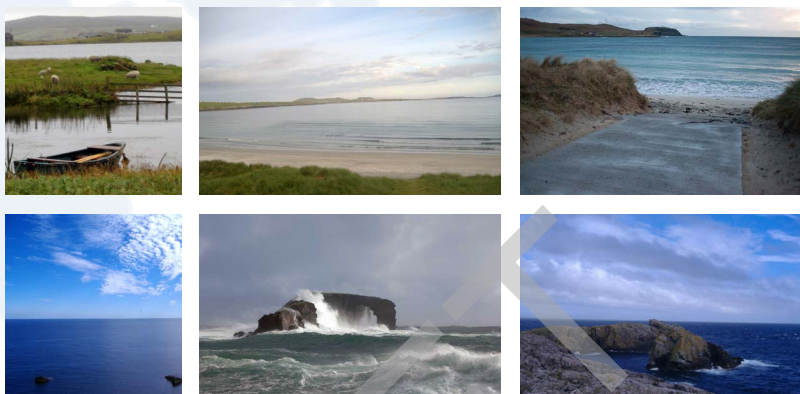


Habitats Regulations Assessment (HRA) - Screening Report

Shetland

Local Development Plan 2012



Shetland Islands Council

**Shetland Islands Council Local Development Plan
Habitats Regulations Assessment (HRA) – Screening Report
4 October 2012**



Shetland
Islands Council

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Introduction

Background

Shetland Islands Council is required to undertake a Habitats Regulations Assessment Screening of its emerging Local Development Plan. The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora Fauna (the Habitats Directive) protects habitats and species of European nature conservation importance. The Directive establishes a network of internationally important sites that are designated for their ecological status. These sites are often referred to as Natura 2000 (N2K) sites or European sites, and they comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). International Ramsar sites (wetlands) are given equal status in Scotland. Candidate SACs are also treated as if they are fully designated sites. SPAs are classified under the Council Directive 79/409/EEC on the Conservation of Wild Birds. Articles 6 (3) and 6 (4) of the Habitats Directive require appropriate assessment (AA) to be undertaken on proposed plans or projects that are likely to have a significant effect on one or more European sites, either individually or in combination with other plans and projects. This requirement was transposed into UK and Scottish Law in 2007. In Scotland this procedure is applied through The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and is known as the 'Habitats Regulations appraisal' of plans.

The HRA process should begin early in the development plan process and it is for the Council to decide what level of assessment is appropriate for the plan being considered. The assessment must determine whether or not a plan will adversely affect the integrity of European sites. Where negative effects are identified, the process should consider alternatives to the proposed actions and explore mitigation opportunities. If it is impossible to avoid or remove the perceived adverse effect, the Council must demonstrate, under the conditions of regulation 85(C) of the Habitats Regulations, that there are imperative reasons of overriding public interest (IROPI) to continue with the proposed plan or action. This is widely perceived as an undesirable position and should be avoided if at all possible. Depending on the outcome of the HRA screening stage, the Council may need to progress to an appropriate assessment and amend the plan to eliminate or reduce potentially damaging effects on a European Site.

Relationship between SEA and Habitats Regulations Assessment (HRA)

Section 5 (3) b of the Environmental Assessment (Scotland) Act 2005 requires SEA to be undertaken of any plans which, in view of the likely effects on Natura 2000 designated sites, has been determined to require an assessment pursuant to Articles 6 and 7 of the Directive 92/43/EEC (the Habitats Directive). The SEA Directive allows for a combined procedure to be

undertaken to fulfil the requirements of both the SEA Directive and The Habitats Directive however both have a different focus and requirements.

Habitats Regulations Assessment (HRA) Process

HRA is a recognised step-by-step process which helps to determine likely significant effects and (where appropriate) assess adverse impacts on the integrity of a European site, examines alternatives and provides justification for imperative reasons of over-riding public interest (IROPI). Scottish Natural Heritage (SNH) has produced detailed specific guidance called Habitats Regulations of Plans – guidance for plan-making bodies in Scotland (2010), which sets out the four stages of the process -

www.snh.gov.uk/docs/B698695.pdf

This report is the first stage in the process, known as screening, which is the process of determining whether or not a particular spatial plan requires appropriate assessment (AA) under the Habitats Directive. AA is the second stage and the Screening is not an alternative to AA; it reflects the formal requirement of the Habitats Directive that all plans likely to have a significant effect on a Natura 2000 site (either alone or in-combination) must be subject to AA unless they are directly connected with or necessary to the management of European sites. It should be kept in mind that Screening is not the same as a full AA as it only requires sufficient information to decide if significant effects are not likely.

