

**Flood Risk Management (Scotland) Act 2009**  
**Shetland Local Plan District**  
**Local Flood Risk Management Plan 2022 – 2028**  
**Habitats Regulations Appraisal**

**Overview**

As part of the preparation of the Shetland Local Flood Risk Management Plan (LFRMP) a Habitats Regulations Appraisal (HRA) was undertaken in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994, as amended, to assess whether the plan would have a likely significant effect (LSE) on any designated European site.

A HRA was carried out by SEPA when preparing the Flood Risk Management Strategies (FRMS) for Scotland. The LFRMP adds additional detail to the flood risk management actions proposed in the FRMS but does not add any new proposals. Shetland Islands Council has concluded that it will not introduce any additional likely significant effects beyond those previously assessed at the national level, and appropriate assessment is not required.

**Key facts about the Local Flood Risk Management Plan**

Responsible Authority	Shetland Islands Council (SIC)
Title	Shetland Local Flood Risk Management Plan
Purpose	To provide local detail regarding the actions developed in the Flood Risk Management Strategy for the sustainable management of flood risk
What prompted the Local Flood Risk Management Plan	The Flood Risk Management (Scotland) Act 2009, which transposes the EU Directive (2007/60/EC) on the assessment and management of flood risks
Period covered	December 2022 to December 2028
Frequency of updates	Every 6 years
Area covered	Shetland
Objectives of Flood Risk Management Strategies	The objective is to reduce overall flood risk in the most sustainable way

### **Flood Risk Management approach**

The Flood Risk Management (Scotland) Act 2009 requires the production of Flood Risk Management Plans covering each Local Plan District, including Shetland. This is being delivered by a set of complementary plans for each Local Plan District: a Flood Risk Management Strategy which has already been published by SEPA, and a Shetland Local Flood Risk Management Plan produced by Shetland Islands Council and published in December 2022.

The Flood Risk Management Strategies have already had a Habitat Regulations Appraisal carried out by SEPA.

The Flood Risk Management Strategy for Shetland focuses on Potentially Vulnerable Areas (PVAs) that SEPA has identified as containing significant flood risk. For each PVA, the Flood Risk Management Strategies identify the main flood hazards and impacts, set out objectives for reducing risk, and select the best combination of measures to meet the objectives, such as the appropriateness of an alleviation scheme or improving flood warning arrangements.

The Shetland LFRMP explains what actions will be taken, by whom and at what time, to deliver the relevant objectives within a six-year planning cycle.

The location specific actions proposed in the LFRMP involve a range of activities, from gathering more information on the existing situation, and on the level of flood risk involved, to carrying out physical protection works. Construction of new physical works would first be developed to an outline design stage, so that costs and land requirements can be assessed and potential schemes compared, but detailed design and construction would lie outside the scope of the SEA for this LFRMP and would be undertaken for individual works if and when they were to be progressed.

### **Appraisal of the LFRMP**

The EC Habitats Directive requires that any plan or project not directly connected with or necessary to the management of a European site shall be subject to 'appropriate assessment' of its implications for the conservation objectives of the site. The assessment must consider the potential for the plan or project to have a likely significant effect (LSE) on site integrity and can only proceed where this is shown not to be the case. European sites include Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites. The proposals in the Shetland LFRMP are not directly connected with or necessary to the management of any of the designated European sites in Shetland.

The FRMP has identified 4 PVAs in Shetland, as shown on the plan in Appendix 1, and the potential for the proposed actions in the LFRMP to have a likely significant effect on Natura sites is considered below:

PVA 02/04/01 Shetland Mainland North

This PVA contains the following Special Areas of Conservation: Yell Sound Coast SAC

Sullom Voe SAC  
East Mainland Coast SPA

The Plan proposes the following actions for this PVA

Flood Protection Study at Vidlin

This would consist of a design and survey work to better understand flood risk and develop potential physical works to outline design stage. No physical works are proposed in the 6 year life of the current LFRMP and any future works which did arise would be subject to their own assessments as required. No likely significant effect on the conservation objectives or integrity of either European site.

