2013

Shetland Islands' Marine Spatial Plan

Habitats Regulation Appraisal – Draft Record

Habitats Regulation Appraisal of the Draft Shetland Islands' Marine Spatial Plan
November 2013

Habitats Regulations Appraisal of the Shetland Islands' Marine Spatial Plan

Draft Record – November 2013

Report prepared by NAFC Marine Centre for Shetland Islands Council

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1. Introduction

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 Council) 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)[1] are met.

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

The recently published Scottish Natural Heritage (SNH) 'Guidance for Plan-making Bodies in Scotland' (David Tyldesley and Associates (DTA), 2012) hereinafter referred to as the DTA Guidance sets out the background context, procedural requirements and proposed methodology for a HRA. The DTA Guidance recommends a 13 stage appraisal process (see Figure A, Appendix 5) which comprises two key phases: i) Screening; and ii) Appropriate Assessment. This Draft HRA Record deals with Stages 1-7 'Screening the Plan for Likely Significant Effects' and the subsequent Stages 8-11'Appropriate Assessment' of the DTA Guidance process which are outlined in Figures 1 and 2.

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

Figure 1: Stages 1-7 of the Screening Process

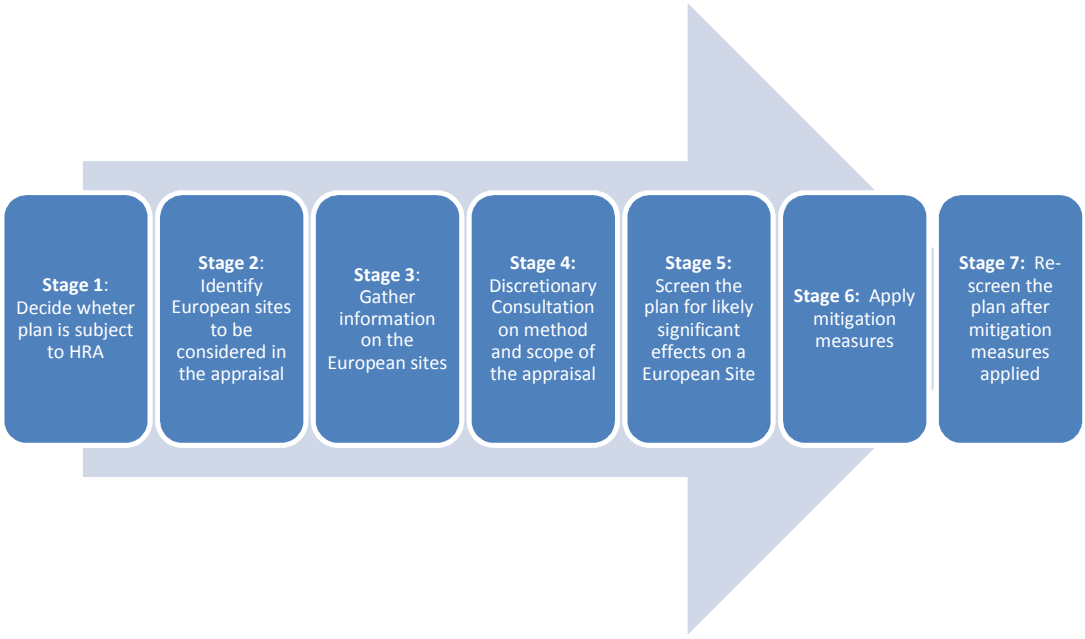
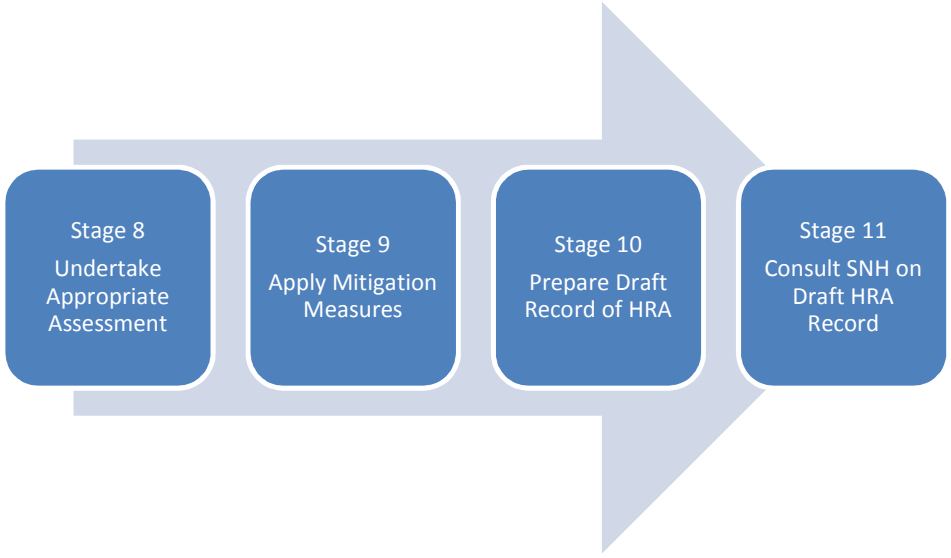


Figure 2: Stages 8-11 of Appropriate Assessment



2. Methodology

A: Screening Phase

Stage 1 – Decide whether the SMSP is subject to Habitats Regulations Appraisal

The Shetland Islands' Marine Spatial Plan (SMSP) contains updated spatial data on the marine and coastal environment and its various uses. It establishes an overarching policy framework to guide the placement of activity, from marine renewable energy to aquaculture. The primary focus of the SMSP is to provide more information to public bodies who have responsibilities for marine and coastal planning functions and to developers. It will continue to inform decision-making, guide priorities and seek to achieve a balance between national and local interests. The SMSP will be formally adopted through Shetland Islands Council's Local Development Plan (LDP) as Supplementary Guidance (SG) in 2013. The SMSP policies and maps will become a material consideration in the determination of marine works licences and marine-related planning applications for project consents and will influence decision makers on the outcome of those licences/ applications. The SMSP is therefore subject to HRA.

Stage 2 – Identify European sites that should be considered in the HRA and Stage 3 - Gather information on the European sites

As part of the SMSP process in Shetland for previous versions of the plan, a local biodiversity working group was established and was responsible for separating out those designated areas with a marine element which was then subject to statutory and public consultation at the time. Based on this previous stakeholder agreement, only the marine-related/ coastal sites included in the following section will be screened as part of this HRA.

European Sites around the Shetland Isles

Special Areas of Conservation (SACs)

There are currently 10 SACs in Shetland, 6 of which have a marine element in Shetland, as agreed by the local biodiversity working group: Yell Sound Coast, Papa Stour, Sullom Voe, Mousa, The Vadills and Fair Isle. These sites are included in Table 1 and are illustrated in Map 1, Appendix 1.

A proposal to designate the Pobie Bank as a SAC was recently submitted to the European Commission on 31st October 2012 and so is now referred to as a candidate SAC (cSAC). A site remains a cSAC until it has been formally designated as a SAC by UK Government, following approval as a Site of Community Importance (SCI) by the European Commission. It is Government policy to treat cSACs as if they are fully designated European sites[2].

[2]Scottish Natural Heritage. 2012. Habitats regulations appraisal of plans guidance for plan-making bodies in Scotland. Version 2.0. Prepared by David Tyldesley and Associates (Para. 7.7)

The Pobie Bank Reef is located in the North Sea, approximately 20 km east of Unst, Fetlar and Whalsey in Shetland (just within the 12 nautical mile boundary of the coast) and is separated from Shetland by the Unst Basin. The cSAC is approximately 70 km long (crest running NNE to SSW) and up to 21 km wide. The depth within the cSAC ranges from 70 m to over 100 m; the average seabed depth within the site boundary is approximately 90 m[3]. Please refer to Map 1, Appendix 1 for location of Pobie Bank Reef cSAC.

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

Site	***Feature Category***	***Feature***
Yell Sound Coast	Mammals	Otter (*Lutra lutra*)
	Mammals (Marine)	Common seal (*Phoca vitulina*)
Papa Stour	Inshore sublittoral rock (Marine)	Reefs
	Littoral rock (Marine)	Sea caves
Sullom Voe	Inshore sublittoral rock (Marine)	Reefs
	SAC qualifying feature Inshore sublittoral sediment (Marine)	Lagoons*
	SAC qualifying feature Littoral sediment (Marine)	Shallow inlets and bays
Mousa	Inshore sublittoral rock (Marine)	Reefs
	SAC qualifying feature Littoral rock (Marine)	Sea caves
	SAC qualifying feature Mammals (Marine)	Common seal (*Phoca vitulina*)
The Vadills	Inshore sublittoral sediment (Marine)	Lagoons*
Fair Isle	Supralittoral rock (Coast)	Vegetated sea cliffs
Pobie Bank (candidate SAC**)	Deep circalittoral bedrock and stony reef	Reef
	Mammals (marine)	Grey seal (*Halichoerus grypus*)

* Coastal lagoons are Annex I priority habitats as defined by Article 1 of the Habitats Directive

**Annex I Habitat type 1170 Reef

Special Protection Areas (SPAs)

There are 12 SPAs in Shetland, 11 of which are designated seabird SPA's in Shetland with a marine element, as agreed by the local biodiversity working group. These are included in Table 2. Please refer to Map 2, Appendix 1 for information on the location of the SPAs in Shetland. The importance of the marine environment for seabirds which spend all or part of their lives around our coasts is being investigated further. Work continues on the identification of specific areas at sea which may require special protection. Three types of marine SPAs are being explored by SNH and JNCC in addition to the marine extension to breeding seabird colonies already introduced by the Scottish Government:

- Inshore aggregations of non-breeding waterbirds

[3]JNCC and SNH. 2012. Inshore and Offshore Special Area of Conservation: Pobie Bank Reef. SAC Selection Assessment Document. Version 5.0 (31st October 2012)

- 'Offshore' aggregations of seabirds
- Other types of marine SPA

Any progress in the classification or designation of further marine SPAs[4] will be closely monitored as part of the SMSP.

Table 2: Special Protection Areas (SPAs)(with marine element) in Shetland Islands		
Site	***Feature Category***	***Feature***
Hermaness, Saxa Vord and Valla Field	Birds - aggregations of breeding birds	Shag (*Phalacrocorax aristotelis*), breeding
		Seabird assemblage, breeding
		Red-throated diver (*Gavia stellata*), breeding
		Puffin (*Fratercula arctica*), breeding
		Kittiwake (*Rissa tridactyla*), breeding
		Guillemot (*Uria aalge*), breeding
		Great skua (*Stercorarius skua*), breeding
		Gannet *(Morus bassanus*), breeding
		Fulmar (*Fulmarus glacialis*), breeding
Fetlar	Birds - aggregations of breeding birds	Seabird assemblage, breeding
		Dunlin (*Calidris alpina schinzii*), breeding
		Whimbrel (*Numenius phaeopus*), breeding
		Fulmar (*Fulmarus glacialis*), breeding
		Great skua (*Stercorarius skua*), breeding
		Red-necked phalarope (*Phalaropus lobatus*), breeding
		Arctic skua (*Stercorarius parasiticus*), breeding
		Arctic tern (*Sterna paradisaea*), breeding
Ramna Stacks & Gruney	Birds - aggregations of breeding birds	Leach's petrel (*Oceanodroma leucorhoa*), breeding
Papa Stour	Birds - aggregations of breeding birds	Ringed plover (*Charadrius hiaticula*), breeding
		Arctic tern (*Sterna paradisaea*), breeding
Noss	Birds - aggregations of breeding birds	Seabird assemblage, breeding
		Fulmar (*Fulmarus glacialis*), breeding
		Gannet (*Morus bassanus*), breeding
		Great skua (*Stercorarius skua*), breeding
		Guillemot (*Uria aalge*), breeding

[4] Further information on Areas of Search is available on the SNH website.

Table 2: Special Protection Areas (SPAs)(with marine element) in Shetland Islands		
Site	***Feature Category***	***Feature***
		Kittiwake (*Rissa tridactyla*), breeding
		Puffin (*Fratercula arctica*), breeding
Mousa	Birds - aggregations of breeding birds	Storm petrel (*Hydrobates pelagicus*), breeding
		Arctic tern (*Sterna paradisaea*), breeding
Foula	Birds - aggregations of breeding birds	Seabird assemblage, breeding
		Shag (*Phalacrocorax aristotelis*), breeding
		Fulmar (*Fulmarus glacialis*), breeding
		Great skua (*Stercorarius skua*), breeding
		Guillemot (*Uria aalge*), breeding
		Kittiwake (*Rissa tridactyla*), breeding
		Leach's petrel (*Oceanodroma leucorhoa*), breeding
		Puffin (*Fratercula arctica*), breeding
		Razorbill (*Alca torda*), breeding
		Red-throated diver (*Gavia stellata*), breeding
		Arctic skua (*Stercorarius parasiticus*), breeding
		Arctic tern (*Sterna paradisaea*), breeding
Sumburgh Head	Birds - aggregations of breeding birds	Seabird assemblage, breeding
		Fulmar (*Fulmarus glacialis*), breeding
		Guillemot (*Uria aalge*), breeding
		Kittiwake (*Rissa tridactyla*), breeding
		Arctic tern (*Sterna paradisaea*), breeding
Fair Isle	Birds - aggregations of breeding birds	Seabird assemblage, breeding
		Fair Isle wren (*Troglodytes troglodytes fridariensis*), breeding
		Shag (*Phalacrocorax aristotelis*), breeding
		Fulmar (*Fulmarus glacialis*), breeding
		Gannet (*Morus bassanus*), breeding
		Great skua *(Stercorarius skua*), breeding
		Guillemot (*Uria aalge*), breeding
		Kittiwake (*Rissa tridactyla*), breeding
		Puffin (*Fratercula arctica*), breeding
		Razorbill (*Alca torda*), breeding
		Arctic skua (*Stercorarius parasiticus*), breeding
		Arctic tern (*Sterna paradisaea*), breeding

Table 2: Special Protection Areas (SPAs)(with marine element) in Shetland Islands		
Site	***Feature Category***	***Feature***
Ronas Hill – North Roe and Tingon	Birds - aggregations of breeding birds	Great skua (*Stercorarius skua*), breeding
		Merlin (*Falco columbarius*), breeding
		Red-throated diver (*Gavia stellata*), breeding
Otterswick and Graveland	Birds - aggregations of breeding birds	Red-throated diver (*Gavia stellata*), breeding

Ramsar Sites/ SSSIs

There is only one designated Ramsar site in Shetland which is Ronas Hill–North Roe and Tingon, as outlined in Table 3. This is an upland bog area which although is not a marine feature, is an important wetland habitat for marine fauna including the common seal *Phoca vitulina* and otter *Lutra lutra* as well as being an important wetland habitat to nationally important seabirds. These seabirds comprise the red-throated diver (*Gavia stellate*), Northern fulmar (*Fulmarus glacialis*), Whimbrel (*Numenius phaeopus islandicus*), Arctic skua (*Stercorarius parasiticus*), Great skua (*Catharacta skua*) and Black guillemot (*Cepphus grille*)[5]. Please refer to Map No. 3, Appendix 1 for the location of the Ramsar site in Shetland.

Table 3: Ramsar Site, Shetland Islands			
Site	***Feature Category***	***Feature***	***Condition***
Ronas Hill - North Roe and Tingon	Bogs (Upland)	Blanket Bog	Unfavourable no change

Stage 3 - Gather information on the European sites

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

Information on the marine-related SACs in Shetland was obtained from the SNH Sitelink and summarised in Table4. It is noted that as the Pobie Bank is still a candidate SAC, current information on this site is provided in the SAC Selection Assessment Document[6]. Information about the marine-related SPA sites in Shetland, including details of the qualifying interests, site condition and conservation objectives were also obtained from the SNH Sitelink, and are summarised in Table 5. It is acknowledged that the qualifying interests likely to be significantly affected will vary between the different European sites, but the likely significant effects (LSE) should relate to the qualifying interests of the site.

[5] JNCC. 2008. Ramsar Information Sheet: UK13054. Ronas Hill – North Roe and Tingon

[6] JNCC and SNH. Inshore and Offshore Special Area of Conservation: Pobie Bank Reef. SAC Selection Assessment Document. March 2012

In determining the effects it is important to consider the existing pressures acting upon them, and the vulnerabilities of the qualifying interests. As part of on-going work being carried out as part of the SMSP, the identification of pressures and their effects has been considered in terms of addressing cumulative impacts of marine activities within the waters around Shetland. A summary of general pressures and effects are included in Table A, Appendix 2. These general effects are examples of activity-related pressures. In terms of vulnerabilities, these will be site specific and based on the qualifying feature of the site and the type of the development or activity. They can be influenced by other factors such as whether the effect is direct or indirect, in-combination or cumulative, temporary or permanent. All of these factors will be considered during the screening assessment. A summary of potential pressures, effects and vulnerabilities is included in Table 4 for SACs and Table 5 for SPAs.

Table 4: Special Areas of Conservation (SACs)						
Site	***Feature Category***	***Feature***	***Site condition***	***Conservation Objective***	***Potential Pressures***	***Vulnerabilities***
Yell Sound Coast	Mammals	Otter (*Lutra lutra*)	Unfavourable Declining	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 the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; 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	**Potential pressures are**: physical loss, physical damage, physical disturbance, interference with hydrological processes, toxic and non-toxic contamination, biological disturbance, collision impact, barriers to species movement, electromagnetic impacts. **Mapped activity-related pressures**: Sewage effluent, trade effluent; shipping routes, oil and gas pipelines, submarine cables; demersal fishing, shellfish dredging, creeling, finfish and mussel farming, seaweed cultivation, dredge disposal, ferry terminal, recreational activities including walking, kayaking and beach users.	Harbour (common) seals nursing and pupping areas. Refer to SMSP Map 5b(xiv). Medium-high otter counts within this area. Refer to SMSP Map 5b(iv). Vulnerable to noise, litter, pollution and contamination. Potential pressure for tidal energy development - collisions, barriers to movement.
	Mammals (Marine)	Common seal (*Phoca vitulina*)	Unfavourable Declining			
Papa Stour	Inshore sublittoral rock (Marine)	Reefs	Favourable Maintained	To avoid deterioration of the qualifying habitats (listed below) thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution	**Potential pressures are:** physical loss, physical damage, physical disturbance, toxic and non-	Most vulnerable to smothering, sealing, abrasion, hydrological changes, contamination.

Table 4: Special Areas of Conservation (SACs)						
Site	***Feature Category***	***Feature***	***Site condition***	***Conservation Objective***	***Potential Pressures***	***Vulnerabilities***
Papa Stour(contd)	Littoral rock (Marine)	Sea caves	Favourable Maintained	to achieving favourable conservation status for each of the qualifying features; and To ensure for the qualifying habitats 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	toxic contamination, biological disturbance, collision, electromagnetic impacts. **Mapped activity-related pressures:** sewage effluent, shipping routes, oil and gas pipelines, submarine cables, creeling, ferry terminal, recreational activities including yachting and scuba diving.	Potential pressure for tidal energy development - change in water flow rates.
Sullom Voe	Inshore sublittoral rock (Marine)	Reefs	Favourable Maintained	To avoid deterioration of the qualifying habitats (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 habitats that the following are maintained in the long term:	**Potential pressures are**: physical loss, physical damage, physical disturbance, interference with hydrological processes, toxic and non-toxic contamination, biological disturbance, collision impact, barriers to species movement, electromagnetic impacts.	Most vulnerable to smothering, sealing, abrasion, hydrological changes, contamination.
	SAC qualifying feature Inshore sublittoral sediment (Marine)	Lagoons	Favourable Maintained			

Table 4: Special Areas of Conservation (SACs)						
Site	***Feature Category***	***Feature***	***Site condition***	***Conservation Objective***	***Potential Pressures***	***Vulnerabilities***
Sullom Voe(contd)	SAC qualifying feature Littoral sediment (Marine)	Shallow inlets and bays	Favourable Maintained	- 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	**Mapped activity-related pressures:** Sewage effluent, trade effluent; shipping routes, oil and gas pipelines, submarine cables; demersal fishing, shellfish dredging, creeling, dredge disposal, ferry terminal, recreational activities including walking, wind surfing and diving.	
Mousa	Inshore sublittoral rock (Marine)	Reefs	Favourable Maintained	To avoid deterioration of the qualifying habitats (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 habitats 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	**Potential pressures are**: physical damage, physical disturbance, toxic and non-toxic contamination and biological disturbance. **Mapped activity-related pressures**: demersal fishing, shellfish dredging, creeling, jetty, recreational activities including walking, kayaking, diving and yachting.	Most vulnerable to abrasion and contamination.
	SAC qualifying feature Littoral rock (Marine)	Sea caves	Favourable Maintained			

Table 4: Special Areas of Conservation (SACs)						
Site	***Feature Category***	***Feature***	***Site condition***	***Conservation Objective***	***Potential Pressures***	***Vulnerabilities***
Mousa(contd)	SAC qualifying feature Mammals (Marine)	Common seal (Phoca vitulina)	Unfavourable Declining	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 the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; 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	**Potential pressures are:** physical damage, physical disturbance, toxic and non-toxic contamination and biological disturbance. **Mapped activity-related pressures**: demersal fishing, shellfish dredging, creeling, jetty, recreational activities including walking, kayaking, diving and yachting.	Harbour (common) and grey seals nursing and pupping areas. Refer to SMSP Map 5b(xiv). Vulnerable to noise, litter, pollution and contamination.

