

Shetland Marine Planning Partnership

Shetland Island Regional Marine Plan

Habitats Regulations Appraisal

2025



UHI | SHETLAND



Scottish Government
Riaghaltas na h-Alba



Shetland Islands Regional Marine Plan- HRA

This report has been prepared by Shetland UHI on behalf of the Shetland Islands Marine Planning Partnership.

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Contents

Introduction	1
The Shetland Islands Regional Marine Plan.....	1
Contents of the SIRMP	4
Habitats Regulations Appraisal (HRA).....	5
Stage 1 – Decide whether the SIRMP is subject to HRA.....	7
Stage 2 – Identification of European sites & Stage 3 – Gathering of Information on European Sites.....	9
Special Areas of Conservation	9
Special Protected Areas	12
Stage 3 – Gather Information on the European Sites.....	17
Stage 4 – Discretionary consultation on method and scope of the appraisal.....	22
Records of HRA related consultation with NatureScot	22
Stage 5 – Screen the plan for likely significant effects (LSE) on a European Site.....	22
Step 1: Screening out general and strategic policy statements	23
Step 2: Projects referred to in, but not proposed by, the SIRMP	32
In-combination Assessment.....	32
SIRMP on its own	32
SIRMP in combination with other plans/proposals	32
Record of outcome	33
Stage 8 – Appropriate Assessment and Stage 9 – Apply Mitigation Measures.....	33
In-combination assessment.....	44
Record of Outcome	44
The application of mitigation measures in the form of case specific policy caveats and the inclusion of a policy caveat within overarching policy DEV1 are considered adequate to ensure that at plan level, the policies within the SIRMP will not result in any AEOI of any European site. It is also concluded that reasonable and effective mitigation measures can be relied upon at the project stage to ensure no AEOI. Conclusion	44
Appendix A- SIRMP Policy Screening	45

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 a 'Habitats Regulations Appraisal'.

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

The Shetland Islands Regional Marine Plan

In the UK there is a tiered management framework for marine planning. The UK Marine Policy Statement 2011 comprises the highest tier and applies UK wide.¹ 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.

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 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 in relation to the Regional Marine Plan for the Scottish Marine Region for the Shetland Isles Direction 2016 and the Regional Marine Plan for the Scottish Marine Region for the Shetland Isles (Amendment) Direction 2022. The Shetland Islands Regional Marine Plan will form the local tier of marine management within the Shetland Islands. The SIRMP has been prepared in conformity with the UK Marine Policy Statement 2011 and Scotland's

¹ [UK marine policy statement - GOV.UK](https://www.gov.uk/government/publications/uk-marine-policy-statement-2011)

NMP 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 SIRMP will be used to assess marine development applications for Marine Licences (by the Marine Directorate Licensing and Operations Team), Works Licences and marine planning applications (by Shetland Islands Council), and leases by the Crown Estate Scotland. It will act as a guide in the planning of marine developments, activities and management decisions.

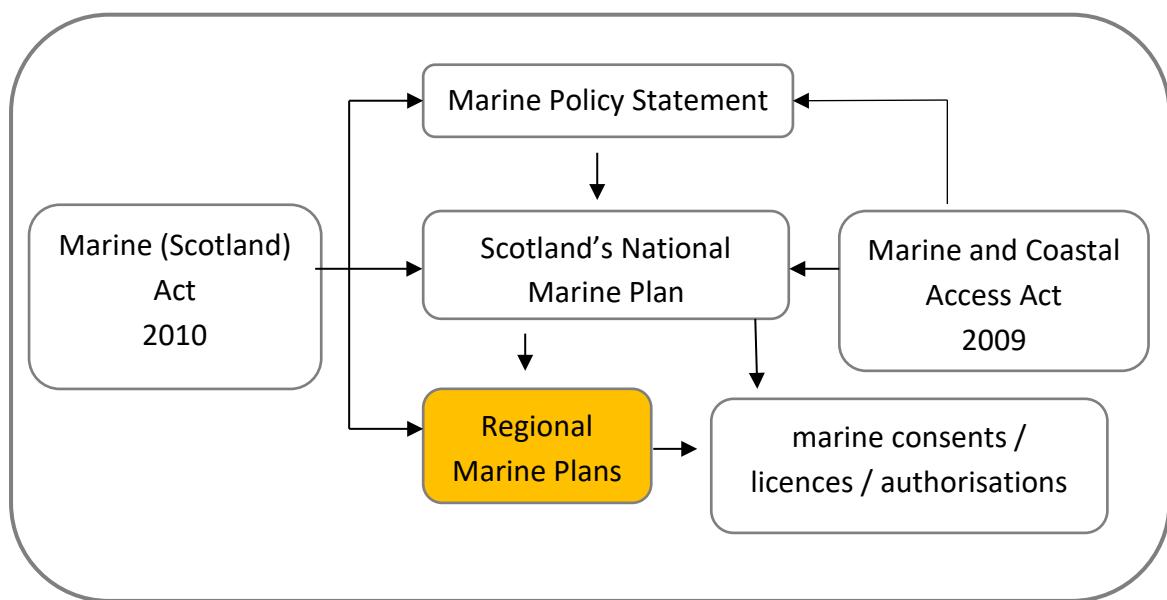


Figure 1: Policy and legislation context of a regional marine plan

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.

Shetland Islands Regional Marine Plan- HRA

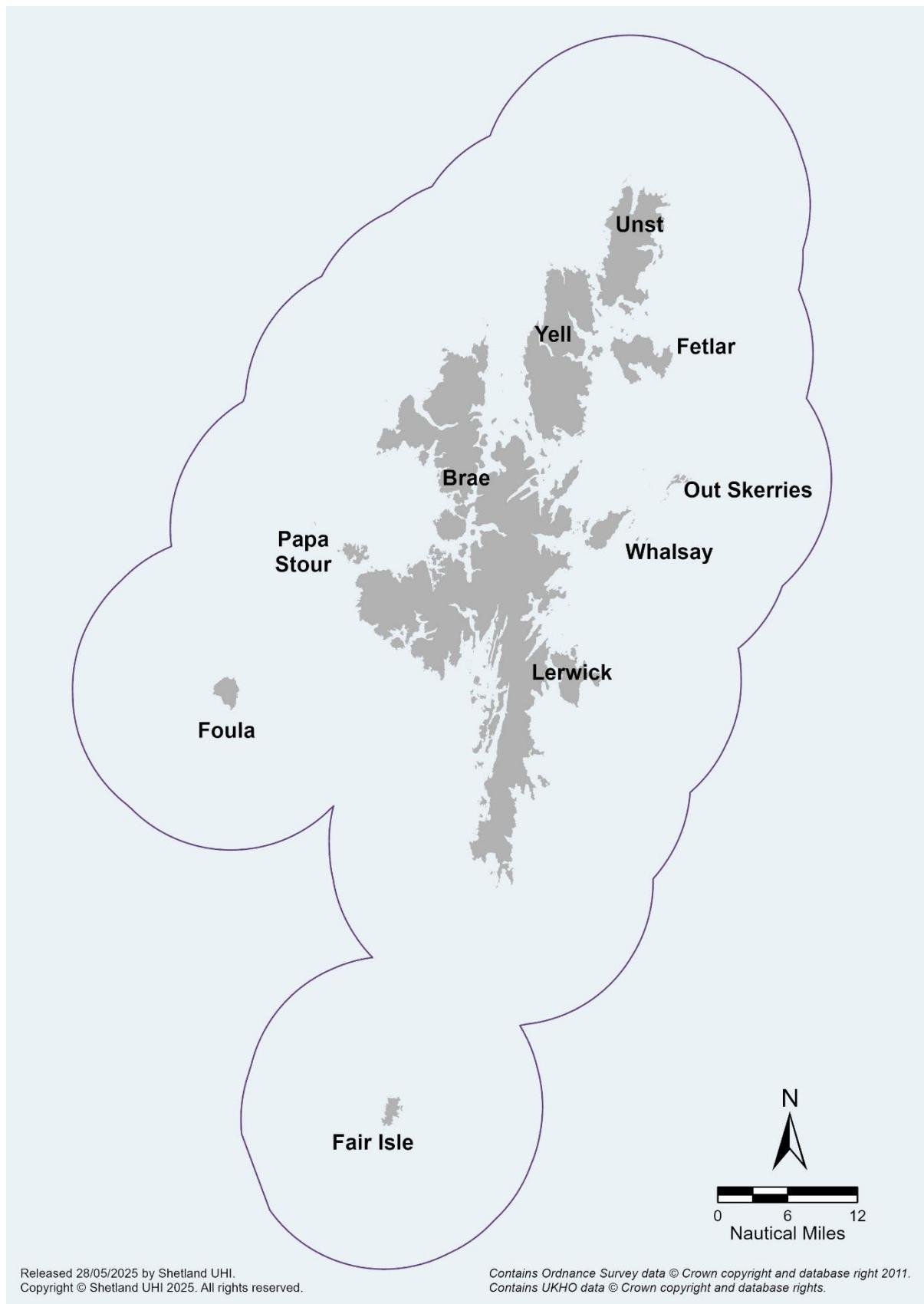


Figure 2: Shetland Islands Regional Marine Plan Area

Contents of the SIRMP

The SIRMP provides a plan-led approach to the management of Shetland's coastal and marine waters enabling long-term protection and sustainable use of Shetland's coastal and marine waters. It will help minimise conflicts of interest between marine users, activities and developers and facilitate a more integrated and informed decision-making process. 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 overarching objective of the SIRMP is to ensure the sustainable development, protection and enhancement of the Shetland Marine Region, whilst accommodating the mitigation of, and adaptation to, climate change.

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:

- Section A- Clean and Safe
- Section B- Healthy and Diverse
- Section C- Productive

All proposals for marine development and use must comply with legal requirements and should be in accordance with [Scotland's NMP](#), and the policies in the first two policy sections of the SIRMP:

- Section A-'Clean and Safe' and
- Section B- 'Healthy and Diverse'

Before considering cross-sector policies (DEV1, DEV2, DEV3 and FISH1) and the relevant sector-specific policies within:

- Section C- 'Productive'

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;
- Finfish and shellfish aquaculture;
- seaweed;
- marine renewable energy;
- tourism;
- Infrastructure: Shore access and moorings;
- Infrastructure: Electricity and Telecommunications Cables and water pipelines;
- Infrastructure: Commercial moorings;
- Marine transport;
- Future ferry/ harbour developments; and
- Dredging and disposal.

Habitats Regulations 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 met.²

These requirements of the Habitats Directive have been transposed into domestic legislation in Scotland by The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), 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 NatureScot and the Scottish Government. NatureScot’s Habitats Regulations Appraisal (HRA)-Guidance for plan-making bodies in Scotland (David Tyldesley and Associates, 2015)³, herein referred to as the DTA Guidance sets out the background context, procedural requirements and proposed 11 stage methodology for a HRA. However, with acknowledgement to the People Over Wind ruling of the Court of Justice of the European Union⁴, the screening decision should not take account of any mitigation measures. Hence, stages 6 and 7 of the plan-level HRA process (as outlined in Figure 3 and 4), which direct the consideration of mitigation measures at the screening stage, are not formally considered. Instead, the process moves directly from stage 5 (screening) to Stage 8 (assessment).

