plan and is also based on advice from the advisory group members.  We therefore consider that this policy is relevant and applicable in its current form and there is no need for it to be removed.	Advisory Group agreed to the proposed change:  <b>Policy MP BIOD1: Furthering the Conservation of Biodiversity</b> Development and use of the marine environment will be considered against public bodies' obligation to further the conservation of biodiversity and the ecosystem services it delivers. Development and use of the marine environment must protect, and where appropriate enhance the health of the Shetland marine area. The extent of these measures should be relevant and proportionate to the scale of the development.  Proposals for development that would have a significant adverse effect on habitats or species identified in the <del>PMF list</del> , Shetland Local Biodiversity Action Plan, Scottish Biodiversity List, Annexes I and II of the	Section B of the SIRMP formerly contained a number of specific policies under the section 'Healthy & Diverse', namely: MPA1, MPA2, MPA3, MPA4, COAST1, COAST2, SPCON1, SPCON2, SPCON3, SPCON4 and BIOD1.  In order to avoid reiteration of existing legislation and meet legislative requirements this section has been amended and refined. In particular, the above policies in Section B of the SIRMP have now been replaced with four specific policies to meet these requirements and to also avoid creating obligations or duties on decision makers:  <ul style="list-style-type: none"> <li>• MP BIOD1 'Protected sites and species'.</li> <li>• MP BIOD2 'Priority Marine Features'</li> <li>• MP BIOD3 'Local Habitat Protected Areas'</li> </ul> MP BIOD4 'Furthering the Conservation of Biodiversity'	<b>Policy MP BIOD4: Furthering the Conservation of Biodiversity</b> Development and use of the marine environment must protect and, where appropriate, enhance the health of Shetland's marine area. Where proposals may have a significant adverse effect on biodiversity or the ecosystem services of biodiversity, including any cumulative impact, the applicant should further consider measures to avoid, minimise, or mitigate any harm or disturbance to the ecosystem services, continuity, and integrity of the habitats or species affected. Applicants should consider impacts on areas which are important to all aspects of a species' life cycle including locations used for breeding, nesting, resting, foraging and seasonal use, including overwintering.
		SNH	Policy MP BIOD1 refers to PMFs, however these are covered in more detail in Policy MP SCON4 so inclusion here is unnecessary and potentially confusing.	Kept for completeness			
		LINK	Please see comment <a href="#">Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</a>	As per comment on <a href="#">Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</a> no change to the policy			
		LINK	LINK members suggest that under policy BIOD1 (p78) mitigation could also be enabled by developers contributing to conservation finance schemes to support research, protection and enhancement of biodiversity, where appropriate. It would also be helpful to provide more detail on what is considered an 'acceptable level of impact' under this policy.	We do not consider that it is necessary or appropriate to amend this policy for the following reasons:  Contributing to conservation finance schemes would in effect be a developer contribution through a planning obligation and the suggested approach			

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	<p>developer that: a) The development will have benefits of overriding public interest including those of a social or economic nature that outweigh the local, national or international contribution of the affected area in terms of habitat or populations of species; and b) Any harm or disturbance to the ecosystem services, continuity and integrity of the habitats or species is avoided, or reduced to acceptable levels by mitigation. Developers should consider impacts on areas which are important to all aspects of a species life cycle including locations used for breeding, nesting, resting, foraging and seasonal use, including overwintering.</p>			<p>is unlikely to meet the tests for planning obligations under Planning Circular 3/2012. Developer contributions is not something Shetland Islands Council have sought in the past. We will however consider whether this would be appropriate and achievable when we review our supplementary guidance on aquaculture and works licensing and also our Local Development Plan (LDP2).</p> <p>With regards to the second point raised, it is not possible to give examples of what an acceptable level may be, as this would too wide ranging. Acceptable levels of impact will be considered when assessing the proposal, alongside the type and nature of development, the information provided, impacts and the views and of consultees and representations.</p>	<p>Habitats Directive, Annex I of the Birds Directive (if not included in Schedule 1 of the Wildlife and Countryside Act) or on the ecosystem services of biodiversity, including any cumulative impact, will only be permitted where it has been demonstrated by the developer that:</p> <p>a) The development will have benefits of overriding public interest including those of a social or economic nature that outweigh the local, national or international contribution of the affected area in terms of habitat or populations of species; and</p> <p>b) Any harm or disturbance to the ecosystem services, continuity and integrity of the habitats or species is avoided, or reduced to acceptable levels by mitigation.</p> <p>Developers should consider impacts on areas which are important to all aspects of a species life cycle including locations used for breeding, nesting, resting, foraging and seasonal use, including <del>overwintering</del> overwintering.</p>		
23	<p><b>Policy MP GEOD1: Safeguarding Marine Geodiversity</b></p> <p>Development will only be permitted where appropriate</p>	LINK	<p>Please see comment <a href="#">Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</a></p>	<p>As per comment <a href="#">Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000</a></p>	No change	<p>Policy updated to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers</p>	<p><b>Policy MP GEOD1: Safeguarding Marine Geodiversity</b></p> <p>Proposals for marine development and use should</p>



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	<p>measures are taken to protect or enhance important marine and coastal geological and geomorphological resources and sites, including protected features of SSSIs and MPAs, Geological Conservation Review sites, and Geosites identified by Geopark Shetland for their educational or research value.</p> <p>Proposals that would have an unavoidable effect on marine geodiversity will be permitted only where it has been demonstrated that:</p> <p>a) the development will have benefits of over-riding public interest, including those of a social or economic nature, that outweigh the local, national or international contribution of the affected area in terms of its geodiversity; and</p> <p>b) any loss of marine geodiversity is reduced to acceptable levels by mitigation, and a record is made prior to any loss.</p>			<a href="#">sites) and Ramsar Sites</a> , no change to policy.			<p>consider potential impacts on geodiversity and appropriate measures to protect or enhance marine and coastal geological and geomorphological resources and sites. This includes the protected geological features of SSSIs and MPAs, Geological Conservation Review sites, and Geosites identified by Geopark Shetland for their educational or research value.</p> <p>Where proposals would have unavoidable adverse effects on marine geodiversity, applicants should consider recording the affected geodiversity and identifying mitigation measures to reduce marine geodiversity loss.</p>
24	<b>Policy MP VIS1: Safeguarding National Scenic Areas (NSAs) and Local Landscape Areas (LLAs)</b> Developments that affect a NSA or LLA will only be permitted where: a) it will not adversely affect the integrity of the area or the qualities or protected features for which it has been designated, or b) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance for NSAs	SIC- Natural Heritage Officer	Policy MP VIS1. Similar to previous comments, I should prefer if the policy reflected the requirements of the Planning Acts, which in the case of NSAs state that “special attention is to be paid to “safeguarding or enhancing its character or appearance”. Note this is the current wording, commenced in December 2019, though the previous wording was very similar.	This policy wording is taken from and reflects the National Marine Plan (para 4.28). We therefore feel that it is appropriate and no change is required.	No change	Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.  Additionally, reference to Shetland Island’s Council Local Landscape Areas within this policy has been removed as it was considered that they were only draft, not finalised, and do not form part of the adopted Local Development Plan (2014).	<b>Policy MP VIS1: Safeguarding the National Scenic Area (NSA)</b> Proposals for marine development and use should consider the potential impacts on the Shetland National Scenic Area (NSA). Proposals should only be permitted where: the proposal will not adversely affect the integrity of the area or the special qualities for which it has been designated, or any such adverse effects are clearly outweighed by social,
		SNH	para.2 – there is only one NSA in Shetland (although it is made up of seven sections). “National Scenic Area” and “NSA” should therefore be singular. The text should also acknowledge that the Shetland NSA has an essentially coastal character which contributes strongly to the special qualities of the areas defined. Policy MP VIS1 – similarly, the policy should read: “Safeguarding the National Scenic Area (NSA) and Local Landscape Areas (LLAs).	We agree that the suggested changes would be beneficial to the SIRMP.  We will however retain the wording “may be required” as opposed to the suggested “are likely			

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and local importance for LLAs.		Development that affects the NSA or a LLA will only be permitted where: a) it will not adversely affect the integrity of the area or the qualities or protected features for which it has been designated, or b) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance for the NSA and local importance for LLAs. The justification of this policy should acknowledge that special protection measures are required by the legislation. We also recommend that the second sentence is amended to "Developers are likely to be required to submit a Design Statement and an assessment of the impact of a proposal on the Special Qualities of the NSA in support ..."	to be required", in the justification section of the Policy MP VS1.			environmental, or economic benefits of national importance.
	LINK	Please see comment <a href="#">Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</a>	As per comment on <a href="#">Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura 2000 sites) and Ramsar Sites</a> , no change to policy			
	Royal Yachting Association Scotland	Landscape and Seascape Policy MP VIS1: Safeguarding National Scenic Areas (NSAs) and Local Landscape Areas (LLAs) and Policy MP VIS2: Safeguarding Seascape Character and Visual Amenity The concept of landscape and seascape should also encompass the view of the coast and land from the sea.	We consider that this suggested change is not necessary.  The justification for this policy on 82 of the SIRMP sets out:  "There is no legal definition, as yet, of 'seascape' in the UK. For the purposes of the SIRMP, references to seascape should be taken as meaning landscapes with views of the coast or seas, and coasts and the adjacent marine environment with cultural, historical and archaeological links with each other".  This is taken from the UK Marine Policy Statement which is based on advice from the European Landscape Convention.			

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25	<b>Policy MP VIS2: Safeguarding Seascape Character and Visual Amenity</b> Any development or activity should demonstrate: how the proposal takes into account existing character and quality of local landscape/ seascape; how highly it is valued; and its capacity to accommodate change specific to any development. a high standard of design, in terms of siting, scale, colour, materials and form to ensure the various types of development or coastal use change might best be accommodated within particular landscape and seascape types.	SIC- Natural Heritage Officer	Policy MP VIS2 - how will developers establish “how highly [Seascape Character and Visual Amenity] is valued”? In relation to satisfying the objectives of both the previous policies it might be better (more straightforward for developers) to recommend (or require) that developers undertake landscape and visual impact assessment in accordance with established techniques and guidance. For example, “developers should undertake an appraisal to assess the potential effects of their proposed development on the landscape/ seascape, including upon designated areas (such as the NSA or proposed LLAs) and on the landscape character of the area, such appraisal should follow the guidelines set out in Guidelines for Landscape and Visual Impact Assessment 3rd edition (LI & IEMA), 2013 (GLVIA3).” There will be occasions where such assessment will be required even if an EIA is not required; this is particularly the case since the policy refers to “any development or activity”, which I understand to mean “all”.	We agree that the justification section of this policy could be clearer with regards to landscape and seascape assessments, and shall amend the SIRM accordingly. We do not consider that the policy wording needs to be changed though.  In the justification section of Policy MP VIS2, we shall include a new paragraph which reads:  “Where requested by the planning authority developers should undertake an appraisal to assess the potential effects of their proposed development on the landscape/ seascape, including upon designated areas (such as the NSA or proposed LLAs) and on the landscape character of the area. Such appraisal should follow the guidelines set out in Guidelines for Landscape and Visual Impact Assessment 3rd edition (LI & IEMA), 2013 (GLVIA3). There may be occasions where such assessment is requested even if an EIA is not required.”	Advisory Group agreed to the proposed change: <b>Policy MP VIS2: Safeguarding Seascape Character and Visual Amenity</b> Any development or activity <del>must</del> <b>should</b> demonstrate: a) how the proposal takes into account existing character and quality of local landscape/ seascape; how highly it is valued; and its capacity to accommodate change specific to any development. b) a high standard of design, in terms of siting, scale, colour, materials and form to ensure the various types of development or coastal use change might best be accommodated within particular landscape and seascape types.	Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.	<b>Policy MP VIS2: Safeguarding Seascape Character and Visual Amenity</b> Proposals for marine development and use should consider the potential impacts on landscape, seascape, and visual amenity and should seek to minimise adverse impacts through careful planning and design. This could include consideration of: how the proposal takes into account the existing character and quality of the local landscape/seascape; how highly it is valued; and its capacity to accommodate change specific to any development; and a high standard of design, in terms of siting, scale, colour, materials and form to ensure the various types of development or coastal use change proposed can be accommodated within particular landscape and seascape types.
		Royal Yachting Association Scotland	Landscape and Seascape Policy MP VIS1: Safeguarding National Scenic Areas (NSAs) and Local Landscape Areas	Please see comments to <a href="#">Policy MP VIS1: Safeguarding National Scenic Areas (NSAs) and</a>			