PVA 02/04/02 Shetland Mainland West

This PVA contains the following SACs and SPAs:

The Vadills SAC  
Papa Stour SAC/SPA

The Plan proposes the following actions for this PVA

Walls Adaptation Plan

This would consist of developing a long term plan covering the effects of future flood risk from sea level rise, to set out and better inform future decisions on any protection works or other actions. No physical works are proposed in the 6 year life of the current LFRMP and any future works which did arise would be subject to their own assessments as required. No likely significant effect on the conservation objectives or integrity of either European site.

PVA 02/04/03 Shetland Mainland Central and Southern

This PVA contains the following SACs and SPAs.

Mousa SAC  
Mousa SPA  
Lochs of Spiggie and Brow SPA  
Sumburgh Head SPA  
East Mainland Coast SPA

The Plan proposes the following actions for this PVA

#### Cunningsburgh Flood Scheme Implementation

This would consist of design and construction of an overflow culvert and earth bunding at the existing A970 Lerwick to Sumburgh road bridge over the Burn of Vaxter. Design work will be developed to the stage of a funding application and if that is approved then the full design and construction of the works would be subject to their own assessments as required. No likely significant effect on the conservation objectives or integrity of any of the European sites within this PVA.

#### Lerwick and Scalloway Surface Water Management Plans

These would consist of gathering information and updating previously produced plans to better inform outline design of local drainage works to address surface water flooding. No physical works are currently proposed and if a decision is taken to progress future works these would be subject to assessment as required. No likely significant effect on any European site due to location.

#### Scalloway Shoreline Management Plan

This would consist of developing a long term plan covering the effects of future flood risk from sea level rise, to set out and better inform future decisions on any protection works or other actions. No physical works are proposed in the 6 year life of the current LFRMP and any future works which did arise would be subject to their own assessments as required. No likely significant effect on the conservation objectives or integrity of either European site.

### PVA 02/04/04 Shetland Mainland Central and Southern

This PVA contains the following SACs and SPAs.

Bluemull and Colgrave Sounds SPA

Yell Sound Coast SAC

Otterswick and Graveland SPA

The Plan proposes the following actions for this PVA

#### Cullivoe Flood Scheme

This would consist of construction of a length of new road alignment, to replace the existing coastal road near Stonganess. The works form part of the SIC's Cullivoe Road Improvement scheme and in the current proposal involve moving the road alignment further inland, at a higher level. These works would in general be expected to reduce the current impact on the protected coastal areas and would be subject to their own assessments in detail as part of the new road project. The objective when developing the new road project would be to ensure no likely significant effect on the conservation objectives or integrity of either European site.

