



Grutness Pier Improvement Works

Grutness Consenting Statement Report

On behalf of **Shetland Islands Council**



**Shetland
Islands
Council**

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Front Cover Photograph provided by Brian Gray

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1 Introduction

1.1 Overview

1.1.1 This statement has been prepared by Stantec UK Ltd on behalf of Shetland Islands Council to accompany a Marine Licence application and planning application for the marine and planning elements associated with the proposed Fair Isle Ferry Replacement Project. This statement relates to applications for the elements of work proposed at Grutness Pier only and should be read in conjunction with the wider application submission:

- Ecological Appraisal Report (incorporating Baseline Ecological Surveys)
- Habitats Regulation Assessment (HRA)
- First iteration of the Environmental Management Plan (fiEMP)
- Application Drawings
- Application and Licensing Forms and associated certification

1.1.2 The Environmental Report includes the Ecological Appraisal Report (incorporating the Baseline Ecological Surveys) and mitigation measures that are proposed to be incorporated within the works.

1.1.3 This UK Government *Levelling-Up Fund* grant towards the project is a timeline critical proposal focused on delivering the operational requirements of a replacement Shetland to Fair Isle ferry service by 2026. Submission of these associated applications in March 2023, is working on a critical path to determination (consent), not later than August 2023, so that all other key work stages can be met, and the terms of the funding realised.

1.2 Consenting

1.2.1 The applications are for consent under the Town and Country Planning (Scotland) Act 1997 and the Marine (Scotland) Act 2010. The elements of work applicable to each legislation are as follows:

Town and Country Planning (Scotland Act 1997)

1.2.2 The formation of a linkspan (a bridge linking the ferry to the shore) to the south of the existing pier, improved marshalling area and an increase to the height of the existing rock armour to the north of the pier.

Marine (Scotland) Act 2010

1.2.3 An extension to the existing pier, rock armour protection, formation of a linkspan structure to the south of the existing pier and dredging to provide sufficient depth for the new vessel.

Site Location and Description

1.2.4 Grutness is a small settlement and headland at the southern tip of the main island of the Shetland Islands. The settlement is within the parish of Dunrossness. Grutness ferry terminal is located near Sumburgh Head on the southern tip of the Shetland Mainland, opposite Sumburgh Airport. It is the main terminus of the ferry service between the Shetland Mainland and Fair Isle. The pier (**Figure 1-1**) is generally sheltered from the south and west by land and exposed to the north and east. The geography of the area is a complex series of deeply indented bays, cliffs, beaches and settlements. Adjacent to the site is a stony beach.