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			(LLAs) and Policy MP VIS2: Safeguarding Seascape Character and Visual Amenity The concept of landscape and seascape should also encompass the view of the coast and land from the sea.	<a href="#">Local Landscape Areas (LLAs)</a> no change to policy			
26	<b>Policy MP HIS1: Historic Marine Protected Areas</b> Development within or adjacent to the boundaries of any Historic MPA will only be permitted where it has been adequately demonstrated, to the satisfaction of both the consenting authority and Historic Environment Scotland, that the proposal has had due regard to the preservation objectives of the designated site and there will be no adverse direct or indirect effects on the objectives of the Historic MPA. Development proposals should assess the likely impacts on hydrodynamic processes and any seabed biology/water chemistry over the protected area and, where appropriate, develop an archaeological mitigation strategy to minimise any potential impacts. Developers will be expected to arrange for appropriate archaeological investigation, at their own expense to take place prior to the commencement of work, in consultation with the local planning authority (and the Regional Archaeology Service) and Historic Environment Scotland.	No suggested changes				Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.	<b>Policy MP HIS1: Historic Marine Protected Areas</b> Proposals for marine development and use should consider potential impacts on Historic MPAs and the objectives of the designated site. Where proposals are within or adjacent to the boundaries of any Historic MPA, the applicant will be required to demonstrate, to the satisfaction of the consenting authority with advice from Historic Environment Scotland: a) that the applicant has considered the preservation objectives of the designated site and there will be no adverse direct or indirect effects on the objectives of the Historic MPA; b) an assessment of the likely impacts of the proposal on hydrodynamic processes and seabed biology/water chemistry over the protected area; and, where appropriate, an archaeological mitigation strategy to minimise any potential impacts. Applicants may be required to arrange for appropriate archaeological investigation, at their own expense to take place prior to the commencement of work, in consultation with the local

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							planning authority (and the Regional Archaeology Service) and Historic Environment Scotland, where appropriate.
27	<p><b>Policy MP HIS2: Safeguarding Nationally Important Heritage Assets</b></p> <p>Development which results in substantial loss or harm to a scheduled monument or the integrity of its setting should not be permitted unless it can be demonstrated that the harm or loss is necessary in order to deliver social, economic or environmental benefits that outweigh the harm or loss.</p> <p>Where the loss of the whole or a material part of a heritage asset's significance is deemed justifiable, suitable mitigating actions will be required to be undertaken by the developer in agreement with the relevant regulator and advisors (e.g. the Regional Archaeology Service) to record and advance understanding of the significance of the heritage asset before it is lost.</p> <p>Scheduled monuments are an important, finite and non-renewable resource and should be protected and preserved in situ wherever feasible. Where preservation in situ is not possible consenting authorities will, through the use of conditions or a legal agreement, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during</p>	Scottish Government – Historic Environment Scotland	<p><b>Policy MP HIS2: Safeguarding Nationally Important Heritage Assets</b></p> <p>In order to align more closely with Scottish Planning Policy and the equivalent policy within the Shetland Islands Local Development Plan, we recommend that the wording of the first paragraph is amended to read as follows:</p> <p><i>Development which results in substantial loss or harm to a scheduled monument or the integrity of its setting should not be permitted unless there are exceptional circumstances.</i></p> <p>The first two sentences of the third paragraph could be omitted as they relate to direct works to Scheduled Monuments only. Such works are subject to scheduled monument consent. Historic Environment Scotland is the regulator for scheduled monument consent. Our decision making is directed by the Historic Environment Policy for Scotland and our Scheduled Monument Consents Policy.</p>	<p>We agree that these changes are helpful and will amend the plan accordingly.</p> <p>The first paragraph of Policy MP HIS2 on page 88 of the SIRMP will be amended to read as follows:</p> <p>“Development which results in substantial loss or harm to a scheduled monument or the integrity of its setting should not be permitted unless there are exceptional circumstances”.</p>	<p>Advisory Group agreed to the proposed change:</p> <p><b>Policy MP HIS2: Safeguarding Nationally Important Heritage Assets</b></p> <p>Development which results in substantial loss or harm to a scheduled monument or the integrity of its setting should not be permitted unless <b>there are exceptional circumstances</b>. <del>it can be demonstrated that the harm or loss is necessary in order to deliver social, economic or environmental benefits that outweigh the harm or loss.</del></p> <p>Where the loss of the whole or a material part of a heritage asset's significance is deemed justifiable, suitable mitigating actions will be required to be undertaken by the developer in agreement with the relevant regulator and advisors (e.g. the Regional Archaeology Service) to record and advance understanding of the significance of the heritage asset before it is lost.</p> <p><del>Scheduled monuments are an important, finite and non-renewable resource and should be</del></p>	Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.	<p><b>Policy MP HIS2: Safeguarding Nationally Important Heritage Assets</b></p> <p>Proposals for marine development and use should protect and, where appropriate, enhance nationally important heritage assets in a manner proportionate to their significance.</p> <p>Proposals must not result in direct or significant adverse impacts on scheduled monuments or their setting unless exceptional circumstances have been demonstrated and impacts on the monument, or its setting, have been minimised.</p> <p>For all other nationally important heritage assets, where detrimental impact on the heritage asset and/or its setting is demonstrated to be justified and unavoidable, suitable mitigating actions should be identified by the applicant in agreement with the relevant regulator and advisors.</p> <p>If archaeological discoveries are made during marine development and use, there may be a requirement for a professional archaeologist to be granted access to inspect and record them.</p>

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	development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. All requirements should be based on advice from the relevant regulator and advisors.				<del>protected and preserved in situ wherever feasible. Where preservation in situ is not possible consenting authorities will, through the use of conditions or a legal agreement, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development.</del> If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. All requirements should be based on advice from the relevant regulator and advisors.		
28	<b>Policy MP HIS3: Safeguarding Locally Important Heritage Assets</b> All other archaeological resources should be preserved in situ wherever feasible. Where preservation in situ is not possible the consenting authority will ensure that developers undertake appropriate archaeological excavation, recording, analysis, publication and archiving in advance of and / or during development. Developments within the vicinity of heritage assets must respect the original structure in terms of design, scale and, where appropriate, setting.	No suggested changes				Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.	<b>Policy MP HIS3: Safeguarding Locally Important Heritage Assets</b> All other archaeological resources should be preserved in situ wherever feasible. Where preservation in situ is not possible, applicants should consider the need for appropriate archaeological excavation, recording, analysis, publication and archiving in advance of and/or during development. Where proposals for marine development are within the vicinity of heritage assets, applicants should consider how the proposal design respects the original structure in terms of design, scale and, where appropriate, setting.

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29	<b>Policy MP COM1: Community Considerations</b> Applications for marine-related developments should demonstrate that there will be no adverse social impact on the local community and will only be considered where it has shown that: a) there is no alternative location for this type of development; b) all necessary mitigation measures have been included in the development proposal; c) local stakeholders, community councils, groups and other marine and coastal users have been consulted and engaged in the development process; and d) an assessment of social impacts of major developments has been carried out to the satisfaction of the consenting authority.	Scottish Sea Farms	Policies MP COM1 and MP REC1 - The phrase ‘...will only be considered where...’ is not clear and it is assumed that it means that a proposal will not be considered by the relevant regulator unless certain criteria are met. This is considered an unlikely scenario as the regulator will normally consider the application regardless of whether the criteria are met but would instead only approve the proposal if the criteria were met. The wording and clarity of these policies could therefore be improved by amending the first sentence of each policy to – ‘...will only be considered favourably where ...’.	<p>The Advisory Group previously agreed not to have policies in the SIRMP that would use the wording ‘will be considered favourably’.</p> <p>We do, however, agree with the points raised and that we would be required to consider all valid application for marine related developments. We shall therefore amend the policy so that it is clearer how the policy will be considered.</p> <p>Amend the wording at the beginning of Policy MP COM1 ‘Community Considerations’ to read:</p> <p>Applications for marine-related developments should demonstrate that there will be no adverse social impact on the local community. They will be required to provide evidence that:’</p> <p>a) b)) etc..</p>	<p>Advisory Group agreed to the proposed change:</p> <p><b>Policy MP COM1: Community Considerations</b>  <b>Applications for marine-related developments should must demonstrate that there will be no adverse social impact on the local community and will only be considered where it has shown that. They will be required to provide evidence that:</b></p> <p>e) <b>there is no alternative location for this type of development;</b>            f) <b>all necessary mitigation measures have been included in the development proposal;</b>            g) <b>local stakeholders, community councils, groups and other marine and coastal users have been consulted and engaged in the development process; and</b></p>	<p>Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.</p> <p>Additional consideration e) included on economic priorities and community wealth building.</p>	<p><b>Policy MP COM1: Community Considerations</b>            Proposals for marine development and use should consider the social impact on the local community. Where adverse social impacts may occur, applicants should consider:</p> <p>a) alternative locations for the proposed type of development and/or use;            b) identifying necessary mitigation measures;            c) engagement with local stakeholders, community councils, groups and other marine and coastal users;            d) detailing how impacts have been assessed and considered in a manner proportionate to the scale of the development; and            e) how the proposal aligns with local economic priorities and contributes to local or regional community wealth building strategies.</p>

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					<p>h) <b>an assessment of social impacts of major developments* has been carried out to the satisfaction of the consenting authority.</b></p> <p><i>* Major developments for Marine Licences are those developments listed under the Marine Licensing (Pre-application Consultation) (Scotland) Regulations 2013, and also for planning applications under The Town and Country Planning (Scotland) Act 1997 (as amended) and associated Regulations.</i></p>		
30	<b>Policy MP REC1: Safeguarding Marine Recreation</b> Developments that are likely to result in the reduction or loss of a marine recreational amenity will only be considered where it can be demonstrated that the proposal is necessary in order to deliver social, economic or environmental benefits that outweigh the reduction or loss. Developments should ensure that continued access rights to the marine and coastal resource for recreational use is maintained where reasonable and practical. Developments should not affect the physical infrastructure which underpins a recreational	Scottish Sea Farms	Policies MP COM1 and MP REC1 - The phrase ‘...will only be considered where...’ is not clear and it is assumed that it means that a proposal will not be considered by the relevant regulator unless certain criteria are met. This is considered an unlikely scenario as the regulator will normally consider the application regardless of whether the criteria are met but would instead only approve the proposal if the criteria were met. The wording and clarity of these policies could therefore be improved by amending the first sentence of each policy to – ‘...will only be considered favourably where ...’.	As per comment to <a href="#">Policy MP COM1: Community Considerations</a> , a change to the policy will be considered.	Advisory Group agreed to the proposed change:	Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.	<b>Policy MP REC1: Safeguarding Marine Recreation</b> Proposals for marine development and use should consider potential impacts on marine recreation, including how the proposal could safeguard marine recreation by avoiding or mitigating the reduction or loss of amenity. Proposals should consider how continued access rights to the marine and coastal resource for recreational use can be maintained, with any necessary changes to land access to be determined through the planning process. Opportunities for co-existence should be fully considered.
		LINK	Policy MP REC1 (p94) should be caveated to state that opportunities for recreation will be maximised provided there is no impact on wildlife and codes of good practice for recreational activities taking place near wildlife are adhered to.	We consider that no change is required as policy MP REC1 seeks to safeguard marine recreation, not control the potential effects of marine recreation.	<b>Policy MP REC1: Safeguarding Marine Recreation</b> Developments that are likely to result in the reduction or loss of a marine recreational amenity <del>will only be considered where it can be demonstrated</del> <b>must demonstrate</b> that the proposal is necessary in order to deliver social, economic or environmental benefits that outweigh the reduction or loss. Developments should ensure that continued access rights to the marine and coastal		
		SIC- Access Officer	Marine Recreation refers to access for recreation amenity. This is a major asset for outdoor recreation in Shetland with many of miles of core paths and access routes that follow the coast and give access to the shoreline, historic and archaeological sites as well as the Shetland UNESCO Global	We agree that this change would be helpful.  We shall amend the policy MP REC1 on page			