² [EC Guidance document on Article 6\(4\) of the 'Habitats Directive' 92/43/EEC](#)

³ [Habitats Regulations Appraisal of Plans - plan-making bodies in Scotland - Jan 2015.pdf](#)

⁴ A&L Goodbody (2018). People over Wind and Peter Sweetman v Coillte Teoranta [online]. Available at: [EUR-Lex - 62017CJ0323 - EN - EUR-Lex](#) (accessed 15/10/2025)

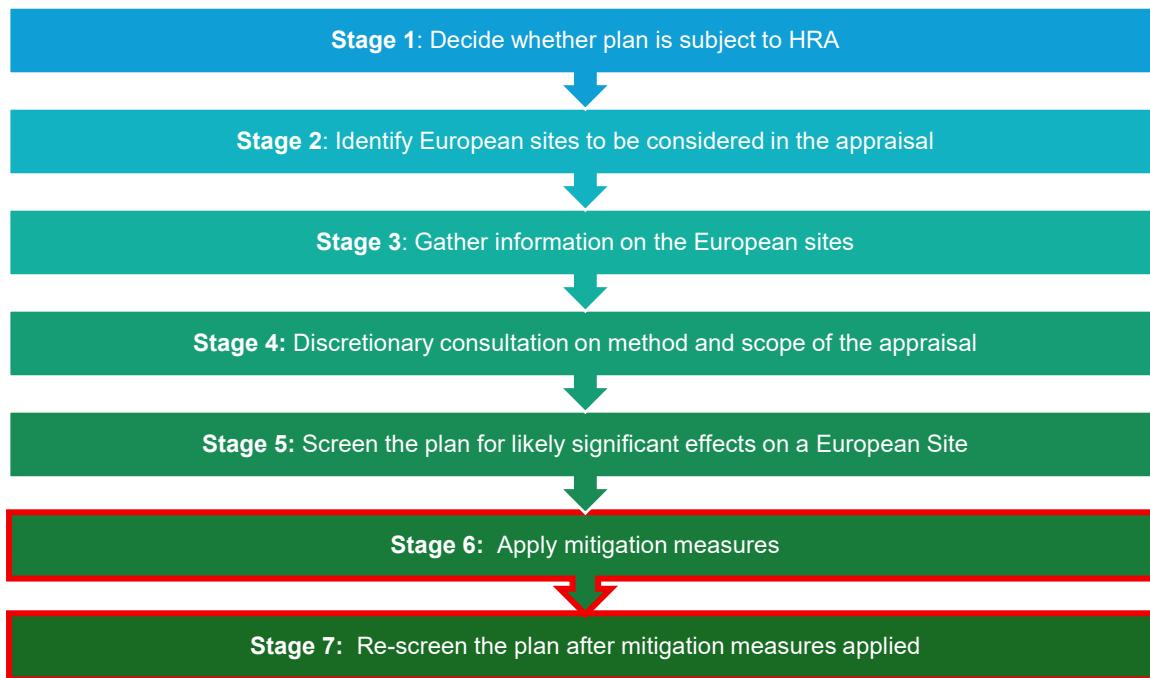


Figure 3: Stages 1-7 of the Screening Process. The red outline indicates stages that have been removed from the HRA process after the GTA guidance being published due to The People Over Wind ruling in 2025.

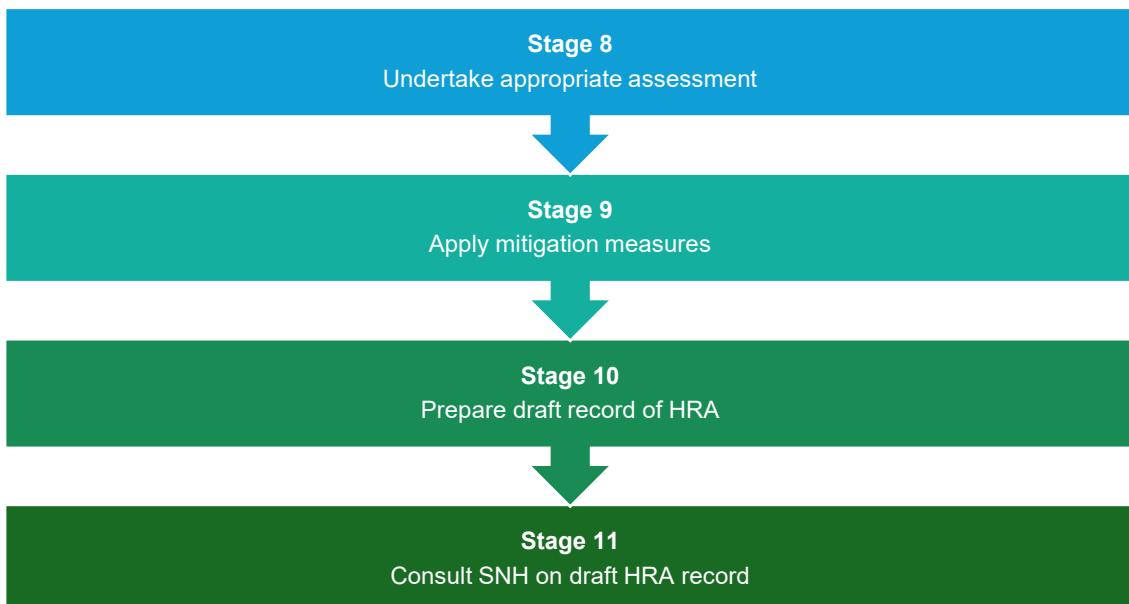


Figure 4: Stages 8-11 of an Appropriate Assessment

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 MD-LOT), works licences, marine-related planning and works licence applications (from the SIC), and lease options (from the Crown Estate Scotland). 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.

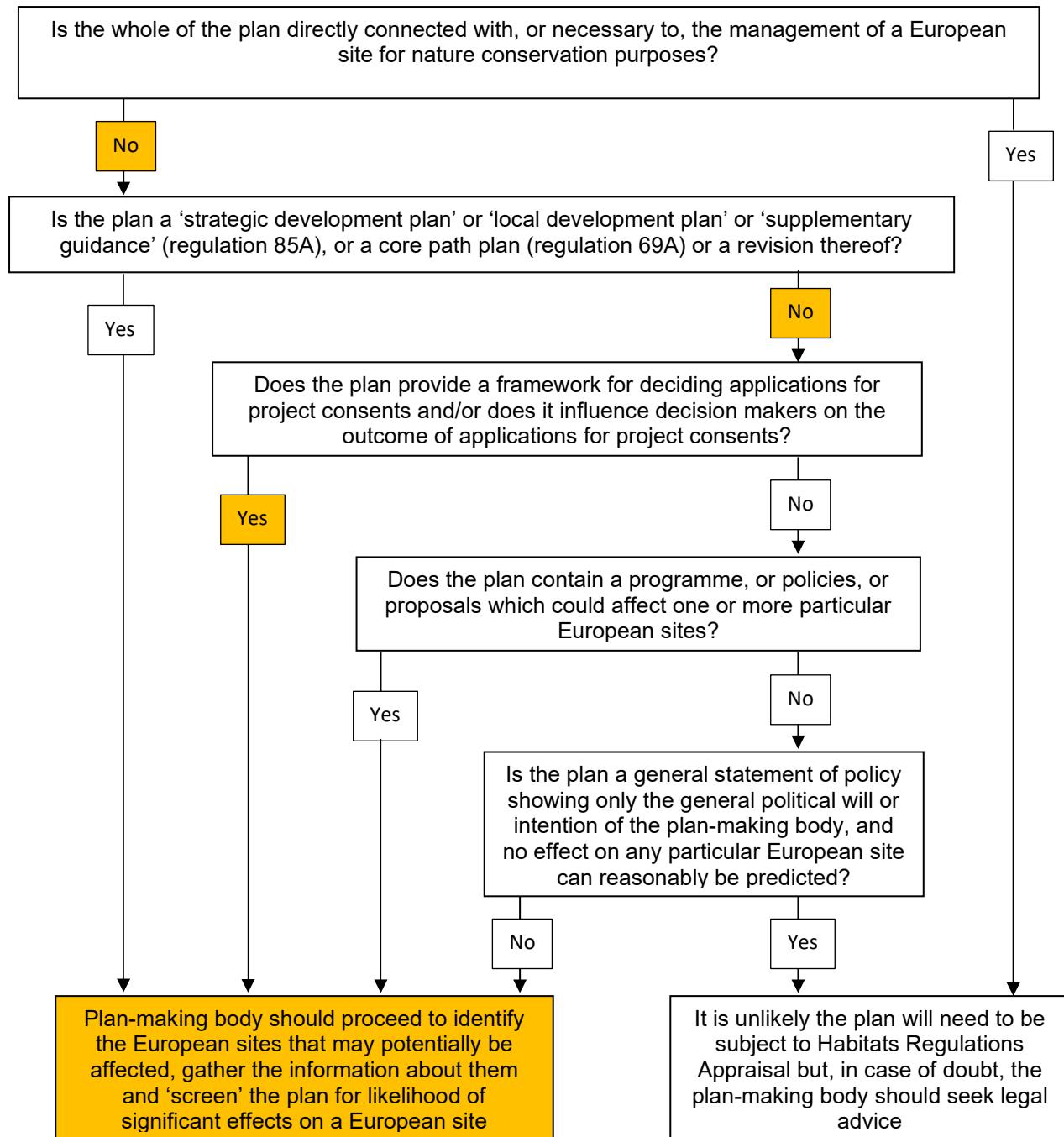


Figure 5: Habitats Regulation Appraisal decision criteria

Stage 2 – Identification of European sites & Stage 3 – Gathering of 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 JNCC⁵) or those designated for mobile species which may interact with the marine environment. These sites comprise:

- Special Protection Areas (SPA)
- Special Areas of Conservation (SAC)

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

Ramsar sites are internationally protected wetland areas, the Scottish Government has chosen to afford Ramsar sites the same protection as European sites. In Shetland there is one Ramsar site that is also designated as an SAC and SPA.