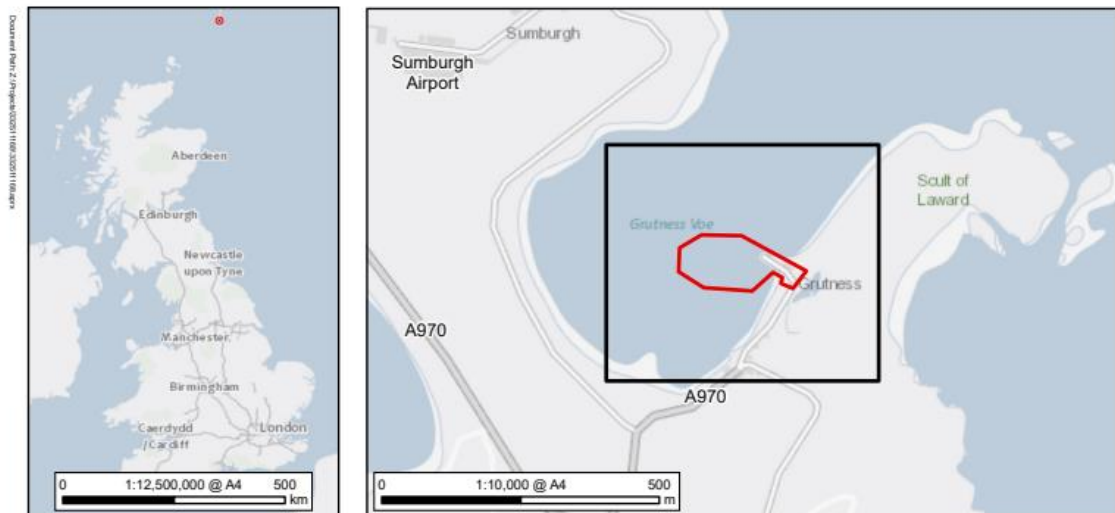


Figure 1-1: Grutness Location and Site Plan

Proposal Justification

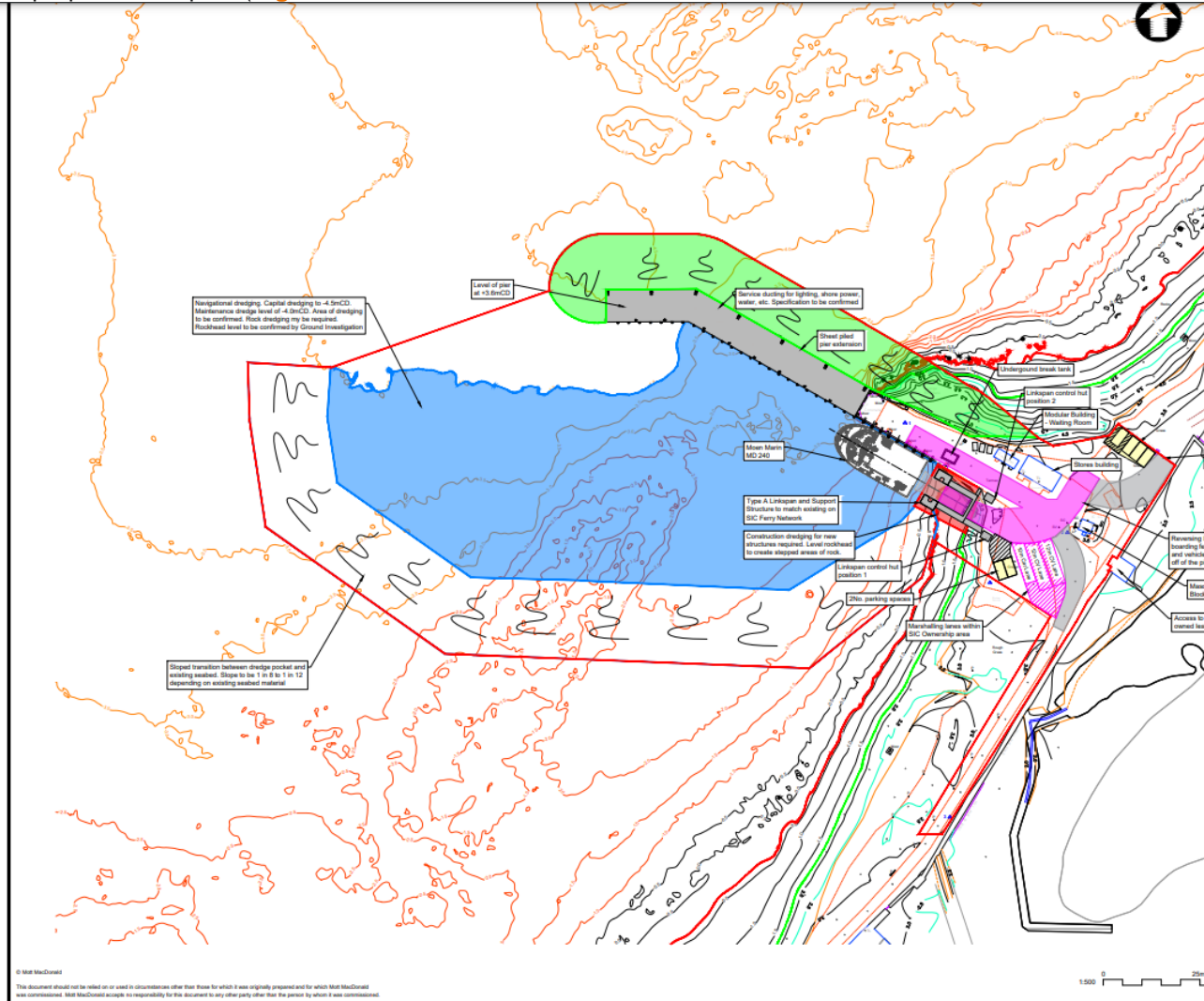
- 1.2.5 Fair Isle is the UK's most remote community and is facing serious challenges in terms of maintaining its economic and social sustainability. The island has been owned by the National Trust for Scotland since 1954 and is renowned for its wildlife and cultural heritage. The current ferry (MV *Good Shepherd IV*) is estimated to reach the end of its serviceable life by 2026 and must be replaced as a matter of growing urgency. The vessel is entirely deficient in meeting disabled access requirements and its current condition puts it within five years of 'end-of life', which is already significantly beyond its normal expected service life.
- 1.2.6 The ferry link between Grutness and Fair Isle is the single most important feature in supporting a sustainable future for the island. This redevelopment will provide improved supply-chain and passenger transport links between Fair Isle and Shetland Mainland by increasing the capacity and resilience of both the vessel and the ferry terminal infrastructure at both ends of the ferry route. In January 2023, the proposed development was guaranteed nearly £27 million through the UK Government's *Levelling-Up Fund* aimed at boosting local economies. It received funding as a vital scheme that will help improve connectivity and accessibility to the island and provide a lifeline for the island community. Both Fair Isle and Grutness ferry terminals require upgrading to accommodate the new vessel. A separate application pack for the proposed development at Fair Isle will be submitted in parallel.
- 1.2.7 The preferred replacement vessel option is procurement of a maximum 24 metre length overall (LOA) Roll on – Roll off (Ro-Ro) ferry. The vessel will be coded as a 'workboat', limiting the number of passengers to 12, ensuring that it can be sustainably crewed from the island, further supporting its long-term economic sustainability. The likely procurement method is for the client to seek a pre-existing vessel design from the market which can be modified to accommodate passenger and Ro-Ro facilities.

Full Description of Proposed Works

- Extension of existing pier (sheet piled structure) and rock armour protection in a 'dog-leg' shape - to provide shelter for a new linkspan structure (steel deck with concrete supports and bankseat) that will be used by the new Ro-Ro vessel
- Increase in height of the existing rock armour to the north of the pier - to reduce the frequency and severity of swell overtopping during storm events
- Improved marshalling facilities

- Dredging to provide a sufficient water depth for new vessel around the proposed pier extension and linkspan

The proposed site plan (Figure 1-2)



