

# REGIONAL MARINE PLAN FOR THE SHETLAND ISLES

## Statement of Public Participation (SPP)



marinescotland



NAFC Marine Centre  
University of the  
Highlands and Islands



Shetland Islands Council

## Executive Summary

### Development and Participation Timetable

The process to produce a regional marine plan for the Scottish marine region for the Shetland Isles will go through a number of stages prior to publication. A timetable is set out below and this Statement of Public Participation (SPP) will be updated and revised as the plan progresses, to give details on future events and information on events as they have occurred. This SPP and its revisions will be available through the web sites of both the Shetland Islands Council (SIC) and the NAFC Marine Centre. Any comments on the proposed SPP are welcome, with contact details included at the end of this SPP.

**Stage 1: Establishing governance arrangements for the Advisory Group** which will support the Delegate in preparation of the Plan; preparation of the initial SPP; initial meeting(s) of the Advisory Group: April 2016 – March 2017

**Stage 2: Preparation of the State of the Environment Assessment (SoEA):** March 2016 – Feb 2017

**Stage 3: Finalisation and publication of the SoEA:** March 2017 – June 2017, publication 30 June 2017

**Stage 4: Consultation on scope of draft regional marine plan for the Shetland Islands:** June 2017 – June 2018

**Stage 5: Preparation of supporting documents** (e.g. Sustainability Appraisal (SA), which includes Strategic Environmental Assessment (SEA) scoping report): June 2017 – June 2018

**Stage 6: Development of the draft Shetland Islands Regional Marine Plan** in response to comments received during scoping phase and submission to Scottish Ministers for approval to publish consultation draft: July 2018 – October 2018

**Stage 7: Publication of the draft Shetland Islands Regional Marine Plan** and 12 week consultation on the Plan and associated supporting documents including SA including SEA, partial Business and Regulatory Impact Assessment (BRIA), Equality Impact Assessment (EQIA) and Child Rights and Wellbeing Impact Assessment (CRWIA): November 2018- February 2019

**Stage 8: Review of the draft Shetland Islands Regional Marine Plan** and supporting information in response to comments made during consultation (February/March 2019), and submission to Scottish Ministers for approval by 22 March 2019

**Stage 9: Consideration by Scottish Ministers** followed by adoption and publication of the Shetland Islands Regional Marine Plan with supporting information: post-22 March 2019

**Stage 10: Review, monitoring and reporting on plan implementation, and amendment of the Shetland Islands Regional Marine Plan**

## Introduction

The Marine (Scotland) Act 2010 provides for the preparation and adoption of both a national marine plan and regional marine plans. Together these plans introduce a statutory marine planning system that will enable a more strategic approach to managing the Scottish marine resource. The policy framework within the plans seeks to balance socio-economic and environmental needs and demands, inform the decision making process, manage potential conflict scenarios and support sustainable development in the seas around Scotland.

Development of Scotland's National Marine Plan commenced in June 2010 and a pre-consultation draft was circulated for consideration in March 2011. Following revision the Draft National Marine Plan was consulted on in July 2013 and a finalised draft was laid before the Scottish Parliament in December 2014. Scottish Ministers adopted the National Marine Plan on 25 March 2015 and published it on 27 March 2015.

Preparation for Regional Marine Planning began in late 2010 with a consultation on how to define the boundaries for marine regions and how many there should be across Scotland receiving strong support. Eleven regions were identified based on physical characteristics and these were provided for in the Scottish Marine Regions Order 2015 with Shetland being one of the eleven Scottish Marine Regions.

Through its involvement with the Scottish Sustainable Marine Environment Initiative since 2006, Shetland has been involved in leading the way in the fast evolving arena of marine spatial planning. A Marine Spatial Plan for the islands has been developed and the current fourth iteration was adopted as Supplementary Guidance to the Local Development Plan in February 2015. As the next step in the process of statutory regional marine planning, Shetland received a Direction from Scottish Ministers on 22 March 2016 delegating the functions in relation to producing a Regional Marine Plan for the Shetland Isles (<http://www.gov.scot/Resource/0049/00498128.pdf>). The Direction identifies the Delegate legally responsible for developing the Regional Marine Plan, the matters to be considered relevant to the Plan and the timescales within which certain actions have to be completed including submission to Scottish Ministers for their approval, a Regional Marine Plan, together with supporting information, by 22 March 2019. The Shetland Delegate comprises Shetland Islands Council and the NAFC Marine Centre.