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)	Harbour 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

⁵ JNCC. September 2007. Defining SACs with Marine Components and SPAs with Marine Components: JNCC and Country Conservation Agency Guidance. MN2KPG16_13_MN2KDefs.doc

Shetland Islands Regional Marine Plan- HRA

		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)	Harbour 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

Shetland Islands Regional Marine Plan- HRA

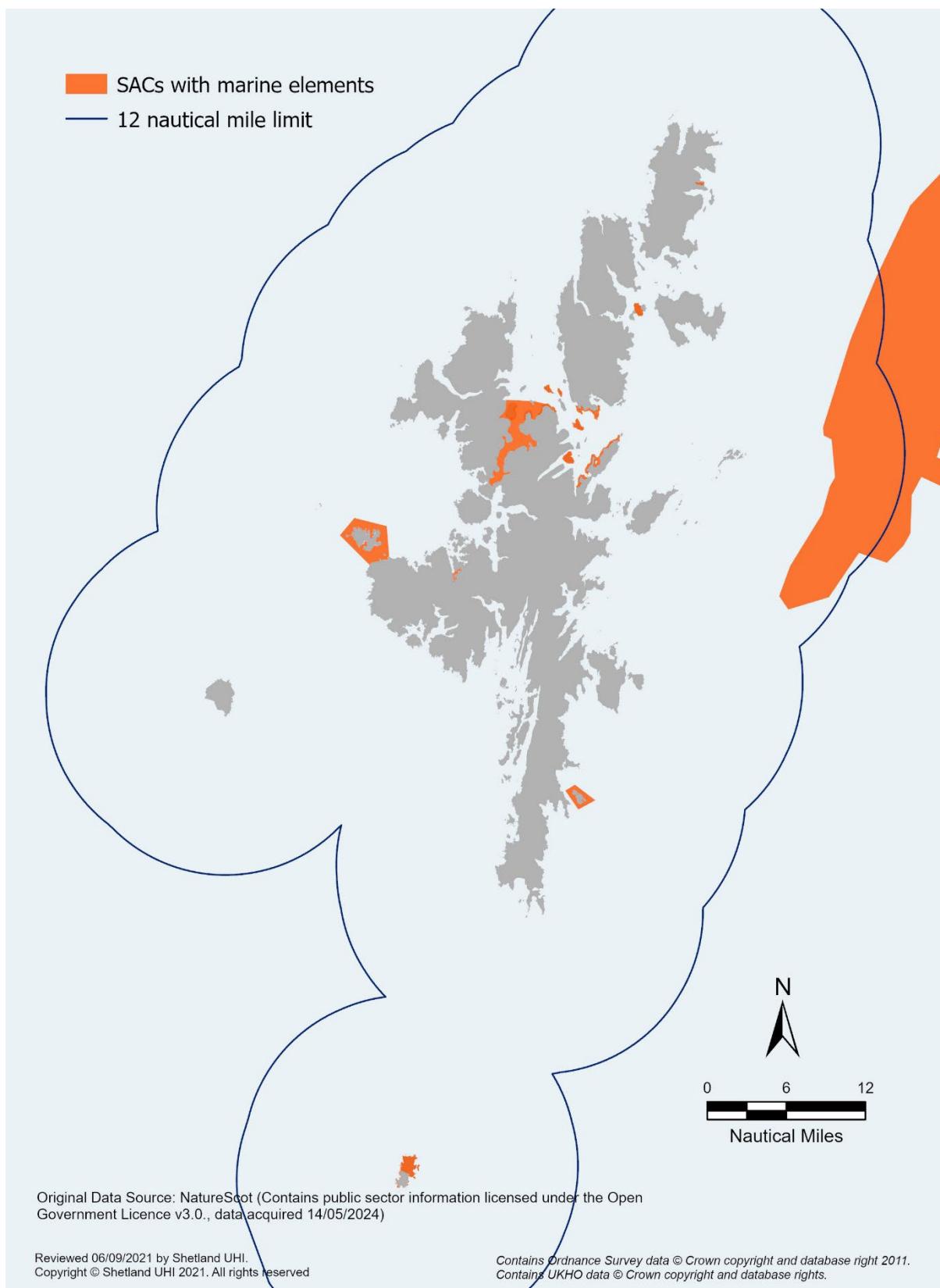


Figure 6: Special Areas of Conservation (SACs) with marine elements within the Shetland Islands

Special Protected 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 (Table 2). Figure 7 shows the locations of SPAs within the Shetland Islands.

Table 2: Special Protected Areas (SPAs) with marine elements within the Shetland Islands

Site	Feature Category	Feature
UK9002011	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
UK9002031	Birds – aggregations of breeding birds	Fulmar (<i>Fulmarus glacialis</i>), breeding
		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		Birds – aggregations of breeding birds	Great skua (<i>Stercorarius skua</i>), breeding

	Ronas Hill – North Roe and Tingon		Red-throated diver (<i>Gavia stellata</i>), breeding
UK9002941	Otterswick and Graveland	Birds – aggregations of breeding birds	Red-throated diver (<i>Gavia stellata</i>), breeding
UK9020331	Seas off Foula	Birds- aggregations of breeding and non- breeding birds	Arctic skua (<i>Stercorarius parasiticus</i>), breeding
			Great skua (<i>Stercorarius skua</i>), breeding
			Fulmar (<i>Fulmarus glacialis</i>), breeding and non-breeding
UK9020312	Bluemull and Colgrave Sounds	Birds – aggregations of breeding birds	Red-throated diver (<i>Gavia stellata</i>), breeding
UK9020311	East Mainland Coast	Birds – aggregations of breeding birds	Great northern diver (<i>Gavia immer</i>), non-breeding
			Red-throated diver (<i>Gavia stellata</i>), breeding
			Slavonian grebe (<i>Podiceps auritus</i>), non-breeding

Shetland Islands Regional Marine Plan- HRA

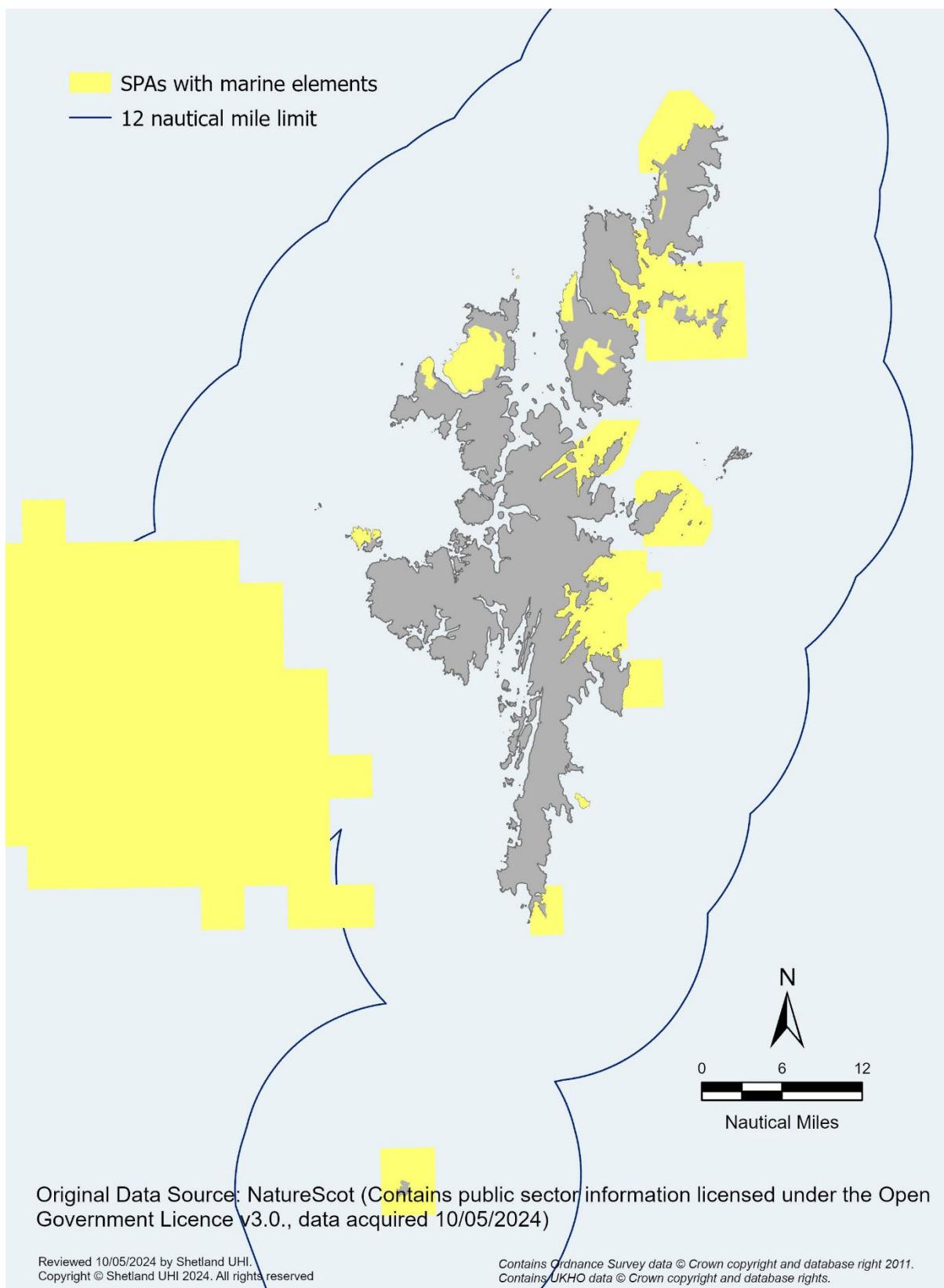


Figure 7: SPAs with marine elements within the Shetland Islands

Stage 3 – Gather Information on the European Sites

To determine the likelihood of significant effects of a particular development on a European 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 [NatureScot's Sitelink](#) and summarised in Table 3 and Table 4 respectively.

Table 3: 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	Harbour seal (<i>Phoca vitulina</i>)	Unfavourable no change
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	Harbour 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	Condition not assessed

Table 4: Conservation status of 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 declining
		Seabird assemblage	Unfavourable declining
		Red-throated diver (<i>Gavia stellata</i>)	Unfavourable declining
		Puffin (<i>Fratercula arctica</i>)	Unfavourable recovering
		Kittiwake (<i>Rissa tridactyla</i>)	Unfavourable declining
		Guillemot (<i>Uria aalge</i>),	Unfavourable declining
		Great skua (<i>Stercorarius skua</i>)	Unfavourable declining
		Gannet (<i>Morus bassanus</i>)	Favourable maintained
Fetlar	Aggregations of breeding birds	Fulmar (<i>Fulmarus glacialis</i>)	Unfavourable declining
		Seabird assemblage	Unfavourable declining
		Dunlin (<i>Calidris alpina schinzii</i>)	Favourable maintained
		Whimbrel (<i>Numenius phaeopus</i>)	Unfavourable declining

Site	Feature Category	Feature	Site condition
		Fulmar (<i>Fulmarus glacialis</i>)	Favourable recovered
		Great skua (<i>Stercorarius skua</i>)	Unfavourable declining
		Red-necked phalarope (<i>Phalaropus lobatus</i>),	Favourable recovered
		Arctic skua (<i>Stercorarius parasiticus</i>)	Unfavourable declining
		Arctic tern (<i>Sterna paradisaea</i>)	Unfavourable recovering
Ramna Stacks & Gruney	Aggregations of breeding birds	Leach's petrel (<i>Oceanodroma leucorhoa</i>)	Unfavourable declining
Papa Stour	Aggregations of breeding birds	Ringed plover (<i>Charadrius hiaticula</i>)	Favourable maintained
		Arctic tern (<i>Sterna paradisaea</i>)	Unfavourable no Change
Noss	Aggregations of breeding birds	Seabird assemblage	Unfavourable declining
		Fulmar (<i>Fulmarus glacialis</i>)	Unfavourable maintained
		Gannet (<i>Morus bassanus</i>)	Favourable maintained
		Great skua (<i>Stercorarius skua</i>)	Unfavourable declining
		Guillemot (<i>Uria aalge</i>)	Unfavourable no Change
		Kittiwake (<i>Rissa tridactyla</i>)	Unfavourable declining
		Puffin (<i>Fratercula arctica</i>)	Unfavourable declining
Mousa	Aggregations of breeding birds	Storm petrel (<i>Hydrobates pelagicus</i>)	Favourable maintained
		Arctic tern (<i>Sterna paradisaea</i>)	Unfavourable declining
Foula	Aggregations of breeding birds	Seabird assemblage	Unfavourable declining
		Shag (<i>Phalacrocorax aristotelis</i>)	Unfavourable recovering
		Fulmar (<i>Fulmarus glacialis</i>), breeding	Unfavourable no change
		Great skua (<i>Stercorarius skua</i>)	Unfavourable declining
		Guillemot (<i>Uria aalge</i>)	Unfavourable declining