Table 4: Special Areas of Conservation (SACs)						
Site	***Feature Category***	***Feature***	***Site condition***	***Conservation Objective***	***Potential Pressures***	***Vulnerabilities***
The Vadills	Inshore sublittoral sediment (Marine)	Lagoons	Favourable Maintained	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	**Potential pressures are:** physical loss, physical damage, physical disturbance, interference with hydrological processes, toxic and non-toxic contamination, biological disturbance, collision impact, barriers to species movement, electromagnetic impacts. **Mapped activity-related pressures**: creeling, mussel farming and sea angling.	Most vulnerable to hydrological changes and contamination.
Fair Isle	Supralittoral rock (Coast)	Vegetated sea cliffs	Favourable Maintained	To avoid deterioration of the qualifying habitats (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 habitats 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	**Potential pressures are:** physical loss, physical damage, physical disturbance, interference with hydrological processes, toxic and non-toxic contamination, biological disturbance, collision impact, barriers to species movement, electromagnetic impacts. **Mapped activity-related pressures**: sewage effluent, shipping routes, demersal	Most vulnerable to hydrological changes and contamination. Potential pressure for tidal and wave energy development - change in water flow rates and wave exposure.

Table 4: Special Areas of Conservation (SACs)						
Site	***Feature Category***	***Feature***	***Site condition***	***Conservation Objective***	***Potential Pressures***	***Vulnerabilities***
				- 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	fishing, creeling, ferry terminal and pier, recreational activities including walking and diving.	

Table 5 - Special Protection Areas (SPAs)						
Site	***Feature Category***	***Feature***	***Site condition***	***Conservation Objective***	***Potential Pressures***	***Vulnerabilities***
Hermaness, Saxa Vord and Valla Field	Birds - aggregations of breeding birds	Shag (*Phalacrocorax aristotelis*), breeding	Unfavourable Declining	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	**Potential pressures are:** physical damage, physical disturbance, toxic and non-toxic contamination and biological disturbance. **Mapped activity-related pressures:** Sewage effluent, demersal fishing, creeling, slipway associated activities, tourism and recreational activities including walking, kayaking, sea angling, climbing and diving.	Refer to SMSP Map 5b(v). Most vulnerable to contamination, noise, litter and biological disturbance such as selective extraction of species - fishing. Other vulnerabilities are impacts to climate change. Potential pressure for wave and tidal energy development – collision risk and barrier to species movement.
	Birds - aggregations of breeding birds	Seabird assemblage, breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Red-throated diver (*Gavia stellata*), breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Puffin (*Fratercula arctica*), breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Kittiwake (*Rissa tridactyla*), breeding	Unfavourable Declining			
	Birds - aggregations of breeding birds	Guillemot (*Uria aalge*), breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Great skua (*Stercorarius skua*), breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Gannet (*Morus bassanus*), breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Fulmar (*Fulmarus glacialis*), breeding	Unfavourable Declining			
Fetlar	Birds - aggregations of breeding birds	Seabird assemblage, breeding	Favourable Maintained	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	**Potential pressures are:** physical loss, physical damage, physical disturbance, toxic and non-toxic contamination and	Refer to SMSP Map 5b(v). Most vulnerable to contamination, noise, litter and
	Birds - aggregations of breeding birds	Dunlin (*Calidris alpina schinzii*), breeding	Favourable Maintained			

Table 5 - Special Protection Areas (SPAs)						
Site	***Feature Category***	***Feature***	***Site condition***	***Conservation Objective***	***Potential Pressures***	***Vulnerabilities***
Fetlar (contd)	Birds - aggregations of breeding birds	Whimbrel (*Numenius phaeopus*), breeding	Favourable Maintained	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	biological disturbance. **Mapped activity-related pressures**: Sewage effluent, shipping, submarine cables, shellfish dredging, demersal fishing, creeling, finfish farms, tourism, ferry terminal, piers and marina. Recreational activities also include kayaking, diving, climbing, surfing, walking and yacht racing.	biological disturbance such as selective extraction of species - fishing. Other vulnerabilities are impacts to climate change. Potential pressure for tidal energy development – collision risk and barrier to species movement.
	Birds - aggregations of breeding birds	Fulmar (*Fulmarus glacialis*), breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Great skua (Stercorarius skua), breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Red-necked phalarope (*Phalaropus lobatus*), breeding	Unfavourable No change			
	Birds - aggregations of breeding birds	Arctic skua (*Stercorarius parasiticus*), breeding	Unfavourable Recovering			
	Birds - aggregations of breeding birds	Arctic tern (*Sterna paradisaea*), breeding	Unfavourable Recovering			

Table 5 - Special Protection Areas (SPAs)						
Site	***Feature Category***	***Feature***	***Site condition***	***Conservation Objective***	***Potential Pressures***	***Vulnerabilities***
Ramna Stacks & Gruney	Birds - aggregations of breeding birds	Leach's petrel (*Oceanodroma leucorhoa*), breeding	Favourable Maintained	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.	**Potential pressures are:** physical damage, physical disturbance, toxic and non-toxic contamination and biological disturbance. **Mapped activity-related pressures**: shellfish dredging, demersal fishing, creeling. Recreational activities within the area include climbing, walking, sea angling, rowing and diving.	Refer to SMSP Map 5b(v). Most vulnerable to contamination, noise, litter and biological disturbance such as selective extraction of species - fishing. Other vulnerabilities are impacts to climate change. Potential for wave energy development - collisions, barriers to movement.
Papa Stour	Birds - aggregations of breeding birds	Ringed plover (*Charadrius hiaticula*), breeding	Favourable Maintained	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; andTo ensure	**Potential pressures are**: physical loss, physical damage, physical disturbance, toxic and non-toxic	Refer to SMSP Map 5b(v). Most vulnerable to contamination,

Table 5 - Special Protection Areas (SPAs)						
Site	***Feature Category***	***Feature***	***Site condition***	***Conservation Objective***	***Potential Pressures***	***Vulnerabilities***
	Birds - aggregations of breeding birds	Arctic tern (*Sterna paradisaea*), breeding	Unfavourable Declining	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	contamination, biological disturbance, collision, electromagnetic impacts. **Mapped activity-related pressures:** sewage effluent, shipping routes, oil and gas pipelines, submarine cables, creeling, ferry terminal. Recreational activities include climbing, kayaking, walking and yacht racing.	noise, litter and biological disturbance such as selective extraction of species - fishing. Other vulnerabilities are impacts to climate change. Potential for tidal energy development - collisions, barriers to movement.
Noss	Birds - aggregations of breeding birds	Seabird assemblage, breeding	Favourable Maintained	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	**Potential pressures are:** physical damage, physical disturbance, toxic and non-toxic contamination, biological disturbance. **Mapped activity-related pressures**: sewage effluent, demersal fishing, shellfish dredging, creeling, tourism and pier. Recreational activities include walking, yacht racing and diving.	Refer to SMSP Map 5b(v). Most vulnerable to contamination, noise, litter and biological disturbance such as selective extraction of species - fishing. Other vulnerabilities are impacts to climate change.
	Birds - aggregations of breeding birds	Fulmar (*Fulmarus glacialis*), breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Gannet (Morus bassanus), breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Great skua (*Stercorarius skua*), breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Guillemot (*Uria aalge*), breeding	Unfavourable Declining			
	Birds - aggregations of breeding birds	Kittiwake (*Rissa tridactyla*), breeding	Unfavourable Declining			

Table 5 - Special Protection Areas (SPAs)						
Site	***Feature Category***	***Feature***	***Site condition***	***Conservation Objective***	***Potential Pressures***	***Vulnerabilities***
	Birds - aggregations of breeding birds	Puffin (Fratercula arctica), breeding	Unfavourable Declining			
Mousa	Birds - aggregations of breeding birds	Storm petrel (*Hydrobates pelagicus*), breeding	Favourable Maintained	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	**Potential pressures are**: physical damage, physical disturbance, toxic and non-toxic contamination and biological disturbance. **Mapped activity-related pressures:** demersal fishing, shellfish dredging, creeling, jetty. Recreational activities include diving, walking, yacht racing and kayaking.	Refer to SMSP Map 5b(v). Most vulnerable to contamination, noise, litter and biological disturbance such as selective extraction of species - fishing. Other vulnerabilities are impacts to climate change.
	Birds - aggregations of breeding birds	Arctic tern (*Sterna paradisaea*), breeding	Unfavourable No change			
Foula	Birds - aggregations of breeding birds	Seabird assemblage, breeding	Favourable Maintained	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	**Potential pressures are:** physical damage, physical disturbance, toxic and non-toxic contamination and biological disturbance. **Mapped activity-related pressures:** shipping, demersal fishing, creeling, dredge disposal, ferry terminal,	Refer to SMSP Map 5b(v) and 5b(vi) Most vulnerable to contamination, noise, litter and biological disturbance such as selective extraction of species - fishing.
	Birds - aggregations of breeding birds	Shag (*Phalacrocorax aristotelis*), breeding	Unfavourable Declining			
	Birds - aggregations of breeding birds	Fulmar (*Fulmarus glacialis*), breeding	Unfavourable Declining			
	Birds - aggregations of breeding birds	Great skua (*Stercorarius skua*), breeding	Unfavourable Declining			

Table 5 - Special Protection Areas (SPAs)						
Site	***Feature Category***	***Feature***	***Site condition***	***Conservation Objective***	***Potential Pressures***	***Vulnerabilities***
Foula (contd)	Birds - aggregations of breeding birds	Guillemot (*Uria aalge*), breeding	Unfavourable Declining	supporting the species - Structure, function and supporting processes of habitats supporting the species - No significant disturbance of the species	pier. Recreational activities include walking, sea angling, yacht racing and diving.	Other vulnerabilities are impacts to climate change. Potential for wave and tidal energy development - collisions, barriers to movement.
	Birds - aggregations of breeding birds	Kittiwake (*Rissa tridactyla*), breeding	Unfavourable Declining			
	Birds - aggregations of breeding birds	Leach's petrel (*Oceanodroma leucorhoa*), breeding	Unfavourable Declining			
	Birds - aggregations of breeding birds	Puffin (*Fratercula arctica*), breeding	Unfavourable Declining			
	Birds - aggregations of breeding birds	Razorbill (*Alca torda*), breeding	Unfavourable Declining			
	Birds - aggregations of breeding birds	Red-throated diver (*Gavia stellata*), breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Arctic skua (*Stercorarius parasiticus*), breeding	Unfavourable Declining			
	Birds - aggregations of breeding birds	Arctic tern (*Sterna paradisaea*), breeding	Favourable Maintained			
Sumburgh Head	Birds - aggregations of breeding birds	Seabird assemblage, breeding	Favourable Maintained	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; andTo 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-	**Potential pressures are**: physical loss, physical damage, physical disturbance, interference with hydrological processes, toxic and non-toxic contamination, biological disturbance, collision	Refer to SMSP Map 5b(v). Most vulnerable to contamination, noise, litter, collisions, barriers to movement and biological
	Birds - aggregations of breeding birds	Fulmar (*Fulmarus glacialis*), breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Guillemot (*Uria aalge*), breeding	Unfavourable Declining			

Table 5 - Special Protection Areas (SPAs)						
Site	***Feature Category***	***Feature***	***Site condition***	***Conservation Objective***	***Potential Pressures***	***Vulnerabilities***
	Birds - aggregations of breeding birds	Kittiwake (*Rissa tridactyla*), breeding	Unfavourable Declining	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.	impact, barriers to species movement, electromagnetic impacts. **Mapped activity-related pressures:** Sewage effluent, trade effluent; shipping routes, shellfish dredging, creeling, tourism, coastal walks, ferry terminal, marina.	disturbance such as selective extraction of species - fishing. Other vulnerabilities are impacts to climate change. Potential for wave and tidal energy development - collisions, barriers to movement.
	Birds - aggregations of breeding birds	Arctic tern (*Sterna paradisaea*), breeding	Unfavourable Declining			
Fair Isle	Birds - aggregations of breeding birds	Seabird assemblage, breeding	Favourable Maintained	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	**Potential pressures are:** physical loss, physical damage, physical disturbance, interference with hydrological processes, toxic and non-toxic contamination, biological disturbance, collision impact, barriers to species movement, electromagnetic impacts. **Mapped activity-related pressures:** sewage effluent, shipping routes, demersal fishing, creeling, ferry terminal and pier. Recreational	Refer to SMSP Map 5b(v). Most vulnerable to contamination, noise, litter, collisions, barriers to movement and biological disturbance such as selective extraction of species - fishing. Other vulnerabilities are impacts to climate change. Potential for wave and tidal energy development - collisions, barriers to movement.
	Birds - aggregations of breeding birds	Fair Isle wren (Troglodytes troglodytes fridariensis), breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Shag (*Phalacrocorax aristotelis*), breeding	Unfavourable Declining			
	Birds - aggregations of breeding birds	Fulmar (*Fulmarus glacialis*), breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Gannet (*Morus bassanus*), breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Great skua (*Stercorarius skua*), breeding	Favourable Maintained			
	Birds - aggregations of	Guillemot (*Uria aalge*), breeding	Favourable Maintained			

Table 5 - Special Protection Areas (SPAs)						
Site	***Feature Category***	***Feature***	***Site condition***	***Conservation Objective***	***Potential Pressures***	***Vulnerabilities***
	breeding birds				activities include diving and walking.	
	Birds - aggregations of breeding birds	Kittiwake (*Rissa tridactyla*), breeding	Unfavourable Declining			
	Birds - aggregations of breeding birds	Puffin (*Fratercula arctica*), breeding	Unfavourable Declining			
	Birds - aggregations of breeding birds	Razorbill (*Alca torda*), breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Arctic skua (*Stercorarius parasiticus*), breeding	Favourable Maintained			
	Birds - aggregations of breeding birds	Arctic tern (*Sterna paradisaea*), breeding	Unfavourable Declining			
Ronas Hill – North Roe and Tingon	Birds - aggregations of breeding birds	Great skua (*Stercorarius skua*), breeding	Favourable Maintained	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; andTo ensure for the qualifying species that the	**Potential pressures are**: physical loss, physical damage, physical disturbance, interference with hydrological processes,	Refer to SMSP Map 5b(v) and 5b(vi). Most vulnerable to contamination,
	Birds - aggregations of breeding birds	Merlin (*Falco columbarius*), breeding	Favourable Maintained			

Table 5 - Special Protection Areas (SPAs)						
Site	***Feature Category***	***Feature***	***Site condition***	***Conservation Objective***	***Potential Pressures***	***Vulnerabilities***
	Birds - aggregations of breeding birds	Red-throated diver (*Gavia stellata*), breeding	Favourable Maintained	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	toxic and non-toxic contamination, biological disturbance, collision impact, barriers to species movement, electromagnetic impacts. **Mapped activity-related pressures:** aquaculture pipeline, demersal fishing, creeling, and aquaculture. Recreational activities include climbing, walking and kayaking.	noise, litter and biological disturbance such as selective extraction of species - fishing. Other vulnerabilities are impacts to climate change.
Otterswick and Graveland	Birds - aggregations of breeding birds	Red-throated diver (*Gavia stellata*), breeding	Favourable Maintained	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	**Potential pressures are:** physical damage, physical disturbance, toxic and non-toxic contamination, biological disturbance. **Mapped activity-related pressures**: demersal fishing, shellfish dredging, creeling. Recreational activities include climbing and walking.	Refer to SMSP Map 5b(v) and 5b(vi). Most vulnerable to contamination, noise, litter and biological disturbance such as selective extraction of species - fishing. Other vulnerabilities are impacts to climate change.

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

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

Records of HRA related consultations with SNH

The Draft SMSP (4th Ed.) is a revision of the third edition of the SMSP which until now, was a voluntary document. The new SMSP incorporates up-to-date legislative changes in terms of marine planning and licensing and incorporates new policies and revisions of the older policies, making them more effective and applicable.

To ensure that all the revised SMSP policies and proposals in the fourth edition have been adequately considered as part of the HRA process, the views of SNH were sought early in the process. Informal consultation with SNH commenced in September 2012 as part of the initial stages of the plan-making process i.e. during the review and first screening stages. SNH provided feedback on the previous version of the SMSP (3rd Ed.) in November 2012 which was then used to guide Natura 2000 specific policies in the new edition. More informal consultation and feedback was received from SNH in February 2013 based on an initial screening of the new and revised SMSP policies. This process was very informative and constructive in focussing the appraisal on the key issues and effects that influenced the SMSP policies and specifying a general methodology for the HRA.

Informal consultation was conducted again in May 2013 following revisions to the Draft SMSP in agreement with the SMSP Advisory Group and initial feedback from SNH. This HRA record reflects the comments received and changes carried out as part of this consultation stage. The outcomes of the screening process are included in the following Stage 5.

A summary of the informal consultation and policy changes resulting from correspondence with SNH has been provided in Table D, Appendix 4.

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

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

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 or 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 a LSE, and this provides a clear scope for the parts of the plan that will require appropriate assessment.*
(Source: DTA, 2012)

For the purposes of screening it is important to provide an interpretation of what is considered to be 'a likely significant effect'. In the 'Waddenzee Ruling'[7] the European Court of Justice said in re-iteration:

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

Therefore it may be interpreted that 'a precautionary approach' is employed where a LSE on a European site 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 SMSP not likely to have a significant effect on a European site. This will then ensure that other elements of the SMSP are 'screened in' to the appropriate assessment and subject to further appraisal.

The 'screening' process includes three key stages as follows:

- Step 1: screening out general policy statements
- Step 2: screening out projects referred to in, but not proposed by, the SMSP
- Step 3: screening out aspects of the SMSP 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 record that they will not be likely to have a significant effect on a European site.

[7] Judgement of the European Court of Justice in case C-127/02 dated 7th September 2004

The SMSP incorporates a number of general and strategic policy statements. The SMSP 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: 5(a) Clean and Safe; 5(b) Healthy and Diverse; and 5(c) Productive. Proposed developments must comply with *all policies* included in Policy Framework Sections 5(a) and 5(b) first before they can be considered in relation to the applicable sector-based policies in Policy Framework 5(c). The aim of this approach is to ensure that marine waters are first and foremost, clean, safe, healthy and diverse before they can be productive.

Record of Outcome

The Draft SMSP strategic and general policy statements which have been screened out are included in Table 6. This assessment has been carried out in accordance with DTA Guidance Reference Stage 5: Screening Step1.