Significant effects are defined as:

“Any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation objectives of the features for which the site was designated, but excluding trivial or inconsequential effects.”
(English Nature, 1999: Habitats Regulation Guidance Note 3)

Once a decision has been made that an AA is required, it will be necessary for the Council to obtain more detailed information and define more precisely what impacts the AA should cover. This goes much further than screening for significant effects and is similar to the scoping stage of other forms of environmental assessment.

An important aim of the LDP has been to avoid any adverse effect on Natura 2000 sites in Shetland. This screening report will assist the Council in identifying particularly sensitive areas and avoid damaging plan objectives, policies and an unacceptable spatial strategy. By undertaking a screening the Plan can avoid difficult changes in the later stages of the drafting process. This HRA Screening Report is part of the Local Plan SEA process, however it a distinct document that will form an Annex of the SEA Final Environmental Report.

Purpose of the Screening Report

The HRA screening relates specifically and exclusively to the qualifying interests or features of the European sites, their respective conservation objectives and its integrity in relation to its ability to support those objectives. The report addresses the earlier stages of the HRA and documents the initial evidence gathering process and indicates the level of assessment appropriate depending on site interests and the nature of impacts in relation to the LDP. The report will examine 24 European sites within Shetland that need to be considered because they could potentially be affected by the LDP due to their specific environmental sensitivities. The output of the report includes information relating to:

- HRA Process – stages
- Overview of the proposed LDP
- HRA methodology
- Identification of designated European sites in Shetland;
- Identification of the qualifying features for each European site;
- Likely constraints associated with the policies of the Council's settled view of the LDP;
- Potential impacts of the Plan on the European sites;
- Other relevant plans, programmes and strategies
- Those sites that require taking forward to the next stage of the HRA process and those that require no further HRA work;
- Recommendations for amendments will also be made to avoid significant environmental effects on Sites
- A screening statement as to the need, or otherwise, for a full appropriate assessment
- Any further stages, if required.

LDP Vision and Supporting Objectives

The proposed 5-year Plan sets out the development strategy and policies to guide development and land use in Shetland, from adoption in 2013 to its review in 2018. It provides the policy context for directing development to appropriate locations, conserving the natural, built and historic environment and providing a basis for rational and consistent decision-making on planning applications. The Plan has been developed through consultation with stakeholders to produce strategic policies, general policies and a spatial strategy for land allocations and potential development sites.

The proposed Plan will ensure that there is a sustainable approach to development throughout Shetland through the provision and implementation of a land use spatial framework that brings about positive social and economic development for the benefit of Shetland's people, whilst maintaining and enhancing the unique environmental quality. This is reflected in the Plan's vision and supporting objectives outlined below. The overall vision of the LDP is to:

“Work together for a future that is better and brighter. In particular, we aim to create a secure livelihood, look after our stunning environment and care well for our people and our culture” (Shetland Resolution, 2004)

The above vision is consistent with the primary development goals of Scottish Government’s National Planning Framework for Scotland 2 and aligns closely with the objectives of the Council’s Single Outcome Agreement and the strategic vision for the Islands in the Council’s 2008 to 2011 Corporate Plan. In order to achieve this vision land use planning is recognised as having an important role and consequently the following supporting objectives have been adopted in the LDP. The supporting objectives are outlined as follows:

- Enhancing existing communities throughout Shetland by encouraging sustainable economic development to create strong, healthy, vibrant communities where diversity is recognised and celebrated, ensuring they are attractive and inclusive places to live.
- Supporting new and existing sustainable economic opportunities, including employment, housing, transport, communications and community facilities.
- Promoting the efficient and sustainable use of natural resources and material assets such as land, soil, buildings and infrastructure whilst minimising waste.
- Conserving and promoting Shetland’s historic environment and cultural traditions, recognising their contribution to Shetland’s sustainable economic growth, and the quality of life of its people.
- Furthering the conservation of biodiversity and geodiversity throughout Shetland.
- Encouraging new development of good quality, that is environmentally sensitive, accessible to all, utilises sustainable design techniques and low carbon or renewable energy technologies
- Supporting better access across the Islands, in particular supporting sustainable and active transport solutions, such as by foot, cycle and public transport, and enabling people to access services, employment and other opportunities.
- Ensuring policies reflect the Council’s commitment to the Climate Change (Scotland) Act 2009 through encouraging measures to maintain good air quality, reduce carbon emissions and mitigate against or anticipate the effects of global climate change.