Site	Feature Category	Feature	Site condition
		Kittiwake (<i>Rissa tridactyla</i>)	Unfavourable recovering
		Leach's petrel (<i>Oceanodroma leucorhoa</i>)	Unfavourable declining
		Puffin (<i>Fratercula arctica</i>)	Unfavourable no Change
		Razorbill (<i>Alca torda</i>)	Unfavourable recovering
		Red-throated diver (<i>Gavia stellata</i>)	Favourable maintained
		Arctic skua (<i>Stercorarius parasiticus</i>)	Unfavourable declining
		Arctic tern (<i>Sterna paradisaea</i>)	Unfavourable declining
Sumburgh Head	Aggregations of breeding birds	Seabird assemblage	Favourable declining
		Fulmar (<i>Fulmarus glacialis</i>)	Favourable maintained
		Guillemot (<i>Uria aalge</i>)	Favourable recovered
		Kittiwake (<i>Rissa tridactyla</i>)	Unfavourable declining
		Arctic tern (<i>Sterna paradisaea</i>)	Unfavourable no change
Fair Isle	Aggregations of breeding birds	Seabird assemblage	Unfavourable no Change
		Shag (<i>Phalacrocorax aristotelis</i>)	Unfavourable declining
		Fulmar (<i>Fulmarus glacialis</i>)	Favourable maintained
		Gannet (<i>Morus bassanus</i>)	Favourable maintained
		Great skua (<i>Stercorarius skua</i>)	Favourable maintained
		Guillemot (<i>Uria aalge</i>)	Unfavourable no change
		Kittiwake (<i>Rissa tridactyla</i>)	Unfavourable declining
		Puffin (<i>Fratercula arctica</i>)	Unfavourable declining
		Razorbill (<i>Alca torda</i>)	Unfavourable no change
		Arctic skua (<i>Stercorarius parasiticus</i>)	Unfavourable no change

Site	Feature Category	Feature	Site condition
		Arctic tern (<i>Sterna paradisaea</i>)	Unfavourable recovering
Ronas Hill – North Roe and Tingon	Aggregations of breeding birds	Great skua (<i>Stercorarius skua</i>)	Favourable maintained
		Red-throated diver (<i>Gavia stellata</i>)	Favourable declining
Otterswick and Graveland	Aggregations of breeding birds	Red-throated diver (<i>Gavia stellata</i>)	Unfavourable declining
Seas off Foula	Aggregations of breeding and non-breeding birds	Arctic skua (<i>Stercorarius parasiticus</i>)- breeding	Condition not assessed
		Fulmar (<i>Fulmarus glacialis</i>)- breeding & non-breeding	
		Great skua (<i>Stercorarius skua</i>)- breeding & non-breeding	
		Guillemot (<i>Uria aalge</i>)- breeding & non-breeding	
		Puffin (<i>Fratercula arctica</i>)- breeding	
		Seabird assemblage- breeding & non-breeding	
Bluemull and Colgrave Sounds	Aggregations of breeding birds	Red-throated diver (<i>Gavia stellata</i>)	Condition not assessed
East Mainland Coast	Aggregations of breeding and non-breeding birds	Red-throated diver (<i>Gavia stellata</i>)- breeding	Condition not assessed
		Great northern diver (<i>Gavia immer</i>)- non-breeding	
		Slavonian grebe (<i>Podiceps auritus</i>), non-breeding	

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

The DTA Guidance advises that the views of Naturescot 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 NatureScot 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 consultation with NatureScot

NatureScot were formally consulted on an early draft of the HRA in June and July 2018. They were consulted on the re-drafted HRA in August 2018. NatureScot were consulted on again in 2025 after finalisation of the plan.

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

Screening (stage 5) focuses on the following sections of the SIRMP:

- 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 'Waddenze 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.'*⁶

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 Sections (a) and (b) and policies DEV1-3 and FISH1 first before they can be considered in relation to the applicable sector-based policies in Policy Section (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 the outcome

A full record of each policy and screening decisions can be found in [Appendix A](#).

General policy statements and general policies

⁶ Paragraph 45- Waddenze Ruling 2007

The SIRMP screening results for strategic and general policy statements are summarised in Table 5 and general policy screening results are summarised in Table 6. 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 Diverse
 - Overarching policies within section (c) Productive

Sectoral Policies

The SIRMP screening results for sectoral policies are summarised in Table 7. This assessment has been carried out in accordance with DTA Guidance Reference Stage 5: Screening Step 1.

Table 5: 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, productive and diverse seas, 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. <u>Screened out</u> of the appraisal under <u>screening step 1</u> .
Aim	<p>Ensure that use of the marine and coastal environment of Shetland is sustainable.</p> <p>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</p>	This is regarded as a General Policy Statement as it is aspirational, strategic and very general. <u>Screened out</u> of the appraisal under <u>screening step 1</u> .
Overarching Objective	To ensure the sustainable development, protection and enhancement of the Shetland Marine Region, whilst accommodating the mitigation of, and adaptation to, 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. <u>Screened out</u> of the appraisal under <u>screening step 1</u> .
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. <u>Screened out</u> of the appraisal under <u>screening step 1</u> .

Objective ENV	Protect and enhance Shetland's marine waters and coastal environment, particularly where there are locally, nationally or internationally important marine 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 European sites from inappropriate development or adverse impacts. <u>Screened out</u> of the appraisal under <u>screening step 1</u> .
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. <u>Screened out</u> of the appraisal under <u>screening step 1</u> .
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. <u>Screened out</u> of the appraisal under <u>screening step 1</u> .

Table 6: General policies included within the Shetland Islands Regional Marine Plan

Policy Type	Relevant part of the plan	Comments
Section A- Clean and Safe		
GENERAL	WAT1: Water 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	These policies within Section A Clean and Safe have been <u>screened out</u> 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 require 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 <u>screened out</u> of the appraisal under <u>screening step 1</u> .
Section B- Healthy and Diverse		
GENERAL	MP BIOD1: Protected sites and species MP BIOD2: Priority Marine Features MP BIOD3: Local Habitat Protected Areas MP BIOD4: Furthering the Conservation of Biodiversity Policy MP GEOD1: Safeguarding Marine Geodiversity MP VIS1: Safeguarding National Scenic Areas (NSAs) MP VIS2: Safeguarding Seascapes Character and Visual Amenity	All the policies listed here have been <u>screened out</u> of the appraisal under <u>screening step 1</u> , as being general policy statements, including 'general criteria based policies' and therefore will have no likely significant effects on a European site.

Policy Type	Relevant part of the plan	Comments
	MP HIS1: Historic Marine Protected Areas MP HIS2: Safeguarding Nationally Important Heritage Assets MP HIS3: Safeguarding Locally Important Heritage Assets MP COM1: Community Considerations MP REC1: Safeguarding Marine Recreation	
Section C- Productive		
GENERAL	DEV1: Marine Developments DEV2: Decommissioning of Assets DEV3: Development Restricted Areas	All the policies listed here have been <u>screened out</u> of the appraisal under <u>screening step 1</u> as being general policy statements, including 'general criteria based policies', therefore will have no likely significant effects on a European site. DEV1: includes mitigation to ensure there will be no adverse effects on the integrity of a European Site or a proposed site.
GENERAL	Policy MP FISH1: Safeguarding Fishing Opportunities	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 <u>screened out</u> of the appraisal under <u>screening step 1</u> .

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

Policy Type	Relevant part of the plan	Comments
Section C- Productive		
SECTORAL-Aquaculture	AQ1: Finfish and Shellfish Aquaculture - Key Conditions AQ3: Aquaculture Development Plans SWD1: Seaweed Cultivation	Policies AQ1, AQ3 and SWD1 have been <u>screened in</u> 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 European site, hence there is a likely significant effect (LSE) and they need to be subject to appropriate assessment.
	AQ2: Fish farm Management Agreements	Policy AQ2 does not lead to any development and is related to qualitative criteria. AQ2 policy has therefore been <u>screened out</u> of the appraisal under <u>screening step 1</u> .
SECTORAL- Renewable Energy	NRG1: Renewable Energy Development Proposals	This policy has been <u>screened in</u> to the appraisal. Although the policy is general in nature and doesn't direct developments to any particular site, they could <u>permit</u> development that affects a European 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 <u>screened in</u> 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 European

		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 <u>screened in</u> 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 European site, hence there is a likely significant effect (LSE) and they need to be subject to appropriate assessment.
SECTORAL- Shore Access and Moorings	SA1: Shore Access and Moorings	The policy listed here has been <u>screened in</u> 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 European 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 Electricity and Telecommunication, Cables, and Water Pipelines CBP2: Sea Outfalls- Placement of New Domestic and Trade Wastewater Pipelines	All the policies listed here have been <u>screened in</u> 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 European site, hence there is a likely significant effect (LSE) and they need to be subject to appropriate assessment.
SECTORAL- Moorings	MO1: Commercial Moorings	The policy listed here has been <u>screened in</u> 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 European

		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 <u>screened in</u> 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 European 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 <u>screened in</u> to the appraisal. The policy is general in nature but does direct development to specific locations which are adjacent to or within European 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 <u>screened in</u> 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 European 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 cannot be ruled out 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 LDP 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. 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 European sites.

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 European sites, means that there will be no in-combination effects of the frameworks on European sites.

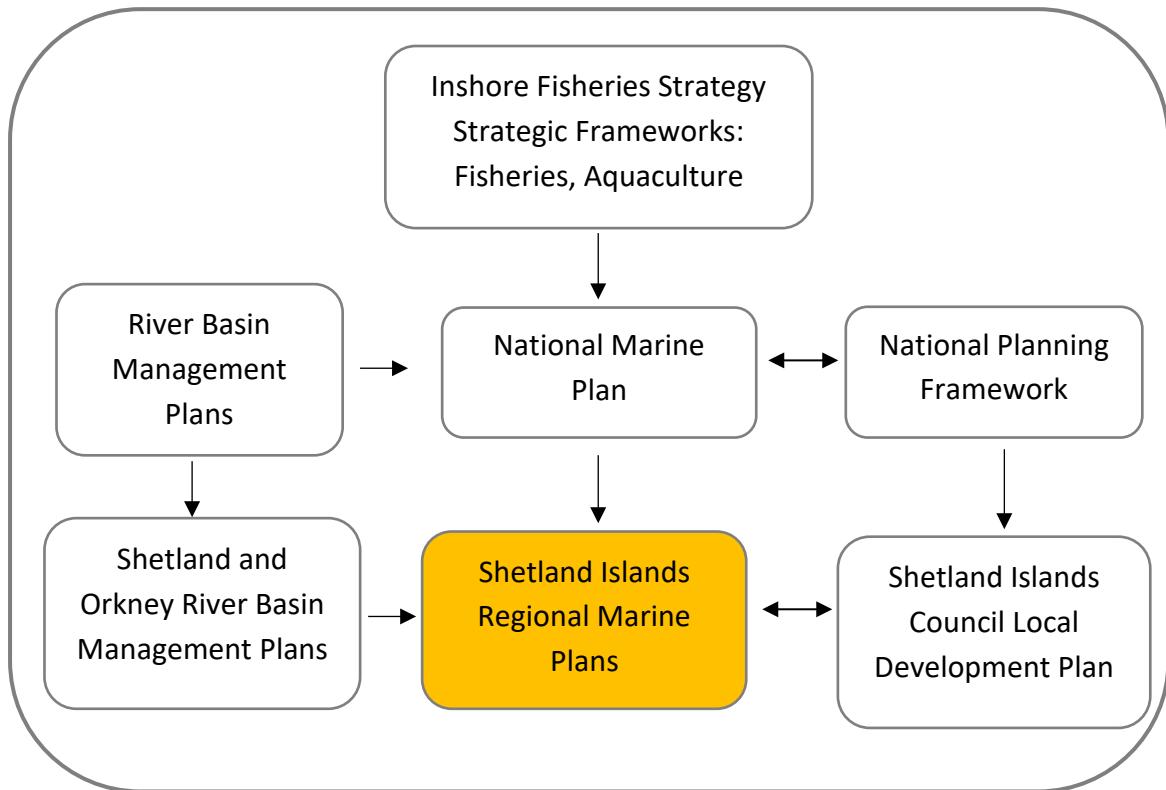


Figure 8: SIRMP policy context (terrestrial and other planning/ regulatory regimes

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 5 and Table 6. However, all sectoral policies in Table 7, 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.

