

Shetland Islands Regional Marine Plan (SIRMP)

HABITATS REGULATIONS APPRAISAL
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Introduction

Scotland's vision for the marine environment is for 'clean, healthy, safe, productive, and biologically diverse seas, managed to meet the long-term needs of nature and people'. The Shetland Islands Regional Marine Planning Partnership has prepared a regional marine plan 'Shetland Islands Regional Marine Plan' (SIRMP), as part of realising this vision.

The Conservation (Natural Habitats, & c.) Regulations 1994 (as amended) require that, where a plan is likely to have a significant effect on a European site and/or a European offshore marine site (either alone or in combination with other plans or projects), the plan-making authority shall make an "appropriate assessment" of the implications for the site in view of that site's conservation objectives, prior to the plan's adoption. The process for determining whether an appropriate assessment is required, together with the appropriate assessment itself - where necessary - is known as 'Habitats Regulations Appraisal'.

The Shetland Islands Marine Planning Partnership considered that the SIRMP should be subject to Habitats Regulations Appraisal (HRA). This report records the results of that appraisal.

The Shetland Islands Regional Marine Plan (SIRMP)

In the UK there is a tiered management framework for marine planning. The Marine Policy Statement comprises the highest tier and applies UK wide. It sets out policies in the UK marine area to contribute to the achievement of sustainable development. It provides a framework for preparing marine plans and for taking decisions affecting the marine environment. In Scotland the National Marine Plan provides the next tier of management. Together with the Marine Policy Statement it provides a framework for marine planning and decision making, and helping to deliver national and international objectives. The National Marine Plan also sets out the policy provision for regional marine plans.

The Shetland Islands Regional Marine Plan will form the local tier of marine management within the Shetland Islands. It will conform to both the National Marine Plan and the Marine Policy Statement, see Figure 1. It will add value to the existing policy frameworks outlined in the NMP by taking into account local circumstance and reflecting local challenges and opportunities. It will seek to achieve a balance between national and local interests. The SIRMP sits alongside and interacts with existing land use planning regimes, in particular the Shetland Islands Council (SIC) Local Development Plan (LDP). The SIRMP area overlaps with terrestrial planning boundaries to ensure that the marine and terrestrial environment are managed holistically. The developer and the licensing authorities are expected to reference the SIRMP, where appropriate, in any documentation.

Marine planning is underpinned by a legislative framework. In the UK marine planning matters in Scotland's territorial waters (0-12 nautical miles) are governed by the Marine (Scotland) Act 2010, an Act of the Scottish Parliament, and in its offshore waters (12-200 nautical miles) by the Marine and Coastal Access Act 2009, an Act of the UK Parliament. The Marine (Scotland) Act 2010, identifies the need for Scottish Ministers to prepare and adopt a National Marine Plan covering Scottish territorial waters, which was completed in 2015 with the adoption of 'Scotland's National Marine Plan'. The Marine Act also sets out the provision for the development of regional marine plans, the mechanism for developing the SIRMP.

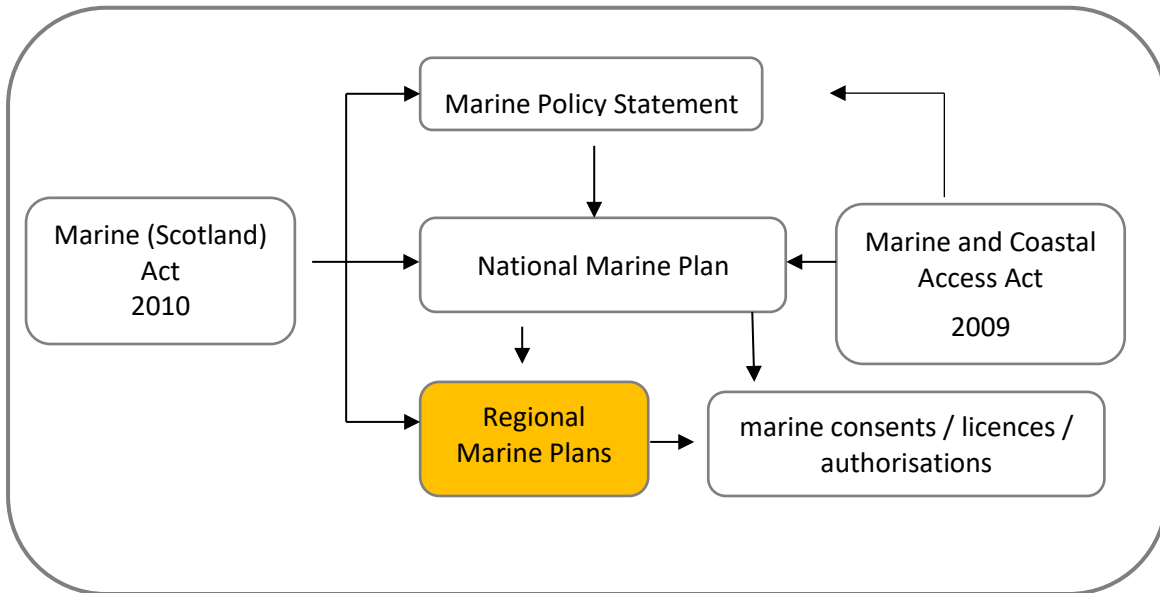


Figure 1 Policy and legislation context of regional marine plans

In Shetland the process of developing a regional marine plan was formally initiated on 22nd March 2016 when Scottish Ministers gave Direction to the Shetland Fisheries Training Centre Trust (trading as the NAFC Marine Centre) and the Shetland Islands Council (SIC) to prepare a regional marine plan for the Shetland Islands. The NAFC Marine Centre and Shetland Islands Council form the ‘Shetland Islands Marine Planning Partnership’ and are guided by an Advisory Group which comprises a range of stakeholders covering environmental, community, recreational and commercial interests. In August 2021 the NAFC Marine Centre merged with Shetland College and Train Shetland to become Shetland UHI.

The Shetland Islands Regional Marine Plan (SIRMP) will reflect the requirements for regional marine planning under the Marine (Scotland) Act 2010 and associated Delegation of Functions (Regional Marine Plan for the Scottish Marine Region for the Shetland Isles) Direction 2016. The policy framework will be in line with Scotland’s National Marine Plan (2015) (NMP) and will be used to assess marine development applications for Marine Licences (by Marine Scotland), Works Licences and marine planning applications (by SIC), and leases by the Crown Estate. It will act as a guide in the planning of marine developments, activities and management decisions.

The SIRMP area includes all territorial waters seaward of the Mean High Water Spring tide (MHWS), out to 12 nautical miles but gives consideration to terrestrial features that are clearly affected by marine use, whether these are historic assets, communities or ecological features. The area is the equivalent to 12 305 km² (7 645 miles²), approximately seven times the land area of the Shetland Islands (Figure 2).

The SIRMP builds upon the 4th Edition of the Shetland Islands’ Marine Spatial Plan (SIMSP) (NAFC Marine Centre, 2014) which was adopted as Supplementary Guidance (SG) to the Shetland Islands Council’s (SIC) Local Development Plan (LDP) in 2015.

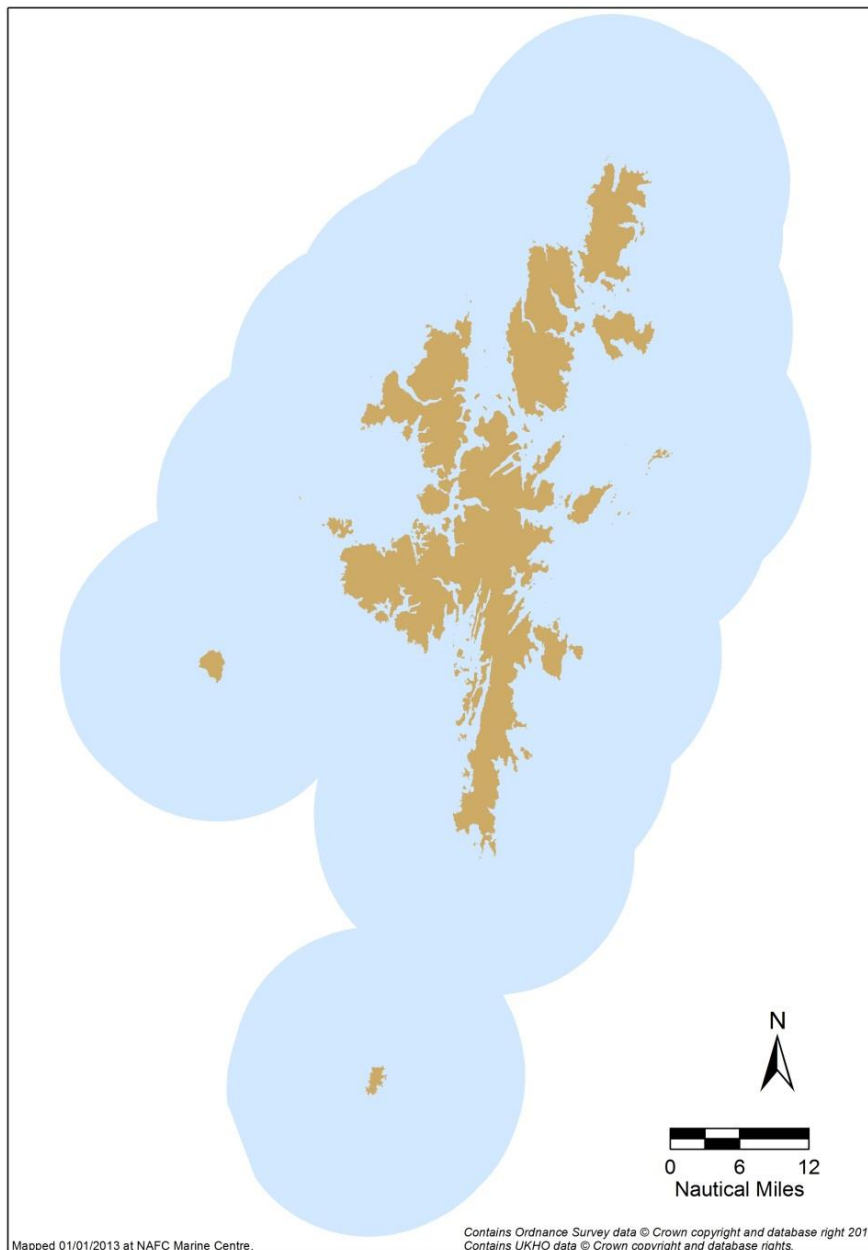


Figure 2: Shetland Islands Regional Marine Plan (SIRMP) Area Plan (SIRMP) Area

Contents of the Plan

The SIRMP provides a strategic policy framework for management of current activities around the Shetland Islands and for future development decisions. The SIRMP will encourage the sustainable economic development of the marine environment by providing an overarching policy framework to guide the placement of activity, from marine renewable energy to aquaculture.

The SIRMP's high-level aims are to:

- Ensure a high quality, fully functioning marine and coastal ecosystem for the health, benefit and prosperity of local communities;
- Protect and enhance the local marine waters and coastal environment particularly where there are regionally, nationally or internationally important marine biodiversity and geodiversity features whilst taking account of natural changes;

- Identify the differing priorities for sustainable use (such as fishing, aquaculture, recreation & tourism, marine renewables, nature conservation etc.) in consultation with marine stakeholders; and
- Promote sustainable economic marine development.

Policies included in the SIRMP will be the means of achieving the vision and objective of the SIRMP and subsequently the high-level objectives of the NMP which are to provide clean and safe, healthy, and productive marine waters around Shetland.

The Policy Framework in the SIRMP is presented in three sections as follows:

- (i) Clean and Safe;
- (ii) Healthy and Biologically Diverse; and
- (iii) Productive.

Proposed developments will have to adhere to ***all*** the policies in the first two policy sections:

- (i) 'Clean and Safe'; and
- (ii) 'Healthy and Biologically Diverse'

before considering their relevant development sector within:

- (iii) 'Productive' policies

Policies within sections (i) and (ii) are considered 'general' in nature, and policies within section (iii) are 'sectoral'.

The sectoral marine planning policies are directed to the following sectors:

- sea fisheries;
- aquaculture;
- seaweed;
- oil and gas;
- marine renewable energy;
- tourism;
- Infrastructure: Shore access and moorings;
- Infrastructure: Cables and pipelines;
- Infrastructure: Commercial moorings and weather and radar masts;
- Marine transport;
- Future ferry/ harbour developments; and
- Dredging and disposal.

Habitats Regulation Appraisal (HRA)

Article 6(3) of the EC Habitats Directive requires that any plan (or project), which is not directly connected with or necessary to the management of a European site, but would be likely to have a significant effect on such a site, either individually or in-combination with other plans or projects, shall be subject to an ‘appropriate assessment’ of its implications for the European site in view of the site’s conservation objectives. The plan-making body (in this case Shetland Islands Marine Planning Partnership) shall agree to the plan only after having ascertained that it will not adversely affect the integrity of the sites concerned, unless in exceptional circumstances whereby the provisions of Article 6(4) are met¹.