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	activity, any impacts should be appropriately mitigated. Opportunities for co-existence should be maximised wherever possible.		Geopark in general. These can be directly affected by on shore marine development and the siting of fish farms can also have a detrimental effect on peoples the enjoyment of the coast due to noise and visual impact. However, Policy MP RE1 makes no reference to Shetland Island Councils Core Paths Plan 2009 or the Shetland Outdoor Access Strategy (recently adopted 2019 strategy replaces the existing 2005 version) which contains routes managed by Shetland Islands Council and proposals to balance the recreational use of the countryside between users, land managers and developers. Where Core Paths and Public Rights of Way on the coast are subject to the effects of development there are formal legal process that would need to be gone through in the planning process to accommodate or divert them and maintain access. This goes beyond maintaining access 'where reasonable or practical' as stated in the proposal. Proposal 14 of the Shetland Outdoor Access Strategy proposes the use of Outdoor Access Plans and Statements to manage and integrate access with new developments.	94 to include the text "wherever possible".  "Developments should ensure that continued access rights to the marine and coastal resource for recreational use is maintained, with any necessary changes to be determined through the land-use planning process".  We shall also amend the justification section on page 94 to include the following paragraph:  "Where there are land based elements to development proposals these should have regard to the Shetland Outdoor Access Strategy and Local Development Plan Policy on open space and access".	resource for recreational use is maintained, <b>with any necessary changes to be determined through the land-use planning process</b> where reasonable and practical. <del>Developments should not affect the physical infrastructure which underpins a recreational activity, any impacts should be appropriately mitigated.</del> Opportunities for co-existence should be maximised wherever possible.		
31	Policy MP DEV1: Marine Developments Proposals for marine-related developments must comply with all policies included in Policy Framework Section (a) and (b), Policies MP DEV1-DEV3 and Policy MP FISH1. The developer should ensure that they have: a) engaged in pre-application discussions with the relevant consenting authorities and regulators, any adjacent marine user and the local community council;	RSPB Scotland	RSPB Scotland considers that the cross referencing to other parts of the plan is confusing and not required. This is smartly set out in the plan structure and associated Planning Mechanism flow chart at the beginning of the plan that all proposed developments must comply with legal requirements and adhere to all policies in the first two policy sections. Therefore it is unclear why this is referenced again in policies MP DEV1, MP AQ1, MP SWD1, MPOAG1, MP NRG1, MP NRG2, MP NRG3, MP EX1, MPTR1, MP SA1, MP CBP1, MP CBP2, MP MO1, MP CD1, MP CD2, MP TRANS1, MP TRANS2, and MPDD1. It is also noted that these policies also include a comment that "there will be no adverse effects on the integrity of a Natura 2000 site or proposed site". RSPB Scotland obviously supports this but considers that there should be a presumption against development with any designated site. Further the potential for impacts on Natura 200 sites is considered under Policy MP MPA1, however, as this allows for development that affects a Natura 2000 site where there are "no alternative solutions, and that it is	This is a requirement under Natura Case law	Advisory Group agreed to the proposed change: <b>Policy MP DEV1: Marine Developments</b> Proposals for marine-related developments must comply with all policies included in Policy Framework Section (a) and (b), Policies MP DEV1-DEV3 and Policy MP FISH1. The developer should ensure that they have: a) engaged in pre-application discussions with the relevant consenting authorities and regulators, any	Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.  Policy amended to set out that: "Proposals must also ensure that there will be no adverse effects on the integrity of a European site or a proposed site."*  As Policy MP DEV1 applies to all marine development and use, previous specific reference to this matter in other SIRM policies has been removed.	<b>Policy MP DEV1: Marine Developments</b> Proposals for ALL marine development and use should consider relevant policies in Sections Clean & Safe and Healthy & Diverse. In the Productive Section, specific consideration should be given to MP DEV1-3 and MP FISH1, in addition to the relevant sector specific policies. Applicants should be prepared to provide supporting information to allow assessment of potential impacts.

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<p>b) taken into consideration the compatibility of the proposed development with existing marine users and have taken into consideration measures to minimise conflict and any potential adverse impacts;</p> <p>c) taken into consideration co-existence options with other users in the design and location of the proposed development to maximise the efficient use of the marine space; and</p> <p>d) taken into consideration the potential individual, in-combination and cumulative effects of the proposed development, and the development will be managed sustainably in terms of spatial and temporal overlaps.</p>	Scottish Sea Farms	<p>imperative and of over-riding public interest to grant consent" and is therefore contradictory to the above point.</p> <p>Aquaculture Policies MP AQ1, AQ2 &amp; AQ3 - These individual policies are considered appropriate. There is however no safeguarding policy for aquaculture that seeks to protect established development from other marine development or activity. Other activities such as recreation and commercial fishing have safeguarding policies and this should also apply to aquaculture. Such a policy should ensure that marine developments and activities such as renewable energy, cables and pipelines, harbour development and recreation does not adversely affect existing aquaculture development and activity. Alternatively, this could be covered under Policy MP DEV1: Marine Developments but would require a stronger policy principle to that provided by part b) i.e. must avoid adverse impacts rather than just consider them.</p>	<p>We agree that this change is appropriate. We shall amend policy MP DEV 1 to make specific reference to <i>'including existing and consented development'</i>.</p> <p>We shall amend policy MP DEV 1 to make specific reference to <i>'including existing and consented development'</i>. This shall be done in section b) of MP DEV 1 to read:</p> <p>b) taken into consideration the compatibility of the proposed development with existing marine users, <i>including existing and consented development</i>, and have taken into consideration measures to minimise conflict and any potential adverse impacts;</p>	<p>adjacent marine user and the local community council;</p> <p>b) taken into consideration the compatibility of the proposed development with existing marine users, <b><i>including existing and consented development</i></b>, and have taken into consideration measures to minimise conflict and any potential adverse impacts;</p> <p>c) taken into consideration co-existence options with other users in the design and location of the proposed development to maximise the efficient use of the marine space; and</p> <p>d) taken into consideration the potential individual, in-combination and cumulative effects of the proposed development, and the development will be managed sustainably in terms of spatial and temporal overlaps.</p>		<p>Proposals must also ensure that there will be no adverse effects on the integrity of a European site or a proposed site.*</p> <p>Applicants for marine development and use should consider:</p> <p>a) engaging in pre-application and early discussions with the relevant consenting authorities and regulators, any adjacent marine users, and local community councils where appropriate;</p> <p>b) the compatibility of the proposal with existing marine uses, including existing and consented development and use, and measures to minimise conflict and any adverse impacts;</p> <p>c) co-existence with other uses through the design and location of the proposal in order to maximise the efficient use of marine spaces;</p> <p>d) the cumulative impact of the proposal either by itself over time or in conjunction with other marine development and use; and</p> <p>e) adverse impacts on coastal processes or flooding, and the resilience of the proposal to coastal change and flooding.</p> <p>*See <a href="#">Habitats Regulations Appraisal</a> within the Context section for further information on the regulatory context.</p>

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32	<p><b>Policy MP DEV2: Decommissioning of Assets</b></p> <p>Applications for marine-related developments should, where directed by the consenting authority or regulator, be supported by a decommissioning plan to ensure the removal of redundant infrastructure. The plan should address the following:</p> <ul style="list-style-type: none"> <li>a) a description of the development;</li> <li>b) all proposed decommissioning requirements and measures;</li> <li>c) the methods by which work will be carried out;</li> <li>d) timescales for the carrying out and completion of the work.</li> </ul> <p>The re-use of decommissioned assets will be supported where practicable.</p>		No suggested changes			<p>Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.</p> <p>Reference to specific guidance that has since been prepared by the SIMPP to support this policy is now included.</p>	<p><b>Policy MP DEV2: Decommissioning of Assets</b></p> <p>Proposals for marine development and use should, where relevant, consider the decommissioning requirements of the development to ensure the removal of redundant infrastructure. The re-use of decommissioned assets should be considered and is encouraged where practicable. Applicants should consider, and could include within a decommissioning plan:</p> <ul style="list-style-type: none"> <li>a) the proposed decommissioning measures;</li> <li>b) the methods by which work will be carried out; and</li> <li>c) the timescales for the carrying out and completion of the work.</li> </ul> <p><i>Applicants should refer to the associated <a href="#">SIRMP Supporting Guidance on Decommissioning</a>.</i></p>
33	<p><b>Policy MP DEV3: Development Restricted Areas</b></p> <p>Developments will not be permitted in:</p> <ul style="list-style-type: none"> <li>a) Whiteness Voe, north of a line between Usta Ness and Grutwick, which reduce visual amenity, or adversely impact protected habitats and species;</li> <li>b) the upper part of Weisdale Voe, between the Taing of Haggersta and Vedri Geo which reduce visual amenity; or</li> </ul>		No suggested changes			<p>Reference to specific guidance that has since been prepared by the SIMPP to support this policy is now included.</p> <p>Further amendments made to wording and structure of this policy to clearly set out how it applies to applications for planning permission ‘Part 1 finfish and shellfish aquaculture’ and for other applications (such as works licences, and marine licences) ‘Part 2 other marine developments’.</p>	<p><b>Policy MP DEV3: Development Restricted Areas</b></p> <p>Policy DEV3 is split into two parts based on the type of development or use being proposed:</p> <p><b>Part 1- Finfish and Shellfish Aquaculture</b></p> <p>Finfish and Shellfish aquaculture development should have regard to Policy G4 of the Shetland Islands Council’s Supplementary Guidance on Aquaculture (2017), which sets out development restricted</p>



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<p>c) Busta Voe north of a line drawn between Hevden Ness (Mainland) and Green Taing (Muckle Roe) which restrict recreational opportunity.</p> <p>Unless it can be demonstrated that the proposal is necessary in order to deliver social, economic or environmental benefits that clearly outweigh the projected impact.</p>						<p>areas, and where relevant the Sullom Voe Harbour Area Masterplan (2022) which identifies Potential Development Zones for development in the Yell Sound area.</p> <p>The Supplementary Guidance on Aquaculture (2017) sets out a general presumption against finfish and shellfish aquaculture development in the following identified areas:</p> <p>a) Fish farming will not, as a matter of policy, be permitted anywhere within the Sullom Voe Harbour Area (as defined in the Sullom Voe Harbour Revision Order 1980) for as long as its primary purpose is to accommodate vessels engaged in the carriage of hydrocarbons or other dangerous substances.*</p> <p>b) No aquaculture developments will be permitted in Whiteness Voe north of a line between Usta Ness and Grutwick or the upper part of Weisdale Voe between the Taing of Haggersta and Vedri Geo for environmental and visual reasons.</p> <p>c) No further new aquaculture developments will be permitted in Busta Voe north of a line drawn between Hevden Ness, Mainland and Green Taing, Muckle Roe as a matter of policy, and variations to existing sites north of this line should not result in either an</p>

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						<p>increase in site size, a change in site location or an increase in environmental or visual impact for recreational and environmental reasons.</p> <p>*The Sullom Voe Harbour Area Masterplan was adopted by Shetland Islands Council as non-statutory planning guidance in March 2022. It identifies Potential Development Zones which could suit a range of potential uses, including aquaculture (fish farming), seaweed farming and renewable energy development. The Masterplan will be a material consideration in planning and works licence decisions taken by Shetland Islands Council for development in this area.</p> <p><b>Part 2- Other Marine Development</b></p> <p>There should be a general presumption against proposals for other types of marine development and use in the following areas:</p> <ul style="list-style-type: none"> <li>a) Whiteness Voe, north of a line between Usta Ness and Grutwick where they: reduce visual amenity, or adversely impact protected habitats and species.</li> <li>b) Weisdale Voe, between the Taing of Haggersta and Vedri Geo where they: reduce visual amenity.</li> <li>c) Busta Voe, north of a line between Hevden Ness and Grain Taing where they: restrict recreational opportunity, reduce visual amenity or adversely</li> </ul>