1.2.8 Figure 1-2) provides an overview of the development and the separate marine and terrestrial boundaries.

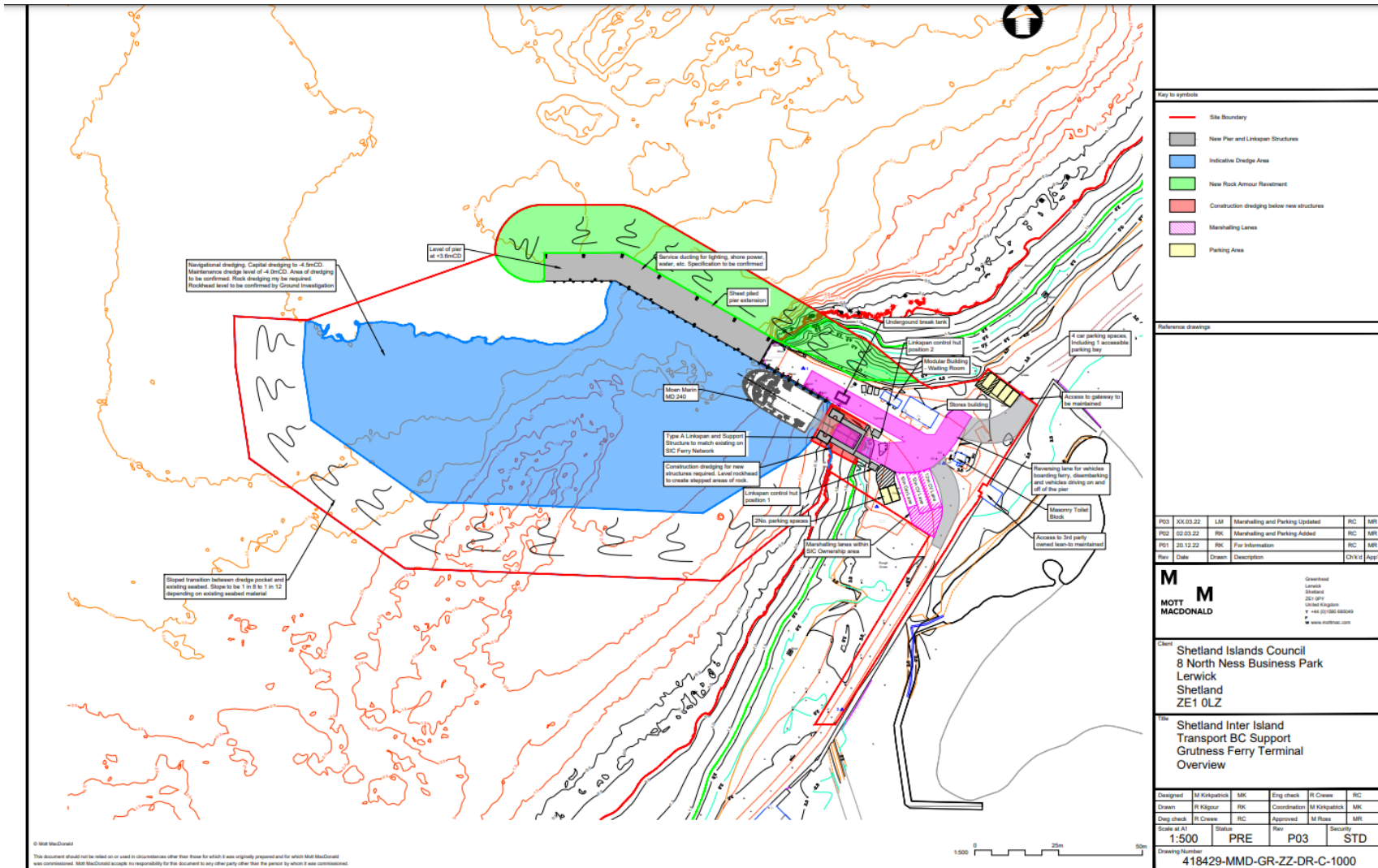


Figure 1-2: Grutness Proposed Site Plan

EIA Screening

- 1.2.9 An Environmental Impact Assessment (EIA) request for a screening opinion was submitted to Shetland Islands Council and Marine Scotland on the 25th March 2022 and 8th April 2022 respectively as the relevant determining authorities for the planning application and marine licence. This was due to the proposal being classified as an 'Infrastructure Project' under schedule 2 of the EIA regulations. The proposed development does not fall within the developments identified as Schedule 1 development in the EIA Regulations that automatically requires an EIA.
- 1.2.10 The proposed development falls under Section 10 in the first column of Schedule 2 as it is considered to be:
- Construction of harbours and port installations including fishing harbours (unless included in Schedule 1).
 - Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works.
- 1.2.11 Shetland Islands Council concluded in May 2022 through the Screening Opinion (**Appendix A: Screening Opinion**) that the development will not be subject to a formal Environmental Impact Assessment. However, any planning application submitted will require to be accompanied by an Environmental Report that sets out the environment issues and mitigations as outlined in the Screening Report for the proposed development.
- 1.2.12 Considering the Marine aspects of the proposal, Marine Scotland also advised in May 2022 that the proposed works are not an EIA project (**Appendix A: Screening Opinion**) and therefore an EIA is not required in respect of the proposed works.

2 Planning Policy

2.1.1 Proposed works that require planning permission are:

- Formation of the linkspan structure to the south of the existing pier
- Extension and height increase of the rock armour protection to the north of the pier

2.1.2 The Town and County Planning (Scotland) Act 1997 (as amended) is the 'Principal Act' which regulates land use planning matters in Scotland. All application for planning permission must be determined in accordance with the provisions of this legislation. In particular, under section 25 of this Act the determination of all planning applications must be made in accordance with the statutory Development Plan applicable to the proposed site unless material considerations indicate otherwise.

National Planning Framework 4

2.1.3 NPF4 provides a statutory framework around which to orientate Scotland's long-term spatial development. The Framework highlights the spatial planning implications of multiple national policy documents and commitments. NPF4 was formally adopted on 13th February 2023. The statutory development plan for any given area of Scotland consists of the National Planning Framework and the relevant Local Development Plan. From adoption, NPF4 will:

- Take precedence over the Local Development Plan where there are any conflicts or gaps due to age. When there is incompatibility between a provision of NPF4 and the LDP, whichever is latest (to be adopted) prevails
- Form part of the statutory development plan and have a 10-year lifespan (unless revised)
- Replace NPF3, Scottish Planning Policy (SPP 2014), Strategic Development Plans and any supplementary guidance issued in connection with them

2.1.4 The *National Spatial Strategy* for Scotland 2045 outlines six overarching spatial principles, including a just transition to net zero, supporting local living and rural revitalisation. Applying these principles will support the planning and delivery of sustainable, liveable and productive places. NPF4 also outlines 'Regional Spatial Priorities' for five broad regions of Scotland. With respect to Fair Isle and Grutness, this is contained within the North and West Coast and Islands Spatial Priorities. This part of Scotland will be at the forefront of efforts to reach net zero emissions by 2045. Island and coastal ecosystems, and the communities they support, are naturally more vulnerable to the effects of climate change, sea level rise and extreme events. The need to improve transport and ensure island communities are served with good facilities is also a priority but recognised as a significant challenge to deliver.

2.1.5 Subject specific provisions within NPF4 of relevance to the proposed development are outlined in **Table 2-1**, with further analysis of the highlighted items provided in the subsequent paragraphs.

Table 2-1: Relevant Policies Within NPF4

NPF4 Policy	Summary
Tackling The Climate and Nature Crises (Policy 1)	The intention of this policy is to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. When considering all development proposals, significant weight will be given to the global climate and nature crises
Climate Mitigation and Adaption (Policy 2)	The intention of this policy is to encourage, promote and facilitate development that minimises emissions

NPF4 Policy	Summary
	<p>and adapts to the current and future impacts of climate change. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change.</p>
<p>Biodiversity (Policy 3)</p>	<p>To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them.</p> <p>Development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore, and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention.</p> <p>Any potential adverse impacts, including cumulative impacts on biodiversity, nature networks and the natural environment will be minimised through careful planning and design</p>
<p>Natural Places (Policy 4)</p>	<p>To protect, restore and enhance natural assets making best use of nature-based solutions. Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.</p> <p>Development proposals likely to have a significant effect on a Special Area of Conservation or Special Protection area are required to be subject to an “appropriate assessment” of the implications for the conservation objectives. Development affecting a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where the objectives of designation and overall integrity of the areas will not be compromised, or any significant adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.</p> <p>For development proposals affecting a site designated as a local nature conservation site or landscape area in the LDP the requirements of the previous paragraph are also applicable, but the social, environmental or economic benefits are required to be of at least local importance.</p>
<p>Historic Assets and Places (Policy 7)</p>	<p>To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Detailed policy provisions are set out in order to protect and enhance different types of historical assets such as listed buildings, conservation areas, World Heritage Sites, scheduled monuments, Gardens and Designed Landscapes, Historic Marine Protected Areas and non-designated historic environment assets such as buried archaeological remains.</p>
	<p>To protect coastal communities and assets and support resilience to the impacts of climate change.</p>