These requirements of the Habitats Directive have been transposed into domestic legislation in Scotland by [The Conservation \(Natural Habitats, &c.\) Regulations 1994 \(as amended\)](#) and are referred to as ‘the Habitats Regulations’, as the context requires. The procedure of undertaking the appraisal of all kinds of plans and their revisions, under the Habitats Regulations is known as the ‘Habitats Regulations Appraisal’ (HRA).

This Habitats Regulation Appraisal has been undertaken following the guidance provided by Scottish Natural Heritage (SNH) and the Scottish Government. It builds on the HRA previously undertaken for the 4th edition of the Shetland Islands marine spatial plan. The Scottish Natural Heritage (SNH) ‘Guidance for Plan-making Bodies in Scotland’ (David Tyldesley and Associates (DTA), 2012) hereinafter referred to as the DTA Guidance, sets out the background context, procedural requirements and proposed methodology for a HRA.

The DTA Guidance recommends a 13 stage appraisal process which comprises two key phases:

- i) Screening (Stages 1-7 ‘Screening the Plan for Likely Significant Effects’); and
- ii) Appropriate Assessment (Stages 8-11).

This Draft HRA Record deals with Stages 1-7 and the subsequent Stages 8-11 of the DTA Guidance process which are outlined in Figure 3 and Figure 4.

¹ [EC Guidance document on Article 6\(4\) of the 'Habitats Directive' 92/43/EEC](#)

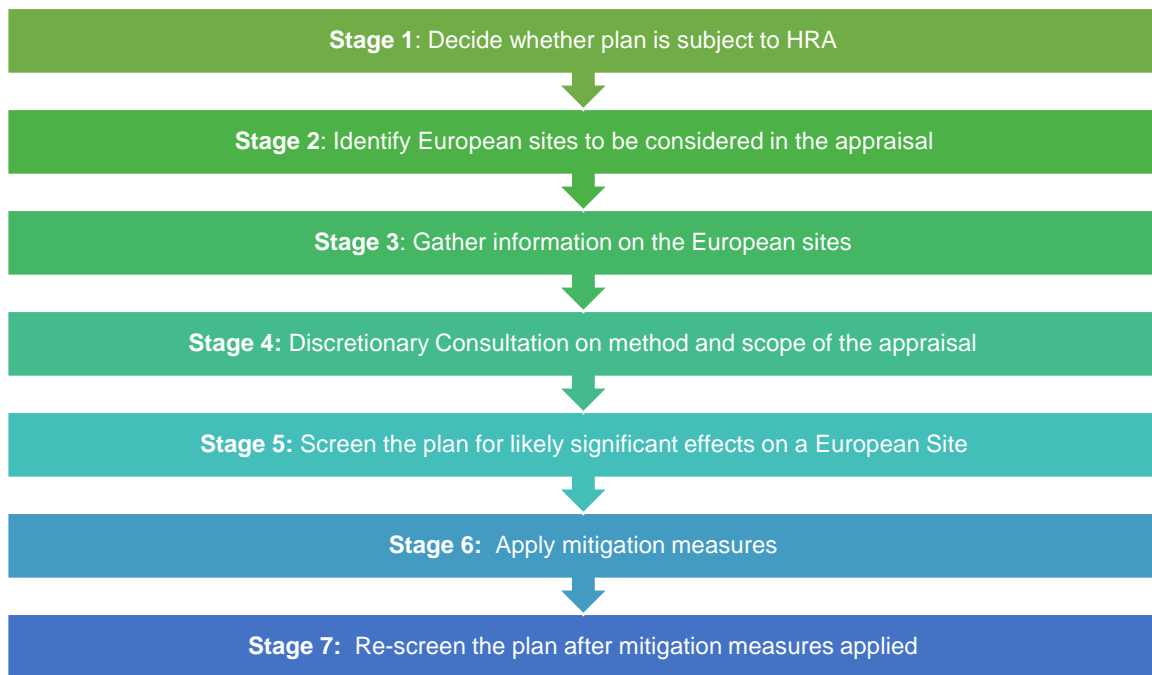


Figure 3: Stages 1-7 of the Screening Process

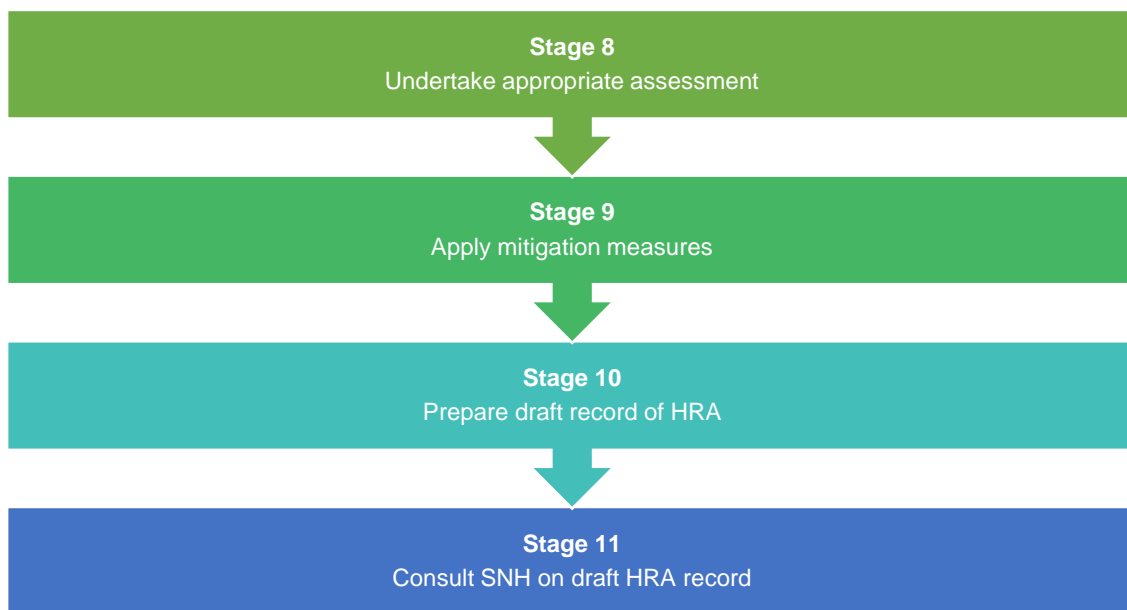


Figure 4: Stages 8-11 of Appropriate Assessment

Appraisal Results

Stage 1 – Decide whether the SIRMP is subject to HRA

In Stage 1 the SIRMP was assessed against the criteria in Figure 5 to determine whether an HRA is required. It was considered that an HRA is required because:

- it is not directly connected with or necessary to the management of a European site for nature conservation purposes;
- it is not a plan identified by regulations 85A or 69A; and
- it provides a framework for deciding applications and influencing decision-makers.

The SIRMP will be a material consideration in the determination of Marine Licences (from Marine Scotland) Works Licences, marine-related planning and works licence applications (from the SIC) and lease options (from the Crown Estate). It will influence decision makers on the outcome of those licence applications, the SIRMP is therefore subject to HRA and steps 3-5 of Figure 3 are required.

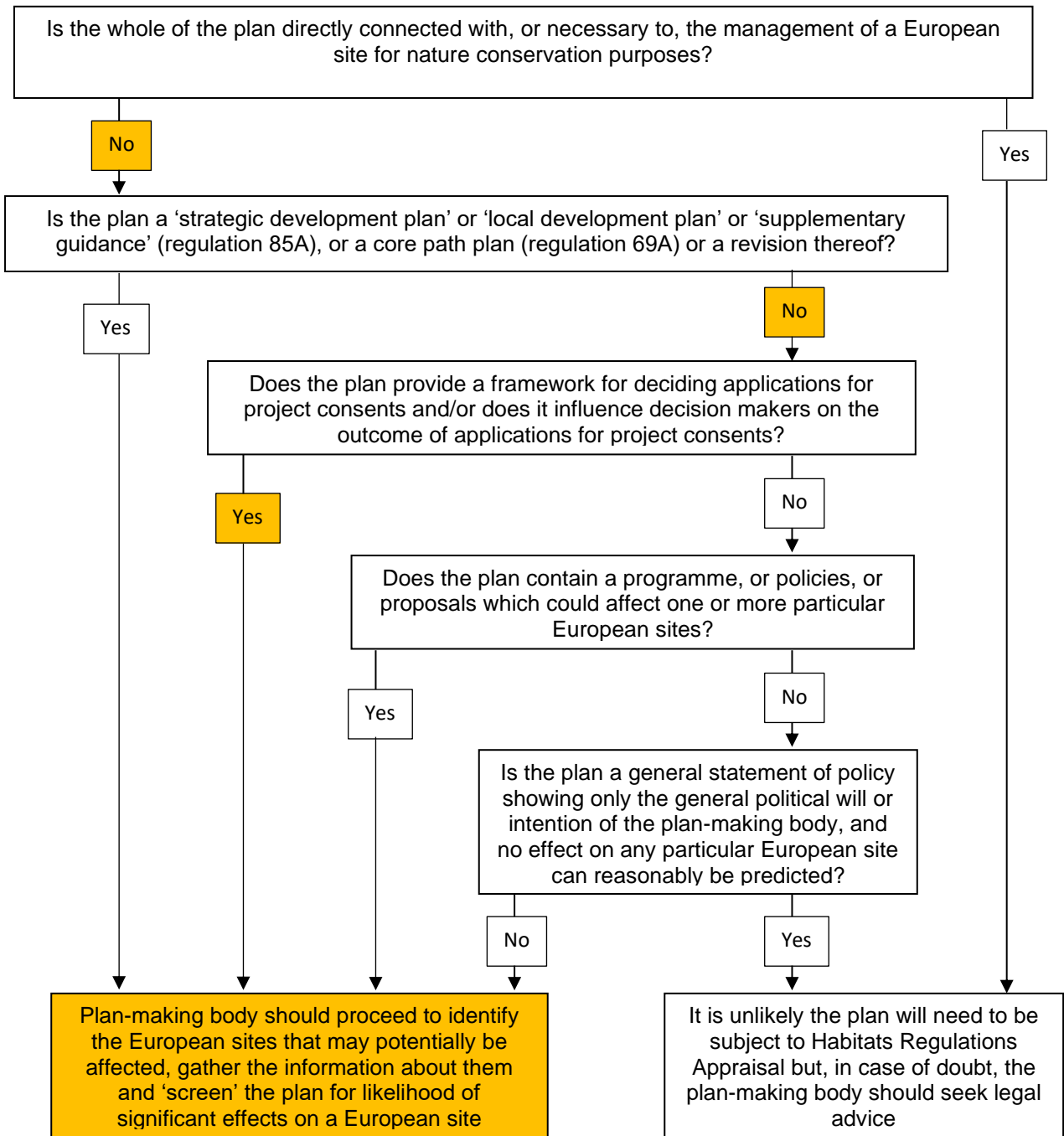


Figure 5: Habitats Regulation Appraisal decision criteria

Stage 2 – identification of European sites & Stage 3 – Gather information on European Sites

The purpose of this stage is to provide information about the European sites that may be affected by the Shetland Islands Regional Marine Plan (Stages 2 and 3 of the HRA). The focus has been on European sites with marine components, as defined by JNCC². These sites comprise:

- Special Protection Areas (SPA), proposed SPAs (pSPA) and draft SPAs (dSPA);

² JNCC. September 2007. Defining SACs with Marine Components and SPAs with Marine Components: JNCC and Country Conservation Agency Guidance. MN2KPG16_13_MN2KDefs.doc

- Special Areas of Conservation (SAC), candidate SACs (cSAC) and proposed SACs (pSAC);

Scottish Government policy affords the same level of protection to proposed SACs and SPAs as that which applies to SPAs, SACs, and cSACs.

Special Areas of Conservation

SACs are sites selected for particular habitats and species (both terrestrial and marine) which are listed in Annexes of the Habitats Directive. There are currently thirteen designated SACs in Shetland, six of which are SACs with 'marine components'. An additional two sites have been included in this HRA as they are intrinsically linked to the marine environment either by their habitat type or species using the environment, however they fall outside the classifications for an SAC with marine components. These are described in Table 1 below and are illustrated in Figure 6.