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							impact protected habitats and species.
34	<p><b>Policy MP FISH1: Safeguarding Fishing Opportunities</b></p> <p>Developments will only be permitted where it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>a) there will be no significant negative impact or permanent significant obstruction to an important fishing area;</li> <li>b) there will be no significant environmental impact to a known/designated spawning, nursery area or habitats or species which are important for commercially important species of fish;</li> <li>c) it will not cause a navigational hazard for commercial fishermen;</li> <li>d) there will be no significant negative effect to the cultural importance of fishing, particularly for vulnerable coastal communities; and</li> <li>e) there is no reasonable alternative and any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.</li> </ul>	SNH	<p>Policy MP FISH1 should have “and” between the last two criteria rather than “or”.</p> <p>This policy seeks to avoid impacts on important fishing areas and known spawning and nursery areas etc. It would be helpful if these could be identified on the associated maps. In the case of spawning/nursery areas and supporting habitats it should be recognised that these could be damaged by commercial fishing itself as much as by other developments.</p>	<p>The current text already says “and” not “or”. No change is required. Such maps are being developed and we don’t currently have appropriate ones to include in the SIRM.</p> <p>It should also be noted that this is not a policy to control commercial fishing, so the suggested change is neither relevant nor appropriate.</p>	No change	Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.	<p><b>Policy MP FISH1: Safeguarding Fishing Opportunities</b></p> <p>Proposals for marine development and use should consider potential impacts on fisheries and associated communities and how the proposal could safeguard fisheries by avoiding or mitigating:</p> <ul style="list-style-type: none"> <li>a) significant negative impacts to important fishing areas;*</li> <li>b) permanent significant obstruction to important fishing areas unless there are no reasonable alternatives;</li> <li>c) significant adverse environmental impacts to known/designated spawning or nursery areas, or habitats or species which are important for commercially important species of fish; and</li> <li>d) the creation of navigational hazards to commercial fishermen.</li> </ul> <p>Proposals should further recognise the cultural importance of fishing, particularly for vulnerable coastal communities and should consider any adverse impacts on fishing areas important for those communities.</p> <p>*Fishing areas may be ‘important’ in relation to the species caught, gear(s) used, the size or type of fishing vessels that operate in the area, and/or the</p>

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							communities where those vessels are based.
35	<p>Policy MP AQ1: Aquaculture- Key Conditions</p> <p>Aquaculture development applications must comply with:</p> <p>a) all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1 and MP AQ2;</p> <p>b) Shetland Islands Council's Supplementary Guidance - Aquaculture Policy;</p> <p>c) Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters (for finfish farming only); and</p> <p>d) it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site.</p>	<p>RSPB Scotland</p> <p>SNH</p>	<p>Please see comment <a href="#">Policy MP DEV1: Marine Developments</a></p> <p>Policy MP AQ1 should read:          "Aquaculture development applications must comply with:          ... ..          c) <i>Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters (for finfish farming only) and must demonstrate that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site.</i>"          We recommend rewording the penultimate paragraph  <i>"Marine aquaculture proposals must use only non-lethal anti-predator measures and demonstrate that they do not cause any significant harm."</i> The current wording only requires developers to demonstrate that non-lethal anti-predator measures work, not necessarily to use them.</p>	<p>Please see comment <a href="#">Policy MP DEV1: Marine Developments</a></p> <p>We agree that the first suggested change would be helpful. We will amend section d) as we feel that section c) should remain as is.</p> <p>With regards to the wording on anti-predator measures, this is taken from the Council's adopted supplementary guidance on Aquaculture. We shall consider change this particular wording when we commence the review and update of this guidance later in 2020.</p> <p>We shall amend section d) of Policy MP AQ1 on page 109 of the SIRMP to read:</p> <p>d) <i>must also demonstrate that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site."</i></p>	<p>Advisory Group agreed to the proposed change:  <b>Policy MP AQ1: Aquaculture - Key Conditions</b>          Aquaculture development applications must comply with:          a) all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1 and MP AQ2;          b) Shetland Islands Council's Supplementary Guidance - Aquaculture Policy;          c) Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters (for finfish farming only); and          d) must also demonstrate that there will be no adverse effects on the integrity of a <del>Natura 2000</del> <b>European site</b> or a proposed site.</p>	<p>Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.</p> <p>Further amendment made to clarify this policy applies to finfish and shellfish aquaculture.</p>	<p><b>Policy MP AQ1: Finfish and Shellfish Aquaculture – Key Conditions</b>          Applicants for finfish and shellfish aquaculture development should have regard to:          a) Shetland Islands Council's Local Development Plan, including Supplementary Guidance – Aquaculture;          b) NPF4 Policy 32 (Aquaculture); and where relevant;          c) the Sullom Voe Harbour Area Masterplan; and          d) any Marine Directorate-Licensing Operations Team or SEPA licensing requirements and guidance.          In addition to MP DEV1, applicants should consider MP AQ2 and MP AQ3 where relevant.</p>
36	<p>Policy MP AQ2: Finfish farm Management Agreements</p> <p>All finfish aquaculture developments should seek agreement with other operators in the area to reduce the potential for disease transmission, increase fish welfare, or control and manage sea lice numbers. This can be achieved through a Farm</p>	No suggested changes				<p>Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.</p>	<p><b>Policy MP AQ2: Finfish farm Management Agreements</b>          Applicants for finfish aquaculture developments are encouraged to seek agreement with other operators in the area to reduce the potential for disease transmission, increase fish welfare, or control and manage sea lice numbers.</p>

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	Management Agreement (FMA), an Area Management Agreement (AMA) or Farm Management Statement (FMS) which; a) reflects (as far as possible) the recommendations of the Code of Good Practice; b) includes a stocking and fallowing plan; and c) is formally reviewed between signatories at least every 2 years.						This can be achieved through a Farm Management Agreement (FMA), an Area Management Agreement (AMA) or a Farm Management Statement (FMS) which: a) reflects (as far as possible) the recommendations of the Code of Good Practice; b) includes a stocking and fallowing plan; and c) is formally reviewed between signatories at least every 2 years.
37	<p>Policy MP AQ3: Aquaculture Development Management Plans</p> <p>Area wide Aquaculture Development Management Plan proposals will be supported and encouraged where they comply with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1 and aim to:</p> <ul style="list-style-type: none"> <li>a) increase separation distance between developments;</li> <li>b) reduce overall environmental impacts and/ or reduce potential impact on protected species or habitats;</li> <li>c) safeguard or improve fishing opportunity;</li> <li>d) produce community benefits i.e. reduced visual impact, noise or impact on recreation/ access; or</li> <li>e) increase socio-economic benefit i.e. from job creation or increased economic viability; and</li> <li>f) there will be no adverse effects on the integrity of</li> </ul>	No suggested changes				Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.	<p><b>Policy MP AQ3: Aquaculture Development Management Plans</b></p> <p>Proposals for aquaculture development should give consideration to any relevant area-wide Aquaculture Development Management Plans.</p> <p>Area-wide Aquaculture Development Management Plan proposals should aim to:</p> <ul style="list-style-type: none"> <li>a) consider separation distance between developments;</li> <li>b) reduce overall environmental impacts and/or reduce potential impact on protected species or habitats;</li> <li>c) safeguard or improve fishing opportunities;</li> <li>d) produce community benefits i.e. reduced visual impact, noise or impact on recreation/access; and</li> <li>e) increase socio-economic benefit i.e. from job creation or increased economic viability.</li> </ul>

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	a Natura 2000 site or a proposed site. Subsequent developments which reverse the gains made by a management plan may not be permitted.						
38	Policy MP SWD1: Seaweed Cultivation Applications for the development of seaweed cultivation should demonstrate that: a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site; c) only seaweed species native to Shetland will be grown; d) measures are included to prevent the introduction and spread of non-native species; and e) there is no artificial enrichment of the marine environment to aid production.	RSPB Scotland	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a>	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a> no change needed	Advisory Group agreed to the proposed change: <b>Policy MP SWD1: Seaweed Cultivation</b> Applications for the development of seaweed cultivation <del>should demonstrate that</del> <b>must:</b> g) <del>they have complied</del> <b>comply</b> with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; h) <b>demonstrate that</b> there will be no adverse effects on the integrity of a European site or a proposed site; i) <b>demonstrate that</b> only seaweed species native to Shetland will be grown; j) <del>include</del> measures are <del>included</del> to prevent the introduction and spread of non-native species; and k) <b>ensure</b> there is no artificial enrichment of the marine environment to aid production. <b>l) Where relevant, how the proposal contributes towards integrated multi-trophic aquaculture.</b>	Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers. Policy also amended to include reference to update policy statement on seaweed cultivation.	Policy MP SWD1: Seaweed Cultivation Applicants for the development of a seaweed cultivation site should have regard to the <a href="#">Scottish Government's Seaweed Cultivation Policy Statement</a> . Proposals should only cultivate seaweed species native to Shetland and should identify biosecurity measures where relevant. The artificial enrichment of the marine environment to aid production should be avoided. Where relevant, applicants should consider how the proposal contributes towards integrated multi-trophic aquaculture. Applicants should refer to the associated <a href="#">SIRMP Supporting Guidance on Marine Biosecurity</a> .
		Scottish Sea Farms	Policy MP SWD1 - Part e) of this policy appears to be contradictory to the encouragement for Integrated Multi-Trophic Aquaculture which can involve some farmed species utilising waste products from other farmed species.	We do not consider part e) of the policy to be contradictory. However, to help avoid any confusion we shall include specific reference to multi-trophic aquaculture.  We shall amend Policy MP SWD1, to include a new section f) to say:  f) Where relevant, how the proposal contributes towards integrated multi-trophic aquaculture.			
		SNH	Please see comment <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a>	As per comment to <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a> proposed changes will improve the policy.			
39	Policy MP OAG1: Oil and Gas Proposals	RSPB Scotland	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a>	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a>	Advisory Group agreed to the proposed change:	Policy has been removed as oil and gas exploration is not a devolved matter and	Policy removed



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	Exploration and extraction for oil and gas within 12-nautical miles of the coast will only be permitted where it is demonstrated that: a) the proposal complies with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site; c) an acceptable Emergency Response Plan in agreement with the appropriate consenting authority for any accidental release of oil or gas and related hazardous substances is provided; d) the proposal includes all elements such as connections to shore base and infrastructure; and e) an appropriate monitoring programme and detailed restoration and maintenance proposals are included.	SNH  SNH  SIC- Natural Heritage Officer	Policy MP OAG1: Oil & Gas Proposals – we recommend an additional criterion to cover potential impacts of seismic surveys close in shore: <i>“the development will not cause significant harm to the safety or amenity of any sensitive receptors”</i>  Please see comment <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a>  All the policies MP OAG1, MP NRG1, MP NRG2, MP EX1, MP TR1, MP SA1, MP CBP1 & 2, MP MO1, MP CD1 & 2, MP TRANS1 & 2 and MP DD1 oversimplify the process developers and consenting authorities are required to undertake prior to determining developments that may be likely to have a significant effect on European Sites and should be expanded. In fact, it would probably be simpler to just refer to a corrected version of policy MP MPA1, as a single overarching policy in relation to European Sites and Habitats Regulations Assessment.	We do not agree that an amendment is necessary as we have a current policy in the SIRMP to cover the impacts of noise and vibration (Policy MP NOISE 1).  As per comment to <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a> proposed changes will improve the policy.  We sought advice from NatureScot on this matter and it was agreed that this policy does not need to be changed.	<b>Policy MP OAG1: Oil and Gas Proposals</b> Exploration and extraction for oil and gas within 12-nautical miles of the coast will only be permitted where it is demonstrated that: a) the proposal complies with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) <b>it is demonstrated that</b> there will be no adverse effects on the integrity of a <del>Natura 2000</del> <b>European</b> site or a proposed site; c) an acceptable Emergency Response Plan is provided in agreement with the appropriate consenting authority for any accidental release of oil or gas and related hazardous substances is provided; d) the proposal includes all elements such as connections to shore base and infrastructure; and e) an appropriate monitoring programme and detailed restoration and maintenance proposals are included.	is therefore outwith the scope of a Regional Marine Plan.  Supporting text relating to Oil and Gas has been retained in the SIRMP. This includes reference to works licences under the ZCC Act 1974 for oil and gas exploration, should this occur within 12NM of Shetland.	
40	<a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a>	SNH	A number of policies in the Spatial Plan were worded such that developments would be looked on favourably if they met listed criteria. These have been amended in the draft Regional Marine Plan to require developments to	We agree that the suggested changes would help improve this policy.	Advisory Group agreed to the proposed change: <b>Policy MP NRG1: Exploratory, Appraisal or</b>	SIRMP policies NRG1 to NRG3 have been consolidated into one separate policy NRG1	<b>Policy MP NRG1: Renewable Energy Development Proposals</b>