Stage 8 – Appropriate Assessment and Stage 9 – Apply Mitigation Measures

Each sectoral policy was assessed as whether it was possible to determine, either alone or in-combination with other aspects of the SIRMP or other plans and projects, they may have adverse effects on the integrity (“AEOI”) of a European site. As per the DTA Guidance, and in consultation with NatureScot, mitigation measures including case-specific policy restrictions and policy caveats were deemed the most suitable modifications to be introduced to the aforementioned policies. These effective mitigation measures will be evaluated as part of a continuous monitoring and implementation plan. An assessment of the policy mitigations are outlined in Table 8.

Table 8: Appropriate Assessment of policies

Policy	Policy Issue	Mitigation measure	Outcome
Policy MP AQ1: Aquaculture - Key Conditions Policy MP AQ3: Aquaculture Development Management Plans	Policies relating to finfish and shellfish aquaculture either alone, or in-combination with other aspects of the SIRMP could have an AEOI of a European site.	Consultation with NatureScot determined that a generic caveat within overarching policy DEV1 was adequate as specific locations and specific pressures could not be linked. The policy caveat states that ' <i>Proposals must also ensure that there will be no adverse effects on the integrity of a European site or a proposed site.</i> '	General caveat considered appropriate mitigation at plan level While it is not possible at plan level to reasonably predict the potential effects on the integrity of specific European sites or their features, a project-level HRA will be required for development which may have an LSE. These development level HRAs will provide the detail to establish the effects on specific sites and features and what, if any, mitigation would be required.
Policy MP SWD1: Seaweed Cultivation	The policy relating to seaweed cultivation either alone, or in-combination with other aspects of the	Consultation with NatureScot determined that a generic caveat within overarching policy DEV1 was adequate as specific locations and specific pressures could not	General caveat considered appropriate mitigation at plan level. While it is not possible at plan level to reasonably predict the

Policy	Policy Issue	Mitigation measure	Outcome
	SIRMP could result in AEOI of a European site.	be linked. The policy caveat states that ' <i>Proposals must also ensure that there will be no adverse effects on the integrity of a European site or a proposed site.</i> '	potential effects on the integrity of specific European sites or their features, a project-level HRA will be required for development which may have an LSE. These development level HRAs will provide the detail to establish the effects on specific sites and features and what, if any, mitigation would be required.
Policy MP NRG1: Renewable Energy Development Proposals	The policy relating to renewable energy development could, either alone or in combination with other aspects of the SIRMP could result in AEOI of a European site.	Consultation with NatureScot determined that a generic caveat within overarching policy DEV1 was adequate as specific locations and specific pressures could not be linked. The policy caveat states that ' <i>Proposals must also ensure that there will be no adverse effects on the integrity of a European site or a proposed site.</i> '	General caveat considered appropriate mitigation at plan level. While it is not possible at plan level to reasonably predict the potential effects on the integrity of specific European sites or their features, a project-level HRA will be required for development which may have an LSE. These

Policy	Policy Issue	Mitigation measure	Outcome
			development level HRAs will provide the detail to establish the effects on specific sites and features and what, if any, mitigation would be required.
Policy MP EX1: Extraction of Sand, Gravel and Shingle	The policy relating to the extraction of sand, gravel and shingle, either alone or in combination with other aspects of the SIRMP could result in AEOI of a European site.	Consultation with NatureScot determined that a generic caveat within overarching policy DEV1 was adequate as specific locations and specific pressures could not be linked. The policy caveat states that ' <i>Proposals must also ensure that there will be no adverse effects on the integrity of a European site or a proposed site.</i> '	General caveat considered appropriate mitigation at plan level. While it is not possible at plan level to reasonably predict the potential effects on the integrity of specific European sites or their features, a project-level HRA will be required for development which may have an LSE. These development level HRAs will provide the detail to establish the effects on specific sites and features and what, if any, mitigation would be required.

Policy	Policy Issue	Mitigation measure	Outcome
Policy MP TR1: Tourism and Leisure Developments	The policy relating to tourism and leisure activities and facilities, either alone or in combination with other aspects of the SIRMP could result in AEOI of a European site.	Consultation with NatureScot determined that a generic caveat within overarching policy DEV1 was adequate as specific locations and specific pressures could not be linked. The policy caveat states that ' <i>Proposals must also ensure that there will be no adverse effects on the integrity of a European site or a proposed site.</i> '	General caveat considered appropriate mitigation at plan level. While it is not possible at plan level to reasonably predict the potential effects on the integrity of specific European sites or their features, a project-level HRA will be required for development which may have an LSE. These development level HRAs will provide the detail to establish the effects on specific sites and features and what, if any, mitigation would be required.
Policy MP SA1: Shore Access and Moorings Policy MP MO1: Commercial Moorings	Policies relating to shore access and moorings, either alone or in combination with other aspects of the SIRMP could result in AEOI of a European site	Consultation with NatureScot determined that a generic caveat within overarching policy DEV1 was adequate as specific locations and specific pressures could not be linked. The policy caveat states that ' <i>Proposals must also ensure that there will be no</i>	General caveat considered appropriate mitigation at plan level. While it is not possible at plan level to reasonably predict the potential effects on the integrity of specific European

Policy	Policy Issue	Mitigation measure	Outcome
		<i>adverse effects on the integrity of a European site or a proposed site.'</i>	sites or their features, a project-level HRA will be required for development which may have an LSE. These development level HRAs will provide the detail to establish the effects on specific sites and features and what, if any, mitigation would be required.
Policy MP CBP1: Placement of Electricity and Telecommunications Cables, and Water Pipelines Policy MP CBP2: Sea Outfalls- Placement of New Domestic and Trade Wastewater Pipelines	Policies relating to the placement of cables and pipelines, either alone or in combination with other aspects of the SIRMP could result in AEOI of a European site.	Consultation with NatureScot determined that a generic caveat within overarching policy DEV1 was adequate as specific locations and specific pressures could not be linked. The policy caveat states that ' <i>Proposals must also ensure that there will be no adverse effects on the integrity of a European site or a proposed site.'</i>	General caveat considered appropriate mitigation at plan level. While it is not possible at plan level to reasonably predict the potential effects on the integrity of specific European sites or their features, a project-level HRA will be required for development which may have an LSE. These development level HRAs will provide the detail to establish the effects on specific sites

Policy	Policy Issue	Mitigation measure	Outcome
			and features and what, if any, mitigation would be required.
Policy MP TRANS1: Port and Harbour-related Development	The policy relating to port and harbour related developments, either alone or in combination with other aspects of the SIRMP could result in AEOI of a European site.	Consultation with NatureScot determined that a generic caveat within overarching policy DEV1 was adequate as specific locations and specific pressures could not be linked. The policy caveat states that ' <i>Proposals must also ensure that there will be no adverse effects on the integrity of a European site or a proposed site.</i> '	General caveat considered appropriate mitigation at plan level. While it is not possible at plan level to reasonably predict the potential effects on the integrity of specific European sites or their features, a project-level HRA will be required for development which may have an LSE. These development level HRAs will provide the detail to establish the effects on specific sites and features and what, if any, mitigation would be required.
Policy MP TRANS2: Future Fixed Links/Ferry Terminals	The policy relating to future fixed links/ferry terminals either alone or in combination with other aspects of the SIRMP could	Discussion with NatureScot led to the application of policy caveat- ' <i>Proposals must consider adverse effects on existing or proposed European sites, including:</i> ' • <i>Yell Sound Coast SAC</i>	Addition of general caveats within this policy and an overarching policy considered appropriate mitigation at plan level.

Policy	Policy Issue	Mitigation measure	Outcome
	result in AEOI of a European site.	<ul style="list-style-type: none"> <i>Sullom Voe SAC</i> <i>Bluemull and Colgrave Sounds SPA</i> <i>East Mainland Coast SPA</i> <p>These European sites were included in the caveat as they are located in areas where fixed links could be proposed.</p> <p>All proposals will also need to comply with the overarching policy DEV 1 which includes policy caveat '<i>Proposals must also ensure that there will be no adverse effects on the integrity of a European site or a proposed site.</i></p>	While it is not possible at plan level to reasonably predict the potential effects on the integrity of specific European sites or their features, a project-level HRA will be required for development which may have an LSE. These development level HRAs will provide the detail to establish the effects on specific sites and features and what, if any, mitigation would be required.
Policy MP CD1: Coastal Defence Construction Policy MP CD2: Coastal Defence Demolition	Policies relating to coastal defence construction and demolition, either alone or in combination with other aspects of the SIRMP could result in AEOI of a European site.	Consultation with NatureScot determined that a generic caveat within overarching policy DEV1 was adequate as specific locations and specific pressures could not be linked. The policy caveat states that ' <i>Proposals must also ensure that there will be no adverse</i>	<p>General caveat considered appropriate mitigation at plan level.</p> <p>While it is not possible at plan level to reasonably predict the potential effects on the integrity of specific European sites or their features, a project-level HRA will be</p>

Policy	Policy Issue	Mitigation measure	Outcome
		<i>effects on the integrity of a European site or a proposed site.'</i>	required for development which may have an LSE. These development level HRAs will provide the detail to establish the effects on specific sites and features and what, if any, mitigation would be required.
Policy MP DD1: Dredging and Disposal of Dredged Material	The policy relating to dredging and the disposal of dredge material either alone or in combination with other aspects of the SIRMP could result in AEOI of a European site.	<p>Discussion with NatureScot led to the inclusion of a site-specific application policy caveat as specific dredge disposal locations are known.</p> <p>All proposals will also need to comply with the overarching policy DEV 1 which includes policy caveat '<i>Proposals must also ensure that there will be no adverse effects on the integrity of a European site or a proposed site.</i></p>	<p>Addition of a specific policy caveat in this policy and a general caveat in an overarching policy considered appropriate mitigation at plan level.</p> <p>While it is not possible at plan level to reasonably predict the potential effects on the integrity of specific European sites or their features, a project-level HRA will be required for development which may have an LSE. These development level HRAs will provide the detail to establish the effects on specific sites</p>

Shetland Islands Regional Marine Plan- HRA

Policy	Policy Issue	Mitigation measure	Outcome
			and features and what, if any, mitigation would be required.