Table 1: Special Areas of Conservation (with marine elements) in the Shetland Islands

Site		Feature Category	Feature
code	name		
UK0012687	Yell Sound Coast	Mammals (Annex 1 Species)	Otter (<i>Lutra lutra</i>)
		Mammals (Annex 1 Marine Species)	Common seal (<i>Phoca vitulina</i>)
UK0017069	Papa Stour	Inshore sublittoral rock (Annex 1 Marine Habitat)	Reefs
		Littoral rock (Annex 1 Marine Habitat)	Sea caves
UK0030273	Sullom Voe	Inshore sublittoral rock (Annex 1 Marine Habitat)	Reefs
		SAC qualifying feature Inshore sublittoral sediment (Annex 1 Marine Habitat)	Lagoons*
		SAC qualifying feature Littoral sediment (Annex 1 Marine Habitat)	Shallow inlets and bays
UK0012711	Mousa	Inshore sublittoral rock (Annex 1 Marine Habitat)	Reefs
		SAC qualifying feature Littoral rock (Annex 1 Marine Habitat)	Sea caves
		Mammals (Annex 1 Marine Species)	Common seal (<i>Phoca vitulina</i>)
UK0017068	The Vadills	Inshore sublittoral sediment (Annex 1 Marine Habitat)	Lagoons*
UK0030149	Fair Isle	Supralittoral rock (Annex 1 Habitat - Coast)	Vegetated sea cliffs
UK0019793	Hascosay	Mammals (Annex 1 Species)	Otter (<i>Lutra lutra</i>)
UK0030385	Pobie Bank Reef	Deep circalittoral bedrock and stony reef (Annex 1 Marine Habitat)	Reef

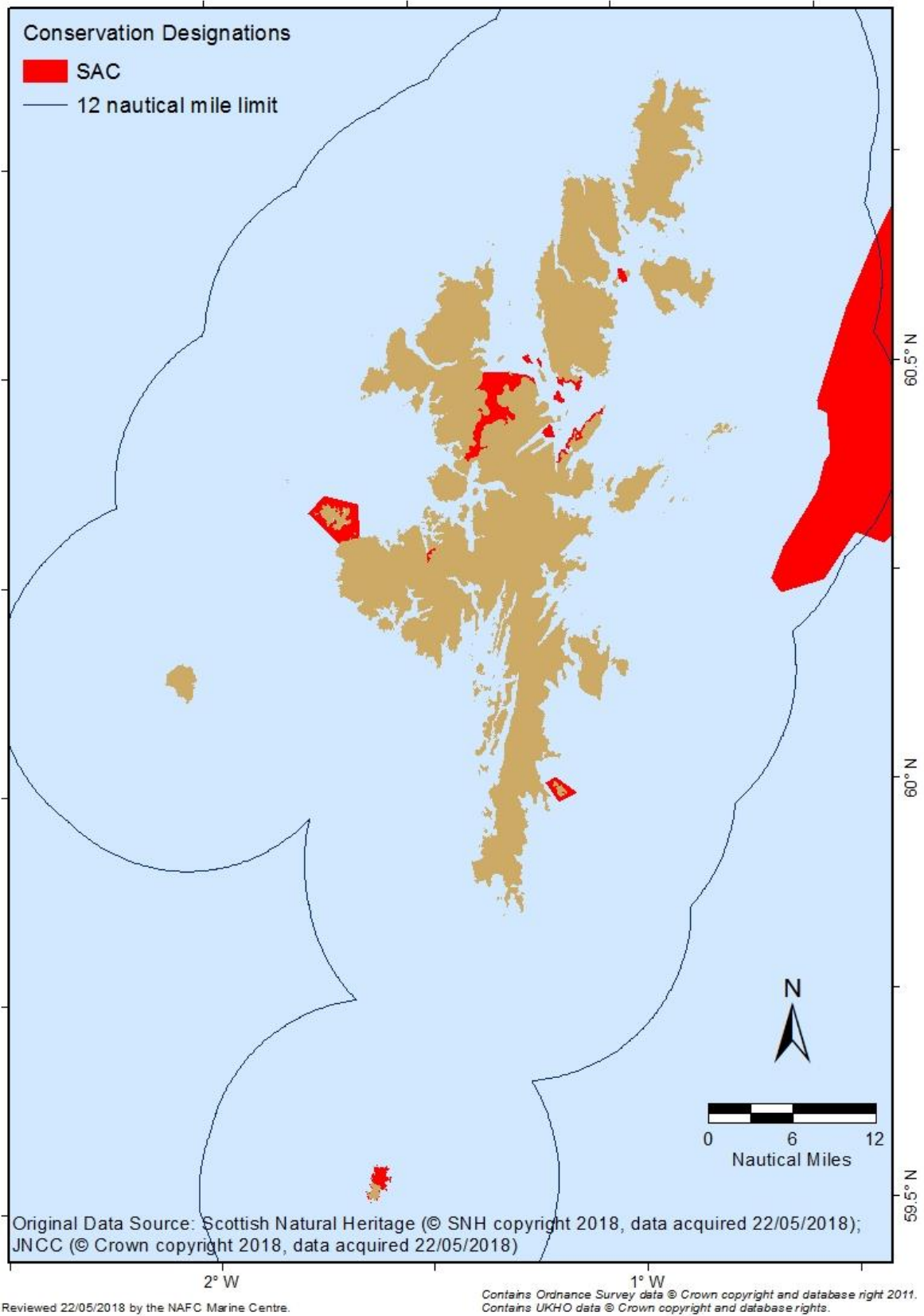


Figure 6: Special Areas of Conservation (SAC) with marine components in the Shetland Islands

Special Protection Areas

SPAs with marine components are defined as those sites with qualifying Birds Directive Annex I species or regularly occurring migratory species that are dependent on the marine environment for all or part of their life cycle, where these species are found in association with intertidal or subtidal habitats. These marine SPA habitats are:

- marine areas and sea inlets;
- tidal rivers, estuaries, mud flats, sand flats and lagoons (including saltwork basins); and
- salt marshes, salt pastures and salt steppes.

There are twelve SPAs in Shetland, six of which are designated SPAs with marine components. An additional five coastal SPAs are considered in this HRA which have a marine element (see Table 2). In addition there are three proposed SPAs, see Table 3. Please refer to Figure 7, for information on the location of SPAs in Shetland.

Table 2: Special Protection Areas (SPAs) (with marine elements) in the Shetland Islands

	Site	Feature Category	Feature
UK9002011	Hermaness, Saxa Vord and Valla Field	Birds – aggregations of breeding birds	Shag (<i>Phalacrocorax aristotelis</i>), breeding
			Seabird assemblage, breeding
			Red-throated diver (<i>Gavia stellata</i>), breeding
			Puffin (<i>Fratercula arctica</i>), breeding
			Kittiwake (<i>Rissa tridactyla</i>), breeding
			Guillemot (<i>Uria aalge</i>), breeding
			Great skua (<i>Stercorarius skua</i>), breeding
			Gannet (<i>Morus bassanus</i>), breeding
			Fulmar (<i>Fulmarus glacialis</i>), breeding
UK9002031	Fetlar	Birds – aggregations of breeding birds	Seabird assemblage, breeding
			Dunlin (<i>Calidris alpina schinzii</i>), breeding
			Whimbrel (<i>Numenius phaeopus</i>), breeding
			Fulmar (<i>Fulmarus glacialis</i>), breeding
			Great skua (<i>Stercorarius skua</i>), breeding
			Red-necked phalarope (<i>Phalaropus lobatus</i>), breeding
			Arctic skua (<i>Stercorarius parasiticus</i>), breeding
			Arctic tern (<i>Sterna paradisaea</i>), breeding
UK9002021	Ramna Stacks & Gruney	Birds – aggregations of breeding birds	Leach's petrel (<i>Oceanodroma leucorhoa</i>), breeding
UK9002051	Papa Stour	Birds – aggregations of breeding birds	Arctic tern (<i>Sterna paradisaea</i>), breeding
UK9002081	Noss	Birds – aggregations of breeding birds	Seabird assemblage, breeding
			Fulmar (<i>Fulmarus glacialis</i>), breeding

			Gannet (<i>Morus bassanus</i>), breeding
			Great skua (<i>Stercorarius skua</i>), breeding
			Guillemot (<i>Uria aalge</i>), breeding
			Kittiwake (<i>Rissa tridactyla</i>), breeding
			Puffin (<i>Fratercula arctica</i>), breeding
UK9002361	Mousa	Birds – aggregations of breeding birds	Storm petrel (<i>Hydrobates pelagicus</i>), breeding
			Arctic tern (<i>Sterna paradisaea</i>), breeding
UK9002061	Foula	Birds – aggregations of breeding birds	Seabird assemblage, breeding
			Shag (<i>Phalacrocorax aristotelis</i>), breeding
			Fulmar (<i>Fulmarus glacialis</i>), breeding
			Great skua (<i>Stercorarius skua</i>), breeding
			Guillemot (<i>Uria aalge</i>), breeding
			Kittiwake (<i>Rissa tridactyla</i>), breeding
			Leach's petrel (<i>Oceanodroma leucorhoa</i>), breeding
			Puffin (<i>Fratercula arctica</i>), breeding
			Razorbill (<i>Alca torda</i>), breeding
			Red-throated diver (<i>Gavia stellata</i>), breeding
			Arctic skua (<i>Stercorarius parasiticus</i>), breeding
			Arctic tern (<i>Sterna paradisaea</i>), breeding
UK9002511	Sumburgh Head	Birds – aggregations of breeding birds	Seabird assemblage, breeding
			Fulmar (<i>Fulmarus glacialis</i>), breeding
			Guillemot (<i>Uria aalge</i>), breeding
			Kittiwake (<i>Rissa tridactyla</i>), breeding
			Arctic tern (<i>Sterna paradisaea</i>), breeding
UK9002091	Fair Isle	Birds – aggregations of breeding birds	Seabird assemblage, breeding
			Fair Isle wren (<i>Troglodytes troglodytes fridariensis</i>), breeding
			Shag (<i>Phalacrocorax aristotelis</i>), breeding
			Fulmar (<i>Fulmarus glacialis</i>), breeding
			Gannet (<i>Morus bassanus</i>), breeding
			Great skua (<i>Stercorarius skua</i>), breeding
			Guillemot (<i>Uria aalge</i>), breeding
			Kittiwake (<i>Rissa tridactyla</i>), breeding
			Puffin (<i>Fratercula arctica</i>), breeding
			Razorbill (<i>Alca torda</i>), breeding
			Arctic skua (<i>Stercorarius parasiticus</i>), breeding

			Arctic tern (<i>Sterna paradisaea</i>), breeding
UK9002041	Ronas Hill – North Roe and Tingon	Birds – aggregations of breeding birds	Great skua (<i>Stercorarius skua</i>), breeding Red-throated diver (<i>Gavia stellate</i>), breeding
UK9002941	Otterswick and Graveland	Birds – aggregations of breeding birds	Red-throated diver (<i>Gavia stellate</i>), breeding

Table 3: Proposed Special Protection Areas (pSPAs) (with marine elements) in the Shetland Islands

Site	Feature Category	Feature
Seas off Foula	Birds – aggregations of breeding birds and non-breeding birds	Arctic skua (<i>Stercorarius parasiticus</i>), breeding
		Puffin (<i>Fratercula arctica</i>), breeding
		Guillemot (<i>Uria aalge</i>), breeding and non-breeding
		Great skua (<i>Stercorarius skua</i>), breeding and non-breeding
Bluemull and Colgrave Sounds	Birds – aggregations of breeding birds	Fulmar (<i>Fulmarus glacialis</i>), breeding and non-breeding
		Red-throated diver (<i>Gavia stellate</i>), breeding
East Mainland Coast	Birds – aggregations of breeding birds	Red-throated diver (<i>Gavia stellate</i>), breeding
		Common eider (<i>Somateria mollissima faeroeensis</i>)
		Great northern diver (<i>Gavia stellate</i>)
		Long-tailed duck (<i>Clangula hyemalis</i>)
		Red-breasted merganser (<i>Mergus serrator</i>)
		Slavonian grebe (<i>Podiceps auritus</i>)