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	Exploratory, appraisal or prototype energy proposals should demonstrate that: a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site; c) they include details of any associated infrastructure required to service the site including connections to the electricity grid if relevant; d) they have complied with all relevant terrestrial policies detailed in the Shetland Islands Council's Local Development Plan in relation to shore connections and connections to the National Grid; and e) they include an appropriate monitoring programme and detailed decommissioning proposals.		<p>demonstrate that they meet these criteria. This strengthens the policies, but sometimes results in convoluted and confusing wording. The requirement to demonstrate is relevant to some of the criteria but less so for the others so the policies could be made clearer (and stronger) by rewording them in the manner of the example below:  <i>"Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</i>  <i>Exploratory, appraisal or prototype energy proposals should demonstrate that must:</i>  <i>a) they have complied comply with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</i>  <i>b) demonstrate that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site;</i>  <i>c) they include details of any associated infrastructure required to service the site including connections to the electricity grid if relevant;</i>  <i>d) they have complied comply with all relevant terrestrial policies detailed in the Shetland Islands Council's Local Development Plan in relation to shore connections and connections to the National Grid; and</i>  <i>e) they include an appropriate monitoring programme and detailed decommissioning proposals."</i></p> <p>Other policies that we consider could be improved in this way are MPA4, SPON4, SWD1, OAG1, NRG1, NRG2, NRG3, EX1, SA1, CBP1 and DD1</p> <p>The requirement to demonstrate no adverse effects on Natura sites in several of these (and other) policies is somewhat at odds with the Habitat Regulations and Policy MP MPA1, both of which allow for the possibility of a development being approved if there are imperative reasons of overriding public interest. We suggest rewording this requirement along the lines of "...demonstrate either i) that there will be no adverse effects on the integrity of a designated or proposed Natura 2000 site or ii) that there are imperative reasons of overriding public interest for it to proceed."</p>	We feel that the current wording of this and other policies in relation to Natura Sites is appropriate. Whilst Policy MP MPA1 is the overarching policy, we feel that it is helpful to include reference to impacts on Natura Sites in other policies in the Plan.	<p><b>Prototype Renewable Energy Proposals</b>  Exploratory, appraisal or prototype energy proposals <del>should demonstrate that must:</del>  a) <del>they have complied</del> <b>comply</b> with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;  b) <b>demonstrate that</b> there will be no adverse effects on the integrity of a <del>Natura 2000</del> <b>European</b> site or a proposed site;  c) <del>they</del> include details of any associated infrastructure required to service the site including connections to the electricity grid if relevant;  d) <del>they have complied</del> <b>comply</b> with all relevant terrestrial policies detailed in the Shetland Islands Council's Local Development Plan in relation to shore connections and connections to the National Grid; and  e) <del>they</del> include an appropriate monitoring programme and detailed decommissioning proposals.</p>	<p>'Renewable Energy Development Proposals'.</p> <p>Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.</p> <p>Policy amendments now include additional considerations such as community wealth building and relevant local (Shetland Islands Council Energy Development Principles) and national (sectoral marine plans/location guidance) strategies and plans.</p>	<p>Proposals for renewable energy development should consider potential impacts to the safety or amenity of any sensitive receptors. Applicants should further consider:</p> <p>a) how the proposal contributes to regional or local community wealth building strategies;  b) how the proposal aligns with the <a href="#">Shetland Islands Council Energy Development Principles</a>;  c) any associated infrastructure required to service the site including connections to the electricity grid if relevant;  d) an appropriate monitoring programme specific to the design, scale and type of development; and  e) any relevant sectoral marine plans and associated regional locational guidance to identify areas of low known constraint.</p>
		SIC- Natural Heritage Officer	See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a>	As per comment to <a href="#">Policy MP OAG1: Oil and Gas Proposals</a> no change necessary.			
		RSPB Scotland	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a>	As per comment to <a href="#">Policy MP DEV1: Marine Developments</a> no change necessary.			
41		SNH	Please see comment <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a>	As per comment to <a href="#">Policy MP NRG1: Exploratory, Appraisal or</a>	Advisory Group agreed to the proposed change:	SIRMP policies NRG1 to NRG3 have been consolidated into one	



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<p>Policy MP NRG2: Renewable Energy Development Proposals</p> <p>Renewable energy developments should demonstrate that:</p> <p>a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site;</p> <p>c) they have facilitated or considered in their design all elements, such as connection to shore base and National Grid Connections;</p> <p>d) the development will not cause significant harm to the safety or amenity of any sensitive receptors;</p> <p>e) there is an appropriate monitoring programme specific to the design, scale and type of the development, that meets the satisfaction of the consenting authority; and</p> <p>f) detailed decommissioning and maintenance proposals are provided.</p>			<a href="#">Prototype Renewable Energy Proposals changes will improve the policy.</a>	<b>Policy MP NRG2: Renewable Energy Development Proposals</b> Renewable energy developments should demonstrate that <b>must:</b>	separate policy NRG1 'Renewable Energy Development Proposals'.	Policies merged into <a href="#">MP NRG1: Renewable Energy Development Proposals</a>
	SIC- Natural Heritage Officer	See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a>	As per comment to <a href="#">Policy MP OAG1: Oil and Gas Proposals</a> no change necessary.	a) <del>they have complied</del> <b>comply</b> with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;	Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.	
	RSPB Scotland	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a>	As per comment to <a href="#">Policy MP DEV1: Marine Developments</a> no change necessary.	<p>b) <b>demonstrate that</b> there will be no adverse effects on the integrity of a European site or a proposed site;</p> <p>c) <del>they have facilitated or considered</del> in their design all elements, such as connection to shore base and National Grid Connections;</p> <p>d) <b>demonstrate that</b> the development will not cause significant harm to the safety or amenity of any sensitive receptors;</p> <p>e) <b>demonstrate that</b> there is an appropriate monitoring programme specific to the design, scale and type of the development, that meets the satisfaction of the consenting authority; and</p> <p>f) <b>include</b> detailed decommissioning and maintenance proposals <del>are provided.</del></p>	Policy amendments now include additional considerations such as community wealth building and relevant local (Shetland Islands Council Energy Development Principles) and national (sectoral marine plans/location guidance) strategies and plans.	

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42	<p>Policy MP NRG3: Wind, Wave and Tidal Development Proposals</p> <p>Prior to submitting an application, developers should consult the Regional Locational Guidance for Wind, Wave and Tidal Energy in the Shetland Islands (RLG) which identifies potential constraints to development.</p> <p>Applications for the development of wind, wave and tidal devices should demonstrate that:</p> <p>a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1 and MP NRG2;</p> <p>b) they have shown due regard to development constraints by proposing devices and associated infrastructure in areas of low constraint as identified in the RLG;</p> <p>c) in areas of medium-very high constraint identified in the RLG, the development has incorporated adequate design and operational measures to the satisfaction of Marine Scotland and the local authority which avoid any potential adverse effects on Natura 2000 sites, any adverse effects on other important (natural and historic) sites, features and other sea users.</p> <p>d) where commercial scale offshore wind and renewable energy development are proposed they are within</p>	SNH	in Policy MP NRG, we suggest rewording b) “...in areas of low constraint as identified in the RLG wherever possible” otherwise c) is irrelevant as developers would be prevented from considering other areas.	<p>We agree that the suggested change is helpful. We shall amend the policy to take account of this by including the text ‘wherever possible’.</p> <p>We shall amend section b) of Policy MP NRG3: Wind, Wave and Tidal Development Proposals on page 122 of the SIRMP to read:</p> <p>b) show due regard to development constraints by proposing devices and associated infrastructure in areas of low constraint as identified in the RLG, wherever possible;</p>	<p>Advisory Group agreed to the proposed change:</p> <p><b>Policy MP NRG3: Wind, Wave and Tidal Development Proposals</b></p> <p>Prior to submitting an application, developers should consult the Regional Locational Guidance for Wind, Wave and Tidal Energy in the Shetland Islands (RLG) which identifies potential constraints to development.</p> <p>Applications for the development of wind, wave and tidal devices <del>should</del> <b>must demonstrate that:</b></p> <p>e) <del>comply</del> <b>comply</b> they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1 and MP NRG2;</p> <p>f) <del>they have shown</del> <b>show</b> due regard to development constraints by proposing devices and associated infrastructure in areas of low constraint as identified in the RLG, <b>wherever possible;</b></p> <p>g) <b>demonstrate that</b> in areas of medium-very high constraint identified in the RLG, the development has incorporated adequate design and operational measures to the satisfaction of Marine Scotland and the local authority</p>	<p>SIRMP policies NRG1 to NRG3 have been consolidated into one separate policy NRG1 ‘Renewable Energy Development Proposals’.</p> <p>Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.</p> <p>Policy amendments now include additional considerations such as community wealth building and relevant local (Shetland Islands Council Energy Development Principles) and national (sectoral marine plans/locational guidance) strategies and plans.</p>	Policies merged into <a href="#">MP NRG1: Renewable Energy Development Proposals</a>
		SNH	Please see comment <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a>	Please see comment <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a> change would improve the policy.			
		RSPB Scotland	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a>	As per comment to <a href="#">Policy MP DEV1: Marine Developments</a> no change necessary.			