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. The latter has previously been assessed at [Stage 5](#).

After the application of mitigation measures in the form of policy caveats detailed in Table 8, it is believed that there will be no-in combination effects between the policies within the SIRMP.

Record of Outcome

The application of mitigation measures in the form of case specific policy caveats and the inclusion of a policy caveat within overarching policy DEV1 are considered adequate to ensure that at plan level, the policies within the SIRMP will not result in any AEOI of any European site. It is also concluded that reasonable and effective mitigation measures can be relied upon at the project stage to ensure no AEOI. Conclusion

Shetland UHI and Shetland Islands Council as the delegates for the Shetland Islands Regional Marine Plan conclude that it can be ascertained, as evidenced in Table 8 and Appendix A within this Habitat Regulations Appraisal, that adoption of the SIRMP with the application of suitable policy caveats and the need for LSE to be assessed at project level, the SIRMP will have no AEOI of a European site.

Appendix A- SIRMP Policy Screening

Policy	Comments
Section A- Clean and Safe	
<p>Policy MP WAT1: Water Ecology</p> <p>Proposals for marine development and use should consider the likely effects, including cumulative effects, on water quality and the benthic environment.</p> <p>Proposals should not cause any waterbody to deteriorate in quality or ecological status*, nor prevent the achievement of established objectives set out in the Scotland River Basin Management Plan.</p> <p>Where there is a significant risk that relevant objectives** will not be achieved, applicants may be required to identify how the proposal will contribute to achieving relevant objectives to improve the chemical and ecological status of coastal water bodies.</p> <p>* Aquatic Classification Scottish Environment Protection Agency (SEPA)</p> <p>**objectives are detailed in the relevant 'River Basin Management Plan' for Scotland and available to view via the Water Environment Hub (sepa.org.uk)</p>	<p>This policy is general in nature. It does not direct activities to a particular location or require 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: 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)</p>	<p>This policy is general in nature. It does not direct activities to a particular location or require 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>

Policy	Comments
<p>Proposals for marine development and use should consider the potential risks of introducing or spreading INNS, having regard to the Scottish Government's Non-native Species: Code of Practice.</p> <p>Where there is a risk of proposals establishing new pathways for the spread of INNS, applicants should identify relevant measures to reduce these risks. The assessment and identification of these risks and relevant measures could be set out in a biosecurity plan.</p> <p>Particular risks may occur when moving equipment, boats or aquatic animals (e.g. fish and shellfish), introducing structures suitable for settlement of aquatic INNS or which facilitate the movement of terrestrial INNS, including to islands.</p> <p>Proposals in areas where INNS are known to exist should seek to minimise the risk of further spread or reintroduction.</p> <p>Applicants should refer to the associated SIRMP Guidance on Marine Biosecurity.</p>	
<p>Policy MP LITT1: Waste Minimisation</p> <p>Proposals for marine development and use should consider measures to safely dispose of waste material and debris associated with the relevant construction, operational and decommissioning stages. The production of waste should be minimised as far as possible through consideration of the waste hierarchy (reduce, reuse or recycle) and disposal of any waste must only be through the use of appropriate licensed facilities.</p>	<p>This policy is general in nature. It does not direct activities to a particular location or require 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>

Policy	Comments
<p>Applicants may be required to provide a waste minimisation and management plan documenting a strategy proportionate to the scale and nature of the proposal.</p> <p>Applicants should refer to the associated SIRMP guidance on Waste Minimisation and Management.</p>	
<p>Policy MP NOISE1: Minimising Levels of Noise and Vibration Including Underwater Noise and Vibration</p> <p>Proposals for marine development and use should consider the effects of man-made surface and underwater noise and vibration on the marine environment, species, and people, including the potential cumulative effects. Proposals should avoid significant adverse effects of man-made noise and vibration, especially on species sensitive to such effects.</p> <p>Where significant adverse impacts are identified, applicants may be required to:</p> <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 relevant stages of the development (construction, operation, decommissioning); and b) identify mitigation measures to minimise the adverse impacts associated with the duration and level of noise and vibration activity. 	<p>This policy is general in nature. It does not direct activities to a particular location or require 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>

Policy	Comments
Where this includes a European Protected Species (EPS) note that an EPS Licence may be required. Consideration of impacts on Priority Marine Features (PMFs) may also be required.	
<p>MP PORT1: Harbour Plans</p> <p>Proposals for marine development and use within a designated harbour area should consider 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. Sullom Voe Harbour is designated an SAC and the Sullom Voe Area Master Plan has undertaken an HRA.</p> <p>As this policy is general in nature it has been <u>screened out under screening step 1</u>.</p>
<p>Policy MP SHIP1: Safeguarding Navigation Channels and Port Areas</p> <p>Proposals for marine development and use should consider safety and navigation impacts on other marine users.</p> <p>Applicants may be required to demonstrate the proposal will not have an adverse impact on the efficient and safe movement or navigation of shipping to and from ports, harbours, marinas and anchorages or the long-term operational capacity of a ferry operation. Where shipping may be displaced, applicants may be required to quantify and consider the impacts of increased fuel use.</p> <p>Proposals which have the potential to restrict identified future expansion of important ports and harbours (e.g. as identified within a local development plan or masterplan) may be refused.</p>	<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>

Policy	Comments
<p>Policy MP SHIP2: Marine Environmental High Risk Areas (MEHRAs)</p> <p>Proposals for marine development and use 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</p> <p>Proposals for marine development and use must comply with statutory exclusion zones around oil and gas platforms, well heads and associated pipelines.</p> <p>Additionally, where development is within a 250m zone either side of utility cables (telecommunications, electricity or water supply) or pipelines, developers should have be aware of the possible requirement for proximity agreements.</p>	<p>This policy provides the criteria for considering the effects of development and use 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</p> <p>Proposals for marine development and use should consider climate change mitigation.</p> <p>Applicants may be required to provide supporting information on how the following has been assessed and minimised:</p> <ol style="list-style-type: none"> resource use; energy use; and greenhouse gas emissions. <p>Applicants should refer to the associated SIRMP Guidance on Climate Change Mitigation and Adaptation.</p>	<p>This policy is general in nature. It does not direct activities to a particular location or require 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>

Policy	Comments
Applicants should consider adverse impacts on habitats which act as a carbon sink, or which protect against coastal erosion, and how these may be mitigated.	
<p>Policy MP CLIM2: Climate Change Adaptation</p> <p>Proposals for marine development and use should consider the current and future risks of climate change on siting, design, and operation over the lifetime of the development and how these can be minimised.</p> <p>Applicants may be required to provide supporting information demonstrating that risks have been considered and minimised and should refer to the associated SIRMP Guidance on Climate Change Mitigation and Adaptation.</p>	This policy is general in nature. It does not direct activities to a particular location or require 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>
Section B- Healthy and Diverse	
<p>Policy BIOD1: Protected sites and species</p> <p>Proposals for marine development and use must comply with all legal requirements for protected areas and protected species, and should consider potential direct and indirect effects, including disturbance and any cumulative impacts.</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 require them to be carried out in a particular way, it is therefore <u>screened out under screening step 1.</u>
<p>Internationally designated sites</p> <p>Proposals that may affect a European site (Special Area of Conservation and Special Protection Areas) must comply with the relevant legislation and will only be supported where they meet the relevant statutory tests.</p>	

Policy	Comments
<p>All Ramsar sites are also European sites and/or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.</p> <p>Nationally designated sites</p> <p>Proposals that could affect a Nature Conservation MPA or Demonstration and Research MPAs must comply with the relevant legislation for these protected areas.</p> <p>Proposals that could affect a SSSI or National Nature Reserve must comply with the relevant legislation for these protected areas.</p> <p>Seal Haul-Out Sites</p> <p>Proposals that could affect a designated seal haul-out site should consider how they will avoid harassment of seals. Applicants should have regard to the 'Harassment at Seal Haul-Out Sites: Guidance'.</p> <p>Local Nature Conservation Sites</p> <p>Proposals that could affect a site designated as a Local Nature Conservation Site (LNCS) should have regard to the Shetland Islands Council Local Development Plan and its Supplementary Guidance on LNCS.</p> <p>Protected Species</p> <p>Proposals for marine development or use that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests.</p>	

Policy	Comments
<p>If there is reasonable evidence to suggest that a protected species is present, or may be affected by a proposal, steps must be taken to establish their presence. Applicants should consider within the planning and design of the proposal the level of protection afforded by legislation and should fully consider any impacts to protected species.</p>	
<p>Policy MP BIOD2: Priority Marine Features Proposals must not result in significant negative impacts on the national status of Priority Marine Features (PMFs). Applicants should consider mitigation measures, including alternative locations, where potential adverse impacts on PMFs are identified. Where relevant, applicants should consider if impacts will affect the status of PMFs in Shetland</p>	<p>This policy sets out clear requirements regarding planning and decision-making. It does not direct activities to a particular location or require 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 BIOD3: Local Habitat Protected Areas Proposals for marine development and use should consider potential impacts on SSMO closed areas*. Where a proposal may have an adverse direct or indirect effect on the priority marine features protected within an SSMO closed area, applicants may be required to demonstrate:</p> <ol style="list-style-type: none"> <li data-bbox="265 1029 1185 1097">a) that there will be no adverse effects on the national status of the PMF, or the status of the PMF in Shetland; or <li data-bbox="265 1108 1185 1176">b) there are no reasonable alternatives or less ecologically damaging locations; and <li data-bbox="265 1187 1185 1256">c) mitigation measures to minimise the impacts on the priority marine features have been considered. <p>*Those which were in place by December 2019</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>

Policy	Comments
<p>Policy MP BIOD4: Furthering the Conservation of Biodiversity</p> <p>Development and use of the marine environment must protect and, where appropriate, enhance the health of Shetland's marine area.</p> <p>Where proposals may have a significant adverse effect on biodiversity or the ecosystem services of biodiversity, including any cumulative impact, the applicant should further consider measures to avoid, minimise, or mitigate, any harm or disturbance to the ecosystem services, continuity, and integrity of the habitats or species affected.</p> <p>Applicants should consider impacts on areas which are important to all aspects of a species' life cycle including locations used for breeding, nesting, resting, foraging and seasonal use, including overwintering.</p>	<p>This policy is general in nature. It does not direct activities to a particular location or require 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 GEOD1: Safeguarding Marine Geodiversity</p> <p>Proposals for marine development and use should consider potential impacts on geodiversity and appropriate measures to protect or enhance marine and coastal geological and geomorphological resources and sites. This includes the protected geological features of SSSIs and MPAs, Geological Conservation Review sites, and Geosites identified by Geopark Shetland for their educational or research value.</p> <p>Where proposals would have an unavoidable adverse effect on marine geodiversity, applicants should consider recording the affected geodiversity and identifying mitigation measures to reduce marine geodiversity loss.</p>	<p>This policy is general in nature. It does not direct activities to a particular location or require 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>