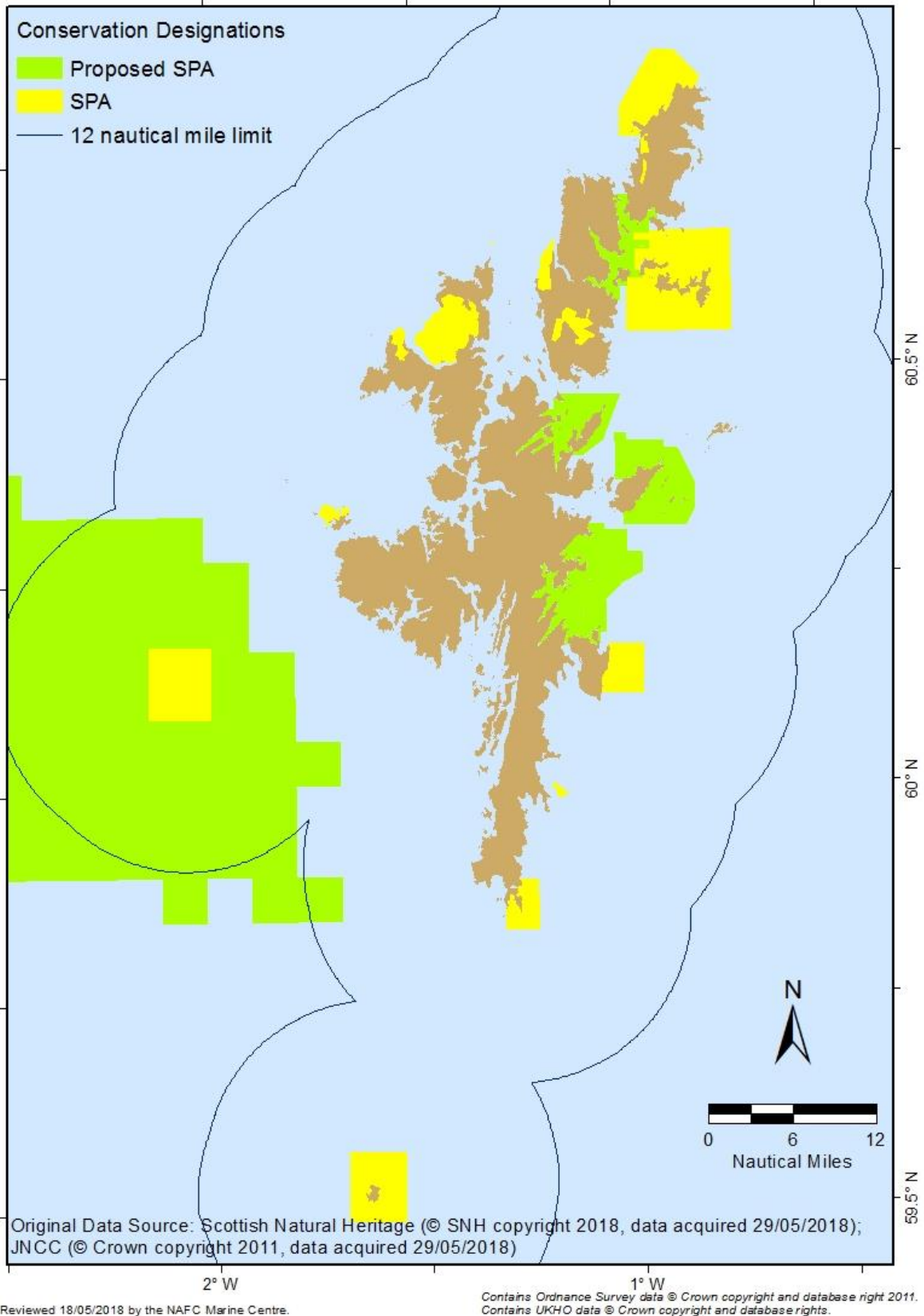


Figure 7: Special Protection Areas (SPAs) and proposed Special Protection Areas (pSPAs) with marine components in the Shetland Islands

Stage 3 – Gather information on the European Sites

To determine the likelihood of significant effects of a particular development on a Natura 2000 site it is necessary to look at the qualifying features of the site, the condition of the site and the conservation objectives of these sites.

Conservation objectives for SACs are generally structured as follows:

- To avoid deterioration of the qualifying habitat (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and
- To ensure for the qualifying habitat that the following are maintained in the long term:
 - Extent of the habitat on site
 - Distribution of the habitat within site
 - Structure and function of the habitat
 - Processes supporting the habitat
 - Distribution of typical species of the habitat
 - Viability of typical species as components of the habitat
 - No significant disturbance of typical species of the habitat

Conservation objectives for SPAs are generally structured as follows:

- To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and
- To ensure for the qualifying species that the following are maintained in the long term:
 - Population of the species as a viable component of the site
 - Distribution of the species within site
 - Distribution and extent of habitats supporting the species
 - Structure, function and supporting processes of habitats supporting the species
 - No significant disturbance of the species

Information on the marine related SACs and SPAs was obtained from the SNH Sitelink and summarised in Table 4 and Table 5 respectively. It should be noted that proposed SPAs are not yet assessed for condition.

Table 4: Conservation status of marine habitats and species within Shetland SACs

Site	Feature Category	Feature	Site Condition
Yell Sound Coast	Mammals	Otter (<i>Lutra lutra</i>)	Unfavourable No Change
	Mammals	Common seal (<i>Phoca vitulina</i>)	Unfavourable Declining
Papa Stour	Inshore sublittoral rock	Reefs	Favourable Maintained
	Littoral rock	Sea caves	Favourable Maintained
Sullom Voe	Inshore sublittoral rock	Reefs	Favourable Maintained
	Inshore sublittoral sediment	Lagoons	Favourable Maintained
	Littoral sediment	Shallow inlets and bays	Favourable Maintained
Mousa	Inshore sublittoral rock	Reefs	Favourable Maintained
	Littoral rock	Sea caves	Favourable Maintained
	Mammals	Common seal (<i>Phoca vitulina</i>)	Unfavourable Declining
The Vadills	Inshore sublittoral sediment	Lagoons	Favourable Maintained
Fair Isle	Supralittoral rock (Coast)	Vegetated sea cliffs	Favourable Maintained

Hascosay	Mammals (Annex 1 Species)	Otter (<i>Lutra lutra</i>)	Unfavourable No Change
Pobie Banks Reef	Deep circalittoral bedrock and stony reef	Reef	Not yet assessed

Table 5: Conservation status of marine habitats and species within Shetland SPAs

Site	Feature Category	Feature	Site condition
Hermaness, Saxa Vord and Valla Field	Aggregations of breeding birds	Shag (<i>Phalacrocorax aristotelis</i>)	Unfavourable No change
	Aggregations of breeding birds	Seabird assemblage, breeding	Unfavourable Declining
	Aggregations of breeding birds	Red-throated diver (<i>Gavia stellata</i>)	Unfavourable Declining
	Aggregations of breeding birds	Puffin (<i>Fratercula arctica</i>)	Unfavourable Declining
	Aggregations of breeding birds	Kittiwake (<i>Rissa tridactyla</i>)	Unfavourable Declining
	Aggregations of breeding birds	Guillemot (<i>Uria aalge</i>),	Unfavourable Declining
	Aggregations of breeding birds	Great skua (<i>Stercorarius skua</i>)	Favourable Maintained
	Aggregations of breeding birds	Gannet (<i>Morus bassanus</i>)	Favourable Maintained
	Aggregations of breeding birds	Fulmar (<i>Fulmarus glacialis</i>)	Favourable Recovered
Fetlar	Aggregations of breeding birds	Seabird assemblage, breeding	Unfavourable Declining
	Aggregations of breeding birds	Dunlin (<i>Calidris alpina schinzii</i>)	Favourable Maintained
	Aggregations of breeding birds	Whimbrel (<i>Numenius phaeopus</i>)	Favourable Maintained
	Aggregations of breeding birds	Fulmar (<i>Fulmarus glacialis</i>)	Unfavourable Declining
	Aggregations of breeding birds	Great skua (<i>Stercorarius skua</i>)	Favourable Maintained
	Aggregations of breeding birds	Red-necked phalarope (<i>Phalaropus lobatus</i>),	Favourable Recovered
	Aggregations of breeding birds	Arctic skua (<i>Stercorarius parasiticus</i>)	Unfavourable Declining
	Aggregations of breeding birds	Arctic tern (<i>Sterna paradisaea</i>)	Unfavourable Declining
Ramna Stacks & Gruney	Aggregations of breeding birds	Leach's petrel (<i>Oceanodroma leucorhoa</i>)	Favourable Maintained
Papa Stour	Aggregations of breeding birds	Ringed plover (<i>Charadrius hiaticula</i>)	Favourable Maintained
	Aggregations of breeding birds	Arctic tern (<i>Sterna paradisaea</i>)	Unfavourable No Change
Noss	Aggregations of breeding birds	Seabird assemblage, breeding	Unfavourable Declining

Site	Feature Category	Feature	Site condition
	Aggregations of breeding birds	Fulmar (<i>Fulmarus glacialis</i>)	Favourable Maintained
	Aggregations of breeding birds	Gannet (<i>Morus bassanus</i>)	Favourable Maintained
	Aggregations of breeding birds	Great skua (<i>Stercorarius skua</i>)	Favourable Maintained
	Aggregations of breeding birds	Guillemot (<i>Uria aalge</i>)	Unfavourable No Change
	Aggregations of breeding birds	Kittiwake (<i>Rissa tridactyla</i>)	Unfavourable Declining
	Aggregations of breeding birds	Puffin (<i>Fratercula arctica</i>)	Unfavourable Declining
Mousa	Aggregations of breeding birds	Storm petrel (<i>Hydrobates pelagicus</i>)	Favourable Maintained
	Aggregations of breeding birds	Arctic tern (<i>Sterna paradisaea</i>)	Unfavourable No change
Foula	Aggregations of breeding birds	Seabird assemblage, breeding	Unfavourable Declining
	Aggregations of breeding birds	Shag (<i>Phalacrocorax aristotelis</i>)	Unfavourable Declining
	Aggregations of breeding birds	Fulmar (<i>Fulmarus glacialis</i>), breeding	Unfavourable Declining
	Aggregations of breeding birds	Great skua (<i>Stercorarius skua</i>)	Favourable Recovered
	Aggregations of breeding birds	Guillemot (<i>Uria aalge</i>)	Unfavourable Declining
	Aggregations of breeding birds	Kittiwake (<i>Rissa tridactyla</i>)	Unfavourable Declining
	Aggregations of breeding birds	Leach's petrel (<i>Oceanodroma leucorhoa</i>)	Unfavourable Declining
	Aggregations of breeding birds	Puffin (<i>Fratercula arctica</i>)	Unfavourable No Change
	Aggregations of breeding birds	Razorbill (<i>Alca torda</i>)	Unfavourable Declining
	Aggregations of breeding birds	Red-throated diver (<i>Gavia stellata</i>)	Favourable Maintained
	Aggregations of breeding birds	Arctic skua (<i>Stercorarius parasiticus</i>)	Unfavourable Declining
	Aggregations of breeding birds	Arctic tern (<i>Sterna paradisaea</i>)	Unfavourable Declining
Sumburgh Head	Aggregations of breeding birds	Seabird assemblage, breeding	Favourable Maintained
	Aggregations of breeding birds	Fulmar (<i>Fulmarus glacialis</i>)	Favourable Maintained
	Aggregations of breeding birds	Guillemot (<i>Uria aalge</i>)	Unfavourable Declining
	Aggregations of breeding birds	Kittiwake (<i>Rissa tridactyla</i>)	Unfavourable Declining

Site	Feature Category	Feature	Site condition
	Aggregations of breeding birds	Arctic tern (<i>Sterna paradisaea</i>)	Unfavourable Declining
Fair Isle	Aggregations of breeding birds	Seabird assemblage, breeding	Unfavourable No Change
	Aggregations of breeding birds	Shag (<i>Phalacrocorax aristotelis</i>)	Unfavourable Declining
	Aggregations of breeding birds	Fulmar (<i>Fulmarus glacialis</i>),	Favourable Maintained
	Aggregations of breeding birds	Gannet (<i>Morus bassanus</i>)	Favourable Maintained
	Aggregations of breeding birds	Great skua (<i>Stercorarius skua</i>)	Favourable Maintained
	Aggregations of breeding birds	Guillemot (<i>Uria aalge</i>)	Unfavourable Declining
	Aggregations of breeding birds	Kittiwake (<i>Rissa tridactyla</i>)	Unfavourable Declining
	Aggregations of breeding birds	Puffin (<i>Fratercula arctica</i>)	Unfavourable Declining
	Aggregations of breeding birds	Razorbill (<i>Alca torda</i>)	Unfavourable Declining
	Aggregations of breeding birds	Arctic skua (<i>Stercorarius parasiticus</i>)	Unfavourable Declining
	Aggregations of breeding birds	Arctic tern (<i>Sterna paradisaea</i>)	Unfavourable Declining
Ronas Hill – North Roe and Tingon	Aggregations of breeding birds	Great skua (<i>Stercorarius skua</i>),	Favourable Maintained
	Aggregations of breeding birds	Red-throated diver (<i>Gavia stellata</i>)	Favourable Declining
Otterswick and Graveland	Aggregations of breeding birds	Red-throated diver (<i>Gavia stellata</i>)	Favourable Maintained

Stage 4 – Discretionary Consultation on method and scope of the appraisal

The DTA Guidance advises that the views of SNH should be sought early in the HRA process, so that any mitigation can be built into the plan-making process as soon as possible. The benefit of early engagement enables SNH to advise the plan-making team on options, draft policies or proposals that may have a likely significant effect (LSE) or minor residual effects (MRE) on European sites and on possible mitigation measures. This is envisaged to save time and effort later in the HRA process.

Records of HRA related with SNH

SNH were informally consulted on an early draft of the HRA in June and July 2018. They were then consulted on the re-drafted HRA in August 2018.