Geographic Coverage of the Plan

The Shetland Islands are a group of islands in the North Atlantic Ocean, forming the northern most part of Scotland. The Islands lie some 125 miles northeast of mainland Scotland and cover an area of approximately 550 square miles (1425 km²). Only 16 of the islands are inhabited with Mainland Shetland being the largest. Lerwick is the principal town with the largest population whilst the village of Scalloway , which is the ancient capital of Shetland, is the next largest settlement. The total population of Shetland is about 22,000.

Spatial Strategy for Shetland

Introduction

The planning system has a key role to play in delivering sustainable development and the creation of sustainable, vibrant, mixed communities. Planning decisions should promote development that safeguards and enhances the long-term needs of the economy, society and the environment. To meet the sustainable economic and social needs of Shetland's dispersed settlement pattern the Plan identifies allocated land, sites with development potential and Areas of Best Fit. A function of the LDP is to meet the requirements of the Local Housing Strategy (LHS) in providing a generous and developable land supply for housing. The LDP has identified sufficient land throughout Shetland to meet the requirements of the LHS. The LDP is also required to identify land suitable for other uses such as industry.

Proposed Development Sites and Allocations

Through extensive consultation on the Main Issues Report, Shetland has opted for a developer-led allocation based system. Between March 2010 and November 2011, the 'Call for Sites' process invited developers and landowners to submit potential development sites for consideration.

Sites with Development Potential

Many landowners have come forward with their aspirations for development but without detailed plans. Therefore these areas have been assessed as 'sites with development potential' and will progress to an allocation status through the Action Programme when more detailed proposals are established. 91 sites with development potential were identified.

Areas of Best Fit

In 2004, the Community Planning Board agreed on seven localities for Shetland:

- North Isles
- Whalsay & Skerries
- North Mainland
- West Mainland
- Central
- Lerwick & Bressay
- South Mainland

The localities provide a basis for service planning at a local community level. The Areas of Best Fit (AoBF) have been identified to provide a focus for growth within and adjacent to the largest communities in each locality and the large islands in Shetland, whilst recognising the dispersed settlement pattern of Shetland.

Within Areas of Best Fit amenities such as schools, shops, employment and essential infrastructure are all readily available through a range of transport options; and will support large, medium and small-scale developments. AoBF have been identified as desirable for development because they:

- Can connect to the main sewer
- Are within 800 m (walking distance) of two of the following; convenience store/ post office (only one in any count), GP surgery, primary school, public hall, play park
- No part of any of the Shetland Mainland AoBF is more than 400 metres from a public bus service (either feeder buses or primary routes)
- No part of any AoBF is below the 5m contour or shown on the SEPA flood maps.
- Low likelihood of having significant impacts on biodiversity including European or locally designated nature conservation sites

Each locality has an AoBF and these have been identified as:

- Baltasound
- Mid Yell
- Symbister
- Brae
- Aith
- Scalloway
- Lerwick
- Sandwick

Maps of the AoBF can be seen in Appendices 2 to 9. The AoBF in relation to European sites are shown in the Shetland Map contained in Appendix 10

It should be noted that the creation of an AoBF does not preclude development elsewhere nor does it mean that land must be developed. The purpose of AoBF is to focus development near to existing services and facilities, in order to promote sustainable economic growth thus creating strong vibrant communities throughout Shetland.

Outwith the Areas of Best Fit

The policies and proposals of the Plan seek to balance community and environmental considerations and benefits, enabling opportunities for sustainable development in established settlements outwith AoBF.

Planning applications can still be submitted at any time and will be assessed against the relevant policies. Proposals that do not support, or are remote from, established communities are unlikely to be permitted.

Policies of the LDP

The draft LDP outlines a new local development framework that is consistent with the key principles of national guidance, as well as other plans and programmes. The vision for Shetland is supported by a number of supporting objectives. The Plan also contains various general development policies and topic specific policies with supplementary guidance that sets the planning framework for development proposals. These policies are described in more detail in Appendix 11 as part of the policy screening exercise for significant effects on European sites.