NPF4 Policy	Summary
<p>Coastal Development (Policy 10)</p>	<p>Development proposals in undeveloped coastal areas will only be supported where they are necessary to support the blue economy, net zero emissions or to contribute to the economy or wellbeing of communities whose livelihood depend on marine or coastal activities, or is for essential infrastructure, where there is a specific locational need and no other suitable site.</p> <p>Development should not result in the need for further coastal protection measures taking into feature sea level change, coastal flood risk or coastal erosion. Development should also be anticipated to be supportable in the long-term, taking into account projected climate change.</p>
<p>Sustainable Transport (Policy 13)</p>	<p>This policy intends to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Proposals to improve, enhance or provide public transport infrastructure will be supported.</p>
<p>Design, Quality and Place (Policy 14)</p>	<p>To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of Scale. Development proposals will be supported where they are consistent with the qualities of successful places (healthy, pleasant, connected, distinctive, sustainable and adaptable).</p>
<p>Flood Risk and Water Management (Policy 22)</p>	<p>To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Development should not increase the risk of surface water flooding or itself be at risk. Development proposals at risk of flooding or in a flood risk area will only be supported under certain criteria, such as essential infrastructure where the location is required for operational reasons.</p>
<p>Rural Development (Policy 29)</p>	<p>Encourages rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.</p> <p>Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including essential community services and essential infrastructure.</p> <p>Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal will support local employment supports and sustains existing communities and is suitable in terms of location, access, siting design and environmental impact.</p>

Policy 2 – Climate Change and Mitigation

- 2.1.6 *The intention of this policy is to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change.*
- 2.1.7 The proposed development will facilitate the aim of operating a new vessel which will have the option of a 'green' propulsion system which would help reduce the emissions associated with the vessel operation. The new vessel will also be better equipped to carry sustainable forms of transport such as bicycles. The proposal is considered to comply with policy 2.

Policy 3 – Biodiversity

- 2.1.8 *This policy aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.*
- 2.1.9 An Environmental Report and Construction Environmental Management Plan will be provided to mitigate any disturbance to biodiversity and ecology at Grutness. The proposal is therefore considered to comply with policy 3.

Policy 4 – Natural Places

- 2.1.10 *This policy aims to protect, restore and enhance natural assets making best use of nature-based solutions.*
- 2.1.11 The site is adjacent to the Sumburgh Head SPA and SSSI. The planning elements of the work, which involves the installation of the linkspan structure and rock armour, is unlikely to have any significant impacts on these designations. In any case, suitable mitigation will be detailed within the accompanying Environmental Report and as such complies with policy 4.

Policy 7 – Historic Assets and Places

- 2.1.12 *To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Detailed policy provisions are set out in order to protect and enhance different types of historical assets such as listed buildings, conservation areas, World Heritage Sites, scheduled monuments, Gardens and Designed Landscapes, Historic Marine Protected Areas and non-designated historic environment assets such as buried archaeological remains.*
- 2.1.13 There is a group of category C-listed structures approximately 200m from the existing pier. The proposed linkspan structure and rock armour would not have a significant impact on the setting or character of these historic assets due to the distance from the site. The proposal therefore complies with policy 7.

Policy 13 – Sustainable Transport

- 2.1.14 *This policy intends to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Proposals to improve, enhance or provide public transport infrastructure will be supported.*
- 2.1.15 The proposal is clearly in accordance with policy 13 as the works are necessary to provide improved public transport infrastructure. The new ferry will comply with all modern standards in terms of passenger accessibility.

Policy 14 – Design Quality and Place

- 2.1.16 *To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of Scale. Development proposals will be supported where they are consistent with the qualities of successful places (healthy, pleasant, connected, distinctive, sustainable and adaptable).*
- 2.1.17 The planning elements of this proposal include the formation of a linkspan structure and rock armour to provide protection for the structure. The overall development at Grutness is relatively small-scale and appropriately designed for the context of the site. The design and scale of the development will not detract from the character of the area. The development will improve the quality of the area by providing a more reliable ferry service which will improve connectivity. The rock armour extension and height increase will protect the linkspan structure and pier from adverse weather conditions, therefore providing a safer and more pleasant local environment.

Policy 29 – Rural Development

- 2.1.18 *Encourages rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.*
- 2.1.19 *Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including essential community services and essential infrastructure.*
- 2.1.20 *Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal will support local employment supports and sustains existing communities and is suitable in terms of location, access, siting design and environmental impact.*
- 2.1.21 The proposed development will facilitate an improved ferry service, for which the vessel and shoreside infrastructure are currently at an end-of-life stage. This will support the long-term sustainability of Fair Isle and is therefore essential infrastructure. The development will also encourage rural economic activity by improving the capacity and reliability of the supply-chain between Fair Isle and Shetland Mainland. The ferry link is the primary method of freight transportation between the islands. It is a life-line service for the island alongside the air service. The improved transport link will also contribute towards the diversity of the rural community by making Fair Isle a more attractive place for those who wish to live there permanently. The proposal therefore complies with policy 29.

Shetland Local Development Plan

- 2.1.22 The Shetland Local Development Plan (SLDP) 2014 was adopted by Shetland Islands Council on 26th September 2014 and is the established planning policy for Shetland. The Council is currently drafting the next Local Development Plan 'LDP2', which has not yet been adopted. The Local Development Plan 2014 is a material consideration to the determination of this application for planning consent.
- 2.1.23 The SLDP 2014 outlines the vision for Shetland: *“Work together for a future that is better and brighter. In particular, we aim to create a secure livelihood, look after our stunning environment and care well for our people and our culture.”* Shetland Resolution (2004).
- 2.1.24 The SLDP 2014 notes land use planning can assist in achieving the Shetland Resolution by means such as:

- *Enhancing existing communities throughout Shetland by encouraging sustainable economic development to create strong, healthy, vibrant communities where diversity is recognised and celebrated, ensuring they are attractive and inclusive places to live.*
- *Supporting new and existing sustainable economic opportunities, including employment, housing, transport, communications and community facilities.*
- *Supporting better access across the Islands, in particular supporting sustainable and active transport solutions, such as by foot, cycle and public transport, and enabling people to access services, employment and other opportunities.*

2.1.25 Subject specific provisions within the SLDP of relevance to the proposed development are outlined in **Table 2-2**.