## Participation Commitment

In developing the Regional Marine Plan for the Shetland Isles, the Delegate is committed to:

- involving all relevant stakeholders and members of the public throughout the process;
- ensuring arrangements for participation are inclusive, clear and transparent;
- providing clear communication through a range of formats;
- giving full consideration to all representations

Engagement in and endorsement by all stakeholders in the development of the Regional Marine Plan at each stage is essential so that the Plan benefits not only those with a sectoral interest in Shetland's marine resources but also those who live in or visit the Islands because of its special qualities. As such the process will involve a wide range of stakeholders including members of the public, key agencies, fishing and aquaculture representatives, recreation and tourism interests, shipping, ports and harbours, renewable interests and the voluntary sector.

Stakeholder involvement and feedback as the Plan progresses is paramount to its success. All comments, views and representations made at the various stages have to be taken on board although the outcome might not result in any alterations. Given that the marine planning system

has to integrate future needs and different views as well as operate with legal constraints and national policy some compromise is likely to be required.

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**Stage 1: Establishing Governance arrangements, Advisory Group and draft initial SPP: April 2016 – March 2017**

Following receipt of the Direction from Scottish Ministers on 22 March 2016, the Delegate met the following day with those stakeholders who had been previously involved as an Advisory Group in the development of the Shetland Islands' Marine Spatial Plan (SIMSP) to discuss the way forward in regard to a Regional Marine Plan (RMP) for Shetland. Given the success of the SIMSP it was agreed that a similar system would ensure the greatest benefit in developing the RMP. However given the legal status of the RMP, once published, the consensus was that formal Terms of Reference would be appropriate in establishing and defining a clear relationship between the Delegate and the Advisory Group.

A number of governance arrangement documents were considered in drafting the Terms of Reference for the Shetland RMP. Draft terms were presented at a meeting of the Advisory Group on 5 October 2016 where the main points of discussion concerned the balance between community, commercial and environmental interests and the quorum for the group. It was considered there was a need to increase the level of community representation and suggestions were made as to how this could be facilitated. Current and proposed members of the Advisory Group were formally contacted by the delegate and sent draft Terms of Reference. The finalised Terms of Reference were agreed in February 2017 at an Advisory Group meeting and can be viewed at:

<https://www.nafc.uhi.ac.uk/t4-media/one-web/nafc/research/document/marine-spatial-planning/sirmp/shetland-mpp-terms-of-reference-si-mpp-jan-2017.pdf>

A draft SPP was submitted to Marine Scotland on 2 March 2017. Further revisions were necessary and these were considered during 2017 and 2018.

As the adjacent planning authority, notification of the intention to prepare a regional marine plan for the Shetland Islands was sent to Orkney Islands Council on 09 June 2017.

**Stage 2: Preparation of the State of the Environment Assessment (SoEA): March 2016 – Feb 2017**

The Marine (Scotland) Act 2010 requires that an assessment be made of the condition of the environment within any Scottish marine region where a RMP is being prepared. As well as describing the condition of the environment, the SoEA also has to summarise the significant pressures and impact of human activity on the area.

A draft SoEA for Shetland was presented to the Advisory Group at the meeting on 5 October 2016 and comments were invited up to the end of November 2016. The SoEA was revised in light of comments made and a finalised draft was completed in early February 2017.

**Stage 3: Finalisation and publication of the SoEA: March 2017 – August 2017**

The SoEA was "sense-checked" by the Marine Alliance for Science and Technology for Scotland (MASTS) at a workshop held on 31 March 2017. A report of the workshop was published and can be viewed at:

<http://www.masts.ac.uk/media/36214/2017-04-05-masts-regional-assessments-sense-check-workshop-report.pdf>

The SoEA was finalised and published on 30 June 2017 and can be viewed at:

<https://www.nafc.uhi.ac.uk/t4-media/one-web/nafc/research/document/marine-spatial-planning/sirmp/shetland-state-of-the-marine-environment-assessment-april-17.pdf>

**Stage 4: Consultation on the scope of the draft regional marine plan for the Shetland Islands: Feb 2017 – June 2018**

The 4<sup>th</sup> edition of the non-statutory Shetland Isles Marine Spatial Plan (SIMSP) has been used to assist in the drafting the scope of a statutory regional marine plan (RMP). A policy review of the 4<sup>th</sup> edition of the SIMSP was undertaken from June 2017 to October 2017 to assess existing policy wording and compliance to the National Marine Plan.