Local Development Plan Implementation Timetable

Compilation of the new Plan commenced in 2008. Progress has been made in achieving the stages and activities outlined in the timetable set out in Appendix 12. The SEA revised Environmental Report will support the proposed LDP that will be placed before Shetland Islands Council in Autumn 2012 for it to consider adopting as its settled view that would thereafter be made available for representations. This report will be an appendix of the revised Environmental Report.

Methodology

The methodology and approach used in this screening process is based on currently available and emerging practice. Guidance on Habitats Regulations Assessment was produced by SNH in August 2010, however other organisations such as the Scottish Government, Welsh Assembly Government, Infrastructure Planning Commission, Royal Society for the Protection of Birds and Environmental Consultancies have provide useful guidance information. This is shown below in Table 1.

Table 1. Recent Guidance on HRA

Title of Guidance Document
Habitats Regulations of Plans – Guidance for Plan making Bodies in Scotland (Scottish Natural Heritage Guidance prepared by David Tyldesley and Associates, August 2010)
Development Planning appendix 1: Habitats Regulations Assessment (Scottish Government Planning Circular 1, 2009)
Habitats Regulations Assessment Advice Note 10 (Infrastructure Planning Commission, April 2011)
The Assessment of Development Plans in Wales under the Provisions of the Habitats Regulations
The Appropriate Assessment of Spatial Plans in England (Dodd A. M., Cleary B. E., Dawkins J.s., Palframan L. J., and Williams G.M. for Royal Society for the Protection of Birds, 2007)
Appropriate Assessment of Plans’ (Scott Wilson, Levett-Therival, Treweek Environmental Consultants, Land Use Consultants, September 2006)

No statutory method exists for undertaking HRA, however the methodology adopted must be fit for purpose under the Habitats Directive and Regulations. The main stages of HRA have already been outlined above in Section 1.3 of this report.

The following methodology was adopted and sets the structure of the remainder of this Screening report.

1. Consult with SNH on the Screening Methodology, scope of assessment and whether any other organisations should be consulted.
2. Collect evidence base for relevant European Sites focussing on site information and conservation objectives
3. Identify any significant effects (screening) by the following process:
 - Assess the proposed LDP policies and proposals to identify the potential impact on European Sites. This involved estimating the

likely magnitude, duration, location and extent of changes; however it was difficult to predict exactly the effects at this stage due to detailed policies and proposals still emerging in the course of developing the preferred draft of the LDP.

- Identify all other plans and projects that could have in-combination effects
 - Describe the characteristics of the European Sites that could be affected
 - Identify potential effects on European sites including in-combination effects
 - Assess the significance of the effects
 - Record the results of the screening in a summary report
4. Where significant effects could not be ruled out policy alterations have been made to the LDP so as to avoid significant impacts and so obviate the need to undertake further assessment of the implications for the European site.

Assessment of European Sites

Assessing Impacts and Site Vulnerabilities

This section sets out the potential impacts of the draft LDP for the conservation objectives of the European Sites. The list below is not exhaustive, therefore there may be effects not identified here, however effects have been made in the analysis to ensure all likely impacts have been addressed. These can be direct, indirect or secondary, induced and in-combination with other projects and plans. Potential impacts and vulnerabilities are shown in Table 2 below to help inform the assessment process.

Table 2. Generic types of Impact (Source-Pathway-Receiver)

Impact	Description	Examples
Direct Impacts	These impacts represent a straight route between an action or an event and a resultant effect on the ecological interest feature	e.g. development activities removes habitat for which the European site was designated.
Indirect impacts	These impacts do not directly result from the plan but instead occur away from the original effect or as a result of a complex pathway	e.g. development activities which alter the hydrology of a catchment area, which in turn affects the movement of ground water to a site and the qualifying features which rely on the maintenance of water levels.
Induced effects	These impacts refer to secondary actions that may result from actions set out in a LDP. This is associated with those impacts arising from development that promotes further development or change that, in turn, affects the integrity of European sites. These are non-ecological impacts in the first instance but could result in ecological impacts later in the pathway of effects	e.g. the building of a road around a settlement or town may encourage 'in filling' with new houses and facilities between the existing settlement and the road thus increasing the size of the settlement with consequent impacts on the European site's integrity.
In-combination effects	These impacts are an important requirement of HRA to determine whether a plan is likely to have a significant effect when considered in-combination with other plans and	e.g. the effects of a plan on air quality may be insignificant when considered alone, but when combined with the effects of increased air pollution from other plans, may lead to significant adverse impacts on a European site integrity. There might also be effects

	projects. The main reason for addressing plans in-combination is to ensure cumulative effects are captured.	arising from combination of unlikely impacts, e.g. increased pollution increases mortality in an animal population. Disturbance by tourism reduces breeding success. Either one alone would not prevent the population from sustaining itself but in combination they do.
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The Screening process has used a checklist of potential site vulnerabilities, as a mechanism for assessing potential impacts on site integrity. This is shown in Table 3 below.