Table 2-2: Relevant Policies Within SLDP 2014

Shetland LDP Policy	Summary
NH1 International and National Designations	Requires that any development likely to have a significant effect on an internationally important site, (Special Area of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites) are subject to an assessment of the implications for the site's conservation objectives. Development affecting these areas will only be permitted if it not will adversely affect the integrity of the site, there are no alternative solutions, and any adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.
NH2 Protected Species	Requires that development does not have any significant detrimental impact on protected species and that a plan is provided to avoid or mitigate any adverse impacts on the species. Development likely to have an adverse effect on protected species will only be permitted in exceptional circumstances.
NH4 Local Designations	Development affecting a local Nature Conservation Site or Local Landscape area will only be permitted if it does not adversely affect the integrity of the area or any such effects are clearly outweighed by social, environmental or economic benefits.
NH7 Water Environment	<p>Development will only be permitted where appropriate measures are taken to protect the marine and freshwater environments to an extent that is relevant and proportionate to the scale of development. Development adjacent to a watercourse or water body must be accompanied by sufficient information to enable a full assessment of the likely effects. Where there is potential for the development to have an adverse impact the applicant/developer must demonstrate that:</p> <ul style="list-style-type: none"> • There will be no deterioration in the ecological status of the watercourse or water body; • It does not encroach on any existing buffer strips and that access to these buffer strips has been maintained; and • Both during the construction phase and after completion it would not significantly affect: <ul style="list-style-type: none"> o Water quality flows in adjacent watercourses or areas downstream o Natural flow patterns and sediment transport processes in all water bodies or watercourses. <p>It is a key objective of the Scottish River Basin Management Plan and the Shetland Area Management Plan that water bodies and watercourses achieve good</p>

Shetland LDP Policy	Summary
	ecological status and that there is no deterioration in the current ecological status. The water environment includes burns, rivers, ponds, lochs, wetlands, standing, tidal or coastal waters as well as ground water. A water body is generally defined as still water e.g., lochs and ponds and a watercourse as moving water e.g., burns and rivers.
HE1 Historic Environment	The Council should presume in favour of the protection, conservation and enhancement of all elements of Shetland's historic environment, which includes buildings, monuments, landscapes and areas
HE2 Listed Buildings	Development affecting a listed building, or its setting, should preserve the building, its setting, and any features of special architectural or historic interest that it possesses. The layout, siting and design of any development should be appropriate to the character and appearance of the listed building and its setting.
HE4 Archaeology	Scheduled monuments and other identified nationally important archaeological resources should be preserved in situ, and within an appropriate setting. Developments should not be permitted if it would have an adverse effect on scheduled monuments or the integrity of their settings unless there are exceptional circumstances. Where preservation is not possible, developments must undertake appropriate excavation, recording, analysis, publication and archiving in advance of or during development.
CST1 – Coastal Development	Proposals for developments and infrastructure in the coastal zone (above Mean Low Water Mark of Ordinary Spring Tides) will only be permitted where the proposal does not have a significant impact on the water environment, marine resources and ecology. The location, scale and design of the development must be appropriate. All proposals will be assessed against the Shetland Islands Marine Spatial Plan
Trans1 – Integrated Transport	The Council will support proposals that sustain and development the economy of Shetland through maintaining an appropriate level of accessibility by sea and support the provision and improvement of public transport services.
Trans2 – Inter Island Links	The council is committed to supporting and safeguarding Shetland's ferry services and associated infrastructure. Developments that could prejudice a transport route, or access to it, or its operation will not be permitted.

2.1.26 The relevant policies of SLDP 2014 are broadly aligned with the assessed NPF4 policies. In particular, policies TRANS1 – Integrated Transport and TRANS2 – Inter-Island Links, both highlight the importance of sustaining accessibility by sea and supporting the provision and improvement of public transport services.

2.1.27 The proposed development at Grutness is a critical part of the overall proposal to provide a long-term and high-quality ferry service between Grutness and Fair Isle. The principle of development is demonstrated as acceptable under the development plan, and any potentially adverse impacts during construction and operation will be mitigated, as outlined in the accompanying reports and assessments (as listed in Section 1.1).

3 Marine Planning Policy

3.1.1 This section provides an overview and analysis of the proposal in relation to the relevant marine planning policy considerations. It considers national and regional marine planning policy and objectives.

3.1.2 Marine licensing decisions are taken in accordance with the UK Marine Policy Statement, the Scottish National Marine Plan (2015) and Scottish Regional Marine Plans. The applicable regional plan in this instance is the Shetland Island's Marine Spatial Plan (adopted 2015) and the Shetland Island's Regional Marine Plan (amended draft, 2021).

UK Marine Policy Statement

3.1.3 The UK Marine Policy Statement (MPS) is the framework for preparing Marine Plans and taking decisions affecting the marine environment. It will contribute to the achievement of sustainable development in the United Kingdom Marine Area. The Secretary of State, Scottish Ministers, Welsh Ministers and the Department of the Environment in Northern Ireland are jointly adopting the MPS. This is a key step towards achieving the vision shared by the UK Administrations of having 'clean, healthy, safe, productive and biologically diverse oceans and seas.

3.1.4 The MPS will facilitate and support the formulation of Marine Plans, ensuring that marine resources are used in a sustainable way in line with the high level marine objectives and thereby:

- Promote sustainable economic development
- Enable the UK's move towards a low-carbon economy, in order to mitigate the causes of climate change and ocean acidification and adapt to their effects
- Ensure a sustainable marine environment which promotes healthy, functioning marine ecosystems and protects marine habitats, species and our heritage assets
- Contribute to the societal benefits of the marine area, including the sustainable use of marine resources to address local social and economic issues

3.1.5 The MPS outlines a range of high-level policy objectives and visions, with the expectation that Marine Plans should align with, and contribute, the delivery of these objectives. Specific policy detail relating to the marine environment of Scotland of relevance to this proposal is discussed in the following section.

Scotland's National Marine Plan (2015)

3.1.6 The *Scotland National Marine Plan* provides a comprehensive overarching framework for all marine activity. The plan covers the management of both Scottish inshore waters (out to 12 nautical miles) and offshore waters (12 to 200 nautical miles) and was adopted in 2015.

3.1.7 This Plan does not replace or remove existing regulatory regimes or legislative requirements. Rather it provides a consistent framework for their continued operation. This plan should be applied proportionately, taking account of the potential scale of impact of any proposal as well as the sensitivity of the environment and / or any potential social or economic effect under consideration. Marine and terrestrial planning processes are both intended to deliver the Scottish Government's 'Purpose' of creating a more successful country, with opportunities for all to flourish through increasing sustainable economic growth. The Marine (Scotland) Act 2010 established new systems of marine spatial planning and marine licensing across Scotland's territorial waters and marine exclusive economic zone.