	Policy at consultation Sept-Dec 2019	Commenter	Comment	SIMPP Response	Policy changes after AG Meeting Jul 2020	Changes following review by Scottish Government	Adopted Policy
	areas identified through the Sectoral Marine Plan process.				which avoid any potential adverse effects on European sites, any adverse effects on other important (natural and historic) sites, features and other sea users. h) <b>demonstrate that</b> where commercial scale offshore wind and renewable energy development are proposed they are within areas identified through the Sectoral Marine Plan process.		
43	<p>Policy MP EX1: Extraction of Sand, Gravel and Shingle</p> <p>Proposals for the extraction of sand, gravel or shingle from beaches and dunes and below the Mean High Water Spring (MHWS), including coastal quarrying, should demonstrate that:</p> <p>a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site;</p> <p>c) a description of the alternatives that have been considered is provided. This should include:</p> <p>i. alternative sources (both within and outside Shetland - bearing in mind the most sustainable option may actually be sourced</p>	Crown Estate Scotland	<p><b>Marine Aggregate Extraction</b></p> <p>Crown Estate Scotland would welcome additional clarity on the spatial extent that Policy MP EX1: Extraction of Sand, Gravel and Shingle applies to. Having spatial limits specifically detailed in the policy would provide clarity for any future developments in this activity type; for example, for those seeking licences for commercial aggregates extraction.</p>	<p>The Policy already refers to below the MHWS so we do not feel a change to the policy is required.</p> <p>For clarification and to be consistent with the Council's Works Licence Policy we shall amend the justification so that it is clearer.</p> <p>We shall amend the justification of Policy MP EX1 to read:</p> <p>"Shetland Islands Council also licence the extraction of sand, gravel and shingle, and coastal quarrying under the Zetland County Council Act 1974 and licence dredging below MHWS and out to 12 nautical miles in all areas except the Lerwick Harbour area (under the jurisdiction of the Lerwick Port Authority)".</p>	<p>Advisory Group agreed to the proposed change:</p> <p><b>Policy MP EX1: Extraction of Sand, Gravel and Shingle</b></p> <p>Proposals for the extraction of sand, gravel or shingle from beaches and dunes and below the Mean High Water Spring (MHWS), including coastal quarrying, <del>should</del> <b>must:</b></p> <p>g) <del>they have complied</del> <b>comply</b> with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>h) <b>demonstrate that</b> there will be no adverse effects on the integrity of a European site or a proposed site;</p> <p>i) <b>provide</b> a description of the alternatives that have been considered <del>is</del> <b>provided and</b></p>	Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.	<p><b>Policy MP EX1: Extraction of Sand, Gravel and Shingle</b></p> <p>Proposals for the extraction of sand, gravel or shingle from below the Mean High Water Spring (MHWS), including coastal quarrying, should consider whether sand/gravel extraction is an essential part of the proposed project. Applicants should consider the use of alternatives, including:</p> <p>a) alternative sources (both within and outside Shetland - bearing in mind the most sustainable option may actually be sourced material from outside Shetland);</p> <p>b) alternative materials, such as recyclate or secondary aggregate;</p> <p>c) using dredged material.</p> <p>Where extraction operations are proposed, the physical</p>

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<p>material from outside Shetland);</p> <p>ii. alternative materials such as recycle or secondary aggregate;</p> <p>iii. using dredged material; and</p> <p>iv. doing nothing.</p> <p>d) they have detailed how sand/gravel extraction is an essential part of the proposed project;</p> <p>e) they have provided details of all works (including ancillary equipment, storage, access, use of vehicles etc.); and</p> <p>f) where an Environmental Impact Assessment (EIA) is required for the proposed dredging operation, it includes an assessment of physical effects of the operation and its implications for coastal erosion.</p>	SNH	<p>Policy MP EX1 – as well as describing the alternatives that have been considered, any proposal should provide reasons why these alternatives are not appropriate.</p> <p>In para.1 of the justification, we presume that “<i>substrata</i>” should be “<i>substrate</i>”. In para.2, it is changes in sediment supply and beach profile, rather than beach composition that has knock-on effects.</p>	<p>We agree that the suggested change is helpful.</p> <p>We shall amend part c) of Policy MP EX1 on page 129 of the SIRMP to read:</p> <p>c) a description of the alternatives that have been considered is provided <i>along with justification of why these are not considered to be appropriate</i>. This should include:</p> <p>i. alternative sources (both within and outside Shetland - bearing in mind the most sustainable option may actually be sourced material from outside Shetland);</p> <p>ii) alternative materials such as recycle or secondary aggregate;”</p> <p>We shall change “substrata” to “substrate” in paragraph 1 of the Justification section of this policy.</p> <p>We shall amend the first sentence of the second paragraph to read:</p> <p>“Sand, gravel or shingle extraction can have impacts well away from the extraction site if it interferes with the movement of sediment along the coastline – very small changes to sediment supply and</p>	<p><b><i>justification for rejecting them.</i></b> This <b><i>These</i></b> should include:</p> <p>i) alternative sources (both within and outside Shetland - bearing in mind the most sustainable option may actually be sourced material from outside Shetland);</p> <p>ii) alternative materials such as recycle or secondary aggregate;</p> <p>iii) using dredged material; and</p> <p>iv) doing nothing.</p> <p>j) <del>they have detailed</del> <b><i>detail</i></b> how sand/gravel extraction is an essential part of the proposed project;</p> <p>k) <del>they have provided</del> <b><i>provide</i></b> details of all works (including ancillary equipment, storage, access, use of vehicles etc.); and</p> <p>l) <b><i>demonstrate that</i></b> where an Environmental Impact Assessment (EIA) is required for the proposed dredging operation, it includes an assessment of physical effects of the operation and its implications for coastal erosion.</p> <p>Shore development proposals are encouraged where activity already exists. The mooring of individual boats is encouraged at</p>		effects of the operation and its implications for coastal erosion should be considered.

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				beach profile can lead to knock on effects and increased flood risk.”	designated marinas and ports.		
		SIC- Natural Heritage Officer	See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a>	As per comment to <a href="#">Policy MP OAG1: Oil and Gas Proposals</a> no change necessary.			
		SNH	Please see comment <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a>	Please see comment <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a> change would improve policy.			
		RSPB Scotland	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a>	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a> no change necessary.			
44	Policy MP TR1: Tourism and Leisure Developments Proposals for marine-related tourism and leisure development need to demonstrate that they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1 and there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site. Proposals for marine-related tourism and leisure development can promote employment opportunities, community benefits and rural diversification in a sustainable manner. Proposals for marine-related tourism and leisure development should demonstrate that they have considered the potential for sharing and enhancing existing infrastructure with other marine users.	SIC- Natural Heritage Officer	See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a>	As per comment to <a href="#">Policy MP OAG1: Oil and Gas Proposals</a> no change necessary.	No change	Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.	Policy MP TR1: Tourism and Leisure Developments Proposals for marine-related tourism and leisure development and use should consider how they can promote employment opportunities, community benefits, community wealth building, and rural diversification in a sustainable manner. Proposals should consider the potential for sharing and enhancing existing infrastructure with other marine users.
		RSPB Scotland	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a>	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a> no change necessary.			
45	Policy MP SA1: Shore Access and Moorings	Crown Estate	Crown Estate Scotland would ask the Shetland Marine Planning Partnership to consider the applicability of some policies across the broad range of marine users around the	We consider no change is required to the Policy. Such development for access and moorings is	Advisory Group agreed to the proposed change: <b>Policy MP SA1: Shore Access and Moorings</b>	Policy amended to reflect legislative requirements, including the need to avoid	Policy MP SA1: Shore Access and Moorings

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<p>Shore access developments and proposals for moorings should demonstrate that:</p> <p>a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site;</p> <p>c) they have detailed the level of impact of construction and increased access and traffic both on land and at sea and mitigation measures required to ensure the development is acceptable;</p> <p>d) there is need for their facility to have moorings;</p> <p>e) they have clearly demonstrated the implications for existing users and planned future use; and</p> <p>f) they can adequately show there will not be an increase in the likelihood of erosion or tidal inundation.</p> <p>Shore development proposals are encouraged where activity already exists. The mooring of individual boats is encouraged at designated marinas and ports.</p>		<p>Shetland Islands. For example, when considering moorings in Policy MP SA1: Shore Access and Moorings, would all applicant types be considered identically or could policies such as this take into account the scale of activity (e.g. a private individual may find some element of the policy particularly onerous, whereas these would be expected of a larger commercial applicant with greater resource)?</p> <p>In our draft Corporate Plan, we outline how we are beginning to embed the duties from the Scottish Crown Estate Act 2019 in our work, as well as ensuring the ongoing alignment with other relevant Scottish Government policy through further development of processes and project management tools. This includes work on our Value Project and embedding the Islands Communities Impact Assessment in strategic decision-making. We look forward to sharing outputs of the Value Project and our experience of developing such a tool with the Shetland Marine Planning Partnership given its applicability to the sustainable development aims of the Plan.</p> <p>In relation to the work that Crown Estate Scotland are completing on the Sullom Voe Masterplan Pilot Project, we would be interested in seeing some more clarity on how this and future master planning processes will operate within the planning mechanism outlined in the draft Plan. Explicit reference to master planning within the final Plan would help clearly define where the process sits within the wider planning framework and increase understanding of how the legislative context referred to in the document works together. We think this Pilot Project will provide a great template for future use and demonstrate how stakeholders can work together to optimize the use of the marine area. We will encourage and facilitate all lessons learned to be widely shared to support further local empowerment throughout the Scottish Crown Estate. Crown Estate Scotland want to support and encourage the success of the Plan and are keen to work with the Shetland Marine Planning Partnership in a suitable way to add value to the Plan wherever possible.</p>	<p>already covered in the Council's works licence policy. The Council's applies a proportionate approach when assessing such applications.</p> <p>In relation to the second point we agree that the SIRMPP could provide clearer reference to master plans on pg 8 and we shall amend accordingly.</p> <p>We have included reference to masterplans in 'Local Planning Context Section' on pages 8 and 9 of the SIRMPP. The final paragraph of this section on pg 9 shall be amended to read:</p> <p>"Any development proposal with a land-based element must therefore consider the impacts on the terrestrial environment, its infrastructure and local community, as well as the implications on the marine environment. The SIRMPP recognises that interactions can occur between the terrestrial and marine environment. Developers and marine users should therefore consider and consult the LDP, relevant guidance and any appropriate masterplans which relate to marine areas".</p>	<p>Shore access developments and proposals for moorings <del>should demonstrate that:</del> <b>must</b></p> <p>g) <del>they have complied</del> <b>comply</b> with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>h) <b>demonstrate that</b> there will be no adverse effects on the integrity of a European site or a proposed site;</p> <p>i) <del>they have detailed</del> <b>describe</b> the level of impact of construction and increased access and traffic both on land and at sea and mitigation measures required to ensure the development is acceptable;</p> <p>j) <b>demonstrate that</b> there is need for their facility to have moorings;</p> <p>k) <del>they have clearly demonstrated</del> <b>clearly demonstrate</b> the implications for existing users and planned future use; and</p> <p>l) <del>they can adequately</del> show there will not be an increase in the likelihood of erosion or tidal inundation.</p> <p>Shore development proposals are encouraged in locations where activity already exists. The mooring of</p>	creating obligations or duties on decision makers.	<p>Proposals for shore access developments and/or moorings should consider:</p> <p>a) the impact of increased access and traffic at sea and on land;</p> <p>b) the implications for existing users and planned future use; and</p> <p>c) the likelihood of increasing erosion or tidal inundation.</p> <p>Proposals should consider identifying relevant mitigation measures to address these impacts. Shore development proposals are encouraged in locations where activity already exists. The mooring of individual boats is encouraged at designated marinas and ports.</p>
	SNH	Policy MP SA1 should read "... <i>there will not be an increase in the likelihood of erosion or tidal inundation as a result of the development.</i> " - increased erosion and tidal inundation are	We agree that the suggested change is helpful.			