At the Advisory Group meeting of 3 July 2017, it was agreed that three sub-policy groups (Environment, Industry and Community) would be established to concentrate focus in those policy areas. The three sub-policy groups were subsequently established with the following membership:

Environment sub-policy group:

NAFC Marine Centre, Shetland Islands Council, Shetland Amenity Trust, RSPB, SNH, SEPA.

Industry sub-policy group:

NAFC Marine Centre, Shetland Islands Council, Shetland Fisherman's Association, Shetland Shellfish Management Organisation, Seafood Shetland, Scottish Salmon Producers Organisation.

Community sub-policy group:

NAFC Marine Centre, Shetland Islands Council, Shetland Amenity Trust, Visit Scotland, Chair of Community Councils.

Possible policy changes and gaps were identified and this was considered by the three sub-policy groups when they met in October 2017. Feedback from the sub-group meetings will be used for further policy formulation. A full Advisory Group meeting is proposed for March 2018 to discuss the findings of the sub-groups and whether the Advisory Group is happy with the proposed scope of the draft RMP.

The proposed scope of the draft RMP will be made available for public comment for a period of six weeks via the NAFC Marine Centre and SIC websites and public meetings will be held in Lerwick, Scalloway (NAFC Marine Centre) and north Shetland. Publicity for these events will include targeted invitation of key sectors and interest groups, radio advertising, and social media. It is anticipated these will take place in April 2018. A Newsletter e-mail group will be established of interested parties to provide updates on the RMP development.

Feedback will be collated and summarised and made available via the NAFC Marine Centre website. The Shetland MPP will have regard to the representations made and they will be used to inform development of the consultation draft of the RMP. A further AG meeting will be held to discuss the feedback in July 2018.

**Stage 5: Preparation of supporting documents: June 2017 – June 2018**

The development of the draft RMP is subject to an integrated Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA). This is because the Shetland Islands RMP falls under the scope of Section 5(3) of the Environmental Assessment (Scotland) Act 2005 and therefore requires a Strategic Environmental Assessment (SEA). A Sustainability Appraisal (SA) scoping report, incorporating the SEA scoping report will be published by the NAFC Marine Centre after the scope of draft RMP has been agreed by the SIRMP Advisory Group and the six week period for public comment has been completed. The SA scoping report will be submitted to the SEA gateway for formal consultation. A Draft Habitat Regulations Appraisal (HRA) scoping report will also be published for consultation alongside the SA report.

During the development of the draft RMP the process of developing a partial Business and Regulatory Impact Assessment (BRIA) will be initiated to inform and assess the impact on those who may be affected by the proposals. The partial BRIA will be published for consultation at the same time as the SA.

**Stage 6: Development of the consultation draft Shetland Islands Regional Marine Plan in response to comments received and submission to Scottish Ministers for approval to publish consultation draft: July 2018 – October 2018**

At this stage the Plan will be revised in light of comments received, and a draft Plan will be developed. Further dialogue will then be undertaken with stakeholders, and policy options will be refined in line with the SEA and other assessments. Once approved by the SIRMP Advisory Group the draft RMP will then be submitted to Scottish Ministers for their agreement to its publication. Once permission is granted, the draft RMP will be published on the NAFC Marine Centre website and the Shetland Islands Council website and brought to the attention of interested parties via the communication strategy detailed in Stage 7.