- 3.1.8 Scotland’s vision for the marine environment is “clean, healthy, safe, productive and diverse seas; managed to meet the long term needs of nature and people”. Chapter 13 Shipping, Ports, Harbours, and Ferries outlines several objectives and policies. Notably Objective 3 is “safeguarded essential maritime transport links to islands and remote mainland communities”. Objective 2 is “Sustainable growth and development of ports and harbours as a competitive sector, maximising their potential to facilitate cargo movement, passenger movement and support other sectors.” These high-level objectives provide broad support for the proposals.
- 3.1.9 The proposed development includes an extension to the existing pier at Grutness, dredging to provide depth for the new vessel, increasing the height of existing rock armour to protect a new linkspan. A marine licence application will be required to authorise the proposed marine works which form part of the proposed development. This application will be determined in accordance with Scotland’s National Marine Plan (SNMP) (2015) alongside other relevant material considerations.
- 3.1.10 Chapter 4 of the SNMP sets out a core set of general policies applicable to all current, proposed, and potential future marine activities. These policies consider the sustainability of proposed developments and marine activities. Chapters 6-16 of the Plan then sets out sectoral policies of relevance to specific development or marine activity sectors. Specific policies of relevance to the proposed development are outlined in **Table 3-1**, with further analysis of the highlighted items provided in the subsequent paragraphs.

Table 3-1: Relevant Policies Within Scotland's National Marine Plan (2015)

SNMP Policy	Summary
GEN1 General Planning Principle	There is a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of this Plan.
GEN2 Economic Benefit	Sustainable development and use which provides economic benefit to Scottish communities is encouraged when consistent with the objectives and policies of this Plan
GEN3 Social Benefit	Sustainable development and use which provides social benefits is encouraged when consistent with the objectives and policies of this Plan
GEN5 Climate Change	Marine planners and decision makers must act in the way best calculated to mitigate, and adapt to, climate change
GEN6 Historic Environment	Development and use of the marine environment should protect and, where appropriate, enhance heritage assets in a manner proportionate to their significance
GEN7 Landscape/Seascape	Marine planners and decision makers should ensure that development and use of the marine environment take seascape, landscape and visual impacts into account
GEN8 Coastal Process and Flooding	Developments and activities in the marine environment should be resilient to coastal change and flooding, and not have unacceptable adverse impact on coastal processes or contribute to coastal flooding
GEN9 Natural Heritage	Development and use of the marine environment must:

SNMP Policy	Summary
	<ul style="list-style-type: none"> ▪ Comply with legal requirements for protected areas and protected species; ▪ Not result in significant impact on the national status of Priority Marine Features; and, ▪ Protect and, where appropriate, enhance the health of the marine area.
GEN11 Marine Litter	Developers, users and those accessing the marine environment must take measures to address marine litter where appropriate. Reduction of litter must be taken into account by decision makers
GEN12 Water Quality and Resource	Developments and activities should not result in a deterioration of the quality of waters to which the Water Framework Directive, Marine Strategy Framework Directive or other related Directives apply.
GEN13 Noise	Development and use in the marine environment should avoid significant adverse effects of man-made noise and vibration, especially on species sensitive to such effects.
GEN14 Air Quality	Development and use of the marine environment should not result in the deterioration of air quality and should not breach any statutory air quality limits
GEN17 Fairness	All marine interests will be treated with fairness and in a transparent manner when decisions are being made in the marine environment
GEN18 Engagement	Early and effective engagement should be undertaken with the general public and all interested stakeholders to facilitate planning and consenting processes.
GEN19 Sound Evidence	Decision making in the marine environment will be based on sound scientific and socio-economic evidence.
GEN21 Cumulative Impacts	Cumulative impacts affecting the ecosystem of the marine plan area should be addressed in decision making and plan implementation.
Transport 1	Navigational safety in relevant areas used by shipping now and in the future will be protected, adhering to the rights of innocent passage and freedom of navigation contained in UN Convention on the Law of the Sea (UNCLOS). The extent of interference with existing or planned routes used by shipping, access to ports and harbours and navigational safety should be assessed when making a decision.
Transport 2	Marine development and use should not be permitted where it will restrict access to, or future expansion of, major commercial ports or existing or proposed ports and harbours which are identified as National

SNMP Policy	Summary
	Developments in the current NPF or as priorities in the National Renewables Infrastructure Plan (Map 10 and 11) such as the Clyde
Transport 3	Ferry routes and maritime transport to island and remote mainland areas provide essential connections and should be safeguarded from inappropriate marine development and use that would significantly interfere with their operation. Developments will not be consented where they will unacceptably interfere with lifeline ferry services.
Transport 5	Port and harbour operators should take into account future climate change and extreme water level projections, and where appropriate take the necessary steps to ensure their ports and harbours remain viable and resilient to a changing climate. Climate and sea level projections should also be taken into account in the design of any new ports and harbours, or of improvements to existing facilities.
Transport 6	Marine planners and decision makers and developers should ensure displacement of shipping is avoided where possible to mitigate against potential increased journey lengths (and associated fuel costs, emissions and impact on journey frequency) and potential impacts on other users and ecologically sensitive areas.
Transport 7	<p>Marine and terrestrial planning processes should co-ordinate to:</p> <ul style="list-style-type: none"> ▪ Provide co-ordinated support to ports, harbours and ferry terminals to ensure they can respond to market influences and provide support to other sectors with necessary facilities and transport links; and, ▪ Consider spatial co-ordination of ferries and other modes of transport to promote integrated and sustainable travel options.

Policy GEN 2 – Economic Benefit

- 3.1.11 *Sustainable development and use which provides economic benefit to Scottish communities is encouraged when consistent with the objectives and policies of this Plan.*
- 3.1.12 The procurement of a workboat-coded vessel will facilitate an island-based service, which is operationally essential in terms of delivering sailings when weather permits. Basing the vessel in Fair Isle also protects the employment of the seven island-based crew. This is essential to the economic wellbeing of Fair Isle, both in terms of the direct income of the crew (who hold some of the few salaried posts on the island) and also in ensuring that they and their families remain in the island and continue to fulfil their multiple other roles, such as providing fire cover at the airfield. Without this, the island could not function.

- 3.1.13 The new vessel will have a higher deadweight capacity and will thus be less limited in the quantity of goods which can be moved in a single sailing. This will assist in importing e.g., construction materials to the island, allowing larger island-based cars to be moved to the mainland for servicing etc. The cost of moving items to / from the island will be reduced.
- 3.1.14 The new ferry will also help to increase the proportion of total tourists visiting Fair Isle. A more reliable and comfortable vessel would provide tourists with a more attractive alternative route onto / off the island including when the air service is disrupted. It will also mitigate the increased cost associated within living and / or doing business in an island community and provide broad equality of opportunity for island residents.
- 3.1.15 The proposal is considered to be compliant with policy GEN2.