A **two stage Screening exercise** was adopted using the checklist below.

Initial Screening examined the vulnerabilities of each site, and what potential impacts may be damaging to the site. This ‘screened out’ policies that had no possible negative impacts. For the remaining policies, this assisted in identifying mitigation measures in order that the Plan could be amended to take into consideration the most significant environmental effects. Policies that could not be screened out were then fed into the next stage of the screening process set out below.

Final Screening assessed the possible impacts of each policy on the conservation objectives of the site, the significance of impact and the risk of it occurring. It had regard for the whole Plan, including any amendments undertaken as part of the Initial Screening. It then examined any remaining impacts in combination with other plans or programmes to ensure the integrity of European sites. Any LDP policies not ‘screened out’ by this stage would be deemed to require further assessment under the Habitats Regulations.

Table 3. Checklist of Potential Site Vulnerabilities

Broad categories of Potential impacts on SACs and SPAs	Examples of potential impacts and vulnerabilities (source, pathways or receptors) that affect the conservation status of European sites.
Physical Loss	<ul style="list-style-type: none"> • Industrial activity (e.g. energy generation, economic development, employment land allocations, infrastructure associated with industrial activity (e.g. new infrastructure linked to offshore energy developments.) • Effects during different stages of development – construction, operation, decommissioning etc. • Loss of habitat or fragmentation through development or smothering • Impacts from waste management developments • Direct loss through house building, coastal and flood

	<p>defence and other development and fragmentation</p> <ul style="list-style-type: none"> • Impacts from developments of mineral sites – aggregates (sand and gravel), quarries. • Roads development and increased traffic • Primary extraction, physical development and land use change or intensification
Physical Damage	<ul style="list-style-type: none"> • Through habitat severance and fragmentation • Erosion, severance, prevention of natural erosion (flood defence) • Increased pressure from wind farms or other forms of energy development • Erosion due to: water or coastal development, transport infrastructure development, recreation • Fire: arson, vandalism • Recreational pressure (erosion, trampling, walking, cycling, riding)
Non-physical Disturbance	<ul style="list-style-type: none"> • Human presence and pets • Recreation or Tourism – increase in visitors, disturbance, pollution and litter, dog walking • Noise / visual presence • Vibration • Human presence : development e.g. housing, commercial, mineral extraction • Light pollution: artificial lighting, street lights
Toxic Contamination	<ul style="list-style-type: none"> • Air, soil, water pollution, • Agrochemical application and runoff • Tipping or dumping • Oil / chemical spills • Navigation / shipping • Landfill • Industrial waste / emissions • Vehicular traffic
Non-toxic contamination	<ul style="list-style-type: none"> • Eutrophication due to sewage treatment discharge • Nutrient enrichment (e.g. of soils and water) • Algal blooms • Changes in salinity • Changes in thermal regime • Changes in turbidity • Air pollution (dust)
Biological Disturbance	<ul style="list-style-type: none"> • Direct mortality • Out – completion of non-native species • Loss of Feeding Areas • Disturbance of species • Population fluctuations • Natural succession • Introduction of non-native species, diseases • Natural succession
Water Quality	<ul style="list-style-type: none"> • Changes in water chemistry, water quality issues

and Hydrology	<p>(e.g. increased loading / discharge on rivers, other sewerage infrastructure)</p> <ul style="list-style-type: none"> • Water quality issues – drainage, abstractions, impacts on sites with hydrological links • Drainage interception e.g. dams • Barrier effect e.g. on migratory species • Water level and stability • Availability of water • Water flow e.g. reduction in velocity of surface water • Changes in water levels due to abstraction, drainage, development on flood plain / risk area etc. • Flooding – surface water, flood risk management, coast defences • Changes in turbidity (flood defence) • Domestic water pollution • Industrial water pollution • run off from agricultural, run-off from roads
Air Quality	<ul style="list-style-type: none"> • Industrial air pollution from industrial processes and road traffic.
Climate Change	<ul style="list-style-type: none"> • Effects of climate change on European sites through flooding, changes in temperature and sea level and indirectly through flood defence works

European Site Descriptions and Conservation Objectives

Shetland has 12 Special Protection Areas, 12 Special Areas of Conservation and one Ramsar designated site. Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance (Ramsar Convention 1971). These sites are shown in the map in Appendix 13. More detailed information covering site descriptions, conservation objectives and qualifying species or habitats is contained in Appendix 14.