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		inevitable consequences of sea level rise, so the policy would otherwise rule out any development. The source of the figures for sea level rise in the final paragraph is almost thirty years old. More recent estimates should be available from SEPA.	<p>f) to read as suggested.</p> <p>We shall amend section f) of Policy MP SA1 on page 134 of the SIRMP to read:</p> <p>“f) there will not be an increase in the likelihood of erosion or tidal inundation as a result of the development”.</p> <p>Proposals should consider the potential impacts of climate change. Globally, it is likely that sea levels will rise over the next hundred years, and that storms will become more severe. It is estimated that sea level rise in Shetland will be 1.02m by 2100 based on the outputs from <a href="#">UK Climate Projections 2018 (UKCP18)</a><sup>34</sup>. In addition storm surges of 1.5 metres have already been recorded.</p> <p>The reference below to <sup>34</sup> will be changed to:</p> <p><a href="#">UK Climate Change Projections 2018 (UKCP18)</a>.</p>	individual boats is encouraged at designated marinas and ports.		
	SNH	Please see comment <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a>	Please see comment <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a> changes would improve the policy.			
	SIC- Natural Heritage Officer	See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a>	See comments <a href="#">Policy MP OAG1: Oil and Gas</a>			

	Policy at consultation Sept-Dec 2019	Commenter	Comment	SIMPP Response	Policy changes after AG Meeting Jul 2020	Changes following review by Scottish Government	Adopted Policy
				<a href="#">Proposals</a> no change necessary.			
		Royal Yachting Association Scotland	Infrastructure and Services – Shore Access and Moorings Policy MP SA1: Shore Access and Moorings We would not like to see single moorings actively discouraged. There is a licensing and leasing procedure that needs to gone through that can avoid moorings being deployed in inappropriate places although this needs to be coupled with adequate enforcement. For those people in Shetland who do not live close to a marina that is adequate for their boat, a single mooring near where they stay may be considered necessary. It could be argued that a single boat on a mooring adds to the landscape rather than detracts from it and indeed is part of the cultural heritage of Shetland.	We consider no change is required to the Policy. Such development for shore access and moorings is already covered in the Council's works licence policy. The Council already applies, and will continue to apply, a proportionate approach when assessing such applications.			
46	Policy MP CBP1: Placement of Utility Cables and Pipelines The laying or replacement of utility cables and pipelines should demonstrate that: a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site; and c) they have taken account of the implications for landing points including any seasonal sensitivities and impacts to existing land use. Where possible, cables and pipelines should use existing routes and landing points.	SSE	MP ACBP 1b, cables, suggest 250m exclusion zone is the norm unless a proximity agreement is in place with the asset owner	We shall amend part b) of the policy to reflect these comments. We have discussed with SSE are they are content with the proposed change.  Amend policy MP ACBP1 b) to read:  b) be within a 250m exclusion zone either side of utility (telecommunications, electricity or water supply) cables or pipelines, <i>unless there is a proximity agreement in place with the asset owner</i> ".	Advisory Group agreed to the proposed change: <b>Policy MP CBP1: Placement of Utility Cables and Pipelines</b> The laying or replacement of utility cables and pipelines <del>should demonstrate</del> <b>must:</b> a) <del>they have complied</del> comply with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) <b>demonstrate</b> there will be no adverse effects on the integrity of a <del>Natura 2000</del> Site <b>European</b> site or a proposed site; and c) <b>be within a 250m exclusion zone either side of utility (telecommunications, electricity or water supply) cables or pipelines, unless there is a proximity agreement in place</b>	Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.  The wording of the title of this policy has been amended to clarify the aspects cover (electricity and telecommunication cables and water pipelines).  Additional wording has been included to promote the use of identified cable corridors.	<b>Policy MP CBP1: Placement of Electricity and Telecommunications Cables, and Water Pipelines</b> Proposals for the laying or replacing of electricity and telecommunication cables, and water pipelines should consider seasonal sensitivities for marine habitats and species and impacts on landing points and existing land use. Where possible, cables and pipelines should use existing routes and landing points or identified cable corridors.
		SNH	Please see comment <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a>	Please see comment <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a> change would improve policy.			
		SIC- Natural Heritage Officer	See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a>	See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a> no change necessary.			
		RSPB Scotland	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a>	Please see comment <a href="#">Policy MP DEV1: Marine</a>			



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				<a href="#">Developments</a> no change necessary.	<b>with the asset owner, and</b> <b>d) demonstrate</b> that they have taken account of the implications for landing points including any seasonal sensitivities and impacts to existing land use. Where possible, cables and pipelines should use existing routes and landing points.		
47	Policy MP CBP2: Placement of New Domestic and Trade Wastewater Pipelines There will be a general presumption against the laying of new wastewater pipelines from the land entering the sea. These will only be permitted where: a) it has complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) it can be demonstrated that any development proposal will have no adverse effects on the integrity of a Natura 2000 site or a proposed site; c) a public wastewater system is not already present; and d) a suitable soakaway is unachievable. In situations where a new pipeline is acceptable, the proposal needs to demonstrate that: e) the seaward end of the pipe is sited well below the MLWS to the satisfaction of the	SIC- Natural Heritage Officer	See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a>	See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a> no change necessary.	No change	Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.  Additional amendments made to reflect the works licence requirements of Shetland Islands Council.	Policy MP CBP2: Sea Outfalls- Placement of New Domestic and Trade Wastewater Pipelines Proposals that require a works licence from the Shetland Islands Council for the laying of new wastewater pipelines with sea outfalls may be required to demonstrate to the Shetland Islands Council that: a) there are no practicable alternatives: i. a public wastewater system is not already present; ii. a suitable soakaway is unachievable; b) the seaward end of the pipe will be sited well below the MLWS; and c) there will be no adverse impact on any other marine structure or development.
		RSPB Scotland	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a>	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a> no change necessary.			

	Policy at consultation Sept-Dec 2019	Commenter	Comment	SIMPP Response	Policy changes after AG Meeting Jul 2020	Changes following review by Scottish Government	Adopted Policy
	consenting authority and does not impact on any other marine structure or development.						
48	<p><b>Policy MP MO1: Commercial Moorings</b> Proposals for commercial mooring structures or the licence renewal of existing structures will only be permitted where:</p> <p>a) they comply with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site; c) the need has been demonstrated; d) no other practical alternatives exist; e) other users have been taken into account; and f) the appropriate regulatory body has been consulted e.g. mooring within a Natura 2000 site requires contact with SNH.</p>	<p>SNH</p> <p>SIC- Natural Heritage Officer</p> <p>RSPB Scotland</p>	<p>Policy MP MO1, f) implies that SNH is a regulatory body for Natura 2000 sites whereas its role is advisory.</p> <p>See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a></p> <p>Please see comment <a href="#">Policy MP DEV1: Marine Developments</a></p>	<p>We agree that this change is helpful and will amend the SIRMPP accordingly.</p> <p>We shall change the text in section f) of Policy MP MO1 on page 138 to read:</p> <p>“f) the appropriate regulatory or advisory body has been consulted e.g. mooring within a European site requires contact with NatureScot.”</p> <p>See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a></p> <p>Please see comment <a href="#">Policy MP DEV1: Marine Developments</a></p>	<p>Advisory Group agreed to the proposed change:</p> <p><b>Policy MP MO1: Commercial Moorings</b> Proposals for commercial mooring structures or the licence renewal of existing structures will only be permitted where:</p> <p>a) they comply with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) it can be demonstrated that there will be no adverse effects on the integrity of a <del>Natura 2000</del> <b>European</b> site or a proposed site; c) the need has been demonstrated; d) no other practical alternatives exist; e) other users have been taken into account; and f) the appropriate regulatory or advisory body has been consulted e.g. mooring within a <del>Natura 2000</del> <b>European</b> site requires contact with <del>SNH</del> <b>NatureScot</b>.</p>	<p>Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.</p>	<p><b>Policy MP MO1: Commercial Moorings</b> Proposals for commercial mooring structures or the licence renewal of existing structures should consult with the appropriate harbour authority, regulatory or advisory body and should further consider:</p> <p>a) if the need can be met by existing moorings or infrastructure; b) if there are other practical alternatives, such as the potential for sharing and enhancing existing infrastructure with other marine users; and c) the implications for other marine users and planned future use.</p>
49	<p><b>Policy MP CD1: Coastal Defence Construction</b> The installation of new flood defences and coastal protection works will be</p>	SIC Planning Engineer	<p><b>Policy MP CD1: Coastal Defence Construction</b> <b>Permission for the</b> installation of new flood defences and coastal protection works <del>will be considered</del> <b>may be given</b> if coastal erosion or flooding threatens existing public infrastructure and important built development, and where there is a significant safety risk. Where this has been</p>	<p>We agree that these changes are helpful and shall amend the plan accordingly.</p>	<p>Advisory Group agreed to the proposed change:</p> <p><b>Policy MP CD1: Coastal Defence Construction</b> a) <del>The</del> <b>Permission for the</b> installation of</p>	<p>Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.</p>	<p><b>Policy MP CD1: Coastal Defence Construction</b> Proposals for the construction of flooding or coastal defence</p>

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<p>considered if coastal erosion or flooding threatens existing public infrastructure and important built development, and where there is a significant safety risk. Where this has been demonstrated, the planning authority and coast protection authority will ensure the construction of flooding or coastal defence developments:</p> <p>a) have complied with all policies in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) will have no adverse effects on the integrity of a Natura 2000 site or a proposed site;</p> <p>c) have provided detail of relocation options;</p> <p>d) have detailed the design and assessed the risks and impacts, ensuring the retention or enhancement of the ecological characteristics, landscape character and popular coastal views; and</p> <p>e) can demonstrate the wider implications of exacerbating flooding or coastal erosion have been considered and that potential impacts have been mitigated so far as possible. Where coastal defence is deemed necessary, there should be an overall presumption in favour of soft rather than hard defences. The use of managed realignment of coastal</p>		<p>demonstrated, the planning authority and coast protection authority will <b>ensure that applications for</b> the construction of flooding or coastal defence developments:</p> <p>a) have complied with all policies in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) will have no adverse effects on the integrity of a Natura 2000 site or a proposed site;</p> <p>c) have provided detail of relocation options;</p> <p>d) have detailed the design and assessed the risks and impacts, ensuring the retention or enhancement of the ecological characteristics, landscape character and popular coastal views; and</p> <p>e) can demonstrate the wider implications of exacerbating flooding or coastal erosion have been considered and that potential impacts have been mitigated so far as possible. Where coastal defence is deemed necessary, there should be an overall presumption in favour of soft rather than hard defences. The use of managed realignment of coastal defences where appropriate will be promoted.</p>	<p>The introductory text to Policy MPCD1 on pg 140 of the SIRMP will be updated to read:</p> <p>“Permission for the installation of new flood defences and coastal protection works may be given if coastal erosion or flooding threatens existing public infrastructure and important built development, and where there is a significant safety risk. Where this has been demonstrated, the planning authority and coast protection authority will ensure that applications for the construction of flooding or coastal defence developments:”</p>	<p>new flood defences and coastal protection works <b>may be given</b> <del>will be considered</del> if coastal erosion or flooding threatens existing public infrastructure and important built development, and where there is a significant safety risk. Where this has been demonstrated, the planning authority and coast protection authority will ensure <b>that applications for</b> the construction of flooding or coastal defence developments:</p> <p>a) have complied with all policies in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) will have no adverse effects on the integrity of a <del>Natura 2000</del> <b>European</b> site or a proposed site;</p> <p>c) have provided detail of relocation options;</p> <p>d) have detailed the design and assessed the risks and impacts, ensuring the retention or enhancement of the ecological characteristics, landscape character and popular coastal views; and</p> <p>e) can demonstrate the wider implications of exacerbating flooding or coastal erosion</p>	<p>Additional amendments made in order to clarify where regulation may apply in a marine context for licensing.</p>	<p>developments which may require a Marine Licence or Works Licence should consider:</p> <p>a) the consistency of the proposal with relevant coastal plans;</p> <p>b) using nature-based solutions that allow for managed future coastal change wherever practicable; and</p> <p>c) how any in-perpetuity hard defence measures can be demonstrated to be necessary to protect essential assets.</p> <p>Applicants should have regard to the relevant policies within the NPF4 and should further consider:</p> <p>a) relocation options for the threatened infrastructure or development;</p> <p>b) the risks and impacts of construction to ecological characteristics, landscape character or popular coastal views and how these features can be retained or enhanced through design; and</p> <p>c) the wider implications of exacerbating flooding or coastal erosion, and mitigating potential impacts.</p>
	SIC- Natural Heritage Officer	See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a>	See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a> no change necessary.			
	RSPB Scotland	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a>	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a> no change necessary.			