**Stage 7: Publication of the draft Shetland Islands Regional Marine Plan and 12 week consultation on the Plan and associated supporting documents including SA, SEA, partial BRIA, EQIA and CRWIA: November 2018 – February 2019**

There will be a public consultation for the draft Shetland Islands Regional Marine Plan in the winter of 2018. Consultation events will be held in multiple geographical locations and on a number of dates, in order to maximise participation opportunity. These events will be advertised online, via email and in the printed press. A feedback form and questionnaire will form the basis of the consultation; these will be available from the website and will be sent out in e-alerts to our e-newsletter subscribers.

In accordance with the Environmental Assessment (Scotland) Act 2005, the consultation period for the Plan and SEA Environmental Report will be advertised in relevant newspapers.

The SIMPP will take such further steps as it considers appropriate to secure that the proposals contained in the draft RMP are brought to the attention of interested persons.

<b>Event:</b> Web Publication	<b>Audience:</b> All	<b>Date:</b> November 2018
<b>Details:</b>	The draft Shetland RMP and associated SA, SEA and BRIA and supporting documents will be published on the NAFC and SIC websites and the consultation will run for 16 weeks	
<b>Publicity method</b>	Social media, e-alerts, printed press	

<b>Event:</b> Public meetings	<b>Audience:</b> All	<b>Date:</b> November-December 2018
<b>Details:</b>	During the 16 week consultation period, the Shetland Islands' Marine Regional Planning Partnership is holding a series of public	

	meetings/workshops to raise awareness and discuss the draft Shetland RMP and associated BRIA, HRA, SEA and SA. Drop-in sessions will be held from at least three venues on three separate dates.
<b>Publicity method</b>	Social media, e-alerts, printed press, direct invite

**Stage 8: Review of the draft Shetland Islands Regional Marine Plan and supporting information in response to comments made during consultation (February/March 2019), and submission to Scottish Ministers for approval by 22 March 2019**

The draft Shetland Islands Regional Marine Plan and relevant supporting documents will be revised in response to comments made during consultation. As stated in the Marine (Scotland) Act and subsequent Ministerial Direction to the SIMPP, following the publication of the consultation draft Plan, the SIMPP, along with Scottish Ministers, must consider appointing an independent person to investigate and report on the proposals contained in the draft. Any independent review will take place at this stage, and prior to the Ministerial clearance process, and will be published.

**Stage 9: Consideration by Scottish Ministers followed by adoption and publication of the Shetland Islands Regional Marine Plan with supporting information: post-22 March 2019**

The SIMPP must publish the Regional Marine Plan as soon as reasonably practicable after its adoption has been agreed by the Scottish Ministers, together with the following:

- any supporting assessments, documents and information agreed by Scottish Ministers;
- statement on any modifications that have been made to the proposals published in the consultation draft for the plan, and the reasons for those modifications;
- statement on recommendations from appointed independent person (if applicable);
- statement on recommendations from independent person that have not been implemented (if applicable).

**Stage 10: Review, monitoring and reporting on plan implementation, and amendment of the Shetland Islands Regional Marine Plan**

Review, monitoring and reporting on plan implementation, and amendment of the Shetland Regional Marine Plan. As the marine environment is constantly developing and evolving it is important that SIMPP members continue to review the Shetland Islands Regional Marine Plan.

The Shetland Islands Marine Planning Partnership must keep the following under review:

- the designation of any area as a Scottish marine region;
- the preparation, adoption, amendment or withdrawal of a national or regional marine Plan;
- the effects of the policies in the plan;
- the effectiveness of the policies in securing that the objectives for which the plan was prepared and adopted are met;
- the progress being made towards securing the objectives;
- the progress being made towards securing that the objectives in the regional marine plan secure the objectives in the national marine plan.

The SIMPP will also prepare a report on the matters kept under review and submit this to the Scottish Ministers. The first report must be published within 5 years from the date of adoption of the Shetland Islands Regional Marine Plan. The SIMPP must then consider and decide if the Regional Marine Plan needs to be amended, or even replaced.



Comments, questions and queries relating to this SPP on the development of the regional marine plan can be directed to the marine spatial planning team at the NAFC Marine Centre, by email: [marineplan@uhi.ac.uk](mailto:marineplan@uhi.ac.uk), telephone: 01595 772000 or in writing: NAFC Marine Centre, Port Arthur, Scalloway, Shetland ZE1 0UN.

### Timeline for the Regional Marine Plan for the Shetland Islands