Effects of the Shetland Local Development Plan

Background

This section comprises an analysis of the LDP for potential adverse effects. An assessment of the policies and proposals contained in the LDP was undertaken to identify the potential impacts on European sites. In accordance with SNH Guidance this involved estimating likely magnitude, duration, location and extent of changes as part of the process of developing the LDP.

Policy Screening and Scoring Criteria

The Plan has developed through consultation with stakeholders to produce strategic policies, general policies and a spatial strategy. In Shetland the approach to land allocations is based around “areas of best fit” and “sites of development potential”. These policies and the approach adopted have been screened to determine the likelihood of any significant effects on European sites. During the Plan’s site assessment process the Council Planning Service was mindful of European sites and sustainability issues as part of the Strategic Environmental Assessment that accompanied the formulation of the plan. The Screening for likely significant effects of the Plan has been undertaken using an approach that reviews policies, areas of best fit and sites of development potential in conjunction with the information about the management plans of the European sites. The policies have been screened against scoring criteria in Table 4, which examines the intended outcomes of the policies as part of the screening in or out of policies. This aids the decision as to whether the policies may have likely significant effects on European sites and need further mitigation or amendment. If this not possible they will be put forward for Appropriate Assessment.

Table 4. Screening Scoring Criteria

Effect	Number	Criteria
Reasons why a policy will not have a significant environmental effect on European site		
No Significant Effect	1	The policy is a general policy statement that expresses general intentions and aspirations or the policy relates to activities that are not likely to have an effect on the European site by virtue of their specificity, scale or distance from the site
	2	The policy itself will not lead to development e.g. because it relates to design or qualitative criteria for development, or they are not land use planning policy, or they relate to a type of development that could not have any conceivable effect on a European site.

	3	The specific location of development activities is unknown, and will be selected following consideration of options (it may be defined in another plan e.g. Waste plan, Transport Plan, Minerals Statement or the location will be determined when proposals are submitted). Sites will therefore be subject to a project level assessment.
	4	The policy will steer development activities away from the European site and associated sensitive areas.
	5	The policy is intended to protect the features of a European site, including biodiversity.
	6	The policy is intended to conserve or enhance the natural, geological, built or historic environment, and such enhancements are unlikely to affect a European site, however conserving the historic environment and built environment may still affect species and habitats so a precautionary approach should be applied.
Reasons why a policy could have an effect on a European site		
Potential for negative effect	7	The policy addresses development activities that have the <i>potential</i> to affect the European site, but the policy itself is worded so as not to encourage activities or allow projects that would likely to cause negative effects on the European site.
Reasons why a policy is likely to have a significant effect		
Potential for a negative effect/ effects uncertain	8	The policy encourages development activities in an area that could have the <i>potential</i> to affect the European site, but the <i>likelihood</i> and <i>risk</i> of significance of effects depends on the location, scale and design etc. of individual schemes or projects. It is therefore more appropriate to screen individual schemes or projects as they come forward.
	9	The policy encourages development activities in an area that has the potential to affect the European site, either directly or indirectly. Activities under this policy must be subject to assessment to establish, in regard to the site's conservation objectives, whether it can be objectively concluded that there would not be <i>significant effects</i> on the European site.
Likely significant effect	10	The policy makes provision for a type of development that in the location(s) proposed would have <i>likely significant effects</i> on the European site. Activities under this must be subject to Appropriate Assessment to establish, in regard to the site's conservation objectives, whether it can be objectively concluded that the site's integrity would not be compromised.