Stage 5 – Screen the plan for likely significant effects (LSE) on a European Site

Screening (stage 5) focuses on:

- Vision, aims and objectives
- General policies
- Sectoral policies

Screening is a term used to describe the initial stages of the HRA, however it is not a term used explicitly in the Habitats Directives or Regulations (DTA, 2012). The main purpose of the screening stages is:

- a) *Identify all aspects of the plan which would have **no effect** on a European site, so that they can be eliminated from further consideration in respect of this and other plans;*
- b) *Identify all aspects of the plan which would not be likely to have a significant effect on a European site (i.e. would have **some effect, but minor residual**), either alone or in-combination with other aspects of the same plan or other plans and projects; and which therefore do not require ‘appropriate assessment’ but will need to be screened for the likelihood of significant effects in-combination with other identified minor residual effects; and*
- c) *Identify those aspects of the plan where it is not **possible to rule out the risk of significant effects** on a European site, either alone or in-combination with other plans or projects. This means that the conclusion is that there is an LSE, and this provides a clear scope for the parts of the plan that will require appropriate assessment.*

For the purposes of screening, it is important to provide an interpretation of what is considered to be a ‘likely significant effect’. In the ‘Waddenzee Ruling’ the European Court of Justice said in re-iteration:

‘...any plan or project not directly connected with or necessary to the management of the site is to be subject to an appropriate assessment of its implications for the site in view of the site’s conservation objectives if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in-combination with other plans or projects.’

Therefore it may be interpreted that ‘a precautionary approach ‘is employed where a LSE cannot be ruled out, either alone or in-combination with other plans or projects.

The screening process includes a series of systematic steps to eliminate or ‘screen out’ elements of the SIRMP not likely to have a significant effect on a European site. This will then ensure that other elements of the SIRMP are ‘screened in’ to the appropriate assessment and therefore subject to further appraisal.

The ‘screening’ process includes three key stages as follows:

1. Screening out general policy statements
2. Screening out projects referred to in, but not proposed by, the SIRMP
3. Screening out aspects of the SIRMP that could have no likely significant effect (LSE) on a site, alone or in-combination with other aspects of the same plan, or with other plans or projects.

Step 1: Screening out general and strategic policy statements

The aim of this step is to identify and screen out general policy statements, including ‘general criteria based policies’, and to record that they will not be likely to have a significant effect on a European site. The SIRMP incorporates a number of general and strategic policy statements. The SIRMP has been based on a vision to achieve clean, healthy, safe and productive seas around Shetland which will be managed to meet the long-term needs of nature and the local people. This vision is supported by a number of strategic objectives which are, by their nature, general and holistic. These objectives are sustained by general topic-related policies set out in a three-tier Policy Framework: (a) Clean and Safe; (b) Healthy and Diverse; and (c) Productive. Proposed developments must comply with all policies included in Policy Framework Sections (a) and (b) first before they can be considered in relation to the applicable sector-based policies in Policy Framework (c). The aim of this approach is to ensure that marine waters are first and foremost, clean, safe, healthy and diverse before they can be productive.

Record of Outcome

General policy statements and general policies

The SIRMP screening results for strategic and general policy statements are summarised in Table 6 and general policy screening results are summarised in Table 7. This assessment has been carried out in accordance with DTA Guidance Reference Stage 5: Screening Step 1.

The following have been **screened out**:

- Vision, aims, objectives
- Policies within:
 - Section (a) Clean and Safe,
 - Section (b) Healthy and Biologically Diverse
 - Overarching policies within section (c) Productive

Sectoral Policies

The SIRMP screening results for sectoral policies are summarised in Table 8. This assessment has been carried out in accordance with DTA Guidance Reference Stage 5: Screening Step 1. All sectoral policies have been **screened out** as they are either general in nature or not connected to European sites, or contain specific policy caveats.

Table 6: Strategic and General Policy Statements included within the Shetland Islands Regional Marine Plan

Title	Statement	Comment
Vision	Shetland’s vision for the marine and coastal environment is one that is clean, healthy, safe and productive and managed to meet the long-term needs of nature and the local people.	This may be regarded as a General Policy Statement as it is aspirational, strategic and very general. Screened out of the appraisal under screening step 1 .
Aim	Ensure that use of the marine and coastal environment of Shetland is sustainable.* *Sustainable use should not lead to loss of biodiversity or ecological balance, or reduce the availability of natural resources for future generations. This means maintaining and enhancing marine wildlife, habitats and ecosystems to enable dynamic economic activity supporting a prosperous community	This is regarded as a General Policy Statement as it is aspirational, strategic and very general. Screened out of the appraisal under screening step 1 .
Objective SOC	Ensure a high quality, fully functioning marine and coastal ecosystem through sustainable use for the health, cultural benefit and prosperity of local communities.	This is regarded as a General Policy Statement as it is aspirational, strategic and very general. Screened out of the appraisal under screening step 1 .
Objective ENV	Protect and enhance Shetland’s marine waters and coastal environment, in particular where there are locally, nationally or internationally important biodiversity and geodiversity features, whilst taking account of natural changes	This is regarded as a General Policy Statement. It is an aspirational and strategic objective intended to protect the natural environment including Natura 2000 sites from inappropriate development or adverse impacts. Screened out of the appraisal under screening step 1 .

Objective ECON	Promote sustainable marine development and identify in consultation with marine stakeholders the differing priorities for sustainable use (for example fishing, aquaculture, recreation & tourism, marine renewables and nature conservation).	This is regarded as a General Policy Statement. Although it promotes development/ change it is so general that it is not known where, when or how this aspect of the SIRMP may be implemented. Screened out of the appraisal under screening step 1 .
Principles of Sustainable Development	<ul style="list-style-type: none"> •Achieving a sustainable economy; •Ensuring a strong, healthy and just society; •Living within environmental limits; •Promoting good governance; and •Using sound science responsibly. 	The strategic framework is regarded as a General Policy Statement. Although the principles of sustainable development promote development/ change, they are so general that it is not known where, when or how this aspect of the SIRMP may be implemented. Screened out of the appraisal under screening step 1 .
Climate Change	Based on an ecosystem approach to marine planning, the SIRMP ensures that the use of the marine environment is 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.	The strategic framework ensures that the SIRMP provides for climate change mitigation and adaptation. Again, this is a strategic and very general statement; there is no way of knowing where, when or how this aspect of the SIRMP may be implemented. Screened out of the appraisal under screening step 1 .

Table 7: General policies included within the Shetland Islands Regional Marine Plan

Policy Type	Relevant part of the plan	Comments
GENERAL	WAT1: Water Ecology WAT2 Improving Water Quality and Ecology INNS1: Reducing the Spread of Invasive Non-Native Species LITT1: Waste Minimisation NOISE1: Minimising Levels of Noise and Vibration Including Underwater Noise and Vibration PORT1: Harbour Plans SHIP1: Safeguarding Navigation Channels and Port Areas SHIP2: Marine Environmental High Risk Areas (MEHRAs) ACBP1: Avoidance of Cables and Pipelines CLIM1: Climate Change Mitigation CLIM2: Climate Change Adaptation	The Clean and Safe Policies have been screened out of the HRA. All of the Policies set strategic aspirations and are general in nature. None of them direct activities to a particular location, or provide for them to be carried out in a particular way. Nor are they linked to a European site. In consequence, none of the policies will result in effects on European sites. Policies listed here have therefore been screened out of the appraisal under screening step 1 .
GENERAL	MP SPCON1: Development and European Protected Species and Schedule 5 species	All the policies listed here have been screened out of the appraisal under screening step 1 , as being general

	<p>MP SPCON2: Protection of Wild Birds and Their Habitats Outside Designated Sites</p> <p>MP SPCON3: Development and Designated Seal Haul-Outs</p> <p>MP SPCON4: Priority Marine Features</p> <p>MP MPA1: Plans or Projects that may affect SACs, SPAs (collectively known as Natura sites) and Ramsar Sites</p> <p>MP MPA2: Nature Conservation Marine Protected Areas (NCMPAs)</p> <p>MP MPA3: Demonstration and Research Marine Protected Areas (DRMPAs)</p> <p>MP COAST1: Developments in or near SSSIs and National Nature Reserves</p> <p>MP COAST1: Developments in or near SSSIs and National Nature Reserves</p> <p>MP COAST2: Development on or near to a Local Nature Conservation Site or RSPB Reserve</p> <p>MP BIOD1: Furthering the Conservation of Biodiversity</p> <p>Policy MP GEOD1: Safeguarding Marine Geodiversity</p> <p>MP VIS1: Safeguarding National Scenic Areas (NSAs) and Local Landscape Areas (LLAs)</p> <p>MP VIS1: Safeguarding National Scenic Areas (NSAs) and Local Landscape Areas (LLAs)</p> <p>MP HIS1: Historic Marine Protected Areas</p> <p>MP HIS2: Safeguarding Nationally Important Heritage Assets</p> <p>MP HIS3: Safeguarding Locally Important Heritage Assets</p> <p>MP COM1: Community Considerations</p> <p>MP REC1: Safeguarding Marine Recreation</p>	<p>policy statements, including ‘general criteria based policies’ and therefore will have no likely significant effects on a European site.</p>
<p>GENERAL</p>	<p>DEV1-3: Marine Developments</p>	<p>All the policies listed here have been screened out of the appraisal under screening step 1 as being general policy statements, including ‘general criteria based policies’, therefore will have no likely significant effects on a European site.</p>

<p>GENERAL</p>	<p>Policy MP FISH1: Safeguarding Fishing Opportunities</p>	<p>No likely significant effect on a European site as this policy is intended to protect important fishing grounds from inappropriate development. The policy aims to minimise damage to fishing habitats or fish stocks. The policy itself does not lead to any development and is related to qualitative criteria. The policy has therefore been screened out of the appraisal under screening step 1.</p>
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Table 8: Sectoral policies included within the Shetland Islands Regional Marine Plan

Policy Type	Relevant part of the plan	Comments
SECTORAL- Aquaculture	AQ1: Aquaculture - Key Conditions AQ2: Fish farm Management Agreements AQ3: Aquaculture Development Management Plans AQ4: Seaweed Cultivation	Policies AQ1, AQ3 and AQ4 have been screened in to the appraisal. Although the policies are general in nature and don't direct developments to any particular site they could permit development that affects a Natura site, hence there is a likely significant effect (LSE) and they need to be subject to appropriate assessment. Policy AQ2 does not lead to any development and is related to qualitative criteria. AQ2 policy has therefore been screened out of the appraisal under screening step 1 .
SECTORAL- Oil and Gas	OAG1: Oil and Gas Proposals	The policy listed here has been screened in to the appraisal. Although the policy is general in nature and doesn't direct developments to any particular site it could permit development that affects a Natura site, hence there is a likely significant effect (LSE) and they need to be subject to appropriate assessment.
SECTORAL- Renewable Energy	NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals NRG2: Renewable Energy Development Proposals NRG3: Wave and Tidal Development Proposals	All the policies listed here have been screened in to the appraisal. Although the policies are general in nature and don't direct developments to any particular site they could permit development that affects a Natura site, hence there is a likely significant effect (LSE) and they need to be subject to appropriate assessment.
SECTORAL- Extraction	EX1: Extraction of Sand, Gravel and Shingle	The policy listed here has been screened in to the appraisal. Although the policy is general in nature and doesn't direct developments to any particular site it could permit development that affects a Natura site, hence there is a likely significant effect (LSE) and they need to be subject to appropriate assessment.
SECTORAL- Tourism and Leisure	TR1: Tourism and Leisure Developments	The policy listed here has been screened in to the appraisal. Although the policy is general in nature and doesn't direct developments to any particular site it

		could <u>permit</u> development that affects a Natura site, hence there is a likely significant effect (LSE) and they need to be subject to appropriate assessment.
SECTORAL- Access and Mooring	SA1: Shore Access and Moorings	The policy listed here has been screened in to the appraisal. Although the policy is general in nature and doesn't direct developments to any particular site it could <u>permit</u> development that affects a Natura site, hence there is a likely significant effect (LSE) and they need to be subject to appropriate assessment.
SECTORAL- Cables and Pipelines	CBP1: Placement of Telecommunication, Electricity, Submarine Cables and Oil and Gas Pipelines CBP2: Placement of New Domestic and Trade Wastewater Pipelines	All the policies listed here have been screened in to the appraisal. Although the policies are general in nature and don't direct developments to any particular site they could <u>permit</u> development that affects a Natura site, hence there is a likely significant effect (LSE) and they need to be subject to appropriate assessment.
SECTORAL- Mooring	MO1: Commercial Moorings	The policy listed here has been screened in to the appraisal. Although the policy is general in nature and doesn't direct developments to any particular site it could <u>permit</u> development that affects a Natura site, hence there is a likely significant effect (LSE) and they need to be subject to appropriate assessment.
SECTORAL- Shipping	TRANS1: Port and Harbour-related Development TRANS2: Future Fixed Links /Ferry Terminals	All the policies listed here have been screened in to the appraisal. Although the policies are general in nature and don't direct developments to any particular site they could <u>permit</u> development that affects a Natura site, hence there is a likely significant effect (LSE) and they need to be subject to appropriate assessment.
SECTORAL- Dredging	DD1: Dredging and Disposal of Dredged Material	The policy listed here has been screened in to the appraisal. The policy is general in nature but does direct development to specific locations which are adjacent to or within Natura sites, hence there is a

		likely significant effect (LSE) and they need to be subject to appropriate assessment.
SECTORAL-Coastal Defence	CD1: Coastal Defence Construction CD2: Coastal Defence Demolition	All the policies listed here have been screened in to the appraisal. Although the policies are general in nature and don't direct developments to any particular site they could <u>permit</u> development that affects a Natura site, hence there is a likely significant effect (LSE) and they need to be subject to appropriate assessment.