Table 6 - General Policy Statements					
Policy/ Proposal Title	***Aim***	***Type of effect – no effect or minor/ residual effect***	***Comment***	***Screening outcome***	***DTA reference***
Vision	Shetland's vision for the marine and coastal environment is one that is clean, healthy, safe and productive, managed to meet the long-term needs of nature and the local people.	No effect	This may be regarded as a General Policy Statement as it is aspirational, strategic and very general.	Out	Section 4: Stage 5, Step 1
Aim	Ensure that use of the marine and coastal environment of Shetland is sustainable*. *Sustainable use will enable dynamic economic activity supporting a prosperous community whilst maintaining and enhancing marine wildlife, habitats and ecosystems. Sustainable use should not lead to loss of biodiversity or ecological balance, or reduce the availability of natural resources for future generations.	No effect	This is regarded as a General Policy Statement as it is aspirational, strategic and very general.	Out	Section 4: Stage 5, Step 1
Objective SOC	Ensure a high quality, fully functioning marine and coastal ecosystem through sustainable use for the health, cultural benefit and prosperity of local communities	No effect	This is regarded as a General Policy Statement as it is aspirational, strategic and very general.	Out	Section 4: Stage 5, Step 1
Objective ENV	Protect and enhance Shetland's marine waters and coastal environment, in particular where there are locally, nationally or internationally important biodiversity and geodiversity features, whilst taking account of natural changes	No effect	This is regarded as a General Policy Statement. It is an aspirational and strategic objective intended to protect the natural environment including Natura 2000 sites from inappropriate development or adverse impacts.	Out	Section 4: Stage 5, Step 1

Table 6 - General Policy Statements					
Policy/ Proposal Title	***Aim***	***Type of effect – no effect or minor/ residual effect***	***Comment***	***Screening outcome***	***DTA reference***
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)	No effect	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 SMSP may be implemented.	Out	Section 4: Stage 5, Step 1
Principles of Sustainable Development	•Achieving a sustainable economy; •Ensuring a strong, healthy and just society; •Living within environmental limits; •Promoting good governance; and •Using sound science responsibly.	No effect	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 SMSP may be implemented.	Out	Section 4: Stage 5, Step 1
Climate Change	Based on an ecosystem approach to marine planning, the SMSP ensures that the use of the marine environment is planned where practical, facilitates climate change mitigation and requires current and future marine-related activities to address and include provision for the impacts of climate change.	No effect	The strategic framework ensures that the SMSP 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 SMSP may be implemented.	Out	Section 4: Stage 5, Step 1

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

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.

In terms of screening out references to specific proposals for projects referred to in, but not proposed by, the plan some examples include national infrastructure proposals by the Scottish Government and proposals subject to consent directly by Scottish Ministers. All of the relevant plans and projects which have been screened out are included in Table 7.

Table 7: Other Projects screened out

	Title of Plan, Programme or Strategy	***Screening Outcome***
Marine Plans and Proposals	Scotland's National Marine Plan - Consultation Draft	Out
	Scotland's Marine Atlas	Out
	Sectoral Marine Plan for Offshore Wind – Consultation Draft	Out
	Sectoral Marine Plan for Offshore Wave – Consultation Draft	Out
	Sectoral Marine Plan for Offshore Tidal – Consultation Draft	Out
	Delivering Planning Reform for Aquaculture 2	Out
	Aquaculture and Fisheries (Scotland) Bill 2012 (under development)	Out
	A Fresh Start: The renewed Strategic Framework for Scottish Aquaculture	Out
	Scotland's National Transport Strategy 2006	Out
	National Renewables Infrastructure Plan (N-RIP)	Out
	National Planning Framework for Scotland 3 (NPF 3)	Out
	Oil+Gas Strategy 2012-2020 (Scottish Enterprise)	Out
	Orkney and Shetland Area Management Plan 2010-2015	Out
	National Marine Litter Strategy - consultation draft	Out
	Local Flood Risk Management Plans – pending publication 2015	Out
	Proposed Nature Conservation MPAs - consultation draft	Out
	Proposed Historic MPA - consultation stage	Out
	Priority Marine Features (PMFs) - consultation draft	Out
	Seaweed Policy Statement - consultation draft	Out
Terrestrial Plans and Proposals	Shetland Islands Council Local Development Plan 2012 (SLDP)	Out
	Supplementary Guidance for Works Licence Policy (SLDP)	Out
	Supplementary Guidance for Aquaculture Policy - SLDP	Out
	Shetland Transport Strategy 2008 (ZetTrans)	Out
	Shetland Islands Council Corporate Plan (2013 -2017)	Out
	Shetland Interim Planning Minerals Policy (2009)	Out
	Renewable Energy Development in Shetland – Strategy and Action Plan (2009)	Out

Table 7: Other Projects screened out		
Title of Plan, Programme or Strategy		***Screening Outcome***
	Shetland Core Path Plan (2009)	Out
	Shetland Tourism Plan (2011 -2014)	Out
	Supplementary Guidance - Shetland Islands Council LDP Onshore Wind Energy (2013)	Out

A more detailed assessment of these plans and projects is included in Table B and Table C, Appendix 3.

It is acknowledged that the SMSP is one of the first marine spatial plans developed in the UK and will be the first to be formally adopted as Supplementary Guidance to the Shetland Islands Council's Local Development Plan. As a result, the number of actual fully developed marine plans and marine proposals to consider at this stage is limited. Notwithstanding there are a number of marine plans and strategies currently under development or in the early stages of development i.e. Scotland's National Marine Plan (NMP) and the Sectoral Marine Plans for Offshore Wind, Wave and Tidal Energy in Scottish Waters (Sectoral Marine Plans) These sets of plans are currently at 'Consultation Draft' stage and are screened out because they are proposed by, and will be assessed by, the Scottish Government and it would be inappropriate for this SMSP appraisal to attempt to assess their effects. Further information is included in Table B, Appendix 3 however it is noted that a HRA was undertaken for the NMP and the results of the screening concluded that an AA of the NMP is not required. The Draft HRA report for the Sectoral Marine Plans concludes that with appropriate mitigation measures and implementation there will be no 'adverse effect on the integrity' (AEOI) of any European/Ramsar site arising from the Marine Sectoral Plans.

The Scottish Government is in the process of designating Marine Protected Areas (MPAs) under the Marine (Scotland) Act, 2010 and the UK Marine and Coastal Access Act 2009 which will safeguard particular biological, geological, historic or cultural features. The process is on-going and so far, Fetlar to Haroldswick and Mousa to Boddam have been selected as territorial (within 12 nautical mile of the Shetland coast) possible Nature Conservation MPAs whilst an area within the Out Skerries is proposed as a Historic MPA. These proposals are still under development and are proposed by, and will be assessed by, the Scottish Government and consequently it would be inappropriate for this SMSP appraisal to attempt to assess their effects. It is acknowledged however, that the Nature Conservation MPA proposals would be expected to have a positive effect on the relevant Natura 2000 sites by providing additional legal protection and site specific management measures but nevertheless would still need to be screened for LSE in accordance with the Habitats Directive. The Historic MPA proposed for the Out

Skerries is not expected to have a LSE on any Natura 2000 site as there are none within the vicinity of the site however it will be subject to screening.

In addition to marine-related plans and projects, there are a number of terrestrial plans and projects (as included in Table 7) which have been referred to in, but not proposed by, the SMSP and have been screened out as part of this step. These plans are outlined in more detail in Table C, Appendix 3.

Record of Outcome

The projects referred to in, but not proposed by, the SMSP which have been screened out are included in Table 7. Additionally, the outcome of Step 1 concluded that all of the general policy statements were individually screened out because they will have no effect at all therefore they will have no minor residual effects (MREs) and so there is no need to consider any in-combination effects with the aforementioned plans and projects. It is not possible to assess cumulative effects with the SMSP policies screened out so far if they have no individual effects.

Step 3: Screening out aspects of the SMSP that could have no likely significant effect on a site alone

This step involves screening out the elements of the SMSP that could have no LSE on a European site at all. All SMSP policies have been considered individually for their LSE on Natura 2000 sites having regard to the criteria included in Table 8.

Table 8: - Reasons why, according to the DTA guidance, a policy would not be likely to have a significant effect on a European site

DTA Guidance reference	***Aspects of the SMSP which would not be likely to have a significant effect on a European site alone***
Stage 5: Screening Step 3 (4.18a)	Intended to protect the natural environment, including biodiversity, or to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European site
Stage 5: Screening Step 3 (4.18b)	Which will not themselves lead to development or other change, e.g. because they relate to design or other qualitative criteria for development or other kinds of change
Stage 5: Screening Step 3 (4.18c)	Which make provision for change but which could have no conceivable effect on a European site, because there is no link or pathway between them and the qualifying interests, or any effect would be a positive effect, or would not otherwise undermine the conservation objectives for the site
Stage 5: Screening Step 3 (4.18d)	Which make provision for change but which could have no significant effect on a European site (**and hence is a minor residual effect**), because any potential effects would be insignificant, being so restricted or remote from the site that they would not undermine the conservation objectives for the site
Stage 5: Screening Step 3 (4.18e)	For which effects on any particular European site cannot be identified, because the policy is too general, for example, it is not possible to identify where, when or how the policy may be implemented, or where effects may occur, or which sites, if any, may be affected. These aspects of the plan may also be very similar to or the same as those screened out under screening step 1, relating to general policy statements.

The SMSP policies screened out as a result of the above process have been recorded in Table 9.

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
Clean and Safe					
Policy MSP WAT1: Water Ecology	Development shall not cause any water body to deteriorate in status nor prevent the achievement of established objectives set out in the Scotland River Basin Management Plan and Orkney and Shetland Area Management Plan. Development adjacent to a water body must be accompanied by sufficient information to enable a full assessment of the likely effects including cumulative effects	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect the water environment and therefore protect, sustain and attract biodiversity reliant on this natural resource.	Stage 5 - 4.18 (a)
Policy MSP WAT2 Improving water quality and ecology	Where possible, development will contribute towards objectives to improve the ecological status of coastal water bodies and the environmental status of marine waters.	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect the water environment and therefore protect, sustain and attract biodiversity reliant on this natural resource.	Stage 5 - 4.18 (a)
Policy MSP INNS1 Reducing the spread of invasive non-native species	Applications for marine-related developments should demonstrate that the potential risks of spreading INNS have been adequately considered in their proposal, particularly when moving equipment, boats or live stock (e.g. fish and shellfish) from one water body to another or introducing structures suitable for settlement of INNS. Development proposals in areas where INNS are known to exist must include mitigation measures or a contingency plan approved by the local authority that seeks to minimise the risk	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect the marine and coastal environment from the adverse effects of introduced non-native species. The policy itself will not lead to development because it relates to design and/ other qualitative criteria for prevention and management of INNS.	Stage 5 - 4.18 (b)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
	of spreading the INNS or identifies ways to eradicate the organisms and set up a scheme to prevent reintroduction.				
Policy MSP LITT1: Waste minimisation	All applications for marine-related developments should, where directed by the local authority, submit a waste/litter minimisation and management plan to ensure the safe disposal of waste material and debris associated with the construction, operation and decommissioning stages of the development in a format to the satisfaction of the consenting authority or regulator. Disposal of marine waste/ litter at sea is prohibited.	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect the marine and coastal environment from the adverse effects of marine litter and waste. The policy itself will not lead to development because it relates to design and/ other qualitative criteria for prevention and management of waste.	Stage 5 - 4.18 (b)
Policy MSP NOISE1: Safeguarding levels of noise including underwater noise	Applications for marine-related developments should, where directed by the local authority: a) submit a noise impact assessment or supporting information to describe the duration, type and level of noise expected to be generated at all stages of the development (construction, operation, decommissioning); and b) include mitigation measures to minimise the adverse impacts associated with the duration and level of noise activity. Development must also take into consideration the potential cumulative effects of noise within the marine area. Developers should consider whether the level of surface or underwater noise has the potential to affect a European Protected Species (EPS) and	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect marine and coastal species from the adverse effects of noise. The policy itself will not lead to development because it relates to design and/ other qualitative criteria for mitigation and management of noise.	Stage 5 - 4.18 (b)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
	should note that any development which has the potential to disturb an EPS (otters, cetaceans) will be required to apply for an EPS licence.				
Policy MSP SHIP1: Safeguarding navigation channels and port areas	Development proposals that have an adverse impact on the efficient and safe movement or navigation of shipping to and from ports, harbours, marinas and anchorages or the long-term operational capacity of a ferry operation will be refused.	No LSE	Out	No likely significant effect as this policy is in relation to navigational safety and will have no conceivable effect on a European site.	Stage 5 - 4.18 (c)
Policy MSP SHIP2: Marine Environmental High Risk Areas (MEHRAs)	Developments should consider the presence and status of Marine Environmental High Risk Areas (MEHRAs).	No LSE	Out	No likely significant effect as this policy is intended to manage navigational risks and protect marine waters from navigational accidents.	Stage 5 - 4.18 (a)
Policy MSP ACBP1: Avoidance of cables and pipelines	Activities that could damage any cable or pipeline (e.g. dredging or mooring attachments to the seabed) should be avoided in the following situations: a) oil and gas industry recommend a minimum exclusion zone of 500m around well heads and platforms and the local authority recommend a minimum exclusion zone of 230m either side of the centre line of the pipeline; and b) telecommunication and electricity companies recommend 250m on either side of submarine cables.	No LSE	Out	No likely significant effect as this policy is in relation to navigational safety and hazards and will have no conceivable effect on a European site.	Stage 5 - 4.18 (c)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
Policy MSP CLIM1: Climate change mitigation	Applications for marine-related developments should demonstrate, in a format approved by the consenting authority or regulator, that: a) resource; b) energy use; and c) emissions have been assessed and minimised as part of the overall development proposal.	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect marine biodiversity from the adverse impacts of climate change. The policy itself will not lead to development because it relates to design and/ other qualitative criteria for mitigation of climate change impacts.	Stage 5 - 4.18 (b)
Policy MSP CLIM2: Climate change adaptation	Applications for marine-related developments should demonstrate that the impacts of climate change over the lifetime of the development have been considered and minimised as part of the overall development proposal.	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect marine biodiversity from the adverse impacts of climate change. The policy itself will not lead to development because it relates to design and/ other qualitative criteria for management and adaptation to the impacts of climate change.	Stage 5 - 4.18 (b)
Policy MSP CD1: Coastal Defence Construction	The installation of new flood defences and coastal protection works will be considered if coastal erosion or flooding threatens existing public infrastructure and important built development and where there is a significant safety risk. Where this has been demonstrated, the planning authority and coast protection authority will ensure the construction of flooding or coastal defence developments have: a) complied with Policy Framework Section 5(a) and 5(b);	Not possible to rule out LSE	In	At this stage of the process, it is not possible to rule out the risk of significant effects on a European site as the majority of Natura 2000 sites are located within coastal locations which may be subject to coastal defence construction.	Stage 5

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
	b) provided detail of relocation options; c) detailed the design and assess the risks and impacts, ensuring the retention or enhancement of the ecological characteristics, landscape character and popular coastal views; and d) can demonstrate the wider implications of exacerbating flooding or coastal erosion processes elsewhere. Where coastal defence is deemed necessary, there should be an overall presumption in favour of soft rather than hard defences. The use of managed realignment of coastal defences where appropriate will be promoted.				
Policy MSP CD2: Coastal Defence Demolition	Permission for the demolition of coastal defence materials will only be permitted when it can be demonstrated that there are no adverse impacts for the environment, landscape or land use. In particular, when considering the demolition of coastal defence structures, the following should be taken account of: a) compliance with Policy Sections 5(a) and 5(b); b) historic value of the structure in its surroundings; c) potential to re-use the material; d) implications for reinstatement; and e) value to species and habitats, such as providing a substrate for an important rocky shore habitat, or shelter for otters.	Not possible to rule out LSE	In	At this stage of the process, it is not possible to rule out the risk of significant effects on a European site as the majority of Natura 2000 sites are located within coastal locations which may be subject to coastal defence demolition.	Stage 5