Screening Results and Mitigation

The policies and Plan's Spatial Framework involving Areas of Best Fit and Sites of Development Potential were assessed for their likely significant effects on European sites. Applying the criteria shown in Table 4 above screened out the policies. Consideration was given to possible pathways or impacts through which effects from activities associated with the LDP's policies or proposals may be transmitted to features contributing to the integrity of a European site. After discussion with the SNH office in Shetland the main issues that could impact on the integrity of European sites were as follows:

- On site/ close proximity development resulting in loss of or damage to habitat or species displacement
- Impacts on bird flight paths and feeding areas outwith the site
- Land take and habitat fragmentation
- Disturbance due to increased visitor numbers
- Coastal development /defences adjacent a site
- Aquaculture adjacent to a site
- Water abstraction and hydrological changes
- Significant changes in water quality / increased pollution risk
- Eutrophication / nutrient input
- Underwater noise/ piling / blasting
- Air quality / pollution
- Any activities that causes increased mortality of species whose populations are declining in Shetland waters

Appendix 15 shows European sites and impacts that could result from development proposals. Appendix 13 shows a map of Shetland. It identifies Shetland's designated sites and their proximity to main settlement areas and the Areas of Best Fit identified in the LDP's spatial strategy. The policy screening assessment matrix in Appendix 11 of this report took each of the LDP's policies in turn and identified its potential for adverse impacts on Shetland's European sites. The matrix considered possible impact pathways, possible impacts and how these were mitigated through LDP policies. The LDP has been mindful of the importance of European sites from the outset. This was a key consideration in developing the overall spatial strategy and was to the fore in developing Areas of Best Fit and Sites of Development Potential. Furthermore the LDP has robust Natural Heritage Policies that emphasise the importance of biodiversity and the protection of designated sites. With these policies and other mitigations, the HRA screening concluded that all policies would have no significant effect on any Natura sites and no modifications or revisions were necessary to Development Plan.

Potential in-combination effects of Other Plans

A key feature of HRA is the need to look beyond the specific plan under consideration, and consider the likelihood and potential impact scale of effects both in-combination with other plans and activities, and via cumulative, secondary and indirect processes. Article 6(3) of the Habitats Directive

addresses these important considerations. These effects may be exacerbated when experienced in combination with the effects of the plan in question, possibly leading and insignificant effect to become significant. It is therefore important to consider which plans, programmes and projects could generate similar effects to the Local Development Plan (LDP) at the same European sites, and which may act in combination.

The SEA of the LDP contains a full appraisal of plans, programmes and strategies of relevance. It was deemed neither practical nor necessary to assess the in-combination effects of the LDP within the context of all plans, programmes and projects in Shetland. A list of selected Shetland plans and programmes assessed for potential in-combination effects and possible effects on the integrity of European designated sites is summarised in Table 5 below. The full in-combination effects assessment is shown in Appendix 16. Some outdated plans and programmes have still been assessed as they are the most recent version available until the Council or other organisations update them. Further examination of the LDP revealed that there were no:

- Projects proposals,
- Land allocations,
- Consented projects,
- Schemes submitted for planning permission but currently outwith consent
- Proposals at pre-application / feasibility assessment stage.

Table 5. List of Plans, Programmes and Strategies assessed for in-combination effects

Title of Plan, Programme or Strategy
• Shetland Transport Strategy (2008 - onwards) Produced by ZetTrans
• Shetland Economic Development Policy Statement (2007 -2011)
• Shetland Interim Planning Minerals Policy (2009 - onwards)
• Orkney and Shetland Area Waste Plan (2003 - onwards)
• Shetland Islands Council Corporate Plan (2008 -2012)
• Shetland Islands Council Sustainable Development Implementation Plan (2007)
• Renewable Energy Development in Shetland – Strategy and Action Plan (2009 -2012)
• Shetland Core Path Plan (2009 - onwards)
• Shetland Tourism Plan (2011 -2014)
• SSMEI – Shetland Marine Spatial Plan (2010)
• Improving the quality of Scotland’s water environment Orkney and Shetland Area Management Plan 2010–2015
• The Local Housing Strategy for Shetland (2011-2016)
• Community Plan and Single Outcome Agreement (2012 to 2015)
• Shetland Islands Council Draft Interim Planning Policy: Wind Energy Development (2009- onwards)

When a plan, programme or project proposal cannot be 'screened out' as being unlikely to lead to significant effects on European sites, it is necessary to progress to the later 'Appropriate Assessment' stage to further explore adverse effects and devise mitigation. In the case of the analysis undertaken, the level of detail available in screened plans and programmes concerning projects and future developments was generally insufficient to make a detailed analysis of significance of effects beyond the levels of risk identified in this report.