Step 2: Projects referred to in, but not proposed by, the SIRMP

The DTA Guidance specifies that this step involves:

1. The screening out of any references to specific proposals for projects referred to in, but not proposed by, the plan; and
2. If it is necessary to consider the effects of the plan being appraised in –combination with the effects of other plans or projects, the minor residual effects of these other projects may be relevant and should be checked for in-combination effects.

No specific projects have been referred to within the SIRMP.

In-combination assessment

The requirement for in-combination assessment has been reviewed in two steps: the potential effects on European sites of the plan on its own, and the potential effects on European sites of the plan in combination with other plans or projects.

SIRMP on its own

All of the General Policies have been screened out of further assessment, as they are either general policy statements, or are not policies and/or proposals generated by this plan. Sectoral policies have been screened in. In consequence, it is felt that in-combination effects can not be ruled and should be re-assessed after mitigation has been applied to sectoral policies.

SIRMP in combination with other plans/proposals

The SIRMP sits beneath the National Marine Plan and alongside other planning, legislative and regulatory regimes (Figure 8). Given that the focus of the SIRMP is on policies rather than proposals, this part of the HRA focuses on the potential for cumulative effects of the SIRMP, the National Marine Plan (NMP) and Shetland Islands Council Local Development Plan (SIC LDP).

The SIRMP, NMP and SIC Local Development plan together set out a framework of social, economic and environmental policies which identify the issues to be taken when making decisions about projects and/or activities in the marine environment.

The SIRMP, NMP and the SIC LDP include a presumption for sustainable development and use. While alone, policies encouraging economic growth have the potential to result in effects on the qualifying interest of European sites. In these plans this is balanced by the requirement for development and use to be sustainable and this is further elaborated by policies which protect Natura interests.

The cumulative effect of this policy framework is that economic growth is supported, focusing on the right type of development in the right place. The policy frameworks work to avoid the potential adverse effects of development on European sites, in both coastal and marine environments.

Notwithstanding subsequent mitigation measures which may be applied to the sectoral policies within the SIRMP, the policies within the SIC LDP and NMP are general in nature, none of them direct activities to a particular location without providing policy caveats which consider European sites. This, in combination with the policies to protect Natura interests, means that there will be no in-combination effects of the frameworks on European sites.

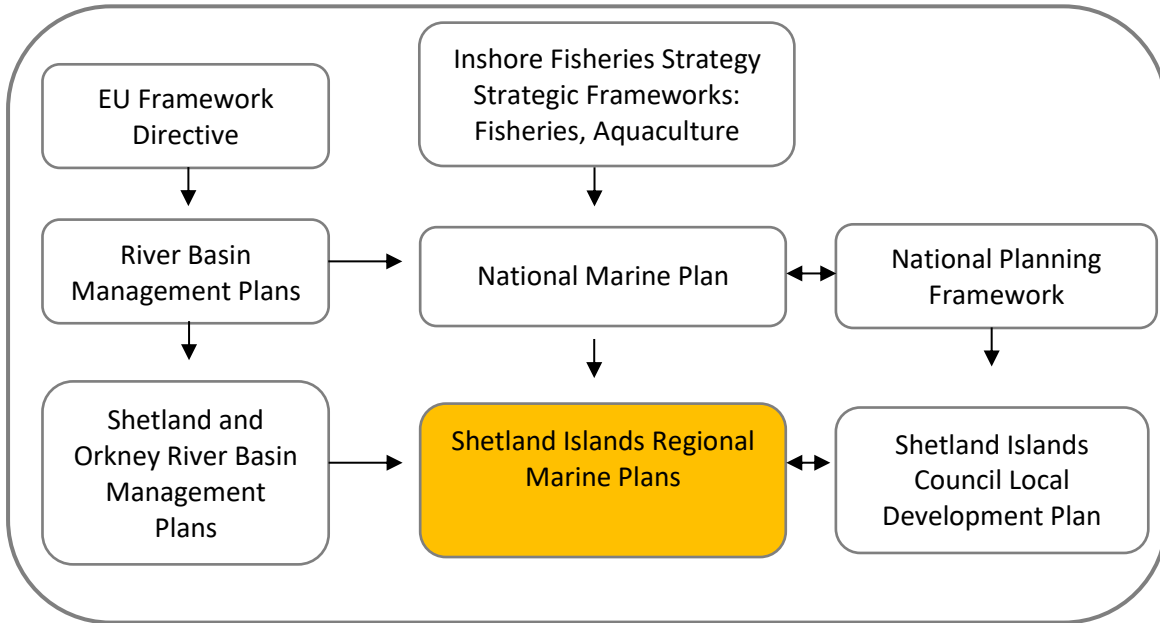


Figure 8: SIRMP policy context (terrestrial and other planning/regulatory regimes)

Record of outcome

The majority of the SIRMP policies have been screened out for having no LSE on a European site and are included in Table 6 and Table 7. However, all ‘sectoral policies’ in Table 8, with exception of policy AQ2, have been screened in. This is because they identify provision for change in certain locations, some of which could have a LSE on a European Site, or could permit a development which may have LSE.

Step 6 –Apply early mitigation measures

Each sectoral policy was assessed as whether it was possible to determine where the development may take place. If the activity location could be determined, and if a potential overlap with Natura sites was identified, a specific policy caveat was applied. Where it could not be determined where the development might happen, or it would happen over too numerous a number of locations to apply a specific caveat, a more generic Natura caveat was applied.

Step 7 –re-screen

After re-screening the policies it was determined that it was not possible to determine during Stages 1-7 whether the sectoral policies would not have a LSE on a Natura site. Therefore all sectoral policies should be subject to an Appropriate Assessment (AA).

Appropriate Assessment

As per the DTA Guidance and in consultation with SNH, mitigation measures including case-specific policy restrictions and policy caveats were deemed the most suitable modifications to be introduced to the aforementioned policies. An assessment of the policy mitigations are outlined in Table 9.

Table 9: Appropriate assessment of policies

Policy	Policy Issue	Mitigation measure	Outcome
<p>Policy MP AQ1: Aquaculture - Key Conditions Aquaculture development applications will be considered favourably where they have complied with:</p> <ul style="list-style-type: none"> a) all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1 and AQ2; b) Shetland Island Council Supplementary Guidance - Aquaculture Policy; c) Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters (for finfish farming only); and 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>As aquaculture sites will be considered favourably, it could be considered 'over-riding public interest'.</p>	<p>Discussion with SNH led to the application of policy caveat '<i>it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site</i>'. Further consideration of impacts determined that a generic caveat was adequate as specific locations and specific pressures could not be linked.</p>	<p>General Natura caveat considered appropriate.</p>
<p>Policy MP AQ3: Aquaculture Development Management Plans 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"> a) increase separation distance between developments; b) reduce overall environmental impacts and/ or reduce potential impact on protected species or habitats; c) safeguard or improve fishing opportunity; d) produce community benefits i.e. reduced visual impact, noise or impact on recreation/ access; or e) increase socio-economic benefit i.e. from job creation or increased economic viability and it can be demonstrated that any there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site. Subsequent developments which reverse the gains made by a management plan may not be permitted. 	<p>Aquaculture plans may result in a LSE on a Natura sites.</p>	<p>Discussion with SNH led to the application of policy caveat '<i>it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site</i>'. Further consideration of impacts determined that a generic caveat was adequate as specific locations and specific pressures could not be linked.</p>	<p>General Natura caveat considered appropriate.</p>

Policy	Policy Issue	Mitigation measure	Outcome
<p>Policy MP AQ4: Seaweed Cultivation Applications for the development of seaweed cultivation should demonstrate that:</p> <ul style="list-style-type: none"> 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 	<p>Seaweed cultivation could impact a Natura site.</p>	<p>Discussion with SNH led to the application of policy caveat <i>'it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site'</i>. Further consideration of impacts determined that a generic caveat was adequate as specific locations and specific pressures could not be linked.</p>	<p>General Natura caveat considered appropriate.</p>
<p>Policy MP OAG1: Oil and Gas Proposals Exploration and extraction for oil and gas within 12-nautical miles of the coast will only be permitted where it is demonstrated that:</p> <ul style="list-style-type: none"> 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. 	<p>Oil and gas proposals could impact Natura sites.</p>	<p>Discussion with SNH led to the application of policy caveat <i>'it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site'</i>. Further consideration of impacts determined that a generic caveat was adequate as specific locations and specific pressures could not be linked.</p>	<p>General Natura caveat considered appropriate.</p>

Policy	Policy Issue	Mitigation measure	Outcome
<p>Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals Exploratory, appraisal or prototype energy proposals should demonstrate that:</p> <ul style="list-style-type: none"> 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 on the Local Development Plan in relation to shore connections and connections to the National Grid; and e) they include an appropriate monitoring programme and detailed restoration proposals. 	Renewable energy developments could impact Natura sites.	Discussion with SNH led to the application of policy caveat <i>'it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site'</i> . Further consideration of impacts determined that a generic caveat was adequate as specific locations and specific pressures could not be linked.	General Natura caveat considered appropriate.
<p>Policy MP NRG2: Renewable Energy Development Proposals Renewable energy developments should demonstrate that:</p> <ul style="list-style-type: none"> a) they have complied with all policies included in Policy Framework Section 5(a) and 5(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 facilitated or considered in their design all elements, such as connection to shore base and National Grid Connections; d) the development will not cause significant harm to the safety or amenity of any sensitive receptors; 	Renewable energy developments could impact Natura sites.	Discussion with SNH led to the application of policy caveat <i>'it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site'</i> . Further consideration of impacts determined that a generic caveat was adequate as specific locations and specific pressures could not be linked.	General Natura caveat considered appropriate.

Policy	Policy Issue	Mitigation measure	Outcome
<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 f) detailed restoration and maintenance proposals are provided.</p>			
<p>Policy MP NRG3: Wind, Wave and Tidal Development Proposals 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 will be considered favourably where:</p> <ul style="list-style-type: none"> a) the development complies with all policies included in Policy Section (a) and (b) and Policy MP DEV1 and MP NRG2; b) due regard has been shown to development constraints by proposing devices and associated infrastructure in areas of low constraint as identified in the RLG; 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 	<p>Renewable energy developments could impact Natura sites.</p>	<p>RLG modelling automatically classes Natura sites as ‘high constraint’ and features within the Natura site as ‘Very High’ constraint.</p> <p>Policy already contained a Natura caveat</p>	<p>Existing general Natura caveat considered appropriate.</p>

Policy	Policy Issue	Mitigation measure	Outcome
<p>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 areas identified through the Sectoral Marine Plan process.</p>			
<p>Policy MP EX1: Extraction of Sand, Gravel and Shingle 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> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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 recycle 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; 	<p>Extraction of sand, gravel and shingle could impact Natura sites.</p>	<p>Discussion with SNH led to the application of policy caveat <i>'it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site'</i>. Further consideration of impacts determined that a generic caveat was adequate as specific locations and specific pressures could not be linked.</p>	<p>General Natura caveat considered appropriate.</p>

Policy	Policy Issue	Mitigation measure	Outcome
<p>e) they have provided details of all works (including ancillary equipment, storage, access, use of vehicles etc.); and</p> <p>f) where an 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>Tourism and leisure activities and facilities could impact Natura sites.</p>	<p>Discussion with SNH led to the application of policy caveat <i>'it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site'</i>. Further consideration of impacts determined that a generic caveat was adequate as specific locations and specific pressures could not be linked.</p>	<p>General Natura caveat considered appropriate.</p>
<p>Policy MP SA1: Shore Access and Moorings 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>Shore access and mooring could impact Natura sites.</p>	<p>Discussion with SNH led to the application of policy caveat <i>'it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site'</i>. Further consideration of impacts determined that a generic caveat was adequate as specific locations and specific pressures could not be linked.</p>	<p>General Natura caveat considered appropriate.</p>

Policy	Policy Issue	Mitigation measure	Outcome
<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 CBP1: Placement of Utility Cables and Pipelines The laying or replacement of utility cables and pipelines should demonstrate that:</p> <p>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.</p> <p>Where possible, cables and pipelines should use existing routes and landing points.</p>	<p>Shore access and mooring could impact Natura sites.</p>	<p>Discussion with SNH led to the application of policy caveat <i>'it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site'</i>. Further consideration of impacts determined that a generic caveat was adequate as specific locations and specific pressures could not be linked.</p>	<p>General Natura caveat considered appropriate.</p>
<p>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:</p> <p>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.</p>	<p>Placement of new domestic and trade waste water pipes could impact Natura sites.</p>	<p>Discussion with SNH led to the application of policy caveat <i>'it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site'</i>. Further consideration of impacts determined that a generic caveat was adequate as specific locations and specific pressures could not be linked.</p>	<p>General Natura caveat considered appropriate.</p>