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
Healthy and Diverse					
Policy MSP HER1: Developments in or near Sites of International Interest (SACs, SPAs and Ramsar)	Development likely to have a significant effect on a site designated or proposed to be designated as a SPA, SAC (collectively known as Natura 2000 sites) alone or in combination and not directly connected with, or necessary to the conservation management of that site must be subject to an Appropriate Assessment in order to assess the implications for the site's conservation objectives. The development will only be permitted in circumstances where the assessment ascertains that: a) it would not adversely affect the objectives of the designation or the integrity of the site; or, b) there is no alternative solution; and, c) there are imperative reasons of over-riding public interest, including those of a social or economic nature.	No LSE	Out	No likely significant effect on a European site because this policy is intended to specifically protect Natura 2000 sites from the negative impacts of development.	Stage 5 - 4.18 (a)
Policy MSP HER2: Developments in or near SSSIs	Development likely to have an effect on a Site of Special Scientific Interest (SSSIs) will only be permitted: a) if there is no adverse impact on the special interest of the site or it can be subject to conditions that will prevent damaging impacts on wildlife habitats or important physical features: or, b) where there is no reasonable alternative or	No LSE	Out	No likely significant effect on a European site because this policy is intended to specifically protect SSSIs from the negative impacts of development. Many of the SSSIs in Shetland include SACs and SPAs offering additional protection.	Stage 5 - 4.18 (a)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
	less ecologically damaging location and the reasons for the development clearly outweigh the value of the site by virtue of social or economic benefits of national importance.				
Policy MSP HER3: Development near to European Protected Species	Development likely to have an adverse effect on a European protected species will only be permitted where all of the following can be demonstrated: a) there is no satisfactory alternative; b) the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and c) The development would not be detrimental to the maintenance of the population of a European protected species concerned at a favourable conservation status in its natural range.	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect European Protected Species and is based on a range of general criteria.	Stage 5 - 4.18 (a)
Policy MSP HER4: Protection of Wild Birds outwith Designated Sites	Where there is good reason to suggest that a wild bird protected under the Wildlife and Countryside Act 1981 (as amended), the Nature Conservation (Scotland) Act 2004 or listed in Annex 1 of the EC Birds Directive is present on site, or may be affected by a proposed development, the consenting authorities will require any such presence to be established. If such a species is present, a plan should be provided to avoid or mitigate any adverse effects on the species, prior to determining the	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect wild birds not protected under SPA designation. The policy is based on a range of criteria ensuring any negative impact on wild birds is minimal and gives added protection to non-European protected species.	Stage 5 - 4.18 (a)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
	application, works licence or marine licence. Development that directly threatens wild birds, the destruction of their nests or eggs will only be permitted where it can be demonstrated that: a) the development is required for preserving public health or public safety; and b) there is no other satisfactory solution. Developers should also take into consideration any sensitive times of year for breeding within the area of the proposed development when planning construction, operation and decommissioning stages. Proposals should include avoidance measures or mitigation of disturbance during these sensitive times and within these sensitive locations. If a species listed on Schedule 1 on the Wildlife and Countryside Act 1981 (as amended) is present either at the nest, or with dependent young, it cannot be disturbed without a licence from SNH.				
Policy MSP HER5: Nature Conservation Marine Protected Areas	Development capable of affecting any Nature Conservation MPA will only be permitted where it has been adequately demonstrated, to the satisfaction of the consenting authority, Marine Scotland and SNH, that the proposal has had due regard to the conservation objectives of the designated site and there will be no significant risk of hindering the conservation objectives of the Nature Conservation MPA.	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect MPAs within 12 nautical miles of Shetland. Proposals for MPAs around Shetland include: (i) Fetlar to Haroldswick; and (ii) Mousa to Boddam. Parts of Fetlar to Haroldswick are	Stage 5 - 4.18 (a)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
				already designated as a SPA and SSSI while Mousa itself is an SAC, SPA and SSSI. Policy MSP HER6 will give added protection to these Natura 2000 sites and will help to create an ecologically coherent network of well-managed MPAs in the North East Atlantic.	
Policy MSP HER6: Priority Marine Features	Developments or activities likely to have a significant effect on a Priority Marine Feature (PMF) will only be permitted where it can be demonstrated that: a) there will be no adverse direct or indirect effect to the site's integrity or important physical features; or b) mitigation measures are included to minimise the impacts to the priority marine habitat or species including species behaviour such as breeding, feeding, nursery or resting; or c) there is no reasonable alternative or less ecologically damaging location; and d) the reasons for the development clearly outweigh the value of the site by virtue of social or economic benefits of national importance.	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect PMFs within 12 nautical miles of Shetland. This policy allows some nationally important features already designated within a Natura 2000 site and those outwith designated Natura 2000 sites and Nature Conservation MPAs to be safeguarded and ecosystem health to be maintained.	Stage 5 - 4.18 (a)
Policy MSP HER7: Development near to a Local Nature Conservation Site	Development that affects a Local Nature Conservation Site will only be permitted where: a) it will not adversely affect the integrity of the area or the qualities for which it has been identified; or	No LSE	Out	No likely significant effect on a European site because this policy is intended to provide a local layer of protection to important natural heritage sites in Shetland and is based on a range of general criteria to	Stage 5 - 4.18 (a)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
	b) any such effects are clearly outweighed by social, environmental or economic benefits.			minimise any adverse impacts. LNCs are important as natural heritage corridors for many migrating species and so should be protected from inappropriate development.	
Policy MSP HER8: Safeguarding Marine Geodiversity	Development will only be permitted where appropriate measures are taken to protect and/or enhance important marine geological and geomorphological resources and sites, including those of educational or research value. Proposals that will have an unavoidable effect on marine geodiversity will only be permitted where it has been demonstrated that: • The development will have benefits of overriding public interest including those of a social or economic nature that outweigh the local, national or international contribution of the affected area in terms of its marine geodiversity; • Any loss of marine geodiversity is reduced to acceptable levels by mitigation, and a record is made prior to any loss.	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect important marine geodiversity features from the negative impacts of development.	Stage 5 - 4.18 (a)
Policy MSP HER9: Safeguarding National Scenic Areas (NSAs) and Local Landscape	Developments that affects a NSA or LLA will only be permitted where: a) it will not adversely affect the integrity of the area or the qualities or protected features for which it has been designated, or b) any such adverse effects are clearly outweighed by social, environmental or	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect National Scenic Areas (NSAs) and Local Landscape Areas(LLAs). This policy seeks the protection of designated national landscapes with	Stage 5 - 4.18 (a)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
Areas (LLAs)	economic benefits of			outstanding beauty and locally important scenic areas. The majority of these NSAs and LLAs overlap with the Natura 2000 sites. Policy MSP HER8 will be an additional consideration/ layer of protection for any proposed development within or close to a Natura 2000 site.	
Policy MSP HER10: Safeguarding Seascape Character and Visual Amenity	Any development or activity should demonstrate: a) how the proposal takes into account existing character and quality of local landscape/ seascape; how highly it is valued; and its capacity to accommodate change specific to any development. b) a high standard of design, in terms of siting, scale, colour, materials and form to ensure the various types of development or coastal use change might best be accommodated within particular landscape and seascape types.	No LSE	Out	No likely significant effect on any Natura 2000 site because Policy MSP HER9 is concerned with protecting seascape character and visual amenity from inappropriate development. It does not lead to development or change itself as it relates to design and qualitative criteria for development.	Stage 5 - 4.18 (b)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
Policy MSP HIS1: Historic Marine Protected Areas	Development within or adjacent to the boundaries of any Historic MPA will only be permitted where it has been adequately demonstrated, to the satisfactory of both the planning authority and Historic Scotland, that the proposal has had due regard to the preservation objectives of the designated site and there will be no adverse direct or indirect effects on the objectives of this Historic MPA. Development proposals should assess the likely impacts on hydrodynamic processes and any seabed biology/water chemistry over the protected area and, where appropriate, develop an archaeological mitigation strategy to minimise any potential impacts. Developers may be expected to arrange for appropriate archaeological investigation, at their own expense to take place prior to the commencement of work, in consultation with the local planning authority and Historic Scotland.	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect sites specifically designated for nationally important historic assets. In Shetland there is one proposed Historic MPA which is to protect the remains of two shipwrecks off the Out Skerries. This policy can have no conceivable effect on a European site.	Stage 5 - 4.18 (c)
Policy MSP HIS2: Safeguarding Nationally Important Heritage Assets	Development which results in substantial loss or harm to a scheduled monument or the integrity of its setting should not be permitted unless it can be demonstrated that the harm or loss is necessary in order to deliver social, economic or environmental benefits that outweigh the harm or loss. Where the loss of the whole or a material part of a heritage asset's significance is deemed justifiable, suitable mitigating actions will be	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect built heritage and its associated setting and therefore will not have any negative effect on a European site.	Stage 5 - 4.18 (a)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
	required to be undertaken by the developer in agreement with the relevant regulator and advisors (e.g. the Regional Archaeology Service) to record and advance understanding of the significance of the heritage asset before it is lost. Scheduled monuments are an important, finite and non-renewable resource and should be protected and preserved in situ wherever feasible. Where preservation in situ is not possible consenting authorities will, through the use of conditions or a legal agreement, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. All requirements should be based on advice from the relevant regulator and advisors.				
Policy MSP HIS3: Safeguarding Locally Important Heritage Assets	Safeguarding Locally Important Heritage Assets All other archaeological resources should be preserved in situ wherever feasible. Where preservation in situ is not possible the consenting authority should ensure that developers undertake appropriate archaeological excavation, recording, analysis, publication and archiving in advance of and / or during development. Developments within the vicinity of heritage assets must respect the original structure in	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect locally important built heritage assets and will not have any negative effect on European sites.	Stage 5 - 4.18 (a)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
	terms of design, scale and, where appropriate, setting.				
Policy MSP COM1: Community Considerations	Applications for marine-related developments should demonstrate that there will be no adverse social impact on the local community and will only be considered where it has shown that: a) There is no alternative location for this type of development; b) All necessary mitigation measures have been included in the development proposal; c) Local stakeholders, community councils, groups and other marine and coastal users have been consulted and engaged in the development process; and d) An assessment of social impacts of major developments has been carried out to the satisfaction of the consenting authority.	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect the social and economic interests of the local community. It will not lead to development itself and will have no conceivable effect on a European site.	Stage 5 - 4.18 (c)
Policy MSP REC1: Marine Recreation **(Please refer to Stage 6 of this HRA for further information)**	Developments to create or enhance marine leisure and recreation facilities will be permitted where it can be demonstrated that there will be no adverse impact on natural heritage, landscape character, and the sustainability of local industry i.e. fishing grounds and other marine users.	Not possible to rule out LSE	In	At this stage of the process, it is not possible to rule out the risk of significant effects on a European site as potential enhancements to existing facilities could occur within Natura 2000 sites.	Stage 5

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
Policy MSP REC2: Safeguarding Marine Recreation **(now referred to as Policy MSP REC1. Please refer to Stage 6 of this HRA)**	Developments which are likely to have a significant adverse impact on local leisure and recreation users will only be permitted where it can be demonstrated that the harm or loss is necessary in order to deliver social, economic or environmental benefits that outweigh the harm or loss. Any new development for a marine-related activity should ensure that continued access rights to the marine and coastal resource for leisure and recreational use is maintained.	No LSE	Out	No likely significant effect on a European site because this policy is intended to safeguard existing recreational amenities. It will not lead to development itself and relates to qualitative criteria.	Stage 5 - 4.18 (b)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
Productive					
Policy MSP DEV1 Marine Developments	Proposals for marine-related developments will be considered favourably where it can be demonstrated that: a) they comply with all policies included in Policy Framework Sections 5(a) and 5(b) and Policy MSP FISH1; b) the developer has engaged in pre-application discussions with the consenting authorities, any adjacent marine user and the local community council; c) the compatibility of the proposed development with existing marine users has been taken into consideration to minimise conflict and any potential adverse impacts; d) all co-existence options with other users have been considered in the design and location of the proposed development to maximise the efficient use of the marine space; e) there is no adverse impact on safety or navigation within the locality; and f) the potential individual and cumulative effects of the proposed development have been addressed and will be managed sustainably in terms of spatial and temporal overlaps.	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect other marine users and developments from inappropriate development. While it is accepted in Policy MSP DEV1 that there will be some degree of development/ change, it is so general that it is not known where, when or how this aspect of the SMSP may be implemented or where any potential effects may occur, or which European sites, if any, may be affected. Policy MSP DEV1 requires any new development to be compliant with all policies in Policy Framework Sections 5(a) and 5(b) including compliance with Policy MSP HER1 which controls development in or near Natura 2000 sites.	Stage 5 - 4.18 (e)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
Policy MSP FISH1: Safeguarding Fishing Opportunities	Developments will only be permitted where it can be demonstrated that: a) there will be no significant damage or permanent obstruction to an important fishing area; b) there will be no damage to a known/designated spawning or nursery area for commercially exploited species of fish; c) it will not cause an unsafe navigational hazard for commercial fishermen; or d) there is no reasonable alternative and any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.	No LSE	Out	No likely significant effect on a European site because 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.	Stage 5 - 4.18 (b)
Policy MSP AQ1: Aquaculture - Key conditions	Aquaculture development applications will be considered favourably where they have complied with: a) All policies included in Policy Framework Section 5(a)and 5(b) and Policy MSP DEV1; b) Supplementary Guidance - Aquaculture Policy; c) Locational Guidelines (for fin fish farming only); and d) local policy restrictions.	No LSE	Out	No likely significant effect on a European site as this is a general policy statement and is based on general criteria. The policy itself does not lead to any development. The criteria include compliance with all policies included in Policy Framework Sections 5(a) and 5(b) including Policy MSP HER1 which controls development in or near Natura 2000 sites.	Stage 5 - 4.18 (b)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
Policy MSP AQ2: Fish farm Management Agreements	All aquaculture developments should seek agreement with other operators in the area to reduce the potential for disease transmission, increase fish welfare or control and manage sea lice numbers. this can be achieved through a Farm Management Agreement (FMA), an Area Management Agreement (AMA) or Farm Management Statement (FMS) which; a) reflects (as far as possible) the recommendations of the Code of Good Practice; b) includes a stocking and fallowing plan; and c) is formally reviewed between signatories at least every 2 years.	No LSE	Out	No likely significant effect on a European site as this policy is intended to protect marine waters from the significant adverse impacts of disease transmission that can be a result of aquaculture development. The policy itself will not lead to development but aims to co-ordinate and manage aquaculture and direct it into areas which will be controlled to reduce any adverse impacts on the surrounding waters.	Stage 5 - 4.18 (b)
Policy MSP AQ3: Aquaculture Development Management Plans	Area wide aquaculture development management plan proposals will be supported and encouraged where they aim to: a) comply with all policies included in Policy Framework Section 5(a) and 5(b) and Policy MSP DEV1; b) increase separation distance between developments; c) reduce overall environmental impacts and/ or reduce potential impact on protected species or habitats; d) safeguard or improve fishing opportunity; e) produce community benefits i.e. reduced visual impact, noise or impact on recreation/ access; and f) increase socio-economic benefit i.e. from job creation or increased economic viability.	No LSE	Out	No likely significant effect on a European site as this policy is intended to protect marine waters from the adverse impacts of disease transmission that can be a result of aquaculture development. The policy itself will not lead to development but aims to manage aquaculture and direct it into areas which will be controlled to reduce any adverse impacts on the surrounding waters. The policy is based on qualitative criteria which includes compliance with all policies included in Policy Framework Sections 5(a) and 5(b) including Policy MSP HER1	Stage 5 - 4.18 (b)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
	Subsequent developments which reverse the gains made by a management plan may not be permitted.			which controls development in or near Natura 2000 sites.	
Policy MSP AQ4: Seaweed Cultivation	Applications for the development of seaweed cultivation will be considered favourably where the following is demonstrated: a) compliance with all policies included in Policy Framework Section 5(a) and 5(b) and Policy MSP DEV1; b) only seaweed species native to Shetland will be grown; c) measures are included to prevent the introduction and spread of non-native species; and d) there is no artificial enrichment of the marine environment to aid production.	No LSE	Out	No likely significant effect on a European site because although this policy promotes development / change, it is so general that it is not known where, when or how this aspect of the plan may be implemented, or where any potential effects may occur, or which European sites, if any, may be affected. The policy is however based on a range of general criteria including compliance with all policies included in Policy Framework Sections 5(a) and 5(b) which includes adherence to Policy MSP HER1.	Stage 5 - 4.18 (e)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
Policy MSP OAG1: Oil and Gas Proposals	Exploration and extraction for oil and gas within 12-nautical miles of the coast will only be permitted where it has: a) complied with all policies included in Policy Framework Section 5(a) and 5(b) and Policy MSP DEV1; b) included an acceptable emergency response plan in agreement with the appropriate consenting authority for any accidental release of oil or gas and related hazardous substances; c) included all elements such as connections to shore base and infrastructure; and d) included an appropriate monitoring programme and detailed restoration and maintenance proposals.	No LSE	Out	No likely significant effect on a European site as this policy will not lead to development itself and is based on qualitative criteria including compliance with all policies included in Policy Framework Sections 5(a) and 5(b) which includes adherence to Policy MSP HER1. The policy also aims to protect the marine environment from any potential negative impacts from oil and gas exploration and extraction work.	Stage 5 - 4.18 (b)
Policy MSP NRG1: Exploratory, appraisal or prototype renewable energy proposals	Exploratory, appraisal or prototype energy proposals will be considered favourably where they have: a) complied with all policies included in Policy Framework Section 5(a) and 5(b) and Policy MSP DEV1; b) detailed any associated infrastructure required to service the site; and c) included an appropriate monitoring programme and detailed restoration proposals.	No LSE	Out	No likely significant effect on a European site because although this policy promotes development / change, it is so general that it is not known where, when or how this aspect of the plan may be implemented, or where any potential effects may occur, or which European sites, if any, may be affected. The policy is however based on a range of general criteria including compliance with all policies included in Policy Framework Sections 5(a) and 5(b) which includes adherence to Policy MSP HER1.	Stage 5 - 4.18 (e)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
Policy MSP NRG2: Renewable Energy Development Proposals	Renewable energy developments will be considered favourably where they have: a) complied with all policies included in Policy Framework Section 5(a) and 5(b) and Policy MSP DEV1; b) facilitated or considered in their design all elements, such as connection to shore base and National Grid connections; c) demonstrated that the development will not cause significant harm to the safety or amenity of any sensitive receptors; d) demonstrated to the satisfaction of the consenting authority an appropriate monitoring programme specific to the design, scale and type; and, e) detailed restoration and maintenance proposals.	No LSE	Out	No likely significant effect on a European site because although this policy promotes development / change, it is so general that it is not known where, when or how this aspect of the plan may be implemented, or where any potential effects may occur, or which European sites, if any, may be affected. The policy is however based on a range of general criteria including compliance with all policies included in Policy Framework Sections 5(a) and 5(b) which includes adherence to Policy MSP HER1.	Stage 5 - 4.18 (e)
Policy MSP NRG3: Wave and Tidal Development Proposals	Prior to submitting an application developers should consult the Regional Locational Guidance for Wave and Tidal Energy in the Shetland Islands (RLG) which identifies potential constraints to development. Applications for the development of wave and tidal devices will be encouraged where: a) Due regard has been shown to development constraints by proposing devices and associated infrastructure in areas of low constraint as identified in the RLG; or b) In areas of medium-high constraint identified in the RLG, the development has incorporated adequate design measures to the satisfaction of Marine Scotland and the local authority which	Not possible to rule out LSE	In	At this stage it is not possible to rule out the risk of significant effects on a Natura 2000 site as the policy does not include a policy caveat similar to the others requiring compliance with all policies in Policy framework Sections 5(a) and 5(b).	Stage 5

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
	mitigate any potential adverse impacts on the surrounding (natural and historic) environment and to other sea users; and c) The development complies with Policy MSP NRG 2.				
Policy MSP EX1: Extraction of Sand, Gravel and Shingle	Proposals for the extraction of sand, gravel or shingle from beaches and dunes and below the Mean High Water Spring (MHWS), including coastal quarrying, will be considered favourably, where the application has: a) complied with all policies included in Policy Framework Section 5(a) and 5(b) and Policy MSP DEV1; b) provided a description of the alternatives that have been considered. This should include: i. alternative sources (both within and outwith Shetland - bearing in mind the most sustainable option may actually be sourced material from outwith Shetland); ii. alternative materials such as recyclate or secondary aggregate; iii. using dredged material; and iv. doing nothing; c) detailed how sand/gravel extraction is an essential part of the proposed project; d) provided details of the works (ancillary equipment, storage, access, use of vehicles etc); and e) where an EIA is required for the proposed dredging operation it should include an assessment of the physical effects of the	No LSE	Out	No likely significant effect on a European site as effects cannot be identified, because the policy is too general. It is not possible to identify where, when or how the policy may be implemented, or where effects may occur, or which sites, if any, may be affected. The policy is however based on a range of general criteria including compliance with all policies included in Policy Framework Sections 5(a) and 5(b) which includes adherence to Policy MSP HER1.	Stage 5 - 4.18 (e)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
	operation and its implications for coastal erosion.				
Policy MSP TR1: Tourism and Leisure Developments	Proposals for marine-related tourism and leisure development that promote employment opportunities, community benefits and rural diversification in a sustainable manner will be considered favourably where they comply with all policies in included in Policy Framework Section 5(a)and 5(b) and Policy MSP DEV1	No LSE	Out	No likely significant effect on a European site as effects cannot be identified, because the policy is too general. It is not possible to identify where, when or how the policy may be implemented, or where effects may occur, or which sites, if any, may be affected. The policy is however based on a range of general criteria including compliance with all policies included in Policy Framework Sections 5(a) and 5(b) which includes adherence to Policy MSP HER1.	Stage 5 - 4.18 (e)
Policy MSP SA1: Shore Access and Moorings	Shore access developments and proposals for moorings will be considered favourably where they have: a) complied with all policies included in Policy Framework Section 5(a) and 5(b) and Policy MSP DEV1; b) detailed the level of impact of construction and increased access and traffic both on land and at sea and mitigation measures required to ensure the development is acceptable; c) demonstrated the need for their facility of moorings; d) clearly demonstrated the implications for existing users and planned future use; and e) adequately show that there will not be an	No LSE	Out	No likely significant effect on a European site as effects cannot be identified because the policy is too general. It is not possible to identify where, when or how the policy may be implemented, or where effects may occur, or which sites, if any, may be affected. The policy is however based on a range of general criteria including compliance with all policies included in Policy Framework Sections 5(a) and 5(b) which includes adherence to Policy MSP HER1.	Stage 5 - 4.18 (e)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
	increase in the likelihood of erosion or tidal inundation. Shore development proposals are encouraged where activity already exists. The mooring of individual boats is encouraged at designated marinas and ports.				
Policy MSP CBP1: Placement of Telecommunication, Electricity, Submarine Cables and Oil and Gas Pipelines	The laying of communication and power cables and oil and gas pipelines will be considered favourably where they have: a) complied with all policies included in Policy Framework Section 5(a) and 5(b) and Policy MSP DEV1; and b) taken account of the implications for landing points including any seasonal sensitivities and impacts to existing land use. Where possible, cables and pipelines should use existing routes and landing points. New cables and pipelines should have landing points in existing developed areas and have regard to Policy MSP ACBP1: Avoidance of Cables and Pipelines (section 5a), shown in Map 5a(v).	No LSE	Out	No likely significant effect on a European site as effects cannot be identified because the policy is too general. It is not possible to identify where, when or how the policy may be implemented, or where effects may occur, or which sites, if any, may be affected. The policy is however based on a range of general criteria including compliance with all policies included in Policy Framework Sections 5(a) and 5(b) which includes adherence to Policy MSP HER1.	Stage 5 - 4.18 (e)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
Policy MSP CBP2: Placement of New Wastewater Pipelines	There will be a general presumption against the laying of new wastewater pipelines. The development of new wastewater pipelines from the land entering the sea will only be permitted where: a) it has complied with all policies included in Policy Framework Section 5(a) and 5(b) and Policy MSP DEV1; b) a public wastewater system is not already present; and c) a suitable soakaway is unachievable. In situations where a new pipeline is acceptable, the proposal will then be considered favourably where they have demonstrated that: d) the seaward end of the pipe is sited well below the MLWS to the satisfaction of the consenting authority and does not impact on any other marine structure or development.	No LSE	Out	No likely significant effect on a European site as effects cannot be identified because the policy is too general. It is not possible to identify where, when or how the policy may be implemented, or where effects may occur, or which sites, if any, may be affected. The policy is however based on a range of general criteria including compliance with all policies included in Policy Framework Sections 5(a) and 5(b) which includes adherence to Policy MSP HER1.	Stage 5 - 4.18 (e)
Policy MSP MO1: Moorings	Proposals for commercial mooring structures will only be permitted where: a) they comply with all policies included in Policy Framework Section 5(a)and 5(b) and Policy MSP DEV1; b) the need has been demonstrated; c) no other practical alternatives exist; d) other users have been taken account of; and e) the appropriate regulatory body has been consulted i.e. mooring within a Natura 2000 site requires contact with SNH.	No LSE	Out	No likely significant effect on a European site as effects cannot be identified because the policy is too general. It is not possible to identify where, when or how the policy may be implemented, or where effects may occur, or which sites, if any, may be affected. The policy is however based on a range of general criteria including compliance with all policies included in	Stage 5 - 4.18 (e)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
				Policy Framework Sections 5(a) and 5(b) which includes adherence to Policy MSP HER1.	
Policy MSP TRANS1: Port and Harbour-related Development	Proposals for port and harbour-related development will be considered favourably where it can be demonstrated that: a) the development complies with all policies included in Policy Framework Section 5(a) and 5(b) and Policy MSP DEV1; and b) the potential individual and cumulative effects of the proposed development have been addressed.	No LSE	Out	No likely significant effect on a European site as effects cannot be identified because the policy is too general. It is not possible to identify where, when or how the policy may be implemented, or where effects may occur, or which sites, if any, may be affected. The policy is however based on a range of general criteria including compliance with all policies included in Policy Framework Sections 5(a) and 5(b) which includes adherence to Policy MSP HER1.	Stage 5 - 4.18 (e)
Policy MSP TRANS2: Future Fixed Links /Ferry Terminals	The construction of fixed link developments and new ferry terminals will be considered favourably where they have: a) complied with all policies included in Policy Framework Section 5(a)and 5(b) and Policy MSP DEV1; and b) the potential individual and cumulative effects of the proposed development have been addressed.	No LSE	Out	No likely significant effect on a European site as effects cannot be identified because the policy is too general. There are no plans, present or future, for any ferry links or terminals so it is not possible to identify where, when or how the policy may be implemented, or where effects may occur, or which sites, if any, may be affected. The policy is however based on a range of general criteria including	Stage 5 - 4.18 (e)