The types of effects identified were based on the information available and checklist of potential site vulnerabilities outlined earlier in Section 3, Table 3. The effects assessment of other plans and programmes did not identify significant impacts, either alone or in-combination. This was attributed to plans and programmes:

- Not being specific about development proposals or projects and in-combination effects are unlikely.
- Not determining the location, nature, size or scope, operating conditions, framework for development or resources allocation.
- Not being instrumental in the development consent process.
- Having already been subject to the SEA process and in-combination assessment.
- Containing various environmental safeguarding or mitigation policies applicable to European sites.
- Stating that any development proposals would need to meet strict local planning policy requirements before any project received planning approval.
- Emphasising the need to follow the Best Practical Environmental Option (BPEO) principle where possible.
- Applying or supporting the concept of sustainable development where possible.
- Stating no proposals or development sites are contained in the Plan
- Acting to inform future policy and test new management frameworks.
- Not setting policy for development as it will be delivered through other lower tier plans and strategies.
- Providing strategic leadership or guidance for a sector (vision, action plan), but not setting a framework for development consent.

Any future project proposals arising from plans or programmes would be subject to rigorous assessment as part of the local planning framework. Planning applications will have to meet stringent environmental protection policies before planning approval will be granted. The mitigations and monitoring measures contained in the LDP policies and other plans and programmes are sufficient to avoid likely significant effects either alone or in-combination. The lack of specific project proposals outlined in local plans and programmes together with existing environmental safeguards make effects on the integrity of European sites unlikely

Conclusions

The Council attaches considerable importance to environmental impacts of development proposals and the promotion of sustainable development through the land use planning process. During the preparation and development of the LDP, the council consulted widely with statutory organisations and local stakeholders. Policies contained in the LDP have been mindful of the importance of designated European sites and this was significant consideration in developing the Plan's spatial strategy and approach to land allocations. In assessing the potential impact of the LDP on European sites, the Council followed the methodology outlined earlier in this report.

This Habitats Regulations Assessment Screening report has considered the potential for significant effects arising from the policies contained in the LDP. The report considered 24 European Sites (consisting of 12 Special Protection Areas and 12 Special Areas of Conservation) found across the Shetland Islands. Most of the European sites are found in sparsely populated areas or are relatively inaccessible (except for Lochs of Spiggie and Brow SPA and Sullom Voe SAC)

Future development in Shetland will be based on a Spatial Strategy outlined in the Plan. This aims to promote sustainable economic growth to create strong vibrant communities throughout Shetland. The Plan has used Areas of Best Fit and the identification of Sites of Development Potential near to existing services and facilities. Neither precludes development elsewhere nor does it mean that land must be developed. Various types of potential impacts were identified in the Screening exercise, however the assessment considered that policy mitigation and monitoring measures provided in the LDP were sufficient to avoid significant effects on European sites either alone or in-combination.

A number of policies in the LDP may lead to development in the long term however the policies refer to development in general terms only. There is no mention of specific locations of development, for example, no numbers of housing or wind farm locations are outlined. The location of development in Shetland will be determined by lower tier plans or on a case by case basis when planning applications come forward. Any planning applications that arise on a case-by-case basis from the policies in the LDP that may have a likely significant effect on a European site will be subject to further scrutiny and assessment through the HRA process. Developers will be required to provide the Council and other agencies (SNH, SEPA) with a thorough ecological assessment of the likely effects of a proposed development of relevant sites so as to allow the HRA process. Any development that cannot demonstrate that no significant effects will arise will be refused in accordance with the precautionary principle enshrined within the Habitats Regulations.

The cumulative effects of more than one policy or proposal and the 'in-combination effects' with other policies, plans and projects on European sites has been considered as part of this screening report. No significant effects on sites were found. The assessment found that the Local Development Plan did

not require changes to proposed policies in the LDP to address significant effects or uncertainties. The LDP outlines broad levels and locations for future growth within Shetland. Through public consultation as part of the SEA process these may be revisited and refined. Given the strategic nature of the LDP, it was not always possible to identify the exact nature, scale and types of development that will come forward in the future within Shetland and this is reflected in the level of detail in this Screening Report. Given the distance of any potential development from the European sites it was concluded that there are unlikely to be significant effects. It is not always possible to assess with any degree of certainty the significance of potential effects. Any effects that may arise will be avoided through the protection afforded by the natural heritage policies contained in the LDP that ensures that no development will be allowed which adversely affects the integrity of European sites in Shetland.