Policy GEN 3 – Social Benefit

- 3.1.16 *Sustainable development and use which provides social benefits is encouraged when consistent with the objectives and policies of this Plan.*
- 3.1.17 The existing ferry service between Grutness and Fair Isle is unreliable, with a low percentage of sailings operating to timetable. In 2018, only 22% of sailings operated to timetable. The current service is also entirely deficient in meeting disabled access requirements and is not considered to provide a comfortable experience for passengers.
- 3.1.18 The emerging specification for the ferry defines a faster vessel than is currently operated. The increase in speed and improved seakeeping will reduce crossing times, and coupled with Ro–Ro operation, allow for operation within tighter weather windows, thus improving compliance with the timetable and potentially facilitating a higher frequency service. The new ferry will also improve the efficiency and coverage of public service delivery, particularly education and health. The new vessel will comply with all modern standards in terms of passenger accessibility. The conversion to Ro-Ro will allow level-access boarding by passengers at all states of the tide, which will be of particular benefit to the elderly population. It will help to achieve / maintain critical mass in terms of population, enable island residents to access essential public services and make the islands a more practical proposition for in-migration, further contributing to the long-term sustainability of Fair Isle.
- 3.1.19 The proposal is considered to be compliant with policy GEN3.

GEN6 – Historic Environment

- 3.1.20 *Development and use of the marine environment should protect and, where appropriate, enhance heritage assets in a manner proportionate to their significance.*
- 3.1.21 Adjacent to the pier is the category C-listed Grutness lighthouse store, including boundary wall, gate, and gate piers. No works are proposed to the heritage assets and during the operation phase it is unlikely to result in any adverse effects on the setting of these assets.
- 3.1.22 The proposal is therefore considered to be compliant with policy GEN6.

GEN7 – Landscape/Seascape

- 3.1.23 *Marine planners and decision makers should ensure that development and use of the marine environment take seascape, landscape and visual impacts into account.*
- 3.1.24 The proposal is unlikely to result in any significant landscape/seascape or visual impact during construction or operation. The relatively small-scale nature of the development is not considered to be significant in the context of the existing landscape. The development would not detract from the character of the area as an existing functional ferry terminal.

3.1.25 The proposal is therefore considered to be compliant with policy GEN7.

GEN9 – Natural Heritage

3.1.26 *Development and use of the marine environment must:*

- a) *Comply with legal requirements for protected areas and protected species.*
- b) *Not result in significant impact on the national status of Priority Marine Features.*
- c) *Protect and, where appropriate, enhance the health of the marine area.*

3.1.27 The site is adjacent to the Sumburgh Head Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) and is therefore a sensitive location with regards to GEN9 section A. Although the screening opinion response from Shetland Islands Council concluded that the proposal is not EIA development, an Environmental Report has been prepared as requested which identifies mitigation measures to prevent any significant adverse impacts on the environmental designations, species and ecology.

3.1.28 The proposal is considered to be compliant with policy GEN9.

GEN13 – Noise

3.1.29 *Development and use in the marine environment should avoid significant adverse effects of man-made noise and vibration, especially on species sensitive to such effects.*

3.1.30 Noise will be produced from piling operations and plant activities during construction. Operational noise is unlikely to create any issues as it will be similar to existing operations. Strategies to mitigate noise during construction such as phasing of works and deliveries to specified areas will be considered to minimise impact on noise sensitive receptors. The overall impact is not considered to be significant with appropriate mitigation, which is incorporated within a separate Ecological Appraisal and Environmental Management Plan.

3.1.31 The proposal is considered to be compliant with policy GEN13.

GEN18 – Engagement

3.1.32 *Early and effective engagement should be undertaken with the general public and all interested stakeholders to facilitate planning and consenting processes.*

3.1.33 Thorough and extensive engagement has been undertaken throughout the preparation of the applications for planning permission and for the Marine Licence. The proposals were also subject to multiple in-person public consultation events and an online event. The first round of in-person events took place on the 5th and 6th of December 2022 at Fair Isle Primary School and the Sumburgh Hotel respectively. The second round of in-person events took place on the 6th and 7th of February 2023 at the same locations. The online event took place on 6th February 2023. Stakeholder consultation and pre-application discussions from local to national level have also been carried out well in advance of the applications. A full review of pre-application engagement is provided in the accompanying Pre-Application Consultation (PAC) report.

3.1.34 The proposal is considered to be compliant with GEN18.

Shetland Islands' Marine Spatial Plan (2015)

3.1.35 The Shetland Islands' Marine Spatial Plan (SIMSP) (2015) was adopted as supplementary guidance to the Shetland Local Development Plan 2014. It sets out policies for the marine

environment, marine related developments and activities. It is to read in conjunction with the policies in the LDP and any other relevant supplementary guidance. The SIMSP policies and maps are a material consideration in any marine applications made to Shetland Islands Council and Marine Licence Applications. Any development proposal with a land-based element must consider the impacts on the terrestrial environment, its infrastructure and local community, as well as the implications on the marine environment.

3.1.36 The planning area includes all territorial waters seaward of the mean high water of the spring tide (MHWS) out to 12 nautical miles but also includes terrestrial and coastal habitats / ecological processes that are clearly affected by marine use. The LDP policies for land-based planning extend to mean low water springs (MLWS), while the SIMSP policies extend seaward from MHWS therefore physically overlapping the coastal zone. This overlap ensures that marine and land planning will address the whole of the marine and terrestrial environments respectively.

3.1.37 Key policies within the SIMSP 2015 of relevance to this proposal are assessed below:

Policy MSP HER1 – Developments in or near Sites of International Interest (SACs, SPAs and Ramsar)

3.1.38 *Developments or uses that might affect a European (including proposed sites) must comply with legal requirements for these protected areas and must be subject to a Habitats Regulations Appraisal. Proposals which may adversely affect the site's integrity will not normally be permitted.*

3.1.39 As the proposals may affect the Sumburgh Head SPA and SSSI, an Environmental Report and Habitats Regulation Assessment will be provided to fully assess the extent of any impacts and ensure that any adverse effects will be suitably mitigated and not compromise the integrity of the designations. The proposals are therefore considered to comply with Policy MSP HER1..

Policy MSP CD1 – Coastal Defence Construction

3.1.40 *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.*

3.1.41 Although this policy wording is aimed towards larger scale coastal defence works, an aspect of this proposal is increasing the height rock armour to the north of the pier to protect against adverse weather conditions. Any coastal defence work must not exacerbate flooding or coastal erosion or adversely affect ecological characteristics, landscape character and popular coastal views.