Policy	Policy Issue	Mitigation measure	Outcome
<p>In situations where a new pipeline is acceptable, the proposal needs to demonstrate that:</p> <p>e) the seaward end of the pipe is sited well below the MLWS to the satisfaction of the consenting authority and does not impact on any other marine structure or development.</p>			
<p>Policy MP MO1: Commercial Moorings 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>Commercial moorings could impact Natura sites.</p>	<p>Discussion with SNH led to the application of policy caveat '<i>it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site</i>'. Further consideration of impacts determined that a generic caveat was adequate as specific locations and specific pressures could not be linked.</p>	<p>General Natura caveat considered appropriate.</p>
<p>Policy MP TRANS1: Port and Harbour-related Development 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; 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.</p>	<p>Port and harbour related developments could impact Natura sites.</p>	<p>Discussion with SNH led to the application of policy caveat '<i>it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site</i>'. Further consideration of impacts determined that a generic caveat was adequate as specific locations and specific pressures could not be linked.</p>	<p>General Natura caveat considered appropriate.</p>

Policy	Policy Issue	Mitigation measure	Outcome
<p>Policy MP TRANS2: Future Fixed Links/Ferry Terminals 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>b) the potential individual and cumulative effects of the proposed development have been addressed.</p>	<p>Future Fixed Links/ Ferry Terminals could impact Natura sites.</p>	<p>Discussion with SNH led to the application of policy caveat '<i>it can be demonstrated that 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)</i>'. Further consideration of impacts determined that a generic caveat was adequate as specific locations and specific pressures could not be linked. However example Natura sites were given as islands which could potentially have a fixed link (Whalsay, Bressay, Yell, Unst and Fetlar) are relatively limited.</p>	<p>General Natura caveat considered appropriate.</p>
<p>Policy MP CD1: Coastal Defence Construction 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 other policies in Policy Framework Section (a) and (b) and MP Policy 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</p>	<p>Coastal defence construction could impact Natura sites.</p>	<p>Discussion with SNH led to the application of policy caveat '<i>it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site</i>'. Further consideration of impacts determined that a generic caveat was adequate as specific locations and specific pressures could not be linked.</p>	<p>General Natura caveat considered appropriate.</p>

Policy	Policy Issue	Mitigation measure	Outcome
<p>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>Policy MP CD2: Coastal Defence Demolition</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 Sections (a) and (b) and MP Policy 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 otters.</p>	<p>Coastal defence demolition could impact Natura sites.</p>	<p>Discussion with SNH led to the application of policy caveat <i>'it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site'</i>. Further consideration of impacts determined that a generic caveat was adequate as specific locations and specific pressures could not be linked.</p>	<p>General Natura caveat considered appropriate.</p>
<p>Policy MP DD1: Dredging and Disposal of Dredged Material</p> <p>Proposals for dredging and the disposal of the dredged material should demonstrate that:</p>	<p>Dredging and the disposal of dredge material could impact Natura sites.</p>	<p>Discussion with SNH led to the update of site specific application policy caveats as specific dredge disposal locations are known.</p>	<p>Specific disposal site policies and general Natura caveat considered appropriate.</p>

Policy	Policy Issue	Mitigation measure	Outcome
<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 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>			

In-combination assessment

The requirement for in-combination assessment has been reviewed in two steps: the potential effects on European sites of the plan on its own, and the potential effects on European sites of the plan in combination with other plans or projects has previously been assessed.

SIRMP on its own

After the application of policy caveats it is believed that there will be no-in combination effects between policies.

Record of outcome

The application of mitigation measures in the form of case specific policy restrictions and policy caveats for the policies included in Table 9 are considered adequate to ensure that these policies will not result in any adverse effects on any Natura 2000 site.

Conclusions

The NAFC Marine Centre and Shetland Islands Council as the delegates for the Regional Marine Plan, concludes that it can be ascertained by means of this Habitat Regulations Appraisal that adoption of the SIRMP and the application of suitable policy caveats, that the SIRMP will have no adverse effect on the integrity of any Natura 2000 sites.

Glossary

European site: Defined by regulation 10 of The Conservation (Natural Habitats, &c.) Regulations 1994 as amended, and may be summarised as follows: Special Protection Areas (SPA), classified under the Birds Directive, Special Areas of Conservation (SAC), and candidate Special Areas of Conservation (cSAC) both designated under the Habitats Directive. Can also include European Offshore Marine Sites.

European marine sites: The parts of European sites which are marine areas; and lie below Mean High Water Spring Tide. They are also known as marine SACs and marine SPAs.

European Offshore Marine Site: Defined by regulation 15 of the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (SI 1842) and comprise SPAs, SACs and cSACs which lie beyond the 12 nautical mile limit of Scotland's territorial waters.

NMP: National Marine Plan

SIRMP: Shetland Islands Regional Marine Plan

SIMSP: Shetland Islands Marine Spatial Plan (4th edition)

The UK Continental Shelf (UKCS): comprises those areas of the sea bed and subsoil beyond the territorial sea over which the UK exercises sovereign rights of exploration and exploitation of natural resources. The exact limits of the UKCS are set out in orders made under section 1(7) of the Continental Shelf Act 1964.

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Appendix A SIRMP Policies

Policy	Comments
Clean and Safe	
<p>Policy MP WAT1: Water Ecology 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 and Orkney and Shetland Area 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.</p>	<p>This policy is general in nature. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u> Note: Reductions in water quality may exert adverse effects on the qualifying interests of European sites. This policy takes such issues into account and works together with the other Policies to protect Natura interests.</p>
<p>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.</p>	<p>This policy is general in nature. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u> Note: Reductions in water quality may exert adverse effects on the qualifying interests of European sites. This policy takes such issues into account and works together with the other Policies to protect Natura interests.</p>
<p>Policy MP INNS1: Reducing the Spread of Invasive Non-Native Species (INNS) 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>This policy is general in nature. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></p>

<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>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 prohibited⁸.</p>	<p>This policy is general in nature. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1</u>.</p>
<p>Policy MP NOISE1: Minimising Levels of Noise and Vibration Including Underwater Noise and Vibration</p> <p>Applications for marine-related development and use should, where directed by the consenting authority or regulator:</p> <ul style="list-style-type: none"> a) 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 b) include mitigation measures to minimise the adverse impacts associated with the duration and level of noise and vibration activity. <p>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 may also be required.</p>	<p>This policy is general in nature. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1</u>.</p> <p>Note: Increases in noise and/or vibration may exert adverse effects on the qualifying interests of European sites. This policy takes such issues into account and works together with the other Policies to protect Natura interests.</p>

<p>Policy MP PORT1: Harbour Plans 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>This policy is designed to ensure safe operation of harbours are maintained. While Sullom Voe harbour is designated an SAC and master plan for the Sullom area will need to undertake an HRA. As this policy is general in nature it has been <u>screened out under screening step 2.</u></p>
<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>	<p>This policy provides the criteria for considering the effects of uses of the marine environment on the marine transport industry. The policy is general in nature and not linked to a European site. This policy has therefore been <u>screened out of the appraisal under screening step 1.</u></p>
<p>Policy MP SHIP2: Marine Environmental High Risk Areas (MEHRAs) Developments should consider the presence and status of Marine Environmental High Risk Areas (MEHRAs).</p>	<p>No likely significant effect as this policy is intended to manage navigational risks and protect marine waters from navigational accidents. The policy is general in nature and not linked to a European site. This policy has therefore been <u>screened out of the appraisal under screening step 1.</u></p>
<p>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.</p>	<p>This policy provides the criteria for considering the effects of uses of the marine environment on marine cables and pipelines. The policy is general in nature and not linked to a European site. This policy has therefore been <u>screened out of the appraisal under screening step 1.</u></p>
<p>Policy MP CLIM1: Climate Change Mitigation 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.</p>	<p>This policy is general in nature. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></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 CLIM2: Climate Change Adaptation 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.</p>	<p>This policy is general in nature. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be screened out under screening step 1.</p>
<p>Healthy and Diverse</p>	
<p>Policy MP MPA1: Plans or projects that may affect SACs, SPAs (collectively known as Natura sites) and Ramsar Sites</p> <p>Developments or uses that may have a likely significant effect (LSE) on a Natura 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 overriding public interest to grant consent.</p>	<p>This policy sets out clear requirements regarding planning and decision-making that has the potential to have a significant effect on European sites. It does not direct activities to a particular location, or provide for them to be carried out in a particular way, it is therefore screened out under screening step 1.</p>
<p>Policy MP MPA2: Nature Conservation Marine Protected Areas (NCMPAs)</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>This policy sets out clear requirements regarding planning and decision. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be screened out under screening step 1.</p>

<p>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.</p> <p>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.</p>	
<p>Policy MP MPA3: Demonstration and Research Marine Protected Areas (DRMPAs)</p> <p>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.</p>	<p>This policy sets out clear requirements regarding planning and decision. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></p>
<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> <ul style="list-style-type: none"> 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 <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>This policy is designed to protect natural heritage features. It does not direct activities to a particular location. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></p>

<p>Policy MP COAST1: Developments in or near SSSIs and National Nature Reserves</p> <p>Development likely to have an effect on a Site of Special Scientific Interest (SSSIs) or National Nature Reserve will only be permitted:</p> <ul style="list-style-type: none"> 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. 	<p>This policy sets out clear requirements regarding planning and decision-making that has the potential to have a significant effect on European sites. It does not direct activities to a particular location, or provide for them to be carried out in a particular way, it is therefore <u>screened out under screening step 1.</u></p>
<p>Policy MP COAST2: Development on or near to a Local Nature Conservation Site or RSPB Scotland Reserve</p> <p>Development that affects a Local Nature Conservation Site or RSPB Scotland Reserve will only be permitted where:</p> <ul style="list-style-type: none"> 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. 	<p>This policy sets out clear requirements regarding planning and decision-making that has the potential to have a significant effect on European sites. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></p>
<p>Policy MP SPCON1: Development and European Protected Species and Schedule 5 Species</p> <p>Development or uses that could affect a European Protected Species (EPS) or Schedule 5 species will be permitted only if:</p> <ul style="list-style-type: none"> 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, &c.) Regulations 1994 (the Habitats Regulations) or Section 9 of the Wildlife and Countryside act 1981 (as amended); or 	<p>This policy sets out clear requirements regarding planning and decision. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></p>

<p>b) If an offence¹⁴ 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> <ul style="list-style-type: none"> The licence must relate to one of seven purposes listed in Regulation 44 of the Habitats Regulations.¹⁵ There must be no satisfactory alternative, which means that all reasonable alternatives must have been considered and judged to be unsatisfactory. The action authorised must not be detrimental to the maintenance of the population at a favourable conservation status in their natural range. <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 be required to minimise the impact on the species.</p> <p>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.</p>	
<p>Policy MP SPCON2: Protection of Wild Birds and Their Habitats Outside Designated Sites</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 a site, or may be affected by a proposed development, the consenting authorities</p>	<p>This policy sets out clear requirements regarding planning and decision. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></p>

<p>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 determining the application, works licence or marine licence.</p> <p>Development that directly threatens wild birds, the destruction of their nests or eggs will only be permitted where it can be demonstrated that:</p> <p>a) the development is required for preserving public health or public safety; and b) there is no other satisfactory solution.</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> <p>If a species listed on Schedule 1 of 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>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 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.</p>	<p>This policy sets out clear requirements regarding planning and decision. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></p>
<p>Policy MP SPCON3: Development and Designated Seal Haul-Outs</p> <p>Developments or uses which would result in an activity that harasses¹⁶, pesters, torments, disturbs, troubles or attacks a seal on a designated haul-out site will</p>	<p>This policy sets out clear requirements regarding planning and decision. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In</p>

	<p>consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></p>
<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 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> <ul style="list-style-type: none"> • 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 • 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>This policy is general in nature. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></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>Policy MP GEOD1: Safeguarding Marine Geodiversity Development will only be permitted where appropriate 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. Proposals that would have an unavoidable effect on marine geodiversity will be permitted only where it has been demonstrated that:</p> <ul style="list-style-type: none"> 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 its geodiversity; and b) any loss of marine geodiversity is reduced to acceptable levels by mitigation, and a record is made prior to any loss. 	<p>This policy is general in nature. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></p>
<p>Policy MP VIS1: Safeguarding National Scenic Areas (NSAs) and Local Landscape Areas (LLAs) Development that affects a NSA or LLA will only be permitted where:</p> <ul style="list-style-type: none"> 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. 	<p>This policy is general in nature. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></p>
<p>Policy MP VIS2: Safeguarding Seascape Character and Visual Amenity Any development or activity should demonstrate:</p> <ul style="list-style-type: none"> 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>This policy is general in nature. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></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 HIS1: Historic Marine Protected Areas 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.</p>	<p>This policy is general in nature. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></p>
<p>Policy MP HIS2: Safeguarding Nationally Important Heritage Assets 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. Presumption will always be in favour of preserving the site in situ. 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. Historic Environment Scotland and the Regional Archaeology Service on behalf of the Planning Authority) 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 will normally be protected and preserved in situ. Where preservation in situ is not possible the development will only be consented where, through the use of</p>	<p>This policy is general in nature. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></p>