Table 9: Screening out aspects that could have no LSE on a European site alone					
Title	**Aim**	**Likely Significant Effect (LSE); Minor Residual Effect (MRE); or No Effect at All**	**Screening outcome**	**Comments**	**DTA Ref.**
				compliance with all policies included in Policy Framework Sections 5(a) and 5(b) which includes adherence to Policy MSP HER1.	
Policy MSP DD1: Dredging and Disposal of Dredged Material	Proposals for dredging and the disposal of the dredged material will be considered favourably where they have: a) complied with all polices included in Policy Framework Section 5(a) and 5(b) and Policy MSPDEV1; b) used, where possible, recognised marine disposal sites; c) detailed the level of impact from suspension of materials and disturbance to the seabed; and d) demonstrated where a beneficial use for the disposal has been identified, such as beach nourishment.	Not possible to rule out LSE	In	At this stage of the process, it is not possible to rule out the risk of significant effects on a European site as some used disposal sites are within close proximity to the Yell Sound Coast SAC.	Stage 5

Record of Outcome:

The majority of the SMSP policies have been screened out for having no LSE on a European site and are included in Table 9. In addition, the outcome of Step 3 was that all of the policies in Table 9 were individually screened out because they will have no effect at all; therefore they will have no minor residual effects (MREs) and so there is no need to consider any in-combination effects with the aforementioned other plans and projects discussed in Step 2. It is not possible to assess cumulative effects with the SMSP policies screened out so far if they have no individual effects

Those SMSP policies that could not be screened out using the process in Steps 1-3 because they identify provision for change in certain locations, some of which could have a LSE on a European Site, are listed in Table 10.

Table 10: - Policies which could not be screened out for no LSE on European Site

Policy Title	**Summary of issue**
Policy MSP CD1: Coastal Defence Construction	The installation of new flood defences and coastal protection works – some may be within Natura 2000 sites
Policy MSP CD2: Coastal Defence Demolition	Demolition of coastal defence materials – some may be within Natura 2000 sites
Policy MSP REC1: Marine Recreation	Developments to create or enhance marine leisure and recreation facilities – some may be within Natura 2000 sites. As per Map 5b(xxiv) in the Draft SMSP activities such as kayaking, walking, rowing, climbing, yacht racing and scuba diving occur within a number of Natura 2000 sites. For example walking, kayaking and scuba diving are common activities around Mousa, designated as both a SPA and SAC (reefs & caves), which have the potential to cause a LSE on the protected features. Please refer to Tables 4 & 5 for potential pressures within all the Natura 2000 sites in Shetland.
Policy MSP NRG3: Wave and tidal development proposals	Development of wave and tidal devices in accordance with RLG – does not preclude development within Natura 2000 sites. As per Maps 5c(vii) and 5c(viii) for tidal and wave resources around Shetland, there is the potential for development to occur within Natura 2000 sites. For example there are favourable tidal resources within the Yell Sound Coast SAC which is designated for its otter and common seal populations which, if developed, have the potential to cause LSEs on

	these populations. Please refer to Tables 4 & 5 for potential pressures within all the Natura 2000 sites in Shetland.
Policy MSP DD1: Dredging and Disposal of Dredged Material	Dredging and the disposal of the dredged material encouraged within recognised marine disposal sites – 2 sites are within/ close to a designated European site, Yell Sound Coast SAC.

Initially, the first versions of the Draft SMSP were subject to earlier informal consultations and screening with SNH as outlined in Stage 4 and summarised in Table D, Appendix 4. The policies included in Table 10 were highlighted for further consideration as it was felt that likely significant effects could not be ruled out for these specific policies by screening steps 1-3.

Stage 6 - Apply early mitigation measures

Following informal consultation with SNH, one mitigation measure was included which deleted the policy (previously MSP REC1: Marine Recreation), in line with paragraph 4.43 of the DTA guidance. This particular policy referred to 'creating or enhancing' facilities and it was not possible to conclude that there would be no LSE on a Natura 2000 site. As a result, it was decided to remove this policy completely and retain a policy for safeguarding existing marine recreation from developments that may result in a potential reduction or loss of amenity (now referred to as Policy MSP REC1: Safeguarding Marine Recreation). This policy was screened out as part of Step 3 and included in Table 9.

Stage 7 - Re-screen the SMSP after mitigation measures applied

Following the application of mitigation measures as part of Stage 6, it was deemed necessary to carry through the remaining four policies included in Table 10 for Appropriate Assessment. All other policies within the Draft SMSP were deemed unlikely to have a LSE on a Natura 2000 site as per Stages 1-7 of this HRA Record.

B: Appropriate Assessment Phase

Stage 8 – Appropriate Assessment in view of conservation objectives

Following informal consultation with SNH during the Screening Phase, it was concluded that it was not possible to determine during Stages 1-7 that the following policies would not have a LSE on a European site:

- Policy MSP CD1: Coastal Defence Construction
- Policy MSP CD2: Coastal Defence Demolition
- Policy MSP NRG3: Wave and Tidal Development Proposals
- Policy MSP DD1: Dredging and Disposal of Dredged Material

The location of Shetland's designated SACs and SPAs (Maps 1 and 2, Appendix 1) was considered in terms of the potential pressures that could arise from activities such as development of coastal defences, marine renewables and dredging. Given the vulnerabilities of the designated sites' protected features and their conservation objectives detailed in Tables 4 and 5, it was considered best to introduce specific mitigation measures for the aforementioned policies to ascertain that there would be no adverse effects on the integrity of a European site.

Stage 9 – Apply mitigation measures

As per the DTA Guidance and in consultation with SNH, mitigation measures including case-specific policy restrictions and policy caveats were deemed the most suitable modifications to be introduced to the aforementioned policies. The new policy mitigations are outlined in Table 11.

Table 11: Further Mitigation Measures			
Policy	**Policy Issue**	**Mitigation measure**	**Outcome**
Policy MSP CD1 **Coastal Defence Construction:** *The installation of new flood defences and coastal protection works will be considered if coastal erosion or flooding threatens existing public infrastructure and important built development and where there is a significant safety risk. Where this has been demonstrated, the planning authority and coast protection authority will ensure the construction of flooding or coastal defence developments have:* *a) complied with all other policies in Policy Framework Section 5(a) and 5(b);* *b) provided detail of relocation options;* *c) detailed the design and assess the risks and impacts, ensuring the retention or enhancement of the ecological characteristics, landscape character and popular coastal views; and* *d) can demonstrate the wider implications of exacerbating flooding or coastal erosion processes elsewhere.*	SNH queried if coastal defence construction was planned or likely to happen in Shetland? If so, is there any knowledge of where this might occur? If so, are there implications for a Natura 2000 site from the approximate type, scale and location of them; or from their construction and/or operation?	Following consultation with the Shetland Islands Council coastal engineer, it was confirmed that there are no future plans or actions to construct or demolish coastal defences around Shetland. However a policy caveat states a requirement for compliance with all other policies in Policy Framework Section 5(a) and 5(b) including adherence to MSP HER1which specifies that development likely to have a significant effect on a European site must be subject to an Appropriate Assessment and specific qualitative criteria. This policy caveat ensures that any proposed coastal defence construction will not have an adverse effect on any Natura 2000 site.	Revised policy MSP CD1 ensures that any proposed coastal defence construction will not have an adverse effect on any Natura 2000 site.
Policy MSP CD2 **Coastal Defence Demolition:** *Permission for the demolition of coastal defence materials will only be permitted when it can be demonstrated that there are no adverse impacts for the environment, landscape or land use.*	Similar to SNH comments above for CD1.	Similarly, MSP CD2 now includes the policy caveat which states a requirement for compliance with all policies in Policy Framework Section 5(a) and 5(b) including adherence to MSP HER1.	Revised Policy MSP CD2 ensures that any proposed coastal defence demolition will not have an adverse effect on any Natura 2000 site.

Table 11: Further Mitigation Measures			
Policy	**Policy Issue**	**Mitigation measure**	**Outcome**
In particular, when considering the demolition of coastal defence structures, the following should be taken account of: *a) compliance with all policies in Policy Sections 5(a) and 5(b);* *b) historic value of the structure in its surroundings;* *c) potential to re-use the material;* *d) implications for reinstatement; and* *e) value to species and habitats, such as providing a substrate for an important rocky shore habitat, or shelter for otters.*			
Policy MSP NRG3: **Wave and tidal development proposals** *Prior to submitting an application developers should consult the Regional Locational Guidance for Wave and Tidal Energy in the Shetland Islands (RLG) which identifies potential constraints to development.* *Applications for the development of wave and tidal devices will be considered favourably where:* *a) the development complies with all polices included in Policy Section 5(a) and 5(b) and Policy MSP DEV1 and MSP NRG 2.* *b) due regard has been shown to development constraints by proposing devices and associated*	While Policy NRG3 specifically encourages development within areas of low constraint, it does not prohibit development within areas of medium-very high constraints which includes Natura 2000 sites. Some of these protected sites include features which are particularly vulnerable to the pressures from wave & tidal devices i.e. breeding seabirds at Hermaness, Saxa Vord and Valla Field, Fetlar, Ramna Stacks and Gruney, Papa Stour, Sumburgh Head and Foula	Following consultation with SNH it was considered appropriate to include the policy caveat that development must comply with all policies including in Policy Framework Sections 5(a) and 5(b) including MSP HER1 which specifies that development likely to have a significant effect on a European site must be subject to an Appropriate Assessment and specific qualitative criteria. On advice from SNH it was considered appropriate to change the wording from 'mitigate' to 'avoid' in line with the correct legal test.	Revised Policy MSP NRG3 ensures that any proposed wave and tidal development will not have an adverse effect on any Natura 2000 site.

Table 11: Further Mitigation Measures			
Policy	**Policy Issue**	**Mitigation measure**	**Outcome**
infrastructure in areas of low constraint as identified in the RLG; or *c) in areas of medium-very high constraint identified in the RLG, the development has incorporated adequate design measures to the satisfaction of Marine Scotland and the local authority which avoid any potential adverse effects on Natura 2000 sites, any adverse effects on other important (natural and historic) sites and other sea users*	SPAs. These species may be at risk of collision with renewable devices or the devices themselves may act as barriers to species movements. Similarly, otters and seals within the Yell Sound Coast SAC would also be vulnerable to these risks as well as potential noise impacts. Reefs at Papa Stour and sea cliffs within the Fair Isle SAC may also be vulnerable to wave exposure and changes in water flow rates.		
Policy MSP DD1: ***Dredging and Disposal of Dredged Material*** *Dredging and Disposal of Dredged Material* *Proposals for dredging and the disposal of the dredged material will be considered favourably where they have:* *a) complied with all polices included in Policy Framework Section 5(a) and 5(b) and Policy MSP DEV1;* *b) used, where possible, recognised marine disposal sites;* *c) demonstrated that any development proposal at*	In discussions with the SMSP Advisory Group it was considered good environmental practice to encourage dredge disposal in recognised disposal sites however two specific sites at Ulsta and Samphrey are within close proximity to the Yell Sound Coast SAC.	Historic disposal sites exist adjacent to the Yell Sound Coast SAC and may be used in the future. As a result, it was considered necessary to include a specific policy restriction to protect the Yell Sound SAC from any adverse effects from development. The revised policy specifically requests development to demonstrate that there will be no adverse effects on the integrity of the Yell Sound SAC as a result of development at either Ulsta or	Revised Policy MSP DD1 ensures that any proposed wave and tidal development will not have an adverse effect on any Natura 2000 site.

Table 11: Further Mitigation Measures			
Policy	**Policy Issue**	**Mitigation measure**	**Outcome**
the existing Ulsta or Samphrey disposal sites will have no adverse effects on the integrity of the Yell Sound Coast SAC; *d) detailed the level of impact from suspension of materials and disturbance to the seabed; and* *e) demonstrated where a beneficial use for the disposal has been identified, such as beach nourishment.*		Samphrey disposal sites. The policy also includes the caveat that any all policies included in Policy Framework Sections 5(a) and 5(b) which includes adherence to Policy MSP HER1.	

Record of Outcome:

The application of mitigation measures in the form of case specific policy restrictions and policy caveats for the policies included in Table 11 now ensures that these policies will not result in any adverse effects on any Natura 2000 site.

3. Conclusions

Shetland Islands Council, as the plan-making body concludes that it can be ascertained by means of this Habitat Regulations Appraisal that adoption of the SMSP as Supplementary Guidance would have no adverse effect on the integrity of any Natura 2000 sites.