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	defences where appropriate will be promoted.				have been considered and that potential impacts have been mitigated so far as possible. Where coastal defence is deemed necessary, there should be an overall presumption in favour of soft rather than hard defences. The use of managed realignment of coastal defences where appropriate will be promoted.		
50	<p><a href="#">Policy MP CD2: Coastal Defence Demolition</a></p> <p>Permission for the demolition of coastal defence materials will only be granted when it can be demonstrated that there are no adverse impacts for the environment, landscape or land use. All proposals should:</p> <p>a) comply with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; and</p> <p>b) have no adverse effects on the integrity of a Natura 2000 site or a proposed site;</p> <p>In addition, when considering the demolition of coastal defence structures, the following should be taken account of:</p> <p>c) historic value of the structure in its surroundings;</p> <p>d) potential to re-use the material;</p> <p>e) implications for reinstatement; and</p> <p>f) value to species and habitats, such as providing a substrate for an important</p>	SNH	<p>We suggest that the first line should read “...demolition of coastal defences ...” rather than “...demolition of coastal defence materials ...”</p> <p>The justification should begin “As a result of cliff and beach erosion and post-glacial relative sea level rise the shoreline of Shetland is naturally receding.”</p> <p>In the second paragraph it would be more accurate to say that dune fencing traps wind-blown sand where it is required.</p> <p>In the final paragraph, if an EIA is carried out this would be one of the legal requirements of the EIA regulations, not subsequent to meeting those requirements. Flood and coast protection plans, policies and proposals will only be supported where they take account of wider marine interests.</p>	<p>We agree that these changes are helpful and will amend the SIRMP accordingly.</p> <p>We shall amend Policy MP CD2 as follows:</p> <ul style="list-style-type: none"> <li>The first paragraph of the policy will be changed to read:</li> </ul> <p>Permission for the demolition of coastal defences will only be granted when it can be demonstrated that there are no adverse impacts for the environment, landscape or land use.</p> <ul style="list-style-type: none"> <li>We shall amend the first paragraph of the Justification section to read:</li> </ul> <p>“As a result of cliff and beach erosion and post-glacial relative sea level rise the shoreline of Shetland is naturally receding.”</p> <ul style="list-style-type: none"> <li>We shall amend the second paragraph to say:</li> </ul> <p>Soft coastal defence works include beach nourishment and beach</p>	<p>Advisory Group agreed to the proposed change:</p> <p><b>Policy MP CD2: Coastal Defence Demolition</b></p> <p>Permission for the demolition of coastal defences will only be granted when it can be demonstrated that there are no adverse impacts for the environment, landscape or land use. All proposals <del>should</del> <b>must</b>:</p> <p>a) comply with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; and</p> <p>b) have no adverse effects on the integrity of a <del>Natura 2000</del> <b>European</b> site or a proposed site;</p> <p>In addition, when considering the demolition of coastal defence structures, the following should be taken account of:</p> <p>c) historic value of the structure in its surroundings;</p>	<p>Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.</p>	<p><b>Policy MP CD2: Coastal Defence Demolition</b></p> <p>Proposals for the demolition of coastal defences should consider potential impacts on the natural and built environment, coastal processes, and climate change related risks and impacts including those associated with sea level rise projections.</p> <p>Applicants should further consider:</p> <p>a) the historic value of the structure in its surroundings;</p> <p>b) the potential to re-use the material;</p> <p>c) implications for reinstatement; and</p> <p>d) the value of the structure to species and habitats, such as providing a substrate for an important rocky shore habitat, or shelter for European otters.</p>

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rocky shore habitat, or shelter for European otters.			<p>re-enforcement by dune fencing, recharging, planting Marram grass, etc. Unofficial attempts at 'soft' defences (such as beach re-enforcement by means of nets over dunes) are now discouraged, with a focus currently being placed on using methods such as dune fencing to trap wind-blown sand, where required.</p> <ul style="list-style-type: none"> <li>We shall amend the final paragraph to say:</li> </ul> <p>"The installation of flood defences should consider the needs of public health and safety as well as the wider implications of the work and the potential environmental effects. Coastal defence works will need to meet the legal requirements under the Marine Works (EIA) Scotland Regulations 2017, and may require an Environmental Impact Assessment (EIA) to assess the impacts of the proposed works. Flood and coast protection plans, policies and proposals will only be supported where they take account of wider marine interests."</p>	<p>d) potential to re-use the material;</p> <p>e) implications for reinstatement; and</p> <p>f) value to species and habitats, such as providing a substrate for an important rocky shore habitat, or shelter for European otters.</p>		
	SIC- Natural Heritage Officer	See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a>	See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a> no change needed.			
	RSPB Scotland	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a>	Please see comment <a href="#">Policy MP DEV1: Marine</a>			



	Policy at consultation Sept-Dec 2019	Commenter	Comment	SIMPP Response	Policy changes after AG Meeting Jul 2020	Changes following review by Scottish Government	Adopted Policy
				<a href="#">Developments</a> no change needed.			
51	Policy MP TRANS1: Port and Harbour-related Development Proposals for port and harbour-related development should demonstrate that: a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site; and c) the potential individual and cumulative effects of the proposed development have been addressed.	Scottish Sea Farms	Transport policies - • The justification for Policies MP TRANS1 and MP TRANS2 identifies potential impacts for Port and Harbour related development. This list should also include potential water quality impacts from sedimentation which could affect some seabed habitats and the risks to existing aquaculture development from smothering, polluting or stress from, e.g. percussive noise, to farmed animals.	We consider that no change is required.  Part c) in both of these policies provides the opportunity to consider a range of non-listed, individual and cumulative effects. This could cover matters such as water quality and noise, where appropriate.	Advisory Group agreed to the proposed change: <b>Policy MP TRANS1: Port and Harbour-related Development</b> Proposals for port and harbour-related development <del>should</del> <b>must</b> demonstrate that: a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) there will be no adverse effects on the integrity of a <del>Natura 2000</del> <b>European</b> site or a proposed site; and c) the potential individual and cumulative effects of the proposed development have been addressed.	Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.	Policy MP TRANS1: Port and Harbour-related Development Proposals for port and harbour-related development and use should consider potential adverse impacts on the natural and built environment, coastal processes, and climate change related risks and impacts including those associated with sea level rise projections. In addition to MP DEV1, proposals should consider MP CD1 and MP DD1 where relevant.
		SIC- Natural Heritage Officer	See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a>	See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a> no change needed.			
		RSPB Scotland	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a>	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a> no change needed.			
52	Policy MP TRANS2: Future Fixed Links/Ferry Terminals The construction of fixed link developments and new ferry terminals should demonstrate that: a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site (i.e. Yell Sound Coast SAC, Sullom Voe SAC, Bluemull and Colgrave Sounds proposed SPA or East Mainland Coast proposed SPA); and	Scottish Sea Farms	See comment for <a href="#">Policy MP TRANS1: Port and Harbour-related Development</a>	See comment for <a href="#">Policy MP TRANS1: Port and Harbour-related Development</a> no change needed.	Advisory Group agreed to the proposed change: <b>Policy MP TRANS2: Future Fixed Links/Ferry Terminals</b> The construction of fixed link developments and new ferry terminals <del>should</del> <b>must</b> demonstrate that: a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; b) there will be no adverse effects on the integrity of a <del>Natura 2000</del>	Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.	Policy MP TRANS2: Future Fixed Links/Ferry Terminals Proposals for the construction of fixed-link developments and new ferry terminals should consider potential adverse impacts on the natural and built environment, coastal processes, and climate change related risks and impacts including those associated with sea level rise projections. In addition to MP DEV1, proposals should consider MP CD1 and MP DD1 where relevant. Proposals must consider adverse effects on existing or
		SIC- Natural Heritage Officer	See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a>	See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a> no change needed.			
		RSPB Scotland	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a>	Please see comment <a href="#">Policy MP DEV1: Marine Developments</a> no change needed.			

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	c) the potential individual and cumulative effects of the proposed development have been addressed.				<p><b>European</b> site or a proposed site (i.e. Yell Sound Coast SAC, Sullom Voe SAC, Bluemull and Colgrave Sounds proposed SPA or East Mainland Coast proposed SPA); and</p> <p>c) the potential individual and cumulative effects of the proposed development have been addressed.</p>		<p>proposed European sites, including:</p> <ul style="list-style-type: none"> <li>• Yell Sound Coast SAC</li> <li>• Sullom Voe SAC</li> <li>• Bluemull and Colgrave Sounds SPA</li> <li>• East Mainland Coast SPA</li> </ul>
53	<p>Policy MP DD1: Dredging and Disposal of Dredged Material Proposals for dredging and the disposal of the dredged material should demonstrate that:</p> <p>a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) they have used, where possible, recognised marine disposal sites;</p> <p>c) the suitability of the dredge material for sea disposal has been assessed, including contamination levels;</p> <p>d) at the existing Ulsta or Samphrey disposal sites there will be no adverse effects on the integrity of the Yell Sound Coast SAC or East Mainland Coast proposed SPA;</p> <p>e) at the existing Foula disposal sites there will be no adverse effects on the integrity of the Foula SPA or Seas off Foula proposed SPA;</p> <p>f) at the existing Bluemull Sound disposal sites there</p>	<p>SNH</p> <p>SIC- Natural Heritage Officer</p> <p>RSPB Scotland</p>	<p>Please see comment <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a></p> <p>See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a></p> <p>Please see comment <a href="#">Policy MP DEV1: Marine Developments</a></p>	<p>Please see comment <a href="#">Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</a> change would improve the policy.</p> <p>See comments <a href="#">Policy MP OAG1: Oil and Gas Proposals</a> no change needed.</p> <p>Please see comment <a href="#">Policy MP DEV1: Marine Developments</a> no change needed.</p>	<p>Policy MP DD1: Dredging and Disposal of Dredged Material Proposals for dredging and the disposal of the dredged material <del>should</del> <b>must demonstrate that:</b></p> <p>a) <del>they have complied</del> <b>comply</b> with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;</p> <p>b) <b>demonstrate that</b> they have used, where possible, recognised marine <del>disposal</del> <b>deposit</b> sites;</p> <p>c) <b>demonstrate</b> the suitability of the dredge material for sea disposal has been assessed, including contamination levels;</p> <p>d) <b>demonstrate that</b> at the existing Ulsta or Samphrey disposal sites there will be no adverse effects on the integrity of the Yell Sound Coast SAC or East Mainland Coast proposed SPA;</p>	<p>Policy amended to reflect legislative requirements, including the need to avoid creating obligations or duties on decision makers.</p>	<p><b>Policy MP DD1: Dredging and Deposit of Dredged Material</b></p> <p><i>Proposals for the dredging and deposit of dredged material should consider:</i></p> <p>a) the use of recognised marine deposit sites where possible;</p> <p>b) assessing the suitability of the dredge material for sea deposit including contamination levels; and</p> <p>c) the level of impact from suspension of materials and disturbance to the seabed.</p> <p>Proposals must consider adverse effects on existing or proposed European sites. Existing deposit sites in or adjacent to European sites include:</p> <ul style="list-style-type: none"> <li>• Ulsta or Samphrey – the Yell Coast SAC or East Mainland Coast SPA</li> <li>• Foula – Foula SPA or Seas off Foula SPA</li> <li>• Bluemull Sound – Bluemull and Colgrave Sound SPA</li> <li>• Lerwick Harbour area – East Mainland Coast SPA</li> </ul>

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	<p>will be no adverse effects on the integrity of the Bluemull and Colgrave Sound proposed SPA;</p> <p>g) at the existing disposal site within the Lerwick Harbour area there will be no adverse effects on the integrity of the East Mainland Coast proposed SPA;</p> <p>h) new dredging activity or the use of new disposal locations will have no adverse effects on the integrity of a Natura 2000 site or a proposed site; and</p> <p>i) they have detailed the level of impact from suspension of materials and disturbance to the seabed.</p>				<p>e) <b>demonstrate that</b> at the existing Foula disposal sites there will be no adverse effects on the integrity of the Foula SPA or Seas off Foula proposed SPA;</p> <p>f) <b>demonstrate that</b> at the existing Bluemull Sound disposal sites there will be no adverse effects on the integrity of the Bluemull and Colgrave Sound proposed SPA;</p> <p>g) <b>demonstrate that</b> at the existing disposal site within the Lerwick Harbour area there will be no adverse effects on the integrity of the East Mainland Coast proposed SPA;</p> <p>h) <b>demonstrate that</b> new dredging activity or the use of new disposal locations will have no adverse effects on the integrity of a <del>Natura 2000</del> <b>European</b> site or a proposed site; and</p> <p>i) <del>they have detailed</del> <b>describe</b> the level of impact from suspension of materials and disturbance to the seabed.</p>		