### **Summary of Impacts**

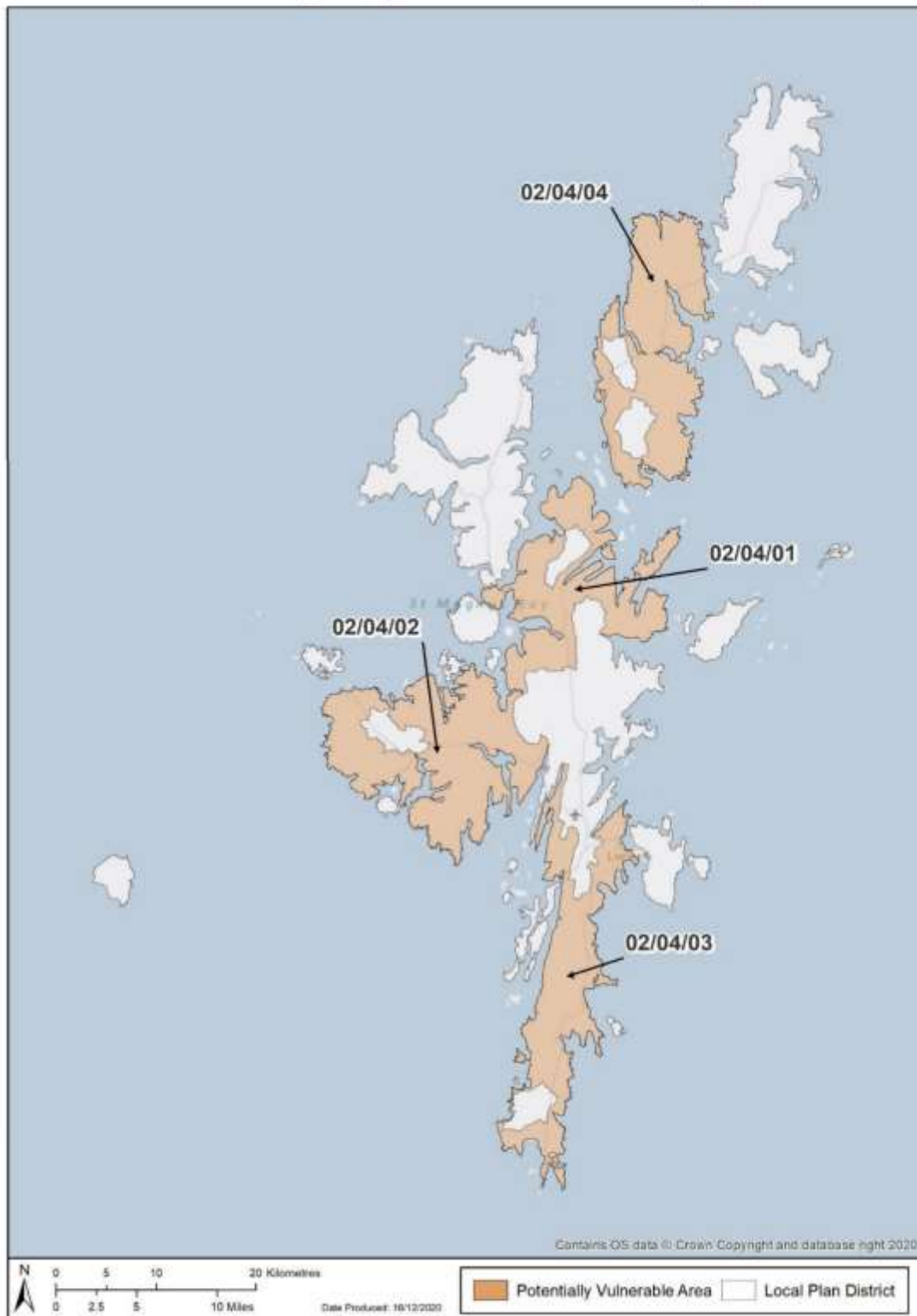
None of the SPA and SAC areas identified are within areas where the LFRMP proposes any specific actions, and none of the LFRMP actions proposed at this stage involve physical construction of any works. If the investigations led to future works being proposed, those would be subject to their own consultation and environmental considerations as their designs were carried out in more detail.

### **Determination**

Where the LFRMP proposes specific actions none are to be carried out within or in close proximity to any SPA or SAC and none involve physical construction of any works. If investigations led to future works being proposed, these would be subject to their own consultation and environmental considerations as their designs were developed in more detail. In light of the content of the plan, Shetland Islands Council, as the Responsible Authority, considers that the LFRMP will not have a likely significant environmental effect on the conservation objectives or integrity of the above identified SAC and SPA sites, and therefore do not consider that appropriate assessment is required.

**Appendix 1 - Area covered by the Shetland Local Flood Risk Management Plan**

The Shetland Local Plan District includes all of the Shetland Islands and contains 3 PVAs, numbered on the plan below.



*Reproduced from Shetland Flood Risk Management Strategy, SEPA (December 2021)*