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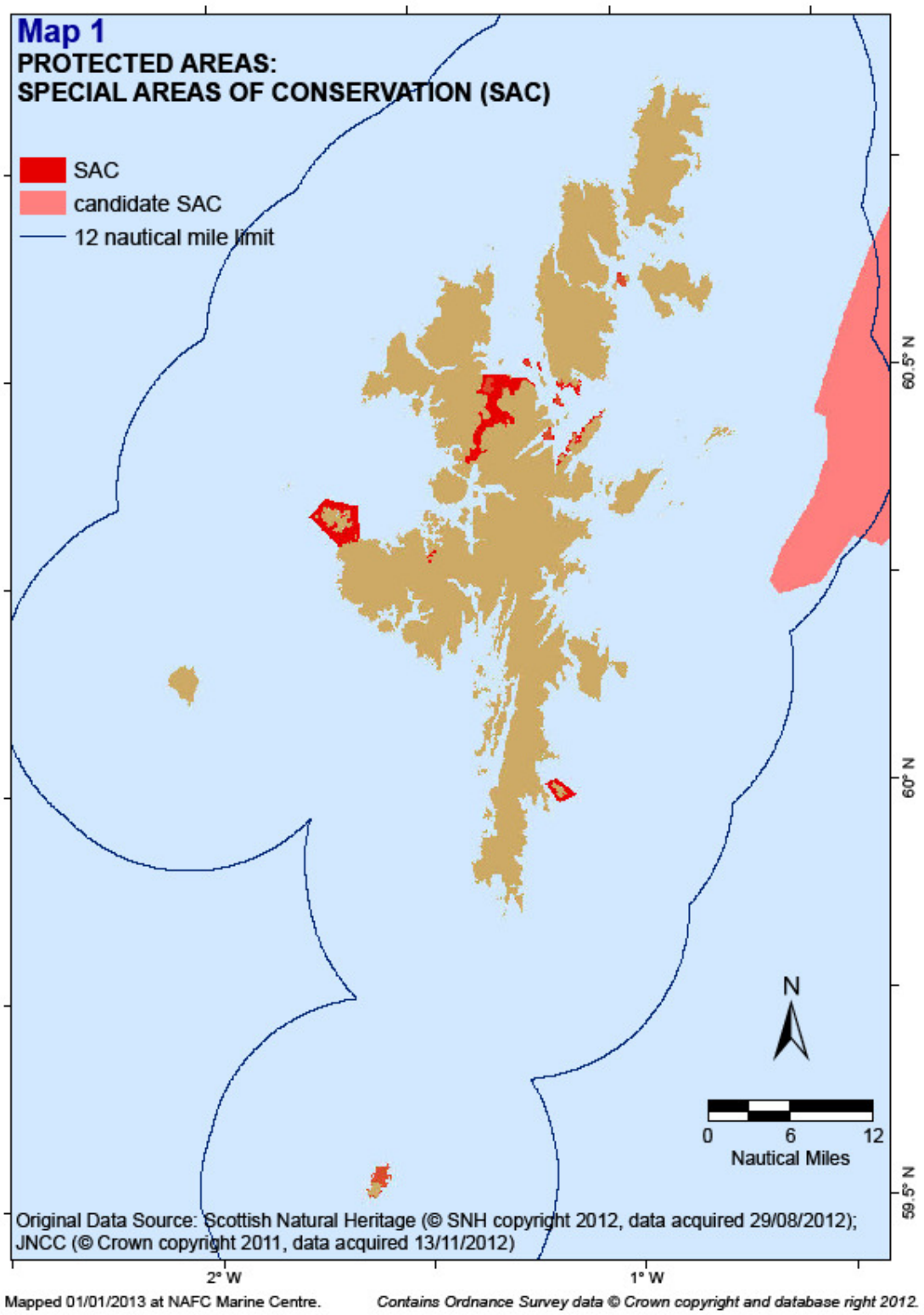
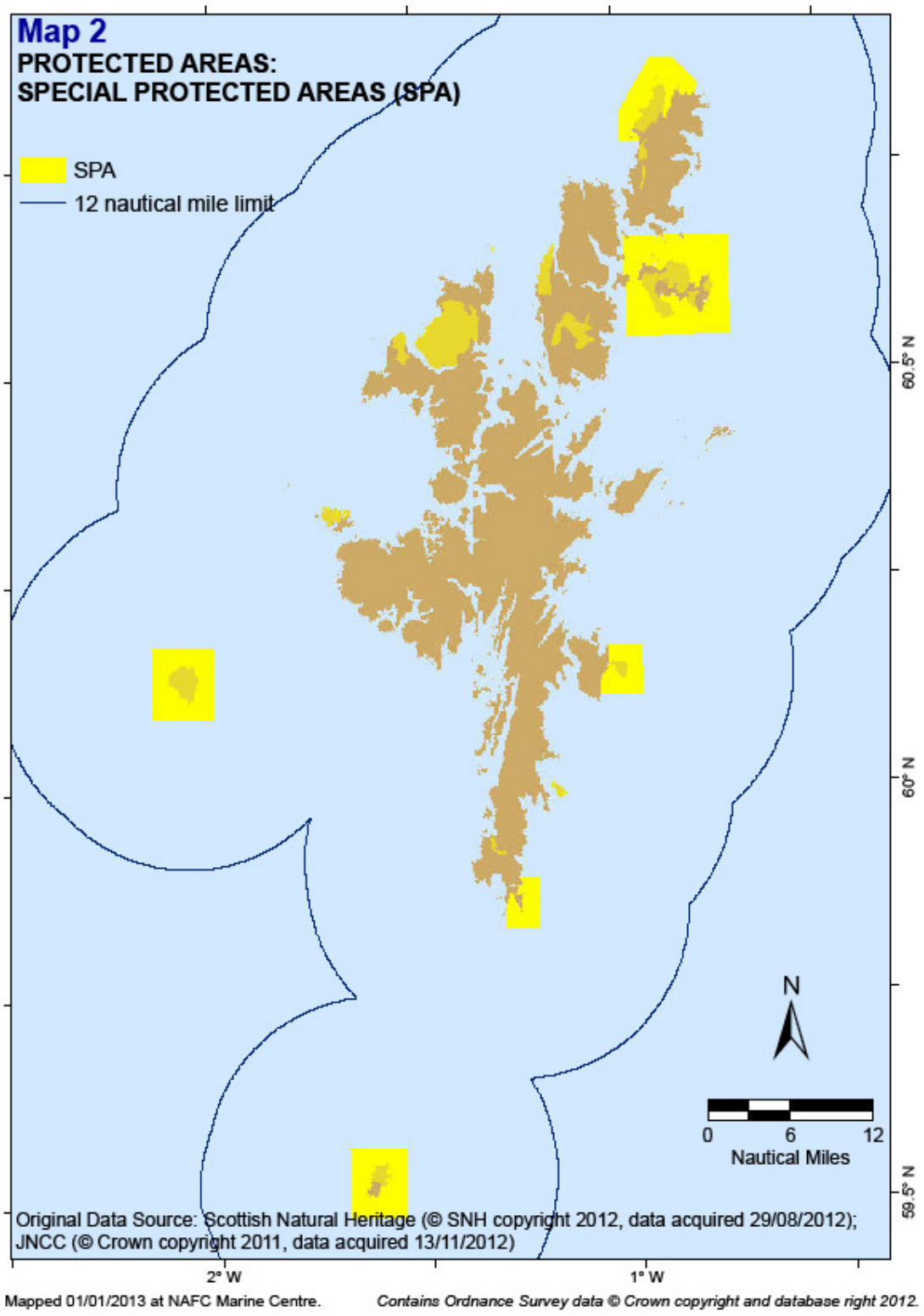
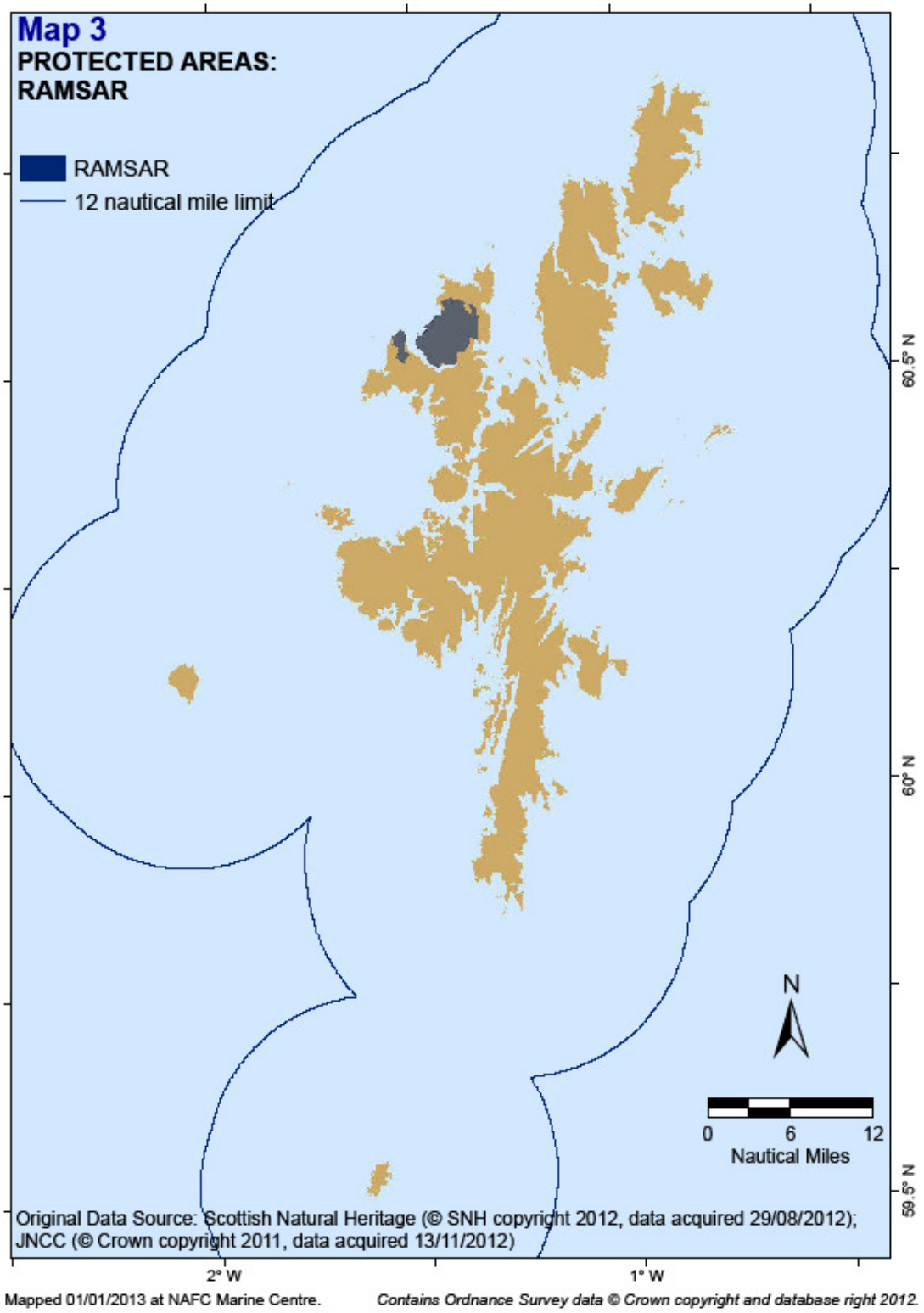
Appendix 1 – Natura 2000 Maps


Map 1
PROTECTED AREAS:
SPECIAL AREAS OF CONSERVATION (SAC)
SAC
candidate SAC
12 nautical mile limit
N
0
6
12
Nautical Miles
Original Data Source: Scottish Natural Heritage (© SNH copyright 2012, data acquired 29/08/2012); JNCC (© Crown copyright 2011, data acquired 13/11/2012)
60.5° N
60° N
59.5° N
2° W
1° W
Mapped 01/01/2013 at NAFC Marine Centre.
Contains Ordnance Survey data © Crown copyright and database right 2012.


Map 2
PROTECTED AREAS:
SPECIAL PROTECTED AREAS (SPA)
SPA
12 nautical mile limit
N
0 6 12
Nautical Miles
60.5° N
60° N
59.5° N
2° W
1° W
Original Data Source: Scottish Natural Heritage (© SNH copyright 2012, data acquired 29/08/2012); JNCC (© Crown copyright 2011, data acquired 13/11/2012)
Mapped 01/01/2013 at NAFC Marine Centre.
Contains Ordnance Survey data © Crown copyright and database right 2012.


Map 3
PROTECTED AREAS:
RAMSAR
RAMSAR
12 nautical mile limit
60.5° N
60° N
59.5° N
N
0
6
12
Nautical Miles
Original Data Source: Scottish Natural Heritage (© SNH copyright 2012, data acquired 29/08/2012);
JNCC (© Crown copyright 2011, data acquired 13/11/2012)
2° W
1° W
Mapped 01/01/2013 at NAFC Marine Centre.
Contains Ordnance Survey data © Crown copyright and database right 2012.

Appendix 2 – Potential Threats/ Pressures

Table A - General Pressures with potential to affect Natura 2000 sites			
Type of pressures	**Examples of effects**	**Types of activities**	**Shetland's Qualifying Features vulnerable to pressures**
Physical loss	Smothering - Physical change to another seabed type	Installation of infrastructure (e.g. surface of platforms or wind farm foundations, marinas, coastal defences, pipelines and cables)	Reefs, lagoons
	Sealing/ Obstruction - permanent loss	Land claim, new coastal defences, footprint of a renewable energy device on the seabed	Reefs, lagoons
Physical damage	Abrasion	Anchoring, taking of sediment/geological cores, cable burial, scallop dredging, beam trawling, gravity & hydraulic dredging, compression of sediments.	Reefs, lagoons
	Extraction - removal of substratum	Mineral extraction.	Reefs, lagoons, inlets and bays
Other physical disturbance	Underwater noise	Construction activities, shipping, underwater acoustic equipment.	Otters, common & grey seals & breeding seabirds
	Marine litter	Plastics, metals, timber, rope, fishing gear etc. and their degraded components, e.g. micro plastic particles	Otters, common & grey seals & breeding seabirds
Interference with hydrological processes	Temperature change - local	Thermal discharges, e.g. the release of cooling waters from power stations	Otters, common & grey seals & breeding seabirds
	Salinity changes	Freshwater discharges from pipelines, capital navigation dredging.	Otters, common & grey seals & breeding seabirds
	Change in pH	Runoff from land based industry.	Reefs, lagoons, inlets and bays
	Change in wave exposure	Artificial reefs, breakwaters, barrages, wrecks, dense network of renewable energy turbines.	Reefs, lagoons, inlets and bays, sea caves and vegetated sea cliffs
	Change in water flow rates	Tidal energy generation devices, capital dredging.	Reefs, lagoons, inlets and bays, sea caves and vegetated sea cliffs
Contamination and pollution	Toxic substances (Heavy metals, hydrocarbons, antifoulants, pesticides, pharmaceuticals)	Oil spills, shipping and transport, aquaculture	Otters, common & grey seals & breeding seabirds

Table A - General Pressures with potential to affect Natura 2000 sites			
	Non-toxic substances (Nitrogen, phosphorus, organic matter)	Waste water runoff, terrestrial/agricultural runoff, sewage discharges, aquaculture, atmospheric deposition	Otters, common & grey seals & breeding seabirds
Biological disturbance	Introduction of microbial pathogens	Effluent discharges, run-off from terrestrial sources & vessels, ballast water releases, mussel or shellfisheries imported seed, accidental releases of effluvia, aquaculture escapees, contaminated faecal matter	Otters, common & grey seals & breeding seabirds
	Introduction of invasive non-native species	Ballast water, hull fouling, stepping stone effects (e.g. offshore wind farms) and aquaculture.	Otters, common & grey seals & breeding seabirds
	Selective extraction of species	Fishing - target and non-target species	Otters, common & grey seals & breeding seabirds
Death or injury by collision	Injury or mortality from collisions with both static &/or moving structures	Collision with rigs (e.g. birds) or collisions with turbine blades, tidal devices and shipping. Shipping related activities.	Otters, common & grey seals & breeding seabirds
Barrier to species movement	Physical obstruction of species movements including local movements (within & between roosting, breeding, feeding areas) and regional/global migrations (e.g. birds, eels, salmon, and whales).	Offshore wind farm, wave or tidal device arrays, aquaculture infrastructure or fixed fishing gears.	Otters, common & grey seals & breeding seabirds
Electromagnetic changes	Electric and magnetic fields can alter behaviour and migration patterns of sensitive species (e.g. sharks and rays)	Operational power cables and telecommunication cables	n/a

Appendix 3 – Projects referred to in, but not proposed by, the SMSP

Table B -Marine Projects referred to in, but not proposed by, the SMSP

Table C – Terrestrial Projects referred to in, but not proposed by, the SMSP

Table B: - Marine Projects referred to in, but not proposed by, the SMSP				
National Marine Plan - Consultation Draft				
Plan/ Policy/proposal	**Description**	**LSE; MRE; and No effect at all**	**Screening outcome**	**Comment**
Strategic Objectives of the NMP	Ensure the sustainable use of Scotland's marine resources out to 200 nautical miles	No effect	Out	This may be regarded as a 'Generic Policy statement' even though it a vision. It is aspirational, strategic and very general.
General Policies 1-11	These policies have been developed which apply to all decisions made in the marine environment and which are relevant to all sectors. They implement the strategic objectives and describe the parameters within which development and activities can take place, ensuring that sustainable economic growth and sustainable development remain a priority so long as they are undertaken in a manner which is sensitive to the environment, other users and the long-term health of the resource.	No effect	Out	The policies are very general and promote sustainable development, community engagement, efficient use of marine space, integration with land use planning, integration with other statutory plans, all marine interests being fairly treated, early and effective engagement with stakeholders and the general public, decision making based on sound evidence as far as possible and supporting the achievement of Good Environmental Status under the Marine Strategy Framework Directive. These policies themselves will not lead to development or change and are very general in nature.
General Policy 12 - nature conservation, biodiversity, and geodiversity	Marine planning and decision-making authorities should ensure that development and use of the marine environment complies with legal requirements for protected areas and protected species and does not result in a significant adverse effect on the national conservation status of other habitats or populations of species of conservation concern.	No effect	Out	This policy is intended to protect the natural environment, including protected sites and will not be likely to have any negative effect on a European site. This policy applies to all decisions made in the marine environment and is relevant to all sectors.
General Policies 13-19	These are individual policies for the historic environment; landscape/seascape; air quality; noise; coastal processes and flooding; water quality and resource; and climate change.	No effect	Out	All of these policies are intended to protect the natural environment or to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European site. These policies have been developed which apply to all decisions made in the marine environment and which are relevant to all sectors.

Table B: - Marine Projects referred to in, but not proposed by, the SMSP				
National Marine Plan - Consultation Draft				
Plan/ Policy/proposal	**Description**	**LSE; MRE; and No effect at all**	**Screening outcome**	**Comment**
Fisheries objectives and supporting Fisheries Policies 1-8	To ensure the long term sustainability of commercial fish stocks, thus enabling the fish industry to operate in a sustainable and profitable way. Ensure that fishing interests are consulted where appropriate in the consideration of any marine development	No LSE	Out	Although Fisheries Policies 1-8 promote development / change, they are so general that it is not known where, when or how the aspect of the plan may be implemented, or where any potential effects may occur, or which European sites, if any, may be affected. It is acknowledged that legislation may be pending requiring all fishing activities within Natura 2000 sites to be subject to an Appropriate Assessment.
Aquaculture objectives and supporting Aquaculture Policies 1-13	Ensuring sustainable finfish and shellfish production in Scottish waters thus supporting sustainable employment and economic growth for local communities.	No LSE	Out	This aim is to support significant aquaculture development across Scotland by 2020. The NMP does provide a spatial framework for the location of marine fish farms which is based on predictive modelling to estimate nutrient enhancement and benthic impact however it is not known where, when or how this aspect of the NMP may be implemented or where any potential effects may occur, or which European sites, if any, may be affected. Additionally all developments must comply with GEN Policy 12 Nature conservation, biodiversity, and geodiversity.
Oil and Gas objectives and supporting Oil and Gas Policies 1-6	To maximise the recovery of oil & gas reserves in the North Sea basin and West of Scotland at minimum environmental cost; supporting jobs, activity (offshore and onshore support activities), energy security, balance of payments and taxation as well as driving economic activity and growth for Scotland. Support re-use and removal of infrastructure when resources decline; ensure Best Available Technique Not Exceeding Excessive Cost	No LSE	Out	Oil and gas exploration occurs offshore and only the related activities such as pipe laying and decommissioning would be within the 12 nautical mile boundary of the SMSP. The NMP aims however are very general and it is not known where, when or how this aspect of the plan may be implemented, or where any potential effects may occur, or which European sites, if any, may be affected. Additionally all developments must comply with GEN Policy 12 Nature conservation, biodiversity, and geodiversity

Table B: - Marine Projects referred to in, but not proposed by, the SMSP				
National Marine Plan - Consultation Draft				
Plan/ Policy/proposal	**Description**	**LSE; MRE; and No effect at all**	**Screening outcome**	**Comment**
	(BATNEEC) and Best Environmental Practice (BAP) approach.			
Carbon Capture and Storage (CCS) objectives and supporting CCS Policies 1-2	To sustainably develop this sector to deliver both economic activity in Scotland and to assist the delivery of Scotland's climate change objectives.	No LSE	Out	CCS is very much in its infancy and there are no spatial proposals or plans available to determine any effects on a Natura 2000 site alone or in-combination with the SMSP. In any event, all developments must comply with GEN Policy 12 Nature conservation, biodiversity, and geodiversity
Marine Renewables objectives and supporting Renewables Policies 1-11	To support the sustainable development of marine renewable energy resources; achieve sustainable economic growth, promote integrated terrestrial and marine electrical transmission grid and contribute to achieving the Scottish Government's renewable energy targets by 2020.	No LSE	Out	The Scottish Government is committed to promoting the increased use of offshore renewable energy sources for environmental and economic reasons. The policies specify that there is a presumption in favour of adopted Plan Options and Saltire Prize areas identified through the Sectoral Marine Plan process however the inclusion of these option areas in the NMP does not imply that licences or consents will be granted, but preference will be given to proposals within these areas. A Draft HRA report was carried out by the Scottish Ministers for the Sectoral Plans which concluded that there will be 'no adverse effect on the integrity' of a European/Ramsar site arising from the Marine Sectoral Plans.
Tourism and Recreation objectives and supporting Recreation & Tourism Policies 1-7	Encourage the sustainable development of marine and coastal tourism and recreation activities and industries. Ensure continued access to the marine and coastal resource for leisure and recreational use. Improve data availability on recreational activities taking place in the coastal zone and offshore areas.	No LSE	Out	No likely significant effect on a European site because The policies will not themselves lead to development or other change. Additionally, all developments must comply with GEN Policy 12 Nature conservation, biodiversity, and geodiversity

Table B: - Marine Projects referred to in, but not proposed by, the SMSP				
National Marine Plan - Consultation Draft				
Plan/ Policy/proposal	**Description**	**LSE; MRE; and No effect at all**	**Screening outcome**	**Comment**
Marine Transport – shipping, ports, harbours, aviation, ferries, Marine Coastguard Agency - objectives and supporting Transport Policies 1-8	Encourage the sustainable development of transport related infrastructure, ensure navigational safety and contribute to climate change mitigation.	No LSE	Out	The policies are so general that it is not known where, when or how this aspect of the plan may be implemented, or where any potential effects may occur, or which European sites, if any, may be affected. The NMP refers to the National Renewables Infrastructure Plan (Stage 2) and National Planning Framework (3) for strategic proposals which include proposals for the continuation of existing deep water facilities at Sullom Voe and Lerwick and the grid infrastructure enhancement between Shetland and the Scottish mainland. The grid infrastructure project is still in planning and will be subject to consent by Scottish Ministers.
Telecom Cables objectives and supporting Telecommunication Cables Policies 1-4	To Ensure the sustainable development of telecommunication cables, protect existing cables from damage and achieve highest possible quality and safety standards and reduce risks to all seabed users and the marine environment.	No LSE	Out	These policies are very general and will not themselves lead to development or other change. Additionally, all developments must comply with GEN Policy 12 Nature conservation, biodiversity, and geodiversity.
Military Activities	Continue to support the seas delivering military and security objectives whilst maintaining freedom of movement for the navy and other sea users.	No effect	Out	There are no military activities within 12 nautical miles of Shetland. This policy will have no adverse effects on the Natura 2000 sites around Shetland.

Table B: - Marine Projects referred to in, but not proposed by, the SMSP				
Scotland's Marine Atlas				
Plan/ Policy/proposal	**Description**	**Likely Significant Effect**	**Screening outcome**	**Comment**
The Marine Atlas	The Atlas presents the assessment of condition and summary of significant pressures and the impacts of human activity required for the national marine plan. It also represents a contribution to the initial assessment required for the Marine Strategy Framework Directive (MSFD)(1) by July 2012.	No LSE	Out	The Marine Atlas provides an overview on the current state of marine waters around Scotland. It does not include any spatial plans or proposals for development and therefore will have no conceivable effect on a European site.