Policy	Comments
<p>Policy MP VIS1: Safeguarding National Scenic Areas (NSAs)</p> <p>Proposals for marine development and use should consider the potential impacts on the Shetland National Scenic Area (NSA).</p> <p>Proposals should only be permitted where:</p> <ul style="list-style-type: none"> a) the proposal will not adversely affect the integrity of the area or its special qualities for which it has been designated, or b) any such adverse effects are clearly outweighed by social, environmental, or economic benefits of national importance. 	<p>This policy is general in nature. It does not direct activities to a particular location or require 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 Seascapes Character and Visual Amenity</p> <p>Proposals for marine development and use should consider the potential impacts on landscape, seascape, and visual amenity and should seek to minimise adverse impacts through careful planning and design. This could include consideration of:</p> <ul style="list-style-type: none"> a) how the proposal takes into account the existing character and quality of the local landscape/seascape; how highly it is valued; and its capacity to accommodate change specific to any development 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 proposed can be accommodated within particular landscape and seascape types. 	<p>This policy is general in nature. It does not direct activities to a particular location or require 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 HIS1: Historic Marine Protected Areas</p> <p>Proposals for marine development and use should consider potential impacts on Historic MPAs and the objectives of the designated site.</p>	<p>This policy is general in nature. It does not direct activities to a particular location or require them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not</p>

Policy	Comments
<p>Where proposals are within or adjacent to the boundaries of any Historic MPA, the applicant will be required to demonstrate, to the satisfaction of the consenting authority with advice from Historic Environment Scotland:</p> <ul style="list-style-type: none"> a) that the applicant has considered the preservation objectives of the designated site and there will be no adverse direct or indirect effects on the objectives of the Historic MPA; b) an assessment of the likely impacts of the proposal on hydrodynamic processes and seabed biology/water chemistry over the protected area; and, where appropriate, an archaeological mitigation strategy to minimise any potential impacts. <p>Applicants may be required to arrange for appropriate archaeological investigation, at their own expense to take place prior to the commencement of work, in consultation with the local planning authority (and the Regional Archaeology Service) and Historic Environment Scotland where appropriate.</p>	<p>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</p> <p>Proposals for marine development and use should protect and, where appropriate, enhance nationally important heritage assets in a manner proportionate to their significance.</p> <p>Proposals must not result in direct or significant adverse impacts on scheduled monuments or their setting unless exceptional circumstances</p>	<p>This policy is general in nature. It does not direct activities to a particular location or require 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>

Policy	Comments
<p>have been demonstrated and impacts on the monument, or its setting, have been minimised.</p> <p>For all other nationally important heritage assets, where detrimental impact on the heritage asset and/or its setting is demonstrated to be justified and unavoidable, suitable mitigating actions should be identified by the applicant in agreement with the relevant regulator and advisors.</p> <p>If archaeological discoveries are made during marine development and use, there may be a requirement for a professional archaeologist to be granted access to inspect and record them.</p>	
<p>Policy MP HIS3: Safeguarding Locally Important Heritage Assets</p> <p>All other archaeological resources should be preserved in situ wherever feasible. Where preservation in situ is not possible, applicants should consider the need for appropriate archaeological excavation, recording, analysis, publication and archiving in advance of and/or during development.</p> <p>Where proposals for marine development are within the vicinity of heritage assets, applicants should consider how the proposal design respects the original structure in terms of design, scale and, where appropriate, setting.</p>	<p>This policy is general in nature. It does not direct activities to a particular location or require 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</p> <p>Proposals for marine development and use should consider the social impact on the local community.</p>	<p>This policy is general in nature. It does not direct activities to a particular location or require them to be carried out in a particular way. Nor is it linked to a European site. In consequence, it will not</p>

Policy	Comments
<p>Where adverse social impacts may occur, applicants should consider:</p> <ul style="list-style-type: none"> a) alternative locations for the proposed type of development and/or use; b) identifying necessary mitigation measures; c) engagement with local stakeholders, community councils, groups and other marine and coastal users; d) detailing how impacts have been assessed and considered in a manner proportionate to the scale of the development; and e) how the proposal aligns with local economic priorities and contributes to local or regional community wealth building strategies. 	<p>affect a European site and can therefore be <u>screened out under screening step 1.</u></p>
<p>Policy MP REC1: Safeguarding Marine Recreation</p> <p>Proposals for marine development and use should consider potential impacts on marine recreation, including how the proposal could safeguard marine recreation by avoiding or mitigating the reduction or loss of amenity.</p> <p>Proposals should consider how continued access rights to the marine and coastal resource for recreational use can be maintained, with any necessary changes to land access to be determined through the planning process. Opportunities for co-existence should be fully considered.</p>	<p>This policy is general in nature. It does not direct activities to a particular location or require 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>
Section C- Productive	
<p>Policy MP DEV1: Marine Developments</p> <p>Proposals for ALL marine development and use should consider relevant policies in Sections A and B. In Section C, specific consideration should be</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</p>

Policy	Comments
<p>given to MP DEV1-3 and MP FISH1, in addition to the relevant sector specific policies. Applicants should be prepared to provide supporting information to allow assessment of potential impacts.</p> <p>Proposals must also ensure that there will be no adverse effects on the integrity of a European site or a proposed site.*</p> <p>Applicants for marine development and use should consider:</p> <ul style="list-style-type: none"> a) engaging in pre-application and early discussions with the relevant consenting authorities and regulators, any adjacent marine users, and local community councils where appropriate; b) the compatibility of the proposal with existing marine uses, including existing and consented development and use, and measures to minimise conflict and any adverse impacts; c) co-existence with other uses through the design and location of the proposal in order to maximise the efficient use of marine spaces; d) the cumulative impact of the proposal either by itself over time or in conjunction with other marine development and use; and e) adverse impacts on coastal processes or flooding, and the resilience of the proposal to coastal change and flooding. <p>*See Habitats Regulations Appraisal within the Context section for further information on the regulatory context</p>	<p>require them to be carried out in a particular way, it is therefore <u>screened out under screening step 1.</u></p>
<p>MP DEV2: Decommissioning of Assets</p> <p>Proposals for marine development and use should, where relevant, consider the decommissioning requirements of the development to</p>	<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</p>

Policy	Comments
<p>ensure the removal of redundant infrastructure. The re-use of decommissioned assets should be considered and is encouraged where practicable.</p> <p>Applicants should consider, and could include within a decommissioning plan:</p> <ul style="list-style-type: none"> a) the proposed decommissioning measures; b) the methods by which work will be carried out; and c) the timescales for the carrying out and completion of the work. <p>Applicants should refer to the associated SIRMP Guidance on Decommissioning.</p>	<p>consequence, it will not affect a European site and can therefore be <u>screened out under screening step 1.</u></p>
<p>MP DEV3: Development Restricted Areas</p> <p>Policy DEV3 is split into two parts based on the type of development or use being proposed:</p> <p>Part 1- Finfish and Shellfish Aquaculture</p> <p>Finfish and Shellfish aquaculture development should have regard to Policy G4 of the Shetland Islands Council's Supplementary Guidance on Aquaculture (2017), which sets out development restricted areas, and where relevant the Sullom Voe Harbour Area Masterplan (2022) which identifies Potential Development Zones for development in the Yell Sound area.</p> <p>The Supplementary Guidance on Aquaculture (2017) sets out that there is a general presumption against finfish and shellfish aquaculture development in the following identified areas:</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>

Policy	Comments
<ul style="list-style-type: none"> (a) Fish farming will not as a matter of policy be permitted anywhere within the Sullom Voe Harbour Area (as defined in the Sullom Voe Harbour Revision Order 1980) for as long as its primary purpose is to accommodate vessels engaged in the carriage of hydrocarbons or other dangerous substances;* (b) No aquaculture developments will be permitted in Whiteness Voe north of a line between Usta Ness and Grutwick or the upper part of Weisdale Voe between the Taing of Haggersta and Vedri Geo for environmental and visual reasons; (c) No further new aquaculture developments will be permitted in Busta Voe north of a line drawn between Hevden Ness, Mainland and Green Taing, Muckle Roe as a matter of policy, and variations to existing sites north of this line should not result in either an increase in site size, a change in site location or an increase in environmental or visual impact for recreational and environmental reasons. 	

Part 2- Other Marine Development

There should be a general presumption against proposals for other types of marine development and use in the following areas:

- a) Whiteness Voe, north of a line between Usta Ness and Grutwick, where they: reduce visual amenity, or adversely impact protected habitats and species.
- b) Weisdale Voe, between the Taing of Haggersta and Vedri Geo, where they: reduce visual amenity.
- c) Busta Voe, north of a line between Hevden Ness and Grain Taing, where they: restrict recreational opportunity, reduce visual amenity or adversely impact protected habitats and species.

Policy	Comments
<p>* The Sullom Voe Harbour Area Masterplan was adopted by Shetland Islands Council as non-statutory planning guidance in March 2022. It identifies Potential Development Zones which could suit a range of potential uses, including aquaculture (fish farming), seaweed farming and renewable energy development. The Masterplan will be a material consideration in planning and works licence decisions taken by Shetland Islands Council for development in this area.</p>	
<p>Policy MP FISH1: Safeguarding Fishing Opportunities</p> <p>Proposals for marine development and use should consider potential impacts on fisheries and associated communities and how the proposal could safeguard fisheries by avoiding or mitigating:</p> <ul style="list-style-type: none"> a) significant negative impacts to important fishing areas;* b) permanent significant obstruction to important fishing areas unless there are no reasonable alternatives; c) significant adverse environmental impacts to known/designated spawning or nursery areas, or habitats or species which are important for commercially important species of fish; and d) the creation of navigational hazards to commercial fishermen. <p>Proposals should further recognise the cultural importance of fishing, particularly for vulnerable coastal communities, and should consider any adverse impacts on fishing areas important for those communities.</p>	<p>This policy provides the criteria for considering the effects of marine development and use 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 on habitats and species more generally. The criteria are 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>

Policy	Comments
<p>*Fishing areas may be 'important' in relation to the species caught, gear(s) used, the size or type of fishing vessels that operate in the area, and/or the communities where those vessels are based.</p>	
<p>Policy MP AQ1: Aquaculture - Key Conditions Applicants for finfish and shellfish aquaculture development should have regard to:</p> <ul style="list-style-type: none"> a) Shetland Islands Council's Local Development Plan, including Supplementary Guidance – Aquaculture; b) NPF4 Policy 32 (Aquaculture); and where relevant; c) the Sullom Voe Harbour Area Masterplan; and d) any Marine Directorate- Licensing and Operations Team or SEPA licensing requirements and guidance. <p>In addition to MP DEV1, applicants should consider MP AQ2 and MP AQ3 where relevant.</p>	<p>This policy has been <u>screened in</u> to the appraisal under <u>screening step 1</u>. Mitigation has been applied in the form of a policy caveat within Policy MP DEV1 which must be adhered to by all marine development and use proposals. After re-assessment it is considered there will be no LSE from this policy.</p>
<p>Policy MP AQ2: Fish farm Management Agreements Applicants for finfish aquaculture developments are encouraged to seek agreement with other operators in the area to reduce the potential for disease transmission, increase fish welfare, or control and manage sea lice numbers.</p> <p>This can be achieved through a Farm Management Agreement (FMA), an Area Management Agreement (AMA) or a Farm Management Statement (FMS) which;</p>	<p>This policy is general in nature. It does not direct activities to a particular location or require 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>