3.1.42 The scale of this work is unlikely to create any significant issues with regards to the listed criteria and therefore considered to comply with Policy MSP CD1.

Policy MSP DEV1 – Marine Developments

3.1.43 *Proposals for marine-related developments will be considered favourably where it can be demonstrated that:*

- a) *They comply with all policies included in Policy Framework Sections 5(a) and 5(b) and Policy MSP FISH1*
- b) *The developer has engaged in pre-application discussions with the consenting authorities, any adjacent marine user and the local community council*

- c) *The compatibility of the proposed development with existing marine users has been taken into consideration to minimise conflict and any potential adverse impacts*
- d) *All co-existence options with other users have been considered in the design and location of the proposed development to maximise the efficient use of the marine space*
- e) *The potential individual and cumulative effects of the proposed development have been addressed and will be managed sustainably in terms of spatial and temporal overlaps*

3.1.44 Policy Framework 5a - Clean and Safe does not support proposals that would have adverse impacts on water quality and ecology whereas Framework 5b (Healthy and Diverse) seeks to achieve marine nature conservation based on species conservation, site protection and wider seas policies and measures. Policy MSP FISH1 requires that developments do not obstruct important commercial fishing areas.

3.1.45 The proposed works at Grutness Harbour is the expansion and redevelopment of an existing area to provide a high-quality ferry service between Shetland Mainland and Fair Isle. The development would not have a significant adverse impact on water quality, protected species or national and international designations, which is highlighted in the various environmental supporting studies and documents which will accompany the applications. Any potential impacts caused by the development will be suitably mitigated. Extensive pre-application discussions with the consenting authorities and local stakeholders have been undertaken to ensure that the most suitable design has been progressed. The development would not obstruct any important fishing areas.

3.1.46 Overall, the proposal is considered to comply with the policies included in Framework Sections 5a and 5b and the set criteria outlined within Policy MSP DEV1 – Marine Developments.

Policy MSP SA1: Shore Access and Moorings

3.1.47 Shore access is defined within the SIMSP as piers, jetties, slipways, marinas and their access tracks. The SIMSP (2015) supports the development or maintenance of infrastructure such as piers, providing it meets the criteria within Policy Framework Sections 5(a) and 5(b) and does not result in any significant adverse impacts on the land and marine environment or result in increased likelihood of erosion or tidal inundation.

3.1.48 The pier extension is an essential aspect of the proposal to ensure that the new vessel and linkspan structure is adequately protected. There is no likelihood of significant effects arising in relation to land use, ground conditions and geology. The accompanying Environmental Management Plan will provide mitigation during the construction and operation phase of the project. The proposal is unlikely to increase the likelihood of erosion or tidal inundation.

3.1.49 The proposal is therefore considered to comply with policy MSP SA1.

Policy MSP TRANS1 – Port and Harbour-Related Development

3.1.50 *Proposals for port and harbour-related development will be considered favourably where it can be demonstrated that: a) the development complies with all policies included in Policy Framework Section 5(a) and 5(b) and Policy MSP DEV1; and b) the potential individual and cumulative effects of the proposed development have been addressed.*

3.1.51 As previously discussed, the proposal is considered to comply with the policies included within Framework Section 5(a) and 5(b) as well as MSP DEV1. The individual and cumulative effects of the proposed development have been assessed in detail and in this case are unlikely to create any significant impacts on the existing site and surrounding area. Further detail on the

potential impacts of the development and mitigation are discussed within the accompanying Environmental Report. The policy wording states that “The National Marine Plan supports essential maritime transport links to island and remote mainland communities”. These objectives are also facilitated by the SISMP by supporting sustainable development of ferry links and associated infrastructure.

3.1.52 The proposal is therefore considered to comply with policy MSP TRANS1.

Policy MSP DD1: Dredging and Disposal of Dredged Material

3.1.53 Proposals for dredging and the disposal of dredged material must comply with Policy Framework Sections 5(a) and 5(b). It must also not adversely affect the integrity of a European site and provide detail of the level of impact of suspension of materials and disturbance to the seabed among other considerations.

3.1.54 Comprehensive detail of the marine dredging will be provided in accompanying documents including the Environmental Report and Environmental Management Plan. The dredging required is not expected to have a significant adverse impact on the marine environment or nearby Sumburgh Head SPA and SSSI. The proposal is therefore considered to comply with policy MSP DD1.

Shetland Islands Regional Marine Plan (Amended Draft, 2021)

3.1.55 The Shetland Islands Regional Marine Plan (SIRMP) (2021) was submitted as an amended draft in April 2021 to Scottish Ministers for adoption and publication. The plan is currently with Scottish Ministers but is yet to be adopted. This plan builds upon the 4th edition of SIMSP which was adopted as supplementary guidance to Shetland Islands’ Council Local Development Plan in 2015. Once adopted the SIRMP 2021 will replace the SIMSP 2015 and will form a stand-alone plan for Shetland’s marine environment. It will be a material consideration in the determination of applications and work licenses. Subject to the timing of the SIRMP (2021) adoption, the updated document may be considered where relevant in the determination of the marine licence and planning application.

3.1.56 The Shetland Islands’ Marine Spatial Plan (SIMSP, 2015) was previously incorporated in the Local Development Plan as supplementary guidance, and as such the SIMSP policies and maps continues to be a material consideration in any marine planning and works license applications made to Shetland Islands Council. At this time, the assessment of the proposal against the SIMSP 2015 in the previous section is considered to provide an appropriate basis for the acceptability of the works with respect to Shetland’s marine environment and does not require further assessment against the Amended Draft, 2021.

4 Conclusion

- 4.1.1 The proposed works at Grutness are essential to facilitate future operation of the vital ferry link between Grutness and Fair Isle.
- 4.1.2 The development is recognised by UK Government (through grant of LUF funding) as crucial for sustaining the long-term future of the Fair Isle community as well as providing additional social and economic benefits for residents and visitors.
- 4.1.3 The proposal will have no detrimental impact upon the character of Grutness pier, as an expansion and improvement to an existing operation.
- 4.1.4 The development will not have a significant visual impact on the appearance of the area or wider landscape.
- 4.1.5 Any potential adverse impacts on the local environment at Grutness are addressed and mitigated as detailed in the accompanying Environmental Report and related assessments.
- 4.1.6 The proposed development is demonstrated to be compliant with the relevant policies of NPF4, The Shetland Local Development Plan 2014, Scotland's National Marine Plan and the Shetland Islands' Marine Spatial plan.