Table B: - Marine Projects referred to in, but not proposed by, the SMSP				
Offshore Renewables - Sectoral Marine Plans for Offshore Wind, Wave and Tidal Energy in Scottish Waters (Consultation Draft)				
Plan/ Policy/proposal	**Description**	**Likely Significant Effect**	**Screening outcome**	**Comment**
Sectoral Marine Plan for Offshore Wind Energy (Consultation Draft) (non-statutory)	The Draft Plan Options include an area towards the South East of Shetland, just straddling the 12nm boundary	No LSE	Out	The area to the SE of Shetland is within close proximity of the candidate SAC however the Draft HRA concluded that there will be no 'adverse effect on the integrity' of a European/Ramsar site arising from the Marine Sectoral Plans
Sectoral Marine Plan for Offshore Wave Energy (Consultation Draft) (non-statutory)	The Draft Plan Options include an area towards the South West of Shetland.	No LSE	Out	The area to the SW of Shetland is not within any Natura site and the Draft HRA concluded that there will be no 'adverse effect on the integrity' of a European/Ramsar site arising from the Marine Sectoral Plans.

Table B: - Marine Projects referred to in, but not proposed by, the SMSP				
Offshore Renewables - Sectoral Marine Plans for Offshore Wind, Wave and Tidal Energy in Scottish Waters (Consultation Draft)				
Plan/ Policy/proposal	**Description**	**Likely Significant Effect**	**Screening outcome**	**Comment**
Sectoral Marine Plan for Offshore Tidal Energy (Consultation Draft) (non-statutory)	The Draft Plan Options include areas within Yell Sound, north of Unst and south of Sumburgh Head.	No LSE	Out	The areas proposed are within and close to the Yell Sound Coast SAC, Hermaness, Saxa Vord and Valla Field SAC and Sumburgh Head SAC however the Draft HRA concluded that there will be no 'adverse effect on the integrity' of a European/Ramsar site arising from the Marine Sectoral Plans.

Table B: - Marine Projects referred to in, but not proposed by, the SMSP				
Aquaculture Framework				
Plan/ Policy/proposal	**Description**	**Likely Significant Effect**	**Screening outcome**	**Comment**
Delivering Planning Reform for Aquaculture 2	**Development Planning: -** Development Plans which are up-to-date, well-informed and robust, and which show scope for future development to give aquaculture developers and communities a greater degree of certainty. A sound framework of planning and policy guidance which leads to well-conceived development proposals to increase the sustainable economic growth of aquaculture for Scotland. Full co-operation and engagement between the aquaculture industry, statutory consultees, and the planning authorities in preparing Development Plans.	No LSE	Out	DPRFA2 sets out what each party will continue to do and how they will work together to refine the planning system for aquaculture. The benefits as it relates to marine planning include up-to-date development plans which provide the industry and communities with greater certainty – particularly for new and previously unused sites. The DPRFA2 is a general document and does not include any spatial guidance as to the location of new aquaculture sites. Therefore it will not be likely to have any negative effect on a European site.

Table B: - Marine Projects referred to in, but not proposed by, the SMSP				
Aquaculture Framework				
Plan/ Policy/proposal	**Description**	**Likely Significant Effect**	**Screening outcome**	**Comment**
Aquaculture and Fisheries Act 2013)	The Act will ensure that farmed and wild fisheries continue to be managed effectively, maximising their combined contribution to supporting sustainable economic growth with due regard to the wider marine environment.	No LSE	Out	No likely significant effect on a European site because the Act is intended to manage aquaculture in a sustainable manner. The Act provides advice on the management of fish farm sites however it does not prescribe where aquaculture sites should be located. Therefore there will be no LSE as the Act is too general, and it is not possible to identify where, when or how developments may be developed, or where effects may occur, or which sites, if any, may be affected.
A Fresh Start: The renewed Strategic Framework for Scottish Aquaculture	The key themes of this framework are: healthier fish and shellfish; improved systems for licensing aquaculture developments; Improved Containment; Better marketing and improved image; Improved access to Finance	No LSE	Out	Although the framework promotes development/ change, it is so general that it is not known where, when or how the aspect of the framework may be implemented, or where any potential effects may occur, or which European sites, if any, may be affected. The framework specifies that aquaculture developments should apply the environmental principle whereby farmed fish and shellfish industries should act as a good neighbour by minimising risks to biodiversity and impact on the environment and other aquatic activities.

Table B: - Marine Projects referred to in, but not proposed by, the SMSP				
Transport and Infrastructure Development Frameworks				
Plan/ Policy/ proposal	**Description**	**Likely Significant Effect**	**Screening outcome**	**Comment**
Scotland's National Transport Strategy 2006	The Scottish Government has developed its own ports policy under the Scottish National Transport Strategy. Key aims are: improved journey times and connections; reduced emissions; and improved quality, accessibility and affordability.	No LSE	Out	As part of meeting the aims of the Transport Strategy, the Scottish Government identified a total of 29 infrastructure projects for investment, the majority based on improvements to rail and road networks which will also serve existing ports and harbours. There are no plans for major infrastructural developments in Shetland. Therefore there will be no likely significant effects on any of the Natura 2000 sites.
National Renewables Infrastructure Plan (N-RIP)	Scottish Enterprise and Highlands and Islands Enterprise (HIE) have led the development of the N-RIP. The plan aims to assist the development of a globally competitive off-shore renewables industry in Scotland through the creation of infrastructure to support large scale Manufacturing, assembly, deployment and operations, and maintenance of offshore renewable energy devices.	No LSE	Out	The Plan has identified the locations across Scotland which offers the biggest potential for private developers to base their manufacturing operations, through the development of regional offshore energy manufacturing zones built around key port locations. Lerwick and Sella Ness have been identified as Medium Term Potential Locations. Sella Ness is a well-established facility which sits within the Sullom Voe SAC site. Any further development or expansion would be subject to an AA. Until there are further details available, these proposals are very general and strategic at this stage to assess any LSE on European sites.

Table B: - Marine Projects referred to in, but not proposed by, the SMSP				
Transport and Infrastructure Development Frameworks				
Plan/ Policy/ proposal	**Description**	**Likely Significant Effect**	**Screening outcome**	**Comment**
National Planning Framework for Scotland 3 (NPF 3) (Main Issues Report and Draft Framework)	A strategy for the long-term development of Scotland's towns, cities and countryside.	No LSE	Out	NPF3 recognises that energy has an important part to play in the future of the Highlands and Islands, therefore substantial reinforcements of the electricity transmission system are needed to realise the potential of renewable energy resources, including new interconnectors for the island archipelagos. In terms of projects, the NPF3 identifies that the proposed subsea links to Orkney, Shetland and the Western Isles should remain a priority in NPF3.. NPF3 recognise the sheltered deep water of Sullom Voe as a potential to create a ship-to-ship and shore-based oil transfer facility, and Lerwick and Sullom Voe as opportunities for the decommissioning of offshore structures. Sullom Voe is a well-established facility which sits within a Natura 2000 site. Any further development or expansion would be subject to an AA. Until there are further details available in relation to the interconnector or other subsea cables, these proposals are very general and strategic at this stage to assess any LSE on European sites.
Oil+Gas Strategy 2012-2020 (Scottish Enterprise)	The overall theme of this strategy is maximising resource recovery through industry-led innovation, strengthening supply chain, both domestically and internationally and enhancing the skills base.	No LSE	Out	This strategy is very general and although it promotes development / change, it is so general that it is not known where, when or how the aspect of the plan may be implemented, or where any potential effects may occur, or which European sites, if any, may be affected.

Table B: - Marine Projects referred to in, but not proposed by, the SMSP				
Orkney and Shetland Area Management Plan 2010-2015				
Plan/ Policy/ proposal	**Description**	**Likely Significant Effect**	**Screening outcome**	**Comment**
Supplementary to the river basin management plan for the Scotland river basin district.	The purpose of the plan is to maintain and improve the ecological status of the rivers, lochs, estuaries, coastal waters and groundwater areas in Orkney and Shetland.	No LSE	Out	No likely significant effect on a European site because the plan is intended to protect and improve water ecology. There are no specific proposals for planned infrastructural projects only actions identified for regulation, investment, awareness, education and training.

Table B: - Marine Projects referred to in, but not proposed by, the SMSP				
Pending Strategies and Projects (referred to in the SMSP but not proposed by the SMSP)				
Plan/ Policy/ proposal	**Description**	**Likely Significant Effect**	**Screening outcome**	**Comment**
Consultation on Draft Scottish Marine Litter Strategy	Draft Strategy will aim to address the levels of marine litter present in our marine and coastal environment.	Too early to be assessed	Out	Consultation stage requesting feedback on a number of approach/ delivery options and therefore is premature to be assessed yet for LSE. Nonetheless the National Marine Strategy will be proposed by, and assessed by, the Scottish Government and it would be inappropriate for this SMSP appraisal to attempt to assess its effects.
Local Flood Risk Management Plans	The Flood Risk Management (Scotland) Act 2009 requires Local Authorities to produce Local Flood Risk Management Plans by 2015. It is anticipated that the plans will detail coastal areas prone to coastal flooding, as well as areas subject to erosion.	Too early to be assessed	Out	Pending work, expected in 2015. Too early to be assessed yet for LSE.

Table B: - Marine Projects referred to in, but not proposed by, the SMSP				
Pending Strategies and Projects (referred to in the SMSP but not proposed by the SMSP)				
Plan/ Policy/ proposal	**Description**	**Likely Significant Effect**	**Screening outcome**	**Comment**
Possible Nature Conservation Marine Protected Areas (MPAs) Consultation	Consultation draft proposals for possible Nature Conservation MPAs - The network will contribute to the Scottish Government's agreement with international partners to create an ecologically coherent network of well-managed MPAs in the North East Atlantic.	No LSE	Out	There are two possible Nature Conservation MPAs proposed within Shetland – Mousa to Boddam and Fetlar to Haroldswick. Both of these proposed MPAs are within Natura sites i.e Mousa SPA and Fetlar SPA. Nonetheless the Nature Conservation MPAs are proposed by, and assessed by, the Scottish Government and it would be inappropriate for this SMSP appraisal to attempt to assess their effects however it is envisaged that any management plan/ proposal will be intended to protect the designated marine features and will not be likely to have any negative effect on a European site
Proposed Historic MPA - Out Skerries	The designation is proposed to protect two historic shipwrecks that are currently designated under section 1 of the Protection of Wrecks Act 1973a. The transition to a new designation is intended to align approaches to marine heritage protection in Scotland with those of nature conservation and the new marine planning and licensing system.	No LSE	Out	There are no Natura 2000 sites within the vicinity of the proposed Out Skerries MPA designated sites so there will be no conceivable effect on a European site.
Consultation on Priority Marine Features (PMFs)	SNH has developed a draft, peer-reviewed list of PMFs, which is a prioritised list of marine habitats and species considered to be of conservation importance in Scottish territorial waters. The recommended PMF list contains 80 habitats and species of marine conservation importance within territorial waters, many of which are present in waters	Too early to be assessed	Out	Consultation stage and therefore cannot be assessed yet for LSE. However the PMFs are proposed by, and assessed by, the Scottish Government and it would be inappropriate for this SMSP appraisal to attempt to assess their effects. Nonetheless it is envisaged that any designation is intended to protect PMFs within 12 nautical miles of Shetland. The network of PMFs are likely to include some nationally important features already designated within a Natura 2000 site and will

Table B: - Marine Projects referred to in, but not proposed by, the SMSP				
Pending Strategies and Projects (referred to in the SMSP but not proposed by the SMSP)				
Plan/ Policy/ proposal	**Description**	**Likely Significant Effect**	**Screening outcome**	**Comment**
	around Shetland. Once this list has been approved by Scottish Ministers, it will be used to help to prioritise marine conservation work, guide future research and support the advice SNH gives on marine biodiversity.			therefore give additional protection.
Draft Seaweed Policy Statement - consultation stage	The Scottish Government's Seaweed Policy Statement (SPS) will provide an overarching framework for the management and regulation of seaweed cultivation in Scottish waters (0-12 nm), and facilitate the sustainable development of the seaweed cultivation industry in Scotland. At present the Draft SPS is out for consultation and is seeking comments on the Scottish Government's consideration of the possible different consenting regimes for seaweed cultivation. It also seeks views on a number of related issues including the regulation of wild seaweed harvesting, and the future diversification of cultivated species.	Too early to be assessed	Out	Consultation draft stage and therefore cannot be assessed yet for LSE.

Table C: - Terrestrial Projects referred to in, but not proposed by, the SMSP			
Description	**LSE; MRE; and No effect at all**	**Screening outcome**	**Comment**
Shetland Islands Council Local Development Plan 2012 (SLDP)			
The SLDP sets out a vision and spatial strategy for the development of land over the next 10-20 years. The spatial strategy is to meet the sustainable economic and social needs of Shetland's dispersed settlement pattern by identifying allocated land, sites with development potential and Areas of Best Fit. **Areas of Best Fit (AoBF):** seven localities were identified for further growth. The areas selected had to meet certain criteria including the low likelihood of having significant effects on biodiversity including European or locally designated nature conservation sites. Each locality has an AoBF and these have been identified as: 1. Baltasound 2. Mid Yell 3. Symbister 4. Brae 5. Aith 6. Scalloway 7. Lerwick 8. Sandwick	No LSE	Out	None of the eight AOBF are located within a designated Natura 2000 site. However, the specific location of development activities within the localities and A0BF are unknown. Therefore impacts cannot be completely discounted because the Spatial Strategy will dictate where additional land take will occur and the distribution of development in Shetland. To ensure development is carried out sustainably the SLDP requires all developments to comply with Policy GP2: General Requirements for All Developments whereby: 1. Developments should not adversely affect the integrity or viability of sites designated for their landscape and natural heritage value..... This policy is also based on a range of general criteria. Policy GP2 safeguards designated natural heritage sites. In addition, all developments are required to comply with Policy NH1 Natural Heritage and Supplementary Guidance on Natural Heritage which protects Natura 2000 sites from the adverse effects of development. As part of the HRA for the SLDP, the Screening exercise concluded that the policies in the SLDP were individually screened out because of no likelihood in themselves of any significant effect on a European site. They were also assessed 'in combination' to consider any possible cumulative significant effect and it was concluded that no policies were likely to have a significant effect on a European site.

Table C: - Terrestrial Projects referred to in, but not proposed by, the SMSP			
Description	**LSE; MRE; and No effect at all**	**Screening outcome**	**Comment**
Shetland Islands Council Local Development Plan 2012 (SLDP)			
SLDP - Outwith AOBF - The policies and proposals of the SLDP 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.	No LSE	Out	There is flexibility in the SLDP which allows for development outwith the AOBF. The SLDP states that the creation of AOBF does not preclude development elsewhere nor does it mean that land must be developed. All development will be subject to the relevant policies in the SLDP which include compliance with Policy GP2, Policy NH1 and Supplementary Guidance on Natural Heritage. These policies will ensure that there will be no adverse effect on site integrity or the conservation objectives of any of the Natura 2000 sites.
Supplementary Guidance - Works Licence Policy - SLDP			
The Council's Works Licence Policy provides the detailed development policy framework that underpins the SLDP Policy CST1 Coastal Development on all marine developments, including dredging but excluding those connected with marine aquaculture, below MHWS out to 12 nautical miles. In determining applications for marine developments the Council will also have regard to the SMSP which sets out the spatial development strategy for all marine resource users.	No LSE	Out	The Works Licence Policy does not include any specific proposals or plans for coastal or marine development within 12 nautical miles of the coast. It is a guidance document which aims to manage development sustainably and to ensure minimal negative impacts on the surrounding marine and coastal environment. All marine developments, with the exception of aquaculture developments, will have to comply with the natural heritage policies of the SLDP as well as all the policies included in Policy Framework Sections (a) and (b) of the SMSP including Policy MSP HER1. There will be no LSE on any Natura 2000 sites from the Works Licence Policy.

Table C: - Terrestrial Projects referred to in, but not proposed by, the SMSP			
Description	**LSE; MRE; and No effect at all**	**Screening outcome**	**Comment**
Shetland Islands Council Local Development Plan 2012 (SLDP)			
Supplementary Guidance - Aquaculture Policy - SLDP			
The purpose of this policy is to provide guidance to all involved in the process of considering proposals for new or amended fish farming developments	No LSE	Out	The Aquaculture Policy does not include any specific proposals or plans for the development of aquaculture. It is a guidance document which aims to manage the development of aquaculture sites sustainably and to ensure minimal negative impacts on the surrounding marine and coastal environment. All aquaculture developments will have to comply with all the policies included in Policy Framework Sections (a) and (b) of the SMSP including Policy MSP HER1 and the natural heritage policies of the SLDP.
Supplementary Guidance – Onshore Wind Energy – Draft SLDP			
The purpose of this Supplementary Guidance (SG) is to: · Provide developers with information and guidance on where, in principle, large scale onshore wind energy developments and all associated infrastructure, are likely to be acceptable; · Provide the criteria in which developments between 50KW and 20MW will be assessed. · Provide guidance for micro turbine schemes	No LSE	Out	The SG specifies a Spatial Framework which establishes areas requiring significant protection in accordance with Scottish Planning Policy. These areas include European sites and are identified on the accompanying Map 1. Spatial Policy 1 specifies that these areas are afforded significant protection due to their national or international natural heritage value and, as such, are considered highly sensitive to large-scale windfarm developments. It also specifies that these areas are considered unsuitable for wind energy developments. Therefore it is considered that this SG ensures that there will be no LSE on European sites. This SG will be subject to SEA as part of a wider SEA process on the suite of SGs complimenting the emerging SLDP.

Table C: - Terrestrial Projects referred to in, but not proposed by, the SMSP			
Description	**LSE; MRE; and No effect at all**	**Screening outcome**	**Comment**
Shetland Transport Strategy 2008 (ZetTrans)			
Overall aim - The local transport plan for Shetland sets out a vision and objectives for transport development and improvements in Shetland over the next 5 to 15 years and the approach to be taken to achieve these objectives. It sets out strategic policies for transport and measures that will be needed over the time span of the plan to tackle the transport priorities for Shetland. These include the development internal links, external links and inter island links in Shetland. **Ports and Harbours:** ZetTrans supports in principle the on-going strategic development of Shetland's Ports and associated facilities. A key consideration of ZetTrans will be to ensure that access to Shetland's principal ports continues to be adequate, particularly for HGVs carrying freight.	No LSE	Out	Ports and Harbours - There are no specific proposals included for the development of any of the ports and harbours. At present, it is not known where, when or how this aspect of the Transport Strategy may be implemented or where any potential effects may occur, or which European sites, if any, may be affected.

Table C: - Terrestrial Projects referred to in, but not proposed by, the SMSP			
Description	**LSE; MRE; and No effect at all**	**Screening outcome**	**Comment**
Shetland Transport Strategy 2008 (ZetTrans)			
Fixed Links: The Transport Strategy supports developing a fixed links strategy for Shetland. The principal links to be considered are between Lerwick and Bressay, Mainland Shetland and Yell, Yell and Unst, and also Mainland Shetland and Whalsay.	No LSE	Out	The Transport Strategy identified areas for the development of potential fixed links however these are just proposals and will be subject to economic, environmental and social appraisal before for any further consideration is undertaken. The Strategy recognises that in addition to the assessment of economic and social benefits associated with any potential fixed links infrastructure, potential environmental impacts, such as effects on biodiversity (including all designated sites and protected species), cultural heritage, the landscape, the water environment and other relevant issues, will be a central issue considered as part of the decision making process. The Transport Strategy includes environmental policies F.9 to F.15 to minimise any significant adverse effects on the environment including F.9 which is specifically for Natura 2000 Sites. Policy F.9 - *Potential adverse impacts on the integrity of Natura 2000 sites (or proposed Natura 2000 sites) will, in the first instance, be prevented by locating transport activities likely to cause negative impacts away from such sites. Where activities could directly, indirectly or in combination with other proposals affect the conservation interests of a Natura site, an Appropriate Assessment will be carried out, the findings of which will be used to inform planning decisions.*
Inter-Island Ferry Links: There is a need for significant remedial and upgrading work at a number of the terminals.	No LSE	Out	The need for improvements was based on surveys carried out at a number of terminals however there are no specific plans or proposals included in the Transport Strategy for any type of development. At present, it is not known where, when or how this aspect of the Transport Strategy may be implemented or where any potential effects may occur, or which European sites, if any, may be affected.