Policy	Comments
<ul style="list-style-type: none"> 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>Policy MP AQ3: Aquaculture Development Management Plans</p> <p>Proposals for aquaculture developments should give consideration to any relevant area-wide Aquaculture Development Management Plans.</p> <p>Area-wide Aquaculture Development Management Plan proposals should aim to:</p> <ul style="list-style-type: none"> a) consider separation distance between developments; b) reduce overall environmental impacts and/or reduce potential impact on protected species or habitats; c) safeguard or improve fishing opportunities; and d) produce community benefits i.e. reduced visual impact, noise or impact on recreation/access; and e) increase socio-economic benefit i.e. from job creation or increased economic viability. 	<p>This policy has been <u>screened in</u> to the appraisal under <u>screening step 1</u>. Mitigation has been applied in the form of a policy caveat within Policy MP DEV1 which must be adhered to by all marine development and use proposals. After re-assessment it is considered there will be no LSE from this policy.</p>
<p>Policy MP SWD1: Seaweed Cultivation</p> <p>Applicants for the development of a seaweed cultivation site should have regard to the Scottish Government's Seaweed Cultivation Policy Statement.</p> <p>Proposals should only cultivate seaweed species native to Shetland and should identify biosecurity measures where relevant. The artificial enrichment of the marine environment to aid production should be</p>	<p>This policy has been <u>screened in</u> to the appraisal under <u>screening step 1</u>. Mitigation has been applied in the form of a policy caveat within Policy MP DEV1 which must be adhered to by all marine development and use proposals. After re-assessment it is considered there will be no LSE from this policy.</p>

Policy	Comments
avoided. Where relevant, applicants should consider how the proposal contributes towards integrated multi-trophic aquaculture.	
<p>Policy MP NRG1: Renewable Energy Development Proposals</p> <p>Proposals for renewable energy development should consider potential impacts to the safety or amenity of any sensitive receptors. Applicants should further consider:</p> <ul style="list-style-type: none"> a) how the proposal contributes to regional or local community wealth building strategies; b) how the proposal aligns with the Shetland Islands Council Energy Development Principles; c) any associated infrastructure required to service the site including connections to the electricity grid if relevant; d) an appropriate monitoring programme specific to the design, scale, and type of development; and e) any relevant sectoral marine plans and associated regional locational guidance to identify areas of low known constraint. 	This policy has been <u>screened in</u> to the appraisal under <u>screening step 1</u> . Mitigation has been applied in the form of a policy caveat within Policy MP DEV1 which must be adhered to by all marine development and use proposals. After re-assessment it is considered there will be no LSE from this policy.
<p>Policy MP EX1: Extraction of Sand, Gravel and Shingle</p> <p>Proposals for the extraction of sand, gravel or shingle from below the Mean High Water Spring (MHWS), including coastal quarrying, should consider whether sand/gravel extraction is an essential part of the proposed project. Applicants should consider the use of alternatives, including:</p> <ul style="list-style-type: none"> a) alternative sources (both within and outside Shetland - bearing in mind the most sustainable option may actually be sourced material from outside Shetland); 	This policy has been <u>screened in</u> to the appraisal under <u>screening step 1</u> . Mitigation has been applied in the form of a policy caveat within Policy MP DEV1 which must be adhered to by all marine development and use proposals. After re-assessment it is considered there will be no LSE from this policy.

Policy	Comments
<p>b) alternative materials, such as recyclate or secondary aggregate; c) using dredged material.</p> <p>Where extraction operations are proposed, the physical effects of the operation and its implications for coastal erosion should be considered.</p>	
<p>Policy MP TR1: Tourism and Leisure Developments</p> <p>Proposals for marine-related tourism and leisure development and use should consider how they can promote employment opportunities, community benefits, community wealth building, and rural diversification in a sustainable manner.</p> <p>Proposals should consider the potential for sharing and enhancing existing infrastructure with other marine users.</p>	<p>This policy has been <u>screened in</u> to the appraisal under <u>screening step 1</u>. Mitigation has been applied in the form of a policy caveat within Policy MP DEV1 which must be adhered to by all marine development and use proposals. After re-assessment it is considered there will be no LSE from this policy.</p>
<p>Policy MP SA1: Shore Access and Moorings</p> <p>Proposals for shore access developments and/or moorings should consider:</p> <ul style="list-style-type: none"> a) the impact of increased access and traffic at sea and on land b) the implications for existing users and planned future use; and c) the likelihood of increasing erosion or tidal inundation. <p>Proposals should consider identifying relevant mitigation measures to address these impacts.</p> <p>Shore development proposals are encouraged in locations where activity already exists. The mooring of individual boats is encouraged at designated marinas and ports.</p>	<p>This policy has been <u>screened in</u> to the appraisal under <u>screening step 1</u>. Mitigation has been applied in the form of a policy caveat within Policy MP DEV1 which must be adhered to by all marine development and use proposals. After re-assessment it is considered there will be no LSE from this policy.</p>

Policy	Comments
<p>Policy MP CBP1: Placement of Electricity and Telecommunications Cables, and Water Pipelines</p> <p>Proposals for the laying or replacing of electricity and telecommunication cables, and water pipelines should consider seasonal sensitivities for marine habitats and species and impacts on landing points and existing land use.</p> <p>Where possible, cables and pipelines should use existing routes and landing points or identified cable corridors.</p>	<p>This policy has been <u>screened in</u> to the appraisal under <u>screening step 1</u>. Mitigation has been applied in the form of a policy caveat within Policy MP DEV1 which must be adhered to by all marine development and use proposals. After re-assessment it is considered there will be no LSE from this policy.</p>
<p>Policy MP CBP2: Sea Outfalls- Placement of New Domestic and Trade Wastewater Pipelines</p> <p>Proposals that require a works licence from the Shetland Islands Council for the laying of new wastewater pipelines with sea outfalls may be required to demonstrate to the Shetland Islands Council that:</p> <ul style="list-style-type: none"> a) there are no practicable alternatives: <ul style="list-style-type: none"> i. a public wastewater system is not already present; ii. a suitable soakaway is unachievable; b) the seaward end of the pipe will be sited well below the MLWS; and c) there will be no adverse impact on any other marine structure or development. 	<p>This policy has been <u>screened in</u> to the appraisal under <u>screening step 1</u>. Mitigation has been applied in the form of a policy caveat within Policy MP DEV1 which must be adhered to by all marine development and use proposals. 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 should consult with the appropriate harbour authority, regulatory or advisory body and should further consider:</p>	<p>This policy has been <u>screened in</u> to the appraisal under <u>screening step 1</u>. Mitigation has been applied in the form of a policy caveat within Policy MP DEV1 which must be adhered to by all marine</p>

Policy	Comments
<ul style="list-style-type: none"> a) if the need can be met by existing moorings or infrastructure; b) if there are other practical alternatives, such as the potential for sharing and enhancing existing infrastructure with other marine users; c) the implications for other marine users and planned future use. 	<p>development and use proposals. After re-assessment it is considered there will be no LSE from this policy.</p>
<p>Policy MP CD1: Coastal Defence Construction</p> <p>Proposals for the construction of flooding or coastal defence developments which may require a Marine Licence or Works Licence should consider:</p> <ul style="list-style-type: none"> a) The consistency of the proposal with relevant coastal plans; b) Using nature-based solutions that allow for managed future coastal change wherever practicable; and c) How any in-perpetuity hard defence measures can be demonstrated to be necessary to protect essential assets. <p>Applicants should have regard to the relevant policies within the NPF4 and should further consider:</p> <ul style="list-style-type: none"> a) relocation options for the threatened infrastructure or development; b) the risks and impacts of construction to ecological characteristics, landscape character or popular coastal views and how these features can be retained or enhanced through design; and c) the wider implications of exacerbating flooding or coastal erosion, and mitigating potential impacts. 	<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 within Policy MP DEV1 which must be adhered to by all marine development and use proposals. After re-assessment it is considered there will be no LSE from this policy.</p>
<p>Policy MP CD2: Coastal Defence Demolition</p> <p>Proposals for the demolition of coastal defences should consider potential impacts on the natural and built environment, coastal</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 within Policy MP DEV1 which must be adhered to by all marine</p>

Policy	Comments
<p>processes, and climate change related risks and impacts including those associated with sea level rise projections.</p> <p>Applicants should further consider:</p> <ul style="list-style-type: none"> a) the historic value of the structure in its surroundings; b) the potential to re-use the material; c) implications for reinstatement; and d) the value of the structure to species and habitats, such as providing a substrate for an important rocky shore habitat, or shelter for European otters. 	<p>development and use proposals. After re-assessment it is considered there will be no LSE from this policy.</p>
<p>Policy MP TRANS1: Port and Harbour-related Development</p> <p>Proposals for port and harbour-related development and use should consider potential adverse impacts on the natural and built environment, coastal processes, and climate change related risks and impacts including those associated with sea level rise projections.</p> <p>In addition to MP DEV1, proposals should consider MP CD1 and MPDD1 where relevant.</p>	<p>This policy has been <u>screened in</u> to the appraisal under <u>screening step 1</u>. Mitigation has been applied in the form of a policy caveat within Policy MP DEV1 which must be adhered to by all marine development and use proposals. After re-assessment it is considered there will be no LSE from this policy.</p>
<p>Policy MP TRANS2: Future Fixed Links/Ferry Terminals</p> <p>Proposals for the construction of fixed-link developments and new ferry terminals should consider potential adverse impacts on the natural and built environment, coastal processes, and climate change related risks and impacts including those associated with sea level rise projections.</p> <p>In addition to MP DEV1, proposals should consider MP CD1 and MP DD1 where relevant.</p>	<p>This policy have been <u>screened in</u> to the appraisal under <u>screening step 1</u>. Mitigation has been applied in the form of a policy caveat within this policy to consider adverse impacts to specific European sites where fixed link/ferry terminals are in or adjacent to them. There is also a policy caveat within Policy MP DEV1 which must be adhered to by all marine development and use proposals. After re-assessment it is considered there will be no LSE from this policy.</p>

Policy	Comments
<p>Proposals must consider adverse effects on existing or proposed European sites, including:</p> <ul style="list-style-type: none"> • Yell Sound Coast SAC • Sullom Voe SAC • Bluemull and Colgrave Sounds SPA • East Mainland Coast SPA 	
<p>Policy MP DD1: Dredging and Disposal of Dredged Material</p> <p>Proposals for the dredging and deposit of dredged material should consider:</p> <ol style="list-style-type: none"> a) the use of recognised marine deposit sites where possible; b) assessing the suitability of the dredge material for sea deposit including contamination levels; and c) the level of impact from suspension of materials and disturbance to the seabed. <p>Proposals must consider adverse effects on existing or proposed European sites. Existing deposit sites in or adjacent to European sites include:</p> <ul style="list-style-type: none"> • Ulsta or Samphrey – the Yell Coast SAC or East Mainland Coast SPA • Foula - Foula SPA or Seas off Foula SPA • Bluemull Sound - Bluemull and Colgrave Sound SPA • Lerwick Harbour area - East Mainland Coast SPA 	<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 within this policy to consider adverse impacts to specific European sites where existing deposit sites are in or adjacent to them. There is also a policy caveat within Policy MP DEV1 which must be adhered to by all marine development and use proposals. After re-assessment it is considered there will be no LSE from this policy.</p>