<p>conditions or a legal agreement, the consenting authority can ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, the developer will grant the necessary time and resources for professional archaeological work to take place. All requirements will be based on advice from the relevant regulator and advisors.</p>	
<p>Policy MP HIS3: Safeguarding Locally Important Heritage Assets All other archaeological resources should be preserved in situ wherever feasible. Where preservation in situ is not possible the consenting authority should ensure that developers undertake appropriate archaeological excavation, recording, analysis, publication and archiving in advance of and / or during development.</p> <p>Developments within the vicinity of heritage assets must respect the original structure in terms of design, scale and where appropriate, setting.</p>	<p>This policy is general in nature. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></p>
<p>Policy MP COM1: Community Considerations 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> <ul style="list-style-type: none"> 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. 	<p>This policy is general in nature. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></p>
<p>Policy MP REC1: Safeguarding Marine Recreation 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>This policy is general in nature. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></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>	
Productive	
<p>Policy MP DEV1: Marine Developments Proposals for marine-related developments must comply with all policies included in Policy Framework Sections (a) and (b), Policies DEV1-DEV4 and Policy MP FISH1; and should ensure that:</p> <ul style="list-style-type: none"> a) the developer engaged in pre-application discussions with the relevant consenting authorities and regulators, any adjacent marine user and the local community council; b) the compatibility of the proposed development with existing marine users has been taken into consideration to minimise conflict and any potential adverse impacts; c) 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; and d) the potential individual, in-combination and cumulative effects of the proposed development have been addressed and will be managed sustainably in terms of spatial and temporal overlaps. 	<p>This policy is general in nature. It does not direct activities to a particular location. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></p>
<p>MP DEV2: Decommissioning of Assets 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"> a) a description of the development; b) proposed decommissioning requirements and measures; c) the methods by which work will be carried out; 	<p>This policy is general in nature. It does not direct activities to a particular location. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></p>

<p>d) timescales for the carrying out and completion of the work. The re-use of decommissioned assets will be supported where practicable.</p>	
<p>Policy MP DEV3: Development Restricted Areas Developments will not be permitted in:</p> <ul style="list-style-type: none"> a) Whiteness Voe, north of a line between Usta Ness and Grutwick, which reduce visual amenity, or adversely impact protected habitats and species; b) the upper part of Weisdale Voe, between the Taing of Haggersta and Vedri Geo which reduce visual amenity; or c) Busta Voe north of a line drawn between Hevden Ness (Mainland) and Green Taing (Muckle Roe) which restrict recreational opportunity <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>This policy is designed to protect natural heritage features. It does not direct activities to a particular location. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be screened out under screening step 1.</p>
<p>Policy MP FISH1: Safeguarding Fishing Opportunities Developments will only be permitted where it can be demonstrated that:</p> <ul style="list-style-type: none"> a) there will be no significant damage or permanent obstruction to an important fishing area; b) there will be no damage to a known/designated spawning or nursery area for commercially important species of fish; c) it will not cause an unsafe navigational hazard for commercial fishermen; d) there will be no significant negative effect to the cultural importance of fishing, particularly for vulnerable coastal communities; or e) there is no reasonable alternative and any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance. 	<p>This policy provides the criteria for considering the effects of uses of the marine environment on the sea fisheries industry. Although some of the criteria may be of benefit to qualifying species/habitats (particularly benthic) – i.e. consideration of the environmental impact on fishing grounds and habitats and species more generally - they are general in nature and not linked to a European site. This policy has therefore been screened out of the appraisal under screening step 1.</p>
<p>Policy MP AQ1: Aquaculture - Key Conditions Aquaculture development applications will be considered favourably where they have complied with:</p> <ul style="list-style-type: none"> a) all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1 and AQ2; 	<p>This policy has been screened in to the appraisal under screening step 1. Mitigation has been applied in the form of a policy caveat, <i>‘it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site’</i>. After re-assessment it is considered there will be no LSE from this policy.</p>

<p>b) Shetland Island Council Supplementary Guidance - Aquaculture Policy; c) Locational Guidelines for the Authorisation of Marine Fish Farms in Scottish Waters (for fin fish farming only); and 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>Policy MP AQ2: Fish farm Management Agreements All 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; 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.</p>	<p>This policy is general in nature. It does not direct activities to a particular location, or provide for them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not affect a European site and can therefore be screened out under screening step 1.</p>
<p>Policy MP AQ3: Aquaculture Development Management Plans 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: a) increase separation distance between developments; b) reduce overall environmental impacts and/ or reduce potential impact on protected species or habitats; c) safeguard or improve fishing opportunity; d) produce community benefits i.e. reduced visual impact, noise or impact on recreation/ access; or e) increase socio-economic benefit i.e. from job creation or increased economic viability and; f) it can be demonstrated that any there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site. Subsequent developments which reverse the gains made by a management plan may not be permitted.</p>	<p>This policy has been screened in to the appraisal under screening step 1. Mitigation has been applied in the form of a policy caveat, <i>'it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site'</i>. After re-assessment it is considered there will be no LSE from this policy.</p>
<p>Policy MP SWD: Seaweed Cultivation Applications for the development of seaweed cultivation should demonstrate that:</p>	<p>This policy has been screened in to the appraisal under screening step 1. Mitigation has been applied in the form of a policy caveat, <i>'it can be demonstrated that there will be no adverse effects on the integrity of a Natura</i></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) only seaweed species native to Shetland will be grown;</p> <p>d) measures are included to prevent the introduction and spread of non-native species; and</p> <p>e) there is no artificial enrichment of the marine environment to aid production.</p>	<p><i>2000 site or a proposed site</i>'. After re-assessment it is considered there will be no LSE from this policy.</p>
<p>Policy MP OAG1: Oil and Gas Proposals</p> <p>Exploration and extraction for oil and gas within 12-nautical miles of the coast will only be permitted where it is demonstrated that:</p> <p>a) the proposal complies 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) 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;</p> <p>d) the proposal includes all elements such as connections to shore base and infrastructure; and</p> <p>e) an appropriate monitoring programme and detailed restoration and maintenance proposals are included.</p>	<p>This policy has been screened in to the appraisal under screening step 1. Mitigation has been applied in the form of a policy caveat, <i>'it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site</i>'. After re-assessment it is considered there will be no LSE from this policy.</p>
<p>Policy MP NRG1: Exploratory, Appraisal or Prototype Renewable Energy Proposals</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>This policy has been screened in to the appraisal under screening step 1. Mitigation has been applied in the form of a policy caveat, <i>'it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site</i>'. After re-assessment it is considered there will be no LSE from this policy.</p>

<p>d) they have complied with all relevant terrestrial policies detailed on the 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>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>	<p>This policy has been screened in to the appraisal under screening step 1. Mitigation has been applied in the form of a policy caveat, <i>'it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site'</i>. After re-assessment it is considered there will be no LSE from this policy.</p>
<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 will be considered favourably where:</p> <p>a) the development complies with all policies included in Policy Section (a) and (b) and Policy MP DEV1 and MP NRG2;</p>	<p>This policy may have benefits for the qualifying interests of European sites, by guiding development away from areas of high environmental value. However, as it is general in nature, it has been screened out of the appraisal under screening step 1.</p>

<p>b) due regard has been shown 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 areas identified through the Sectoral Marine Plan process.</p>	
<p>Policy MP EX1: Extraction of Sand, Gravel and Shingle 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> <ul style="list-style-type: none"> 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 recycle or secondary aggregate; iii) using dredged material; and iv) doing nothing. <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>This policy has been screened in to the appraisal under screening step 1. Mitigation has been applied in the form of a policy caveat, <i>‘it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site’</i>. After re-assessment it is considered there will be no LSE from this policy.</p>

<p>f) where an 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>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;</p> <p>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.</p>	<p>This policy has been screened in to the appraisal under screening step 1. Mitigation has been applied in the form of a policy caveat, <i>‘it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site’</i>. After re-assessment it is considered there will be no LSE from this policy.</p>
<p>Policy MP SA1: Shore Access and Moorings Shore access developments and proposals for moorings should demonstrate that:</p> <ul style="list-style-type: none"> 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 a need for their facility to have moorings; 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. <p>Shore development proposals are encouraged where activity already exists. The mooring of individual boats is encouraged at designated marinas and ports.</p>	<p>This policy has been screened in to the appraisal under screening step 1. Mitigation has been applied in the form of a policy caveat, <i>‘it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site’</i>. After re-assessment it is considered there will be no LSE from this policy.</p>

<p>Policy MP CBP1: Placement of Utility Cables and Pipelines</p> <p>The laying or replacement of utility cables and pipelines should demonstrate that:</p> <ul style="list-style-type: none"> 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. <p>Where possible, cables and pipelines should use existing routes and landing points.</p>	<p>This policy has been screened in to the appraisal under screening step 1. Mitigation has been applied in the form of a policy caveat, <i>‘it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site’</i>. After re-assessment it is considered there will be no LSE from this policy.</p>
<p>Policy MP CBP2: Placement of New Domestic and Trade Wastewater Pipelines</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>In situations where a new pipeline is acceptable, the proposal needs to demonstrate that:</p> <ul style="list-style-type: none"> e) the seaward end of the pipe is sited well below the MLWS to the satisfaction of the consenting authority and does not impact on any other marine structure or development. 	<p>This policy has been screened in to the appraisal under screening step 1. Mitigation has been applied in the form of a policy caveat, <i>‘it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site’</i>. After re-assessment it is considered there will be no LSE from this policy.</p>
<p>Policy MP MO1: Commercial Moorings</p> <p>Proposals for commercial mooring structures or the licence renewal of existing structures will only be permitted where:</p> <ul style="list-style-type: none"> a) they comply with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1; 	<p>This policy has been screened in to the appraisal under screening step 1. Mitigation has been applied in the form of a policy caveat, <i>‘it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site’</i>. After re-assessment it is considered there will be no LSE from this policy.</p>

<p>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 e) the appropriate regulatory body has been consulted e.g. mooring within a Natura 2000 site requires contact with SNH.</p>	
<p>Policy MP CD1: Coastal Defence Construction 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: a) have complied with all other policies in Policy Framework Section (a) and (b) and MP Policy DEV1; b) will have no adverse effects on the integrity of a Natura 2000 site or a proposed site; c) have provided detail of relocation options; 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 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>This policy has been screened in to the appraisal under screening step 1. Mitigation has been applied in the form of a policy caveat, <i>'it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site'</i>. After re-assessment it is considered there will be no LSE from this policy.</p>
<p>Policy MP CD2: Coastal Defence Demolition 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: a) comply with all policies included in Policy Framework Sections (a) and (b) and MP Policy DEV1; and</p>	<p>This policy has been screened in to the appraisal under screening step 1. Mitigation has been applied in the form of a policy caveat, <i>'it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site'</i>. After re-assessment it is considered there will be no LSE from this policy.</p>

<p>b) have no adverse effects on the integrity of a Natura 2000 site or a proposed site. In addition, when considering the demolition of coastal defence structures, the following should be taken account of:</p> <ul style="list-style-type: none"> c) historic value of the structure in its surroundings; d) potential to re-use the material; e) implications for reinstatement; and f) value to species and habitats, such as providing a substrate for an important rocky shore habitat, or shelter for otters. 	
<p>Policy MP TRANS1: Port and Harbour-related Development Proposals for port and harbour-related development should demonstrate that:</p> <ul style="list-style-type: none"> 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. 	<p>This policy has been screened in to the appraisal under screening step 1. Mitigation has been applied in the form of a policy caveat, <i>‘it can be demonstrated that there will be no adverse effects on the integrity of a Natura 2000 site or a proposed site’</i>. After re-assessment it is considered there will be no LSE from this policy.</p>
<p>Policy MP TRANS2: Future Fixed Links/Ferry Terminals The construction of fixed link developments and new ferry terminals should demonstrate that:</p> <ul style="list-style-type: none"> 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 c) the potential individual and cumulative effects of the proposed development have been addressed. 	<p>This policy have been screened in to the appraisal under screening step 1. Mitigation has been applied in the form of a policy caveat, <i>‘it can be demonstrated that 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)’</i>. After re-assessment it is considered there will be no LSE from this policy.</p>
<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>This policy have been screened in to the appraisal under screening step 1. Mitigation has been applied to the specific locations where the disposal of dredge material may occur. After re-assessment it is considered there will be no LSE from this policy once the caveats have been applied.</p>

- a) they have complied with all policies included in Policy Framework Section (a) and (b) and Policy MP DEV1;
- b) they have used, where possible, recognised marine disposal sites;
- c) the suitability of the dredge material for sea disposal has been assessed, including contamination levels;
- 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;
- 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;
- f) at the existing Bluemull Sound disposal sites there will be no adverse effects on the integrity of the Bluemull and Colgrave Sound proposed SPA;
- 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;
- 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
- i) they have detailed the level of impact from suspension of materials and disturbance to the seabed.