Table C: - Terrestrial Projects referred to in, but not proposed by, the SMSP			
Description	**LSE; MRE; and No effect at all**	**Screening outcome**	**Comment**
Shetland Transport Strategy 2008 (ZetTrans)			
Walking and Cycling facilities: ZetTrans is committed to increasing walking and cycling throughout Shetland and, working with SIC to implement facilities and infrastructure to achieve this aim.	No LSE	Out	The Transport Strategy does not include any spatially specific proposals for development, therefore it is not known where, when or how this aspect of the Transport Strategy may be implemented or where any potential effects may occur, or which European sites, if any, may be affected.
Strategic Environmental Assessment (SEA) of the Shetland Transport Strategy	No LSE	Out	The SEA integrates environmental considerations within the Transport Strategy by predicting the potential environmental impacts of the Transport Strategy and, where appropriate, used to inform the development of the policies in the Strategy. The inclusion of environmental policies F.9 to F.15 are a direct response to the SEA findings which highlighted the need to minimise any significant adverse effects on the environment including F.9 which is specifically for Natura 2000 sites.
Shetland Islands Council Corporate Plan (2013 -2017)			
This plan sets out how the Shetland Islands Council is going to change over the next four years and describes what it wants to have achieved by then.	No LSE	Out	The Corporate Plan is a strategic vision for the Shetland Islands which aims to maintain a sustainable society. There are no specific proposals or plans for any type of development included in the plan therefore given its strategic and very general nature, there will be no LSE to any Natura 2000 site.

Table C: - Terrestrial Projects referred to in, but not proposed by, the SMSP			
Description	**LSE; MRE; and No effect at all**	**Screening outcome**	**Comment**
Shetland Interim Planning Minerals Policy (2009)			
The Minerals Interim Planning Policy sets out the broad strategic and detailed policies which will provide a strategic overview and protect the environment from the harmful effects of mineral development.	No LSE	Out	No likely significant effect on a European site because this policy is intended to protect the environment from the adverse effects of mineral development. *POLICY SPG MIN 17: Conservation of the Natural and Built Heritage* states that planning permission for minerals development will only be granted where proposals do not destroy or significantly adversely affect a SAC, a SPA, a Ramsar site or NNR, or any candidate site designation, unless there are imperative reasons of overriding public interest. *POLICY SPG MIN 5: Mineral Working to Satisfy Island Needs Sand and Shingle Extraction* in particular, requires that any relevant development must also comply with the SMSP Policy for Extraction of Sand, Gravel and Shingle. The SMSP policies require all developments to comply with MSP HER1 - development likely to have a significant effect on a Natura 2000 site will be subject to AA.
Renewable Energy Development in Shetland – Strategy and Action Plan (2009)			
The overall aim of the Renewables Strategy is to enhance the quality of life in Shetland for future generations by achieving the optimum value from the renewable resources available in and around the islands.	No LSE	Out	The Renewables Strategy aims to drive research and development in the area of renewable energy development. In terms of marine renewables, the Strategy includes an action to investigate potential for marine research and development. There are no specific proposals or plans included for the development of any renewable energy within the Islands. Although the Strategy promotes development / change, it is so general that it is not known where, when or how this aspect may be implemented, or where any potential effects may occur, or which European sites, if any, may be affected.

Table C: - Terrestrial Projects referred to in, but not proposed by, the SMSP			
Description	**LSE; MRE; and No effect at all**	**Screening outcome**	**Comment**
Shetland Core Path Plan (2009)			
The purpose of the Core Path Plan (CPP) is to designate a system of paths to provide the basic framework of routes (which are) sufficient for the purpose of giving the public reasonable access throughout their area (and which will) link into and support wider networks of other paths and routes.	No LSE	Out	As part of the SEA carried out in association with the CPP, an AA was undertaken to determine if there would be any likely significant effect on the Natura 2000 sites. It was concluded that the very small magnitude of individual impacts predicted to arise from the adoption of the CPP is not likely to cause significant cumulative impacts following implementation of the Plan. The impacts of the CPP on the integrity of environmental designations are consistently negligible and specific measures to mitigate the impacts were not therefore considered to be necessary.
Shetland Tourism Plan (2011 -2014)			
The aim of the Tourism Plan is for Shetland to be a year-round destination offering high-quality products, services and experiences to tourists.	No LSE	Out	The Tourism Plan is a strategy documents which promotes the development of tourism and associated facilities. It is acknowledged that Shetland's unique natural heritage gives it an advantage over almost every other area in Britain and there are opportunities to package experiences more and/ or diversify untapped areas. There are no specific proposals or plans to develop anywhere in Shetland however, so although the Tourism Plan promotes development / change, it is so general that it is not known where, when or how this aspect may be implemented, or where any potential effects may occur, or which European sites, if any, may be affected.

Appendix 4 – Informal Consultation with SNH

Table D: Summary of informal consultation with SNH		
Date	**SNH Comment/ advice**	**Response**
Nov 2012	**Re: The SMSP (3RD Edition)** General approach was pretty robust (HRA-wise) because of the way GEN2 and subsequent sectoral policies interact. GEN2 was worded so that there should be no contradiction or conflict between the different elements the plan, with the bulleted points in GEN2 linking back to a specific section with a more detailed individual policy. GEN2 also specifically references Natura sites (as opposed to say 'natural heritage').	Want to ensure the new edition is as robust (HRA-wise). While the general policies have not been continued in the Draft SMSP (4TH Ed.) a similar approach has been maintained through the requirement for all developments to comply with all policies included in Policy Framework Sections 5(a) and 5(b) before consideration of policies within the relevant sectors in 5(c). This is to ensure that developments have regard to all the clean, safe, healthy and diverse policies first and foremost. Policy Framework Section 5(b) contains many new polices and revised policies for natural heritage but still has a specific policy for Natura 2000 sites which must be adhered to in all development applications.
Nov 2012	**Re: The SMSP (3RD Edition)** Note the need to decide where there may be some 'minor residual effects', in order to conduct an 'in-combination appraisal'. Don't know how many other plans and projects may need to be included in this, but imagine this may be the most difficult part of the process for the competent authority to conduct, and could be where they will need most help: first in identifying the other plans and projects, and secondly to judge the potential level of effect (is it a LSE, or is it a minor residual effect?).	Comments noted. Will seek assistance if required.
Nov 2012	**Re: The SMSP (3RD Edition)** It's theoretically possible someone might argue that a proposal complies with GEN2 even when one bit is breached, because all the rest of the policy isn't breached, and so on balance it still complies. So re. HRA it may breach Heritage (i) but doesn't breach Heritage (ii-iv), Community, Business & Industry and Infrastructure & Services. To avoid this the policy would be strengthened if the initial sentence said -	Comments noted. Have included this aspect in the new Planning Mechanism of the Draft SMSP i.e. *'Proposed developments must comply with legal requirements and adhere to <u>all policies</u> in the first two policy sections:* *Chapter 5(a) 'Clean and Safe' and* *Chapter 5 (b) 'Healthy and Diverse'*

Table D: Summary of informal consultation with SNH		
Date	**SNH Comment/ advice**	**Response**
	"Developments and activities could be looked on favourably where they can demonstrate that they will not have a significant adverse impact on any of the following sectors:" Then a proposal wouldn't comply with GEN2 even when just Heritage (i) was breached, and so it wouldn't comply with the specific sectoral policy involved.	*before considering their relevant development sector within:* *Chapter 5 (c) 'Productive'*
Nov 2012	**Re: The SMSP (3RD Edition)** The phrase "significant adverse effect" in GEN2 is not totally Natura-compliant, but it is something we may have to live with unless they are willing to rejig the policy to separate the different Natura test to the other heritage designations (i.e. "no adverse effect" for Natura sites and "no significant adverse effect" for the others.	Comments noted. The Natura specific policy MSP HER 1 in the Draft SMSP has been re-worded to be compliant.
Nov 2012	**Re: The SMSP (3RD Edition)** Note policy CBP1 refers to communications cables, and oil and gas pipelines but doesn't include electricity cables - suggest this should be amended to include them.	Comments noted. Policy MSP CBP1 in the Draft SMSP has been revised to incorporate changes.
Feb 2013	**RE: Draft HRA Screening Report for SMSP** Overall comments included specific word changes, methodology revisions, section changes (Stage 5) and screening table amendments. Detailed comments referred to incorrect use of LSE mitigation measures instead of mitigation at AA stage.	Comments noted. Incorporated text changes, section moves and table amendments within the report in line with proposed methodology as per SNH advice. Also reviewed specific policy comments in relation to LSE mitigation measures and AA mitigation.
Feb 2013	**Policy MSP HER1: Developments in or near Sites of International**	Comments noted and revisions made to policy.

Table D: Summary of informal consultation with SNH		
Date	**SNH Comment/ advice**	**Response**
	Interest (SACs, SPAs and Ramsar) Specific word changes to make policy more HRA-compliant	
Feb 2013	**Policy MSP HER4: Protection of Wild Birds** Advise renaming the title of policy and/or create a bit more distinction between this policy and HER1: as there are connotations, given the full title of the Birds Directive that this policy somehow might apply to Natura bird qualifying interests and SPAs.	Comments noted. Policy has been renamed as '*Policy MSP HER4: Protection of Wild Birds Outwith Designated Sites'*.
Feb 2013	**RE: Draft SMSP (4th Ed.) (Work in progress)** **Policy MSP CD1 Coastal Defence Construction and similar for Policy MSP CD2: Coastal Defence Demolition** Is coastal defence construction planned or likely to happen in Shetland? If so, is there any knowledge of where this might occur? If so, are there implications for a Natura site from the approximate type, scale and location of them; or from their construction and/or operation? I imagine that if research has been done in this area, that some of the locations (and possibly even the type) of defences might be known even if not explicitly referred to in the policy. Need to be able to identify the potential sites that might be affected and therefore make the mitigation in the policy as clear and specific as the policy allows (see SG Advice sheet 2 on screening of general policies, particularly paragraph 8). It might not be possible to manage this, but if there are likely to be some coastal defence works located for instance in or adjacent to an SAC for seals, or in an SAC for coastal features such as lagoons or dunes, then clearly stating that the works would need to avoid an adverse effect on these particular named SACs in the policy would be	Comments noted. Following consultation with the Shetland Islands Council coastal engineer, it was confirmed that there are no future plans or actions to construct or demolish coastal defences around Shetland. Basically, due to current economic climate this is not a priority area. In SIC at the moment, none of their funding is ring-fenced so it is distributed based on priority and coastal works are not a priority. Therefore the policies have been revised to incorporate your comments and the caveat now states a requirement for compliance with all policies in Policy Framework Section 5(a) and 5(b). We feel that the policy now is too general to identify any LSE, and can be screened out.

Table D: Summary of informal consultation with SNH		
Date	**SNH Comment/ advice**	**Response**
	good practice. It might be possible to add the specific sites to the bullet which covers HER1? (According to the DTA and SG guidance's this is the approach for any and all policies where an identified LSE can identify a particular Natura site, it just happens that there are only a very small number of such policies in the SMSP).	
Feb 2013	**Policy MSP REC1: Marine Recreation** Similar comments on CD1 and CD 2 above. Wonder if it is also possible to identify locations where recreation takes place? Does the fact that this policy can apply to quite specific areas (at times), along with help from Maps such as 5b(xxiii) and Map 5c(xii) help with this screening decision? The policy refers to "create or enhance...", the 'enhance' I assume refers to existing locations/businesses/facilities? If so, is it known where potential enhancements etc. might occur? If so, is it then possible to identify some connectivity between the effects of the policy in supporting enhancement and/or creation of facilities, and the qualifying interests of a Natura site? Concern with this policy is that if a LSE is concluded then there is no protective caveat/criteria in the policy to prevent an adverse effect on site integrity. The decision on whether there is a "real and identifiable implication for one or more specific European sites" (SG Advice 2 sheet; para 5),as a result of any of the three policies addressed above, really depends on information SNH don't have access to.	Comments noted. Policy MSP REC1 has since been deleted as we recognise that it may promote development and a LSE on a European site. Will record as per Stage 6 of DTA Guidance.
Feb 2013	**Policy NRG3; Wave and Tidal Development** Little unclear why policy NRG3 does not simply include the bullet point that requires compliance with Policy framework Sections 5(a) and 5(b), rather than referring to NRG2 which does that. Might the policy be a bit	Comments noted. Policy NRG3 has since been re-worded to incorporate your comments i.e. requirement to comply with all policies in Policy Framework Sections 5(a) and 5(b) and 'avoid potential adverse effect'.

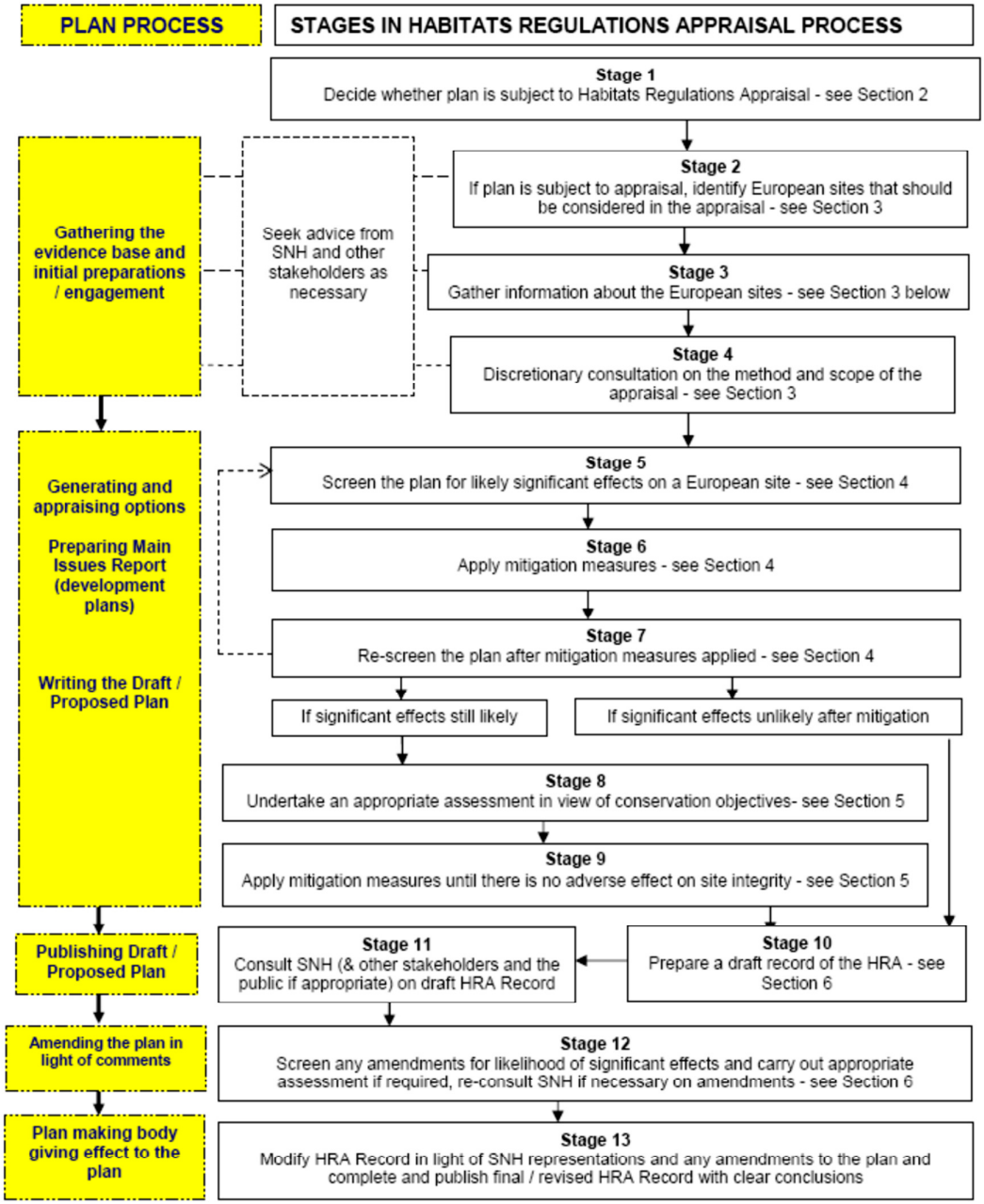
Table D: Summary of informal consultation with SNH		
Date	**SNH Comment/ advice**	**Response**
	clearer if that approach was taken? Otherwise, see the wording in this policy as protective, and explicitly addressing Natura sites as positive. The only change to wording in it I would suggest is in the phrase "mitigate any potential adverse effect...". This is close to the correct test, but I strongly recommend swapping "mitigate" to "avoid" in line with the correct legal test. Also a little unclear why policy NRG3 was screened in and then out, when the other policies were screened out? Is it because the maps don't make the situation 100% clear that wave and tidal renewables development will not be supported where there may be an adverse effect on Natura site integrity? Don't think table or text makes the decision and thought process particularly explicit, which makes the essential audit trail a bit cloudy.	
May 2013	**RE: SMSP team requested advice on use of 'Policy Caveats' as mitigation measures** Policy caveats, at least of the generalised type, do not usually avoid or cancel the likely significant effect that has been identified at the Screening stage. Rather, caveats are usually added because avoidance or cancellation measures cannot be found. So they operate to ensure that implementing a particular policy in a way that might affect a Natura site will not be in accordance with the Plan. The caveat then removes the presumption in favour of the development, if it is implemented in a way that might adversely affect a Natura site's integrity. This is not the same as avoiding or cancelling the LSE. So the quick answer is that policy caveats are almost always included at Stage 9 rather than stage 6.	Comments noted and will be considered in the finalised HRA report.

Table D: Summary of informal consultation with SNH		
Date	**SNH Comment/ advice**	**Response**
	(Examples of typical mitigation at the LSE stage can be found at paragraph 4.43 of the DTA Guidance. These are proposed as ways that LSEs can be avoided, or cancelled. They are potentially useful as they then remove the need for an AA, however there are often times when they can't really be introduced (for a variety of reasons), and that is when caveats play a major part in helping the competent authority to quickly come to a conclusion at the AA stage, that they can conclude no adverse effect on Natura site integrity). To contextualise the quote from Para 15 of SG Advice Note 2, it seems to be discussing the AA. Therefore the quote refers to adding a policy caveat as early as possible within the AA stage of the HRA process, rather than as early as possible within the HRA as a whole. (paragraph 7 tends to lend some support to this assumption).	
May 2013	**RE: SMSP team requested advice on 'in-combination effects'** It is correct in that if you have no MREs after doing your Screening stage, then there is no need to identify other plans and projects to look for MREs elsewhere to do an in-combination screening. (E.g. see paras 4.35, and 4.38 of the DTA Guidance). If you can determine that you will not have any MREs then that effectively allows you to not undergo an in-combination screening. **Other Plans/ Projects:** For your own present HRA it does not effectively matter what MREs are found elsewhere, if you have found that your Plan has no MREs at all. If there might be some MREs from the SMSP, an in-combination screening with the potential MREs of other plans and projects might be needed.	Comments noted and will be considered in the finalised HRA report

Table D: Summary of informal consultation with SNH		
Date	**SNH Comment/ advice**	**Response**
	Individual applications for marine development: There's no need to consider other plans and projects with your own to check for LSE in-combination if you have no MREs resulting from the SMSP. However if those individual applications find during their own HRAs that they have MREs, they will need to undergo an in-combination screening to check for LSEs in-combination.	
August 2013	**Habitats Regulation Appraisal Draft Record for the Draft Shetland Islands' Marine Spatial Plan (July 2013)** Overall it is a very clear, logical and thorough HRA which was pleasantly straightforward to read and understand. The few comments I made are largely suggestions more than anything else, but I hope you find them useful.	Comment noted and welcomed. The HRA record will be revised accordingly and updated in terms of recent publications i.e Consultation Draft National Marine Plan, Consultation Draft Sectoral Marine Plans for Offshore Renewable Energy in Scottish Waters, Possible Nature Conservation MPAs and Consultation on Priority Marine Features.

Appendix 5 – Supporting Information

Figure A: Key Stages of the Habitats Regulations Appraisal process for plans



Source: David Tyldesley and Associates, 2012.